

CHARLESTON CITY COUNCIL

Regular Meeting

February 16, 2021

at 7:00 PM



THIS MEETING WILL TAKE PLACE IN PERSON AND CAN BE VIEWED LIVE VIA ZOOM

THE RECORDING WILL LATER BE MADE AVAILABLE ON CHARLESTONWV.CIVICCLERK.COM

Charleston Coliseum and Convention Center, West Hall 1

Charleston, WV

AGENDA

***Join via internet:**

<https://us02web.zoom.us/j/85241119214?pwd=dzVudmFrbTA3bVBNUtZZVTFBcHpEUT09>

Passcode: 128157

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 852 4111 9214

***Join via CivicClerk: <https://charlestonwv.civicclerk.com>**

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER AT THE CLERK'S TABLE IN PERSON NO EARLIER THAN 15 MINUTES BEFORE THE MEETING STARTS. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)).**
2. Claims 2-16-2021

PROCLAMATIONS

1. 2-16-2021

COMMUNICATIONS

1. 2-16-2021

REPORTS OF STANDING COMMITTEES

ENVIRONMENT AND RECYCLING

1. Bill No. 7894 - A BILL to amend the Code of the City of Charleston relating to establishing the Charleston Adopt-A-Street Program.

ORDINANCE AND RULES

1. Resolution No. 425-21 - Authorizing the filing with the City Clerk of the 2021 Charleston Fire Department Policies and Procedures Manual, and approving said Policies and Procedures Manual along with a process for future amendments.
2. Bill No. 7895 - A BILL to amend the Municipal Code of the City of Charleston relating to updating the names of the fire department's divisions.

PUBLIC SAFETY

1. Resolution No. 419-21 Committee Substitute - That the Public Safety Committee is directed to create a survey regarding opinions about the distribution and/or exchange of hypodermic syringes by working with the Charleston Police Department Chief, the Charleston Fire Department Chief, and the Director of Public Works to distribute the survey to the employees. And requesting any organization currently operating a needle distribution without state certification to suspend such distribution until the City Council takes action on the pending legislation

FINANCE

1. Resolution No. 426-21 - Authorizing the Mayor or City Manager to enter into an agreement for underwriting or placement agent services relating to refunding of certain outstanding municipal bonds.
2. Resolution No. 427-21 - Authorizing the Mayor or City Manager to purchase 4 pickup trucks for the Parking System.
3. Resolution No. 428-21 - Purchase of Traffic Marking Paint
4. Resolution No. 429-21 – Authorizing the Mayor or City Manager to contract to purchase and install a fire alarm system for the Kanawha City Community Center.
5. Resolution No. 430-21 - Authorizing the Mayor or City Manager to submit an application to the FEMA Fire Prevention and Safety Grant Program in the amount of \$37,000 that includes the required 5% cash match and administer any funds awarded.

REPORTS OF OFFICERS

1. 2-16-2021

NEW BILLS

1. 2-16-2021

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

1. Resolution No. 422-21 - Authorizing the Mayor or City Manager to purchase a rear-loading miniature refuse collection truck.

REMARKS BY MEMBERS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD MARCH 1 , 2021 AT 7:00 P.M.



AFFIDAVIT City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Marsha Cooper, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 935 Woodhaven Drive, Chas, WV 25387

Telephone Number: 681-340-1115

and that on the 13 day of January, ~~2019~~ ²⁰²¹ 2020, at approximately 630 am/pm
in the City of Charleston, West Virginia, he/she sustained

2 tires flattened.

Nature Of Injury And/Or Damage

As A Result Of:

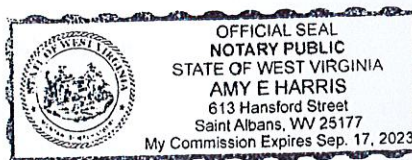
Traveling on 7th Ave in N. Charleston I turned @ onto Iowa St. There was water across Roadway on both lanes. I scooted to @ side of @ lane. I hit some sort of hole in road. My dash lights came on. 2 tires became flat & were not able to be reinflated. There was a salt truck at Iowa St turning onto 5th Ave putting out salt due to temp & icy conditions. There was running water freezing. No one

As a result of which accident, the Claimant, Marsha Cooper, does hereby was prevent make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by cars from being hurt him/her in the future. no cones or signs

Marsha Cooper
Signature of Claimant

Taken, subscribed and sworn to before me this 29 day of January, 2020. ²⁰²¹
My commission expires SEP 17 2023

Amy Harris
Notary Public





Charleston Sanitary Board



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Jeanne L. Kamer, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1703 Smith Rd Charleston, WV 25314

Telephone Number: 304 940 3890 (cell)

and that on the 28 day of January, 2020/2021, at approximately 1:30 am/pm
in the City of Charleston, West Virginia, he/she sustained

Nature Of Injury And/Or Damage

As A Result Of:

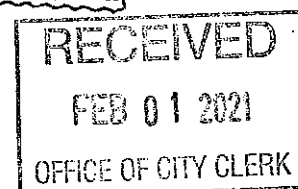
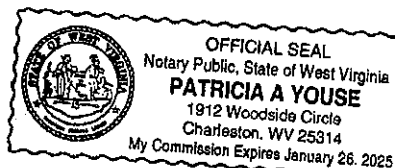
backed up sewer line, Blockage
was on city property. I was told by
CBS supervisor

As a result of which accident the Claimant, Jeanne L. Kamer, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Jeanne L. Kamer
Signature of Claimant

Taken, subscribed and sworn to before me this 28 day of Jan, 2021.
My commission expires Jan. 26 2025

Patricia A. Youse
Notary Public





City of Charleston
P.O. Box 2749
Charleston, WV 25330

February 12, 2021

Honorable Amy Shuler Goodwin
and Members of City Council
Charleston, WV 25330

Dear Mayor Goodwin and Council members:

Please withdraw the following bill. The committee of Streets and Traffic has requested the withdrawal.

Bill No. 7892 – Amending the Zoning Ordinance by rezoning from a R-4 Single Family Residential District to a R-O Residential-Office District, a parcel of land located at 1133 Oakhurst Drive.

This bill was introduced on February 1, 2021, and the petitioner has sent an email withdrawing the request. and should be withdrawn.

Sincerely,
Streets and Traffic Committee

Mary Beth Hoover, Committee Chair

Bill No. 7894

Introduced in Council:

January 19, 2021

Introduced by:

Joseph Jenkins; John Kennedy Bailey

Adopted by Council:

Referred to:

Environmental & Recycling

Bill No. 7894 - A BILL to amend the Municipal Code of the City of Charleston, by adding thereto new sections, designated Sections 102-331, 102-332, and 102-333 within a newly created Article IX, Chapter 102 of said Code, relating to establishing the Charleston Adopt-A-Street Program.

WHEREAS, the West Virginia Legislature recently adopted SB 225 during the 2020 Regular Session that empowers municipalities to enact Adopt-A-Street programs, W. Va. Code § 8-12-20; and

WHEREAS, the City of Charleston recognizes the success of the state Adopt-A-Highway program in West Virginia where 25,000 volunteers regularly pick up litter on 4000 miles of highway and have been responsible for the removal of 40 million pounds of litter since the state program began; and

WHEREAS, the City of Charleston recognizes the commitment of many of its citizens, organizations and businesses to the improvement of the quality of the City's environment through the elimination of litter; and

WHEREAS, the City of Charleston and the state has received inquiries from the public about adopting streets maintained by the City; and

WHEREAS, the City of Charleston wants to formally recognize the community's commitment, respond to the public's desire for such a program, and to further encourage the public to participate in the shared commitment to a clean and litter free environment; and

WHEREAS, the City of Charleston finds it in the best interests of the public and the quality of the City's environment to establish the Charleston Adopt-A-Street Program.

Now, therefore, be it ordained by the Council of the City of Charleston:

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto new sections, designated Sections 102-331, 102-332, and 102-333, within a newly created Article IX, Chapter 102 of said Code, all to read as follows:

36 **ARTICLE IX. – CHARLESTON ADOPT-A-STREET PROGRAM.**

37
38 **Sec. 102-331 – General.**

- 39
40 (a) There is hereby created the Charleston Adopt-A-Street Program. The program
41 will be administered by the Director of Public Works, in consultation with the
42 City of Charleston Traffic Engineer. The director is encouraged to coordinate
43 with the state Adopt-A-Highway program and its administrators, the West
44 Virginia Department of Environmental Protection and West Virginia Division of
45 Highways, and other state or federal agencies, to seek any and all available
46 assistance and grant funding for the program.
47

48 **Sec. 102-332 – Eligible Streets.**

- 49
50 (a) Any street maintained by the City of Charleston is eligible for adoption,
51 including, without limitation, alleys, dirt roads and streets off the beaten path as
52 well as major streets; *provided, however*, the following are not eligible for
53 adoption:
54 (1) Interstates, interstate exchanges and interstate on/entrance ramps and
55 off/exit ramps; and
56 (2) Streets deemed unsafe.
57 (b) Adopted streets must be at least six blocks long or a relatively equivalent length
58 if the street does not have traditional or identifiable blocks. The overall length
59 of an adopted street should take into account the reasonable beginning and
60 end of the eligible street and the reasonableness of dividing an eligible street
61 into adoptable sections to maximize adoption and minimize the orphaning of
62 sections, parts or blocks of a street.
63 (c) Adopters may select a street for adoption or request the director to suggest an
64 adoptable street. The director, in consultation with the traffic engineer, shall
65 approve the streets to be adopted, taking into consideration the requirements
66 herein and the safety of the volunteers and the traveling public.
67

68 **Sec. 102-333 – Program Participation.**

- 69
70 (a) Individuals, families, churches, businesses, schools, civic organizations,
71 government agencies, scouting groups, fraternities, sororities, and
72 communities may participate in the Charleston Adopt-A-Street Program.
73 (b) The director shall implement an application process for the program. An
74 adopter is expected to commit to three cleanups per year for at least two years.
75 Those that complete the six required cleanups in the two-year contract period
76 are awarded a certificate of accomplishment signed by the mayor. An adopter
77 may continue with their adoption of the street as long as they perform three
78 cleanups per year. If an adopter fails to perform at least five cleanups in a two-
79 year period, the adopted street shall be eligible for adoption by another adopter.
80 (c) Each cleanup shall be at least 30 days apart. The director shall set forth
81 requirements for scheduling cleanups and for the submission of cleanup

- 82 reports.
- 83 (d) The City shall provide volunteers garbage bags, gloves, safety vests, safety
- 84 training similar to or the same as that required by the state, and traffic warning
- 85 signs¹, and such other items that may be provided at the discretion of the
- 86 director.
- 87 (e) The safety of the volunteers participating in an adoption is of the utmost
- 88 importance. Therefore:
- 89 (1) Volunteers shall be at least 12 years old;
- 90 (2) Volunteers shall wear safety vests provided by the City during the
- 91 cleanup at all times;
- 92 (3) Adopters shall post traffic warning signs provided by the City during the
- 93 cleanup; and
- 94 (4) Adopters and their volunteers shall adhere to any other requirements of
- 95 the director.
- 96 (f) As volunteers pick up litter, bags that have been filled shall be placed on street
- 97 sides for removal and disposal by the City. Recycling of items found during a
- 98 cleanup is encouraged.
- 99 (g) Adopters must clean adopted streets with their own volunteers and may not
- 100 subcontract the work.
- 101 (h) The director, in consultation with the traffic engineer, shall erect a sign at each
- 102 end of the adopted street bearing the Adopt-A-Street logo and the name of the
- 103 adopter after two cleanups have been reported.
- 104
- 105

Secs. 102-334—102-340 - Reserved.

Resolution No. 425-21

Introduced in Council:

February 16, 2021

Introduced by:

Chuck Overstreet

Adopted by Council:

Referred to:

Ordinance & Rules Committee

1 Resolution No. 425-21 - Authorizing the filing with the City Clerk of the 2021 Charleston
2 Fire Department Policies and Procedures Manual, attached hereto as Exhibit A, and
3 approving said Policies and Procedures Manual along with a process for future
4 amendments.

5

6 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

7

8 That the City Council authorizes the filing with the City Clerk of the 2021 Charleston
9 Fire Department Policies and Procedures Manual, attached hereto as Exhibit A, and
10 further approves of the process noted therein that any future amendments to said
11 Policies and Procedures may be made in writing with the signature of the Fire Chief,
12 City Attorney, and Mayor.

CHARLESTON FIRE DEPARTMENT POLICIES AND PROCEDURES MANUAL 2021

CONTENTS

SECTION 1: FD STRUCTURE

Policy 1.0: FD Organization & Chain of Command

- Function of the Fire Department 1.0.1
- Members of the Fire Department 1.0.2
- Organization of the Fire Department 1.0.3
- Chain of Command 1.0.4
- Order of Succession 1.0.5
- National Incident Management System (NIMS) 1.0.6

SECTION 2: JOB DESCRIPTIONS

Policy 2.0: Fire Chief (401)

- Authority of 2.0.1
- Function of the Office of 2.0.2
- General Duties & Responsibilities of 2.0.3
- Education, Experience, Training 2.0.4

Policy 2.1: Administrative Chief (AKA: Deputy Chief, 402)

- Authority of 2.1.1
- General Duties 2.1.2
- Specific Duties 2.1.3
- Education, Experience, Training 2.1.4

Policy 2.2: Chief of Operations (AKA: Deputy Chief, 403)

- Authority of 2.2.1
- General Duties 2.2.2
- Specific Duties 2.2.3
- Education, Experience, Training 2.2.4

Policy 2.3: Battalion Chiefs (450)

- General Duties 2.3.1
- Administrative Duties 2.3.2
- Operational Duties 2.3.3
- Education, Experience, Training 2.3.4

Policy 2.4: Captains

- General Duties 2.4.1
- Maintenance Duties 2.4.2
- Territorial Duties 2.4.3
- Duties Concerning Probationary Fire Fighters 2.4.4
- Education, Experience, Training 2.4.5

Policy 2.5: Lieutenants

- General Duties 2.5.1
- Education, Experience, Training 2.5.2

Policy 2.6: Fire Fighters

- General Duties 2.6.1
- Specific Duties 2.6.2
- Education, Experience, Training 2.6.3

Policy 2.7: Paramedics, Advanced Emergency Medical Technicians (AEMT), and Emergency Medical Technicians (EMTs)

- Paramedic Primary Duties 2.7.1

- Paramedic Secondary Duties 2.7.2
- Paramedic Education, Experience, Training 2.7.3
- Advanced Emergency Medical Technician Primary Duties 2.7.4
- Advanced Emergency Medical Technician Secondary Duties 2.7.5
- Advanced Emergency Medical Technician Education, Experience and Training 2.7.6
- EMT Primary Duties 2.7.7
- EMT Secondary Duties 2.7.8
- EMT Education, Experience, Training 2.7.9
- Policy 2.8: Training Officer**
 - General Duties 2.8.1
 - Primary Duties 2.8.2
 - Secondary Duties 2.8.3
 - Education, Experience, Training 2.8.4
- Policy 2.9: Fire Prevention Bureau Officers**
 - Authority of 2.9.1
 - Primary Duties 2.9.2
 - General Duties 2.9.3
 - Education, Experience, Training 2.9.4
- Policy 2.10: Captain of the Fire Prevention Bureau**
 - Authority 2.10.1
 - Primary Duties 2.10.2
 - Secondary Duties 2.10.3
 - Education, Experience, Training 2.10.4
- Policy 2.11: Public Education/Information Officer**
 - Authority 2.11.1
 - Primary Duties 2.11.2
 - Education, Experience, Training 2.11.3
- Policy 2.12: E.M.S. Operations Director (407)**
 - Authority 2.12.1
 - Primary Duties 2.12.2
 - Secondary Duties 2.12.3
 - Education, Experience, Training 2.12.4
- Policy 2.13 E.M.S. Shift Supervisor (408)**
 - Authority 2.13.1
 - Primary Duties 2.13.2
 - Secondary Duties 2.13.3
 - Education, Experience, Training 2.13.4
- Policy 2.14: E.M.S. Training Officer**
 - Authority 2.14.1
 - Primary Duties 2.14.2
 - Secondary Duties 2.14.3
 - Education, Experience, Training 2.14.4
- Policy 2.15: Assistant to the Fire Chief**
 - Position Defined 2.15.1
 - Primary Duties 2.15.2
 - Secondary Duties 2.15.3
 - Skills, Experience, Education 2.15.4
- Policy 2.16: Office Support Specialist**
 - Position Defined 2.16.1
 - Primary Duties 2.16.2

Skills, Experience, Education 2.16.3

SECTION 3: RULES AND REGULATIONS

Policy 3.1: General Rules

- Responsibilities Concerning Rules and Orders 3.1.1
- General Code of Conduct 3.1.2
- General Rules of Appearance 3.1.3
- Honors and Courtesies 3.1.4
- Maintenance of Stations 3.1.5
- Maintenance of Vehicles 3.1.6
- Answering Alarms and Vehicle Operation 3.1.7
- Mandatory Specialized Training and Licensing/Certification, Limitation on
CFD Payment/Reimbursement 3.1.8
- Miscellaneous Rules 3.1.9
- Penalties 3.1.10
- Discipline 3.1.11

Policy 3.2: Photography, Video Production, Recording at Emergency Scenes

- Members in Authority 3.2.1
- Prohibited 3.2.2
- Penalty 3.2.3

Policy 3.3: Protection of FD Image

- Responsibility 3.3.1
- Prohibited 3.3.2
- Penalty 3.3.3

Policy 3.4: Tobacco Use

- Smoking Policy 3.4.1
- Smokeless Tobacco 3.4.2
- Penalty 3.4.3

Policy 3.5: Internet Policy

- Policy Statement 3.5.1
- Approved Use 3.5.2
- Prohibited Use 3.5.3

Policy 3.6: Email Policy

- Policy Statement 3.6.1
- Rules for Use 3.6.2

Policy 3.7: Sexual Harassment/Discrimination Policy

- Statement of Policy 3.7.1
- Prohibited Conduct 3.7.2
- Reporting Requirements 3.7.3
- Confidentiality 3.7.4
- Retaliation Prohibited 3.7.5
- Complaint Investigation 3.7.6
- Corrective/Disciplinary Action 3.7.7

Policy 3.8: Drug and Alcohol Policy

- Prohibited 3.8.1
- Drug and Alcohol Testing 3.8.2

Policy 3.9: Sick Leave Abuse

- Benefit Entitlement 3.9.1
- Sick Leave Abuse 3.9.2
- Acceptable Sick Leave 3.9.3
- Investigation of Sick Leave 3.9.4

- Documentation Required 3.9.5
- Penalty 3.9.6
- Policy 3.10: Criminal Acts**
 - Policy Statement 3.10.1
 - Prohibited Acts 3.10.2
 - Penalty 3.10.3
- Policy 3.11: Fire Fighter Rights**
 - Statement of Rights 3.11.1
- Policy 3.12: Grievance Process**
 - General Policy Statement 3.12.1
 - Complaint Procedure 3.12.2
- Policy 3.13: Media Relations**
 - General Policy Statement 3.13.1
- Policy 3.14: HIPAA Compliance**
 - General Policy Statement 3.14.1
- Policy 3.15: Duty Hours for Shift Personnel and Proper Relief**
 - Duty Hours for Shift Personnel 3.15.1
 - Absent Without Leave (A.W.O.L.) Defined 3.15.2**
- Policy 3.16: Administrative Leave**
 - General Policy Statement 3.16.1
 - Conditions Governing Administrative Leave 3.16.2
- Policy 3.17: Fitness for Duty**
 - General Policy Statement 3.17.1
 - Definition of Sufficiently Fit 3.17.2
 - Definition of Reasonable Cause 3.17.3
- Policy 3.18: Mandatory Tours of Duty and Recall of Personnel to Duty**
 - General Policy Statement 3.18.1
 - Mandatory Tours of Duty 3.18.2
 - Recall of Personnel to Duty 3.18.3
 - Cancellation of Leave 3.18.4
 - Penalty for Refusal 3.18.5
- Policy 3.19: Summary of Penalties for Rules Violations**
 - Authority 3.19.1
 - Summary of Penalties 3.19.2

SECTION 4: UNIFORM REGULATIONS

- Policy 4.1: Class C Uniform**
 - Defined 4.1.1
 - Wearing of 4.1.2
- Policy 4.2: Class B Uniform**
 - Defined 4.2.1
 - Wearing of 4.2.2
- Policy 4.3: Class A Uniform**
 - Defined 4.3.1
 - Badges and Insignia 4.3.2
 - Optional Uniform Items 4.3.3
 - Wearing of 4.3.4.
- Policy 4.4: Fire Helmets**
 - Defined 4.4.1
 - Rules for Wearing 4.4.2
- Policy 4.5: Uniform for Fire Investigators**

- Defined 4.5.1
- Operations at Scene 4.5.2
- Policy 4.6: Body Armor**
 - Purpose 4.6.1
 - Body Armor Use 4.6.2

SECTION 5: EMPLOYEE BENEFITS

- Terminology
- Policy 5.1: Sick Leave**
 - Sick Leave Benefit Entitlement 5.1.1
 - Sick Leave Use 5.1.2
 - Line of Duty Injury/Illness 5.1.3
 - Report of Disability 5.1.4
- Policy 5.2: Funeral Leave**
 - Benefit Established 5.2.1
 - Responsibility 5.2.2
 - Terminology 5.2.3
- Policy 5.3: Vacations and Holidays**
 - Vacations: 5.3.1
 - Holidays: 5.3.2
 - Selection of Vacation Time 5.3.3
- Policy 5.4: Time Trades**
 - Privilege Established 5.4.1
 - Rules for Trading Time 5.4.2
 - Approval of Time Trades 5.4.3
- Policy 5.5: Military Leave**
 - Benefit Established 5.5.1
 - Responsibility 5.5.2
- Policy 5.6: Family Leave**
 - Benefit Established 5.6.1
 - Qualifying Conditions 5.6.2
- Policy 5.7: Kelly Shifts**
 - Benefit Established 5.7.1
- Policy 5.8: Overtime and Non-Scheduled Time**
 - Premium Time Benefit Established 5.8.1
 - Non-Scheduled Shift Time 5.8.2
 - Call-out Non-Scheduled Time 5.8.3
 - Special Duty Non-Scheduled Time 5.8.4
 - E.M.S. Supervisor Non-Scheduled Time 5.8.5
 - Day Shift Non-Scheduled Time 5.8.6
 - Battalion Chief Non-Scheduled Time 5.8.7
- Policy 5.9: Step-Up Pay**
 - Benefit Established 5.9.1
 - Rules for Receiving 5.9.2
 - Responsibilities 5.9.3
- Policy 5.10: Emergency Relief**
 - Authority 5.10.1
 - Documentation 5.10.2
 - Loss of Time 5.10.3
- Policy 5.11: Uniform Allowance**
 - Benefit Established 5.11.1

- Policy 5.12: Transfers**
 - General Policy 5.12.1
 - Filling of Vacancies 5.12.2
 - Responsibilities 5.12.3
- Policy 5.13: Resignations & Retirements**
 - General Policy Statement 5.13.1
- Policy 5.14: Assignment of Personnel**
 - Authority 5.14.1
 - Guidelines 5.14.2
 - Responsibilities 5.14.3
- Policy 5.15: Promotions**
 - Promotional Process 5.15.1
 - Promotional Reading Lists 5.15.2
- Policy 5.16: Hiring of Personnel**
 - Hiring Criteria 5.16.1
 - Firemen's Civil Service Commission 5.16.2
- Policy 5.17: College Incentive Pay**
 - Benefit Established 5.17.1
- Policy 5.18: Ambulance Duty Incentive Pay**
 - Benefit Established 5.18.1
- Policy 5.19: Leave of Absence**
 - Benefit Established 5.19.1
- Policy 5.20: Compensatory Time**
 - Benefit Established 5.20.1

SECTION 6: RECORDS

- Policy 6.1: Log Books**
 - Information to be Entered 6.1.1
 - Entry Procedure 6.1.2
- Policy 6.2: National Fire Incident Reporting System**
 - Reporting Compliance 6.2.1
 - Reporting Responsibility 6.2.2
- Policy 6.3: E.M.S. Charts and ePCR**
 - Required Reporting 6.3.1
 - Reporting Responsibility 6.3.2
 - ePCR Documentation Policy 6.3.3
- Policy 6.4: Company Level Inspections (aka pre-fire plans)**
- Policy 6.5: Memoranda**
 - Issuance and Review 6.5.1
 - Storage of Memoranda 6.5.2
- Policy 6.6: Retention and Disposal Schedule**
 - Code Compliance 6.6.1
- Policy 6.7: Purchases, Services, and Repairs**
 - General Policy Statement 6.7.1
- Policy 6.8: Burning Permits**
 - General Policy 6.8.1
 - Burning Regulations 6.8.2

APPENDICES:

Appendix A: Drug and Alcohol Testing Policy

Appendix B: Charleston City Code Chapter 54

Note: Any conflict between the CFD Policies and Procedures and Federal, State, or City Code will be resolved in favor of Federal, State, and City Code. In case of such conflict, those provisions of law supersede this Policies and Procedures Manual.

The Fire Chief is authorized to make any changes to the CFD Policies and Procedures Manual with the approval of the Mayor and the City Attorney. Any changes will be distributed to all members of the Charleston Fire Department and filed with the City Clerk's Office.

SECTION 1: FD STRUCTURE

Policy 1.0: FD Organization & Chain of Command

Function of the Fire Department 1.0.1: The function of the Fire Department is to provide maximum protection of life and property in the community through the prevention of fires, the extinguishment of fires, providing emergency medical services, and the performance of other related services to the citizens of the community as may be required in accordance with *Charleston City Code, Article III, Section 12-28*.

Members of the Fire Department 1.0.2: The personnel of the Fire Department shall consist of the members of the uniform force and such civilian employees as may be authorized and assigned to the Fire Department. All of the members and employees of the Fire Department shall be under the jurisdiction of the Fire Chief and his authorized Operations and Administrative Chiefs. All uniformed members employed by the City of Charleston and assigned to the Fire Department are subject to these Policies and Procedures, and Operating Guidelines.

Organization of the Fire Department 1.0.3: The Fire Department shall consist of the following operations and administrative divisions in accordance with *Charleston City Code, Section 54-41*:

Fire, E.M.S., and Rescue Operations Division

This division consists of fire companies and E.M.S. crews, under the supervision of the Battalion Chiefs and E.M.S. Shift Supervisors. The functions of this division shall be the response to all emergencies natural or manmade, control and extinguishment of fires, the performance of rescue activities, and providing emergency medical care. This division shall also conduct inspections of buildings and properties for pre-fire planning as directed by the Shift Commanders.

Training Division

This division consists of personnel, equipment and facilities relevant to training. The function of this division is to provide curricular and training manuals, and to schedule and coordinate all department training.

Fire Prevention Bureau

This division consists of personnel and equipment required for general compliance with the intent of the Charleston Fire Prevention Code. Its functions are to enforce the laws and regulations pertaining to the protection of life and property from fire; to schedule and conduct the inspection of buildings and other property for the purpose of correcting unsafe conditions, and to coordinate the inspection activities of the fire companies; to investigate fires of undetermined cause; to provide a system for securing the correction of fire law violations; and to maintain a system of complete records of fire prevention activities.

Chain of Command 1.0.4: In all instances the Charleston Fire Department shall operate through the chain of command as established by the *Charleston City Code, Section 54-44*:

The chain of command within the Fire Department shall flow from the Fire Chief to the Assistant Fire Chief and other officers and all personnel downward in order of rank and seniority within rank, or assignment as from time to time determined by the Fire Chief; and subordinates shall have the powers and perform the duties of their immediate supervisors

when such superiors are absent or disabled. Each member of the Fire Department shall obey all lawful orders of his superiors in the chain of command, and any disobedience to or failure to comply with any such order shall subject the member to such disciplinary action or penalty that may be set forth in the Policies and Procedures of the Department.

Note: For State Law as to authority of City Council to provide penalty for firefighters who refuse or fail to obey lawful command of supervisors, See W.Va. Code Section 8-15-1. As to duty and authority of persons acting in place of those who are absent or disabled or when a position is vacant, See Charleston City Code, Section 2-135.

Order of Succession 1.0.5: In the event that individuals with assigned responsibilities are unable to perform those duties, the following order of succession is established:

1. Fire Chief (Unit 401)
2. Administrative Chief (Unit 402)
3. Operations Chief (Unit 403)
4. Battalion Chiefs, by employment seniority (Unit 450)
5. Captains, by employment seniority

National Incident Management System (NIMS) 1.0.6: All Charleston Fire Department personnel will be trained and adhere to the National Incident Management System (NIMS). NIMS is an emergency management doctrine used across the United States to coordinate emergency preparedness and incident management and response among the public (Federal, Tribal, state, and local government agencies) and private sectors.

NIMS is a comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. NIMS enables us to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment.

NIMS works hand in hand with the National Response Framework (NRF) - NIMS provides the template for the management of incidents, while the NRF provides the structure and mechanisms for national-level policy for incident management.

The benefits of NIMS include:

- A standardized approach to incident management that is scalable and flexible.
- Enhanced cooperation and interoperability among responders.
- Comprehensive all-hazards preparedness.
- Efficient resource coordination among jurisdictions or organizations.
- Integration of best practices and lessons learned for continuous improvement

Incident Command System (ICS): The ICS is "a systematic tool used for the command, control, and coordination of emergency response". ICS is a subcomponent of the **National Incident Management System (NIMS)**. An ICS is based upon a flexible, scalable response organization providing a common framework within which people can work together effectively. These people may be drawn from multiple agencies that do not routinely work together, and ICS is designed to give standard response and operation procedures to reduce the problems and potential for miscommunication on such incidents. ICS has been summarized as a "first-on-scene" structure,

where the first responder of a scene has charge of the scene until the incident has been declared resolved, a more qualified responder arrives on scene and receives command, or the Incident Commander appoints another individual Incident Commander.

SECTION 2: JOB DESCRIPTIONS

Policy 2.0: Fire Chief (401)

Charleston City Code; Section 54-43:

(a) The Chief of the Fire Department, who may be known and referred to as the “Fire Chief,” shall be the commanding officer of the Fire Department and shall be responsible to the Mayor and City Council for the administration, training, discipline, morale, and effective deployment and utilization of the members of the Department and for the maintenance and effective deployment and utilization of the property, equipment and apparatus of the Fire Department.

(b) The Fire Chief shall have all such powers as may be necessary and lawful to meet the responsibilities imposed upon him by this section including, but not limited to the following:

(1) He shall have absolute command, control, management, assignment to duties and supervision of every officer, member and employee of the Fire Department during a fire and at all practices and drills, and during all hours when such personnel are on duty.

(2) He shall have absolute control, authority and command of the Police Officers present at the scene of any fire during the time and continuance of any fire, conflagration and all orders issued by him to such Police Officers, and to other persons present, shall be explicitly obeyed and performed by them.

(3) He shall have supervision of the engine houses, vehicles, and all apparatus and equipment belonging to the Fire Department. He shall be responsible for the serviceable condition of all equipment belonging to the Fire Department, and he shall be responsible that every piece of fire apparatus is equipped at all times with the necessary wrenches and all other equipment belonging to that piece of apparatus and necessary in the successful fighting of fire.

(4) He shall have supervision over all repairs to apparatus and the charge of all supplies and shall issue them upon his own discretion or upon the authority of the City Council to the units of the Fire Department.

(5) He shall be responsible for the keeping of necessary records for the Fire Department, which shall be subject to the inspection of the Mayor and members of City Council at any time. He shall record and report annually to the City Council a statement of all fires occurring since the previous report, the units and personnel responding to alarms, the loss and insurance as far as ascertained, the causes of any such fires, together with such suggestions as he may deem advisable to bring the number of fires to a minimum. He shall also keep at his office such books or other records as the City Council may prescribe.

(6) Exercise and perform such other functions, powers and duties as may be deemed appropriate to carry out for the purpose of this article.

Note: For Charter provisions as to creation of Office of Chief of Fire Department and as to compensation of chief, See Charter, Section 5.

*As to official bond of Chief of the Fire Department, See Charter, Section 25.

**For State Law as to authority of City Council to provide for officers to have command of firefighting and to prescribe their powers and duties, See W.Va. Code, Section 8-15-1.

***As to authority of Fire Chief with respect to designation of fire lanes on private property devoted to public use, See Section 114-241 of the City Code.

Authority of 2.0.1: The Fire Chief, under the direction of the Mayor, shall have full authority over the Fire Department including:

Absolute command, control, management, assignment to duties and supervision of every officer, member, and employee of the fire department during a fire, at all practices and drills, and during all hours when such personnel are on duty.

The power to delegate to other members of the Fire Department as much of his authority as may be warranted for efficient and good administration.

The power to designate a subordinate officer to act in the capacity of Fire Chief when necessary. The subordinate officer, when so selected, shall possess all of the authority of the Fire Chief and shall be held accountable for the efficient performance of the duties of such position.

The power to prepare Rules and Regulation not inconsistent with state law or any Rules or Regulations of the State Fire Marshal promulgated by authority of State Law and which is applicable to the City, and not inconsistent with the City Charter, the City Code or other ordinance for the government of the Fire Department and the personnel and property thereof. Such rules and regulations, when approved by the Mayor and when filed in the Office of the City Clerk for public inspection and use, and when made available to all members of the Fire Department, shall be binding on all members of the Department, and shall be grounds for disciplinary action for any member of the Fire Department to violate or fail to comply with any such rule or regulation which has been so promulgated, approved and filed.

The expenditure of budgeted funds for carrying out the functions of the Fire Department.

Control of all property and equipment of the Fire Department.

The authority to take any prudent action necessary to prevent the loss of life, the spread of fire, or to mitigate any emergency that is endangering citizens of the community.

The Fire Chief, or in his/her absence, the senior officer present at a fire shall have authority to direct the pulling down or destroying any fence, house, vehicle, or other thing, if deemed necessary to prevent the spreading of fire in accordance with the *Charleston City Code, Section 54-52*.

Function of the Office of 2.0.2: The Fire Chief shall coordinate and direct the activities of the Fire Department divisions, and direct major firefighting and rescue operations. The Fire Chief shall participate and cooperate with other municipalities and fire departments to provide mutual fire protection in the areas surrounding and in the City of Charleston. The Fire Chief shall prepare budget estimates and administer the annual department budget and prepare special and periodical reports as requested by the Mayor. The Fire Chief shall advise and assist the Mayor in matters relating to fire protection and public safety. The Fire Chief shall cooperate with other departments of the City of Charleston. The Fire Chief shall coordinate and direct data collection efforts in consultation with other departments of the City of Charleston. The Fire Chief may delegate authority at his or her discretion.

General Duties & Responsibilities of 2.0.3: The Fire Chief shall be responsible to the

Mayor for the proper administration, expenditure of funds, and efficient operation of the Fire Department.

The Fire Chief shall exercise control and management of all Fire Department personnel, property and equipment, and shall cause same to be maintained in a state of readiness for the provision of efficient services for the safety and well-being of the citizens of the City of Charleston and the protection of buildings and other property within the city.

The Fire Chief shall prepare, and submit to the Mayor, an annual report of all activities and accomplishments of the Fire Department during the previous year.

The Fire Chief shall issue orders and directives as, in his opinion, are necessary to the efficient operation of the Fire Department and distribute those orders and directives to each division office and fire station.

The Fire Chief shall prepare an estimated budget for the ensuing year and shall properly administer and allocate funds in accordance with the approved budget during the year.

The Fire Chief shall schedule regular duty hours of department members and employees pursuant to applicable laws, subject to the approval of the Mayor.

In the event of an emergency, the Fire Chief, or any other officer acting in his capacity, may require members and employees to be on duty during the period of such emergency.

The Fire Chief shall establish regulations requiring the members of the uniform force to wear appropriate uniforms, firefighting personal protective equipment, and proper insignia indicating their rank and assignment. Copies of such regulations shall be sent to each fire station.

The Fire Chief shall establish and maintain a system of emergency recall of all off-duty members of the Fire Department.

The Fire Chief shall establish and maintain a system of recording the individual efficiency and service of each member and employee of the Fire Department. All members shall have the right to review their individual records at any time, but no one shall have the right to see the records of any member or employee other than him/herself. However, such records may not be removed, even temporarily, from the custody of the department without the express written permission of the Fire Chief or his designee.

The Fire Chief shall perform such other duties as may be required of him by the applicable laws, or by the Mayor, in addition to the duties detailed herein.

Education, Experience, Training 2.0.4: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Fire Chief shall be maintained through courses available from professional firefighting organizations and institutions.

The Fire Chief shall be certified by passage of the Professional Fire Fighter's Standards through the U.S. Department of Labor Apprenticeship Training Program and the State of West Virginia Fire Certification Board.

The Fire Chief shall be certified at all required levels of training for the lower ranks and shall be certified to the level of Fire Officer 3. It is recommended, but not required, that the Fire Chief be certified to the level of Fire Officer 4 if necessary to aid Yeager Airport.

Policy 2.1: Administrative Chief (AKA: Deputy Chief, 402)

The Chief of the Fire Department, with the consent of the Executive Branch of the city government and subject to West Virginia Civil Service Law and Regulation, shall designate an officer of the Fire Department, holding the civil service rank of Assistant Chief, as his/her Administrative Chief/Deputy Chief who shall hold this position at the pleasure of the Fire Chief. The title of Deputy Chief shall be a technical rank above Battalion Chief.

Authority of 2.1.1: The Administrative Chief is empowered to solicit and to secure the assistance of any and all members of the Fire Department in the prosecution and fulfillment of any or all aspects of the several duties he is assigned or may be assigned. Any orders or directives issued by him shall have the same force and effect as if they were issued by the Fire Chief. He will be in charge of the Fire Department whenever the Chief is absent or not available. Members of the Fire Department are expected to give him/her every courtesy and consideration due a Chief Officer and to cooperate with him/her in every way possible.

General Duties 2.1.2: The Administrative Chief shall serve as the personnel and purchasing officer for the Fire Department. The Administrative Chief shall oversee the maintenance and repair for all fire stations and fire apparatus.

Specific Duties 2.1.3: The Administrative Chief shall establish and maintain, or cause to be established and maintained, a file showing any and all repairs made to any fire station or any appurtenance thereto, including a brief description of the work performed, who performed the work, and the cost of such work with a written monthly report of the same to the Chief.

The Administrative Chief shall see that all minor repairs to such properties, which can be performed by department personnel, are promptly carried out. He/she shall, working directly through the Shift Commanders, systemize the cleanliness and maintenance of all fire stations, their furnishings, and accessories.

The Administrative Chief shall, in his normal tour of duty, observe the appearance of all members of the Fire Department, and whenever he shall discover any member to be slovenly in dress or visage he shall take what ever measures are required to correct the situation. He/she shall notify the Fire Chief of the circumstances of the occurrence with a follow-up written report, should such a report be warranted.

The Administrative Chief shall assist the Fire Chief in the preparation of the budget.

The Administrative Chief shall be responsible for the preparation of all department payrolls, including those of a supplemental nature.

The Administrative Chief shall assist the Fire Chief in the processing and hiring of all new recruits to the Fire Department as directed by the Executive Branch of the city government, subject to West Virginia Civil Service Law and Regulation.

The Administrative Chief shall compile a daily record of all personnel absences due to illness or injury, submitting a monthly report of the same to the Fire Chief.

The Administrative Chief shall maintain an accurate record of all overtime expenses occurring as a result of illness, injury, vacation, shortages in manpower, funeral leave, temporary disabilities, or from any other cause which necessitates the expenditure of monies over and beyond the regular budgeted salaries and/or wages of department personnel.

The Administrative Chief shall serve in the capacity of quasi-quarter-master for the Fire Department. He/she shall be responsible for the purchase of all fuel, furniture, janitorial supplies and services to the various fire stations.

The Administrative Chief shall command and supervise the daily operations of the Fire Prevention Bureau and Arson Investigation.

The Administrative Chief shall be responsible for the establishment and maintenance of records of the inspection and other activities of the Fire Prevention Bureau. He/she shall submit monthly activity reports to the fire chief.

The Administrative Chief shall make it his business to be fully informed on a day-to-day basis, including those hours in which he is not in attendance, of all phases of fire department operations, and to inform and appraise the Fire Chief of all such operations and related developments at the beginning of each day or at any time he may be called upon to do so.

The Administrative Chief shall maintain a master file of all memoranda issued by the Fire Department administration for future reference.

The Administrative Chief shall perform such other duties and carry out such other directives of the Fire Chief as may be required, including accident reports, professional standards (internal affairs), hiring and civil service, radio communications and repairs, personnel statistical data, and computer and network issues.

Education, Experience, Training 2.1.4: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Administrative Chief shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Administrative Chief shall be certified by passage of the Professional Fire Fighter's Standards through the U.S. Department of Labor Apprenticeship Training Program and the State of West Virginia Fire Certification Board.

The Administrative Chief shall maintain his/her advanced emergency medical technician (AEMT) certification, emergency medical technician (EMT) certification, or Paramedic certification and any additional licenses or certifications as required by the Fire Chief, including a valid West Virginia driver's license.

The Administrative Chief shall be certified at all required levels of training for the lower ranks.

It is recommended the Administrative Chief be certified to the level of Fire Officer 3.

Policy 2.2: Chief of Operations (AKA: Deputy Chief, 403)

The Chief of the Fire Department, with the consent of the Executive Branch of the city government and subject to the West Virginia Civil Service Law and Regulation, shall designate an officer of the Fire Department, holding the civil service rank of Assistant Chief, to be known as Chief of Operations to serve at the direction of, and under the authority of, the Fire Chief and who shall hold such position at the will and pleasure of the Fire Chief. The title of Deputy Chief shall be a technical rank above Battalion Chief.

