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I. PURPOSE AND POLICY

- A. A functional set of policies and procedures written up as a Code of Conduct enables a large department to establish expected norms of behavior. By incorporating a standardized disciplinary procedure with the Code of Conduct, employees can know what to expect for infractions of the Code. The purpose of this section is to set forth in one standard instruction the Code of Conduct for this Department. This Code of Conduct is intended to provide interpretive assistance when referring to the Civil Service Rules but is in no way meant to supersede them.
- B. It is San Diego Fire & Life Safety Services policy to be consistent in its application of disciplinary measures established in this Code. However, each case must be viewed separately and judged upon the facts. Extenuating circumstances will be considered where it is appropriate.

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II. CODE OF CONDUCT

A. Pledge

As a fire fighter, my fundamental duty is to protect or save lives and safeguard property in the service of my community. As a public employee I will set a good example in all my actions and deeds. I will never use my position for personal gain, recognizing it as a symbol of public trust. I will constantly strive to achieve the high objectives and ideals of this Department and shall conduct myself at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.

B. General Rules

1. All employees shall understand, be familiar with and comply with the Administration, Operations and Training Manuals.
2. All employees while acting in their capacity as City employees shall refrain from communication with the City Council, City Manager, Mayor, any representative of the aforementioned persons, or the personnel of any other City department on any matter affecting the San Diego Fire & Life Safety Services or any employee thereof, except through channels or through their duly authorized employee representative except in those cases where routine business of the Department requires.
3. It shall be the responsibility of each employee to:
 - a. Report at the prescribed hour and place assigned, ready to competently and efficiently perform required duties.
 - b. Complete regular tour unless authorized absence is given by a superior.
 - c. Be available and mentally and physically prepared for emergency assignment.
 - d. Carry their San Diego Fire & Life Safety Services identification cards at all times. The loss or finding of I.D. cards shall be reported immediately, in writing, to the Director of Health and Human Resources.

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- e. Accord obedience and proper respect to officers and acting officers.
- f. Have and maintain a uniform in compliance with Department specifications.
- g. Maintain a telephone in their residence, keep the Department informed of their correct address of residence and telephone number, and report any changes to the Department within 24 hours after making such change.
- h. Avoid exceeding their authority in giving orders. Upon receiving any order which is in conflict with a previous order, so inform the officer who issued the conflicting order and be governed by his/her instructions. An employee acting in obedience to a reasonable, yet improper order shall be protected against penalty.

The term reasonable order shall be construed as any order in keeping with the performance of any duty prescribed by Department policies, procedures or rules and regulations, or for the preservation of good order, efficiency and proper discipline which is not in conflict with Department regulations.

- i. Address Captains and Chief Officers by their title.
 - j. Notify the Department of any change in marital or dependency status.
 - k. Not violate Federal, State, County or Municipal laws.
 - l. Properly wear, maintain and keep clean all items of personal clothing and equipment issued to him/her by the City or purchased by the employee in accordance with departmental specifications. (See Section 3.II.K).
4. All employees shall work harmoniously with their fellow employees; actions leading to: lower job morale, less efficient teamwork, or the ostracization of a fellow fire fighter will not be tolerated.

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5. Employees shall not recommend or suggest to the general public in any manner, when acting in their official capacity, the employment or procurement of a particular product, private, professional, or commercial service.
6. All employees shall courteously and promptly accept and record in writing any complaint made by any person against an employee or policy of the Department. If necessary, forward the written complaint through channels to the Assistant Chief.
7. Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Department as to the condition of their health. Employees taking sick leave may be required to be examined by their physician; or perhaps be subjected to an examination from a City appointed physician. Employees on sick leave or industrial leave are expected to be at home or a doctor's office unless hospitalized. If other arrangements are approved by the Fire Chief or his/her designee, the Director of Health and Human Resources is to be informed of the address and phone number where employees can be reached.
8. Employees shall submit all necessary reports and forms on time and in accordance with established Department procedures. Reports submitted shall be truthful and complete, and no member shall knowingly allow to be entered any inaccurate, false or improper information.
9. All employees have the right to join labor organizations; however, nothing shall compel this Department to recognize or to engage in collective bargaining with any such labor organizations, except as provided by law. Fire fighters shall not engage in any strike. As used in this section, "strike" means any concerted action to withhold from the full, faithful performance of the duties of employment for the purpose of inducing, influencing or coercing a change in wages, hours or other terms or conditions of employment, including but not limited to, a failure to report to duty, an absence from duty without authorized leave, sickness unsubstantiated by a physician's statement, the stoppage or slowdown of work or a failure to perform full range of duties as directed.
10. When a member takes a leave of absence for over six months, is suspended for over six months, is terminated, retires or resigns, those items of equipment which were supplied by the Department to the employee shall be surrendered immediately upon demand and be in good condition. Issued items not surrendered may be charged to the employee.

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11. Employees shall pay their just debts promptly.
12. Employees shall treat as confidential the official business of the Department. They shall not impart same to anyone except those for whom it is intended, or as directed by their commanding officer. Employees shall give all proper information to persons requesting same carefully, courteously and accurately, avoiding all unnecessary conversation or controversy; and shall give their name and badge number in a respectful manner to any person who may request it.
13. No officer or employee of the San Diego Fire & Life Safety Services shall make any public statement, whether oral or in writing, which purports to state policy or position of the San Diego Fire & Life Safety Services and which is defamatory and undermines the effectiveness of city operations.
14. Employees shall not use their own personal vehicles for any assignment while on duty unless authorized to do so by the Fire Chief. When driving, employees shall observe all traffic laws and set a courteous example of good driving. Unauthorized personnel shall not be allowed to ride in Department vehicles. Department vehicles shall be used for San Diego Fire & Life Safety Services business only.
15. With the exception of grocery shopping for the station, employees shall not shop or trade while on duty nor devote any of their on-duty time to any activity other than San Diego Fire & Life Safety Services business.
16. Employees shall be prohibited from the possession or use of gun powder, ammunition, ammunition reloading materials, explosives, firearms or other lethal weapons or substances while in quarters or in the performance of their duties. This does not preclude the Chief from making exceptions to the above for certain personnel when it is in accordance with their assigned departmental functions.
17. Employees shall not indulge in the use of or be under the influence of any intoxicating liquor while on duty or while in uniform off duty. They shall at no time bring into the stations or keep in or about the stations or premises of the Department any intoxicating liquor. They shall not report for duty at their places of assignment under the influence of any intoxicating liquor.

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When reasonable suspicion exists indicating that an employee may be under the influence of any intoxicating liquor while on duty or while in uniform off duty, he/she shall be required to submit to a physical examination or appropriate chemical tests administered by the Department physician or any other authorized agency when ordered to do so by a Deputy Fire Chief. Refusal to submit to such examination or test shall be deemed a violation of a direct order and insubordination.

18. Employees shall not use or possess any illegal controlled substance while ON or OFF duty. They shall not report for duty at their places of assignment under the influence of any illegal controlled substance nor have any of these items in their possession at any time.

When reasonable suspicion exists indicating that employees may be under the influence of any illegal controlled substance while ON or OFF duty, they shall be required to submit to physical examination or appropriate chemical tests administered by the Department physician or any other authorized agency when ordered to do so by a Deputy Fire Chief or higher authority. Refusal to submit to such examination or test shall be deemed a violation of a direct order and insubordination.

19. All uniformed employees shall maintain, and have in their possession at all times, an appropriate, valid driver's license. Other employees, whose job classifications require them to operate motor vehicles, shall also maintain and have in their possession an appropriate valid driver's license.
20. Employees shall not accept employment outside City service or participate actively in the management or operation of any business or enterprise that:
 - a. Is incompatible with their City employment or would result in a conflict of interest with their responsibilities and obligations to the City.
 - b. Could result in criticism or discredit to the City.
 - c. Would prolong recovery while on industrial or sick leave or while on light duty assignment.
 - d. Would involve time demands that would render performance of his/her duties less efficient.

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- e. Would cause the employee to be absent from duty or unavailable for emergency recall.
21. Any employee who attempts to shield or cover up an improper action on the part of another employee shall become subject to equal disciplinary action.
- C. Suspendable Offenses shall include but not be limited to those offenses listed in Civil Service Commission Rule XI and the following:
1. Any conduct amounting to a violation of moral turpitude.
 2. Fighting or physical action against another employee with resulting injury or property damage.
 3. Failure by a uniformed employee to maintain an appropriate, valid driver's license. Failure by any other employee, whose job classification requires him/her to operate a motor vehicle, to maintain an appropriate valid driver's license.
 4. Cheating on any Department examination or unauthorized possession of any exam material.
 5. Any violation of a general rule which in the judgment of the Chief deserves suspension, especially repeated offenses.
 6. Failure of the physical ability test for the fourth and fifth times.
 7. Refusal to obey a direct order.
 8. Refusal to take the physical ability test for other than medical reasons.
- D. Removable Offenses shall include, but not be limited to, those offenses listed in Civil Service Commission Rule XI and the following:
1. Use or possession of liquor while on duty.
 2. Use or possession of illegal drugs, substances, or compounds while on or off duty.
 3. Willful misconduct resulting in serious injury or large property loss.