Authority of 2.2.1: The Chief of Operations is empowered to solicit and to secure the

assistance of any and all members of the Fire Department in the prosecution and fulfillment of any or all aspects of the several duties to which he is assigned or may be assigned. Any orders or directives issued by him shall have the same force and effect as if they were issued by the Fire Chief. He will be in charge of the Fire Department whenever the Chief and Administrative Chief are absent or not available. Members of the Fire Department are expected to give him/her every courtesy and consideration due a Chief Officer and to cooperate with him/her in every way possible.

General Duties 2.2.2: The Chief of Operations shall coordinate all phases of departmental operations to the end that all such operations shall be coherently dedicated to the proposition of a whole and cohesive Fire Department in the areas of firefighting operations, emergency medical services, technical rescues, hazardous material response, safety of personnel, training, preplanning, communications, territorial maps and assignments.

Specific Duties 2.2.3: The Chief of Operations shall make a continuing effort to insure that all personnel are aware of, and in observance of, recognized safety standards in the performance of his/her mission whether on the fire ground, training ground, in the station house or wherever he/she may be operating. Whenever he/she shall discover any member to be in violation of accepted safety principles or good common sense, insofar as his/her personal safety would be concerned, he/she shall promptly report same to the Fire Chief with his/her recommendations on what measures to take to prevent a recurrence of the unsafe practice.

The Chief of Operations shall assist the Fire Chief in the processing, hiring and training of all new recruits to the Fire Department as directed by the Executive Branch of the city government, subject to West Virginia Civil Service Law and Regulation.

The Chief of Operations shall represent the Fire Chief (Management Delegate) as a member of the Charleston Professional Firefighters Apprenticeship Board and will work with other members of the board to train and retain new recruits during their 3 year U.S. Department of Labor Apprenticeship Training Program.

The Chief of Operations shall command and supervise the daily operations of the Training Division. He/she will be responsible for the establishment and maintenance of records and other activities of the Training Division. He/she shall submit training reports to the fire chief as required.

The Chief of Operations shall be the liaison between the fire department and other agencies, public or private, in all matters and actions involving the preparedness, response and mitigation of emergencies too great to be dealt with unassisted. He/she will represent the fire department at meetings, exercises and drills to evaluate the preparedness, cooperation and response of the fire department.

The Chief of Operations shall oversee the establishment and management of all technical rescue teams as required by the Fire Chief including the Hazardous Materials (Haz-mat) Team, Urban Search and Rescue (USAR) Team, Water Rescue / Dive Team, etc.

The Chief of Operations shall see to it that all personnel are provided with proper firefighting personal protective equipment (P.P.E.); and further, should he/she discover any article of P.P.E. to be substandard or unfit for service, he/she shall promptly report such breach to the Fire Chief, should circumstances dictate such a course.

The Chief of Operations shall be charged with the responsibility of providing all companies

with up-to-date territorial maps depicting all streets, avenues, alleys, etc. in the respective territories to which the companies are assigned response; all such maps to reflect any and all change in name, traffic patterns and any other condition that could be calculated to aid or impede the mission of the Fire Department.

The Chief of Operations shall coordinate with the emergency communications center (METRO 911) for the efficient dispatch of fire and E.M.S. units to the scene of operation.

The Chief of Operations shall make it his business to be fully informed on a day-to-day basis, including those hours in which he is not in attendance, of all phases of fire department operations, and to inform and appraise the Fire Chief of all such operations and related developments at the beginning of each day or at any time he may be called upon to do so.

The Chief of Operations shall perform such other duties and carry out such other directives of the Fire Chief as may be required, including Operating Guideline development, accident review, vehicle inventories, vehicle equipment, pre-fire planning, research and development, and operational statistical data.

Education, Experience, Training 2.2.4: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Operations Chief shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Operations Chief shall maintain his/her emergency medical technician (EMT) certification, advanced emergency medical technician (AEMT) certification, or Paramedic certification and any additional licenses or certifications as required by the Fire Chief, including a valid West Virginia driver's license.

The Operations Chief shall be certified at all required levels of training for the lower ranks.

It is recommended that the Operations Chief be certified to the level of Fire Officer 3 or equivalent.

Policy 2.3: Battalion Chiefs (450)

The Chief of the Fire Department, with the consent of the Executive Branch of the city government and subject to West Virginia Civil Service Law and Regulation, shall designate officers of the Fire Department, holding the civil service rank of Assistant Chief, as his/her Battalion Chiefs. The Battalion Chiefs shall take their direction from the Fire Chief, and his/her Deputy Chiefs.

General Duties 2.3.1: The Battalion Chiefs shall supervise the Fire, E.M.S., and Rescue Operations Division as in all of its functional activities. In addition, they shall perform such other duties as may be required by the Fire Chief. In short, he/she functions as the Shift Commander.

Upon his/her arrival at the location of a fire or other emergency, the Battalion Chief shall assume command and direction of the Department at the scene, and shall remain in command until

superseded by the arrival of the Fire Chief, his/her designated Assistant Chief, or the Battalion Chief delegates command to a Company Officer through the Incident Command System. The one Battalion Chief on regular duty reports to the scene of the emergency and is in command.

The Battalion Chief shall investigate all fires that he/she attends with the purpose of ascertaining as accurately as possible the cause of the fire. If unable to ascertain the cause, or if in his/her opinion, a fire is suspected of being of incendiary origin, he/she shall immediately notify the Fire Prevention Bureau. Battalion Chiefs shall take reasonable and necessary precautions to preserve all pertinent evidence and shall remain on the scene until the Fire Prevention Bureau investigator arrives.

The Battalion Chief shall establish their office as directed by the Fire Chief. They shall remain there throughout their tours of duty, except when out on Fire Department business, and keep in contact with the emergency communications center (911). The Battalion Chiefs shall be subject to emergency duty at any time.

The Battalion Chiefs shall have a general knowledge of the location of streets, water supplies, construction features of buildings, the hazards of occupancies and the nature of the contents of all principal buildings within, and adjacent to, the corporate limits of the City of Charleston.

The Battalion Chief shall inspect uniforms and P.P.E. Articles of uniform and P.P.E. failing to meet standard requirements or deemed to be unserviceable shall be rejected and ordered to be replaced.

The Battalion Chiefs, as directed by the Fire Chief, shall arrange fire company in-service inspections of buildings in a manner to assure a fair and equitable distribution of the inspection work load of all companies. They shall schedule such inspections to assure that sufficient time will be allotted to adequately inspect the buildings and occupancies. The Battalion Chiefs shall establish a control system to assure all buildings are being inspected by the companies assigned.

The Battalion Chiefs shall carefully review the reconnaissance reports submitted by their respective fire companies and preplan fire-fighting operations based on these reports. This pre-planning information shall be properly maintained for use at emergency scenes.

The Battalion Chiefs shall make such other inspections and investigations as may be necessary to keep fully and accurately informed of conditions existing within the Fire, E.M.S. and Rescue Operations Division and shall report promptly to the Fire Chief any failure to maintain the standard of efficiency required.

The Battalion Chiefs shall supervise the following operations to determine the efficiency of the Fire, E.M.S. and Rescue Operations Division, and to insure that proper procedures are being carried out: *fire and emergency operations, training sessions, inspection activities, maintenance.*

The Battalion Chiefs shall submit all requests for equipment, supplies, and/or repairs they receive from their companies to the Fire Chief or his/her designated Administrative Chief, along with their recommendation. If validated, the Fire Chief shall prepare a purchase order and submit it to the City Manager for processing.

The Battalion Chief shall, in the absence of a Company Officer, designate a qualified member to act in the capacity of Company Officer, in accordance with Fire Department policy.

The Battalion Chiefs shall have full authority, as directed by the Fire Chief, to designate the assignment of officers and members of the Fire, E.M.S., and Rescue Operations Division. They shall be held responsible for the equal and efficient distribution of personnel to the companies. When manpower has been reduced to the point where one or more companies have been reduced to below minimum on-duty manning standards, he/she shall report such deficiency to the Fire Chief.

The Battalion Chiefs shall be responsible for the completion of the daily shift guard sheet, making assignments for the maximum efficiency of Fire Department operations. The Battalion Chiefs shall be responsible for submitting payroll adjustments for their tours of duty, and making the guard sheets complete and accurate for payroll purposes. Payroll shall be entered into the city's accounting program.

The Battalion Chiefs shall schedule the vacations of all members and employees assigned to the Fire, E.M.S. and Rescue Operations Division as directed by the Fire Chief, and in accordance with the vacation policy established by the City of Charleston. Primary consideration shall be given to the maintenance of sufficient on-duty force to provide adequate emergency response.

Administrative Duties 2.3.2: Upon first reporting to duty, the Battalion Chief shall meet with the previous shift's Battalion Chief to receive updates and pertinent information concerning the upcoming shift. He/she shall ensure that all in-service units are properly staffed with safe levels of personnel and properly trained individuals. He/she shall verify that all sick leave mark-offs, scheduled vacations, and time trades have been properly covered. The Battalion Chief shall have the authority to move personnel to any assignment to provide the optimal staffing coverage for the Charleston Fire Department.

The Battalion Chief shall complete the next shift's guard sheet by 1900 hours, when possible. Preparing guard sheets for multiple shifts is encouraged. He/she shall verify that the proper paper work is on file for those members on vacations or trading time. Failure to file the proper paperwork will result in the trade or vacation change not being approved.

The on-coming Battalion Chief shall examine the scheduled activities for the shift and notify the affected company officers. Such activities include training, maintenance, public service activities, drug testing, etc.

The Battalion Chiefs shall monitor sick leave for abuse when taken in succession with Kelly days, vacation days, time trades, etc. He/she shall forward this information to the Administrative Chief and require doctor's slips and jiffy reports from members in violation according to the sick leave policy. The Administrative Chief shall keep a master file of sick leave use.

The Battalion Chief shall evaluate the previous shift's activities for completeness, including fire reports, and review them for possible critique. Incomplete reports shall be forwarded to the appropriate officer in charge of the incident for completion in a timely manner. The Battalion Chief shall be responsible to ensure that N.F.I.R.S. reports are complete and up to date.

The Battalion Chief shall review all memoranda newly issued to that shift, disseminate them to the Company Officers, and verify that they understand the content.

The Battalion Chief shall have the responsibility and authority to oversee all personnel and operational issues on his/her shift. Any issues that cannot be addressed by the Battalion Chief shall

be forwarded up the chain of command. **At no time shall any member report directly to the Administrative Chief, Operations Chief, or Fire Chief, unless requested to do so by those Chief Officers,** or the member's position or job duties require him/her to do so.

The Battalion Chief shall inspect each of the fire stations *monthly* on his/her respective shift. He/she shall ensure that all rules, regulations, and policies are being adhered to, that station and vehicle inspection sheets are being completed, and that personnel grooming and uniform appearance is acceptable. The Battalion Chief shall enforce all rules that are established by the Charleston Fire Department.

The Battalion Chief shall meet with all Captains in his/her command in a regularly scheduled staff meeting. Information discussed there shall be documented and proceed up the chain of command to make changes for improvement as needed. The Operations Chief shall coordinate meetings between Battalion Chiefs to ensure proper information is being provided to shift personnel.

Operational Duties 2.3.3: The Battalion Chief shall respond to all structure fires, hazardous material spills, motor vehicle accidents with extrication, or any special or complex incidents. Upon arrival, the Battalion Chief shall assume command of the incident.

The Battalion Chief shall respond to occasional box alarms, medical calls, or other incidents to ensure that Charleston Fire Department personnel are following proper standard operating guidelines, acting with a professional attitude, and are operating within accepted training practices.

The Battalion Chief shall ensure that all shift personnel participate in approved and offered training.

The Battalion Chief shall evaluate personnel performance and make recommendations for improvement through suggested training or changes in practices.

The Battalion Chief shall act as liaison between outside agencies and the Charleston Fire Department. Any special request for CFD resources will be processed by the Battalion Chief, and moved up the Chain of Command to the Operations Chief, Administrative Chief, or Fire Chief if necessary.

Education, Experience, Training 2.3.4: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Battalion Chiefs shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Battalion Chief shall be certified by passage of the Professional Fire Fighter's Standards through the U.S. Department of Labor Apprenticeship Training Program and the State of West Virginia Fire Certification Board.

The Battalion Chief shall maintain his/her emergency medical technician (EMT) certification, advanced emergency medical technician (AEMT) certification, or Paramedic

certification and any additional licenses or certifications as required by the Fire Chief, including a valid West Virginia driver's license.

The Battalion Chief shall be certified at all required training levels of the lower ranks.

It is recommended the Battalion Chiefs be certified to the level of Fire Officer 3 and N.I.M.S. I.C.S. Level 300 and 400.

Policy 2.4: Captains

Fire Companies shall be commanded by the Company Officer holding the rank of Captain, or in his/her absence, by a member acting in the capacity of a Company officer in accordance with the selection process for such vacancies as established by the Fire Chief.

General Duties 2.4.1: Captains shall command and supervise the Lieutenants and Fire Fighters assigned or detailed to their companies. Captains shall be responsible for efficient performance of their command and for compliance to these Policies and Procedures.

Captains or Acting Company Officers shall levy corrective actions as he/she deems necessary for the violation of any rule, consistent with the City of Charleston, WV Civil Service and Charleston Fire Department Policies and Procedures. Captains shall administer the corrective measures through corrective training, verbal counseling, progressive discipline or any combination of those alternatives as defined in 3.1.7 of the Charleston Fire Department Policies and Procedures.

Captains or Acting Company Officers shall be responsible for all basic training of their company and conducting the required in-service training program as set down by the training division. It shall be the responsibility of the Captain to insure that all members of the company are efficient in fire suppression, rescue skills, and have a thorough knowledge of their primary response area and a general knowledge of their backup territory.

Captains shall conduct an instruction period for their companies for at least one hour each day, except holidays, Saturdays, and Sundays. The standard drill evolutions may be prescribed by the Training Division, or other subjects relevant to fire protection and the betterment of the Fire Department shall be determined by their superior officers.

The Captains shall be responsible for assuring all company members are aware of all new Operating Guidelines issued by the Fire Department administration. The Company Officer shall conduct a class concerning all new Operating Guidelines, and review any past Operating Guidelines as needed. The training, and the receipt of the new Operational Guideline, shall be noted in the company log book. A copy of the new Operational Guideline shall be placed in the Operational Guideline manual and/or saved electronically to a Charleston Fire Department "Share" file online for reference. The Captain receiving the new Operational Guideline shall notify the next shift's Captain, who will in turn notify the Captain of the shift following his/hers.

Captains, subject to the approval of the Battalion Chief, shall assign personnel in such a manner that the manpower is balanced and that all positions are efficiently filled. The Captain shall check the guard sheet each morning prior to 0830 hours for accuracy concerning listed personnel, step-up pay, time trades, etc. and notify the Battalion Chief of any discrepancies. No pay adjustments shall be made after the Battalion Chief finalizes the guard sheet.

The Captains shall be held accountable for the maintenance of order and discipline in their

command at all times.

Maintenance Duties 2.4.2: When two fire companies are quartered in the same station, the Company Officers shall be equally responsible for the maintenance and cleanliness of the station, including furnishings and equipment.

In single company stations, the Captain shall be held responsible for the condition of repair, maintenance, and cleanliness of the station, including fire apparatus, tools, equipment, appliances and furnishings.

Upon return from an alarm, it shall be the Captain's responsibility to see that the apparatus is checked and ready for service.

The Captains shall immediately report any need for service or repairs to the fire apparatus, or equipment of the fire stations to the appropriate Battalion Chief.

Captains shall expedite the movement through channels of all requests and other communications received from their subordinates which are directed to superior officers, with their recommendations of "approval, disapproval, or forwarded for consideration."

Captains shall, when in their opinions, members are unable to perform or fulfill the duties to which they are assigned, prepare a report describing in detail the incapacity of the member. The report shall be forwarded, through the chain of command, to the Fire Chief.

Captains shall ride next to the Lieutenants of the fire apparatus. They shall direct the driving of the apparatus so that scenes of fires and other emergencies are reached as quickly as possible consistent with safety. They shall instruct the Lieutenants to use the most direct route, condition of traffic and streets permitting, and to drive the apparatus with a degree of care commensurate with the proper protection of life and property. They shall order Lieutenants to control the speed of the fire apparatus in a manner consistent with traffic and street conditions. Company officers shall be held responsible for reckless or negligent driving, and/or for the failure of the fire apparatus to which they are assigned to reach the scene of any fire or other emergency.

Captains shall prepare all National Fire Incident Reporting System (NFIRS) reports and any other required documents covering incidents occurring during the completed tour of duty before going off duty.

Captains shall be responsible for the maintenance of company journals and record books (log books). They shall see that accurate entries are made to these books daily in a manner consistent with Fire Department policy. The Captain shall sign the record book (log book) upon the completion of his/her tour of duty.

Territorial Duties 2.4.3: Captains shall inspect and familiarize themselves with the locations of streets, high hazard occupancies, major businesses or installations, and water supplies of their respective districts and be responsible to direct all members of their companies to do likewise.

Captains, under the direction of their superior officers, shall conduct reconnaissance inspections (aka pre-fire plans) in buildings, other than residential structures.

During the In-Service Inspection, it shall be the responsibility of the Captain to maintain communications between his/her company and the emergency communications center (911) for the

receipt of emergency calls.

The Captain shall be held accountable for the thoroughness of the inspection and to see that the inspection is conducted in a business-like and professional manner. Captains shall constantly keep in mind the importance of maintaining good relations between the Fire Department and the public during the inspection.

During the inspection, Captains shall closely supervise their company personnel and discuss with them the probable procedures in the event of a future fire or other emergencies occurring at the building being inspected. Pertinent topics would include construction features, nature of the occupancy, content hazards, accessibility of stairways and exits, the location of utility shut-offs, the location and operation of sprinkler systems, sprinkler shut-off valves, standpipe systems, fire department connections and any other information pertinent to efficient operations at fires or other emergencies. This gathered information shall be recorded on inspection forms.

Captains shall be held responsible for the accuracy and completeness of the reconnaissance inspection reports (aka pre-fire plans) and records of each building or premise inspected. At least one inspection per shift, per station, shall be conducted with the exception of Saturdays, Sundays and Holidays. The reconnaissance reports shall be submitted to the Fire Prevention Bureau.

Duties Concerning Probationary Fire Fighters 2.4.4: Captains of companies to which probationary fire fighters have been assigned shall be responsible for the supervision, training, and personal welfare of the probationary fire fighters assigned to them.

During the probationary periods, Captains shall submit written reports each month listing the time spent in training the probationary fire fighters in various drill evolutions and procedures. The report shall include a statement of the probationary fire fighter's progress in learning the duties of the fire fighter. The report shall be forwarded to the Chief of Operations and the Training Division.

The Captain of the company to which the probationary fire fighter is assigned, shall forward a detailed report, through the chain of command to the Fire Chief, if at any time the probationary fire fighter is found to be inefficient or incompetent in his/her work, or physically or mentally unable to perform his/her duties.

The Captain, to which the probationary fire fighter is assigned, shall, at the conclusion of the probationary period, forward an Evaluation, through channels, to the Fire Chief, stating in detail reasons why the probationary fire fighter should be accepted or rejected as a permanent member of the Fire Department.

Education, Experience, Training 2.4.5: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Captains shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Captain shall be certified by passage of the Professional Fire Fighter's Standards through the U.S. Department of Labor Apprenticeship Training Program and the State of West

Virginia Fire Certification Board.

The Captain shall maintain his/her advanced emergency medical technician (AEMT) certification, emergency medical technician (EMT) certification, or Paramedic certification and any additional licenses or certifications as required by the Fire Chief.

Captains shall be certified at all training levels of the lower ranks.

It is recommended Captains be certified in the National Incident Management System levels 300 and 400, and to the level of Fire Officer 2.

Policy 2.5: Lieutenants

Fire apparatus shall be operated by the company Lieutenant, or in his/her absence, by a member acting in the capacity of a Lieutenant in accordance with the selection process for such vacancies as established by the Fire Chief.

General Duties 2.5.1: Lieutenants shall be responsible to their Company Officers for the cleanliness, maintenance, and operating condition of the vehicles to which they are assigned. Lieutenants, as directed by their Company Officers, shall drive and operate vehicles in a proper and safe manner as prescribed in these Administrative Policies of the Charleston Fire Department. In addition, Lieutenants shall perform such other duties as their Company Officers or other superior officers direct.

Lieutenants when stepping up to Captain shall levy corrective actions as he/she deems necessary for the violation of any rule, consistent with the City of Charleston, WV Civil Service and Charleston Fire Department Policies and Procedures. Lieutenants shall administer the corrective measures through corrective training, verbal counseling, progressive discipline or any combination of those alternatives as defined in 3.1.7 of the Charleston Fire Department Policies and Procedures.

Lieutenants shall inspect the fire apparatus to which they are assigned, at the beginning of their tours of duty, so as to conform to the operational requirements of the Fire Department. Upon completion of their daily inspections, Lieutenants shall fill out the appropriate inspection form and notify their Company Officers of the completed inspection, who shall in turn make a notation in the company journal (log book).

Lieutenants acting as pump operators shall maintain a constant supervision of the apparatus during pump operations. He/she shall remain with the apparatus until assigned to other duties by his Captain or the Battalion Chief.

Lieutenants shall, upon return from an alarm, thoroughly check and service the apparatus to ensure readiness for response. During freezing weather, careful inspection of all valves and fitting shall be carried out.

Unless otherwise directed by superior officers, Lieutenants shall act in the capacity of Company Officer in the absence of a Captain. When acting in the capacity of Company Officer, Lieutenants shall have the duties of the regular Company Officer and shall possess all of the authority and responsibilities of that position.

Lieutenants serving as Acting Captains shall prepare all National Fire Incident Reporting

System (NFIRS) reports covering incidents occurring during the completed tour of duty before going off duty, when practical, but no later than the end of his following tour of duty. He/she shall not let incomplete reports accumulate.

Education, Experience, Training 2.5.2: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Lieutenant shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Lieutenant shall be certified by passage of the Professional Fire Fighter's Standards through the U.S. Department of Labor Apprenticeship Training Program and the State of West Virginia Fire Certification Board.

The Lieutenant shall maintain his/her emergency medical technician (EMT) certification, advanced emergency medical technician (AEMT) certification, or Paramedic certification and any additional licenses or certifications as required by the Fire Chief, including a valid West Virginia driver's license.

The Lieutenant shall be certified at all training levels of the lower ranks.

The Lieutenant shall be certified to the level of Fire Officer 1.

It is recommended that Lieutenants be certified in N.I.M.S. levels 300 and 400.

Policy 2.6: Fire Fighters

General Duties 2.6.1: Fire Fighters shall perform all duties assigned to them in the manner prescribed by law or ordinance, or by these Policies and Procedures of the Charleston Fire Department. Fire Fighters shall obey the orders received from their superior officers.

Specific Duties 2.6.2: Fire Fighters shall acquire knowledge of the operation of all various types of fire apparatus, appliances, tools, and equipment used in the Fire Department and also a thorough knowledge of the Fire Department radio procedure.

Fire Fighters shall maintain the tools and equipment assigned to them in clean condition and in readiness for instant operation at all times.

Fire Fighters shall observe and study the principles of firefighting operations, fire prevention, rescue work, and emergency medical operations given that skilled personnel are paramount in the proper operation of the Fire Department, and a thorough knowledge of the practices and procedures is the greatest attribute to preservation of life and property.

Fire Fighters shall observe and study to gain a high degree of professional knowledge. They shall constantly keep in mind that from their ranks will come the future officers of the Fire Department, and that the continued efficient operation of the Fire Department depends upon the amount of knowledge that they acquire, not only toward personal efficiency as Fire Fighters, but also in the replacement of officers.

When directed by superior officers, Fire Fighters shall act in the capacity of Lieutenants. They shall be charged with the knowledge of the duties of Lieutenants, and when acting in that capacity, possess all of the authority and responsibilities of that position.

Education, Experience, Training 2.6.3: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Fire Fighter shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

Fire Fighters shall be certified in the following:

- **Firefighter I & II Equivalency**
- **Emergency Medical Technician Basic (EMT), Advanced Emergency Medical Technician (AEMT) or Paramedic Certification**
- **Hazardous Materials Operations Level**
- **Emergency Vehicle Operations (ambulance level)**
- **Driver/Operator NFPA 1002, Chapters 5 & 6**
- **Basic Auto Extrication**
- **Awareness Level of the Technical Rescue Disciplines (Structural Collapse, Confined Space and Trench Rescue, Vehicle Rescue, and Water and Wilderness Rescue.)**
- **General Fire Department Operations**

Fire Fighters shall be required to maintain a valid driver's license, CPR certification card, EMT Basic card, Advanced Emergency Medical Technician (AEMT) card, or Paramedic card.

Fire Fighters shall be required to successfully complete the 3 year apprenticeship program.

Fire Fighters shall be certified in the National Incident Management System, 100, 200, 700 and 800.

Policy 2.7: Paramedics, Advanced Emergency Medical Technicians (AEMT), and Emergency Medical Technicians (EMTs)

Paramedic Primary Duties 2.7.1: Under the direction of the Chief of Operations, Medical Director, E.M.S. Operations Director and E.M.S. Shift Supervisor (408), the Fire Department Paramedics shall be responsible for the following primary duties:

- 1. Responding safely to all calls concerning sick and/or injured persons.*
- 2. Performing A.L.S. or B.L.S. medical treatment as necessary.*
- 3. The safe and efficient operation of ambulances and transport of patients.*
- 4. Serving as an advocate for the patient and ensuring the proper information concerning patient care is relayed to the receiving medical facility.*
- 5. Completing all patient charts for E.M.S.-Charts and any other required documentation covering emergency medical incidents occurring during the completed tour of duty before going off duty.*

Paramedic Secondary Duties 2.7.2:

- 1. Maintaining equipment in a state of readiness.*
- 2. Ensure the ambulances are stocked with the appropriate type and levels of medical supplies.*
- 3. Assisting in the maintenance/preservation of Fire Department buildings and grounds to insure they are kept in a clean, safe, and well groomed condition.*

Paramedic Education, Experience, Training 2.7.3: Training for the Fire Department Paramedic shall be maintained as specified by the West Virginia Department of Health. Any additional training may be required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens of the City of Charleston.

The Fire Department Paramedic shall maintain a Paramedic certification, a West Virginia driver's license and any additional licenses or certifications required by the Fire Chief and the Office of Emergency Services.

Fire Department Paramedics shall be certified in the following:

- **Firefighter 1 & II Equivalency**
- **Paramedic Certification**
- **Hazardous Materials Operations Level**
- **Emergency Vehicle Operations (ambulance level)**
- **Driver/Operator NFPA 1002, Chapters 5 & 6**
- **Basic Auto Extrication**
- **Awareness Level of the Technical Rescue Disciplines (Structural Collapse, Confined Space and Trench Rescue, Vehicle Rescue, and Water and Wilderness Rescue.)**
- **General Fire Department Operations**

Fire Department Paramedics shall be required to maintain a valid driver's license, CPR certification card, and Paramedic card.

Fire Department Paramedics shall be required to successfully complete the 3 year apprenticeship program.

Fire Department Paramedics shall be certified in the National Incident Management System, 100, 200, 700 and 800.

Advanced Emergency Medical Technician Primary Duties 2.7.4: Under the direction of the Chief of Operations, Medical Director, E.M.S. Operations Director and E.M.S. Shift Supervisor (408), the Fire Department Advanced Emergency Medical Technicians shall be responsible for the following primary duties:

- 1. Responding safely to all calls concerning sick and/or injured persons.*
- 2. Performing A.L.S. or B.L.S. medical treatment as necessary.*
- 3. The safe and efficient operation of ambulances and transport of patients.*
- 4. Serving as an advocate for the patient and ensuring the proper information concerning patient care is relayed to the receiving medical facility.*

5. Completing all patient charts for E.M.S. Charts and any other required documentation covering emergency medical incidents occurring during the completed tour of duty before going off duty.

Advanced Emergency Medical Technician Secondary Duties 2.7.5:

- 1. Maintaining equipment in a state of readiness.*
- 2. Ensuring the ambulances are stocked with the appropriate type and levels of medical supplies.*
- 3. Assisting in the maintenance/preservation of Fire Department buildings and grounds to insure they are kept in a clean, safe, and well-groomed condition.*

Advanced Emergency Medical Technician Education, Experience, and Training 2.7.6:

Training for the Fire Department Advanced Emergency Medical Technician shall be maintained as specified by the West Virginia Department of Health. Any additional training may be required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens of the City of Charleston.

The Charleston Fire Department Advanced Emergency Medical Technician shall maintain an Advanced Emergency Medical Technician certification, a West Virginia driver's license and any additional licenses or certifications required by the Fire Chief and the Office of Emergency Services.

Fire Department Advanced Emergency Medical Technicians shall be certified in the following:

- **Firefighter 1 & II Equivalency**
- **Advanced Emergency Medical Technician Certification**
- **Hazardous Materials Operations Level**
- **Emergency Vehicle Operations (ambulance level)**
- **Driver/Operator NFPA 1002, Chapters 5 & 6**
- **Basic Auto Extrication**
- **Awareness Level of the Technical Rescue Disciplines (Structural Collapse, Confined Space and Trench Rescue, Vehicle Rescue, and Water and Wilderness Rescue.)**
- **General Fire Department Operations**

Fire Department Advanced Emergency Medical Technicians shall be required to maintain a valid driver's license, CPR certification card, and AEMT card.

Fire Department Advanced Emergency Medical Technicians shall be required to successfully complete the 3 year apprenticeship program.

Fire Department Advanced Emergency Medical Technicians shall be certified in the National Incident Management System, 100, 200, 700 and 800.

EMT Primary Duties 2.7.7: Under the direction of the Chief of Operations, Medical Director, E.M.S. Operations Director and E.M.S. Shift Supervisor (408), the Fire Department EMTs shall be responsible for the following primary duties:

- 1. Responding safely to all calls concerning sick and/or injured persons.*
- 2. Performing B.L.S. medical treatment as necessary.*
- 3. The safe and efficient operation of ambulances and transport of patients.*

4. *Serving as an advocate for the patient and ensuring the proper information concerning patient care is relayed to the receiving medical facility.*
5. *Completing all patient charts for E.M.S. -Charts and any other required documentation covering emergency medical incidents occurring during the completed tour of duty before going off duty.*

EMT Secondary Duties 2.7.8:

1. *Maintaining equipment in a state of readiness.*
2. *Ensure the ambulances are stocked with the appropriate type and levels of medical supplies.*
3. *Assisting in the maintenance/preservation of Fire Department buildings and grounds to insure they are kept in a clean, safe, and well groomed condition.*

EMT Education, Experience, Training 2.7.9: Training for the Fire Department EMT shall be maintained as specified by the West Virginia Department of Health. Any additional training may be required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens of the City of Charleston.

The Fire Department EMT shall maintain an EMT certification, a West Virginia driver's license and any additional licenses or certifications required by the Fire Chief and the Office of Emergency Services.

Fire Department EMTs shall be certified in the following:

- **Firefighter I & II Equivalency**
- **Emergency Medical Technician Basic Certification**
- **Hazardous Materials Operations Level**
- **Emergency Vehicle Operations (ambulance level)**
- **Driver/Operator NFPA 1002, Chapters 5 & 6**
- **Basic Auto Extrication**
- **Awareness Level of the Technical Rescue Disciplines (Structural Collapse, Confined Space and Trench Rescue, Vehicle Rescue, and Water and Wilderness Rescue.)**
- **General Fire Department Operations**

EMTs shall be required to maintain a valid driver's license, CPR certification card, and EMT card.

Fire Department EMTs shall be required to successfully complete the 3 year apprenticeship program.

Fire Department EMTs shall be certified in the National Incident Management System, 100, 200, 700 and 800.

Policy 2.8: Training Officers

The Training Officers shall be assigned to his/her position at the will and pleasure of the Fire Chief. The Training Officers, under the direction of the Chief of Operations and with the approval of the Fire Chief, shall organize, secure necessary training aids, prepare instruction

manuals, and conduct courses of instruction in the following general categories: *recruit training, advanced fire company in-service training, E.M.S. training, officers' schools, and all other specialized subjects relative to the duties of members of the Fire Department.*

General Duties 2.8.1: The Training Officers shall establish a training office with hours directed by the Chief of Operations, and be in attendance therein, except when out on Fire Department business.

All members of the Fire Department, including Probationary Fire Fighters, shall be under the supervision and subject to the orders of the Training Officers during training classes, drills, or other training operations.

Training Officers shall levy corrective actions as he/she deems necessary for the violation of any rule, consistent with the City of Charleston, WV Civil Service and Charleston Fire Department Policies and Procedures. Training Officers shall administer the corrective measures through corrective training, verbal counseling, progressive discipline or any combination of those alternatives as defined in 3.1.7 of the Charleston Fire Department Policies and Procedures.

The Training Officers shall prepare a schedule of in-service training, in cooperation with the Battalion Chief, for fire companies, subject to the approval of the Chief of Operations. This schedule shall be arranged in an equitable manner so that all fire companies receive sufficient training in all operations to assure proficiency in fire, E.M.S., and rescue operations.

The Training Officers shall prepare and maintain individual records of the instruction given, the personnel in attendance, the quality of the work performed during training, and the results of tests given to each member of the Fire Department. He/she shall prepare periodic reports of all training and instruction activities performed and forward these records, through the chain of command, to the Chief of Operations.

The Training Officers shall have a duty to keep informed of new methods of training, new fire ground practices, and developments in the fire service and E.M.S., and with the approval of the Chief of Operations, shall incorporate the new methods deemed appropriate into training for the Charleston Fire Department.

Primary Duties 2.8.2:

1. To be acquainted with and knowledgeable of new training methods and ground practice developments in the Fire Service and E.M.S.

2. To direct training and evaluation of personnel in all aspects of firefighting and job related skills testing.

3. The scheduling of special training courses for the department.

4. To be an extension of the apprenticeship/journeymanship program, working with State and Federal agencies to execute requirements of the program.

5. The generation and maintenance of individual training records for all department personnel.

Secondary Duties 2.8.3:

1. The maintenance of Fire Department equipment in a state of readiness.

2. Assisting in maintenance/preservation of Fire Department buildings and grounds to insure they are kept in a clean, safe, and well groomed condition.

Education, Experience, Training 2.8.4: Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Training Officers shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Training Officers shall be certified by passage of the Professional Fire Fighter's Standards through the U.S. Department of Labor Apprenticeship Training Program and the State of West Virginia Fire Certification Board.

The Training Officer shall maintain his/her advanced emergency medical technician (AEMT) certification, emergency medical technician (EMT) certification, or Paramedic certification and any additional licenses or certifications as required by the Fire Chief, including a valid driver's license.

It is recommended that the Training Officers have the following certifications: Fire Instructor 1, RESA Instructor or equivalent, NIMS levels 300 and 400, and Fire Officer 2.

Policy 2.9: Fire Prevention Bureau Officers

The Fire Prevention Bureau, including all of the members assigned or detailed thereto, shall operate under the ultimate supervision of the Fire Chief. The Administrative Chief shall supervise the function of the bureau's officers as specified in these Administrative Policies, Rules and Regulations, Practices and Procedures, and Operational Guidelines of the Charleston Fire Department. Subject to West Virginia State Code and Regulations, the Fire Chief shall designate members of the Fire Department as fire marshals in the Fire Prevention Bureau, who shall hold this position at the discretion of the Fire Chief.

Authority of 2.9.1: An Officer of the Fire Prevention Bureau, and those members or employees of the Fire Department acting in his/her capacity or under his/her direction, are empowered by the Fire Prevention Code of the City of Charleston to enter with the consent of the owner, during reasonable hours, any building, structure or premise, except private dwellings, whether completed or in the course of construction, to determine whether such buildings, structures, and premises are being constructed and maintained in accordance with the prescribed standards.

The Officers of the Bureau, under the direction of the Administrative Chief, have the authority to investigate all fires to determine cause and origin. The Fire Prevention Bureau shall investigate any fire which involves the loss of life or injury to person or by which property has been destroyed or damaged in accordance with applicable codes. The investigator shall make the origin and cause of the fire and facts of the fire known to the Fire Chief. The investigator shall immediately take charge of any physical evidence, notify and process the said evidence with the proper authorities designated by law to pursue the investigation of such matters, and shall cooperate

with authorities in the prosecution of the case. If a crime/arson is suspected, the investigator shall preserve evidence and be prepared to testify in court. The Officers of the Fire Prevention Bureau shall maintain records of all investigations conducted by the Charleston Fire Department.

Fire marshals who successfully complete all training required by the West Virginia Fire Marshal, including the Law Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal, are deemed to be certified municipal fire marshals and while assigned to the Fire Prevention Bureau are authorized to exercise powers and duties similar to those exercised by the State Fire Marshal pursuant to West Virginia Code § 29-3-12. Specifically, they are authorized to:

- (1) Arrest any individual disobeying lawful orders at the scene of a fire;
- (2) Arrest any individual who violates prohibitions against arson and explosives offenses, malicious burning, obstructing a fire marshal, or failing to obey lawful orders;
- (3) Arrest without a warrant, if the unlawful conduct occurs in their presence; and
- (4) File criminal complaints with the municipal court or other appropriate judicial officer in order to obtain a warrant for the arrest and initiate a criminal matter.

This arrest authority of certified municipal fire marshals applies to the relevant state statutes contained in the West Virginia Code. Certified municipal fire marshals may execute any summons or warrant issued by the municipal judge or a Kanawha County Magistrate for these offenses. Any return by a certified municipal fire marshal showing the manner of executing the warrant or summons has the same force and effect as if made by member of the Charleston Police Department. The Fire Prevention Bureau may obtain the assistance of the Charleston Police Department and the City Attorney at any time deemed necessary to assist with investigation and prosecution. In addition to this arrest authority, the Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief shall have the authority to issue a summons to appear before the municipal court for violations of the Charleston Fire Prevention Code.

Primary Duties 2.9.2: Under the direction of the Administrative Chief, the Officers of the Fire Prevention Bureau shall be responsible for the following duties:

1. *Responding to all fires to determine cause and origin.*
2. *Photographing, documenting, and preserving evidence at an arson scene.*
3. *Writing reports and maintaining records of all working fires.*
4. *Maintaining an evidence locker and an inventory of evidence.*
5. *Training other department members in fire investigation.*

General Duties 2.9.3: Officers of the Fire Prevention Bureau shall establish their office as directed by the Administrative Chief and shall be in attendance therein, except when out on Fire Department business.

The Fire Prevention Bureau is responsible for Fire and Life Safety Inspections, building construction and fire protection systems plan review, public fire safety education and investigation of any fires within the City of Charleston. Fire marshals assigned to the Fire Prevention Bureau shall be responsible for administration and enforcement of the Charleston Fire Prevention Code. It shall be the responsibility of the Fire Prevention Bureau to review all plans for new construction, and all other plans for remodeling and renovations pertaining to any buildings/structures within the jurisdiction of the city as identified by the WV State Fire Code and the City of Charleston. The review procedure of any plans or drawing submitted does not relieve the owner, architect, contractor or engineer of responsibility under the applicable code and statutes. It shall be the

responsibility of the Fire Prevention Bureau to issue appropriate permits following inspections, Open Fires and Outdoor Burning permits (in accordance with the Charleston Fire Prevention Code and any WVDEP or WVDNR requirements, as applicable), Blasting Permits, Fireworks Permits, and Outdoor Special Events permits. Officers of the Fire Prevention Bureau shall, in cooperation with the Battalion Chief, instruct the officers and members of the fire companies in the proper procedure in making fire prevention inspections.

Officers of the Fire Prevention Bureau shall levy corrective actions as he/she deems necessary for the violation of any rule, consistent with the City of Charleston, WV Civil Service and Charleston Fire Department Policies and Procedures. Officers of the Fire Prevention Bureau shall administer the corrective measures through corrective training, verbal counseling, progressive discipline or any combination of those alternatives as defined in 3.1.7 of the Charleston Fire Department Policies and Procedures.

Officers of the Fire Prevention Bureau shall be subject to review, by the Administrative Chief, of their inspection reports and spot checks of their field inspections to determine the quality of the inspections they conduct.

The Officers of the Fire Prevention Bureau, at the direction of the Administrative Chief, shall make regular inspections, with sufficient frequency to secure efficient supervision of all buildings, structures, and premises by ascertaining the adequacy of the safety of occupants, to examine the working condition of fire protection installations, the proper maintenance of means of egress and the safeguarding of fire hazards, and to detect any violations of the fire prevention regulations.

The Officers of the Fire Prevention Bureau shall interpret the Fire Code as adopted by the State and City so as to be consistent with the requirements of the other regulations of the Municipal Code and with standards of recognized fire protection agencies which are considered as good practices. In the event of any failure to resolve a difference of opinion between the Fire Prevention Bureau and the head of any other department of the City of Charleston as to the correct interpretation of the fire codes, the question shall be submitted to the City Attorney, whose opinion shall be final in all cases.

The Officers of the Fire Prevention Bureau shall review and sign, or cause to be reviewed and signed, all fire prevention violation notices which are issued and shall keep a record of the same on file in the Fire Prevention Bureau.

Officers of the Fire Prevention Bureau shall examine all proposed building construction, conversion, or alteration plans, except for private dwellings, to determine whether the plans are consistent with the regulations relating to the safety of life and property from fire. No permit for the construction, conversion, or alterations of buildings in the City of Charleston shall be issued until the plans have been approved and stamped by the Fire Prevention Bureau.

Officers of the Fire Prevention Bureau shall have a duty to make, or cause to be made, investigations of all complaints received alleging that the Fire Code as adopted by the State and City are being violated, or that any other condition exists that may cause fire, or be dangerous in the event of fire. If such complaints are found to be valid, violation notices shall be issued to the person responsible for the conditions.