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4. Misappropriation of City material or any theft.
5. Any suspendable offense which in the judgment of the Chief deserves removal, especially repeated, suspendable offenses.
6. The conviction of a felony.
7. The commission of any sexual act while on duty or any conduct amounting to a crime of moral turpitude.
8. Falsification of records or reports.
9. Failure of the physical ability test for the sixth time.
10. Third refusal to obey a direct order to take the physical ability test.

E. Tardiness

1. When an employee of the on-coming shift fails to report to his/her place of assignment, at the time of shift change, the respective Battalion Chief (Immediate Supervisor for non-uniform personnel) shall be notified immediately. The Battalion Chief will call the Transfer desk, requesting relief or disposition for filling the vacant position. If the respective Battalion Chief is not available, notify the Duty Deputy Chief. This notification shall take place the day of the tardiness.
2. The employee who is tardy shall, in writing, report all pertinent information regarding the tardiness to his/her Immediate Supervisor.
3. All inexcusable tardiness shall be reported as unauthorized leave and reported (record minutes) on Form FDR-5. It shall be the responsibility of the Immediate Supervisor to notify Payroll and Health and Human Resources of all unexcused tardiness, via FDR-5, in the time period when the tardiness occurred.
4. The Immediate Supervisor shall determine if the tardiness was excusable or inexcusable under the following guidelines:

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a. Excusable Tardiness:

- (1) Involved in an accident enroute to work or rendering assistance at an accident prior to Police Department arrival or at request of Police Department.
- (2) Power failure at residence of employee.
- (3) Abnormal traffic tie-up which must be substantiated.
- (4) Illness in family or employee ill (Transfer Desk to be notified prior to 0700 hours).

b. Inexcusable Tardiness:

- (1) Oversleeping.
- (2) Failure to set alarm clock.
- (3) Any other tardiness not covered.

c. Each inexcusable tardiness shall be disciplined according to the following procedure:

Note: For the purpose of determining the degree of discipline to be imposed for tardiness, each incident of inexcusable tardiness for an employee shall be accumulated for a period of one (1) year.

- (1) First Offense: The Immediate Supervisor shall formally notify the employee (via FDR-5) that his/her tardiness is unexcused. A copy of the FDR-5 shall be given to the employee, and the original shall be forwarded to the San Diego Fire & Life Safety Services, Health and Human Resources Officer. The Health and Human Resources Officer will prepare a written warning to be issued by the employee's supervisor. **(Rev. 05/30/90)**
- (2) Second Offense: The Immediate Supervisor shall formally notify the employee (via FDR-5) that his/her tardiness is unexcused. A copy of the FDR-5 shall be given to the employee, and the original shall be forwarded to the San

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Diego Fire & Life Safety Service, Health and Human Resources Officer. The Health and Human Resources Officer will prepare a recommendation for an eight (8) hour suspension to be issued by the employee's second level supervisor. **(Rev. 05/30/90)**

- (3) Third Offense: The Immediate Supervisor shall formally notify the employee (via FDR-5) that his/her tardiness is unexcused. A copy of the FDR-5 shall be given to the employee, and the original shall be forwarded to the San Diego Fire & Life Safety Services, Health and Human Resources Officer. The Health and Human Resources Officer will prepare a recommendation for a twenty-four (24) hour suspension to be issued by the employee's second level supervisor. **(Rev. 05/30/90)**
- (4) Fourth Offense: The Immediate Supervisor shall formally notify the employee (via FDR-5) that his/her tardiness is unexcused. A copy of the FDR-5 shall be given to the employee, and the original shall be forwarded to the San Diego Fire & Life Safety Services, Health and Human Resources Officer. The Health and Human Resources Officer will prepare a recommendation for an eighty (80) hour suspension to be issued by the employee's second level supervisor. **(Rev. 05/30/90)**
- (5) Fifth Offense: The Immediate Supervisor shall formally notify the employee (via FDR-5) that his/her tardiness is unexcused. A copy of the FDR-5 shall be given to the employee, and the original shall be forwarded to the San Diego Fire & Life Safety Services, Health and Human Resources Officer. The Fire Chief shall consider severe disciplinary action, including dismissal from the Department. **(Rev. 05/30/90)**

F. Absence Without Leave

Unauthorized absence from duty of any employee will be followed by forfeiture of pay for time absent and charges shall be preferred unless otherwise directed by the Chief. An unexplained absence without leave of any employee for three consecutive shifts will be deemed and held a resignation and treated as such.

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G. Marking Official Notices

Employees shall not mark, mar or deface any printed or written notices in relation to San Diego Fire & Life Safety Services business.

H. Special Orders

Any order posted on the bulletin boards of the Department over the signature or name of the Chief shall have the same effect and be construed the same as a part of the Rules and Regulations of this Department.

I. Marking of Department Property

Employees shall not make any unauthorized mark, mar or deface any San Diego Fire & Life Safety Services property.

J. Security of City Issued Equipment

Employees shall be personally responsible for the security of all equipment issued and charged to each employee. Loss of City provided equipment may be charged to the employee for reimbursement to the City.

K. Maintenance of City-Issued Equipment

1. Turnout clothing shall be washed with non-detergent soap and water.
2. Helmets shall not be altered in any way. Holes shall not be drilled in helmets.

L. Conflict of Interest and Employee Conduct

1. Purpose

a. The purpose of this regulation is to:

- (1) Summarize in a single document a code of ethics and acceptable employee conduct which will apply equally to all employees, regardless of individual job duties and responsibilities.

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(2) Emphasize that each employee in our city occupies a position of public trust which demands the highest moral and ethical standard of conduct.

(3) Ensure that citizens are given efficient, productive, and high quality services in a courteous, impartial manner. Such services should be equally available, with no special advantage given any citizen beyond that available to all citizens.

b. Policies and regulations governing the conduct of City employees appear in the California Government Code, City Charter, Municipal Code, Council Policy Manual, Administrative Regulations, Personnel Manual, and Departmental Instructions. Employees shall familiarize themselves with the pertinent sections of these documents and consult them as necessary for information and guidance.

2. Scope

This regulation applies to all City of San Diego Employees.

3. Policy

a. Responsibility of Ethical Conduct. It is the responsibility of all City of San Diego employees to engage in ethical behavior and practices. Every employee is responsible for both the actual and perceived conflict of interest that may arise as a result of the employee's actions and it is the employee's responsibility to reduce or eliminate to the extent possible such actual and perceived conflicts of interest.

b. Responsibility of Public Services

All City of San Diego employees are bound to uphold the Constitution of the United States and the Constitution of the State of California, and to abide by the laws of the nation, state, and the City. They are bound to observe in their official acts, the highest standards of integrity and to discharge faithfully the duties of their position, recognizing that the lives, safety, health and welfare of the general public must be their primary concern. Their conduct in

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both their official and private affairs should be above reproach to assure that their public position is not used nor perceived as being used for personal gain. The conduct of all employees shall be such as to provide the best public service to each citizen and the community as a whole. The conduct of all employees shall be consistent with the goals and values of this organization.

c. General Rule Regarding Conflict of Interest

Employees shall not engage in any business or transaction, and shall not have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or would tend to impair their independence, judgment, or action in the performance of such duties.

d. Acceptance of Favors, Gifts, and Gratuities

Persons in the public service shall not accept money or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties. This prohibition would not normally include items such as plaques, souvenirs, or mementos of nominal value often associated with a given event. Persons shall not accept gifts, gratuities or favors of any kind which might reasonably be interpreted as an attempt to influence their actions with respect to City business.

e. Collateral or Outside Employment

(1) Notification and Departmental Approval

Persons employed with the City who are engaged in any collateral or outside business activity or employment shall notify the Department Director or other appropriate appointing authority in writing. Persons contemplating such business activity or employment shall obtain departmental approval before accepting such employment.

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(2) General Prohibition

Pursuant to Council Policy 000-4, employees shall not engage in any collateral employment or business activity which is incompatible or in conflict with the duties, functions, or responsibilities of the City, the appointing authority, the department, or the employee. Activities which may constitute a conflict include: use of their City time, facilities, equipment and supplies, or the use of a badge, uniform, prestige or influence of their City or employment for private gain or advantage. An employee shall not engage in any collateral business activity of employment, which, by its nature, hours or physical demands, would impair the required quality or quantity of the employee's work with the City, impair the employee's independence of judgment or action in the performance of official duties, reduce the effectiveness or efficiency of the employee's department, reflect discredit on the City, or tend to increase the City's payments for Sick Leave, Worker's Compensation benefits, Long Term Disability or Industrial Leave benefits.

(3) Specific Prohibitions

- (a) Employees shall not work within their discipline or profession for a company or as a self-employed consultant when their work is reviewed, or approved, or is subject to issuance of a permit by their City department.
- (b) Employees shall not submit work they have done for a collateral employer or as a self-employed consultant to the employee's division in the City for review, approval, or issuance of a permit.
- (c) Employees shall not review, approve, or issue a permit for work done by a collateral employer, whether the work submitted was done by the City employee or other staff of the collateral employer.

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- (d) Employees shall not attempt to influence the City's review, approval, or issuance of a permit pertaining to work submitted by an employee's collateral employer, whether the work submitted was done by the City employee or other staff of the collateral employer.
- (e) Employees in supervisory positions shall not assign to a subordinate any work a) resulting from the supervisor's collateral employment, and b) requiring the City's review, approval, or issuance of a permit.
- (f) Employees in supervisory positions shall not attempt to influence the City's review, approval, or issuance of a permit pertaining to any work resulting from the supervisor's collateral employment.

f. Use of City Employment and Facilities for Private Gain

Persons in the public service shall not use, for private gain or advantage, their City time or the City's facilities, equipment or supplies. In addition, City employees shall not use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others. Administrative Regulation 45.50, "Private Use of City Labor, Equipment, Materials, and Supplies Prohibited" is incorporated by reference in this paragraph.

g. Use of Confidential Information

- (1) Persons in the public service shall not use confidential information acquired by or available to them in the course of their employment with the City for speculation or personal gain. Persons in the public service shall uphold the public's right to know, and in accordance with the Ralph M. Brown Act, uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies.
- (2) Persons in the public service shall not disclose confidential personnel information acquired by or available to them in the course of their employment with the City except in the performance of their duties as required by law.

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h. City Contracts

In accordance with Government Code section 87100 et seq. and Government Code section 1090 et seq., persons in the public service shall not exercise any discretionary powers for, or make any recommendations on behalf of the City or any department or officer thereof with respect to any contract or sale to which the City or any department thereof is a party and in which such persons shall knowingly be directly or indirectly financially interested.

i. Personal Investments

In accordance with Government Code section 87100 et seq., persons in the public service shall not make personal investments in enterprises which they have reason to believe may be involved in decisions or recommendations to be made by them, or under their supervision, or which will otherwise create conflict between their private interests and the public interest. If, however, persons in the public service have financial interests in matters or enterprises coming before them, or before the department in which they are employed, they shall disqualify themselves from any participation therein.

j. Discussion of Future Employment

Persons in the public service shall not negotiate for future employment outside the City service with any person, firm, or organization known by such persons to be dealing with the City concerning matters within such person's areas of responsibility or upon which they must act or make a recommendation, when the person's City employment status could create an advantage not available to other individuals, firms or organizations. City employees shall not communicate with former City employees on any issue or matter in which that former employee had official responsibility or participation for a period of one year from the former employees final date of active employment. Council Policy 300-11, "City Contract Provisions with Respect to Hiring City Employees" is incorporated by reference in this paragraph.

k. Equal Employment

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Persons in the public service shall not, in the performance of their service responsibilities, discriminate against any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition, or handicap and they shall cooperate in achieving the equal employment opportunity and affirmative action goals and objectives of the City.

I. Reporting of Improper Government Activities

- (1) Persons in the City service are strongly encouraged to fulfill their own moral obligations to the City by disclosing to the extent not expressly prohibited by law, improper governmental activities within their knowledge. Employees are encouraged to contact departmental management with this information.
- (2) No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

m. Favoritism

- (1) Supervisory or management employees shall not participate in the appointment or recommend the appointment of any member of their immediate family, or any other person with whom the employee has a close personal or private business relationship, to a classified position of any department, office, bureau or division over which they have administrative control.
- (2) Supervisory or management employees shall not participate in the appointment or recommend the appointment of a member of their immediate family, or any other person with whom the employee has a close personal or business relationship, to another supervisory or management position of the City. This regulation permits immediate family members and close personal friends of supervisory or

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management employees to be appointed as classified employees in any department provided such supervisory or management employees make no recommendation nor otherwise attempt to influence such appointments.

- (3) No supervisory or management employee shall:
- (a) Directly supervise any immediate family member or person with whom the supervisor has a close personal relationship (this does not apply to OCA assignments if 30 days or less)
 - (b) Influence the approval of any employee regards for any immediate family member or person with whom the supervisor has a close personal relationship
 - (c) Interfere with any performance evaluation or disciplinary proceeding for any immediate family member or person with whom the supervisor has a close personal or business relationship
 - (d) Recommend or attempt to influence any contractor or business which has a business relationship with the City to employ a member of his or her immediate family or any other person with whom the employee has a close personal or business relationship.
- (4) For purpose of this section, the term "immediate family" shall mean spouse, significant other, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child.

n. Product Endorsement

City employees, in their capacity as a City employee, shall not endorse a product or service or comment on that product or service if it is the intent of the solicitor of the endorsement, or of the vendor or manufacturer of that product or service, to use such comments for purposes of advertisement. City employees are not prohibited from responding to inquiries regarding the effectiveness of products

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or services used by the City unless the employee is aware that it is the inquirer's intention to use those comments for purpose of advertisement. Council Policy 000-23 "Product Endorsement" and Administrative Regulation 95.65 "Product Endorsement" are incorporated by reference in this paragraph.

o. Duty to Disclose

Every employee shall immediately disclose the nature and extent of any interest, direct or indirect, which may conflict with his responsibility or duty, or which, because of his position, may influence a decision to the benefit of the organization in which he has an interest. Such disclosure shall be in the form of a memorandum to the City Manager, transmitted via the employee's department head.

p. Duty to Cooperate

Every employee shall cooperate fully with judicial bodies and courts, and with lawfully constituted investigative commissions, committees, bodies and juries; appear before them upon request; and answer all questions concerning his conduct in office or his performance of official duties or matters within his knowledge pertaining to the property, government or affairs of the City of San Diego. Failure to do so shall be cause for appropriate disciplinary action, including possible dismissal from City service.

4. Personal Use of City Equipment Prohibited Reference Administrative Regulation 45.50

- a. Administrative Regulation 45.50 reads in part: "City labor, equipment, materials and supplies shall not be used for personal or private purposes either on City premises or elsewhere, by City employees or others", unless specifically authorized to do so by Council approval. The term "City labor" shall mean the use of the services of any City employee while he/she is being paid by and performing services for the City of San Diego. The term "City equipment and materials" shall mean all City property, including hand tools, power tools, automotive equipment, office equipment and supplies, and construction materials.

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- b. Refer to Administrative Regulation 35.50 for the policy and procedure concerning disposition of surplus stock.
- c. Employee use of a City vehicle for the purpose of taking City Civil Service examinations will be permitted only upon authorization by his/her department.
- d. This regulation includes cashing pay checks or other personal use, unless specifically authorized to do so.
- e. Employees who violate this regulation are subject to discipline including termination and criminal prosecution.

M. Management of Loss to City Property Due to Crimes or Negligence Reference Administrative Regulation 45.80

1. Purpose

- a. To establish and maintain the City's program to manage, reduce and recover losses caused by vandalism, theft, intentional destruction or negligent abuse of City property.
- b. To establish a uniform reporting procedure for losses valued at \$25 or more.

2. Procedure

Every employee shall be responsible, upon discovery of evidence of loss, a loss in progress, or abuse of City property to report to his/her immediate supervisor. The supervisor will notify their respective Battalion Chief and contact Police Communications immediately, providing sufficient information to allow for a reasoned Police evaluation as to priority and means of response.

N. Equal Employment Opportunity Policy

1. Purpose

- a. The San Diego Fire & Life Safety Services through each of its members, both individually and collectively, will firmly support and

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enforce all of the provisions of this equal employment opportunity policy.

- b. This department will hire, develop, and promote well-qualified individuals in a way that will not deprive any individual of employment opportunities because of race, color, gender, age, religion, national origin, disability, sexual orientation, marital status, medical condition (history of cancer only), or AIDS, ARC (AIDS-related complex), or ARS (AIDS-related status).
- c. For pregnant employees, State law requires approval of up to 6 weeks Pregnancy Disability Leave. Approval or non-approval of pregnancy-related leave requests in excess of 6 weeks is at the discretion of the Civil Service Commission.
- d. Concerning retirement from City service, compulsory retirement at the age of 65 years is no longer required for City employees. This is consistent with recent Federal legislation. However, this legislative change does not include Police Officers and Fire Fighters. In addition, mandatory retirement is still a permissible option if an employee can no longer perform the duties of his or her job classification.
- e. This department shall continue to direct its employment and personnel practices toward ensuring equal employment opportunities for everyone. All matters related to promotions, awards, discipline, transfers, job rotations, training, work assignments, hiring, merit increases, overtime and related employment decisions shall be free from any discriminatory practice.

2 Policy

- a. All employees shall support the principles of our equal opportunity program. Supervisors shall be held accountable for enforcing any and all provisions of this policy as it relates to employees under their supervision.
- b. The job performance of all employees shall include an evaluation based upon their commitment to and effectiveness in carrying out our equal opportunity policy.

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- c. All appointing authority interviews shall be job-related and non-discriminatory.
- d. All employees shall work in an atmosphere free from discrimination, harassment, and sexual harassment. Discrimination, harassment, and sexual harassment are not only illegal; they create a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. It is the responsibility of all supervisors to assure that a harassment-free and non-discriminatory work environment exists.