Officers of the Fire Prevention Bureau, as designated by the Administrative Chief, shall respond to all second or greater alarm fires, to all fires where a death or serious injury is involved

and to all fires of suspicious or incendiary origin. A record of all such fire investigations shall be made and filed in the Fire Prevention Bureau. All evidence tending to prove incendiary origin of a fire should be carefully marked, preserved, and kept under appropriate security and held in readiness to be presented at hearings or in court.

Officers of the Fire Prevention Bureau shall be responsible for providing public education in fire safety through appropriate talks, demonstrations, and programs given during Fire Prevention Week and through the entire year in the city schools, institutions, at public events, and upon request to public organizations, clubs, etc.

Officers of the Fire Prevention Bureau shall have a duty to permit no more persons to enter any public assembly unit in excess of the number certified on the license issued thereto. In the event that overcrowding prevails, the Administrative Chief or those members of the Fire Department acting in his/her capacity or under his/her direction shall close such public assembly unit and recommend the revocation of the license issued for said place.

When it is found that any of the Fire Codes as adopted by the State of West Virginia and the City of Charleston are being violated, Officers of the Fire Prevention Bureau shall attempt to secure correction of such violations by the use of informal action, or by issuing citation notices of violation to the persons responsible for the conditions to correct same within such time as he/she may specify. The officer may, at any time, refer any violation to the City Attorney.

The Administrative Chief shall be responsible for the establishment and maintenance of records of the inspection and other activities of the Fire Prevention Bureau. He/She shall submit monthly activity reports to the Fire Chief.

Education, Training, Experience 2.9.4: The Officers of the Fire Prevention Bureau shall be assigned to their positions at the will and pleasure of the Fire Chief, regardless of rank.

Educational requirements for these positions shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Officers of the Fire Prevention Bureau shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Officers of the Fire Prevention Bureau shall be certified by the following:

1. *U.S. Department of Labor, Fire Certification Board*
2. *The Apprenticeship Training Program of the State of West Virginia in Professional Fire Fighting Standards*
3. *Emergency Medical Technician (EMT) certification, Advanced Emergency Medical Technician (AEMT) certification, or Paramedic certification*
4. *All training requirements of the West Virginia Fire Marshal, including the Law Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal.*
5. *Any other licenses or certifications as required by the Fire Chief, including a valid driver's license.*

It is recommended that the Officers of the Fire Prevention Bureau hold a certification in arson

investigation or an equivalent certification.

Policy 2.10: Captain of the Fire Prevention Bureau

Authority 2.10.1: The Captain of the Fire Prevention Bureau, under the direction of the Administrative Chief, has the authority to supervise the functions of the bureau, interpret the Fire Prevention Code of the City of Charleston, and command the activities of the Arson Investigator and the Public Education/Research and Development Officer.

Primary Duties 2.10.2: Under the direction of the Administrative Chief, the Captain of the Fire Prevention Bureau is responsible for the following primary duties:

1. *Conducting building inspections in accordance with the City of Charleston Municipal Code.*
2. *Reviewing new or renovation construction plans.*
3. *Being the designated authority for the issuance of special burning permits, blasting permits, and fireworks permits.*
4. *Acting in the capacity of a Deputized Assistant Fire Marshall.*
5. *Responsibility for continued instruction and training of members assigned to the Fire Prevention Bureau.*

Secondary Duties 2.10.3:

1. *Assisting in arson investigation.*
2. *Assisting the Public Education Officer; supporting training.*
3. *Assisting with the training of firefighters in pre-planning building inspections, arson investigation, and fire prevention code enforcement.*

The Captain of the Fire Prevention Bureau shall perform any other duties as assigned by the Administrative Chief.

Education, Experience, Training 2.10.4: The Captain of the Fire Prevention Bureau shall obtain his/her rank through promotion as defined in the West Virginia State Code.

Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Captain of the Fire Prevention Bureau shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Captain of the Fire Prevention Bureau shall be certified by the following:

1. *U.S. Department of Labor, Fire Certification Board*
2. *The Apprenticeship Training Program of the State of West Virginia in Professional Fire Fighting Standards.*
3. *Emergency Medical Technician (EMT) certification, Advanced Emergency Medical Technician (AEMT) certification, or Paramedic certification*
4. *Any other licenses or certifications as required by the Fire Chief, including a valid driver's license.*
5. *All training requirements of the West Virginia Fire Marshal, including the Law Enforcement Core Training Standards of the West Virginia State Fire Commission*

and the West Virginia State Fire Marshal.
6. All training levels required for lower ranks.

It is recommended that the Captain of the Fire Prevention Bureau hold a certification of Fire Inspector 1 or equivalent, and be certified in NIMS levels 300 and 400, and to the level of Fire Officer 2.

Policy 2.11: Public Education/Information Officer

Authority 2.11.1: The Public Education/Information Officer, under the direction of the Administrative Chief and Captain of the Fire Prevention Bureau, shall represent the department as the primary liaison with the public and media relating to fire and life safety topics and training programs. The Public Education/Information Officer shall be the official spokesperson for the Charleston Fire/E.M.S. Department.

Primary Duties 2.11.2: Under the direction of the Administrative Chief and the Captain of the Fire Prevention Bureau, the Public Education/Information Officer shall be responsible for the following duties:

- 1. The research and development of community safety projects.*
- 2. Serving as the primary safety educator to the public, including the instruction of the Safety City fire prevention program.*
- 3. Enlisting participation of local businesses and offices in the Life Safe Program (or other programs) and certification for participating buildings; reviewing evacuation plans and assisting fire drills; teaching Fire Warden classes.*
- 4. Coordinating the "Risk Watch" or other pre-school through 5th grade curriculum.; providing training, materials, and support to Kanawha County teachers by evaluating students, interpreting results, and reporting findings to the National Fire Protection Association.*
- 5. Assisting the Recruiting Officer and directing the recruitment of Fire Fighter candidates within Civil Service standards.*
- 6. Assisting in fire inspections, training, and arson investigations as deemed necessary by the Fire Chief.*

Education, Experience, Training 2.11.3: The Public Education/Information Officer shall be assigned to his/her position at the will and pleasure of the Fire Chief, regardless of rank.

Educational requirements for this position shall be consistent with the requirements of the West Virginia State Code and the Firefighters Civil Service Commission.

Training for the Public Education/Information Officer shall be maintained through courses available from professional firefighting organizations and institutions, as required by the Fire Chief. Any additional training may be required by the Fire Department administration as needed to fulfill the duties of the department to its members and the citizens of the City of Charleston.

The Public Education/Information Officer shall be certified by the following:

1. U.S. Department of Labor, Fire Certification Board.
2. The Apprenticeship Training Program of the State of West Virginia in Professional Fire Fighting Standards.
3. Emergency Medical Technician (EMT) certification, Advanced Emergency Medical Technician (AEMT) certification, or Paramedic certification
4. Certified C.P.R. instructor.
5. All training requirements of the West Virginia Fire Marshal, including the Law Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal.
6. Any other licenses or certifications as required by the Fire Chief, including a valid driver's license.

Policy 2.12: E.M.S. Operations Director (407)

Authority 2.12.1: The E.M.S. Operations Director (407), under the direction of the Chief of Operations, shall have the authority to monitor, supervise, and coordinate E.M.S. division operations through his/her E.M.S. Shift Supervisors (408).

Primary Duties 2.12.2: The E.M.S. Operations Director, under the direction of the Chief of Operations, shall be responsible for the following duties:

1. Assisting the Fire Chief and Chief of Operations in executing the proper delivery of emergency medical services to the public.
2. Administering to the public as needed.
3. Ensuring E.M.S. personnel maintain proper emergency medical care techniques.
4. Protecting and securing the confidentiality of medical records.
5. Assisting the Chief of Operations with personnel management, E.M.S. policy, procedures, etc. and/or any aspect of E.M.S. operations as directed by the Chief of Operations or the Fire Chief.
6. Ensuring that all required training for advanced life support skills is delivered.
7. Maintaining records for state O.E.S./E.M.S. certification.
8. The E.M.S. Operations Director (407) shall levy corrective actions as he/she deems necessary for the violation of any rule, consistent with the City of Charleston, WV Civil Service and Charleston Fire Department Policies and Procedures. The E.M.S. Operations Director (407) shall administer the corrective measures through corrective training, verbal counseling, progressive discipline or any combination of those alternatives as defined in 3.1.7 of the Charleston Fire Department Policies and Procedures.

Secondary Duties 2.12.3:

1. Liaison with the West Virginia Office of E.M.S., West Virginia T.S.N., Kanawha Charleston Health Department, Charleston Fire Department Medical Director, legal firms and individuals requesting confidential information, and other E.M.S. agencies
2. Procuring medical equipment and supplies.
3. Serving as the contact person for other departments, special requests, special projects, etc.
4. Assisting the system administrator with E.P.C.R. training/record keeping.
5. Supervise the exposure prevention/protection program, and maintain records of exposure.
6. Supervising the E.M.S. Training Officer and the E.M.S. Shift Supervisors.
7. Attendance of any meetings and/or conferences necessary to the performance of his/her

job duties and responsibilities.

Education, Experience, Training 2.12.4: The E.M.S. Operations Director shall be assigned to his/her position at the will and pleasure of the Fire Chief, regardless of rank.

Training for the E.M.S. Operations Director shall be maintained as specified by the West Virginia Department of Health. Any additional training may be required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens of the City of Charleston.

The E.M.S. Operations Director shall maintain a Paramedic certification and any additional licenses or certifications required by the Fire Chief and the Office of Emergency Services, including a valid driver's license.

Policy 2.13: E.M.S. Shift Supervisor (408)

Authority 2.13.1: The E.M.S. Shift Supervisor, shall have the authority to make decisions for the deliverance of appropriate medical services for his/her respective shift under the direction of the Chief of Operations, E.M.S. Operations Director, and the shift Battalion Chief.

Primary Duties 2.13.2: The E.M.S. Shift Supervisor, under the direction of the Chief of Operations and the Shift Commander, shall be responsible for the following duties:

- 1. Supervising the delivery of emergency medical care to the sick and injured via paramedics and EMTs.*
- 2. Supervising employees, standards of care, the maintenance of equipment and emergency vehicles.*
- 3. Completing various reports and records.*
- 4. Random Q/A of E.M.S. run reports.*
- 5. Assisting in the delivery of training as needed.*
- 6. The E.M.S. Shift Supervisor (408) shall levy corrective actions as he/she deems necessary for the violation of any rule, consistent with the City of Charleston, WV Civil Service and Charleston Fire Department Policies and Procedures. The E.M.S. Shift Supervisor (408) shall administer the corrective measures through corrective training, verbal counseling, progressive discipline or any combination of those alternatives as defined in 3.1.7 of the Charleston Fire Department Policies and Procedures.*

Secondary Duties 2.13.3:

- 1. Maintaining equipment in a state of readiness.*
- 2. Assisting in maintenance/preservation of Fire Department buildings and grounds to insure they are kept in a clean, safe, and well groomed condition.*

Education, Experience, Training 2.13.4:

The E.M.S. Shift Supervisor shall be assigned to his/her position at the will and pleasure of the Fire Chief, regardless of rank.

Training for the E.M.S. Shift Supervisor shall be maintained as specified by the West Virginia Department of Health. Any additional training may be required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens of the City of Charleston.

The E.M.S. Shift Supervisor shall maintain a Paramedic certification and any additional licenses or certifications required by the Fire Chief and the Office of Emergency Services, including a valid driver's license.

Policy 2.14: E.M.S. Training Officer

Authority 2.14.1: The E.M.S. Training Officer, under the direction of the Chief of Operations and the E.M.S. Operations Director, shall maintain the required Advanced Life Support and Basic Life Support training for the members of the Charleston Fire Department.

Primary Duties 2.14.2: The E.M.S. Training Officer, under the direction of the Chief of Operations and the E.M.S. Operations Director, shall be responsible for the following duties:

1. *Coordinating training classes.*
2. *Recording and maintaining training records.*
3. *Coordinating training classes outside of the department.*
4. *Providing required/mandatory State continuing education classes for EMT's, AEMT's, and paramedics.*

Secondary Duties 2.14.3:

1. *Serving as E.M.S. special events coordinator.*
2. *Acting as E.M.S. Shift Supervisor when necessary.*
3. *Maintaining equipment in a state of readiness.*
4. *Maintaining Fire Department buildings and grounds in a clean, safe, well groomed condition.*

Education, Experience, Training 2.14.4: The E.M.S. Training Officer shall be assigned to his/her position at the will and pleasure of the Fire Chief, regardless of rank.

Training for the E.M.S. Training Officer shall be maintained as specified by the West Virginia Department of Health. Any additional training may be required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens of the City of Charleston.

The E.M.S. Training Officer shall maintain a Paramedic certification and any additional licenses or certifications required by the Fire Chief and the Office of Emergency Services, including a valid driver's license.

Policy 2.15: Assistant to the Fire Chief

Position Defined 2.15.1: The Assistant to the Fire Chief is a civilian position, reporting directly to the Administrative Chief and Fire Chief, responsible for the preparation and processing of invoices, and the maintenance of Fire Department line-item accounts.

Primary Duties 2.15.2: The Assistant to the Fire Chief shall be responsible for the following duties:

1. *Providing administrative support to the Fire Chief for preparation and maintenance of the municipal budget, capital outlay, and CDBG requests and expenditures. Processing written correspondence, recruiting materials, advertising literature and or any other assignment of duty as deemed necessary to the operation of the department by the Fire Chief.*
2. *Processing all invoices for payment and maintenance of records for same.*

3. *Reviewing payroll information entered on the city's accounting programs. Submitting various monthly and annual reports which analyze line item expenditures as well as regular, holiday, and overtime wages.*

4. *Maintaining uniform and civilian personnel records with regard to vacation, sick, military and holiday leave. Processing "Change of Status" records for department personnel.*

5. *Developing and updating (based on current and ever changing department needs) various office forms used by Fire Suppression, E.M.S., Fire Prevention Bureau, Training Division personnel and the administrative staff.*

6. *Preparing the Annual Report book, which includes departmental statistics, accomplishments, and developments throughout the year.*

7. *Providing organizational/clerical support to the Administrative Chief, Chief of Operations, Public Education Officer, and Fire and E.M.S. Training Officers which usually includes, but is not limited to, written correspondence and reports that are based on departmental needs or as required by the Fire Chief.*

8. *To research and correct any mistakes made on employee paychecks.*

Secondary Duties 2.15.3:

1. *Answering telephones and providing information and assistance to the public, Fire Department members, and other city departments as needed.*

2. *Preparing the annual length of service increases each month.*

3. *Preparing annual uniform allowance for all members.*

4. *Entering payroll information for day shift department members.*

Skills, Experience, Education 2.15.4: The Assistant to the Fire Chief must have a high school diploma or G.E.D.

The Assistant to the Fire Chief shall have general office experience including, but not limited to, computer skills, book keeping, basic accounting competency as well as reliable record management and/or additional skills.

The Assistant to the Fire Chief shall have an operational knowledge of the city's accounting programs, Timekeeper, Eden System, Kronos, Microsoft Word, Microsoft Excel, etc.

Training for the Assistant to the Fire Chief shall be as required by the Fire Department administration to fulfill duties and responsibilities of the Department to its members and the citizens of the City of Charleston.

Policy 2.16: Office Support Specialist

Position Defined 2.16.1: The Office Support Specialist of the Fire Department is a civilian position reporting directly to the Administrative Chief and Chief of Operations.

Primary Duties 2.16.2: The Office Support Specialist of the Fire Department shall be responsible for the following duties:

1. *Answering telephones and providing information and assistance to the public as needed.*

2. *Assisting the Assistant to the Fire Chief with computer data entry, preparation of monthly reports, statistics, and general office responsibilities.*

3. *Auditing daily entries on guard sheets.*

4. *Providing support to the Fire Chief and other administrators in preparing written correspondence.*

5. *Data entry of Fire Inspection Reports for the Fire Prevention Bureau.*
6. *Generating and processing accident bills for the department and maintaining accurate records of the same.*
7. *Creating and maintaining all Fire Department employee files; answering appropriate inquiries and providing information to authorized personnel.*
8. *Receiving and distributing all departmental and U.S. mail.*
9. *Assisting with scheduling employee drug screening when the Administrative Chief is unavailable.*
10. *Assisting with workman's compensation information when the Administrative Chief is unavailable.*
11. *Answering emails regarding department patches and employment questions.*
12. *Entering overtime in the city's accounting programs incurred by department personnel.*
13. *Maintaining all office equipment and monitor supplies.*
14. *Researching and correcting any mistakes made on employee paychecks.*
15. *Providing assistance in the completion of any task that may be needed by the department.*

Skills, Experience, Education 2.16.3: The Office Support Specialist must have a high school diploma or G.E.D.

The Office Support Specialist shall have general office experience, proficiency with computer programs, book keeping, basic accounting, records management, and dictation skills.

The Office Support Specialist shall have any training required by the administration of the Fire Department to fulfill duties and responsibilities of the department, to its members, and to the citizens it provides services for.

SECTION 3: RULES AND REGULATIONS

Policy 3.1: General Rules

Responsibilities Concerning Rules and Orders 3.1.1: Members of the Fire Department shall familiarize themselves with the requirements of all notices, rules, regulations, laws and ordinances affecting Fire Department operations. In order to effectively perform this responsibility, all members shall read all e-mail messages in their official Fire Department e-mail account on every duty day.

Members of the Fire Department shall be held strictly accountable for the obedience of rightfully given order of Superior Officers. Refusal to obey a lawful order shall constitute insubordination. Obvious disrespect for, or disruption of, a supervisor's order shall likewise be deemed insubordination. *Any directive issued by a Superior Officer to a subordinate shall be considered an order by the subordinate.*

Members shall not publicly criticize or comment derogatorily to anyone about instructions or order received from a superior officer.

In the event that members are performing duties under orders of a Superior Officer and conflicting orders are given, the subordinates under orders shall inform the officers issuing subsequent orders of the prior orders received. If the prior orders are then properly countermanded, the subordinates shall act under the subsequent order.

Members shall abide by federal and state law, local ordinances and rules, and the department's general orders and rules of conduct. Members shall not be required to obey orders that are illegal or in conflict with the departments rules and regulations.

Any member who is given an order he/she believes to be unjust, improper, or contrary to a general order or rule of the department or a federal, state, or city policy should respectfully decline to obey the order and shall state the reason for doing so. The member shall request that the supervisor of the person issuing the order be contacted for instructions if the person issuing the order does not rescind or alter the original order.

Officers shall be just, dignified and firm in their relations with subordinates and abstain from violent, abusive or immoderate language in giving orders and directives. Officers shall be responsible for the strict obedience of all rules, regulations, practices and procedures by members under their command. Should an officer fail to report a violation of an order or the department's rules, that officer shall be equally responsible for the violation.

General Code of Conduct 3.1.2: As a basic condition of membership, all members have an obligation to conduct their official duties in a manner that serves the public interest, upholds the public trust, and protects the department's resources. To this end, all members have the responsibility to:

Perform their duties to the very best of their abilities and in a manner that is efficient, cost-effective, and meets the needs of the public.

Demonstrate integrity, honesty, and ethical behavior in the conduct of all department business.

Ensure that personal interests do not come in conflict with official duties and avoid both actual conflicts of interest and the appearance of conflicts of interest when dealing with vendors, customers, and other individuals doing business or seeking to do business with the department.

Ensure that all department resources, including funds, equipment, vehicles, and other property, are used in strict compliance with department policies and solely for the benefit of the department.

Conduct all dealings with the public, employees of other departments, and other organizations in a manner that presents a courteous, professional, and service-oriented image of the department.

Treat the public and other employees fairly and equitably, without regard to age, race, color, national origin, political affiliation, religion, disability, sex, gender identity, sexual orientation, or any other factor unrelated to the department's business.

Report for duty at the appointed time and place fully equipped, fit, and able to perform assignments.

General Rules of Appearance 3.1.3: All male members of the Fire Department shall be subject to the following restrictions concerning hair length and style:

1. Hair on top of the head shall not be excessive in length at any point and is to be combed or brushed in such a manner as to remain clear of the forehead.

2. Hair, except for cropped areas, shall not protrude below any point along the full band of

the helmet.

3. Hair at the back of the neck shall be tapered and not extend below the shift collar.

4. If dyes, tints, or bleaches are used hair coloring must be in natural looking hair tones. Colors such as green, purple, blue, etc. are prohibited.

5. Decorative shaved areas and similar hairstyles are prohibited.

Mustaches conforming to these provisions may be worn:

1. They must be kept neat and closely trimmed, so that the upper lip is visible.

2. They must not interfere with the fit of an S.C.B.A. face piece.

3. Every member shall otherwise be freshly shaven when reporting for duty. Beards and goatees are expressly prohibited.

Sideburns shall be neatly trimmed and close to the face. They shall not extend below the lower extremity of the ear.

Hair styles for female members of the Fire Department shall meet the following criteria:

1. Hair must be worn in such a way that the hair at the back of the head does not extend more than one inch below the bottom of a buttoned collar of a uniform shirt while the member is standing at attention.

2. In no case is the bulk of the hair permitted to interfere with the proper wearing of fire service headgear, nor shall any style interfere with the proper sealing of a face mask.

3. Hair shall not fall over the eyebrows.

4. Hair holding ornaments (such as, but not limited to barrettes, pins, clips, or bands) if used, must be transparent or similar in color to the member's hair and will be inconspicuously placed. Beads and other ornamental items are prohibited.

5. Hair nets of any kind shall not be worn.

6. Wigs or hairpieces may be worn as long as the wig or hairpiece is a natural color and the style and lengths conform to appearance standards.

7. If dyes, tints, or bleaches are used hair coloring must be in natural looking hair tones. Colors such as green, purple, blue, etc. are prohibited.

8. Decorative shaved areas and similar hairstyles are prohibited.

9. Pony tails, pig tails or similar styles are prohibited.

Members shall not wear dirty, worn, shabby or patched uniforms; all such apparel shall be replaced when necessary.

Regulation uniform cap insignia, coat badges and/or fire helmet front piece insignia shall be worn to properly identify rank, in accordance with the uniform regulations of the Charleston Fire Department.

No unauthorized insignia, badges, buttons, or jewelry shall be worn while on duty, nor any unapproved uniforms.

Members of the Fire Department may not have tattoos, body markings or brands on the neck, tongue, lips, or any other part of the head. This would be any tattoo which can be visible above the officer's uniform or undershirt collar. Tattoos below the wrist, and on any part of the hands are prohibited with the exception of a wedding band tattoo on the left ring finger which is no wider than 1/3 of an inch. This restriction related to the location of tattoos, body markings, or brands applies prospectively as of the effective date of this policy. In other words, any Member of the Fire Department that already has a tattoo, body marking, or brand in violation of this policy will not be in violation of the policy for any such tattoo, body marking, or brand in place on the effective date of this policy.

Tattoos, body markings or brands anywhere on the body that promote racism, discrimination, indecency, extremism or supremacist philosophies, lawlessness, violence or contain sexually explicit material are prohibited. The Charleston Firefighters Civil Service Commission shall be the final authority in determining if a tattoo, body marking or brand is authorized and whether or not to require members to wear long sleeves to cover the tattoo, body marking or brand in question while on duty as part of the appointment process. A member wanting to get any additional tattoo(s) that will be seen in an approved uniform must obtain the approval of the Fire Chief. If the Fire Chief requires the tattoo be covered, the member may appeal the decision to the Firefighters Civil Service Commission.

Members having tattoos, body markings or brands that are deemed by the Firefighters Civil Service Commission to be in violation of this policy shall have said tattoos, body markings or brands removed at their expense, in a time period not to exceed twelve (12) months from the time such members are ordered to have said tattoos, decals or replicas removed by the Firefighters Civil Service Commission. Any extension of this time period must be approved by the Firefighters Civil Service Commission.

Honors and Courtesies 3.1.4: Fire Department members in uniform shall come to a position of attention when the flag of the United States is passing in parades or reviews. Members in uniform shall be brought to attention at the passing of the flag of the United States with the officer only rendering the hand salute.

When the National Anthem is played on any public occasion, members in uniform shall remain covered, face the source of the music or the flag of the United States and stand at attention.

Fire Department members shall address their Superior Officers by proper title, according to his/her rank, when in the presence of civilians and when using the radio. The first name of the Superior Officer shall not be used.

Supervisors shall exhibit courtesy and respect to their subordinates and shall treat all members in a fair and impartial manner.

Members shall treat one another with due courtesy and shall not engage in horseplay or disrespectful conduct while on duty.

Members are required to speak the truth at all times, whether or not under oath, in giving testimony, in connection with official orders, and with official duties.

Members shall not make false reports concerning department business or personal character or conduct of any member.

Members shall be courteous and respectful to the public and other city employees, and are required to give their names and ranks whenever requested by the public.

Maintenance of Stations 3.1.5: It shall be the responsibility of every member to conduct the proper cleaning and maintenance of the fire stations they inhabit. Ultimately, the company officers of the fire stations must ensure that these tasks are completed.

Daily Station Duties: The station duties that shall be performed daily include:

1. The emptying of all trash cans.
2. The sweeping and mopping of all floors and stairwells.
3. The cleaning of toilets, urinals, sinks, counter surfaces, and other bathroom surfaces.
4. Policing of day rooms, dormitories, kitchens and any other areas for debris or trash.
5. The spraying down of apparatus bay floors.
6. The removal of hose from hose dryers.
7. The filling of cascade systems (where applicable).
8. The cleaning of dishes and kitchen surfaces.
9. Any small maintenance required (replacing light bulbs, paper towels, toilet paper, etc.)

The company officer shall be responsible for ensuring these duties are completed and to log them on the station check-off sheet.

Weekly Station Duties: The following duties shall be performed weekly, on Saturdays, or on the following Tuesday if weather conditions do not permit the completion of these duties on Saturday:

1. The policing of the station grounds for trash and debris.
2. Mowing the grass and trimming weeds.
3. Hosing down the parking lots and apron areas.
4. Cleaning the brass fire poles.
5. Cleaning out refrigerators.
6. Cleaning the oven and microwave oven.
7. Starting station generators and checking their fluid levels.

Monthly Station Duties: Washing of station windows shall be completed on the first day of each month.

Requests for Station Repairs/Supplies: All requests for station repairs shall be made by the Company Officer(s) to the Administrative Chief (402).

No member shall make any purchases on behalf of the Fire Department without prior approval. Any member doing so may be held responsible to pay for those purchases. No member shall perform any construction maintenance to the station or make any permanent changes to the station without the approval of the Fire Chief.

Station Lockers: It shall be the responsibility of each member to ensure that his/her locker is clean and maintained in good order. Members are prohibited from storing any unlawful item in his/her

locker, including any liquid or device stored for the purpose of evading a test for substances. Furthermore, the lockers are City property and members have no right to privacy regarding the contents of their locker. Rather, the member understands and the City confirms the locker is City property and, therefore, the City may conduct a search of the locker at any time.

Maintenance of Vehicles 3.1.6: Under the supervision of Company Officers, all Fire Department vehicles shall be kept in a clean condition, in good repair and ready for immediate use. After each use, vehicles shall be cleaned and examined as to operating condition. If a vehicle arrives at its home station after 2000 hours, it shall be thoroughly inspected but its cleaning shall be the responsibility of the oncoming shift. During inclement weather, vehicles shall be hosed to remove surface mud and dirt.

The use of flammable liquids or steam for cleaning purposes is strictly prohibited.

All vehicles shall be waxed once a month by the shift working on the first day of the month. Waxing is to be completed during the first week of the month.

If a cold engine is started, it should be operated until a normal operating temperature is reached to prevent crank case contamination.

Daily Apparatus Checks: Lieutenants shall be responsible to their Company Officers for the cleanliness, maintenance, and operating condition of the vehicles to which they are assigned. Lieutenants shall inspect the fire apparatus to which they are assigned, at the beginning of their tours of duty, so as to conform to the operational requirements of the Fire Department. Upon completion of their daily inspections, Lieutenants shall fill out the appropriate inspection form and notify their Company Officers. The officer in charge of each apparatus shall forward the apparatus inspection forms to the Administrative Chief (402), Operations Chief (403), each Battalion Chief (450), and each Captain assigned to the apparatus for that station each day via e-mail attachment in order to review the inspections and have the apparatus examined.

Weekly Apparatus Checks: Once each week on Fridays, all vehicles shall be given a thorough cleaning, with special attention given to all moving parts and the engines. All engine and drive train fluid levels shall be checked and corrected if found to be low. Additionally, the storage compartments of each apparatus shall be cleaned and the fluid levels of all motorized equipment shall be checked and the motors operated.

Once each week, on Friday, the pumps for each fire apparatus shall be back-flushed and the water tanks drained and refilled. Each water control valve and each drain valve shall be operated and checked for proper operation. The intake strainers shall be checked for damage and cleaned as necessary. The operation of the pump, transfer valve, and pressure relief devices shall also be checked for proper operation.

Care of Reserve and Replacement Apparatus: All reserve apparatus and other Fire Department vehicles garaged at fire stations shall be kept clean and maintained in proper working order under the direction of the Company Officer of the engine company quartered in the fire station. Company Officers shall be held accountable for the cleanliness and maintenance of the spare apparatus while such vehicles are in their custody. Daily checks of reserve apparatus shall be made at the direction of the Company Officer, and the results of the inspection recorded on the appropriate check list. No equipment shall be removed from reserve apparatus without permission from the appropriate supervisor (450/408).

Placing Apparatus Out of Service: If any unsafe condition exists concerning the apparatus, the apparatus shall be removed from service by the Company Officer who shall notify the Shift Commander and the emergency communications center (METRO-911). Conditions that warrant placing an apparatus out of service include, but are not limited to:

1. A failure of the braking system that results in the vehicle being difficult or impossible to stop.
2. A failure of the windshield wipers during inclement weather.
3. The failure of headlights, brake lights, or tail lights during periods of darkness.
4. A flat tire.
5. The inability to engage or operate the fire pump.
6. A failure of the hydraulic system or other component that prevents the operation of an aerial device.
7. Failure of the power steering system.
8. A failure of the coolant system, causing the engine to over-heat.
9. Any battery, alternator, or electrical system failure that prevents the vehicle from being started or that results in a discharge of the electrical system.
10. A failure of the HVAC system in the patient compartment of an ambulance during periods of temperature extremes where failure to provide heat or cooling would compromise patient care.
11. Any defect that, if not immediately corrected, would cause further damage to the apparatus, or would endanger the lives of either the general public or the personnel assigned to it.

Vehicle Work Orders: After the morning check of vehicles, any repairs needed will be recorded on a work order form and e-mailed to “**Fireshop.**” If the repairs are deemed a priority, 450 will be contacted by the mechanics and asked to have the unit respond to the garage immediately. Otherwise the work will be scheduled in a timely manner by the mechanics. When an apparatus is in the repair shop, the driver shall stay with the unit unless told otherwise by 450. When the work is completed, the driver and the mechanic shall sign the work order stating either the work was completed or state when the work will be done and why it is being delayed. A log of all work orders will be kept by the mechanics and in the station apparatus book. A notation of any repairs shall be made in the company log book. The driver of each apparatus shall, at the end of their tour of duty, review with his/her relief the status of the unit and any other repairs done or needing to be done before leaving the station.

Day Shift Vehicles: The personnel to whom day shift vehicles are assigned are responsible for keeping their vehicles clean and orderly.

Answering Alarms and Vehicle Operation 3.1.7: Members of the Fire Department have a duty to answer alarms. No member of the Fire Department, when on duty, shall fail to ride the fire truck, or other unit to which he or she is assigned, in its response to an emergency alarm unless excused by his or her immediate superior. At times of serious emergency, all members of the Fire Department, whether on or off duty, shall answer alarms at the command of their superior officers.

Readiness to Answer Alarms: When in Fire Stations, members on duty shall remain in readiness to respond instantly to alarms, unless otherwise ordered by superior officers. While on inspection assignments or while awaiting orders at fires or other emergencies, members shall not become separated from their companies insofar as is possible. All companies that respond together should communicate and coordinate their respective activities in order to maintain proper territorial coverage.

Response of Emergency Vehicles: Upon receipt of an alarm, all units shall respond in accordance with West Virginia Code, Chapter 17C, Article 2, Section 5, which states:

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement of turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted flashing lamp as authorized by section twenty-six, article fifteen of this chapter which is visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a warning light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Department vehicles responding to alarms shall proceed past a red signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation.

Department vehicles proceeding along the same street to or from an alarm shall be aligned in a single file. Passing of one department vehicle ahead of another shall be done only upon a signal from the Lieutenant or Officer of the preceding vehicle indicating that the passing can be done safely.

Emergency warning lights and headlights shall be lighted when responding to alarms. Emergency warning lights shall only be turned off upon arrival at the location of the alarm unless traffic conditions warrant the continued use of such lights as a safety measure.

Excessive use of sirens shall be prohibited.

Fire Department vehicles may respond in a non-emergency fashion in the following instances:

1. Instances where lights and sirens could disrupt or otherwise cause adverse effects on the situation. The Company Officer may use his judgment to alter the response mode.

2. Non-emergency investigations.

The Company Officer and/or the Driver Operator of C.F.D. vehicles shall be held accountable for the safe and prudent operation of said vehicles. All C.F.D. members shall wear seat belts ANYTIME they are driving or riding in a C.F.D. vehicle. **The use of cell phones while driving/operating any Charleston Fire Department vehicle is strictly prohibited.** Additionally,

no member shall use a cell phone while on the scene of any emergency call unless it is used toward the resolution of the emergency at hand or other Fire Department business.

Upon arrival at the emergency scene, apparatus should be placed in the most advantageous position to fully utilize that apparatus. All arriving companies should attempt to place their apparatus in a manner not hindering operations. All apparatus not immediately needed on the scene shall stage per the Incident Commander's orders. All personnel shall be prepared to perform emergency operations upon arrival at an incident.

If a unit is out of service, the Company Officer of that unit is responsible for monitoring the radio traffic and keeping abreast of developing situations.

All personnel assigned to a station shall maintain a working knowledge of the assigned territory. All appropriate units shall respond to an incident unless otherwise directed by a Chief Officer or E.M.S. Supervisor. Personnel should have a working knowledge of all fire, E.M.S., water rescue and any other operations normally performed by units of their assigned station, and have a general working knowledge of the apparatus and equipment in their assigned stations.

If, in the opinion of the Company Officer, any member assigned to an apparatus is not capable of operating or performing the duties expected of that apparatus, he or she shall immediately attempt to rectify the situation by instructing the member in the proper operation of the apparatus. If this isn't possible, the Company Officer shall immediately contact the Battalion Chief for direction.

Any E.M.S. call shall be considered an emergency and shall warrant a lights and siren response. The E.M.S. Supervisor may, at his or her discretion, advise the responding companies to reduce the response level if the situation dictates.

All persons, other than members of the Fire Department, shall be strictly prohibited from riding fire apparatus unless authorized by the Fire Chief or his Assistant Chiefs.

The driver of Charleston Fire Department Apparatus shall conduct a 360-degree survey around the vehicle before movement of the apparatus occurs.

Wheel chocks shall be utilized on apparatus as follows:

- Wheel chocks shall always be utilized (when so equipped) when the vehicle is parked and not in quarters. This includes routine inspection and maintenance of the apparatus
- Wheel chocks are to be used in conjunction with either air or mechanical brakes.

Placement and removal of wheel chocks is the responsibility of the driver.

Fire Department vehicles shall not be backed up unless properly guided. A member of the company shall get off the apparatus and personally supervise the operation.

Returning from Calls: Units returning from alarms shall obey all traffic signals, patterns, and speed limits. When returning from alarms, or going to or from assignments other than alarms, emergency warning lights shall not be used. All units returning from alarms shall make sure equipment used at an incident is returned to a state of readiness and any malfunction or breakage of equipment is noted in the log books and reported to the Battalion Chief. Hose and equipment shall be cleaned and serviced according the maintenance section of these Policies and Procedures.

Education in Safe Driving Practices: Under the direction of the Fire Chief and Training Division, all Battalion Chief and Company Officers shall conduct periodic training sessions on the subject of

safe driving practices.

Under the direction of the Company Officer, company members may be alternated in driving the company apparatus when returning from alarms or when on emergency assignments to keep them familiar with the proper handling of the apparatus.

Whenever evidence of unsafe driving practices is brought to the attention of any Fire Department officer, it shall be his/her duty to report the practice to his or her superior.

Mandatory Specialized Training and Licensing/Certification; Limitation on CFD Payment/Reimbursement 3.1.8: The Fire Chief, at his or her discretion, may order a member of the Department to successfully complete specialized training and become certified and/or licensed in a particular job-related skill, discipline, and/or service as a result of the member's successful completion of that training and any associated testing requirements. Such mandatory specialized training may include, but shall not be limited to, Hazardous Materials, Dive Rescue, Rescue (various types/situations), Arson, Fire Prevention, Plan Review, Advanced Emergency Medical Technician and/or Paramedic Training. Upon approval by the Chief or his designee, the Department will pay/reimburse for a member's first attempt of mandatory training for a particular job-related skill, discipline, and/or service, along with any costs associated with testing and obtaining the certification and/or license. If a member does not successfully complete the training and/or pass any related test required to obtain certification and/or licensing associated with the training, it shall be the member's sole responsibility to pay for training and testing costs incurred as a result of retaking said training and testing to obtain the required certification and/or licensing. For members who have already successfully completed any specialized training and obtained a related certification and/or license, the Department shall pay/reimburse for the cost of any required continuing training/education requirements and for any cost associated with renewal of said certification and/or license. However, if a member fails to successfully complete any requirement(s) associated with successfully maintaining and/or renewing a certification and/or license, or if a member causes any required certification and/or license to be suspended, revoked or to lapse due to the member's acts or omissions, the member shall be responsible for any costs associated with obtaining renewal of the certification and/or license.

Miscellaneous Rules 3.1.9: Visitors to fire stations shall be politely escorted about the premises and proper explanations shall be made to them by the members of the Fire Department. Visitors shall not be permitting in fire station dormitories after 8:30 p.m. (2030 hours). Social gatherings of any nature shall not be permitted in fire stations without authority from the Fire Chief.

Members, without exception, are required to maintain a telephone in his/her home or place of residence, or a mobile telephone, and to provide the Fire Chief, through channels, his/her telephone number.

Members shall notify the Fire Chief's Office within a period of five (5) days of any change in residence or telephone number.

Fire station telephones shall not be used to make any unofficial long distance or toll calls.

Members on duty shall be permitted to occupy their beds only between the hours of 8:30 p.m. (2030 hours) and 7:00 a.m. (0700 hours), unless special permission is granted them by the Company Officer.

Off-duty members shall not loiter about fire stations nor be permitted to sleep therein without

permission of the Company Officer.

Games involving gambling for money or other articles of value shall be strictly prohibited in fire stations.

The storing, repairing and maintaining of automobiles other than those owned by the City of Charleston shall be strictly prohibited in fire stations. The washing of personal vehicles by members on duty is permitted after the hours of 4:00 p.m. (1600 hours) on weekdays and 12:00 pm. (1200 hours) on Saturdays and Sundays.

The parking of private automobiles of members near fire stations shall be in strict accordance with traffic regulations and in such manner as to promote good public relations. Members may park their cars on Fire Department property where such parking may be done without interference with the operations of the fire unit(s) concerned.

The storing or keeping of boats, bicycles, appliances, furniture, toys or other possessions belonging to members in fire stations shall be strictly prohibited.

No member of the Fire Department shall display any sign, advertisement, handbill, etc. of a commercial or political nature upon city property

In matters of general conduct not within the scope of the Fire Department Rules and Regulations, members shall be governed by the ordinary rules of good behavior observed by law abiding and self-respecting citizens. Members shall be held strictly accountable for disorderly, disgraceful or unlawful conduct, or for the commission of any act tending to bring discredit or reflection upon the department while on duty or off duty. It is incumbent upon all members of the Charleston Fire Department to conduct themselves as professionals at all times.

The following activities are prohibited by members while on duty:

- Unlawful behavior, quarrelsome conduct, lewd or indecent activity.
- Possession of a firearm or other deadly weapon on city property: *Provided*, That the Fire Chief, Assistant Chief, and Members of the Fire Prevention Bureau who have completed all of the training required by the West Virginia Fire Marshal, including the Law Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal may carry a duty firearm while on duty.
- Threats or acts of physical violence against members of the public, coworkers, or city employees.
- Abusive behavior, hazing, or harassment of coworkers or members of the public.
- Horseplay, practical jokes, or other disruptive behavior.
- Alteration or modification of vehicles, apparatus, buildings, computers, or items of equipment owned or operated by the department without the Fire Chief's authorization.
- Acceptance or solicitation of gifts, rewards, or fees for services incidental to the performance of one's duty.
- No member shall be required to make a donation to any person or organization as a condition of employment.
- Publicly criticizing the official actions or orders of a superior officer.
- Speaking disrespectfully of the department or its members.
- Recommending or endorsing specific products, trade names, or businesses.
- Conducting personal business or performing any activity for which the member will receive any form of compensation from anyone other than the City of Charleston.

- Performing any act or making any statement, oral or written, about ones' immediate supervisor, intending to destroy discipline and good order.
- Performing any act or making any statement, oral or written, about one's coworkers, intending to destroy good morale, good order, or working relationships with coworkers.
- Displaying insolence or indifference or evading duty during an emergency incident. Any member found to be guilty of this offense shall be relieved of duty immediately.
- All members shall, on duty, devote all of their time to the business of the fire department. Part-time business cannot be transacted while on duty. This includes not using department telephone lines for business purposes.
- Outside employment of personnel, during off-duty hours, shall not interfere with their fire department duties.
- Members shall not engage in outside work while on sick leave from the fire department. This shall include self-employment.

Penalties 3.1.10: The Fire Chief shall levy such penalty as he deems necessary for the violation for any above rule, or any other rule, consistent with the authority granted him/her by the Charleston City Code and West Virginia State Law, Chapter 8, Article 14A.