This department is committed to providing a work environment free from degradation of any kind, thereby allowing every individual to maintain dignity and respect. Conduct that is professionally inappropriate, or the use of power, position or authority to take advantage of or degrade another person, will not be tolerated.

- e. General definitions of discrimination, harassment and sexual harassment are as follows:
 - (1) Discrimination - is any employment practice or policy, however neutral in intent, and however fairly and impartially administered which has a disparate impact or treatment on any member because of race, color, gender, religion, national origin, age, disability, sexual orientation, marital status, medical condition (history of cancer only), AIDS, ARC (AIDS-related complex), or ARS (AIDS-related status).
 - (2) Harassment - is an offensive or hostile working environment created through inappropriate statements or actions, or treatment that is differential in its base and not in accordance with standard, accepted policy or practice.
 - (3) Sexual harassment - is an infringement of an employee's right to work without sexual pressure of any type and is not limited to situations involving a male supervisor and a female subordinate.

It includes all unwelcome sexual advances or actions from a person of either sex toward any person of the opposite or

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same sex and may occur in an employment situation involving peers as well as supervisors.

- f. The use of verbally derogatory racial, ethnic, and sexual epithets will not be tolerated.
- g. Examples of discriminatory acts which shall not be tolerated include the use of derogatory comments, slurs or jokes; derogatory pictures, cartoons or posters; and actions which result in an employee being differentially treated without adequate justification because of their race, color, gender, religion, national origin, age, disability, sexual orientation, marital status, medical condition (history of cancer only), AIDS, ARC (AIDS-related complex), or ARS (AIDS-related status).
- h. Sexual harassment is an offensive working condition that shall not be tolerated. The Equal Employment Opportunity Commission, in its guidelines, has taken the view that the following conduct violates federal law:

Unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when, (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Written examples of sexual harassment include suggestive or obscene letters, notes and invitations; verbal examples include derogatory comments, slurs or jokes; physical examples include assault, touching, impeding or blocking movements; and visual examples include leering, sexually-oriented gestures, or posters. Other examples include the threat or insinuation that lack of sexual favors will result in reprisal; withholding support for appointments, promotion or transfer; failure of probation; punitive actions; change of assignment; or a poor performance report.

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Whether or not an alleged action constitutes sexual harassment will be determined by assessing the entire record and the totality of the circumstances on a case by case basis. Such factors as the nature of the sexual advances, and the context in which the alleged incidents occurred will be considered in analyzing the allegations, and in determining the appropriate resolution.

This policy is not to be construed as prohibiting mutually welcome social relationships between employees, which have no bearing on employment decisions or benefits.

- i. Appropriate actions shall be initiated against anyone who violates this equal opportunity policy. (Appropriate action shall include progressive discipline up to and including termination).
- j. An employee who feels that this policy is being violated shall report this to the appropriate supervisor, the San Diego Fire & Life Safety Services Equal Opportunity Liaison or the Health and Human Resources Department's Equal Employment Investigative Officer. Employees should also be aware of their right to contact State and/or Federal agencies to report violations of employment discrimination laws.
- k. The San Diego Fire & Life Safety Services Equal Opportunity Liaison Officer shall serve as the Equal Opportunity Counselor to employees of the San Diego Fire & Life Safety Services and the communicator of employee input to the Fire Chief. He/She shall be responsible for the coordination and overall achievement of the program and have full authority to perform these and all other responsibilities of the position. All employees shall cooperate fully with the EEO Liaison Officer in achieving full implementation of the San Diego Fire & Life Safety Services Equal Opportunity Program.

O. Sexually-Oriented Materials Policy

- 1. No person shall knowingly place, maintain or display or allow or cause to be placed, maintained or displayed in any fire department work site or office, any pictorial material which exposes to the view of unwilling fellow employees:

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Any statement or words describing sexual conduct, sex organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification or affront or which create or tend to create a hostile work environment; or any picture or illustration depicting nudity or sexual conduct where such picture or illustration has as its purpose or effect sexual arousal, gratification or affront or which create or tend to create a hostile work environment.

2. The display at San Diego Fire & Life Safety Services work sites and offices of pictorial material depicting nudity and sexual conduct which creates a hostile work environment when exposed to the view of unwilling fellow employees or the public is patently offensive and harmful to personnel when readily visible to them and is therefore detrimental to maintaining a healthy working environment.
3. Such displays when thrust indiscriminately upon unwilling employees may constitute sexual harassment, assault of individual privacy, and interfere with the permissible access to or use of departmental work sites and offices.
4. Every employee is entitled to such permissible access to department work sites and offices without being subjected to offending displays of such material.
5. The provisions and prohibitions hereinafter contained in this policy are promulgated to secure and promote the lawful rights of the employees of the San Diego Fire & Life Safety Services, its work sites and offices.
6. This regulation does not prohibit reading or personal possession of sexually oriented papers or magazines. It does, however, remind all employees that it is everyone's responsibility to insure that all regulations are observed. It also reminds supervisors that they are responsible for enforcing all regulations and insuring that the work place is free from any form of sexual harassment.

Note: On those occasions where the programming offered on television subscription channels such as HBO and Showtime is patently demeaning or offensive to some viewers, employees must be aware that such viewing may interfere with the rights of fellow employees. This decision is the responsibility of the Company Officer.

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7. Definitions

Whenever the following words and phrases are used in this regulation they shall have the meaning as described to them in this section:

- a. "Nudity" shall mean the showing with less than a fully opaque covering of the genitals, pubic hair, buttocks, natal cleft, anus or anal region of any person, other than a child under the age of puberty, or any portion of the breast at or below the areola of any female person other than a child, under the age of puberty.
- b. "Sexual conduct" shall mean an actual or simulated act of sexual intercourse, masturbation, oral copulation, flagellation, or other act of sexual arousal involving any physical contact with a person, clothed or unclothed.
- c. "Pictorial material" shall mean any material suggesting or conveying a visual image and includes, but is not limited to, a photograph, painting or drawing, videotape or video image or magazine, newspaper or similar printed material.
- d. "Work site or office" shall refer to any work station, fire station, office or other facility owned, used or leased by the San Diego Fire & Life Safety Services for the conduct of San Diego Fire & Life Safety Services business.

P. Political Activities

1. No officer or employee of the San Diego Fire & Life Safety Services shall participate in political activities of any kind while in uniform.
2. No officer or employee of the San Diego Fire & Life Safety Services shall engage in political activities during working hours.
3. No officer or employee of the San Diego Fire & Life Safety Services shall engage in political activities on San Diego Fire & Life Safety Services premises.

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Q. Civil Actions Against Employees

In the event an employee is personally named as a defendant in a civil suit arising out of the performance of duties and is served with a copy of the complaint, the employee must accept service. The employee must note his/her name and time and date when he/she was served in the upper right-hand corner and forward to the Health and Human Resources Officer.

It is imperative that this procedure be followed in order that the City Attorney may prepare and file the proper pleadings on behalf of the employee. The employee will be contacted by the attorney assigned to the case and any questions the employee may have can be discussed at that time.

R. Employees as Witnesses to any Legal Action

1. Section 68097.1 of the California Government Code says, in effect, that when a fire fighter is required as a civil witness in connection with any event, perceived or investigated in the course of his/her duties, a subpoena may be served on him/her or his/her immediate superior:
 - a. Service is limited to appearance within 150 miles of his/her residence or within the County.
 - b. Any employee so subpoenaed shall receive his/her normal salary (and expenses if any), from the City for time at court and travel to and from court.
 - c. These provisions shall also apply to subpoenas issued for the taking of depositions.
 - d. It is a misdemeanor for any person to pay or offer any other consideration for an officer's services, or for any such officer to ask or receive any such payment.
 - e. All employees receiving a subpoena or a request to appear before an investigative commission, committee, body or jury concerning Fire Department or City matters, shall notify their appropriate Division Head, through channels, prior to their appearance. Employees shall forward copies of any subpoenas served on them (in their capacities as City employees) to the Health and Human

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Resources Officer. Subpoenas issued by a (prosecutorial) Federal, State or City agency should not be forwarded.

2. Reimbursement

Any San Diego Fire & Life Safety Services employee who is subpoenaed as a civil witness as a result of employment within the Department will use the following procedures:

- a. Determine that a \$150 deposit has been made. The subpoena will bear stamp of the Court Clerk if the deposit has been made.
 - (1) If the subpoena has not been stamped, the employee must contact the Court Clerk advising him/her of this omission at the time the employee appears in court and prior to being sworn as a witness.
 - (2) If the court continues a proceeding to another day on its own motion, no additional deposit is required. If, however, a continuance is granted solely on a motion of the defendant or plaintiff, an additional \$150 must be deposited.
 - (3) Having his/her actual appearance in court verified on the subpoena with either a court "File" stamp or the signed verification of some other authorized person, i.e., a marshal, attorney, etc. Additional verification must be obtained for each subsequent day on the same subpoena.
 - (4) After attending court, complete the required information on the San Diego Fire & Life Safety Services Cost Data Form (FDR-20) which includes the following:
 - (a) The employee's full name (printed)
 - (b) Social Security Number.
 - (c) The employee's signature.

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- (d) Labor - actual time in court plus reasonable travel time to and from court, reported to the nearest 1/10 of an hour.
 - (e) Mileage - actual miles driven from point of origin, i.e., residence, fire station, etc. to court of appearance and back. Complete mileage report, Form AC 1145 and submit with FDR-20.
 - (f) Expenses for meals, if required, due to the overall duration of the appearance. Attach receipts.
 - (g) Miscellaneous expenses such as photocopy, photography, parking fees and lodging, if required. Attach receipts.
- (5) Completed forms must be signed by the employee's supervisor. NOTE: The above procedures are to be followed whether an employee is "on" or "off" duty. If off duty, submit Form FDR-1425A. List all out-of-pocket expenses in "red" on Form FDR-20.
 - (6) Mark the appropriate court time entries on the bi-weekly Labor Card (Job Order 9515). Time entered on the card should include actual hours spent in court plus reasonable travel time to and from court. In addition, on the back of the Labor Card enter the subpoena number.
 - (7) Submit subpoena and Form FDR-20 with AC 1145 and other receipts, to immediate supervisor who will forward it to the Payroll Section.
 - (8) Overtime pay will appear on the employee's regular paycheck. Out of pocket expenses will be reimbursed separately.

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III. DISCIPLINARY CODE

A. Purpose

To standardize in a single document this Department's procedures for handling infractions or violations of Department regulations.

B. Types of Disciplinary Action

1. Supplemental Employee Performance Report (Form CS- 97).

Shall be used to notify an employee that his/her overall performance is above or below standard. It should be initiated by the immediate supervisor (Captain or above) and discussed with the employee after the supervisor has reviewed it with the second level supervisor. Instructions for filling out the form and distribution of copies are included on the form. The employee has the right to be represented during the review. The supervisor should also have a witness present during the review.

2. Warning

Shall be used to notify an employee that a specific incident or aspect of his/her performance is unsatisfactory. It should be used to determine the cause of a disciplinary problem and to solve it. The immediate supervisor (Captain or above) shall prepare a report of the incident using Form CD-160. The report should inform the employee that there must be improvement or more serious disciplinary action will be taken. The supervisor and the employee shall sign the report and forward it through channels to the appropriate division head. The division head shall date and initial the report, return a copy to the employee and arrange to file the original in the employee's personnel folder. The employee has the right to be represented during the discussion with his/her supervisor. The Captain should have a witness present during the discussion of the report.

3. Reprimand

This is the most serious disciplinary action that can be taken against an employee, short of suspension. It can only be issued by a Division Head (Deputy Chief - Division Chief) or higher authority. It must be in writing on memorandum form (CD-160) and must notify the employee that unless

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there is immediate improvement, suspension or termination will result. If appropriate, a date should be specified on the report on which the employee's performance will be reviewed. The report will be signed by the Division Head and the employee and then forwarded to the Assistant Chief. The Assistant Chief shall date and initial the report and return a copy to the employee and arrange to place the original in the employee's personnel file. The employee has the right to be represented during the discussion of the report with the Division Head. The Division Head should have a witness present during the review.

4. Suspensions

a. Immediate Suspension

- (1) The Fire Chief has authorized any Chief Officer to immediately suspend an employee when it is deemed necessary in order to maintain the safety of the community or the reputation, morale and harmony of the organization.
- (2) Such suspensions shall be limited to the remainder of the regularly scheduled work shift.
- (3) Such suspensions shall be in writing and a copy given to the employee immediately. The order shall make a general reference to Civil Service Rule XI and shall specify the exact number of hours the employee was suspended.
- (4) The Division Chief shall be notified and copies of the order forwarded through channels to the Fire Chief and Health and Human Resources Director.
- (5) The employee does not have the right to be represented during this type of suspension. He/She does have the right of appeal to the Civil Service Commission. The Chief should have a witness during procedures.

b. Non-disciplinary Suspension

- (1) A suspension of this type may be made by the Fire Chief pending investigation into charges of misconduct against an employee. The investigation shall be made as quickly and

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thoroughly as possible. In no case shall this type of suspension exceed 30 days.

- (2) If the charges against the employee are substantiated by the investigation, appropriate disciplinary action will be initiated.

The period of the suspension, pending investigation, will be considered when taking disciplinary action.

- (3) If the charges are not substantiated by the investigation, the employee will be returned to work with back pay and all rights and benefits restored.
- (4) Suspensions pending investigations are not appealable to the Civil Service Commission.

c. Disciplinary Suspensions

- (1) Prior to making a decision to suspend an employee for disciplinary purposes, the Fire Chief or Assistant Fire Chief will normally assign the case to a Deputy Chief.
- (2) The Deputy Chief shall:
 - (a) Appoint an Investigator to conduct a complete investigation and gather all the facts and materials upon which the proposed charges are to be based.
 - (b) Consider the results of the investigation and, if appropriate, notify the employee that disciplinary action in the form of suspension has been recommended to the Fire Chief. This notification shall be in writing and shall include:
 - i) The time, date and place of a hearing before the Chief or Assistant Chief.
 - ii) The proposed charges and action that may reasonably be anticipated.

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- iii) If possible, copies of materials used to support the charges.
 - iv) The employee's right to be represented by the persons of his/her choice at the hearing.
- (3) The employee shall be interviewed at the hearing by the Fire Chief or Assistant Fire Chief. The purpose of the hearing is to provide the employee with an opportunity to respond to the charges. The response may be oral or written.
 - (a) The Fire Chief or Assistant Fire Chief shall advise the employee that all facts and information will be evaluated and, if necessary, investigated further prior to a determination being reached on action to be taken. The Fire Chief or Assistant Fire Chief will be responsible for the employee pre- discipline counseling sheet.
 - (b) The employee shall be notified in writing of the final decision. This notification shall put any disciplinary action into effect and will include:
 - i) A statement of charges upon which the action is based.
 - ii) Notice of the employee's right to appeal to the Civil Service Commission.
- (4) The concurrence of the City Manager must be obtained for any suspension, disciplinary, or investigative which is for five or more work days.
- (5) Demotion or Discharge
 - (a) The City Manager is the only authority who may discharge or force the demotion of a permanent employee.
 - (b) Only permanent employees have the right of appeal.

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- c) The specific procedures necessary to support a discharge or forced demotion are the same as those previously outlined for suspension. Those procedures should be used for all employees even though probationary and limited personnel do not have the right to appeal a suspension, demotion, or discharge to the Civil Service Commission.

C. Employee Representation

1. An employee may be allowed representation:
 - a. During any interview or discussion which the employee reasonably believes will result in disciplinary action (suspension, discharge, demotion, or reduction in compensation). Such right arises only upon the employee's request. During any such interview or discussion, Fire Department supervisors shall have the right to have the affected employee answer any or all questions as opposed to his/her representative.
 - b. During the required discussion of any document, including an "Unsatisfactory" or "Improvement Needed" Performance Evaluation, written warnings, or reprimands which are to be made part of the employee permanent record and/or which may be used as a basis for subsequent discipline.
2. In all other instances, Management has the right to counsel employees as it deems appropriate without employee representation being present.
3. The employee who is notified of a pending disciplinary action shall be given a reasonable time to consult with his/her representatives so that he/she may prepare a defense against said action.
4. An employee is also entitled to representation as outlined above in appeals of disciplinary actions.
5. Battalion Chiefs and Fire Captains shall not represent Fire Fighters or Fire Engineers on matters of discipline or grievances. Battalion Chiefs shall also not represent Fire Captains in such matters. Members of the Board of Directors may represent employees in all fire classifications in matters of discipline and grievances.

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D. Disciplinary Actions and Appeals

1. The employee may appeal the placement of any disciplinary document in his/her permanent record by submitting an appeal letter within 10 working days (same definition as in Grievance Procedure) of the employee being notified that any such document is to be placed in his/her file. This appeal letter should contain pertinent details of the basis for the appeal and should be submitted to the Chief. Disciplinary documents which may be appealed include written warnings, reprimands, and less than satisfactory performance reports. As soon as possible after receiving the appeal letter, the Chief or his/her designee will schedule a hearing. After the hearing, the Chief or his/her designee will make a final decision as to whether the written document will be retained in or removed from the employee's record.
2. Disciplinary actions shall remain a permanent part of the employee's file, with the exception of the following:
 - a. When the employee, in accordance with the Personnel Manual, Index Code L-2, Paragraph II, Section C.2, has appealed the placement of a document in his/her file and the appeal has been upheld by the Chief or his/her designee.
 - b. When a disciplinary action has been appealed to the Civil Service Commission and the Commission has directed that such record be removed from the employee's file.
3. As set forth in the Department's promotion policy, only those disciplinary actions which have occurred within the preceding three years will be considered on promotions, except that warnings for tardiness shall be considered only one year. Upon request of the affected fire fighter, disciplinary actions more than three years old and tardy warnings more than one year old will be removed from the employee's file and placed in a sealed envelope.