Discipline 3.1.11 When an internal investigation results in a finding of sustained, the Fire Chief or his designees may initiate disciplinary proceedings.

DISCIPLINARY GUIDELINES

The Department has a responsibility to its Members and the community to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. In that regard, the goals of the Department may be best served by corrective training, verbal counseling, discipline or any combination of those alternatives.

Disciplinary Actions West Virginia Code provides that before any punitive action is taken against a member, that the member be notified that he or she is entitled to a hearing on the issues by a hearing board, commonly referred to as a Conduct Review Board, or the Civil Service Commission. While management may recommend a particular level of discipline for violation of policy and/or standards, West Virginia law provides that the member has a right to obtain a hearing where the actual discipline to be imposed is determined by the Conduct Review Board after a Conduct Review Board Hearing, subject to any appeal to the Civil Service Commission. A member may always waive this right to a hearing and accept the recommended discipline. These guidelines are intended to guide Members, the Conduct Review Board, and the Commission in the fair and consistent imposition of discipline when discipline is appropriate.

All discipline and termination actions shall be for cause only. The Conduct Review Board can order corrective training, retraining, counseling, issuance of a written reprimand, probation, suspension, reduction in rank, termination, any combination of the above, or any other action in the spirit of the law and these recommendations for the good of the Department.

Cause Defined Cause is defined as any situation when a Member fails to comply with or satisfy the legitimate performance expectations of the Fire Department --whether the expectations are written, verbal or established through customs, traditions or practices. Factors to be considered in determining whether cause exists to support a disciplinary action include but are not limited to:

- Advance notice (expressed verbally or in writing) of what conduct is required or prohibited.
- Notice that the consequences for failure to comply with such expectations may result in disciplinary action.

- A rational relationship between what is required and the efficient, effective, and safe operations of the Fire Department. It is to be assumed that all directives of management are reasonable and rational until proven otherwise by the Member contesting them.
- A fair and objective investigation was conducted to determine the facts, and the Member was given an opportunity to be heard, represented, present evidence, or challenge such facts.
- Substantial evidence exists to prove the Member failed to comply with or satisfy the legitimate performance expectations of the Fire Department. (Substantial evidence means evidence that would lead a reasonable person to believe that it is true.)

Should there be cause for discipline; the Factors of Equity will be taken into consideration in determining what level of disciplinary action will be taken or whether termination will occur. Each decision will be made on a case-by-case basis.

The Factors of Equity The seriousness of the offense as it relates to the nature and extent of damage or the potential damage or future liability to the City of Charleston as an employer.

- The deterrent effect (i.e., message) that needs to be conveyed to other Members to prevent similar infractions or to ensure those similar infractions will not occur or be tolerated.
- The degree of Member culpability (i.e., fault), if any, and the Member's attitude about acknowledging wrongdoing and making a commitment to improve; this includes the Member's cooperation in the investigation and resolution processes.
- The Member's previous disciplinary and performance records to include, but not limited to time between other offenses, the nature of other offenses, work productivity, attendance rates, cost of supervision, types of performance errors and the like.
- The Member's training and seniority.
- Discipline imposed on other Members for similar offenses.
- Disciplinary actions may not be used to unlawfully discriminate against a Member.

Progressive Discipline Progressive discipline theory holds that the level of disciplinary action taken against a Member should be commensurate with the Factors of Equity as expressed above. Discipline can progress incrementally from the lowest to the highest level; be reversed if infractions show improvement over previous infractions; and, depending on circumstances, steps can be skipped, particularly if the offense creates a serious result or liability for the Fire Department. Each case will be reviewed on a case-by-case analysis. The steps comprising the progressive discipline system consist of counseling, reprimand, suspension, and termination. All steps related to progressive discipline must be documented on prescribed forms.

Counseling/Corrective Training This is the least intrusive step in the progressive discipline system; however, it may be skipped if warranted by the Factors of Equity. Counseling or assigned corrective training may occur verbally and be reduced to writing later for documentation purposes. Documenting a counseling session does not make it a reprimand.

Reprimand A reprimand is typically the second step in the progressive discipline system; however, it may be skipped if warranted by the Factors of Equity. Reprimands are serious events and are used to impress on the Member the need for change, before affecting the Member's economic situation in the Fire Department.

Suspension Suspensions are very serious in nature and occur when a Member fails to respond positively to lesser forms of corrective action, or the nature of the violation is serious enough to justify skipping lower levels of discipline. This means the offense is serious enough that corrective counseling or a written reprimand would send the wrong message to others or is likely to have little

or no effect on the offending Member's conduct or behavior. A Member may be suspended without pay for any single offense or for multiple offenses arising out of the same incident. The length of suspension or extensions of such suspensions shall take into consideration the Factors of Equity.

Termination All Members are subject to termination for cause. Cause for disciplinary termination may include but are not limited to:

- Failure to maintain required certifications and proficiencies.
- Conduct serious or persistent enough in nature that future retention would impose an undue burden on the City, create a liability issue, or would effectively destroy the Member's credibility with peers, supervisors or members of the community.
- Chronic disciplinary problems including such things as being excessively absent from duty (particularly non-scheduled absenteeism), disgruntled or problematic work attitudes that promote discord and affect work place morale, or a consistent failure to meet productivity standards--"soldiering" (i.e., loafing or a deliberate reduction of output, wasting time, only doing enough to get by).
- Termination may also result when there are, substantial impairment of the employment relationship, situations where performance is not reasonably expected to improve or where problems are not expected to be resolved in a reasonable time. Examples of substantial impairment of the employment relationship include unreasonable disruption to normal operations of the organization, endangering the organization's mission purpose, actions or inactions that contribute to an unnecessary risk to the public image, creating conflicts of interest, committing repeated offenses different in nature but when bundled together demonstrate irresponsible behavior, and acts of disloyalty that cause supervisory and command personnel to lose trust, faith and confidence in the Member's ability to work in a non-directly supervised manner.
- Misconduct of a substantial nature which might not ordinarily result in termination may be grounds for termination after consideration of the Member's entire disciplinary history and in accordance with progressive discipline.
- Dishonesty, providing misleading information or half-truths, failing to disclose relevant information in an investigation, willfully departing from the truth or falsifying written or verbal communications in official reports or statements, testimony or actions.
- Refusal of a Member witness (other than an accused officer) to answer, or answering falsely or deceptively, may result in disciplinary action.
- Conviction of any crime or the loss of driving privileges.

Appeals Disciplinary actions imposed by a Conduct Review Board may be appealed by the Member and/or the Fire Chief to the Charleston Fire Civil Service Commission. A written notice of appeal hearing must be filed with the City Clerk with a copy given to the Civil Service Commission.

Deactivation In the absence of any other specific agreement between the Fire Department and its Members, the following discipline deactivation period is established.

- Counseling will be in effect for 6 months.
- Written Reprimands will be in effect for 12 months.
- Suspensions of 40 hours or less will be in effect for 24 months.
- Suspensions for more than 40 hours will be in effect for 36 months.

If no further performance problems occur during the active corrective period the discipline will be formally deactivated at the end of the prescribed time period. Deactivation does not result in the removal of documentation from the Member's record, but it will not be considered for progressive disciplinary purposes. Notice: Deactivating a disciplinary record does not invalidate its use when a termination decision is involved. In termination decisions, the Member's complete employment

history will be taken into consideration.

Policy 3.2: Photography, Video Production, Recording at Emergency Scenes

Members in Authority 3.2.1: It is the policy of the Charleston Fire Department that the following members have the authority to photograph, make video footage of, or otherwise electronically document emergency scenes for the purposes of training, investigation, or other documentation:

1. *The Fire Chief, Administrative Chief, Operations Chief or his/her designee*
2. *The Incident Commander or his/her designee*
3. *The Safety Officer/Training Officer*
4. *Officers of the Bureau of Investigation*
5. *The E.M.S. Supervisor*

Prohibited 3.2.2: Any photography, production of video footage, or any other electronic documentation by any member, other than those listed above, of any emergency scene, Charleston Fire Department equipment or personnel operating at an emergency scene, training session, or departmental meeting or any other depiction is prohibited.

Furthermore, any photographs, video footage, or recordings produced by authorized members are the property of the Charleston Fire Department. Any reproduction, publication, or public display by any member without the consent of the Fire Chief shall be considered theft of Fire Department property.

Penalty 3.2.3: The Fire Chief shall levy such penalty as he deems necessary for the violation for the above rule, or any other rule, consistent with the authority granted him/her by the Charleston City Code and West Virginia State Law, Chapter 8, Article 14A.

Policy 3.3: Protection of FD Image

Responsibility 3.3.1: It is incumbent upon all members of the Charleston Fire Department to foster a positive image of the department in the public eye through a diligent effort to present themselves and the department in a professional light. Only through the support of the citizenry of the City of Charleston will the Fire Department continue to function effectively.

Prohibited 3.3.2: No member of the Charleston Fire Department shall publicly criticize the Fire Department, its policies, officers or members in writing, broadcast, or any other public media or otherwise damage the reputation of the Fire Department in the public eye.

Members of the Charleston Fire Department shall not reproduce, publish or post to the internet or other public forum, any image(s) depicting Charleston Fire Department equipment, logos, insignia, or other identifying property or represent themselves in a public forum as an employee of the Charleston Fire Department with other information, opinion, or posture that would depict the fire service negatively or bring embarrassment to the department.

Penalty 3.3.3: The Fire Chief shall levy such penalty as he deems necessary for the violation for the above rule, or any other rule, consistent with the authority granted him/her by the Charleston City Code and West Virginia State Law, Chapter 8, Article 14A.

Policy 3.4: Tobacco Use

Smoking Policy 3.4.1: The Kanawha-Charleston Board of Health has adopted the Clean Indoor Air Act which is aimed at protecting public health by minimizing exposure to harmful environmental toxins, including second-hand smoke. To this end, it shall be the policy of the Charleston Fire Department to prohibit the following:

** Charleston Fire Department members are prohibited from smoking or vaping in any City building, including Fire Stations, and shall not smoke or vape within 15 feet of any entrance, exit, or window of these buildings.*

** Charleston Fire Department members are prohibited from smoking or vaping in any City vehicle.*

** Charleston Fire Department members are prohibited from smoking or vaping on any response scene under command of the Charleston Fire Department.*

Smokeless Tobacco 3.4.2: The use of smokeless tobacco products such as chewing tobacco or snuff is prohibited in any and all sleeping quarters and Charleston Fire Department vehicles.

As a matter of hygiene, the spitting of smokeless tobacco products into trash cans, drinking fountains, sinks, urinals, or any other Charleston Fire Department equipment is prohibited.

Members utilizing improvised spittoons (bottles, cans, cups, etc.) shall be responsible for disposing of these items themselves. **At no time** shall a member leave these items in or around fire stations for personnel of the on-coming shift to clean up.

Penalty 3.4.3: The Fire Chief shall levy such penalty as he deems necessary for the violation for the above rule, or any other rule, consistent with the authority granted him/her by the Charleston City Code and West Virginia State Law, Chapter 8, Article 14A.

Policy 3.5: Internet Policy

The Charleston Fire Department hereby adopts into these policies and procedures the internet policy of the City of Charleston, which is contained in Section 8.9 of the City of Charleston Personnel Rules and Administrative Policies and generally states as follows:

Policy Statement 3.5.1: The City of Charleston has established a policy with regard to the access and use of the internet by its employees or employees of its affiliates, and vendors using the City's network system. The City of Charleston intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required under the circumstances.

Approved Use 3.5.2:

1. Use of the internet by employees and duly authorized representatives is permitted and encouraged in cases where such use is both suitable for business purposes and supports the goals and objectives of the City and its departments. In such cases, the internet is to be used in a manner that is consistent with the City's standards of business conduct and as a part of the normal execution of an employee's job responsibilities.
2. Consultants/Contractors can, with the approval of the City Manager, use the City's internet for

business purposes to the extent needed to complete a stated assignment.

3. Employees may make appropriate personal use of the internet from the City facilities before and after business hours, during meal breaks, or during weekends or holidays. Some examples of appropriate personal use include:

- a. Performing nonprofit or community service;
- b. Participating in personal or civic associations;
- c. Conducting educational or research projects;
- d. Retrieving news stories and other information of general interest; and
- e. Pursuing reasonable hobby or recreational interests.

Prohibited Use 3.5.3: Using the City of Charleston facilities or equipment to make abusive, unethical or inappropriate use of the internet will not be tolerated and shall be considered cause for discipline, up to and including termination.

Examples of inappropriate employee internet use include, but are not limited to, the following:

- a. Conducting illegal activities;
- b. Accessing or downloading pornographic material;
- c. Gambling;
- d. Soliciting for personal gain or profit;
- e. Revealing or publicizing proprietary or confidential information;
- f. Representing personal opinions as those of the City;
- g. Making or posting indecent remarks or proposals;
- h. Uploading or downloading commercial software in violation of its copyright;
- i. Downloading any software or electronic files without reasonable virus protection measures in place; and/or
- j. Intentionally interfering with the normal operation of any City internet gateway.

Use of the City's computer networks is subject to audit, inspection, and monitoring as deemed appropriate by the City. The City may maintain an audit log of every internet access transaction as deemed necessary or appropriate.

No export-controlled information or technical data that is not in the public domain shall be posted to public groups on the internet. In addition, City confidential, classified, or proprietary information shall not be transmitted over the internet without prior management approval and reasonable security measures in place.

Policy 3.6: Email Policy

The Charleston Fire Department hereby adopts into these policies and procedures the e-mail policy of the City of Charleston, which is contained in Section 8.8 of the City of Charleston Personnel Rules and Administrative Policies and generally states as follows:

Policy Statement 3.6.1: The City of Charleston maintains an electronic mail system. This system is provided to assist in the conduction of business. The City of Charleston has established policies with regard to use, access and disclosure of electronic mail messages created, sent or received by City employees or employees of its affiliates using the City's electronic mail system. The City of Charleston intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required under the circumstances.

Rules for Use 3.6.2:

1. The e-mail system software and hardware is the City's property. Additionally, all messages composed, sent, or received on the electronic mail system are, and remain, the property of the City.
2. The e-mail system is intended solely for the conduct of business at the City. Personal e-mails should be kept to a minimum.
3. The electronic mail system may not be used to solicit on behalf of commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
4. The e-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive or disruptive under this policy are any messages which contain sexual inferences, racial slurs, hate speech, or any other comment that offensively addresses an employee's or other person's age, race, gender, sexual orientation, religious beliefs, political beliefs, national origin, or disability.
5. The e-mail system shall not be used to knowingly send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
6. The City reserves and may exercise at any time the right to review, audit, intercept, and access all messages created, received, or sent over the e-mail system. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the City without the permission of the employee.
7. Notwithstanding the City's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve and read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Director of Human Resources or the City Attorney.
8. Employees may not gain, or attempt to gain access to another employee's e-mail messages without the latter's permission, unless authorized by the employee's Department Head for a legitimate City business purpose.
9. Security messages can only be guaranteed within the City's intranet. Confidential or sensitive business related e-mail should not be sent to users outside the City without being encrypted.
10. Any employee who discovers a violation of this policy shall notify the IS department or their supervisor or Department Head.
11. Any employee who violates this policy or uses the e-mail system for an improper or unlawful purpose may be subject to discipline, up to and including termination.
12. The City will determine the amount of message storage available to employees. When an employee reaches their individual maximum limit of storage, they may not be able to receive any new messages until the employee deletes unnecessary data attributable to their email account. Employees are encouraged to keep their Inbox, Deleted Items, and Sent Items cleaned-up in order to maximize available storage.

Policy 3.7: Sexual Harassment/Discrimination Policy

The Charleston Fire Department hereby adopts into these policies and procedures the sexual harassment, workplace violence, and discrimination policy of the City of Charleston, which is contained in Section 8.19 of the City of Charleston Personnel Rules and Administrative Policies and generally states is as follows:

Statement of Policy 3.7.1: The City of Charleston expects and promotes a work environment that is free from fear, violence, intimidation, hostility, harassment or other unwelcomed/unlawful offenses which interfere with employees and work performance. Sexual harassment and discrimination violate state and federal law, in addition to the City's laws and policies. The City has a zero-tolerance policy for sexual harassment and unlawful discrimination. Violence, harassment, and discrimination of any manner (e.g., verbal, physical, visual) or of any type (e.g., sexual, sexual orientation, gender, racial, ethnic, religion, national origin, age, and disabilities) is not tolerated, and any employee violating this policy shall be subject to severe disciplinary action up to and including termination.

Prohibited Conduct 3.7.2: The term "violence" is self-explanatory. Discrimination and harassment can take many forms. While it is not possible to list all behaviors that may constitute harassment and/or discrimination, the following are examples of conduct, which may constitute harassment and/or discrimination depending on the totality of the circumstances, the severity of the conduct and its pervasiveness:

1. Unwelcome sexual advances whether they involve physical touching or not.
2. Requiring or suggesting that submission to unwelcome sexual advances by a supervisor or other employee is either explicitly or implicitly a term or condition of an individual's employment.
3. Using submission or rejection of unwelcome sexual advances by an individual as the basis for employment decisions.
4. Conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
5. Displaying sexually suggestive or offensive objects, pictures, computer graphics, or cartoons.
6. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
7. Inquiring into one's sexual experiences, or discussion of one's sexual activities.
8. Asking employees for dates once that person has expressed no interest in starting or continuing a personal relationship.
9. Making slurs or jokes based on sex, race, religion, sexual orientation, national origin, age, disabilities, or ethnic background to or about employees.
10. Failing, or an unwillingness or inability to demonstrate good faith efforts to get along

with employees of the opposite sex, or of another race, religion, sexual orientation, national origin, or disability, or refusing to work with such persons because of these reasons.

11. Posting derogatory graffiti, cartoons, or script on City/workplace bulletin boards, computer screens, chalkboards, walls, locker rooms, or in City vehicles or failing to remove or arrange for the removal of such prohibited graffiti, cartoons, script, or illustrations.

12. Threatening or intimidating a subordinate employee at any time, on or off duty.

13. A supervisor or employee observing or condoning, through actions or inactions, prohibited harassment or discrimination by failing to properly report it to the designated management authorities. A supervisor found to be in violation of this policy may be subject to more severe discipline.

14. A supervisor denying or granting an employee with whom he or she currently has or has had a personal relationship an atypical amount of preferential job assignments or work related benefits.

Discrimination in the performance of duties: Employees shall not unlawfully discriminate in words, deeds, gestures, performance of jobs, duties, tasks and delivery of services to the public.

Reporting Requirements 3.7.3: All employees, and particularly supervisors and managers, have a responsibility for keeping the work environment free of harassment and discrimination. If any employee believes that he or she has been subjected to harassment or discrimination, the employee should:

1. Immediately make it clear to the other individual that such behavior is offensive to them and request that the individual immediately cease and desist such conduct. If the individual's behavior continues or if the conduct reoccurs, the employee shall file a written complaint with his or her department head, the Director of Human Resources, or the City Manager. This does not preclude the employee from contacting the City or State Human Rights Commission, the EEOC, or from filing a complaint.

2. Any supervisor, department head, or other employee who receives a complaint of sexual harassment or unlawful discrimination shall report the same directly to the Director of Human Resources; provided that, if the alleged violator/harasser/aggressor is a sworn police officer, the Director of Human Resources shall forward the complaint to the Professional Standards Division of the Police Department. If the employee's supervisor is the harassing party, the employee may report misconduct directly to their Department Head or the Director of Human Resources. If the Director of Human Resources is the harassing/discriminating party, the employee may report misconduct directly to the City Manager.

3. The Director of Human Resources shall have the duty to 1) advise the complainant of the meaning and importance of the policy and the City's commitment to prevent retaliation; 2) make written notes of the allegation; 3) explain the procedure for handling the complaint; 4) advise the complainant that the complaint will remain confidential to the extent practicable to meet the goals of this policy and permitted by law. If the accused is a sworn police officer, the Director of Human Resources will coordinate with the Chief of Police or his or her designee to achieve these duties.

4. Employees who become aware of sexual harassment or unlawful discrimination, whether

by witnessing the incident or being told of it, have an affirmative responsibility to report it immediately. The Director of Human Resources, or where the accused is a sworn police officer, the Director of Human Resources in cooperation with the Chief of Police or his or her designee, will determine in each instance if immediate action is necessary to defuse any situation and will direct what, if any, immediate steps are to be taken.

Confidentiality 3.7.4: Information generated during the course of informal reviews and formal investigations necessary for enforcing this policy will be given the full extent of confidentiality to the extent practicable to meet the goals of this policy and permitted by law. Any person who, without authorization from the Director of Human Resources or the Director of Human Resources and the Chief of Police or his or her designee if the accused is a sworn police officer, knowingly discloses such information, will be subject to discipline up to and including termination.

Retaliation Prohibited 3.7.5: Retaliation by a supervisor or fellow employee against an employee who has reported, or has made an effort to report harassment or unlawful discrimination and/or who is cooperating with an authorized investigation thereof will not be tolerated. While it is not possible to list all behaviors that may constitute retaliation, the following are examples of conduct which may fit the criteria: any act of reprisal including internal interference, coercion and restraint by a city employee, including any supervisory employee, or by one acting on behalf of the City. The recommended discipline for retaliation will be severe and may include termination from employment.

Complaint Investigation 3.7.6: All reported allegations will be promptly investigated in a fair and expeditious manner by the Director of Human Resources, and/or his/her designee or by the Professional Standards Division where the accused violator/harasser/aggressor is a sworn police officer. The investigation will include a private interview with the complainant and with witnesses, if any. The accused will be interviewed. The complainant will be given advance notice of the date when the accused will be informed about the complainant's accusations. The investigator will determine whether there have been other complaints of sexual harassment made to the city by the complainant or about the accused. A written report for each investigation which contains the identification of the complainant and the accused, complainant's written statement of the complaint, if any, the accused party's response to the complaint, the findings and a summary of the facts that constitute the basis for those findings, and the recommendation for resolution will be prepared and kept by the City.

Absent extenuating circumstances, the City will strive to complete the investigation within 60 days. If the investigation cannot be completed within 60 days, the Director of Human Resources will advise the accused violator/harasser/aggressor and the complainant. When the investigation is completed the complainant and the accused will be notified of the results of the investigation.

Corrective/Disciplinary Action 3.7.7: If it is determined that inappropriate conduct has been committed by an employee, the degree and extent of action taken will be commensurate with the seriousness of the offense, the circumstances giving rise to the conduct, the deterrent effect on other employees, and the employee's complete work history and performance. Corrective action can take a variety of forms, including remedial training, counseling, and job reassignment in addition to disciplinary action up to termination.

While this policy sets forth the goal of promoting a workplace that is free of harassment and unlawful discrimination, in any form, this policy is not designed nor intended to limit the City authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment, unlawful

discrimination or workplace violence. Furthermore, by establishing this policy, the City does not agree to assume any liability for individuals who commit acts of sexual harassment against another employee or any other person. Individuals who engage in harassment, unlawful discrimination, and/or violence may be personally liable for such actions.

Policy 3.8: Drug and Alcohol Policy

Prohibited 3.8.1: Members of the Charleston Fire Department shall not place themselves under the influence of intoxicants in any form while on duty.

Officers shall not condone nor permit the presence of intoxicants in or upon any property used or controlled by the Fire Department.

Any officer or member suspecting any other member of being under the influence of drugs or alcohol during duty hours shall report the situation to his/her immediate supervisor.

Drug and Alcohol Testing 3.8.2: All members of the Charleston Fire Department are subject to drug and alcohol testing policy, which is contained in Section 8.6 of the City of Charleston Personnel Rules and Administrative Policies. A copy of this policy is included in the appendices of this manual.

Policy 3.9: Sick Leave Abuse

The purpose of this policy is not to eliminate all forms of absenteeism. A certain amount of sickness, injuries and absences for personal needs is to be expected. The purpose of this policy is to prevent and to establish accountability for those members who are repeatedly and excessively absent or tardy or abusively or fraudulently using leave privileges.

Regular and predictable attendance is considered to be the first essential function of the job of members working for the Charleston Fire Department. Members who cannot or will not fulfill their responsibilities, regardless of fault, will be subject to disciplinary action up to and including termination.

Absenteeism creates numerous problems, especially unscheduled absences. Problems include pay for absent workers, costs for replacements and morale problems for those who must compensate for the absent member. The quality of service to the community suffers as well.

Benefit Entitlement 3.9.1: Each member is entitled to sick leave benefits as described in Policy 5.1 in the employee benefits section of this manual.

Sick Leave Abuse 3.9.2: Sick leave abuse is the use of sick leave for purposes which it was not intended. Members shall not establish patterns of excessive absenteeism due to sick leave abuse. Indicators of patterns of sick leave abuse include, but are not limited to:

- 1. Absences of short duration (one shift) that are attached to Kelly shifts, vacation days, paying or trading time, or non-scheduled/premium time shifts.*
- 2. Consistently using sick leave within a short period of time in which it is earned.*
- 3. Use of sick leave at a rate that consistently leaves the member's sick time balance at or near zero.*
- 4. Use of sick leave on a holiday that the member is scheduled to work without documentation from a medical provider.*

Acceptable Sick Leave 3.9.3: The following situations are not considered abuse of sick leave:

- 1. Absenteeism due to restricted or light duty work because of job-related injuries, provided that the associated time off does not establish an attachment pattern with regularly scheduled time off.*
- 2. Sick time used by members who have a serious illness or injury to self or immediate family member shall not be calculated into any pattern as long as such illness or injury is properly documented, the nature of the injury or illness is certified by a licensed physician and such use is approved by the Fire Chief.*

Investigation of Sick Leave 3.9.4: The Fire Chief shall have the right to investigate or cause to be investigated the alleged illness of any member and, for good cause shown, not only deny sick leave but also to take proper disciplinary action against any feigner or abuser. (*Section 54-103 Code of the City of Charleston*)

Misrepresenting the need for leave or claiming illness under false pretenses is fraud. Fraudulent use of leave privileges is theft of time and services. Fraud in any form could be a dismissible offense and carries the possibility of being charged criminally.

Documentation Required 3.9.5: Members using sick leave are required to provide written physicians' excuses after the equivalent of half of the annual sick leave has been used or for any sick leave taken on a holiday. It is the member's responsibility to provide the Battalion Chief with the proper documentation upon returning to duty, setting forth the nature and duration of any of the conditions which would entitle him or her to sick leave. Failure to provide such certificate satisfactory to the Fire Chief shall result in the member's not being granted sick leave with pay, and may subject the member to discipline and unexcused absence.

Anytime a member is off for an extended illness, the member shall contact his/her Battalion Chief at least once per week to keep the Battalion Chief apprised of the member's status. The member shall request that vacation time be moved in the event that the member uses all of his/her sick time. Failure to make this request could result in a loss of pay.

Members having been off for more than 30 days due to illness or injury must notify the Administrative Chief (402) at least one week prior to their scheduled return to duty to schedule a drug test. Members are not allowed to return to duty without clear drug test results.

Penalty 3.9.6: Failure to provide the proper written physician's excuse to the Battalion Chief upon returning to duty, as required in 3.9.5 above, may subject the member to discipline or loss of pay for the time missed from duty and those that have no sick leave time, shall be considered absent without leave (AWOL).

Members using sick leave are required to notify the Battalion Chief no later than two (2) full hours prior to the beginning of their shifts. Any member failing to do this and not reporting for duty shall be considered absent without leave (AWOL) resulting in partial or full forfeiture of pay for that shift.

Members returning to duty after using sick leave are required to check the guard sheet on Telestaff to make sure they are listed as on duty. If they are not listed, they shall notify the Battalion Chief by

1800 hours on the day prior to their shifts. Any member not listed as on duty on Telestaff who fails to notify the Battalion Chief by this specified time will continue to be listed as off sick and will be required to provide a physician's slip before returning to duty.

Misrepresenting the need for sick leave or claiming illness under false pretenses is fraud. Fraudulent use of leave privileges is theft of time and services. Fraud in any form could be a dismissible offence and carries the possibility of being charged criminally.

Members using sick leave in conjunction with a Kelly shift, holiday, vacation day, trade shift, or a non-scheduled/premium time shift shall be subject to the following:

1ST Occurrence (except sick leave on a holiday is treated as a 2ND Occurrence): The member shall provide an explanation by filling out a jiffy report upon returning to duty and forwarding a copy to the Battalion Chief (450) and the Administrative Chief (402). The failure to provide a jiffy report shall result in the Fire Chief not granting the sick leave with a corresponding loss of pay for the member.

2ND Occurrence (or sick leave on a holiday): The member shall provide a physician's slip for return to work and fill out a jiffy report upon returning to duty and forward a copy to the Battalion Chief (450) and Administrative Chief (402). Failure to provide the physician's slip or to fill out the jiffy report shall result in the Fire Chief not granting the sick leave and a corresponding loss of pay for the member.

Note: Any additional occurrences within the same calendar year are subject to the same requirements as the second occurrence. Multiple occurrences shall result in the violator being removed from the non-scheduled/premium time pay list. Any appeals for reinstatement of pay due to the forfeiture of sick leave shall be made to the Administrative Chief and considered on a case by case basis.

The Fire Chief shall levy such penalty as he deems necessary for the violation of the above rule, or any other rule, consistent with the authority granted him/her by the Charleston City Code and West Virginia State Code.

Policy 3.10: Criminal Acts

Policy Statement 3.10.1: It shall be the policy of the Charleston Fire Department to hold its members strictly accountable for any behavior of a criminal nature. The Charleston Fire Department shall take any necessary disciplinary actions to ensure that the Fire Department and its members are protected from any criminal activity.

Prohibited Acts 3.10.2: The Charleston Fire Department shall have a strict policy concerning acts that violate the criminal statutes at the local, state, and/or Federal level committed by its members while on duty. The listed acts shall be considered as **warranting termination of employment for first offenses**. This list is one of a few examples and is not all inclusive. Any other activity constituting criminal behavior may be subject to termination by the Charleston Fire Department.

- 1. Fighting on duty--fighting is battery, a crime, and subject to zero tolerance.*
- 2. Theft of F.D. or other members' property--theft is larceny, a crime, and subject to zero tolerance.*
- 3. Violation of the Uniform Controlled Substance Act.*

Any violation of the law, or perceived violation of the law, shall be investigated by Fire Chief or his designee or, if the situation warrants, turned over to the Charleston Police Department for criminal investigation.

Penalty 3.10.3: Any violation of the law by a Fire Department member, whether it is a misdemeanor or felony, shall be considered a most serious offense to the dignity of the Charleston Fire Department. Each individual case shall be considered, based on the circumstances of the event, by the Fire Chief who shall impose such penalty as he/she sees fit or make a recommendation to the Mayor for action to be taken against the member.

Any member of the Charleston Fire Department convicted of a felony is no longer eligible for employment by the Charleston Fire Department and shall be terminated. The member retains all rights to contest the termination through the Civil Service Commission.

Policy 3.11: Fire Fighter Rights

Statement of Rights 3.11.1: Uniform members of the Charleston Fire Department shall be subject to the procedure for the administration of punishment in accordance with West Virginia State Code which reads, in pertinent part, as follows:

8-14A-1. Definitions.

Unless the context clearly indicates otherwise, as used in this article:

- (1) "Accused officer" means any police officer or firefighter who is the subject of an investigation or interrogation which results in a recommendation of punitive action against him or her.
- (2) "Civil service," when followed by the terms "department," "officer" or "accused officer", means any department, officer or accused officer who is subject to the civil service provisions of article fourteen, chapter eight of this code or article fifteen, chapter eight of this code.
- (3) "Hearing" means any meeting in the course of an investigatory proceeding, other than an interrogation at which no testimony is taken under oath, conducted by a hearing board for the purpose of taking or inducing testimony or receiving evidence.
- (4) "Hearing board" means a board appointed to hold a hearing on a complaint against an accused officer. The hearing board shall consist of three members to be appointed pursuant to paragraph (a), (b) or (c) of this subdivision. Hearing board members appointed under paragraph (b) or (c) of this subdivision may be removed from office as provided under paragraph (d) of this subdivision.
 - (a) For civil service departments, the department chief shall appoint the first member, the members of the accused officer's department shall appoint the second member, and the first and second members shall appoint the third member by agreement. Should the first and second members fail to agree on the appointment of the third member within five days, they shall submit to the department's civil service commission a list of four qualified candidates from which list the commission shall appoint the third member. The appointment of members under this paragraph shall be subject to the following qualifications and limitations:
 - (1) No member shall have had any part in the investigation or interrogation of the accused officer;
 - (2) Each member shall be a police officer or firefighter within the accused officer's department, or, with the department chief's approval, a law-enforcement officer or firefighter from another law-enforcement agency or fire department;
 - (3) At least one member shall be of the same rank as the accused officer; and
 - (4) If there are fewer than three persons who meet the qualifications described in subparagraphs (1),

(2) and (3) of this paragraph, then the department's civil service commission shall appoint as many citizens of the municipality in which the department is located as may be necessary to constitute the board.

[Omitted Portions of Code related to non-civil service departments.]

(5) "Non-civil service," when followed by the terms "department," "officer" or "accused officer", means any department, officer or accused officer who is not subject to the civil service provisions of article fourteen, chapter eight of this code or article fifteen, chapter eight of this code.

(6) "Police officer or firefighter" or "officer" means any police officer or firefighter of a police or fire department employed by the city or municipality, but shall not include (a) the highest ranking officer of the police or fire department or (b) any non-civil service officer who has not completed the probationary period established by the department by which he or she is employed.

(7) "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer for purposes of punishment.

(8) "Under investigation" or "under interrogation" means any situation in which any police officer or firefighter becomes the focus of inquiry regarding any matter which may result in punitive action.

8-14A-2. Investigation and interrogation of a police officer or fireman.

When any police officer or fireman is under investigation and subjected to interrogation by his commanding officer, or any other member of the employing police or fire department, which could lead to punitive action, such interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the police officer or fireman is on duty, or during his normal working hours, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the police officer or fireman being interrogated at any place other than his residence, such officer or fireman shall be compensated for such off-duty time in accordance with regular department procedure. If the interrogation of the police officer or fireman occurs during his regular duty hours, such officer or fireman shall not be released from employment for any work missed due to interrogation.

(2) Any police officer or fireman under investigation shall be informed of the nature of the investigation prior to any interrogation. Such officer shall also be informed of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. No more than three interrogators at one time shall question the officer or fireman under investigation.

(3) No police officer or fireman under interrogation shall be subjected to offensive language or threatened with punitive action. No promise of reward shall be made as an inducement to answering questions.

(4) The complete interrogation of any police officer or fireman shall be recorded, either written, taped or transcribed. Upon request of the law-enforcement officer or fireman under investigation or his counsel, and upon advance payment of the reasonable cost thereof a copy of the record shall be made available to him not less than ten days prior to any hearing.

(5) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any police officer or fireman, then that officer or fireman shall have the right to be represented by counsel who may be present at all times during such interrogation.

Nothing herein shall prohibit the immediate temporary suspension, pending an investigation, from duty of any police officer or fireman who reports for duty under the influence of alcohol or controlled substances which would prevent the officer or fireman from performing his duties as

defined in chapter sixty-a of this code, or under the influence of an apparent mental or emotional disorder.

8-14A-3. Hearing.

(a) Before taking any punitive action against an accused officer, the police or fire department shall give notice to the accused officer that he or she is entitled to a hearing on the issues by a hearing board or the applicable civil service commission. The notice shall state the time and place of the hearing and the issues involved and shall be delivered to the accused officer no later than ten days prior to the hearing.

(b) When a civil service accused officer faces a recommended punitive action of discharge, suspension or reduction in rank or pay, but before such punitive action is taken, a hearing board must be appointed and must afford the accused civil service officer a hearing conducted pursuant to the provisions of article fourteen, section twenty, or article fifteen, section twenty-five of this chapter: *Provided*, That the punitive action may be taken before the hearing board conducts the hearing if exigent circumstances exist which require it.

(c) When a civil service accused officer faces a recommended punitive action of written reprimand or transfer for the purpose of punishment, or when a non-civil service accused officer faces any recommended punitive action, the applicable hearing board shall conduct hearing pursuant to the provisions of subsection (d) of this section.

(d) The following requirements shall govern the operation conduct of a hearing board under subsection (c) of this section:

(1) The hearing board shall keep an official record of each hearing it conducts. The official record shall include the testimony offered and exhibits introduced at the hearing.

(2) Both the police or fire department and the accused officer shall be given ample opportunity to present evidence and argument with respect to any issue raised at the hearing.

(3) The hearing board may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, and may require and compel the production of records, books, papers, contracts and other documents, in connection with any issue raised at the hearing.

(4) The hearing board shall prepare a written order detailing any decision or action it takes as a result of the hearing. The written order shall include written findings of fact setting forth a concise statement of the hearing board's factual findings and conclusions on each issue raised at the hearing. The hearing board shall hand-deliver or promptly mail a copy of the written order to the accused officer or his attorney of record.

(e) A hearing board's order is binding on all parties involved unless it is overturned in the appeal process described in section five of this article.

§8-14A-4. Right to refuse to disclose personal finances; exceptions.

No police officer or fireman shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures unless such information is obtained through proper legal procedures or is necessary for the employing agency to ascertain the desirability of assigning the police officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements might be offered.

§8-14A-5. Appeal.

(a) For civil service departments, a hearing board's decision rendered under subsection (b) or (c), section three of this article may be appealed by the police officer or firefighter adversely affected by the order or by the department chief if he or she believes that the department would be adversely

affected by the hearing board's order. An appeal under this subsection shall be made to the applicable civil service commission. Any party aggrieved by the civil service commission's ruling on the appeal may further appeal the civil service commission's ruling pursuant to the provisions of subsection (b), section twenty, article fourteen of this chapter or subsection (b), section twenty-five, article fifteen of this chapter.

(b) For non-civil service departments, a hearing board's decision rendered under subsection (c), section three of this article may be appealed by the police officer or firefighter adversely affected by the order or by the department chief if he or she believes that the department would be adversely affected by the hearing board's order. An appeal under this subsection shall be made to the circuit court of the county in which the police officer or firefighter resides.

Policy 3.12: Grievance Process

General Policy Statement 3.12.1: The intent of this policy is to provide resolution of on-the-job problems faced by Fire Department personnel through open communication in a systematic fashion implementing the chain of command.

Complaint Procedure 3.12.2: If any uniform member of the Fire Department feels that he/she has been treated unfairly, has any complaint, or constructive criticism, he/she can make these known through the following steps:

1st: Talk with the Company Officer

This is an informal discussion of the problem. The Company Officer shall render his/her judgment of the issue and decide if further action is required, in accordance with these policies and procedures, and the S.O.G. of the Charleston Fire Department. If the Company Officer is unable to provide a solution, or if the member making the complaint is not satisfied with the Company Officer's ruling on the matter, then the process moves on to step 2.

2nd: Notify the Battalion Chief

The member making the complaint shall forward it to the Battalion Chief in the form of a jiffy report via e-mail containing the following information:

- 1. Complainant's name*
- 2. Nature of the problem*
- 3. The date the problem was discussed with the supervisor*
- 4. The supervisor's response*
- 5. Why the complainant disagrees with the supervisor's ruling*
- 6. The complainant's suggestion for a resolution of the problem*

The Battalion Chief shall render an immediate decision if possible, or inform the complainant when he/she may expect an answer if more time is needed to investigate the complaint. The Battalion Chief shall make every attempt to render a decision within ten (10) working days.

If upon receipt of the Battalion Chief's decision the complainant is not satisfied that the problem is resolved, then the complainant may submit the complaint in writing to the Fire Chief. Once the Fire Chief makes a final decision, the complainant shall have no further right of appeal unless the grievance deals with disciplinary or civil service matters, in which case the provisions of the West Virginia State Code shall apply.

Policy 3.13: Media Relations

General Policy Statement 3.13.1: Statements to the media concerning emergency incidents, news releases, and media campaigns must be approved by the Fire Chief, or his/her designee, prior to their release.

An Incident Commander is authorized to provide the media with general details concerning an incident; A Public Information Officer, established through the Incident Management System, shall be likewise authorized.

Information pertaining to the cause and origin of the incident may be released by the Incident Commander, or Public Information Officer, unless the incident has been turned over to the Fire Prevention Bureau and Investigation. In this event, the Investigator shall be authorized to make any appropriate statements concerning the investigation.

Information relating to personnel matters, department policy, department litigation, or other sensitive matters shall be released only by the Fire Chief or his/her designee.

Policy 3.14: HIPAA Compliance

General Policy Statement 3.14.1: The City of Charleston, West Virginia is defined as a “hybrid entity” under the federal rules promulgated for the Health Insurance Portability and Accountability Act of 1996 (now also commonly known by its acronym HIPAA) as such is defined in federal rules at §164.504(c). Under HIPAA, a covered entity is one that provides or administers health plans, health care clearinghouses, and health care providers who transmit health information in electronic form (§164.103). The Charleston Fire Department is clearly a covered entity as defined by HIPAA.

“Protected Health Information” or its abbreviation “PHI” refers to all information that has been collected by a covered entity in the course of providing medical care and/or treatment to an individual. In the course of our duties, employees of this Department frequently have access to Protected Health Information. No matter what type of information, being verbal, written, video or audio, this department is responsible for protecting and securing the Protected Health information from other than authorized persons and purposes under HIPAA.

To ensure that Charleston Fire Department adheres to all rules provided under HIPAA and to ensure the confidentiality of any and all potential PHI, all employees are prohibited from reproducing, publishing, selling, posting to the internet, or sharing with anyone such as friends, family, the media, etc., any video, photo, audio or other recording, or any written information regarding any CFD property, emergency scene or member not sanctioned by the CFD. Permission is required from the Fire Chief, or his/her designee before any such recordings as mentioned above may be shared.