These sealed records will be removed to a location accessible only to the Fire Chief.

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E. Employee Privacy of Information

No employee shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his/her property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his/her family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his/her official duties, or is necessary for the employing agency to ascertain the desirability of assigning the employee to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

F. Polygraph Examinations

No employee shall be compelled to submit to a polygraph examination against his/her will. No disciplinary action or other recrimination shall be taken against an employee refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the employee refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the employee refused to take a polygraph examination.

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IV. EMPLOYEE PERFORMANCE REVIEW PROGRAM

A. Authority

1. City Charter Section 127, STANDARDS OF EFFICIENCY.
2. Civil Service Rule XII, EFFICIENCY
3. Civil Service Rule V, Section 6: RE-EMPLOYMENT LISTS FOR REGULAR WORK

B. Policy

1. The Performance Review Program is a tool used by supervisors to document, monitor, and evaluate employee performance in relation to the critical functions and performance standards of the employee's position in a fair, consistent, and objective manner.
2. The Performance Review Program consists of the following elements:
 - a. Preparation of a Performance Plan that describes the functions and performance standards of an employee's job (discussed in Section C).
 - b. Evaluation of an employee's performance in relation to the Performance Plan (discussed in Section D; Supplemental evaluation of performance is discussed in Section E).
 - c. Preparation of a Performance Development Plan, when required, to provide guidance to employees in relation to specific performance problems (discussed in Section F).
3. The Performance Review Program shall be used to evaluate the performance of all classified employees (permanent, probationary, seasonal, and limited). Departments that have not yet implemented this Performance Review Program should follow the procedures outlined in Personnel Manual Index Codes G-3, G-4, and G-5.
4. Employee Performance Reports shall be completed at:

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- a. Three-month intervals for probationary employees and for limited employees during the first year of employment in a classification.

EXCEPTION: An Employee Performance Report shall be completed prior to the completion of 60 days of active duty in the case of an appointment from a re-employment list of an eligible with permanent status in the class or subdivision thereof, to a department or major division in which the eligible employee has never worked as a permanent employee for more than 60 days.

- b. One-year intervals for permanent employees and for limited employees following the first year of employment in a classification.
 - c. The end of the season for seasonal employees.
 - d. Whenever there is marked improvement or deterioration of performance between rating periods (Supplemental).
5. Each department shall distribute Employee Performance Report forms to the supervisors for processing prior to the beginning of an employee's rating period.
 6. Probation Reports
 - a. This report will be completed by all supervisors to whom a probationary employee is assigned for a minimum of eight hours. The report will be submitted:
 - (1) At the completion of four shifts (before going on days off).
 - (2) At the completion of any work period of eight hours or more where the supervisor is being transferred or going off duty (vacation, holiday, day off, etc.).
 - b. It is the responsibility of all probationary personnel to ensure that properly completed probation reports are submitted to the Training Division. This includes all Engineers, Captains, and Battalion Chiefs serving a six-month probationary period due to promotion.

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C. The Performance Plan

1. Purpose

- a. The Employee Performance Plan describes the job and defines the performance requirements of that job so that employees know what they are supposed to do, how they are supposed to do it, and why.
- b. The documentation and discussion of essential job functions and required performance standards facilitates the evaluation process for employees and supervisors.

2. Procedure

- a. It is the supervisor's responsibility to ensure that a Performance Plan is developed for each position prior to the rating period.
- b. The development of the Performance Plan should begin with a thorough analysis of the major functions (responsibilities) of the position.
 - (1) Each function should describe a major part of the job.
 - (2) Record the major functions at the top of the Performance Plan pages, one per page.
- c. For each function listed on the Performance Plan, the supervisor should determine what standards are required for proper and satisfactory performance.
 - (1) Performance standards should describe the major activities required to perform the function and indicate how much, in what time, how well, and/or in what manner the particular activities are to be done.
 - (2) Record the appropriate performance standards below each function of the Performance Plan pages.
- d. Once the Performance Plan has been developed, the supervisor shall discuss it with the reviewer. The reviewer should verify that the Plan accurately reflects the duties of the position to be rated.

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- e. The supervisor shall then discuss the Plan with the employee.
 - (1) The functions and performance standards should be clearly understood by the employee at the beginning of the rating period.
 - (2) This early discussion informs the employee of the job requirements and helps to prevent any misunderstandings from occurring when the formal evaluation takes place.
- f. The supervisor, reviewer, and employee shall sign the first page of the Employee Performance Report to verify discussion of the Performance Plan. The employee shall also sign each of the Performance Plan pages in the lower left hand corner to verify discussion of each function and its standards.
- g. The employee shall receive a completed copy of the Performance Plan.
- h. The supervisor should regard the Performance Plan as a changeable and flexible record.
 - (1) If the performance standards are inappropriate or significant changes in job functions occur, the supervisor should re-evaluate and modify the Performance Plan to reflect this information. Changes made to the Performance Plan should be discussed with the employee, and the employee should be given a copy of the modified Plan. The employee should also sign any changed or new pages of the Performance Plan in the lower left hand corner.
 - (2) The supervisor should review and update the Performance Plan after each rating period to cover the next rating period. This systematic review ensures that the employee's functions and performance standards reflect current job requirements.

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D. Performance Evaluation

1. Purpose

- a. The accurate evaluation of employee performance provides the necessary recognition and documentation of an employee's strengths and weaknesses.
- b. Recent Employee Performance Reports should be considered by supervisors, when appropriate, for administrative actions involving reward and discipline.

2. Procedure

a. Supervisory Responsibilities

- (1) Employee performance shall be evaluated in relation to the job-related criteria indicated on the Performance Plan at the end of each rating period.
- (2) Employee performance shall be rated by the employee's immediate supervisor. If the immediate supervisor is new, former supervisors should be consulted.
- (3) Supervisors should continually monitor and document employee performance throughout the rating period to provide a proper basis for the evaluations made at the end of the rating period.
- (4) Bring less than satisfactory performance to the attention of employees as it occurs; document it and take corrective action. (Rev. 10/19/90)
- (5) Supervisors shall make all initial ratings in pencil.

b. Rating Performance Standards

- (1) Each performance standard should be evaluated in relation to the function listed at the top of the page.
- (2) Indicate whether the employee is STRONG (+), AVERAGE () or WEAK (-) in the performance of each corresponding standard.

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- (3) If performance of a standard was not observed during the rating period, leave the column to the left of the corresponding standard blank.

c. Rating Performance of Functions

- (1) After having evaluated the individual standards, the supervisor should next consider how performance of these standards relates to overall performance of the function listed at the top of the page.
- (2) Check the box to the left of the rating level that is most descriptive of the employee's performance of each function.

Definitions of these levels are as follows:

OUTSTANDING Employee consistently excels in standards required to perform the function.

ABOVE STANDARD Employee often fulfills standards required to perform function in an above average manner.

SATISFACTORY Performance of standards for the function is generally competent and reliable.

BELOW STANDARD Employee often does not meet the standards required to perform the function.

UNSATISFACTORY Employee does not fulfill the performance standards for a significant portion of the function.

- (3) The supervisor should use the comments section at the bottom of each Performance Plan page to briefly describe the employee's performance of that function during the rating period.

d. Rating Overall Job Performance

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- (1) After having rated all of the functions, the supervisor should next consider how performance of these functions relates to the employee's overall job performance.
- (2) Check the box to the left of the rating level that is most descriptive of the employee's overall job performance.

Definitions of these levels are as follows:

OUTSTANDING Employee excels in virtually all functions of the job. This employee brings many assets to the job in the areas of ability and performance.

ABOVE STANDARD Employee performs all functions of the job competently and effectively while often exceeding the standards of performance.

SATISFACTORY Employee meets the standards of performance for practically all functions of the job. Performance is generally steady, reliable, and competent.

BELOW STANDARD Employee often does not meet the performance standards required to adequately perform job functions.

- * **UNSATISFACTORY** Employee does not achieve performance standards for a significant portion of the total job. Performance must improve significantly to reach an acceptable level.
 - * An overall performance rating of "Unsatisfactory" shall include information as to what remedial action was discussed, what warning or disciplinary action may have been taken, and a follow-up review date scheduled to occur within 90 days.
- (3) The supervisor should use the overall job performance comments section to document an employee's overall progress in performing job functions and meeting performance standards, highlights of performance during the rating period, most outstanding achievements, areas

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needing improvement, and any other performance information considered to be important.

NOTE: Out-of-class assignments should not be considered by supervisors when evaluating the employee's performance in the regular class.

- (4) An employee approaching the end of the probationary period should not be retained if there is doubt as the employee's ability and/or willingness to perform satisfactorily.

E. Supplemental Performance Reports

1. Purpose

- a. Supplemental Performance Reports provide supervisors with a tool to evaluate employee performance between regular rating periods.
- b. A Supplemental Performance Report shall be completed by supervisors to make an official record of employee performance that has improved or deteriorated significantly from the previous Report.