Policy 3.15: Duty Hours for Shift Personnel and Proper Relief

Duty Hours of Shift Personnel 3.15.1: A normal tour of duty for shift personnel begins at 0800 hours and terminates at 0800 hours the next morning. However this tour of duty may be extended if circumstances warrant. The Battalion Chief shall have the authority to order any or all personnel to remain on duty until sufficient relief personnel can be arranged to provide adequate

staffing for any piece of apparatus.

Personnel of the Charleston Fire Department assigned to shift duty are required to be in uniform and physically present at their duty stations and remain available at those stations until the shift terminates when properly relieved by oncoming duty personnel or the Battalion Chief.

Members using 12 hours of leave during the first half of a shift are required to be physically present at their duty stations no later than 8:00 P.M. and remain there until properly relieved by personnel as assigned by the Battalion Chief.

Members using 12 hours of leave during the second half of the shift are required to remain physically present in their duty stations until properly relieved by personnel as assigned by the Battalion Chief.

The Company Officers **shall not** allow members to leave their duty stations until proper relief for these personnel are physically present in the duty station. Members are not relieved until they brief their relief on any issues concerning the apparatus they are assigned to or any important incident from their shift. The exception to this rule is when on-duty personnel are transferring from one duty station to another duty station during their tours of duty, such as going to training, class, drug testing or in the case of emergency leave as provided for in Policy 5.10 of this manual.

Any member who leaves his/her duty station without being physically relieved by oncoming duty personnel shall be considered ***absent without leave (A.W.O.L.)*** and having abandoned his/her duty station, and subject to disciplinary action.

The Battalion Chief shall have the authority to order any or all personnel required to remain on duty until sufficient relief personnel can be arranged. During a critical staffing emergency or a state of emergency, as declared by the Mayor, the Battalion Chief shall have the authority to recall off-duty personnel to duty.

Absent Without Leave (A.W.O.L.) Defined 3.15.2: Any member absent from his/her regularly scheduled duty hours without scheduled leave shall be considered ***absent without leave***. Scheduled leave shall include vacation, personal leave, Kelly shifts, sick leave, administrative leave, leaves of absence, emergency leave and/or time trades.

Members who are absent without leave shall forfeit his/her pay for the period he/she is absent

All time trades must be approved by the shift commander at least 72 hours prior to the shift being traded. If you agree to work for someone and the Battalion Chief approved the trade, but you do not show up it will be your responsibility. If the time trade is not approved by the Battalion Chief then the obligation reverts to the person originally scheduled to work.

Any department member, who is absent without leave for a period of three (3) consecutive shifts, for shift personnel, or three (3) consecutive working days, for dayshift personnel, will be presumed to have voluntarily resigned from the Charleston Fire Department. The member may rebut the presumption with sufficient evidence before the Hearing Board and Civil Service Commission.

Policy 3.16: Administrative Leave

General Policy Statement 3.16.1: An employee of the department may be removed from duty and placed on administrative leave when conditions exist that warrant such action be taken for the benefit of the community and/or the department. The authority to place a department member on administrative leave shall lie solely with the Fire Chief.

Conditions Governing Administrative Leave 3.16.2: When a department member is assigned to administrative leave, his/her hours of duty shall be 0800 to 1600 hours, Monday through Friday. During these hours, the member shall be assigned to his/her residence or other location approved by the Fire Chief.

The member shall remain available by telephone during his/her duty hours until released to return to duty. Members on administrative leave must contact the Fire Chief's Office if they wish to leave their authorized locations during duty hours. Nothing in this policy is intended to inhibit members on administrative leave from consulting with legal counsel, or keeping doctor/dental appointments, etc.

Members on administrative leave shall not take part in department functions, training, or represent the department at civic functions.

Upon placing a member on administrative leave, the Fire Chief shall request the City's Information Systems Director to completely deny access to the individual on leave from all the networks, programs and electronic files owned and/or operated by the City of Charleston and/or the Charleston Fire Department.

Policy 3.17: Fitness for Duty

General Policy Statement 3.17.1: All members are required to be sufficiently fit to perform the essential functions of their positions in a safe, effective, and efficient manner at all times. Should reasonable cause exist to question a member's fitness for duty (example: injury, extensive use of sick leave) the policy of the Charleston Fire Department shall be to temporarily remove the member from active duty, or to temporarily prohibit an inactive member from returning to duty, until the member's fitness for duty can be evaluated by a qualified physician.

Definition of Sufficiently Fit 3.17.2: *Sufficiently fit* means employees are physically, mentally, and psychologically prepared and can perform the essential functions of their positions. An essential function is one that is one that the job exists to perform, or a function that few employees are available to share, or a function that is central to a highly specialized position.

The Fire Department administration has the responsibility and authority under law to decide and define the essential functions of the positions of the department. It does this through its knowledge of the job, written job descriptions, knowing the time required to do the functions, and the inherent importance of doing the function, or not doing the function properly.

Definition of Reasonable Cause 3.17.3: *Reasonable cause* means those facts that would lead an ordinary member of the department concerning about this organization's mission, public image, and public or member safety to question another member's fitness for duty.

Policy 3.18: Mandatory Tours of Duty and Recall of Personnel to Duty

General Policy Statement 3.18.1: A minimum number of personnel required to operate a shift shall be established by the Standard Operating Guidelines of the Charleston Fire Department.

Whenever possible, this staffing number shall be maintained through the management of scheduled leave and supplementation with non-scheduled hours/premium time. When these efforts fail due to unforeseen circumstances, **the on-duty Battalion Chief shall have the authority** to implement mandatory tours of duty, and to recall personnel to duty to bring staffing to the required levels.

Mandatory tours of duty and recall to duty shall only be applied once efforts to obtain appropriate staffing through non-scheduled/premium time have failed to provide for the minimum number of personnel required by the Charleston Fire Department's S.O.G. or in times of unusual emergency incidents such as large scale fires, natural disasters, or any other instance requiring the service of more than one half of the active members of the department.

Mandatory tours of duty shall be used to staff the **first half (12 hours)** of a shift.

Recall to duty shall be used to staff the **second half (12 hours)** of a shift.

Members assigned mandatory tours of duty or recalled to duty shall be compensated by the methods established in the non-scheduled time/premium time section of these policies and procedures.

Mandatory Tours of Duty 3.18.2: Department members shall be subject to mandatory tours of duty as non-scheduled hours at any time as the emergency needs of the department dictate. Mandatory tours of duty shall be used to fill positions when staffing levels become critical due to an emergency and where personal day use, sick leave, Kelly shifts, and vacation leave are at levels requiring a mandatory tours of duty to be implemented.

Mandatory tours of duty shall be ordered for members of the shift that would be completing its normal duty tour and going off duty at 0800 hours. Mandatory tours of duty shall require such members to remain on duty for up to an additional 12 hours to meet minimum staffing requirements.

Recall of Personnel to Duty 3.18.3: Department members are subject to recall to duty at any time as the emergency needs of the department dictate. If recalled, or called to duty, each member will respond without delay and report prepared for duty as assigned. This section also applies to on call assignments (i.e. critical staffing, natural disaster) on a call out basis. A member who is unfit for the duty required may be excused from responding to duty only by a Command rank officer.

Recall to duty shall begin with the shift that is on its second day off duty, in effect, requiring those members to report up to 12 hours early for their normal tours of duty.

*EXAMPLE: If staffing is needed for A shift, then recall shall apply to B shift members.
If staffing is needed for B shift, then recall shall apply to C shift members.
If staffing is needed for C shift, then recall shall apply to A shift members.*

Once the personnel list for a given shift has been exhausted, the Battalion Chief shall move on to the next shift currently off duty.

Cancellation of Leave 3.18.4: If the above methods of staffing fail to provide for the required minimum staffing for personnel, then members of the department assigned to the shift when the shortage occurs, but off duty due to regularly scheduled leave, shall be subject to recall to duty through a cancellation of that leave in the following priority:

1st: Member on Kelly shifts shall be recalled.

2nd: Vacation leave shall be cancelled and those members recalled.

Members who are off duty on sick leave, military leave, or F.M.L.A. shall not be subject to duty recall.

Penalty for Refusal 3.18.5: Any member who is **personally ordered by the Battalion Chief or ordered by the Battalion Chief through the chain of command** to mandatory tours of duty, or recalled to duty, and refuses shall be charged with failure to follow lawful direct orders, abandoning his/her duty post, and insubordination. The minimum penalty assigned by the Fire Chief for a first offense shall be a **suspension without pay for two and one-half (2 ½) shifts**. The Fire Chief may, at his discretion, recommend to the Mayor **termination of the member's employment**.

Voicemails left on a member's cellular phone or answering machine, nor messages left with persons outside the Charleston Fire Department's chain of command **shall not constitute direct orders** given by the Battalion Chief.

Members who are physically ill or injured, or otherwise incapacitated shall be excused from recall by the Battalion Chief.

Members who are in geographic locations which make reporting for duty in the required time frame impossible shall not be subject to penalty nor charged as refusing.

Policy 3.19: Summary of Penalties for Rules Violations

Authority 3.19.1: The Fire Chief shall levy such penalty as he deems necessary for the violation for any rule, consistent with the authority granted him/her by the Charleston City Code and West Virginia State Code.

The Fire Chief shall have the authority to place any accused member on paid administrative leave pending an investigation of the alleged violation.

Accused members shall be afforded the rights and due process provided for by West Virginia State Law as noted in Policy 3.11 of these Policies and Procedures.

Summary of Penalties 3.19.2: The following penalties are suggested penalties which may be made more or less punitive, if in the opinion of the Fire Chief, the circumstances of the situation and/or rank of the member involved merits more or less stringent discipline.

Penalties for the violation of any rule or regulation, and/or any special or general order of the Fire Department, not otherwise specified, shall be imposed and administered by the Fire Chief with the consent of the Mayor.

In the context of penalties, the term "suspension" indicates a relief from duty **without pay**.

VIOLATION	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
FIGHTING (battery) Criminal offense	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days	Termination of employment
THEFT Criminal offense	Termination of employment	N/A	N/A
MAKING VIOLENT THREATS; CARRYING FIREARM ON FD PROPERTY	Suspension of 2 ½ shifts; 5 days	Termination of employment	N/A
CONDUCT UNBECOMING	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
A.W.O.L.; REPORTING LATE FOR DUTY	Written Warning (loss of pay for AWOL)	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
REFUSING MANDATORY TOUR/RECALL TO DUTY	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days	Termination of employment
FAILURE TO MAKE EMERGENCY RUN	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
INSUBORDINATION; FAILURE TO FOLLOW LAWFUL ORDER	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
DESTRUCTION OF F.D. PROPERTY	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
SICK LEAVE ABUSE; FAILURE TO PROVIDE MEDICAL EXCUSE	Written Warning (loss of pay for unexcused sick leave)	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
FAILURE TO COMPLETE REQUIRED REPORTS	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
TAKING OF UNAUTHORIZED PHOTOS/VIDEO AT SCENE	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
DAMAGING F.D. IMAGE IN PUBLIC FORUM OR SOCIAL MEDIA	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
KNOWINGLY ACTING CONTRARARY TO POLICIES & PROCEDURES	Written Warning	Suspension of 2 ½ shifts; 5 days	Suspension 5 shifts; 15 days
VIOLATION OF DRUG/ALCOHOL POLICY	As prescribed by City of Chas. Policy (see appendix A)	As prescribed by City of Chas. Policy	As prescribed by City of Chas. Policy

SEXUAL HARRASSMENT	As prescribed by City of Chas. Policy (see policy 3.7)	As prescribed by City of Chas. Policy	As prescribed by City of Chas. Policy
UNAPPROVED UNIFORM (out of uniform)	Written Warning	Suspension of 1 shift; 2 days	Suspension of 2 ½ shifts; 5 days
FAILURE TO KNOW TERRITORY	Written Warning	Suspension of 1 shift; 2 days	Suspension of 2 ½ shifts; 5 days
FAILURE TO TAKE PART IN TRAINING ACTIVITIES	Written Warning	Suspension of 1 shift; 2 days	Suspension of 2 ½ shifts; 5 days
FAILURE TO COMPLY WITH ePCR POLICY (contained in Policy 6.3 herein)	Oral/Written Warning with counseling	Written reprimand	Suspension for 12-24 hours or removal from pay list for up to ten days.

SECTION 4: UNIFORM REGULATIONS

Policy 4.1: Class C Uniform

Defined 4.1.1: The Class C uniform is the uniform worn by Fire Department members during their regular tours of duty, also referred to as a station uniform or work uniform. The components of the class C uniform for shift personnel are as follows:

PANTS: Dark navy, Standard or E.M.S. Style, 65% polyester/35% cotton blend, 100% FR cotton, or Nomex blend

SHOES/BOOTS: Black Leather, Plain toe (No Tennis Shoes)

BELT: Black

SHIRT: Dark navy, 65% polyester/35% cotton blend, 100% FR cotton, or Nomex blend

Collar Insignia: Apprentice Firefighter, none

Firefighter, white scramble

Lieutenant, 1 silver horn

Captain, 2 gold crossed horns

Assistant Chief, 3 gold crossed horns

Fire Chief, 5 gold crossed horns

Patches: Shirt is to have one Charleston Fire Department patch centered on each sleeve, one inch from the shoulder seam. The patch on the right sleeve shall designate the member as a Paramedic, AEMT, or EMT.

Monogram: Placed just above the left breast pocket in 1 inch script, silver in color for fire fighters and Lieutenants, gold in color for Captains and Chief Officers.

JACKETS & WINTER COATS: Black, 100% nylon

Buttons: Silver for fire fighters and Lieutenants, Gold for Captains and Chief Officers

Rank Stripes: 1" above the cuff, ½" between stripes

Fire Fighter: none

Lieutenant: One silver stripe, each sleeve

Captain: Two gold stripes, each sleeve

Assistant Chief: Three gold stripes, each sleeve

Chief: Five gold stripes, each sleeve

Service Marks: Adjacent to the cuff or rank stripe on the left sleeve; one bar per 2 years' service, one star per 10 years' service

Fire Fighter and Lieutenant: silver on black

Captain and Chief Officer: gold on black

Name Plates & Collar Insignia: Name plates worn over right breast at top pocket line; collar insignia worn for appropriate rank

Badge: appropriate rank worn over left breast

T-SHIRT/SWEATSHIRT (Station Wear): Navy, crew-neck style

Front Logo: Shall be of I.A.F.F. emblem or C.F.D "1893" emblem

Firefighters and Lieutenants: white print

Captains and Chief Officers: gold print

Back Logo: Of appropriate style and color for each rank

OPTIONAL UNIFORM ITEMS:

Baseball Cap (or Toboggan with CFD Logo): Black or Navy Blue, showing appropriate rank

Driver's Jacket: Navy; patches, monogram, and collar insignia in same configuration as the class C uniform shirt

Job Shirt: Navy; patches, and collar insignia in same configuration as the class C uniform shirt. Monogram shall be in block lettering over right breast in silver for Fire Fighters and Lieutenants, gold for Captains and Chief Officers. An I.A.F.F. or CFD style logo or monogrammed badge of appropriate rank shall be affixed to the left breast.

Tactical Jersey Polo: Navy Blue in color (White for Chief Officers); member's last name monogrammed in $\frac{3}{4}$ " block script in the appropriate color over the right chest; embroidered C.F.D emblem over left chest; No shoulder patches nor collar insignia shall be worn.

Illuminite Jacket: Inner jacket shall have badge insignia embroidered over left breast, rank insignia on collar, and monogram embroidered over right breast in block style.

Outer Jacket shall not have collar insignia, and shall have embroidered badge over left breast and blocked lettered monogram over right breast in appropriate color for the rank. In lieu of embroidery metal badges and name plates can be worn in the same configuration.

Blauer Jacket: navy in color, model 9900, style 9845Z; Outer jacket shall have C.F.D. patch on left shoulder and the designated C.F.D. EMT/AEMT/Paramedic patch on right shoulder, badge of appropriate rank embroidered on a patch to be sewn on over the left breast on the radio pocket flap, and last name in block style over the right breast; lettering shall be white for Fire Fighters and Lieutenants, gold for Captains and Chief Officers

NOTE: No rank bars, or service marks, shall be used on Illuminite and Blauer jackets, nor any collar insignia.

The components of the class C uniform for day shift personnel are as follows:

PANTS: Dark navy, Standard Style, 65% polyester/35% cotton blend, 100% FR cotton, or Nomex blend, or 100% polyester

SHOE: Black Leather, plain toe (No Tennis Shoes)

BELT: Black

SHIRT: White, 65% polyester, 35% cotton blend, 100% FR cotton, or Nomex blend, or 100% polyester

Name Tag: Worn over right breast at top pocket line; Fire Fighter and Lieutenant: silver,

Captains and Chief Officers: gold

Collar Insignia (no patches): Fire Fighter, FD Scramble

Lieutenant: One silver horn

Captain: Two gold crossed horns

Assistant Chief: Three gold crossed horns

Fire Chief: Five gold crossed horns

Badge: Worn above left breast pocket

Patches: Shirt is to have one Charleston Fire Department patch or Fire Prevention patch centered on each sleeve, one inch from the shoulder seam. The patch on the right sleeve shall designate the member as a Paramedic, AEMT, or EMT.

Wearing of 4.1.2: The class C uniform shall be worn by all members of the Fire Department during their duty hours prior to 1800 hours, and at all times and places where members may interact with the public.

Members shall keep their uniforms clean and in good condition, and shirts shall be tucked into the pants at all times. Faded, frayed or worn-out uniform components shall not be worn.

Shoes shall be polished and shined at all times.

Members shall arrive at their assigned station in uniform or change into uniform prior to the beginning of their tours of duty.

Members shall not wear their uniforms when off duty, including official T-shirts, sweaters, job shirts, and/or sweatshirts.

Members may be excused from wearing the class C uniform shirt in times of exercise, training, or station duties that may soil or damage the uniform shirt, or when weather conditions reach temperatures of 85 degrees F or above. At these times, approved Fire Department T-shirts may be worn. In the case of special ceremonies or special event tours of duty, members will exchange the class C uniform for the appropriate uniform designated in these policies and procedures, or as directed by the officer in charge.

T-Shirts and/or sweatshirts shall not be worn without a uniform shirt by members assigned to ambulance duty as a name and EMT/AEMT/Paramedic Id must be visible to the public. T-shirts with any neckline other than crew may not be worn unless covered by the class C uniform shirt.

Members shall not wear their uniforms, or otherwise represent themselves as department members, to influence any member of the public for personal gain including, but not limited to, gifts, discounts on purchases, free admission to events, or the receipt of personal favors.

Policy 4.2: Class B Uniform

Defined 4.2.1: The class B uniform is the uniform worn by Fire Department members during special events. The components of the class B uniform for personnel are as follows:

PANTS: Navy uniform style, 100% polyester or wool blend

SHOE: Black Leather, plain toe

BELT: Black

SHIRT: One long sleeve and one short sleeve

Fire Fighter and Lieutenant, light blue 100% polyester or cotton blend

Captains, Day Shift and Chief Officers, white, 100% polyester or cotton blend

Name Tag: worn on the right breast at top pocket line; Fire Fighter and Lieutenant, silver Captains and Chief Officers, gold

Collar Insignia (no patches): Fire Fighters, FD Scramble

Lieutenants, One silver horn

Captains, Two gold crossed horns

Assistant Chiefs, Three gold crossed horns

Fire Chief, Five gold crossed horns

Badge: Worn above left breast pocket, silver for Fire Fighters and Lieutenants, gold for Captains and Chief Officers

Patches: Shirt is to have one Charleston Fire Department patch centered on each sleeve, one inch from the shoulder seam. The patch on the right sleeve shall designate the member as a Paramedic, AEMT, or EMT.

Tie: Black with C.F.D. patch tie tack; when tie is worn with shirt only, the long sleeve shirt is to be worn.

Wearing of 4.2.2: It shall be the policy of the Charleston Fire Department that all personnel shall be required to have in their possession a class B uniform during their regular duty hours. Members shall only be required to wear the class B uniform for special events as directed by the officer in charge.

Policy 4.3: Class A Uniform

Defined 4.3.1: The class A uniform of the Charleston Fire Department is the dress uniform worn for special events, memorial services, and all other official functions as directed by the Fire Chief. All members are to have and maintain a class A uniform and have access to it while on duty. Either long sleeve or short sleeve shirts may be worn under the blazer. The components of the class A uniform are as follows:

PANTS: Same as defined for class B uniform

SHIRT: Same as defined for class B uniform

BELT: Black

SHOES: Black Leather, plain toe

TIE: Black with CFD patch tie tack.

BLAZER: Navy, Double-breasted, 100% polyester or wool blend

Buttons: Silver FD for fire fighters and Lieutenants, Gold for Captains and Chief Officers

Rank Stripes: 1" above the cuff, ½" between stripes

Fire Fighters: none

Lieutenants: One silver stripe, each sleeve

Captains: Two gold stripes, each sleeve

Assistant Chiefs: Three gold stripes, each sleeve

Fire Chief: Five gold stripes, each sleeve

Service Marks: Adjacent to the cuff or rank stripe on the left sleeve; one bar per 2 years' service, one star per 10 years' service

Fire Fighters and Lieutenants: silver on black

Captain and Chief Officers: gold on black

Name Plates: Worn on right breast at top of pocket line; silver for Fire Fighters and Lieutenants, gold for Captains and Chief Officers

Badge: Worn over left breast, appropriate rank

HAT: Dress Bell hat with badge and band, navy for Fire Fighters and Lieutenants, white for Captains and Chief Officers

Badges and Insignia 4.3.2:

Apprentice Fire Fighters:

Breast Badge--Silver B-547 or equal with plain silver scramble in the center

Hat Badge--Silver 2" scramble disk with screw back

Shirt Collar Pins--Silver F.D. with pin back.

Blazer Lapel Pins--none

Name Tag--Silver with pin back (first two initials and last name).

Journeyman Fire Fighters:

Breast Badge--Silver B-547 or equal with silver scramble in plain or blue enamel center

Hat Badge--Silver 2" scramble with screw back

Shirt Collar Pins--Plain silver 1" scrambles with screw back

Blazer Lapel Pins--Plain silver 1 ½" scrambles with pin back

Name Tag--Silver with pin back (first two initials and last name)

Lieutenants:

Breast Badge--Silver B-547 or equal with 1 silver horn in blue enamel center

Hat Badge--Silver 2" one horn disk with screw back

Shirt Collar Pins--Silver 1" one horn disk with pin back

Blazer Lapel Pins--Silver 1 ½" one horn disk with pin back

Name Tag--Silver with pin back (first two initials and last name)

Captains:

Breast Badge--Gold B-547 or equal with two gold horns in blue enamel center

Hat Badge--Gold 2" two horn disk with screw back

Shirt Collar Pins--Gold 1" two horn disk with pin back

Blazer Lapel Pins--Gold 1 ½" two horn disk with pin back

Name Tag--Gold with pin back (first two initials and last name)

Assistant Chiefs:

Breast Badge--Gold B-96 or equal with WV State seal center

Hat Badge--Gold 2" three horn disk with screw back

Shirt Collar Pins--Gold 1" three horn disk with pin back

Blazer Lapel Pins--Gold 1 ½" three horn disk with pin back

Name Tag--Gold with pin back (first two initials and last name)

Fire Chief:

Breast Badge--Gold B-96 or equal with WV State seal center

Hat Badge--Gold 2" five horn disk with screw back

Shirt Collar Pins--Gold 1" five horn disk with pin back

Blazer Lapel Pins--Gold 1 ½" five horn disk with pin back

Name Tag--Gold with pin back (first two initials and last name)

Optional Uniform Items 4.3.3:

UNIFORM OVERCOAT: Darien style #261MT

*Navy in color, double breasted, belted trench coat with epaulets
60% cotton, 40% polyester outer shell*

Wearing of 4.3.4: It shall be the policy of the Charleston Fire Department that all personnel shall be required to have in their possession a class A uniform during their regular duty hours. Members shall only be required to wear the class A uniform for special events as directed by the officer in charge.

Policy 4.4: Fire Helmets

Defined 4.4.1: The Charleston Fire Department shall provide to each of its members a fire helmet as part of the personal protective equipment compliment, compliant with N.F.P.A. 1971 specifications.

1. The helmet must meet N.F.P.A. 1971 specifications, current at the time of purchase.

2. The helmet must be of the appropriate color for the member's rank:

Black for Fire Fighters and Lieutenants

Red for Captains

White for Chief Officers

3. *LEATHER HELMET SHEILDS: Six inch shield with a two panel design.*

Top panel: shall read CHARLESTON in red lettering on white reflective background for Fire Fighters, Lieutenants, and Captains, and in Gold lettering on black reflective background for Chief Officers.

Bottom panel: shall read the member's appropriate rank in red lettering on white reflective background for Fire Fighters, Lieutenants, and Captains, and in Gold lettering on black reflective background for Chief Officers.

Center emblem: located between the two panels, shall be the C.F.D. emblem intertwined and stair stepped in a two color design; red reflective body outlined in white for Fire Fighters, Lieutenants, and Captains; gold reflective body outlined in black for Chief Officers.

Rules for Wearing 4.4.2: The maintenance of the helmet will be the sole responsibility of the individual member. Helmets shall be maintained to the N.F.P.A. standard at the time of purchase.

Damage repair or replacement of a member's department issued helmet shall be paid for by the department.

Stickers and decals on all helmets will be permitted per approval of the fire chief.

Policy 4.5: Uniform for Fire Investigators

Defined 4.5.1: The uniform for fire investigators responding to emergency scenes after their regular duty hours shall be as follows:

PANTS: Class C uniform pants, either standard or BDU style will be worn.

SHIRT: Class C uniform shirt, or other shirt as approved by the Fire Chief, will be worn. In inclement weather, a CFD sweatshirt may be worn.

FOOTWEAR: Approved CFD shoes or boots may be worn.

JACKETS: Class C uniform style jackets may be worn.

BADGE/INSIGNIA: Appropriate identification shall be displayed at all times.

Operations at Scene 4.5.2: When entering a structure while fire suppression activities are in progress, bunker gear and S.C.B.A. shall be worn, and the investigator shall give an accountability tag to the Safety Officer.

While conducting an investigation after fire suppression activities have ceased, fire investigators shall wear one of the following approved options:

BUNKER GEAR

OR

COVERALLS: Properly marked with identification and including proper safety footwear, either a CFD helmet or approved hard hat, gloves, eye protection, and respiratory protection.

Policy 4.6: Body Armor

Purpose 4.6.1: The Charleston Fire Department is providing body armor to its members in order to provide added protection to members when responding to situations that may pose additional danger to members due to the presence of firearms or other dangerous weapons or devices. The purpose of this policy is to provide rules and guidelines for the use of body armor at incidents or situations that may arise during the course of an operation. Each member accepting body armor from the Charleston Fire Department is expected to know, understand, and operate according to this policy. It shall be the responsibility of each member to review, understand and adhere to this policy.

Body Armor Use 4.6.2: The Charleston Fire Department permits body armor use as follows:

1. Safety equipment is provided to give additional personal protection to members responding to potentially dangerous situations as set forth in this policy. Caution and good judgement shall continue to be used when responding to all incidents in order to minimize potential injury to members.
2. Body armor shall be worn when dispatched to the following incidents:
 - a. Any shooting or stabbing incident;
 - b. Any civil disturbance;
 - c. Any SWAT standby or police situation involving violence;
 - d. Any domestic violence, family dispute, or address that has been flagged as potentially dangerous;
 - e. Any incident that may be interpreted as involving explosive devices (suspicious box, bomb threat, etc.);
 - f. Any time it is deemed necessary and appropriate by the Chief, the Battalion Chief, E.M.S. Shift Supervisor, or member of Command Staff.

This list is not intended to be all inclusive and Members may and should wear body armor at any other time they determine or believe it is necessary or appropriate.

3. Members responding to the types of incidents set forth in subsection 2 above, or to incidents in known trouble areas, will put on their body armor prior to entering the location of the incident and body armor shall remain on until all potential threats addressed by this policy have been neutralized or otherwise resolved.

4. Immediately following an upgrade of the national security level to orange or red, all members shall respond to all incidents wearing body armor. This requirement will remain in effect until the reason for the increased national security level can be evaluated by the Chiefs, Director of E.M.S. Operations, and E.M.S. Shift Supervisors for potential danger to members, and until members are advised by their supervisor that body armor can be removed.

5. It has been the policy of this department to allow responding law enforcement officers to stabilize a situation/scene prior to members entering the area. This policy shall remain in full force and effect. While body armor is intended to increase safety of members, its use is not intended to change the duties of members, to authorize acts by members that are traditionally and by policy or law intended to be performed by law enforcement, or to replace the exercise of caution and good judgement based on each particular situation.

6. When not in use, body armor shall be properly stowed and/or secured to prevent theft or damage.

7. Any person participating in the Rider Program shall remain inside the response vehicle at all incidents where body armor is required to be used.

8. Any damage to a member's body armor shall be reported to the E.M.S. Shift Supervisor (408) as soon as damage is discovered. If a member's body armor is reported to be damaged, the member will be issued replacement body armor until a determination is made as to the suitability of the damaged body armor for continued use. Members assume any and all risk of injury resulting from the use of body armor that has unreported damage.

9. Body armor has been shown to provide additional protection to the wearer from blunt force trauma and injury from sharp objects or firearms. However, by accepting body armor from the Charleston Fire Department, the member: (a) understands that wearing body armor is not a guarantee of member's safety; (b) acknowledges that body armor will not prevent all injuries; and (c) agrees to abide by the safety practices set forth in policy, or as otherwise instructed, in order to minimize exposure to potential injury.

SECTION 5: EMPLOYEE BENEFITS

Terminology: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Member shall mean any sworn employee of the Fire Department hired under the provisions of West Virginia State Code Chapter 8, Article 15.

Shift: A 24 hour period of duty (equal to 2 days).

Day: A 12 hour period (equal to ½ shift).

Working Day: An 8 hour consecutive period of duty for members on a 40 hour work week.

Policy 5.1: Sick Leave.

Sick Leave Benefit Entitlement 5.1.1: Beginning January 1, 2015 each uniformed member of the Charleston Fire Department shall be entitled to and granted sick leave with full pay, in accordance with Charleston City Code section 54-103: *Provided*, That any sick leave taken on a legal holiday will be reduced from the accrued amount of sick leave but the member will be compensated in accordance with Charleston City Code section 54-105. Such sick leave shall accrue at the rate of eight (8) hours credited on the last day of each month during which the member has worked or has had leave credited for one or more tours of duty.

Sick Leave Use 5.1.2 When a member hired before July 1, 2020, retires, the member will have the privilege of converting up to 144 hours of sick leave accrued under Section 54-103(a) of the Municipal Code of the City of Charleston on or after January 1, 2012, or any remaining unused sick leave accrued prior to January 1, 2012 whichever is greater, to insurance benefits based on the formula of 24 hours for one month single coverage insurance premium or 36 hours for one month family coverage insurance premium. Any sick leave accrued by a member on or after January 1, 2012, that is not converted to insurance benefits to the extent permitted by this section shall be forfeited effective as of the date of the member's retirement or separation from employment.

In other words, a department member hired before July 1, 2020, can use sick leave and then bank back up to the "watermark" of Dec 31, 2011, for healthcare premium purposes. Upon retirement, the amount of sick leave that an employee will be able to convert to healthcare premiums will be the lesser of 1) the total balance of sick leave available upon retirement or 2) the "watermark" level of December 31, 2011.

Example 1: Let's assume that an employee has 500 hrs of Sick Leave on Dec. 31, 2011. He uses 48 hours of sick leave in 2012, and then banks back 48 hours on Jan. 1, 2013, and another 48 hours on Jan. 1, 2014, (i.e., a total of 96 hours over two years) before he retires on Feb. 10, 2014. Upon retirement, he would have a total sick leave balance of 548 [500 - 48 + 96= 548]. But because his "watermark" was 500, he can only convert 500 hours of sick leave to premiums (this is the lesser of 548 and 500). The other 48 hours are forfeited.

Example 2: Assume the same 500 hrs balance on Dec. 31, 2011. He uses 48 hours in 2012, but doesn't bank any back before retiring on February 10, 2014. His balance upon retirement would be 452. He can only convert 452 hrs to healthcare premiums because 452 is the lesser of 500 and 452.

Any sick leave accrued by a member on or after January 1, 2012, that is not converted to insurance benefits to the extent permitted by this section shall be forfeited effective as of the date of the member's retirement or separation from employment.

Sick leave shall be granted for the following reasons:

1. Illness on the part of or injury to; the member, incapacitating him or her for duty.
2. Illness in the immediate family, i.e. spouse, child, father, mother, sister, brother, father-in-law and mother-in-law, of such a critical nature as to require the presence of the member. This provision shall not be construed to cover absences for the purpose of nursing or caring for members of the immediate family not declared by the attending physician to be critically ill.
3. Exposure to contagious diseases and subsequent determination by competent medical authority that such member's presence on duty might jeopardize the health of others.

After the equivalent of half of the annual sick leave has been used by the member, the member shall provide the Fire Chief with a certificate from the attending physician setting forth the nature and duration of any of the conditions which would entitle him or her to sick leave. Failure to provide

such certificate satisfactory to the Fire Chief shall result in the member's not being granted sick leave with pay, and may subject the member to discipline for an unexcused absence.

- If employee does have sick time, then a doctor's excuse will be required after the equivalent of half of the annual sick leave has been used (2 shifts).
- If employee does not have any sick time, then the employee will be unpaid or absent without pay.
- If employee does not have any sick time, then the employee will be (AWOL) away without leave or absent without pay.

Personnel marking off sick next to vacation, Kelly days, holidays and weekends will also be required to provide a "jiffy report" along with a doctor's excuse. Holiday mark offs require a doctor's excuse. Failure to comply with the City's Sick Leave Policy will result in loss of sick time and/or unexcused absences along with removal from overtime lists and other disciplinary measures. Also the Shift Commanders will begin calling individuals at home.

The City Manager may, in his or her discretion and at the request of the Fire Chief, advance additional leave necessary to avoid substantial hardship to any member provided that all other accrued vacation, sick and personal contingency leave shall have first been exhausted.

The Fire Chief shall also have the right to investigate or cause to be investigated the alleged illness of any member and, for good cause shown, not only to deny sick leave but also to take proper disciplinary action against any feigner or abuser.

In the event of an emergency, as declared by the Mayor, an attending physician's excuse may be required for any days missed; and during the emergency, the Mayor may suspend, in whole or in part, any sick leave or personal contingency leave as permitted by subsections (a) and (c) of this section.

For purposes of this section, a medical provider shall include a licensed physician, surgeon, chiropractor, psychologist, or dentist.

Line of Duty Injury/Illness 5.1.3: When an injury or sickness occurs to any member of the Fire Department while on duty, all pertinent information shall be entered in the journal of the company (log book) to which the member is assigned and the Company Officer shall prepare and forward a complete report of the incident, through channels, to the Fire Chief. If the injury or illness is compensable, the Captain or Shift Commander shall complete a foreman's report of injury.

Whenever a member becomes too ill for duty, he/she shall notify the Company Officer, who shall immediately report the disability to his/her superior officer, see that the sick member receives proper attention and care and, if necessary, relieve him/her from duty. The Company Officer shall then enter all pertinent information in the company journal (log book) and forward a complete report of the incident, through channels, to the Fire Chief.

Report of Disability 5.1.4: All members shall be required to notify their Battalion Chief of any inability to report for duty due to illness at a time no later than two (2) full hours before their tours of duty commence.

All members returning to duty after using sick leave are required to check the guard sheet on Telestaff to make sure they are listed as on duty. If they are not listed, they shall notify the Battalion

Chief by 1800 hours on the day prior to their shifts. Any member not listed as on duty on Telestaff who fails to notify the Battalion Chief by this specified time will continue to be listed as off sick and will be required to provide a physician's slip before returning to duty.

Anytime a member is off for an extended illness, the member shall contact his/her Battalion Chief at least once per week to keep the Battalion Chief apprised of the member's status. The member shall request that vacation time be moved in the event that the member uses all of his/her sick time. Failure to make this request could result in a loss of pay.

Members having been off for more than 30 days due to illness must notify the Administrative Chief (402) at least one week prior to their scheduled return to duty to schedule a drug test. Members are not allowed to return to duty without clear drug test results.

Policy 5.2: Funeral Leave

Benefit Established 5.2.1: In the case of the death of the spouse, child, mother, father, brother, sister, mother-in-law, father-in-law, or in the case of death of any other relative residing in the immediate household, the member shall be allowed 1 shift or 3 working days funeral leave with regular pay.

In the case of the death of a sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandchild, aunt, uncle, nephew, niece or first cousin of the member or spouse, the member shall be allowed one day (12 hours) or working day (8 hours) of funeral leave with regular pay; the Fire Chief may allow the member to use three (3) days or working days of his/her accumulated *sick leave or accrued personal contingency leave* in case of any of the above designated persons.

Only if *additional* funeral leave is granted shall it be deducted from accumulated sick leave or personal contingency leave. Regular funeral leave shall not be deducted from sick leave nor personal contingency leave.

Responsibility 5.2.2: It is the responsibility of the member seeking funeral leave to contact the Battalion Chief's Office to make the request.

It is the responsibility of the on-duty Battalion Chief to fill out a funeral leave request form on behalf of the member and to forward it to the Battalion Chief of the member making the request.

It is the responsibility of the member, upon returning to duty to sign and verify the information on the request form.

Policy 5.3: Vacations and Holidays

Vacations 5.3.1: In accordance with Section 54-102 of the Charleston City Code:

On or after January 1, 2012 each uniformed member shall be entitled to receive annual vacation leave with pay which shall accrue as follows:

- (1) For a member on shift duty:
 - a. Fourteen (14) hours credited on the last day of each month which shall equate to seven shifts or 14 days per calendar year, or a pro rata share of employed less than one year, for the first 14 years of service.

- b. Eighteen (18) hours credited on the last day of each month which shall equate to nine shifts or 18 days per calendar year, for those with 15 or more years of service.
- (2) For members on a 40-hour week:
- a. Monthly credit of $1\frac{1}{4}$ working days (i.e., 10 hours) credited on the last day of each month during the first 14 years of service.
 - b. Monthly credit of $1\frac{2}{3}$ working days (i.e., 13 hours 20 minutes) credited on the last day of each month for those with 15 or more years of service.

Such leave shall not be cumulative from year to year; it must be taken within the calendar year earned in accordance with the schedule established by the Fire Chief or be forfeited. Any such leave which has accrued but has not been used at the time of retirement or separation from employment shall be a credit which shall be paid at regular wage rates along with any outstanding wages due and owing to the employee. Any such leave which has been used but has not yet accrued at the time of retirement or separation from employment shall be deemed an unsatisfied advance and may be treated as a payroll deduction from any outstanding wages then due and owing to the employee, to the extent permitted by state and federal law.

Holidays 5.3.2: In accordance with Section 54-105 of the Charleston City Code:

- (a) The following days shall be regarded, treated and observed as legal holidays:
 - (1) January 1, New Year's Day;
 - (2) The third Monday of January, Martin Luther King's Birthday;
 - (3) The third Monday of February, Presidents' Day;
 - (4) The last Monday in May, Memorial Day;
 - (5) June 20, West Virginia Day;
 - (6) July 4, Independence Day;
 - (7) The first Monday of September, Labor Day;
 - (8) The second Monday of October, Columbus Day;
 - (9) November 11, Veterans Day;
 - (10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;
 - (11) December 25, Christmas Day;
 - (12) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and
 - (13) All days which may be appointed or recommended by the Mayor, the Governor or the President of the United States as days of thanksgiving or for the general cessation of business.

When any of such days or dates falls on Saturday or Sunday, either the preceding Friday or the succeeding Monday shall be regarded, treated and observed as such legal holiday.

- (b) Uniformed members on 24-hour shift duty who are required to receive additional compensation for legal holidays pursuant to W. Va. Code §8-15-10a, upon the occurrence of a legal holiday, regardless of whether the member is required to work on the legal holiday or the legal holiday occurs on the member's regularly scheduled day off, shall either be:
 - (1) Paid at a rate of one and one-half times the member's regular rate of pay for 24

hours; or

(2) Allowed equal time off at such time as may be approved by the Fire Chief or his or her designee.

- (c) Uniformed members on a 40-hour week who are required to work on a legal holiday, or if the legal holiday occurs on their regularly scheduled day off, shall be allowed up to one working day (eight consecutive hours) of time off, at such time as approved by the Fire Chief or his or her designee.

Selection of Vacation Time 5.3.3: The selection process for vacation leave shall be arranged by the Battalion Chief at his/her convenience, beginning with the most senior member by time on the job and proceeding toward the most junior member for each respective shift.

Each respective shift shall be allotted only a certain number of personnel to be off on holiday/vacation time for any given day. The number of personnel allowed to be off on a shift shall be determined by the Fire Chief. Once the senior members of a shift have filled the allotted number of vacation/holidays for a given day, no other personnel shall be allowed to select that day.

Policy 5.4: Time Trades

Privilege Established 5.4.1: Members of the Fire Department, with the approval of the Fire Chief, City Administration and Charleston Professional Firefighters Local 317 bylaws may be granted the privilege of trading shift time with other members of the Fire Department. It shall be stated that time trading is a privilege and not a right of any member of the Fire Department. Abuse of this privilege may result in time trading/paying being suspended at any time by the Fire Chief.

Rules for Trading Time 5.4.2: Members may trade time with a member of his/her own rank, or with a member that is within one rank.

EXAMPLES: Fire Fighters may trade with Fire Fighters or Lieutenants
Lieutenants may trade with Fire Fighters or Captains
Captains may trade with Lieutenants and Asst. Chiefs

Paramedics must trade with another medic; see example below

Members may also trade Kelly shifts with other members of the same shift, as long as the Kelly shifts traded fall within the same Kelly rotation period. Kelly trades will be subject to the same rules and restrictions as trading/paying time.