2. Procedure

- a. The supervisor may give a Supplemental Performance Report to an employee at the time of a follow-up review of an unsatisfactory Performance Report or between regular reporting periods.
- b. All Supplemental Employee Performance Reports shall include ratings and comments which explain fully the reasons for the ratings. (Refer to the performance ratings definitions in Section IV.D.2.d)
- c. The procedures to complete and process a Supplemental Performance Report are exactly the same as for a regular Employee Performance Report.

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F. Performance Development Plan

1. Purpose

- a. The Performance Development Plan should be used by supervisors to guide, train, and develop employees.
- b. Performance ratings of Below Standard and Unsatisfactory indicate that performance requires improvement to reach a satisfactory level. Whenever possible, Performance Development Plans should be developed by supervisors to assist employees in bringing such performance up to satisfactory levels.

2. Procedure

- a. The supervisor should review the employee's Performance Plan to identify specific areas requiring improvement.
- b. Record the specific performance areas requiring improvement in the Performance Description section of the Performance Development Plan.
- c. Supervisors should determine the causes of performance problems in order to develop appropriate Development Plans.
 - (1) Inadequate performance may indicate that the employee lacks basic ability, job knowledge, motivation, skills, attitude, etc.
 - (2) Poor performance could be caused by the supervisor not adequately explaining or clarifying the job, the Performance Plan, Departmental philosophy, or work priorities.
 - (3) Job-related conditions that might cause performance problems include faulty equipment, excessive noise or distractions in the office, as well as other factors.
- d. Record plans to improve performance in the Performance Development Plan section. Typical activities that might be recommended include:

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- (1) Special assignments and remedial training.
- (2) Job-related college or training classes.
- (3) Counseling to improve attitude and/or inter-personal skills.

- e. When discussing the Performance Development Plan with the employee, the supervisor should inform the employee that performance improvement will be reviewed in an established time period which is indicated in writing on the Plan.
- f. At the end of the designated time period, the supervisor should complete the Follow-up Review section of the Performance Development Plan by recording what actions have been taken to improve performance and how performance has changed, where applicable.
- g. The supervisor should first discuss the Follow-up Review with the reviewer and then with the employee.
- h. The supervisor, reviewer, and employee shall sign the Follow-up Review to verify discussion of the evaluation.

G. Performance Report Conferences

1. Supervisor-Reviewer Conference

- a. The supervisor shall discuss all initial pencil ratings and evaluations with the reviewer. Changes suggested by the reviewer should be considered by the supervisor. If the changes are justified, the supervisor should make them prior to the first presentation to the employee.
- b. Unresolved differences between the judgements of the supervisor and the reviewer shall be decided by the Fire Chief or Division Head.

2. Supervisor-Employee Conference

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- a. After the supervisor-reviewer conference, the supervisor and the employee shall review and discuss the Employee Performance Report in private.
- b. The supervisor should constructively discuss with the employee all ratings and evaluations of the functions, standards, overall job performance, and when indicated, the Performance Development Plan.
- c. The supervisor should point out the employee's general progress in performing job functions and meeting performance standards, outstanding achievements, areas in which improvement is necessary, as well as any other performance information considered to be important.
- d. The employee should be given an opportunity to discuss or protest the ratings and present grounds for a protest. If the protest is reasonable, the supervisor should change the ratings accordingly, after consulting with the reviewer.

H. Processing Employee Performance Reports

1. After the performance report conferences, the supervisor shall mark the final ratings in ink and sign and date the first page of the Employee Performance Report in ink.
2. The employee shall sign the first page of the Employee Performance Report, each Performance Plan page (in the lower right hand corner), and the Overall Job Performance page in ink. The signatures indicate only that the supervisor has discussed the Report with the employee; they do not signify that the employee agrees with the ratings. If the employee refuses to sign the various pages of the Report, the supervisor shall initial and make a note to that effect in the spaces provided for the employee's signature.
3. The reviewer shall receive the final ratings and sign and date the Report in ink.
4. The reviewer shall send the Report to the appointing authority or designated alternate for review and signature.

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5. Appointing authorities shall check the Report to determine whether:
 - a. The Report has been completed on schedule and according to the procedures outlined in this Manual section;
 - b. Ratings reflect an objective evaluation of employee performance in relation to the published standards;
 - c. Ratings are fully explained in the comments section(s);
 - d. All markings and signatures are in ink; and
 - e. Any changes have been initialed by all concerned and explained in the comments section.
6. Any changes to be made by the appointing authority shall be first discussed with the reviewer, supervisor, and employee. This discussion shall be noted in the Comments Section of the Report. The appointing authority shall initial any changes made to the Report.
7. The completed copy of the Employee Performance Report, signed by the employee, shall be forwarded to the Health and Human Resources Office no later than 15 days after the end of the rating period.
 - a. EPR's are kept on file in the Health and Human Resources Office for a period of three years.
 - b. Performance Development Plans should not be sent to the Health and Human Resources Office until after the review period has ended and the forms have been completed.

I. Representation and Appeal Rights

1. Representation Rights
 - a. In the case of an "Unsatisfactory" or "Below Standard" overall performance evaluation rating, the employee may request representation as outlined below.
 - (1) Employees in classes in representation units which are covered by a current ratified Memorandum of Understanding

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shall be entitled to representation and appeal rights and procedures as provided therein.

- (2) The provisions of the following employee representation policy apply to employees in all classes which are not in a representation unit and all classes in representation units which are not covered by a current ratified Memorandum of Understanding.
 - (a) An employee may request representation, not to exceed one City employee and one non-City employee to be present during the discussion of an "Unsatisfactory" or "Below Standard" overall performance evaluation rating which is to be made part of the employee's permanent record and/or which may be used as a basis for subsequent discipline.
 - (b) The "City employee representative" may not be an employee subject to the same investigation or fact finding.
- b. In all other instances, supervisors have the right to counsel employees as they deem appropriate without employee representation being present.

2. Appeal Rights

- a. If there is a controversy regarding the evaluation, the supervisor shall explain the employee's appeal rights.
 - (1) The employee may appeal the evaluation, for cause, to the Department Head by submitting an appeal letter within 10 working days/five shifts of being notified of any such evaluation.
 - (2) The appeal letter must contain pertinent details of the basis for the appeal.
 - (3) As soon as possible after receiving the appeal letter, which becomes an attachment to the evaluation in question, the

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Department Head or designee will schedule a hearing on the matter.

- (4) The employee is entitled to representation rights at such a hearing as specified.
 - (5) After the hearing, the Department Head or designee will make a final decision as to whether the evaluation will be retained in or removed from the employee's record.
- b. Appeals which are not resolved by the department, may be appealed by the employee to the Health and Human Resources Director only when the employee alleges that:
- (1) The Performance Plan was not discussed at the beginning of the rating period, or
 - (2) The employee was not rated by the first-line (immediate) supervisor, or
 - (3) The Employee Performance Report was not discussed with the employee, or
 - (4) Ratings were changed without the employee's knowledge.
- c. If an appeal is accepted, the Health and Human Resources Director will investigate the facts and consult with all concerned before a charge, if any, is made in the evaluation.

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V. PROMOTIONAL PROCEDURES

- A. Promotional procedures have been developed in an effort to standardize the promotion process throughout the Department. All personnel should become familiar with the procedure, and take special note of the responsibility of the employee to supply the Interview Panel with specific information about the employee's experience and education.
- B. Candidates will be evaluated on the following:
 1. Oral Presentation (Interview)
 2. Employee Achievement Record
- C. The following documents will be evaluated by the interviewers:
 1. Parts A, B (College Units)
 - a. Degrees and Certificates earned
 - b. Job related college courses
 2. Parts C, D (Non-Unit Classes)
 - a. Special training and certificates
 - b. Seminars
 - c. Special assignments
 3. Parts E, F (Employee Record)
 - a. Official Department Recognitions
 - b. Formal Commendations
 - c. Community Commendations
 - d. Community Involvement

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D. Candidates will be notified and provided with the following:

1. Date, time, and location of interview.
2. Employee Achievement Record

Candidate will be provided with the opportunity to update their E.A.R. pages and given a date by which the E.A.R. must be submitted.

E. Interview Panels

Per the Civil Service Commission authority given to the Fire Chief for the selection of Appointing Authority Interview Panels, the selection of panel members by the Fire Chief or designee shall be final. The following guidelines will be considered when selecting panel members:

1. Panel members will have knowledge of the work done by the position for which the interviews are being conducted.
2. Panel members will be considered according to the City of San Diego Diversity Policy.
3. Interview panels will be a minimum of two members.
4. All panel members who are City of San Diego employees will be at least one classification level above the position for which the interviews are being conducted.
 - a. For Fire Engineer, panel members will be at least Fire Captain.
 - b. For Fire Captain, panel members will be at least Battalion Chief.
 - c. For Battalion Chief, panel members will be at least Deputy Chief.

F. Interviewers will conduct interviews, evaluate all criteria, including Department goals, before making recommendations to the Fire Chief.

ATTACHMENT A

GUIDELINES FOR DOCUMENTATION OF EMPLOYEE ACHIEVEMENTS

PART A (Accredited College Units Only)

Education: Certificates/Degrees must be official college diplomas.