Members wishing to trade time must request the time trade on Telestaff and submit the request to the Battalion Chief for approval at least 72 hours prior to the shift being traded. If you agree to work for someone and the Battalion Chief approved the trade, but you do not show up it will be your responsibility. If the time trade is not approved by the Battalion Chief, then the obligation reverts to the person originally scheduled to work.

The personnel involved in the trade **must** have compatible qualifications to perform one another's jobs, and be willing to function in those roles.

EXAMPLE: If the member seeking a trade normally functions as a Paramedic on an ambulance, then he/she must trade with other members who can perform that Paramedic function.

Trading time shall not create step-up pay or overtime pay.

EXAMPLE: If a Lieutenant is working for a Captain, the Lieutenant shall act in the capacity of Captain. If a Captain is working for a Lieutenant he/she will act in the capacity of a Lieutenant, unless the regular Captain is off duty; then the Captain trading time shall step up and ride the seat as the Lieutenant would have done.

Battalion Chiefs have the right to move personnel to effectively and safely operate the shift.

Trading time with someone off on Military or Worker's Comp is not allowed. NO EXCEPTION.

Any member owing time to another member must repay that time within one year (365 days) of the original trade date.

No more than seven (7) shifts of time (168 hours) can be owed any one member to other members at any given time. No more than fourteen (14) shifts of time (336 hours) can be accumulated by any one member at any given time.

Time trades must be paid back with time. It is expressly prohibited to pay back a member with money and/or other compensation. Any violation of this rule will result in the loss of trading privileges for a period of one (1) year from the date of the violation. Members shall not trade time in order to work another job.

If a member is unable to work non-scheduled time because of a time "pay back," that member shall be picked up for non-scheduled time provided the member is available to work the next time he/she is called.

The Battalion Chief may allow a member to trade/pay time at the member's home station as long as this practice does not affect any pay patterns.

Probationary Fire Fighters may only trade time with other Probationary Fire Fighters. If the probationer is a paramedic, at least 12 hours must be traded with another probationer that is equally trained.

Members who have agreed to work will be held responsible for covering the time trade and making sure the position is filled.

In the event that a member fails to report for duty for trade or pay back, the member who has agreed to work for that shift will be considered absent without leave (A.W.O.L.) and shall forfeit his/her pay or other benefits for the period left uncovered. Repeat offenses will result in suspension of trading time privileges.

If any member marks off duty as sick, that member shall not be permitted to trade time with, or pay time to, any other member, until he/she returns to duty for a minimum of one (1) shift.

Any member trading/paying time assigned to an ambulance will receive the appropriate EMT, AEMT, or Paramedic pay. The pay shall go to the actual member who is physically present on duty.

The on-duty Battalion Chief must be notified by 0800 hours of any cancelled trades/pay

backs for that shift.

If any member is off duty more than 30 days due to time trading, it is that member's responsibility to schedule a drug test, through the Administrative Chief, three to five days prior to reporting back on duty.

If any member consistently fails to follow trading/paying time procedures, his/her trading time privileges shall be suspended. That member shall only be allowed to pay back time to other members.

Approval of Time Trades 5.4.3: All time trades must be submitted to the Battalion Chief for final approval. The Battalion Chief may deny a time trade for any reason if he/she feels such a trade will cause detriment to his/her ability to properly staff the shift.

In the absence of a Battalion Chief, the Administrative Chief (402) or the Chief of Operations (403) may accept the time trade forms and have the same right of refusal as the Battalion Chief (450).

Acting Battalion Chiefs *cannot* accept time trade forms nor grant time trades.

The Battalion Chief has the right to grant emergency trades/pay backs at his/her discretion.

The Battalion Chief has the absolute right to deny any and all requests for justified reasons which may affect the operations of the Charleston Fire Department.

Policy 5.5: Military Leave

Benefit Established 5.5.1: In compliance with the *Uniformed Services Employment and Reemployment Act of 1994* the Charleston Fire Department shall grant military leave to members in the armed forces.

Any military leave of absence with pay will be subject to the limitations of West Virginia Code §15-1F-1:

WEST VIRGINIA CODE

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.

§15-1F-1. Leave of absence for public officials and employees for drills, parades, active duty, etc.

(a) Any officer or employee of state, county or municipal government hired for permanent employment who is a member of the National Guard or armed forces reserve, is entitled to a military leave of absence from his or her respective office or employment without loss of pay, status or efficiency rating, on the days during which he or she is ordered, by properly designated authority, to be engaged in drills, inactive duty training, parades, funeral details, service schools or other duty, during business hours, field training, annual training or other full-time National Guard duty pursuant to Title 10 or Title 32 of the United States Code, or active service of the state, for a maximum period of thirty working days, not to exceed two hundred forty hours in any one calendar year.

(b) Any officer or employee of state, county or municipal government hired for permanent employment ordered or called to active duty for a mobilization or deployment under Title 10 of the United States Code or in support of a contingency operation as defined in 10 U.S.C. §101(a)(13) by the properly designated federal authority is entitled to a military leave of absence from his or her respective office or employment without loss of pay, status or efficiency rating for a maximum period of thirty working days, not to exceed two hundred forty hours for a single call to active duty: Provided, That an officer or employee of state, county or municipal government called to active duty who has not used all or some portion of the thirty working days of military leave of absence granted by subsection (a) of this section is entitled to add the number of unused days from that calendar year to the thirty working days, not to exceed two hundred forty hours granted by this subsection, up to a maximum of sixty days for a single call to active duty: Provided, however, That none of the unused days of military leave of absence granted by subsection (a) of this section may be carried over and used in the next calendar year.

(c) The term "without loss of pay" means that the officer or employee shall continue to receive his or her normal salary or compensation, notwithstanding the fact that the officer or employee may have received other compensation from federal or state sources during the same period.

Eligible members of the Charleston Fire Department will be afforded a military leave of absence with pay in accordance with applicable federal and state law and City policy. After exhausting his or her military leave of absence with pay allotment, the member will be placed on an unpaid leave of absence. While on an unpaid leave of absence, the member will not accrue vacation or sick leave.

Responsibility 5.5.2: It shall be the responsibility of each member requiring military leave to notify his/her Battalion Chief of that need as far in advance as possible.

Policy 5.6: Family Leave

Benefit Established 5.6.1: As a government employer, the Charleston Fire Department is required by law to follow the provisions of the Family Medical Leave Act. This law provides 12 weeks **unpaid** leave during any 12 month period for all members employed by the Charleston Fire Department for at least 12 months, and that have worked at least 1,250 hours during the 12 months preceding the commencement of leave.

Qualifying Conditions 5.6.2: Family medical leave can be taken for:

1. The birth of a child and to care for the newborn.
2. The placement of a child with the employee for adoption or foster care.
3. The employee is needed to care for a family member (child/spouse/parent) with a serious health condition.
4. The employee's own serious health condition makes the employee unable to perform the functions of his/her job.

The member must use all of his/her accumulated sick leave *and* vacation leave prior to taking **unpaid** FMLA. The member shall accumulate sick leave, but not vacation leave, while on unpaid FMLA. Health benefits will be maintained as if the employee is working. The employee is required to continue to pay his/her share of the premium.

Policy 5.7: Kelly Shifts

Benefit Established 5.7.1: In compliance with the *FAIR LABOR STANDARDS ACT, 29USC 207(k)*, the Charleston Fire Department establishes a “Kelly Shift” for personnel assigned to shift duty of 24 hours on and 48 hours off. The purpose of this measure is to maintain a **49 hour work week** for shift personnel, thus keeping the hours worked by these personnel below the 106 hour limit established for a 14 day work period. Any hours worked in excess of this 106 hourly limit within the 14 day work period requires that personnel be paid at a rate of one and one-half times their regular pay.

Personnel assigned to 24-hour shift duty shall have a shift off on every 8th shift of his/her work schedule. The Kelly rotation assignment (1 through 8) shall be made by the Fire Chief to provide for the most efficient operation of the Fire Department.

Personnel shall be allowed to trade Kelly Shifts, as specified in section 5.4.2 of these Policies and Procedures.

Policy 5.8: Premium and Non-Scheduled Time

Premium Time Benefit Established 5.8.1: In accordance with Section 54-106 of the Charleston City Code:

- (a) Members shall not be required to remain on duty in excess of 112 hours during any 14 consecutive calendar days’ period.
- (b) Unless the members shall by a majority vote elect otherwise as provided by state law, shifts shall begin and end at 8:00a.m.
- (c) Members, other than the Chief who is paid an annual salary, shall be paid on an hourly basis according to wage rates established by and published in annual general fund budgets and pursuant to federal, state, and municipal codified law, as may be amended from time to time, with appropriate adjustments on a bi-weekly (14 consecutive calendar days’ period) basis. Each bi-weekly pay period shall begin at 12 midnight prior to a shift that begins on a Sunday at 8:00 a.m.
- (d) On and after December 14, 2014 and pursuant to state and federal law, the work period for calculating overtime for members assigned to shift work shall be a consecutive 14 calendar-day period coinciding with a bi-weekly pay period. Members shall be paid at the rate of one and one-half times their regular hourly rate for any time worked in excess of 106 hours within this 14-day period.
- (e) On or after December 14, 2014, and pursuant to state and federal law, the work period for calculating overtime for members assigned to a 40-hour week shall be a consecutive seven calendar-day period coinciding with the beginning or ending of a bi-weekly pay period. Members shall be paid at the rate of one and one-half times their regular hourly rate for any time worked in excess of 40 hours within this seven-day period that begins at 12:01 a.m. Sunday and ends at 12:00 midnight the following Saturday.
- (f) The Fire Chief may establish rules and regulations for the trading of assigned shifts, or portions thereof, provided that where one member substitutes for another, each member will be credited as if he or she had worked his or her normal work schedule for that shift, or portion thereof, with the effect that the hours worked shall be excluded in the calculation of

the hours for which the substituting member would otherwise be entitled to overtime compensation under the law. The Fire Chief or Shift Commander must approve any agreement between members to substitute shifts prior to the start of the shift in which the substitution will occur.

Special duty non-scheduled time shall be called from the list of the shift following the day, so as not to interfere with regular shift non-scheduled time.

Non-Scheduled Shift Time 5.8.2: Members shall be paid at their regularly calculated hourly rates for all work performed below the 106 hour threshold in a 14 day period as established in section 5.8.1 above. Any hours performed above 106 hours, according to departmental rules, shall be paid at 1 ½ times their hourly rate of pay.

The Battalion Chiefs shall use an automated payroll system, in an effort to make distributing non-scheduled time as equal as possible with consideration to the department's minimum staffing requirements.

When applicable, non-scheduled pay shall be called rank for rank, with the exception that a Paramedic will only be called when the Battalion Chief designates that a non-scheduled pay slot requires a Paramedic. If no Paramedic is available for non-scheduled time, then the Paramedic slot will be filled by an on-duty Paramedic moved from another station/assignment.

No member shall be called to work non-scheduled time in any station housing an ambulance, unless that member has a valid driver's license and a current EMT Basic or Paramedic card. Members lacking these qualifications shall be deemed ineligible to work in ambulance stations and bypassed for non-scheduled pay consideration. If such member wishes to be called for non-scheduled pay in an ambulance station, then it shall be incumbent on him/her to obtain the qualifications required for eligibility.

Non-scheduled time calls shall begin with "Sign ups" (Individuals who are willing to work and "Sign up" for a specific date, 12 hour time period (am or pm) and/or operational area. The personnel from the "Sign Ups" with the lowest amount of non-scheduled time in their "bucket" accruals will get called first in 12 hour increments. In the event the sign ups do not fill the non-scheduled slots it will revert to the existing automated call out system initiated by the Battalion Chief on a first call back basis.

Probationary Paramedics shall be eligible to work on ambulances and Paramedic call outs, at such time that the E.M.S. Shift Supervisor and the E.M.S. Operations Director have advised the respective Battalion Chief s that the Probationary Paramedic is competent to function in that role. Probationary Paramedics shall only be called after all other Paramedics have been offered the non-scheduled time.

Probationary Fire Fighters shall be eligible to work non-scheduled time, after a minimum of 6 months of employment, completing all probationary assignments given them to that point, and being authorized to do so by the Chief of Operations. Probationary Fire Fighters shall only be called after all other Fire Fighters have been offered the pay.

To ensure all shifts remain balanced in regard to non-scheduled time, the Fire chief and/or Administrative Chief will initiate efforts to balance the shifts to provide a fair distribution on non-scheduled time to each shift, considering the safe and efficient operation of the fire department.

There is nothing in this policy to guarantee non-scheduled time to any individual or rank. The distribution of non-scheduled time shall be at the discretion of the Fire Chief for the safe and efficient operation of the fire department.

Call-out Non-scheduled Time 5.8.3: “Call out” non-scheduled time shall be called as outlined above in Section 5.8.2.

Special Duty Non-Scheduled Time 5.8.4: “Special Duty” non-scheduled time will be called using an automated call out system initiated by the Battalion Chief, Administrative Chief, Operations Chief or Fire Prevention Captain.

E.M.S. Shift Supervisor Non-Scheduled Time 5.8.5: Personnel assigned to the Paramedic Supervisor position will be eligible to work non-scheduled time when an opportunity exists for that position and there is at least one other vacancy to be filled with non-scheduled time on the shift. Also they will be eligible to work non-scheduled time on Fire/EMS apparatus. Paramedic Supervisors are not eligible to work non-scheduled time when they are on vacation or off sick. Paramedic Supervisors must return to duty for his/her next regularly scheduled shift prior to working non-scheduled time.

Day Shift Non-Scheduled Time 5.8.6: Members shall be paid at their regularly calculated hourly rates for all work performed below the 40 hour threshold in a 7 day period as established in section 5.8.1 above. Any hours performed above 40 hours, according to departmental rules, shall be paid at 1 ½ times their hourly rate of pay.

The Administrative Chief or their designee, shall use an automated payroll system, in an effort to make distributing non-scheduled time as equal as possible with consideration to the department’s minimum staffing requirements.

The Administrative Chief or their designee, shall distribute the day shift non-scheduled time calls as evenly as possible.

Battalion Chief Non-Scheduled Time 5.8.7: Battalion Chief’s will be eligible to work non-scheduled time when an opportunity exists for that position and there is at least one other vacancy to be filled with non-scheduled time on the shift. This non-scheduled time must be approved by the Fire Chief or Administrative Chief prior to the Battalion Chief actually working the non-scheduled time. When a vacancy occurs because the regularly on-duty Battalion Chief is off due to illness or injury, his/her position will be filled by the approved step-up procedures, not non-scheduled time. An accurate record shall be kept of the non-scheduled time offered, worked, and refused on each shift for the Battalion Chiefs, and all other ranks. This record shall be reviewed by the Fire Chief or Administrative Chief prior to approving, or denying, non-scheduled time for Battalion Chiefs, and at least bi-weekly, to assure that non-scheduled time is being distributed as evenly and fairly as possible, while taking into consideration the operational requirements of the department.

Battalion Chiefs are not eligible to work non-scheduled time when they are on vacation or off sick. The Battalion Chief must return to duty for his/her next regularly scheduled shift prior to working non-scheduled time.

When the Battalion Chief vacancy is not filled by non-scheduled time, the position will be filled by stepping-up the Captain ranking highest on the Assistant Chief promotional test list assigned to that shift. If there is not an active promotional list for Assistant Chief, then the most senior Captain in employment history (time on the job) shall step-up to fill the position.

Assistant Chiefs assigned to day-shift (Administrative Chief/Operations Chief) must have all non-scheduled time approved by the Fire Chief prior to working the non-scheduled time. There shall be an accurate record kept of all non-scheduled time worked by day-shift personnel, and this record shall be reviewed prior to any non-scheduled time being approved to ensure non-scheduled time is being distributed as evenly and fairly as possible, while taking into account the operational requirements of the department.

Nothing in this policy shall prohibit any department member called out on an emergency situation from reporting immediately to the required area.

There is nothing in this policy to guarantee non-scheduled time to any individual or rank. The distribution of non-scheduled time shall be at the discretion of the Fire Chief for the safe and efficient operation of the fire department.

Policy 5.9: Step-Up Pay

Benefit Established 5.9.1: Any member required to hold a position on duty which is normally filled by a member of higher rank shall be compensated by receiving the pay rate of that higher rank for the hours he/she holds that position.

Rules for Receiving 5.9.2: No member shall hold a position more than one rank level above his/her own or except as authorized by the Fire Chief.

The member receiving step-up pay must actually perform the job or hold the position for which he/she is being paid.

Step-up pay shall be assigned by the members' employment seniority (time on the job). The most senior person in the rank to be stepped-up will fill the position, regardless of whether that member is normally assigned to that station or is assigned to the shift's backfill pool.

If the most senior member is required to be assigned to ambulance duty during a portion of the shift, then the next senior person shall be assigned to step-up during that time.

Responsibilities 5.9.3: The member receiving step-up pay shall be responsible for performing the job to which he/she has been assigned, and knowing the responsibilities accompanying such a position.

The Company Officer is responsible for assigning personnel to step-up positions in accordance with the criteria established in section 5.9.2 of these policies and procedures. . The Company Officer **shall not** deviate from the above stated criteria. If the Company Officer feels the member to receive step-up is unable to effectively or safely perform the duties of the position, then the Company Officer shall contact the on-duty Battalion Chief with his/her concerns. The on-duty Battalion Chief shall have the authority to reassign the step-up position to the next senior member.

The Company Officer of each apparatus is responsible for checking the guard sheet each morning PRIOR TO 0830 HOURS for accuracy concerning the listing of proper personnel, time-trades etc., and notifying the Battalion Chief of any discrepancies. No pay adjustments shall be made after the guard sheet is finalized by the Battalion Chief.

The Battalion Chief is responsible for recording and reporting step-up pay in a manner consistent

with the criteria of this policy.

Policy 5.10: Emergency Relief

Authority 5.10.1: The Company Officer is authorized, in the event of a genuine emergency, to relieve a member from duty for the remainder of his/her shift, and to notify the Battalion Chief so that a suitable replacement may be obtained as promptly as possible.

Situations warranting such emergency relief shall be *any serious illness, accident, or death in the immediate family, or any other unforeseen occurrence or development of an urgent nature.*

Documentation 5.10.2: The Company Officer shall make an entry in the company journal (log book) of all emergency and stand-by arrangements, such as:

1. Name and rank of the member involved.
2. Nature of the emergency or reason for absence.
3. Time of relief or departure.
4. Signature and rank of officer making the log book entry.

The Company Officer shall ensure that any member serving in a stand-by capacity for the departed member is in uniform, and determine that the member seeking temporary relief has a sufficient reason.

Loss of Time 5.10.3: The time taken from duty by a member seeking emergency leave shall be drawn from that member's vacation, accumulated sick time, or accumulated personal contingency leave whichever is deemed most appropriate by the Fire Chief.

Policy 5.11: Uniform Allowance

Benefit Established 5.11.1: In addition to such compensation as may otherwise be allowed and paid to members of the Fire Department, The City shall reimburse each member of the Fire Department for the cost to him/her of items of clothing which comprise a part of the official uniform and fire fighting clothing purchased, used and worn by him/her, to an aggregate maximum amount to be determined from time to time by the City Council; provided, that no portion of such allowance to any member remaining unexpended at the end of any fiscal year shall be carried over into the next or any succeeding fiscal year.

Such reimbursement may be made by payment directly to each such fireman or by payment directly to the vendor or furnisher of each such item of clothing, upon and after conformity and compliance with such rules, regulations, proceedings, forms and proofs as may be prescribed and promulgated from time to time by the Fire Chief, upon advice and with the approval of the City Auditor.

Policy 5.12: Transfers

General Policy 5.12.1: There shall be no transfer of personnel within the Fire Department from one station to another or from assignment to assignment without the express approval of the Fire Chief.

All requests by members for transfer shall be in written form with the reasons for such request fully stated. All requests shall be forwarded through the chain of command.

Filling of Vacancies 5.12.2: When a vacancy occurs at any position within the Charleston Fire Department, the Fire Chief shall post the vacancy for a period of six (6) days to allow interested members to apply for the posted position.

The Fire Chief, with input from the Chief Officers, shall review and evaluate all requests and make assignments he/she feels are in the best interests of the department, the citizens, and the Fire Department members.

Nothing in this policy shall prohibit the Fire Chief from re-assigning or transferring personnel for the betterment of the Fire Department.

Nothing in this policy shall prohibit a Shift Commander from temporarily re-assigning personnel to accomplish the task of delivering services.

When making selections for appointment to a given position, with all other factors being equal, employment seniority (time on the job) shall prevail.

When a member is newly promoted to a rank, his/her seniority shall not be considered until he/she has held that rank for a period of one (1) year.

Any member who is placed in a vacancy he/she has bid on must serve in that position for a period of one (1) year before he/she is eligible to bid on another vacancy.

Responsibilities 5.12.3: It shall be the responsibility of the Fire Chief to post, or cause to be posted, any vacancies within the Fire Department.

It shall be the responsibility of the Fire Department members to check for posted vacancies.

It shall be the responsibility of the Fire Department members to complete transfer requests and submit them to the Fire Chief, through the chain of command, during the specified time limits.

Policy 5.13: Resignations & Retirements

General Policy Statement 5.13.1: Any member wishing to retire or resign from the Fire Department shall provide 2 week's notice in writing to allow ample time to process the notice. The Fire Chief may waive the notice requirement and allow the resignation/retirement to become effective immediately on receipt of a member's intention to resign.

The retiring member should contact the City Personnel department for information related to retirement benefit options.

A resigning member shall turn in all uniforms, keys, P.P.E. and all other property issued by the department. A member may be assessed a replacement cost for any item that is not returned or is returned damaged.

Any member who submits his/her resignation may withdraw it before the effective date with the approval of the Fire Chief. Once the effective date of the resignation arrives or is passed, any former member seeking re-employment with the Fire Department shall be subject to Civil Service Law section 4.06 and Charleston City Code section 86-192.

Policy 5.14: Assignment of Personnel

Authority 5.14.1: The Fire Chief shall have authority to assign departmental personnel to any division, position, shift, or station he/she deems necessary for the betterment of the Charleston Fire Department.

The Battalion Chief shall have authority to assign the personnel of his/her shift to any assignment he/she deems necessary to the efficient operation of his/her shift or tour of duty.

The Company Officers, or acting Company Officers, in the fire stations shall have the authority to assign station personnel to any apparatus of their respective stations necessary to ensure the efficient and proper operation of those apparatus, so long as those assignments are not contrary to the orders of the Battalion Chief or Fire Chief, or in direct violation of these policies and procedures.

Guidelines 5.14.2: Personnel shall ride the apparatus assigned to them by the Fire Chief, through the bid/transfer process as stated in Section 5.12 of these Policies and Procedures, or otherwise placed by the Battalion Chief, unless such personnel are needed for other duties, such as rotation between a suppression apparatus and an ambulance, or is eligible for step-up assignment.

In cases where vacancies are created by the absence of regular station personnel, step-up assignments shall be filled in accordance with Section 5.9 of these Policies and Procedures.

The Company Officer making assignments should consider the members' assignments on their last tours of duty when making assignments in the suppression/E.M.S. rotation.

In cases where all factors are equal, such as rank and similar assignment (i.e. both on night E.M.S. duty) on the previous tour of duty, then assignments shall be made by employment seniority (time on the job), with the choice of assignment going to the most senior member. This shall be done whether the members in question are regular station members or from the back-fill pool.

In cases where personnel are trading time, the member who is physically present shall perform any rotation duties or assignments which the member he/she is working for would normally perform.

Members working non-scheduled time or premium time shall fill the positions and ride the apparatus they agreed to ride when they accepted the assignment from the Battalion Chief. These members shall not seek to change their assignment through seniority over regular shift personnel. Likewise, the Company Officer shall not change the assignment of the member as agreed upon by the member and Battalion Chief.

SIMPLY STATED, the member on non-scheduled or premium time shall ride the apparatus he/she was called for.

The above guidelines shall be adhered to by Company Officers when making personnel assignments. It may be necessary from time to time to deviate from these procedures in cases of unforeseen conditions, in which case the Company Officer shall contact the on-duty Battalion Chief, who shall have the final decision concerning changes in personnel assignment. Nothing in this policy shall prevent the Battalion Chief from making assignments for the betterment of the department or to meet the needs of the citizens of the City of Charleston.

Responsibilities 5.14.3: The Company Officer shall be responsible to make personnel

assignments based on the above guidelines whenever possible.

The Company Officer shall be responsible to inform the Battalion Chief of such assignments.

The on duty personnel shall be responsible to respond on the apparatus assigned them by the Company Officer or Battalion Chief.

Any member who refuses his/her assignment from a superior officer may be charged with insubordination, failure to obey a lawful order, and/or dereliction of duty.

Any member who accepts a non-scheduled shift, then refuses the non-scheduled shift based on the assignment at the station shall lose an additional non-scheduled shift rotation call in accordance with Section 5.5 of these Policies and Procedures.

Any member who feigns illness and uses sick leave to avoid his/her assignment may be charged with sick leave abuse or made subject to penalty as stated in Section 3.9 of these Policies and Procedures.

Any member who directly contacts the Battalion Chief, or other Chief Officer, to complain about the assignment given him/her by the Company Officer, without the permission of the Company Officer, and without implementing the grievance process stated in Section 3.12 of these Policies and Procedures, may be charged with failure to follow the chain of command.

Policy 5.15: Promotions

Promotional Process 5.15.1: Promotions within the Charleston Fire Department shall be granted as specified by the West Virginia State Code:

§8-15-21. Noncompetitive examination for filling vacancy; provisional appointment.

Whenever there are urgent reasons for filling a vacancy in any position in a paid fire department and there is no list of individuals eligible for appointment after a competitive examination, the appointing officer may nominate an individual to the firemen's civil service commission for noncompetitive examination; and if such nominee shall be certified by the said commission as qualified, after such noncompetitive examination and a medical examination, he may be appointed provisionally, to fill such vacancy until a selection and appointment can be made after competitive examination, in the manner prescribed in section twenty of this article; but such provisional appointment shall not continue for a longer period than three months, nor shall successive provisional appointments be made to the same position, under the provisions of this section.

§8-15-22. Vacancies filled by promotions; eligibility for promotion.

Vacancies in positions in a paid fire department shall be filled, so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department. Promotions shall be based upon experience and by competitive written examinations to be provided by the firemen's civil service commission: Provided, That no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade in the department immediately prior to said examination and has completed the registered apprenticeship and certification program under article fifteen-a, chapter eight of this code: Provided, however, That completion of the registered apprenticeship and certification program as a requirement for promotion shall apply only to those firefighters employed since June 12, 1987. The commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

§8-15-18a. Individual review of test and answers from promotional examination.

(a) Any applicant for promotion to any position in a paid fire department may personally review such applicant's examination questions, answers and scores to all parts of any competitive examination within five days after the posting of results of the competitive examination. Such five days shall not include the days the examination results are posted, nor any day that the office of the recorder of the city is not open for business to the public. The commission shall not certify the list of eligibles until all procedures before the commission under this section have been exhausted. The commission shall provide any applicant requesting review of such applicant's examination questions, answers and scores with a location to review such materials.

(b) If any applicant feels aggrieved by the answers and/or scores received on a promotional competitive examination, the commission shall, at the request of such applicant made within five days as calculated above, appoint a date, time and place for a public hearing, at which time such applicant may appear, with or without counsel. The commission shall review all parts of the competitive examination questions, answers and scores of the aggrieved applicant, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by such applicant.

(c) After such review, the commission shall render a decision either in favor of the applicant, and therefore adjust the eligibility list to provide for such applicant's adjusted score, or the commission shall rule that the applicant's prior score should remain unchanged. Any decision rendered by the commission under this section shall be in writing and shall set forth findings of fact and conclusions of law relied upon to reach such decision.

(d) The commission shall not certify a list of eligibles after the completion of a competitive promotional examination until all applicants for such position have exhausted the procedures before the commission set forth in this section.

(e) If any applicant is aggrieved by a decision rendered by the commission under this section, such applicant may, within twenty days of the date of the commission's decision, seek judicial review thereof in the circuit court of the county wherein such municipality is located. Nothing in this section shall be construed as depriving such applicant of the right to seek a writ of mandamus to the appropriate court within the time specified in this subsection.

§8-15-19. Refusal to examine or certify; review thereof.

The commission may refuse to examine an applicant, or after examination to certify as eligible one, who is found to lack any of the established preliminary requirements for the examination or position for which he applies; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position desired; or who is addicted to the habitual use of intoxicating liquors or drugs; or who has been guilty of any crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud, in his application, in any such examination, or in securing his eligibility; or who refuses to comply with the rules and regulations of the commission.

If any applicant feels aggrieved by the action of the commission in refusing to examine him, or after an examination in refusing to certify him as an eligible, the commission shall, at the request of such applicant, appoint a date, time and place for a public hearing; at which time such applicant may appear, by himself or counsel, or both, and the commission shall then review its refusal to make such examination or certification, and testimony shall be taken. The commission shall

subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the commission shall file in its records the testimony taken, and shall again make a decision, which decision shall be final and not subject to judicial review, but under no circumstances shall the provisions of this article be construed, in the case of a refusal to examine an applicant for promotion or to certify an applicant as eligible for promotion, as depriving such applicant of his right to seek a writ of mandamus, if the application for such writ is made within twenty days from the date of the decision refusing to examine or to certify him as eligible for promotion.

§8-15-26. Offenses and penalties.

Any individual who makes an appointment or promotion to any position, or selects an individual for employment contrary to the civil service provisions of this article, or willfully refuses or neglects otherwise to comply with, or to conform to, any of the civil service provisions of this article, or violates any of those provisions, is guilty of a misdemeanor.

Any commissioner or examiner, or any other individual, who willfully, by himself or herself or in cooperation with one or more persons, defeats, deceives or obstructs any individual with respect to his or her right of examination or registration according to the civil service provisions of this article, or to any rules and regulations prescribed pursuant thereto, or who willfully or corruptly, falsely marks, grades, estimates or reports upon any such examination or proper standing of any individual so examined, registered or certified, pursuant to the civil service provisions of this article, or aids in so doing, or who willfully or corruptly furnishes to any individual any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment or promotion to any position of any individual so examined, registered or certified, or to be so examined, registered or certified, or who impersonates any other individual, or permit or aid in any manner any other individual to impersonate him or her, in connection with any such examination or registration, or application or request to be examined or registered, is, for each offense, guilty of a misdemeanor.

Any person convicted of any of these misdemeanor offenses shall be punished by a fine of not less than \$500, nor more than \$10,000 or by confinement in jail for a term not exceeding one year, or by both fine and confinement, in the discretion of the court.

Promotional Reading Lists 5.15.2: The publications and materials on the reading lists for promotion shall be determined by the Fire Chief. The reading lists shall be reviewed and adjusted as needed or required.

Policy 5.16: Hiring of Personnel

Hiring Criteria 5.16.1: The hiring of candidates for employment by the Charleston Fire Department shall be done as specified by the West Virginia State Code:

§8-15-17. Form of application; age and residency requirements; exceptions.

(a) The Firemen's Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence, and post office address;

- (2) His or her United States citizenship, age, and the place and date of his or her birth;
 - (3) His or her state of health, and his or her physical capacity for the public service;
 - (4) His or her business and employments and residences for at least three previous years; and
 - (5) Any other information reasonably required, touching upon the applicant's qualifications and fitness for the public service.
- (b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.
- (c) The commission may require, in connection with the application, certificates of citizens, physicians and others, having pertinent knowledge concerning the applicant, as the good of the service requires.
- (d) Except as provided in subsections (e), (f), and (g) of this section, the commission may not accept an application for original appointment if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.
- (e) If any applicant is an honorably discharged veteran of any branch of the United States armed forces, armed services reserve, or National Guard, then the individual may apply for an original appointment if the applicant is not more than 40 years of age.
- (f) If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application, for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant, within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual is eligible for appointment by reinstatement in the discretion of the Firemen's Civil Service Commission, even though the applicant is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. The applicant shall undergo a medical examination; and if the individual is so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.
- (g) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:
- (1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1, *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or
 - (2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1

et seq. of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

(h) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and are not entitled to seniority considerations.

(i) Notwithstanding any charter provision to the contrary, any applicant for original appointment need not be a resident of the municipality in which he or she seeks to become a member of the paid fire department.

§8-15-20a. Special examination for firefighter paramedic.

(a) A municipality with a firefighter's civil service commission providing an advanced life support ambulance service licensed by the state health department may also administer a special examination for the position of firefighter paramedic.

(b) An applicant for the position of firefighter paramedic shall: (1) Be a certified paramedic; (2) successfully pass the firefighter paramedic examination; and (3) meet the requirements of section seventeen of this article.

(c) Any person employed as a firefighter paramedic under the provisions of this section shall: (1) Maintain paramedic certification; (2) complete all required fire service training; and (3) comply with all other provisions of this article applicable to the continued employment of firefighters.

(d) Every position of firefighter paramedic, unless filled by promotion, reinstatement, reduction or a current firefighter, shall be filled only in the manner specified in section twenty of this article.

§8-15-23. No inquiry shall be made concerning political or religious opinions or affiliations of applicants, etc.

No question in any form of application or in or during any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall inquiry be made concerning such opinions or affiliations; and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any individual in a paid fire department against, or in favor of, an applicant, eligible, or member of a paid fire department because of his political or religious opinions or affiliations.

§8-15-16. Rules for all examinations; probationary appointments.

The firemen's civil service commission in each municipality shall make rules providing for both competitive and medical examinations for appointments and promotions to all positions in the paid fire department in the municipality, and for other matters as are necessary to carry out the purposes of the civil service provisions of this article. Any commission shall have the power and authority to require by rules a physical fitness examination as a part of its competitive examination or as a part of its medical examination: *Provided*, That after June 30, 1981, the medical requirements for appointment to all positions in the paid fire department in the municipality shall include, but not be

limited to, the medical requirements stated in section sixteen, article twenty-two of this chapter. Due notice of the contents of the rules and of any modifications thereof shall be given, by mail, in due season, to the appointing officer; and the rules and any modifications thereof shall also be printed for public distribution. All original appointments to any positions in a paid fire department subject to the civil service provisions of this article shall be for a probationary period of one year: Provided, however, That at any time during the probationary period the probationer may be discharged for just cause, in the manner provided in section twenty-five of this article. If, at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he or she will not receive absolute appointment, whereupon his or her employment shall cease; otherwise, his or her retention in the service shall be equivalent to his or her final appointment.

Firemen's Civil Service Commission 5.16.2: Hiring and promotion of personnel shall be conducted through the Fireman's Civil Service Commission, as established by the West Virginia Code:

§8-15-12. Firemen's civil service commission generally.

In every municipality having a paid fire department, there shall be a "Firemen's Civil Service Commission." The commission shall consist of three commissioners, one of whom shall be appointed by the mayor of the municipality; one of whom shall be appointed by the local international association of fire fighters in the event that said local exists in the municipality, or in case no such local exists in the municipality, then by the local central body of the West Virginia Federation of Labor AFL-CIO in the event that said central body exists in the municipality, or in case that no such central body exists in the municipality, then by the West Virginia Federation of Labor AFL-CIO; and the third shall be appointed by the local chamber of commerce, or if there be none, by a local businessmen's association. The individuals appointed commissioners shall be qualified voters of the municipality for which they are appointed; and at least two of said commissioners shall be individuals in full sympathy with the purposes of the civil service provisions of this article. Not more than two of the said commissioners, at any one time, shall be adherents of the same political party. Of the three original appointments in each municipality, the first commissioner shall be appointed by the mayor and shall serve for six years from the date of his appointment; the second commissioner shall be appointed by the local trades board, or in the absence of such board, by the international association of fire fighters, and shall serve for four years from the date of his appointment; and the third commissioner shall be appointed by the local chamber of commerce or local businessmen's association and shall serve for two years from the date of his appointment. In the event there is no local chamber of commerce or local businessmen's association at the time any appointment is to be made by it, such appointment shall be made by the other two commissioners by mutual agreement. After the original appointments, all appointments shall be made for periods of four years each by the appointing authority hereinbefore designated. In the event that any commissioner of said civil service commission shall cease to be a member thereof by virtue of death, final removal or other cause, a new commissioner shall be appointed to fill the unexpired term of said commissioner within ten days after said ex-commissioner shall have ceased to be a member of said commission. Such appointment shall be made by the officer or body who in the first instance appointed the commissioner who is no longer a member of the commission. Each year the three members of the commission shall, together, elect one of their number to act as president of the commission, who shall serve as president for one year. The mayor may, at any time, remove any commissioner or commissioners for good cause, which shall be stated in writing and made a part of the records of the commission: Provided, That once the mayor has removed any commissioner, the mayor shall within ten days thereafter file in the office of the clerk

of the circuit court of the county in which the municipality or the major portion of the territory thereof is located a petition setting forth in full the reason for said removal and praying for the confirmation by said circuit court of the action of the mayor in so removing the said commissioner. A copy of said petition shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and shall have precedence on the docket of said court and shall be heard by said court as soon as practicable upon the request of the removed commissioner or commissioners. All rights herein vested in said circuit court may be exercised by the judge thereof in vacation. In the event that no term of the circuit court is being held at the time of the filing of said petition, and the judge thereof cannot be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said circuit court, whether regular or special, and the commissioner or commissioners so removed shall remain removed until a hearing is had upon the petition of the mayor. The court or the judge thereof in vacation shall hear and decide the issues presented by said petition. The mayor or commissioner or commissioners, as the case may be, against whom the decision of the court or the judge thereof in vacation shall be rendered, shall have the right to petition the supreme court of appeals for a review of the decision of the circuit court or the judge thereof in vacation as in other civil cases. In the event that the mayor shall fail to file his petition in the office of the clerk of the circuit court, as hereinbefore provided, within ten days after the removal of said commissioner or commissioners, such commissioner or commissioners shall immediately resume his or their position or positions as a member or members of the firemen's civil service commission.

Any resident of the municipality shall have the right at any time to file charges against and seek the removal of any member of the firemen's civil service commission of such municipality. Such charges shall be filed in the form of a petition in the office of the clerk of the circuit court of the county in which the municipality or the major portion of the territory thereof is located, and a copy of said petition shall be served upon the commissioner or commissioners sought to be removed. Said petition shall be matured for hearing and heard by said circuit court or the judge thereof in vacation in the same manner as civil proceedings in the circuit courts of this state are heard, and the party against whom the circuit court's decision is rendered shall have the right to petition the supreme court of appeals for a review of the action of the circuit court, as in other civil cases.

No commissioner shall hold any other office (other than the office of notary public) under the United States, this state or any municipality, county or other political subdivision thereof; nor shall any commissioner serve on any political committee or take any active part in the management of any political campaign.

§8-15-15. Powers, authority and duties of firemen's civil service commission.

The firemen's civil service commission in each municipality shall:

(1) Prescribe and enforce rules and regulations for carrying into effect the civil service provisions of this article. All rules and regulations so prescribed may, from time to time, be added to, amended or rescinded: Provided, That all rules and regulations shall be approved by the mayor and the governing body before they go into effect, but when so approved shall not be changed or rescinded except by the commission with the approval of the mayor and governing body: Provided, however, That if the mayor and governing body take no action on a proposed rule and regulation or a proposed change or rescission submitted to them within a period of twenty days from the date of submission, then the same shall become effective as though approved by the mayor and governing body.

(2) Keep minutes of its own proceedings, and records of its examinations and other official actions. All recommendations of applicants for office, received by the said commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of ten years, and all such records, recommendations of former employees excepted, and all written causes of removal, filed with it, shall, subject to reasonable regulation, be open to public inspection.

(3) Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the civil service provisions of this article and the rules and regulations prescribed hereunder or concerning the action of any examiner or subordinate of the commission or any individual in the public service with respect to the execution of the civil service provisions of this article; and, in the course of such investigations, each commissioner shall have the power to administer oaths and affirmations, and to take testimony.

(4) Have the power to subpoena and require the attendance of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries herein authorized, and examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the circuit courts of this state, and shall be paid from the appropriation for the incidental expenses of the commission. All officers in the public service, and their deputies, clerks, subordinates and employees shall attend and testify when required to do so by said commission. Any disobedience to, or neglect of, any subpoena issued by the said commissioners, or any one of them, to any person, shall be held a contempt of court, and shall be punished by the circuit court of the county in which the municipality or the major portion of the territory thereof is located, or the judge thereof in vacation, as if such subpoena had been issued therefrom. The judge of such court shall, upon the application of any one of said commissioners, in any such case, cause the process of said court to issue to compel such person or persons disobeying or neglecting any such subpoena to appear and to give testimony and produce evidence before the said commissioners, or any one of them, and shall have the power to punish any such contempt.

(5) Make an annual report to the mayor showing its own actions, and its rules and regulations, and all of the exceptions thereto in force, and the practical effects thereof, and any suggestions it may have for the more effectual accomplishment of the purposes of the civil service provisions of this article. Such report shall be made available for public inspection within five days after the same shall have been delivered to the mayor of the municipality.

Policy 5.17: College Incentive Pay

Benefit Established 5.17.1: Employees who have successfully completed one (1) credit, up to a maximum of one hundred twenty-eight (128) credits, from accredited colleges or universities, shall receive .50¢ compensation per credit hour on a monthly basis.

Employees who qualify for the college incentive pay shall submit official transcripts to the Office of the Fire Chief, and the college incentive pay shall be effective the pay period immediately following the submission and approval of such transcripts.

College Incentive Pay Equation for Payroll Information:

Number of College Hours _____ X .50¢ = _____ (Monthly Pay)

_____ (Monthly Rate) X 12 months = _____ (Annual Amount)

_____ (Annual Amount) Divided by 26 Bi-Weekly Periods = _____ (Rate Per Pay Period)

Example:

128 College Credit Hours on Official College Transcript X .50¢ = \$64 (Monthly Pay)

\$64 X 12 months= \$768 (Annual Amount)

\$768 Divided by 26 Bi-Weekly Pay Periods =\$29.54 (Amount per Pay Period)

Policy 5.18: Ambulance Duty Incentive Pay

Benefit Established 5.18.1: Members of the Charleston Fire Department who are Paramedics shall be compensated \$2400.00 annually above their base annual salary.

Members of the Charleston Fire Department who are Advanced Emergency Medical Technician (AEMT) shall be compensated \$1200.00 annually above their base annual salary.

Additionally, Paramedics shall be compensated at a rate of \$3.00 per hour above their normal hourly rates for shift time they are assigned to ambulance duty.

Likewise, Advanced Emergency Medical Technician (AEMT) shall be compensated at a rate of \$2.00 per hour above their normal hourly rates for shift time they are assigned to ambulance duty.

Likewise, EMT- Basic shall be compensated at a rate of \$1.00 per hour above their normal hourly rates for shift time they are assigned to ambulance duty.

This incentive is for **ambulance ride time only** and not a part of your regular salary or hourly rate, therefore, it is not subject to premium time. Simply stated this incentive is a flat rate of \$3.00, \$2.00 per hour or \$1.00 per hour respectively at all times while riding a front line ambulance.

This hourly incentive pay shall **not** be made to any Paramedics, Advanced Emergency Medical Technician, or EMT Basic when they are assigned to any apparatus other than an ambulance.

Medic teams working non-scheduled hours at special events such as the Civic Center, etc. are **not** eligible for the ambulance ride time incentive even though they may be in a spare ambulance.

The Fire Chief has the final authority to assign personnel, through his/her Battalion Chiefs, in any manner he/she sees fit to effectively manage the expenditure of non-scheduled time, including the transfer of personnel from shift to shift, station to station, or back-fill to company assignment.

Policy 5.19: Leave of Absence

Benefit Established 5.19.1: Requests for leaves of absence *without pay* shall be evaluated for approval or denial by the Fire Chief. Members requesting leaves of absence shall submit his/her request in writing to his/her Battalion Chief. The Battalion Chief shall forward this request to the Administrative Chief, who shall forward it to the Fire Chief.

The Fire Chief shall have the authority to grant a leave of absence of up to *30 calendar days*. Any

requests for more than *thirty calendar days* must be approved by the Fire Chief and the City Personnel Director.

Members shall not accumulate sick leave or vacation while on leaves of absence.

Policy 5.20: Compensatory Time

Benefit Established 5.20.1: Members of the Charleston Fire Department assigned to dayshift may choose to receive compensatory time in lieu of non-scheduled time payment.

Compensatory time shall be treated in the same manner as non-scheduled hours. If the day shift member is in premium time (over 40 hours/week), then the compensatory time will be earned at 1 ½ times the hourly rate.

Example: 8 hours worked earns 12 hours compensatory time.

However, when a member is not in premium time (under 40 hours/week), then compensatory time will be earned hour for hour.

Example: 8 hours worked earns 8 hours compensatory time.

Compensatory time may not be used in the same pay period as it is earned. A total of 100 hours of compensatory time may be accumulated and used in a calendar year. Compensatory time may not be carried over from year to year.

The use of compensatory time must be approved in advance by the Assistant Chief 402/403.

SECTION 6: RECORDS

Policy 6.1: Log Books

Information to be Entered 6.1.1: Company journals, also known as log books, shall be provided yearly by the City for all fire companies into which Company Officers shall post a chronological record of the following in ink:

1) ***Date and shift designation*** (A, B, or C)

2) ***Personnel:*** Names and ranks of personnel reporting for duty, plus those not on duty and the reasons for such inability to report. An entry shall be made of all persons on duty who, because of illness, injury, death in the family, suspension or other reasons, are forced to temporarily withdraw from service together with the name of their relief and the time of their withdrawal. Further, a record shall be kept of any and all personnel reassignments or transfers.

3) ***Alarms:*** A descriptive account shall be made of any and all alarms, including time in and out, kind of alarm, injuries or deaths resulting, probable cause of any fires, arson suspicions (if any) with corroborative evidence, equipment used for extinguishment including size and amounts of hose used. A National Fire Incident Reporting System (NIFRS) number shall be listed beside the entry.

4) **Apparatus:** *Descriptive accounts shall be made of all accidents, malfunctions, repairs and replacements of any departmental vehicle or equipment, including times in and out of service.*

5) **Radios:** *Entries shall be made reporting any irregularity or malfunctions pertaining to radio equipment. Records shall be kept of any regular or special test, or breakdown of, the radio/alert system.*

6) **Training:** *Entries shall be made concerning the type of training, the time period, location, instructor, and materials used.*

7) **Special communications:** *Entries shall be made concerning all special notices received, with notation as to subject, issuance date, and name of the official issuing the notice.*

8) **Territorial conditions:** *Entries shall be made concerning any hydrants in and out of service, street blockages, and any other condition apt to interfere with the operations of the Fire Department or the safety of its personnel.*

9) **Supplies:** *An itemized list of any and all supplies (light bulbs, sponges, soap powder, etc.) received by the station shall be entered in the company journal.*

10) **Station repairs:** *Entries shall be made concerning any repairs made to any station or its equipment, including a brief description of the work done, the name of the company or individual doing the work, and the approximate amount of time involved in completing the work.*

11) **Miscellaneous:** *Any activity or occurrences, not previously listed, that, is relevant to the conduct and performance of the personnel and apparatus so quartered for the period so covered.*

Entry Procedure 6.1.2: All journal entries shall be written in ink and shall have continuity of writing. Normal, non-emergency, entries shall be made in black or blue ink; all emergency call entries shall be made in red ink.

Blank lines and spaces in company journals are strictly prohibited.

When correction of journal entries is necessary, a single line shall be drawn through the words that are to be eliminated, without destroying the legibility. No other method of erasure shall be employed.

All journal entries shall be made by the Company Officer only.

At the termination of each tour of duty, Company Officers, or Acting Company Officers, shall subscribe to the accuracy of their journal entries by affixing their signatures thereto.

The company journals (log books) are legal documents and shall be treated as such.

Policy 6.2: National Fire Incident Reporting System

Reporting Compliance 6.2.1: In compliance with the West Virginia State Fire Marshal's office requirements for documentation and filing of fire incident reports, the Charleston Fire

Department shall complete a National Fire Incident Report for every emergency response by the department.

Reporting Responsibility 6.2.2: It shall be the responsibility of the responding Company Officer to ensure that a NFIRS report is filed for every response made by that company, using the fire reporting program on the fire station computer.

NFIRS reports shall be completed in a timely manner, on the day the incident occurs, no later than the end of that shift. In the event of a structure fire, reporting may be delayed by a shift until required information is obtained from the Fire Investigator.

The incident reports are pre-numbered by the reporting program and this number shall not be changed by Charleston Fire Department personnel.

The date listed on the report must be the same as the date the incident occurred.

Each time a company is dispatched on an emergency the emergency communications center (METRO) generates an incident number requiring a completed NFIRS report. Even when the company is cancelled enroute to the call, or cancelled prior to leaving the station, a NFIRS report shall be completed by the Company Officer or his/her designee.

The Company Officer of the unit taking command of any working structure fire should make every attempt to obtain the following information for reporting purposes:

- 1) The owner and occupants of the structure, and contact information for each*
- 2) Insurance information for the structure*
- 3) The approximate square footage of the structure*
- 4) An estimated dollar amount for damages to the structure*

The Battalion Chiefs shall be responsible to ensure that N.F.I.R.S. reports are completed in compliance with this policy.

Policy 6.3: E.M.S. Charts and ePCR

Required Reporting 6.3.1: An E.M.S. Charts report shall be completed for each emergency medical incident requiring a response from Charleston Fire Department personnel. These responses include transports of patients and refusals of treatment.

Reporting Responsibility 6.3.2: It shall be the responsibility of the responding Paramedic, AEMT, or EMT to complete, or cause to be completed, an E.M.S. Charts report for all medical incidents requiring a Charleston Fire Department ambulance. These reports shall be completed as soon as possible after the conclusion of the incident, and not later than the end of the reporting member's tour of duty.

It shall be the responsibility of the Company Officer of any fire suppression apparatus to complete, or cause to be completed, an E.M.S. Charts report for any medical response where the ambulance response is cancelled, including refusals of treatment. These reports shall be completed as soon as possible after the conclusion of the incident, and not later than the end of the reporting member's tour of duty.

It shall be the responsibility of the E.M.S. Shift Supervisor (408) to monitor E.M.S. Charts

reporting on his/her shift and to ensure compliance to reporting procedures. The E.M.S. Shift Supervisor shall have the authority to report non-compliance to the Administrative Chief via jiffy report.

Members shall not allow E.M.S. Charts reports to remain incomplete, nor shall they allow multiple incomplete reports to accumulate beyond the shift tour of duty in which the incident occurred. Failure to complete required reporting shall result in the responsible member being subject to penalty as determined by this policy and the Fire Chief.

ePCR Documentation Policy 6.3.3: This policy covers the mandatory minimum fields, data, forms, and procedures which are required to complete an electronic patient care report (ePCR). All members of the Charleston Fire Department shall complete an ePCR for all types of calls in accordance with CFD Standard Operating Guidelines. All ePCR's are to be completed using E.M.S. Charts software. At the beginning of each shift the crew shall log into E.M.S. Charts Mobile via the provided computer and verify that the correct personnel, unit number, base, unit type, and shift are selected. To complete an ePCR or "chart" the following 9 sections and applicable forms must be completed:

1. Dispatch Tab

1.1. General

- 1.1.1. Base
- 1.1.2. Unit
- 1.1.3. Shift
- 1.1.4. Dispatch Priority/Response Mode
- 1.1.5. Type of Service
- 1.1.6. Category
- 1.1.7. Dispatched As
- 1.1.8. Disposition/Outcome
- 1.1.9. Amb. Transport Code
- 1.1.10. Vehicle Grid

1.2. Vehicle

- 1.2.1. Odometer reading (actual vehicle mileage no tenths)
 - 1.2.1.1. Enroute
 - 1.2.1.2. At Scene
 - 1.2.1.3. At Receiving *
 - 1.2.1.4. Available

*Note: Refusals will not have At Receiving Mileage

1.3. Times

- 1.3.1. Enroute
- 1.3.2. At Scene
- 1.3.3. Leave Referring
- 1.3.4. At Receiving
- 1.3.5. Transfer Care
- 1.3.6. Cancelled (if applicable)
- 1.3.7. Available

1.4. Crew

- 1.4.1. Designate who is the Primary care giver
- 1.4.2. Roles of the rest of crew who are present

1.5. Referring

- 1.5.1. Name/Type (example Residence, clinic, business, etc.)
- 1.5.2. Common Location (ex. Charleston Arbors, Med Express) if available

- 1.5.3.Address
- 1.5.4.City and Zip code
- 1.5.5.State
- 1.5.6.Response Mode
- 1.5.7.Scene Grid

1.6. Receiving

- 1.6.1.Name
- 1.6.2.Mode
- 1.6.3.Destination Basis
- 1.6.4.Destination Grid
- 1.6.5.Transport Mode

2. Patient Information

2.1. Patient/Relatives – If in system, verify information is correct and current

- 2.1.1.First and Last Name
- 2.1.2.Date of Birth
- 2.1.3.Social Security Number
- 2.1.4.Address (Most current)
- 2.1.5.Phone number
- 2.1.6.Gender and Race
- 2.1.7.Height and Weight
- 2.1.8.DNR status if applicable
- 2.1.9.Relative information (MPOA, next of kin, or guardian info if applicable)

2.2. Other Patient Info

- 2.2.1.Primary Care Physican or Specialist if known
- 2.2.2.Past Medical History
- 2.2.3.Current Medications (See list or List given to nurse is not acceptable)
- 2.2.4.Allergies

2.3. Billing Information

- 2.3.1.Primary Method of Payment
- 2.3.2.Insurance Company
- 2.3.3.Policy Number

3. CC/HPI

3.1. CC, SC and HPI (Covers SAMPLE when combined with other patient info 2.2)

- 3.1.1.Chief Complaint – simple, brief complaint. (**Signs and or Symptoms**)
- 3.1.2.Duration of Complaint – How long complaint has been present
- 3.1.3.Secondary Complaint – in addition to primary complaint
- 3.1.4.History of Present Illness- OPQRST to add detail to Signs and Symptoms
Past pertinent, last oral intake and events leading up to current situation.

3.2. Impression Diagnosis

- 3.2.1.Symptoms- select to match CC, SC
- 3.2.2.Impression- your general impression of patient illness or injury
- 3.2.3.Condition at destination- better, worse, unchanged, not applicable
- 3.2.4.Reason for Encounter- Trauma or Medical
- 3.2.5.Drugs/Alcohol- select appropriate boxes if applicable
- 3.2.6.Initial Patient Acuity- Triage assessment Red, Yellow, Green, or Black

3.3. Cardiac Arrest – applicable to cardiac arrests only

- 3.3.1.Select all applicable and appropriate boxes

3.4. Vehicle Incident – applicable to vehicle accidents only

- 3.4.1.Vehicle Impact site- location of impact on your patient's vehicle
- 3.4.2.Location of Patient in Vehicle- Drive, passenger, front, rear, etc.

3.4.3. Number of Vehicles involved- type appropriate number

3.4.4. Extrication- Yes or No

3.4.5. Airbags deployed- select appropriate boxes

3.5. Additional Injury Details – Complete appropriate boxes on trauma/injury calls

3.6. Scene

3.6.1. Description – What you saw upon arrival that is pertinent to chief complaint/injury. Your Scene size up and General Impression of patient

3.6.2. First Agency Unit on Scene – Yes or No

3.6.3. Other E.M.S./Public Safety on Scene – enter other units and agencies on scene.

3.7. Factor Affecting Care

3.7.1. Response, Scene, Transportation Factors – Select set all factors to none if not applicable. If there is any response, scene or transport delay select appropriate reason why in selection boxes

3.8. Patient Movement – select appropriate methods for patient movement

3.9. Belonging/Paperwork – list any personal property or paper work of patient that is on or transported with to provide a chain of custody

3.10. Exposure – Select appropriate boxes for PPE used and list all CFD members present on call, and if there was any type of exposure. **408 must be contacted to perform the CFD infection control policy/exposure packet for any exposure requiring testing or treatment.**

4. Neuro/Airway

4.1. Neuro - This is your initial primary assessment. Part of ABC's

4.1.1. Level of Consciousness – 1 (AVPU)

4.1.2. Mental – 2 (CAOX) 1 and 2 are part of your primary assessment

4.1.3. Neuro – List appropriate assessment findings if applicable

4.1.4. Stroke Scale – to be done on all suspected stroke patients

4.1.5. CVA Resolved Time and Last Neuro baseline seen - **Required for Stroke patients**

4.1.6. Loss of Consciousness – if applicable

4.1.7. Chemically Paralyzed – if applicable

4.2. Scores

4.2.1. Initial GCS - select appropriate Eye Opening, Verbal, and Motor score

4.3. Pupil/Motor/Sensory

4.3.1. Pupil reactivity – assessment finding if performed

4.3.2. Motor and Sensory – assessment findings if performed. **Mandatory if full spinal immobilization or splinting is performed.**

4.4. Immobilization (if found immobilized upon primary assessment)

4.4.1. Was patient Immobilized – yes or no. If yes fill in applicable fields of equipment used, who performed the procedure and outcome.

4.5. Airway - This is your initial primary assessment. Part of ABC's

4.5.1. Status – select appropriate field. This is how you find the airway upon your primary assessment. **IF YOU INTUBATE IT DOES NOT GO HERE**

5. RESP/CARDIO

5.1. Respiratory - This is your initial primary assessment. Part of ABC's

5.1.1. Effort – select findings

5.1.2. Lung sounds – select findings. **Mandatory if CP, SOB, & Torso Trauma**

5.1.3. O2 – This is only applicable if you find patient on O2 during your primary assessment. **IF YOU APPLY O2 IT DOES NOT GO HERE.**

5.1.4. Performed by – Who applied O2 as found upon your primary assessment

5.1.5. Outcome – select appropriate outcome

5.2. Cardiovascular - This is your initial primary assessment. Part of ABC's

5.2.1. Carotid, Radial, Femoral, Dorsalis Left and Right – List findings. **At least one is required**

5.2.2. Temperature – **Required for hypo/hyperthermia, sepsis, and excited delirium.** Recommend for all patient assessments

5.2.3. CAP Refill – Select appropriate field if assessed

5.2.4. JVD - Select appropriate field if assessed

5.2.5. Edema - Select appropriate field if assessed

6. SECONDARY SURVEY

6.1. **Injury/Assessment** – Add/edit for any DCAPBTLS or other assessment findings found upon rapid head to toe, detailed physical or focused exam. Select correct anatomical location of findings. **Burn Calcs & Parkland Formulas found here.**

6.2. **Obstetrics** - Mandatory for all female patients of child bearing age

6.3. **Skin** – Select appropriate assessment findings. Required for all assessments

6.4. **Drains & Tubes** – NOTE: This is found on E.M.S. CHARTS web version only. Document drains and tubes found during assessment. (i.e. Foley Cath.)

7. PTA – Meds/IV (If applicable)

7.1. **IV's Initiated Prior to Assessment** – Required if IV initiated prior to your arrival

7.2. **Medications Prior to Assessment** – Any medications given prior to your arrival

8. ACTIVITY LOG

8.1. **Basic Vitals** – Every 5 minutes on red and yellow patients. Every 15 minutes on Green patients. Should include Heart Rate, Respiration Rate, Resp. Effort, Blood Pressure and GCS. Pain rating, Cardiac Rhythm, ECG Type, and Glucose if applicable. Also, the method of obtaining vitals, assessed by, and Protocol should be selected.

8.2. Advanced Vitals

8.2.1. Temperature – Required for all patients

8.2.2. Stroke Scale – Findings of stroke assessment. Required for Suspected CVA

8.2.3. ETCO2 – If End-Tidal Capnography was used, Required for ET tube verification

8.2.4. CO – Carbon Monoxide. Required for CO exposure or smoke inhalation

8.2.5. Thrombolytic – If thrombolytic check list was performed, results here

8.3 Procedures

8.3.1 Any treatments or action you perform. This would include medications given, IV's initiated, O2 administration, Intubations, 12 Lead ECG, Med Base notifications, ETC. If you perform a treatment or action that is not an option under the procedures tab then a single activity line entry with date, time and in the comments box list what the action was. i.e. "applied cold pack to left knee".

8.3.2 **Comments Box** - Type in all pertinent information that was not selectable or available. Example: MCP name, ME case number, Med base diversion, pertinent negative findings, procedure complications, advice to seek treatment when patient refuses, etc.

- Following any treatment, medication, or procedure being performed, a reassessment must be completed and documented.
- **Narrative** – The narrative box must be completed on every chart. It should cover why we were called upon, what we found, what we did, and what the outcome of our actions were. Any additional information and pertinent negatives not recorded elsewhere in the chart or information the provider feels relevant should be recorded in the narrative. Crews may opt to do a “walking narrative” in lieu of the narrative box. This covers the same information and is entered in your activity log in the sequence in which it occurred. It is entered in the comment box and can be entered on the same activity line as vitals or a procedure.

Forms

1. **Standard Signature** – required to be completed any time a patient is transported. Patient signs Section 1. If patient can’t sign, MPOA or authorized representative will sign Section 2 and you must list why patient is unable to sign. If neither patient or representative can sign, Section 3 must be signed by a crew member and a hospital representative to verify transport. Reason why patient is unable to sign must be filled in and names of both parties signing typed in.
2. **Refusals** – Anytime a treatment, assessment or transport is refused by a patient this form must be completed. **Patients must be mentally competent to refuse.** Patient shall sign and both crew member shall sign as witnesses. If patient refuses to sign the refusal form then it must be documented why they did not sign in the narrative and two witness signatures obtained. Proof of mental competency and crew’s advice to seek medical treatment shall be documented in narrative as well.

Once Standard Signature or Refusal forms are signed and charts are completed it shall be uploaded. Crews shall log into www.emscharts.com and review the entire chart for accuracy, spelling, errors, and make any changes needed before locking chart. To lock chart, go to page 9. Complete the activity audit section. Both crew members must sign the chart and select Complete/Lock Chart.

Crews may find it easier to use E.M.S. Charts Gold as it allows both crews to sign the chart without having to log out as is required by the E.M.S. Charts legacy version. E.M.S. Charts Gold can be accessed at www.gold.emscharts.com or by clicking the link in the menu bar in legacy version. E.M.S. charts gold also allows crews to sign the Standard Signature and Refusals forms on the web based application using the mouse.

If there is any deviation from this policy, standard operating guidelines, or state protocol you must document the reason why in your narrative.

Policy 6.4: Company Level Inspections (aka pre-fire plans)

A company level inspection (aka pre-fire plans) in buildings, other than residential, will be completed by each Captain or Acting Captain at times and at locations specified by the Fire Prevention Bureau, and a CFD pre-plan survey form will be completed and submitted to the Fire Prevention Bureau.

Policy 6.5: Memoranda

Issuance and Review 6.5.1: Memoranda shall be issued only through the Fire Chief,

Administrative Chief, Operations Chief, and/or Battalion Chiefs.

Any memoranda having an effect on any of these policies and procedures shall make reference to the effected procedure by its series number.

Memoranda shall be reviewed by the Company Officer with his/her crew at the time the memoranda are issued, and receipt and review shall be noted in the company journal.

All newly issued memoranda and standard operating guidelines (S.O.G.) shall be reviewed when received by the Company Officers and the review shall be noted in the company journal.

The Battalion Chief shall be responsible for examining the company journals to ensure that these reviews are accomplished.

Storage of Memoranda 6.5.2: The Company Officer shall place all memoranda in an electronic file on his desk top display of the station computer.

The Administrative Chief shall maintain a master file of all memoranda issued by the Fire Department administration for future reference.

Policy 6.6: Retention and Disposal Schedule

Code Compliance 6.6.1: The following guidelines shall be used to ensure proper retention and disposal of Fire Department records as mandated by the State of WV and under the Public Records Management and Archives Act, City Code Section 2-334.

Item#	RECORDS SERIES		RETENTION PERIOD
1	Accident Files (personnel and municipally owned property damage)		Five (5) years after case settled, then destroy.
2	Annual Report to City/Town Administration		PERMANENT
3	Consolidated Monthly Report to City/Town Administration		Five (5) years, then destroy.
4	Daily Activity Log		Three (3) years, then destroy.
5	Drill Reports		One (1) year, then destroy.
6	Equipment Records		
	a	Apparatus and Maintenance	Ten (10) years after disposal or replacement, then destroy.
	b	Apparatus Operating Expense	Until State Tax Commissioner's audit and exceptions cleared, then destroy.
	c	Apparatus Test Reports	Ten (10) years after disposal or replacement, then destroy.
	d	Equipment Issued to Firemen	As long as needed for accounting then destroy.

	e	Hose Records	Life of Hose, then destroy.
7	Fire Alarm Records		
	a	Fire Record Journal of alarms answered by department	PERMANENT
	b	Individual Fire Alarm Box Records	Three (3) years, then destroy.
	c	Tapes or other records of fire alarm circuits	Three (3) years, then destroy.
	d	Weekly or other records of condition of each circuit and maintenance work performed	Five (5) years, then destroy.
8	Fire Limits Ordinances		PERMANENT
9	Fire Prevention Files		
	a	Automatic Sprinkler Systems Records	PERMANENT
	b	Fire Permits	One (1) year after revocation, cancellation or expiration, then destroy.
	c	New Construction Inspections	Three (3) years, then destroy.
	d	Oil Well Record Files	PERMANENT
	e	Tank Truck Record Files	Twenty (20) years, then destroy.
10	Fire Reports (containing pertinent information concerning fires)		
	a	Damage \$50.00 or more (original sent to State Fire Marshal.	Five (5) years, then destroy.
	b	Report of All Calls	Two (2) years, then destroy.
11	Fire Station Construction Files		PERMANENT
12	Fire Station Historical Files		PERMANENT
13	Fire Station Journal Files		PERMANENT
14	Hydrant Records		
	a	Location and Main Size Records	PERMANENT
	b	Maintenance and Test Records	Two (2) years, or until superseded, then destroy.
15	Inspection of Buildings		

	a	Inspection Report	Five (5) years if no defects, then destroy. OR Five (5) years after subsequent inspection reveals defects have been corrected, then destroy.
	b	Notification to owner, agent, or occupant of building to correct violation or defect noted at time of inspection.	Five (5) years after subsequent inspection reveals defect or violation corrected, then destroy.
16	Inventory Record of Stations and Equipment		Five (5) years or until second subsequent inventory, then destroy.
17	Laboratory Report Files		Five (5) years, then destroy.
	a	If Criminal Investigation Involved	PERMANENT
18	Personnel Training Records		Five (5) years after termination of employment, then destroy.
19	Reports from State Fire Marshal		Until superseded, then destroy.
20	Report of Surveys Files		Until superseded, then destroy.
21	Vehicle Servicing Records		
	a	Record of fuel, oil & antifreeze used	Two (2) years, then destroy.
	b	Lubrication Records (each vehicle)	One (1) year, then destroy.
22	Vision Test Files		Five (5) years, then destroy.

Policy 6.7: Purchases, Services, and Repairs

General Policy Statement 6.7.1:

1. All Purchases, Services and Repairs must be approved by 401, 402, 403. C.F.D. shall make sure that the business is an official vendor of the City of Charleston and in good standing before a purchase, service or repair is made. New vendors will need to fill out appropriate forms and return them for authorization.
2. You must acquire a Purchase Order Number prior to any purchase, service or repair.
3. If on the weekend and it is an emergency contact 450. 450 will attempt to contact 401, 402, 403 for authorization.
4. When you contact a vendor for a purchase, service or repair; you will need to tell the vendor to specifically define on the invoice what was purchased, repaired or what service was provided. Usually there is a "description" area on the invoice to do this.
5. Always ask the vendor if anything you are requesting is on "Back Order". If so, you will need to let our Assistant to the Fire Chief know what is back-ordered.
6. If you receive an invoice or receipt, you must bring it to our Assistant to the Fire Chief immediately.

7. If you are returning an item for credit, then you must notify our Assistant to the Fire Chief. (Example: There is a recall on some of our medical drugs/supplies or we were sent the wrong items or too many items were ordered)

Following the above procedures will help manage the budget more effectively.

Policy 6.8: Burning Permits

General Policy Statement 6.8.1: Permits to burn natural vegetation and brush may be issued to adult members of the general public during daylight hours, when the conditions below exist. The Company Officer, for the 1st due territory where the burning is to take place, on duty the day the permit is issued, will be required to physically inspect the burn pile and burn site as to meet the necessary requirements for the permit to be issued. The permit shall be valid only for the date it is issued, and all fire must be extinguished not later than 1800 hours of the same day of issue.

Burning Regulations 6.8.2: Burning permits shall be issued under the terms of **Fire Prevention Code of the City of Charleston**. The permit is conditional, subject to the following regulations:

- Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, except by permit from the Charleston Fire Department.
- Permitted open fires shall be located not less than 50 feet from any structure.
- Conditions that could cause fire to spread to within 25 feet of a structure shall be eliminated prior to ignition.
- The fire must be extinguished by no later than 6:00 PM of the date of issuance.
- Open fires shall be constantly attended by a competent person until such fire is extinguished.
- If neighbors complain for any reason, the permit holder may be called upon to extinguish the fire.
- In the event a fire company is called to the scene, the fire company is empowered to extinguish the fire, whereupon *no future burning at this address will be permitted*.
- The permit applicant should have a water hose connected to a water supply of adequate volume, a rake or shovel readily available for fire control.
- Permits shall be issued for brush and/or vegetation grown on the property; **nothing over 5" in diameter shall be burned**.
- The burning of rubber tires or petroleum products shall not be permitted.
- **Nothing in the burning permit shall relieve the property owner/person burning from any liability from damage or injury that occurs from a fire conducted under the permit.**

Any request to burn any material other than natural vegetation and brush shall be denied by the Company Officer. Any request to burn material greater than 5" in diameter, or for the purpose of construction projects shall be referred to the Charleston Fire Department Fire Prevention Bureau for special permit.

APPENDICES

Appendix A: Drug and Alcohol Testing Policy

Appendix B: Charleston City Code Chapter 54

Bill No. 7895

Introduced in Council:

February 1, 2021

Introduced by:

Chuck Overstreet

Adopted by Council:

Referred to:

Ordinance & Rules

Bill No. 7895 - A BILL to amend and reenact Section 54-41 of the Municipal Code of the City of Charleston, as amended, relating to updating the names of the fire department's divisions.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 54-41 of the Municipal Code of the City of Charleston, as amended, is amended and reenacted to read as follows:

CHAPTER 54 – FIRE PREVENTION AND PROTECTION.

ARTICLE II. – FIRE DEPARTMENT.

DIVISION 1. – GENERALLY.

Sec. 54-41. - Composition and organization of department.

(a)The fire department shall include the Fire, EMS, and Rescue Operations Division, the Training Division, and the Fire Prevention Bureau, ~~fire prevention bureau, training division, fire suppression division and the emergency medical service division,~~ with such personnel having such ranks and grades as shall from time to time be authorized by the city council.

(b)The organization of the fire department shall be as prescribed by the fire chief, except as may be provided otherwise by the mayor or city council.

(c)The fire civil service commission is authorized to establish by appropriate procedure existing and/or future rank structure budgeted by the council to provide for the orderly efficient operation of the emergency medical service division of the fire department. The fire chief may petition the fire department civil service commission to effectuate the placement of rank structure in the emergency medical service division of the fire department from time to time as necessary.

Committee Substitute for Resolution No. 419-21

Introduced in Council:

Adopted by Council:

January 19, 2020

Introduced by:

Referred to:

Adam Knauff, Bruce King, Chuck
Overstreet, Deanna McKinney,
Pat Jones, Sam Minardi, Shannon Snodgrass
And Jeanine Faegre

Public Safety

Committee Substitute for Resolution No. 419-21 - WHEREUPON, the ~~herein signatory~~ members of the City Council of Charleston, WV are presented with an issue of ongoing public concern - the distribution and/or exchange of hypodermic syringes for the purpose of intravenous drug use. ~~These members note City Council notes~~ that the City's first responder community, namely police and fire, have not been fully informed of the status of this issue that impacts their daily work lives. Likewise, other City employees directly impacted by this issue, such as sanitation and refuse workers, likewise do not appear to have been fully apprised of the status of this current debate.

WHEREAS, ~~these signatory Council members~~ City Council further notes that input and cooperation of first responders is considered so critical on this issue that it was recently cited by the West Virginia Department of Health and Human Resources as a factor when it considered and rejected the application of a proposed syringe distribution program within Charleston City limits. ~~These members~~ City Council agrees and believes the additional input of sanitation workers is necessary for good governance, employee morale and community safety.

WHEREAS, ~~these signatory members of~~ the Charleston, WV City Council ~~request affirmation from our City Government that it~~ Public Safety Committee will actively survey and obtain input from the full membership of our first responder community and the full membership of our ~~sanitation~~ Public Works workers before taking further action with regard to approving, creating, expanding or otherwise acting upon any syringe exchange or distribution programs. ~~We request affirmation from our City Government that t~~ The City Council of Charleston, WV shall be fully included in this survey process, which may be conducted anonymously or in any other way deemed appropriate for the protection of City workers. This Resolution in no way prohibits any City Department from enforcing existing laws that revolve around this issue.

WHEREAS, ~~these signatory members of~~ the Charleston, WV City Council recognizes the crucial role of our first responders and ~~sanitation~~ Public Works workers on this issue. We value and seek their expertise and opinions. ~~These signatory members of the Charleston, WV City Council ask the City Council of Charleston, WV to adopt this Resolution at the next regularly scheduled meeting of Council and to take any such further~~

1 ~~action necessary to effectuate its spirit and purpose.~~

2
3 **Now, therefore, be it resolved by the Council of the City of Charleston, West Virginia:**

4
5 That the Public Safety Committee is hereby directed to create a survey regarding opinions
6 about the distribution and/or exchange of hypodermic syringes in order to obtain
7 anonymous City employee responses; and to work with the Charleston Police Department
8 Chief, the Charleston Fire Department Chief, and the Director of Public Works to distribute
9 the survey to the employees of these departments.

10
11 And that we request any organization currently operating a needle distribution without state
12 certification to suspend such distribution until the City Council takes action on the pending
13 legislation.

AMENDMENT

TO: Clerk of the Council of the City of Charleston, West Virginia

AMENDMENT TO RESOLUTION: 419-21 Committee Substitute

OFFERED BY: Keeley Steele

The following amendment to Resolution No. 419-21 Committee Substitute is proposed:

On Page 2, at line 10, after the word “departments.”, by striking out the remainder of the resolution.

Resolution No. 426-21

Introduced in Council:

Adopted by Council:

February 16, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 426-21 - Authorizing the Mayor or City Manager to enter into an agreement
2 with Piper Sandler & Co. for underwriting or placement agent services relating to refunding
3 certain outstanding municipal bonds based on an evaluation of responses received as part of
4 an Expression of Interest selection process. Fees are contingent on successful closing of the
5 refunding bonds in an amount not to exceed \$3.50/\$1,000 of the par amount of bonds issued.

6

7 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

8

9 That the Mayor or City Manager is authorized to enter into an agreement with Piper Sandler &
10 Co. for underwriting or placement agent services relating to refunding certain outstanding
11 municipal bonds based on an evaluation of responses received as part of an Expression of
12 Interest selection process. Fees are contingent on successful closing of the refunding bonds in
13 an amount not to exceed \$3.50/\$1,000 of the par amount of bonds issued.

14

Resolution No. 427-21

Introduced in Council:

Adopted by Council:

February 16, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 427-21 - Authorizing the Mayor or City Manager to purchase four (4) Class 10
2 Ford Ranger R1F Extended Cab 4X4 pickup trucks from Matheny Motor Truck Company for a
3 total purchase price of \$107,916 pursuant to a competitively-sourced state contract. The new
4 vehicles will replace Units 606, 607, 609, and 613 within the Parking System as part of a
5 standard capital outlay replacement cycle.

6

7 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

8

9 That the Mayor or City Manager is authorized to purchase four (4) Class 10 Ford Ranger R1F
10 Extended Cab 4X4 pickup trucks from Matheny Motor Truck Company for a total purchase
11 price of \$107,916 pursuant to a competitively-sourced state contract. The new vehicles will
12 replace Units 606, 607, 609, and 613 within the Parking System as part of a standard capital
13 outlay replacement cycle.

14

Resolution No. 428-21

Introduced in Council:

Adopted by Council:

February 16, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 428-21 - Authorizing the Mayor or City Manager to contract with Ozark
2 Materials LLC in the amount of \$29,472.85 for the purchase of 1,870 gallons of yellow traffic
3 marking paint and 1,595 gallons of white traffic marking paint to be used by the Traffic
4 Engineering Department, where the contract is being awarded following a competitive bidding
5 process.

6

7

8 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

9

10 That the Mayor or City Manager is authorized to to contract with Ozark Materials LLC in the
11 amount of \$29,472.85 for the purchase of 1,870 gallons of yellow traffic marking paint and
12 1,595 gallons of white traffic marking paint to be used by the Traffic Engineering Department,
13 where the contract is being awarded following a competitive bidding process.

14

15

Traffic Marking Paint

Project No. 2021-004

Bid Opening: February 12 , 2021 @ 11:00am

	Ozark	Sherwin Williams	Osburn Associates Inc	Ennis- Flint
	591 Glendale Ave	1010 Prospekt Ave; 1500Midland	PO BOX 912	4161 Piedmont Parkway
	Greenville, AL 36037	Cleveland OH 41115	Logan, OH 43138	Greensboro NC 27410
	P: (334) 371-2303	P: (800) 597-2929	P: (800) 523-8917	P: (336) 663-6612
	dyana@ozarkmaterials.net	hwyinsidesales@sherwin.com	Jennifert@osburns.com	Drussell@ennisflint.com
Traffic Marking Paint	\$29,472.85	\$30,717.50	\$42,107.92	\$31,440.75
Local Vendor Preference (4%)	(\$1,178.91) \$28,293.94	(\$1,228.70) \$29,488.80	Did Not Apply	(\$1,257.63) \$30,183.12
Successful Bidder				

Resolution No. 429-21

Introduced in Council:

Adopted by Council:

February 16, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 429-21 - Authorizing the Mayor or City Manager to contract with Nitro
2 Construction Services to purchase and install a fire alarm system for the Kanawha City
3 Community Center at a total price of \$25,050.00. The purchase price was determined through a
4 competitive bidding process, of the which the awarded bidder qualified for local vendor
5 preference for one year.

6

7 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

8

9 That the Mayor or City Manager is authorized to contract with Nitro Construction Services to
10 purchase and install a fire alarm system for the Kanawha City Community Center at a total price
11 of \$25,050.00. The purchase price was determined through a competitive bidding process, of
12 the which the awarded bidder qualified for local vendor preference for one year.

13

Fire Alarm System for North Charleston Recreation Center

Project No. 2021-003

Bid Opening: February 02 , 2021 @ 11:00am

	Nitro Construction	Brewer and Co.
	4300 1st Ave	
	Nitro, WV 25213	
	P: (304) 204-1568	P: (304) 807-3566
	rlayton@nitrocs.com	casey.harbour@brewerfire.com
Fire Alarm System	\$25,050.00	\$28,400.00
Local Vendor Preference (4%)	(\$1,002) \$24,048.00	(\$1,136) \$27,264.00
Successful Bidder		

Resolution No. 430-21

Introduced in Council:

Adopted by Council:

February 16, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 430-21 - Authorizing the Mayor or City Manager to submit an application to the
2 FEMA Fire Prevention and Safety Grant Program in the amount of \$37,000 that includes the
3 required 5% cash match and administer any funds awarded. The Charleston Fire Department
4 will use these funds to purchase carbon monoxide and smoke detectors as part of a fire safety
5 community outreach project.

6

7 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

8

9 That the Mayor or City Manager is authorized to submit an application to the FEMA Fire
10 Prevention and Safety Grant Program in the amount of \$37,000 that includes the required 5%
11 cash match and administer any funds awarded. The Charleston Fire Department will use these
12 funds to purchase carbon monoxide and smoke detectors as part of a fire safety community
13 outreach project.

14

15

**MUNICIPAL COURT
CITY OF CHARLESTON**

**Post Office Box 2749
Charleston, West Virginia 25330
(304) 348-8079**

Anne B. Charnock, Judge

Conrad Lucas, Clerk

TO: Mayor Amy Shuler Goodwin
FROM: Conrad Lucas, Clerk
DATE: **Friday, February 5, 2021**
RE: **January 2021 Financial Information, Charleston Municipal Court**

TOTAL CITATIONS FILED: 705

Criminal Violations: 99
Traffic Violations: 559
Parking: 0
Building Search Warrants: 47

RESTITUTION COLLECTED (paid to victims): \$1,102.00

Primarily related to shoplifting cases, restitution monies are collected and refunded to the store/victim.

FINANCIAL REPORT ATTACHED

cc: Judge Anne B. Charnock
Miles Cary, City Clerk
Victor Grigoraci, Treasurer
Scott Dempsey, Deputy Chief of Police
Tony Harmon, Building Department
David Potters, Office of the City Attorney
Captain Mark Abbott, CPD
Nikki Smith, City Clerk's Office

CHARLESTON MUNICIPAL COURT

Page: 1

Report For January 1, 2021 Thru January 31, 2021 FILEDST

Violations by Filed Date...

CRIMINAL	99	
TRAFFIC	559	
BUILDING SEARCH WARRANT	47	
Total Filed Violations		705

Completed Cases...

Paid Fine...

CRIMINAL	11	
TRAFFIC	149	
BUILDING SEARCH WARRANT	0	
Total Paid Fines		160

Before Judge...

CRIMINAL	5	
TRAFFIC	2	
BUILDING SEARCH WARRANT	0	
Total Before Judge		7

Total Completed		167
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Other Completed...

DISMISSED OFFICER FAIL TO PROS

CRIMINAL	1	
TRAFFIC	9	
BUILDING SEARCH WARRANT	0	
Total		10

DISMISSED (PRESENTED INSURANCE)

CRIMINAL	0	
TRAFFIC	49	
BUILDING SEARCH WARRANT	0	
Total		49

DISMISSED (BY JUDGE'S ORDER)_

CRIMINAL	0	
TRAFFIC	2	
BUILDING SEARCH WARRANT	0	
Total		2

DISMISSED E-PROOF

CRIMINAL	0	
TRAFFIC	4	
BUILDING SEARCH WARRANT	0	
Total		4

DISMISSED (PRESENTED DL)

CHARLESTON MUNICIPAL COURT

Page: 2

Report For January 1, 2021 Thru January 31, 2021 FILEDST

CRIMINAL	0	
TRAFFIC	7	
BUILDING SEARCH WARRANT	0	
Total		7

DISMISSED STORE CLOSED

CRIMINAL	4	
TRAFFIC	0	
BUILDING SEARCH WARRANT	0	
Total		4

DISMISSED OFF FAIL TO PROV VIN

CRIMINAL	0	
TRAFFIC	1	
BUILDING SEARCH WARRANT	0	
Total		1

DISMISSED (PROSECUTOR'S ORDER)

CRIMINAL	3	
TRAFFIC	41	
BUILDING SEARCH WARRANT	0	
Total		44

Dismissed at Officers Request

CRIMINAL	0	
TRAFFIC	1	
BUILDING SEARCH WARRANT	0	
Total		1

DISMISSED PRESENTED RECORDS

CRIMINAL	1	
TRAFFIC	51	
BUILDING SEARCH WARRANT	0	
Total		52

DISMISSED AFTER PT DIVERSION

CRIMINAL	12	
TRAFFIC	11	
BUILDING SEARCH WARRANT	0	
Total		23

Dismissed Pursuant to Plea

CRIMINAL	3	
TRAFFIC	2	
BUILDING SEARCH WARRANT	0	
Total		5

DISMISSED WITHOUT PREJUDICE

CRIMINAL	33	
TRAFFIC	25	
BUILDING SEARCH WARRANT	0	
Total		58

OFFICER/COMPLAINANT DECEASED

CHARLESTON MUNICIPAL COURT

Page: 3

Report For January 1, 2021 Thru January 31, 2021 FILEDST

CRIMINAL	1	
TRAFFIC	0	
BUILDING SEARCH WARRANT	0	
Total		1

VOIDED DOCKET

CRIMINAL	8	
TRAFFIC	2	
BUILDING SEARCH WARRANT	2	
Total		12

Total Other Completed	273
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Grand Total Completed	440
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Net Difference Filed/Complete	265
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Warrants...

Issued...

CRIMINAL	178	
TRAFFIC	225	
BUILDING SEARCH WARRANT	0	
Total Violations		403
Total Warrants Issued		403

Cleared...

CRIMINAL	139	
TRAFFIC	159	
BUILDING SEARCH WARRANT	0	
Total Violations		298
Total Warrants Cleared		298

Change in Total Warrants	105
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Other Paid Cases...

Paid Fine...

Total Other Paid Fines	86
------------------------	----

FINE FINE	\$14,751.00
LAWFND LAW ENFORCE. TRAIN STATE	\$1,947.00
LAWLOC LAW ENFORCE. TRAIN (LOCAL)	\$780.00
CVC CRIME VICTIM'S FUND	\$1,442.00
ADMIN ADMINISTRATIVE COST	\$352.00
JAILF REGIONAL JAIL CORR.	\$7,015.00
CCF COMMUNITY CORRECTIONS FUND	\$156.00
PCADM PC ADMIN FEE	\$152.00
REST RESTITUTION	\$1,102.00

CHARLESTON MUNICIPAL COURT

Page: 4

Report For January 1, 2021 Thru January 31, 2021

FILEDST

Total Fees/Fines Paid \$27,697.00

Status Date/Time	Docket No	Name	Defendant Address	Status
1/26/2021 3:30 PM	SW21000001	WTH PROPERTIES, LLC	1428 FRAME STREET	SW
1/26/2021 3:30 PM	SW21000002	HUNTER, LORETTA	5716 VICTORY AVENUE	SW
1/26/2021 3:30 PM	SW21000003	JARRETT, DANIEL P	1500 WASHINGTON STREET	SW
1/26/2021 3:30 PM	SW21000004	JARRETT, VADA K	1500 WASHINGTON STREET	SW
1/26/2021 3:30 PM	SW21000005	HARPER, ROBERT	1504 KEARSE AVENUE	SW
1/26/2021 3:30 PM	SW21000006	HARPER, CAROLYN	1504 KEARSE AVENUE	SW
1/26/2021 3:30 PM	SW21000007	LANDQUEST LLC,	1226 WALKER AVENUE	SW
1/26/2021 3:30 PM	SW21000009	STAPLES, DON JR	1410 BEECH AVENUE	SW
1/26/2021 3:30 PM	SW21000008	CHRISLEY, COY E JR	1504 WOODLAND DRIVE	SW
1/26/2021 3:30 PM	SW21000012	ENVISION HOLDINGS, INC.	1323 RED OAK STREET	SW
1/26/2021 3:30 PM	SW21000013	COPELAND, ZUELLA	1520 WOODLAND DRIVE	SW
1/26/2021 3:30 PM	SW21000014	DEED, N R	1240 CAMDEN DRIVE	SW
1/26/2021 3:30 PM	SW21000015	DEED, N R	1130 CAMDEN DRIVE	SW
1/26/2021 3:30 PM	SW21000016	CASTO, BRUCE	1118 CAMDEN DRIVE	SW
1/26/2021 3:30 PM	SW21000017	CASTO, KATHRYN	1118 CAMDEN DRIVE	SW
1/26/2021 3:30 PM	SW21000018	SHELTON, JOHN B	1122 CAMDEN DRIVE	SW
1/26/2021 3:30 PM	SW21000019	SHELTON, SHARON R	1122 CAMDEN DRIVE	SW
1/26/2021 3:30 PM	SW21000020	MITCHEL, KEVIN	1819 CLLIFFVIEW AVENUE	SW
1/26/2021 3:30 PM	SW21000021	SALMONS, KATHERINE	406 BREAM STREET	SW
1/26/2021 3:30 PM	SW21000022	JUSTICE, KEVIN	200 COSTELLO STREET	SW
1/26/2021 3:30 PM	SW21000024	MAPILAR, O BENZA	1715 LOUDEN HEIGHTS RD	SW
1/26/2021 3:30 PM	SW21000025	SORGMAN, BRUCE	1001 BELMONT STREET	SW
1/26/2021 3:30 PM	SW21000026	ROBINSON, ROBERT	1003 BELMONT STREET	SW
1/26/2021 3:30 PM	SW21000027	ROBINSON, MONA	1003 BELMONT STREET	SW
1/26/2021 3:30 PM	SW21000023	COHENOUR, MELVA L	1103 THORNE ROAD	SW
1/26/2021 3:30 PM	SW21000028	COHENOUR, CASS	1103 THORNE ROAD	SW
1/28/2021 3:30 PM	SW21000029	RUTHERFORD, LEONARD J	1225 WALKER AVENUE	SW
1/28/2021 3:30 PM	SW21000030	RUTHERFORD, FRED A	1225 WALKER AVENUE	SW
1/28/2021 3:30 PM	SW21000032	COGAR, JODI A	5750 VICTORY AVENUE	SW
1/28/2021 3:30 PM	SW21000033	SIMPSON, CHAD	5750 VICTORY AVENUE	SW
1/28/2021 3:30 PM	SW21000034	VANCE, JERRY	5750 VICTORY AVENUE	SW
1/28/2021 3:30 PM	SW21000035	VANCE, SALLY JOY	5750 VICTORY AVENUE	SW
1/28/2021 3:30 PM	SW21000036	MYERS, GINA M	108 WERTZ AVENUE	SW
1/28/2021 3:30 PM	SW21000037	LA PROPERTY,	135 WERTZ AVENUE	SW
1/28/2021 3:30 PM	SW21000038	WALLACE, MONTY F	110 WERTZ AVENUE	SW
1/28/2021 3:30 PM	SW21000039	BURKES, RALPH E SR	112 WERTZ AVENUE	SW
1/28/2021 3:30 PM	SW21000040	WILCOX, WALTER JAY	202 MCKEE AVENUE	SW
1/28/2021 3:30 PM	SW21000041	JOSLIN, JEANETTA P	4108 LANCASTER AVENUE	SW
1/28/2021 3:30 PM	SW21000042	PAULEY, JOSHUA	1105 FERGUSON AVENUE	SW
1/28/2021 3:30 PM	SW21000043	PAULEY, ASHLEY	1105 FERGUSON AVENUE	SW
1/28/2021 3:30 PM	SW21000044	RUSSELL, JAMES E	810 LARCHMONT DRIVE	SW
1/28/2021 3:30 PM	SW21000045	RUSSELL, REBECCA	810 LARCHMONT DRIVE	SW
1/28/2021 3:30 PM	SW21000046	FAMILY HOMES, & RENTALS	808 LARCHMONT DRIVE	SW
1/28/2021 3:30 PM	SW21000047	ROMEO, MELVIN	608 HUNT AVENUE	SW

Monthly Report – Definition Key

Violations by Filed Date:

Violations keyed into the Court software during the month

Completed Cases:

Cases where the fine and court costs were paid in full and the case was closed during the month.

Before Judge:

Number of violations where a case set for trial before the judge; the defendant was found guilty or entered a guilty plea at trial and the defendant paid off all costs/fines in full thereby closing the case.

Other Completed -Dismissed (By Complainant):

The City Attorney moved to dismiss cases because the person who filed the complaint no longer wishes to pursue the charges.

Defendant Deceased:

Cases dismissed because the defendant died.

Dismissed Officer Fail to Pros:

Cases dismissed because the officer failed to appear in Court.

Dismissed (presented insurance):

Cases dismissed because the defendant presented valid proof of insurance for the offense date.

Dismissed (presented DL):

Cases dismissed because the defendant presented a valid driver's license.

Dismissed Mistaken Identity:

Cases dismissed cases on the City Attorney's motion due to mistaken identity.

Dismissed (Prosecutor's Order):

Cases dismissed on the City Attorney's motion or as a result of a plea agreement.

Dismissed Presented Records:

Cases dismissed because the defendant presented records to satisfy a code or Court requirement.

Dismissed After PT Diversion:

Cases dismissed because the defendant entered into a Pre-Trial Diversion agreement with the City and satisfied the requirements of the Pre-Trial Diversion.

Dismissed Victim/Witness FTA:

Cases dismissed because the witness or victim did not appear in Court for trial.

Dismissed without prejudice:

Cases dismissed but the City having the option to re-file the case within one (1) year of the date of the offense.

Dismissed No Drug Results:

Drug results were not received for trial.

Dismissed – Officer Not With City

Officer/Witness is no long employed by the City.

Warrants

The Court issues warrants for Failure to Appear in Court for court sessions. These warrants are printed and copied to the CPD Warrants Division.

Cleared:

The Court clears warrants once the warrant is served by an officer or when a defendant self reports to the Court. The Court also clears warrants if a person is deceased, posts bond and or, in some cases, enters a plea.

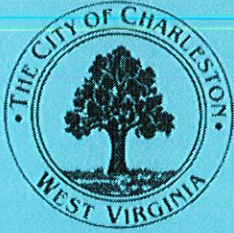
Other Paid Cases:

The Court received a partial payment for a case; however, the defendant still has a balance due.

Search Warrant Issued:

A search warrant document was prepared and presented to the court by the City Attorney's office with regard to safety and public health concerns of a structure/property.

This report is not indicative of the case volume in Municipal Court. Rather, this information reflects payment status/coding for cases.



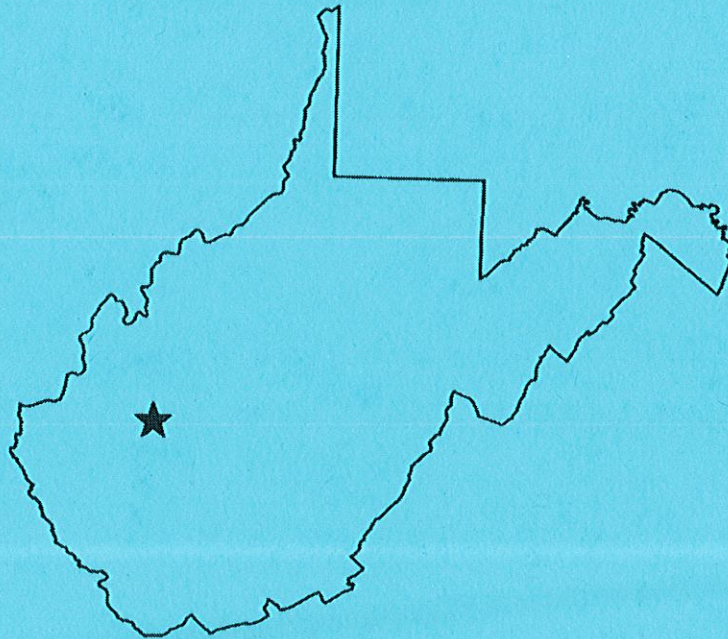
City of Charleston West Virginia

Victor Grigoraci

City Treasurer's Report to City Council

Month Ended

January 2021



Respectfully submitted,

A handwritten signature in black ink, which appears to read "Victor Grigoraci". The signature is fluid and cursive.

Victor Grigoraci, CPA – City Treasurer

<u>Fund / Description</u>	<u>Balance January 2020</u>	<u>Balance December 2020</u>	<u>Collections January 2021</u>	<u>Withdrawals January 2021</u>	<u>Balance January 31, 2021</u>
001 General Fund	11,984,059.99	26,136,777.79	12,176,520.62	7,031,959.56	31,281,338.85
002 Coal Severance Tax	46.06	35.05	26,077.51	26,094.00	18.56
003 Municipal Stabilization	4,333,526.47	4,733,345.42	402.01	0.00	4,733,747.43
009 Community Development	2,088.98	4,462.41	268,150.41	268,487.52	4,125.30
010 Supportive Housing	0.00	0.00	88.20	88.20	0.00
012 West Side Improvement	30,403.25	0.00	0.00	0.00	0.00
014 IT Infrastructure	90,579.54	541,229.70	45.97	0.00	541,275.67
015 Charleston Land Reuse	37,438.32	243,176.87	447.95	0.00	243,624.82
017 Project West Invest	558.21	563.82	0.05	0.00	563.87
018 Planning Grant	0.00	0.00	6,500.00	6,500.00	0.00
019 Tourism & Promotions	0.00	500,258.25	42.49	0.00	500,300.74
020 Business Development	0.00	751,700.04	63.84	0.00	751,763.88
021 Community Participation	0.00	105,564.86	8.92	1,000.00	104,573.78
024 LGBTQ Working Group	0.00	483.87	0.04	0.00	483.91
026 Uniform Pension Reserve Fund	20,517,126.52	22,071,964.41	2,024,055.25	420,488.00	23,675,531.66
035 Municipal Beautification	32,681.33	32,767.56	2.78	0.00	32,770.34
036 Special Demolition	18,291.49	38,550.92	3.27	0.00	38,554.19
037 Sister Cities	27,521.00	27,593.65	2.34	0.00	27,595.99
038 Solid Waste	490,236.91	145,156.90	379,474.88	51,035.24	473,596.54
039 Waste Disposal	0.00	48,908.60	47,844.20	96,752.80	0.00
040 Landfill Closure	3,390,022.13	3,478,843.48	17,479.27	0.00	3,496,322.75
041 Police Contributions	15,886.62	24,951.83	2.12	0.00	24,953.95
042 Police Evidence	1,103,798.92	1,009,945.11	85.57	8,717.00	1,001,313.68
043 Forfeited Funds	288,690.09	400,549.87	34.02	0.00	400,583.89
044 Municipal Court	203,687.98	222,910.65	26,677.00	10,108.00	239,479.65
045 Homeland Security	42,571.80	20,580.04	35,790.74	18,949.97	37,420.81
047 Health Insurance Reserves	6,225,855.88	6,242,286.30	530.17	0.00	6,242,816.47
048 Wayfinding Commission	33,173.41	21,236.13	1.80	0.00	21,237.93
049 Live On The Levee	5,306.02	11,535.27	0.98	0.00	11,536.25
074 Slack Plaza	0.00	0.00	510,907.63	0.00	510,907.63
080 Human Rights	176,793.29	176,793.29	0.00	0.00	176,793.29
081 Home Program	69,072.22	65,652.06	26,610.57	53,081.57	39,181.06
085 Firefighters Assistance Grant	77.08	77.08	0.00	0.00	77.08
088 SBA Riverfront Project Donation Account	9.18	9.18	0.00	0.00	9.18
088 SBA Riverfront Project Grant Account	10,167.71	10,167.71	0.00	0.00	10,167.71
089 Rail Trail Project	0.00	0.00	16,200.00	16,200.00	0.00
090 Byrne Justice	0.00	0.00	33,687.72	31,521.05	2,166.67
095 Police Grants	111,956.97	127,937.01	21,533.22	533.08	148,937.15
096 Historic Preservation	20,601.00	15,020.00	0.00	0.00	15,020.00
099 Public Arts Grant	148,914.34	178,914.34	0.00	0.00	178,914.34
100 Sinking Fund	4,115,608.36	4,025,708.08	341.83	1,650.00	4,024,399.91
200 Infrastructure	153,078.64	153,482.62	13.04	0.00	153,495.66
214 Civic Center Capital Improvement	420,351.98	409,118.72	34.75	0.00	409,153.47
215 Municipal Auditorium Capital Improvement	166,372.57	168,333.26	14.30	0.00	168,347.56
220 General Maintenance	3,036,396.39	4,233,715.32	10,465.41	41,269.44	4,202,911.29
221 City Service Fee Capital Project	969,331.86	1,972,048.11	167.49	0.00	1,972,215.60
222 Facilities Maintenance	1,027,721.07	1,571,362.47	133.46	0.00	1,571,495.93
255 Ballpark Maintenance	53,084.61	78,238.17	6.64	0.00	78,244.81
402 Civic Center Revenue	112,533.89	61,814.22	306,762.07	307,579.12	60,997.17
406 Parking System Revenue	5,103,090.20	4,974,127.01	172,143.44	109,041.21	5,037,229.24
426 Parking Operation and Maintenance	1,511,550.37	2,315,865.13	196.69	0.00	2,316,061.82
427 Civic Center TIF Project	158,663.57	392,140.17	955.79	0.00	393,095.96
900 M - DENT	700,637.85	676,141.34	13,729.76	8,251.24	681,619.86
901 Pending Forfeiture	897,186.63	1,016,242.39	195,011.72	0.00	1,211,254.11
Working Cash Advance Fund	32,925.00	32,925.00	0.00	0.00	32,925.00
Total All Funds	67,869,675.70	89,471,211.48	16,319,247.93	8,509,307.00	97,281,152.41

CITY OF CHARLESTON
Payroll Variance Analysis
January 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	22,538	22,538	0	0.00%	169,038	168,931	108	0.06%	293,000	124,069
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	22,538	22,538	0	0.00%	169,038	168,931	108	0.06%	293,000	124,069
Mayor - CARE Office	409-02	Regular	12,315	10,462	1,854	15.05%	71,592	65,854	5,739	8.02%	160,100	94,246
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	12,315	10,462	1,854	15.05%	71,592	65,854	5,739	8.02%	160,100	94,246
City Council	410	Regular	13,000	12,750	250	1.92%	97,500	83,000	14,500	14.87%	169,000	86,000
		IPT	-	-	-		-	-	-		-	-
Budget	26	OT	-	-	-		-	-	-		-	-
Actual	26	Total	13,000	12,750	250	1.92%	97,500	83,000	14,500	14.87%	169,000	86,000
City Manager - Admin.	412-00	Regular	37,553	35,498	2,055	5.47%	281,650	250,696	30,954	10.99%	488,193	237,497
		IPT	-	1,713	(1,713)		19,500	19,088	413	2.12%	19,500	413
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	6	Total	37,553	37,211	343	0.91%	301,150	269,784	31,366	10.42%	507,693	237,909
City Treasurer	413	Regular	9,785	9,785	0	0.00%	73,391	63,908	9,483	12.92%	127,211	63,303
		IPT	692	600	92	13.33%	5,192	4,560	632	12.18%	9,000	4,440
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	10,478	10,385	92	0.88%	78,583	68,468	10,116	12.87%	136,211	67,743
City Collector	414	Regular	49,273	42,698	6,575	13.34%	369,550	328,007	41,543	11.24%	640,553	312,546
		IPT	-	-	-		-	-	-		-	-
Budget	14	OT	-	-	-		-	18	(18)		-	(18)
Actual	13	Total	49,273	42,698	6,575	13.34%	369,550	328,025	41,525	11.24%	640,553	312,528
City Clerk	415	Regular	9,847	9,847	(0)	0.00%	73,854	73,747	108	0.15%	128,014	54,267
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	9,847	9,847	(0)	0.00%	73,854	73,747	108	0.15%	128,014	54,267
Municipal Court	416	Regular	22,375	23,018	(643)	-2.87%	167,811	165,743	2,068	1.23%	290,873	125,130
		IPT	1,385	975	410	29.58%	10,385	12,329	(1,944)	-18.72%	18,000	5,671
Budget	8	OT	1,809	250	1,559	86.19%	13,569	6,306	7,263	53.53%	23,520	17,214
Actual	7	Total	25,569	24,242	1,326	5.19%	191,765	184,378	7,387	3.85%	332,393	148,015
City Attorney	417	Regular	28,769	28,769	0	0.00%	215,769	215,500	269	0.12%	374,000	158,500
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	28,769	28,769	0	0.00%	215,769	215,500	269	0.12%	374,000	158,500

CITY OF CHARLESTON
Payroll Variance Analysis
January 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Accounting	418	Regular	22,858	22,858	0	0.00%	171,437	171,381	56	0.03%	297,157	125,776
		IPT	-	-	-		-	-	-		-	-
	Budget 5	OT	-	-	-		-	-	-		-	-
	Actual 5	Total	22,858	22,858	0	0.00%	171,437	171,381	56	0.03%	297,157	125,776
Engineering - General	420-00	Regular	37,270	33,485	3,785	10.15%	279,522	239,712	39,811	14.24%	484,505	244,794
		IPT	-	-	-		-	-	-		-	-
	Budget 7	OT	-	-	-		-	-	-		-	-
	Actual 7	Total	37,270	33,485	3,785	10.15%	279,522	239,712	39,811	14.24%	484,505	244,794
Engineering - Stormwater	420-01	Regular	10,250	10,250	0	0.00%	76,877	81,508	(4,630)	-6.02%	133,254	51,746
		IPT	-	-	-		-	-	-		-	-
	Budget 2	OT	-	-	-		-	-	-		-	-
	Actual 2	Total	10,250	10,250	0	0.00%	76,877	81,508	(4,630)	-6.02%	133,254	51,746
MOECD	421	Regular	31,406	28,112	3,294	10.49%	235,542	217,168	18,374	7.80%	408,272	191,104
		IPT	-	764	(764)		-	6,752	(6,752)		-	(6,752)
	Budget 7	OT	-	-	-		-	-	-		-	-
	Actual 7	Total	31,406	28,876	2,529	8.05%	235,542	223,920	11,622	4.93%	408,272	184,352
Human Resources	422	Regular	30,867	30,043	825	2.67%	231,506	208,628	22,878	9.88%	401,277	192,649
		IPT	-	-	-		-	-	-		-	-
	Budget 7	OT	-	-	-		-	-	-		-	-
	Actual 7	Total	30,867	30,043	825	2.67%	231,506	208,628	22,878	9.88%	401,277	192,649
Mail Room	431	Regular	2,626	2,626	0	0.01%	19,694	19,638	56	0.28%	34,136	14,498
		IPT	-	-	-		-	-	-		-	-
	Budget 1	OT	-	-	-		-	-	-		-	-
	Actual 1	Total	2,626	2,626	0	0.01%	19,694	19,638	56	0.28%	34,136	14,498
Building Commission	436	Regular	49,960	50,883	(923)	-1.85%	374,701	370,706	3,995	1.07%	649,482	278,776
		IPT	-	-	-		-	-	-		-	-
	Budget 13	OT	-	-	-		-	-	-		-	-
	Actual 13	Total	49,960	50,883	(923)	-1.85%	374,701	370,706	3,995	1.07%	649,482	278,776
Planning	437	Regular	31,090	31,015	75	0.24%	233,176	222,929	10,246	4.39%	404,171	181,242
		IPT	-	-	-		-	-	-		-	-
	Budget 7	OT	-	-	-		-	-	-		-	-
	Actual 7	Total	31,090	31,015	75	0.24%	233,176	222,929	10,246	4.39%	404,171	181,242

CITY OF CHARLESTON
Payroll Variance Analysis
January 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Information Systems	439	Regular	44,629	42,269	2,360	5.29%	334,719	306,185	28,534	8.52%	580,179	273,994
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	10	Total	44,629	42,269	2,360	5.29%	334,719	306,185	28,534	8.52%	580,179	273,994
Actual	9											
General Services	440	Regular	32,035	32,475	(440)	-1.37%	240,263	247,375	(7,113)	-2.96%	416,455	169,080
		IPT	3,462	-	3,462	100.00%	25,962	3,443	22,519	86.74%	45,000	41,558
		OT	5,040	165	4,876	96.74%	37,800	19,515	18,285	48.37%	65,520	46,005
Budget	11	Total	40,537	32,640	7,897	19.48%	304,024	270,333	33,692	11.08%	526,975	256,643
Actual	11											
Constituent Services	442-01	Regular	13,467	6,510	6,958	51.66%	101,006	47,533	53,473	52.94%	121,207	73,674
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	3	Total	13,467	6,510	6,958	51.66%	101,006	47,533	53,473	52.94%	121,207	73,674
Actual	2											
Morris Square Property	500	Regular	1,986	1,315	670	33.76%	14,893	14,534	358	2.41%	25,814	11,280
		IPT	-	-	-		-	-	-		-	-
		OT	775	-	775	100.00%	5,815	158	5,657	97.28%	10,080	9,922
Budget	1	Total	2,761	1,315	1,446	52.36%	20,708	14,693	6,015	29.05%	35,894	21,201
Actual	1											
Public Works	566	Regular	14,769	14,820	(51)	-0.34%	110,769	110,404	365	0.33%	192,000	81,596
		IPT	-	-	-		-	-	-		-	-
		OT	-	442	(442)		-	1,607	(1,607)		-	(1,607)
Budget	3	Total	14,769	15,262	(492)	-3.33%	110,769	112,011	(1,242)	-1.12%	192,000	79,989
Actual	3											
Public Grounds - Adm.	567-00	Regular	66,276	64,425	1,851	2.79%	497,069	482,292	14,777	2.97%	861,586	379,294
		IPT	-	-	-		-	-	-		-	-
		OT	1,938	169	1,770	91.31%	14,538	7,475	7,063	48.58%	25,200	17,725
Budget	26	Total	68,214	64,593	3,621	5.31%	511,607	489,767	21,840	4.27%	886,786	397,019
Actual	25											
Public Grounds - C/T	567-01	Regular	5,036	3,762	1,274	25.30%	37,768	35,045	2,723	7.21%	65,464	30,419
		IPT	-	-	-		-	-	-		-	-
		OT	323	-	323	100.00%	2,423	502	1,921	-100.00%	4,200	3,698
Budget	2	Total	5,359	3,762	1,597	29.80%	40,191	35,547	4,644	11.56%	69,664	34,117
Actual	2											

CITY OF CHARLESTON
Payroll Variance Analysis
January 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Police - Uniform	700-00	Regular	646,687	636,771	9,916	1.53%	4,850,154	4,601,914	248,239	5.12%	8,431,933	3,830,019
		OT	167,564	139,083	28,482	17.00%	1,135,198	1,275,985	(140,787)	-12.40%	1,869,756	593,771
		Reimb.	(1,923)	-	(1,923)	-100.00%	(14,423)	-	(14,423)	-100.00%	(25,000)	(25,000)
		Total	812,328	775,854	36,475	4.49%	5,970,929	5,877,899	93,029	1.56%	10,276,689	4,398,790
Police - Civilian	700-01	Regular	68,230	72,068	(3,837)	-5.62%	511,727	513,651	(1,924)	-0.38%	886,993	373,342
		IPT	3,846	-	3,846	100.00%	28,846	5,270	23,576	81.73%	50,000	44,730
		OT	7,237	4,490	2,746	37.95%	54,277	44,795	9,482	17.47%	94,080	49,285
		Total	79,313	76,558	2,755	3.47%	594,850	563,716	31,134	5.23%	1,031,073	467,357
Fire - Uniform	706-00	Regular	766,841	909,069	(142,229)	-18.55%	5,344,555	5,337,135	7,420	0.14%	9,031,847	3,694,712
		OT	109,669	106,867	2,802	2.55%	822,514	897,451	(74,937)	-9.11%	1,413,691	516,240
		Reimb.	(923)	-	(923)	-100.00%	(6,923)	(453)	(6,470)	-93.46%	(12,000)	(11,547)
		Total	875,586	1,015,936	(140,350)	-16.03%	6,160,146	6,234,134	(73,987)	-1.20%	10,433,538	4,199,404
Fire - Civilian	706-01	Regular	6,874	7,233	(359)	-5.23%	51,552	54,013	(2,462)	-4.78%	89,356	35,343
		IPT	-	-	-	-	-	-	-	-	-	-
		OT	-	-	-	-	-	-	-	-	-	-
		Total	6,874	7,233	(359)	-5.23%	51,552	54,013	(2,462)	-4.78%	89,356	35,343
Traffic	712	Regular	30,462	31,402	(941)	-3.09%	228,462	241,662	(13,200)	-5.78%	396,001	154,339
		IPT	-	-	-	-	-	-	-	-	-	-
		OT	905	394	510	56.43%	6,785	4,599	2,185	32.21%	11,760	7,161
		Total	31,366	31,796	(430)	-1.37%	235,247	246,261	(11,015)	-4.68%	407,761	161,500
Emergency Services	716	Regular	6,438	-	6,438	100.00%	48,282	-	48,282	100.00%	83,689	83,689
		IPT	-	-	-	-	-	-	-	-	-	-
		OT	-	-	-	-	-	-	-	-	-	-
		Total	6,438	-	6,438	100.00%	48,282	-	48,282	100.00%	83,689	83,689
Street	750	Regular	181,190	180,490	700	0.39%	1,358,926	1,218,390	140,536	10.34%	2,355,472	1,137,082
		IPT	-	-	-	-	-	-	-	-	-	-
		OT	13,846	13,903	(57)	-0.41%	103,846	96,659	7,187	6.92%	252,000	155,341
		Total	195,036	194,393	643	0.33%	1,462,772	1,315,050	147,723	10.10%	2,607,472	1,292,422
Equipment Maintenance	754	Regular	54,806	55,634	(828)	-1.51%	411,044	374,557	36,487	8.88%	712,477	337,920
		IPT	-	-	-	-	-	-	-	-	-	-
		OT	4,200	1,966	2,234	53.20%	31,500	21,620	9,880	31.37%	54,600	32,980
		Total	59,006	57,600	1,406	2.38%	442,544	396,177	46,367	10.48%	767,077	370,900
Refuse & Recycling	800	Regular	154,894	175,522	(20,628)	-13.32%	1,161,706	1,152,645	9,061	0.78%	2,013,624	860,979
		IPT	-	-	-	-	-	-	-	-	-	-
		OT	18,092	3,792	14,300	79.04%	135,692	52,181	83,512	61.54%	235,200	183,019
		Total	172,986	179,315	(6,328)	-3.66%	1,297,398	1,204,826	92,572	7.14%	2,248,824	1,043,998

CITY OF CHARLESTON
Payroll Variance Analysis
January 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Parks & Recreation	900	Regular	92,979	78,551	14,428	15.52%	697,340	567,117	130,223	18.67%	1,208,723	641,606
		IPT	5,600	-	5,600	100.00%	168,000	-	168,000	100.00%	280,000	280,000
		OT	4,135	403	3,732	90.26%	31,015	2,637	28,379	91.50%	53,760	51,123
Budget	31	Total	102,714	78,954	23,760	23.13%	896,356	569,754	326,602	36.44%	1,542,483	972,729
Actual	27											
Public Arts	906	Regular	4,000	4,000	-	0.00%	30,000	29,946	54	0.18%	52,000	22,054
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	1	Total	4,000	4,000	-	0.00%	30,000	29,946	54	0.18%	52,000	22,054
Actual	1											
Municipal Auditorium	910	Regular	7,900	-	7,900	100.00%	59,247	17,276	41,971	70.84%	102,695	85,419
		IPT	-	-	-		-	-	-		-	-
		OT	308	-	308	100.00%	2,308	6	2,302	99.75%	4,000	3,994
Budget	3	Total	8,207	-	8,207	100.00%	61,555	17,282	44,273	71.92%	106,695	89,413
Actual	0											
Spring Hill Cemetery	952	Regular	23,724	23,623	101	0.42%	177,931	167,677	10,253	5.76%	308,413	140,736
		IPT	-	3,735	(3,735)	#DIV/0!	32,938	31,305	1,633	4.96%	62,000	30,695
		OT	775	-	775	100.00%	5,815	6,381	(565)	-9.72%	10,080	3,699
Budget	8	Total	24,499	27,358	(2,859)	-11.67%	216,683	205,363	11,321	5.22%	380,493	175,130
Actual	8											
General Fund		Regular	2,645,006	2,744,576	(99,570)	-3.76%	19,410,022	18,466,409	943,613	4.86%	33,419,126	14,952,717
		IPT	14,985	7,787	7,198	48.03%	290,822	82,745	208,077	71.55%	483,500	400,755
		OT	336,618	271,923	64,694	19.22%	2,403,097	2,437,894	(34,798)	-1.45%	4,127,447	1,689,553
		Reimb.	(2,846)	-	(2,846)	-100.00%	(21,346)	(453)	(20,893)	-97.88%	(37,000)	(36,547)
Budget	755	Total	2,993,762	3,024,286	(30,524)	-1.02%	22,082,595	20,986,595	1,095,999	4.96%	37,993,073	17,006,478
Actual	714											

CITY OF CHARLESTON
Payroll Variance Analysis
January 2021

Department		Type	Current Month				Year To Date				Annual		
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available	
Coliseum & Conv. Center		402	Regular	75,476	33,402	42,073	55.74%	566,068	381,015	185,053	32.69%	981,184	600,169
			IPT	21,923	1,261	20,662	94.25%	164,423	7,712	156,711	95.31%	285,000	277,288
Budget		25	OT	3,077	1,847	1,230	39.98%	23,077	3,860	19,217	83.27%	40,000	36,140
Actual		11	Total	100,476	36,510	63,966	63.66%	753,568	392,587	360,981	47.90%	1,306,184	913,597
Parking System		406	Regular	54,579	48,278	6,300	11.54%	409,339	343,731	65,608	16.03%	709,521	365,790
			IPT	3,923	2,109	1,814	46.23%	29,423	15,776	13,647	46.38%	51,000	35,224
Budget		20	OT	1,292	99	1,193	92.32%	9,692	1,471	8,221	84.82%	16,800	15,329
Actual		19	Total	59,794	50,487	9,307	15.57%	448,454	360,977	87,477	19.51%	777,321	416,344
Total			Regular	2,775,060	2,826,256	(51,196)	-1.84%	20,385,429	19,191,154	1,194,275	5.86%	35,109,831	15,918,677
			IPT	40,831	11,157	29,674	72.67%	484,668	106,233	378,435	78.08%	819,500	713,267
			OT	340,987	273,869	67,118	19.68%	2,435,866	2,443,225	(7,359)	-0.30%	4,184,247	1,741,022
Budget		800	Reimb.	(2,846)	-	(2,846)	100.00%	(21,346)	(453)	(20,893)	97.88%	(37,000)	(36,547)
Actual		744	Total	3,154,032	3,111,282	42,749	1.36%	23,284,617	21,740,160	1,544,457	6.63%	40,076,578	18,336,418

Vacancy Report:

City Manager	1
City Collector	1
Municipal Court	1
Information Systems	1
Constituent Services	1
Public Works (all)	8
Police - Uniform	11
Fire - Uniform	9
Homeland Security	1
Parks & Rec	4
Municipal Auditorium	3
Total General Fund	41
CCCC	14
Parking System	1
Total All	56

Bill No. 7897

Introduced in Council:

February 16, 2021

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Bill No. 7897 - A BILL to amend and reenact Section 10-171 of the Municipal Code of the City of Charleston, as amended, relating to updating the urban deer management to be consistent with state law.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 10-171 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – URBAN DEER MANAGEMENT.

Sec. 10-171 – Urban deer management.

(a) *Urban hunting conditions.* An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

(1) Hunting shall be by permit only issued under the terms of this chapter.

(2) The hunt shall be for deer only.

(3) ~~Subject to the limited exemption in section (a)(17) herein, only~~ Only bows, crossbows, and arrows and bolts that comply with applicable state statutes, rules and regulations may be used.

(4) Hunting may occur only on property with the written permission of the property owner and on city-owned property which has been designated as available for hunting by the city manager.

(5) All deer harvested must be legally checked at an official game checking station and reported to the city.

(6) No hunting may take place within 150 feet of a dwelling or other occupied building.

(7) No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.

(8) Persons shall at all times when hunting pursuant to a city permit carry valid photo identification, a copy of their city permit and their West Virginia state hunting license and any applicable state permit.

(9) The transportation of a deer carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.

(10) All West Virginia hunting rules and regulations apply to hunting within the city.

(11) Any hunting activity including but not limited to field dressing or other handling of a carcass, must occur on the property specified in the city permit.

(12) All hunting shall be conducted from an elevated portable tree stand that is at least ten feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows or, if applicable, bolts to the interior of the property.

(13) Hunting may take place on tracts of five contiguous acres or more and within a sufficient distance from the boundary that an arrow or bolt cannot reasonably travel outside the permitted tract. Each tract must be approved by the city manager.

(14) A property owner can designate and limit other persons allowed to hunt his or her land with a permit.

(15) The city will be responsible to dispose of any wounded deer or deer carcass found on non-permitted property.

(16) Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of Natural Resources for an urban deer hunt.

~~(17) Persons possessing a valid Class Y Crossbow Permit in compliance with state law, including, but not limited to, the requirements of W. Va. Code § 20-2-42w, and any amendments thereto, may use a crossbow to participate in the urban deer hunt so long as the Class Y Permit holder complies with all other requirements of this section 10-171, and any regulations adopted hereunder.~~

(b) *Permits.*

(1) In order to obtain a permit, the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer hunting with a bow and arrow or a crossbow and arrow or bolt. ~~and, if applicable, all additional statutes, regulations and rules for use of a crossbow by a person with a valid Class Y Permit.~~ The city may impose additional requirements for a hunting permit and may limit the number of permits to be issued.

(2) The city may charge an administrative fee for permits not to exceed \$25.00 per permit.

(3) The city manager is hereby authorized to promulgate reasonable rules and regulations including, but not limited to: (i) setting license fees to regulate ~~bow~~ hunting; (ii) selecting the tracts to be authorized for hunting as permitted herein; and (iii) promoting safety and facilitating the goals of urban deer management.

(4) The city shall post the location of tracts approved for hunting on its website.

(c) *Donated meat.* Hunters are and shall be encouraged but are not required to donate the harvest to programs or organizations that will provide the meat to needy persons.

(d) *Violations.* In addition to any penalties for violations of state hunting laws or regulations, any person violating this section, or the rules and regulations promulgated pursuant to this section, shall be guilty of a misdemeanor and subject to the general penalties as provided in section 1-8 of this Code.

Bill No. 7896

Introduced in Council

Passed by Council

March 1, 2021

Introduced by

Brent Burton

Referred to
Municipal Planning Commission
Planning, Streets and Traffic
Committee

Bill No. 7896 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

Be it Ordained by the City Council of the City of Charleston, West Virginia:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-6 district to a C-8 district the whole of the following described parcels of land:

Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11.

34
35 A part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South
36 Annex Corp. Map No. 11;
37

38 A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South
39 Annex Corp. Map No. 11.
40

41 2. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the
42 1st day of January 2006, as amended, is hereby amended by rezoning from an R-O
43 district to a C-8 district the whole of the following described parcels of land:
44

45 Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11.
46

47 3. The Zoning Map, attached to and made a part of the Zoning Ordinance, is hereby
48 amended in accordance with Article 27 of this ordinance.
49

50 4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are
51 hereby repealed to the extent of such inconsistency.

**PETITION TO REZONE FROM R-6 AND R-O TO C-8
THE LAND AT AND NEAR 931 OAKHURST DRIVE AND 112 MULLINS ROAD,
CHARLESTON, WEST VIRGINIA**

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I.

Petitioner is the potential purchaser, currently under contract, of seven full parcels of real property and a portion of two additional parcels of real property (the “Subject Property”) situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; a part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; a part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11.

II.

Petitioner, pursuant to Sec. 29-030 of the City of Charleston Zoning Ordinance, seeks to have six of the seven full parcels, and a portion of the two additional parcels of the Subject Property rezoned from an R-6 use to a C-8 use, said property described as follows:

- All of Parcel No. 11 , as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11;
- All of parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.
- A part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;
- A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11.

Petitioner seeks to have one of the seven full parcels of the Subject Property rezoned from an R-O use to a C-8 use, said property described as follows: All of Parcel 11 Petitioner as shown upon Charleston South Annex Corp. Map No. 11.

The above-mentioned tax maps are as of record in the Charleston Planning Department. As set forth above, Petitioner plans to purchase a part of Parcel 11.1 and Parcel 14.2, the metes and bounds and legal description of which will be submitted upon the completion of a survey, which has been ordered and can be submitted upon completion. Petitioner seeks re-zoning of these portions of Parcels 11.1 and 14.2 from an R-6 district to a C-8 district.

The intended use and rezoning of the Subject Property is consistent with the City of Charleston Comprehensive Plan and South Hills Neighborhood Plan. The Subject Property abuts real property currently zoned as C-8 and classified as Convenience Commercial property in both plans. Furthermore, the owner of Parcel 11.1 and 14.2 is a participant in the sale. Rezoning and development of the Subject Property will enhance and improve upon this area of Convenience Commercial property and provide residents of the surrounding neighborhoods and the City of Charleston, as a whole, with the valuable service of indoor climate-controlled storage.

III.

Petitioner proposes to develop the Subject Property by constructing and operating an indoor climate-controlled self-storage facility.

IV.

The Bill for the proposed rezoning is sponsored by Council Member _____.
The Subject Property is shown on the maps attached to this Petition as Exhibits A and B.

Respectfully submitted this 4th day of
February, 2021

RPG WV Properties, LLC
By Counsel and Authorized
Representative:

Adam J. Schwendeman

(511840)

Resolution No. 422-21

Introduced in Council:

Adopted by Council:

February 1, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

Resolution No. 422-21 - Authorizing the Mayor or City Manager to purchase a rear-loading miniature refuse collection truck for the Charleston Refuse Department from West Virginia Tractor Company in the amount of \$91,975.00 as the result of a competitive bidding process.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase a rear-loading miniature refuse collection truck for the Charleston Refuse Department from West Virginia Tractor Company in the amount of \$91,975.00 as the result of a competitive bidding process.

Rear Loading Mini Refuse Collection Truck

Project No. 2021-002

Bid Opening: January 19 , 2021 @ 11:00am

	West VirginiaTractor
	PO Box 473
	Charleston, WV 25322
	P: (304) 346-5301
	wvtractor@msn.com
Rear Loading Mini Refuse Collection Truck	\$91,975.00
Local Vendor Preference (4%)	(\$3,679) \$88,296.00
Successful Bidder	