Total Units Attained: Official college transcript for original documentation; subsequent units at the same college can be shown on grade slips which show total units completed.

College Courses of Special Interest: Classes, for which units are given that relate to current or potential assignments within the Fire Department. These would be classes that do not fall under the requirements for a Fire Science degree.

PART B (Non-Unit Classes)

These are job-related classes, seminars, or training that give no college units, but for which a certificate or some official recognition is given. Special assignments must have written documentation by employee's supervisor.

PART C (Department Employee Records)

Official Department Recognition: Copy of Department Recognition stating hours and work performed. Examples would be volunteer work on ODTF, Color Guard, Adopt-a-School, etc.

Formal Commendations: A brief statement concerning the reason for the commendation and the date issued. These would be limited to official Department letters from Division Chiefs and higher.

Discipline: Type of discipline, date issued, and a brief reason for the discipline. Limited to the last 3 years unless discipline for tardiness which has a 1 year limit.

General Notes: Verified means signed and dated by a Human Resources Officer and that a copy of said document is in the employee's personnel file.

All units will be counted as semester units. Quarter units equal 2/3 semester units (90 quarter = 60 semester).

EMPLOYEE ACHIEVEMENT RECORD - PART A

EDUCATION- ACCREDITED COLLEGE UNITS ONLY

NAME: _____

EDUCATION	TOTAL UNITS ATTAINED: (Per College Records)
FIRE SCIENCE	No. _____ Date: _____ Verified: _____
<u>CERTIFICATE</u>	No. _____ Date: _____ Verified: _____
SCHOOL: _____	No. _____ Date: _____ Verified: _____
Date: _____	_____
Verified: _____	<u>COLLEGE COURSES OF SPECIAL INTEREST</u>
FIRE SCIENCE	Course: _____
<u>A.A. DEGREE</u>	Date: _____ School: _____
SCHOOL: _____	Course: _____
Date: _____	Date: _____ School: _____
Verified: _____	Course: _____
<u>OTHER DEGREES</u>	Date: _____ School: _____
Type: _____	Course: _____
Date: _____	Date: _____ School: _____
Verified: _____	Course: _____
Type: _____	Date: _____ School: _____
Date: _____	Course: _____
Verified: _____	Date: _____ School: _____
Type: _____	Course: _____
Date: _____	Date: _____ School: _____
Verified: _____	Course: _____
Type: _____	Date: _____ School: _____
Date: _____	Course: _____
Verified: _____	Date: _____ School: _____

EMPLOYEE ACHIEVEMENT RECORD - PART B
VOCATIONAL ACHIEVEMENTS
NON-UNITS CREDIT

NAME _____

SPECIAL TRAINING AND CERTIFICATES	SEMINARS	SPECIAL ASSIGNMENTS
Type: _____ _____	Title: _____ _____	Type: _____ _____
Date: _____	Verified: _____	Verified: _____
Verified: _____	Date: _____	Date: _____
Type: _____ _____	Title: _____ _____	Title: _____ _____
Date: _____	Verified: _____	Verified: _____
Verified: _____	Date: _____	Date: _____
Type: _____ _____	Title: _____ _____	Title: _____ _____
Date: _____	Verified: _____	Verified: _____
Verified: _____	Date: _____	Date: _____
Type: _____ _____	Title: _____ _____	Title: _____ _____
Date: _____	Verified: _____	Verified: _____
Verified: _____	Date: _____	Date: _____
Type: _____ _____	Title: _____ _____	Title: _____ _____
Date: _____	Verified: _____	Verified: _____
Verified: _____	Date: _____	Date: _____

EMPLOYEE ACHIEVEMENT RECORD - PART C
DEPARTMENT EMPLOYEE RECORDS

NAME: _____

Type: _____ _____	FORMAL COMMENDATIONS _____
Hours: _____	Type: _____ _____
Date: _____	_____
Verified: _____	Verified: _____
Type: _____ _____	Date: _____
Hours: _____	Type: _____ _____
Date: _____	_____
Verified: _____	Verified: _____
Type: _____ _____	Date: _____
Hours: _____	Type: _____ _____
Date: _____	_____
Verified: _____	Verified: _____
Type: _____ _____	<u>DISCIPLINE-LAST 3 YEARS</u>
Hours: _____	Type: _____ _____
Date: _____	_____
Verified: _____	Verified: _____
_____	Type: _____ _____
Hours: _____	_____
Date: _____	Verified: _____
Verified: _____	Date: _____

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VI. SAN DIEGO FIRE & LIFE SAFETY SERVICES SUBSTANCE ABUSE POLICY

It is the purpose of this policy to eliminate substance abuse and its effects in the workplace. While the San Diego Fire & Life Safety Services has no intention of intruding into the private lives of its employees, involvement with controlled substances and alcohol on and off the job can take its toll on job performance and employee safety. Our objective is that employees be in a condition to perform their duties safely and effectively in the interests of the public, their fellow employees, and themselves. The presence of controlled substances and alcoholic beverages on the job, or the influence of these substances on employees during the course of their employment is inconsistent with this objective.

This policy provides guidelines for the detection and deterrence of substance abuse and also outlines the responsibilities of San Diego Fire & Life Safety Services supervisors and employees. The San Diego Fire & Life Safety Services will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which would impair an employee's ability to safely and effectively perform the functions of his/her job) which may increase accidents, absenteeism, substandard performance, poor employee morale, or damage to the Department's or City's reputation. All employees should be aware that violations of this policy may result in discipline, up to and including termination.

The San Diego Fire & Life Safety Services, as a result of its public safety responsibilities, has an especially compelling obligation to eliminate the use of controlled substances and the excessive use of alcohol by its employees. In particular, the unlawful use of controlled substances by safety and safety related employees impairs the ability of the Fire Department to accomplish its mission. There is an expectation on the part of the public that fire fighters and other safety related employees will respond when needed and be in a condition to perform their duties at the peak of their efficiency. Any activities contrary to this expectation causes the erosion of the public's confidence in our organization.

The use of controlled substances, and in some cases alcohol, impairs the objectives of maintaining a vigorous and alert workforce, diminishes the required and established high moral standards for safety and safety related employees, and is consequently unacceptable. The San Diego Fire & Life Safety Services will not tolerate the unlawful use of controlled substances at any time by any safety or safety related employee of the Department, neither will alcohol impaired performance be tolerated. The Department will utilize all available methods to aggressively eliminate substance abuse, including disciplinary action up to and including termination.

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Employees who think they may have a substance abuse problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. Employees with performance problems related to substance abuse may also take advantage of the Employee Assistance Program. While the San Diego Fire & Life Safety Services will be supportive of employees who seek help voluntarily, the Department will be equally firm in identifying and disciplining employees who continue to be substance abusers.

In recognition of the public service responsibilities entrusted to employees of the San Diego Fire & Life Safety Services and that substance abuse can hinder a person's ability to perform duties safely and effectively, the following substance abuse policy is hereby adopted by the San Diego Fire & Life Safety Services.

A. Scope

This regulation applies to all San Diego Fire & Life Safety Services employees.

B. Definitions

1. Employee Assistance Program (EAP) - a system whereby an employee and/or a supervisor can work to resolve an employee's performance problem(s) that is or may be associated with personal problems. The City's Employee Assistance Program is located at 525 B Street, Suite 618, San Diego, CA 92101.
2. Impaired - the inability of an employee to perform his/her usual and normal work assignments with normal effectiveness or efficiency.
3. Safety Service and Safety Related Employees - employees in the classifications listed below:
 - a. Safety
 - (1) Fire Chief
 - (2) Chief Deputy
 - (3) Assistant to the Fire Chief
 - (4) Deputy Fire Chief

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- (5) Fire Battalion Chief
 - (6) Fire Captain
 - (7) Fire Engineer
 - (8) Fire Fighter II
 - (9) Fire Fighter I
 - (10) Fire Recruit
 - (11) Assistant Fire Marshal
 - (12) Fire Prevention Supervisor
 - (13) Fire Prevention Inspector II
 - (14) Fire Prevention Inspector I
- b. Safety-related
- (1) Code Compliance Supervisor
 - (2) Code Compliance Officer
 - (3) Lead Fire Dispatcher
 - (4) Fire Dispatcher
 - (5) Dispatcher II
 - (6) Dispatcher I
4. Equipment and Plant Operation Employees - all operators of power tools and power equipment, and all employees who as a regular part of their daily activities are required to operate motor vehicles.
 5. Work Shift - all time, compensated or not, between reporting to work and departing from the work site for the day.

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6. Working Hours - all compensated work time including breaks, but not including uncompensated lunch hours or time before and after work.
7. Substance Abuse - the improper use of alcohol, controlled substances such as illegal drugs, prescription drugs or any other substance which impairs an employee's ability to safely and effectively perform the functions of a particular job classification or work related function.
8. Reasonable Suspicion - a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a substance so that the employee's ability to perform the functions of the job is impaired, or so that the employee's ability to safely perform his/her job is reduced.

Reasonable suspicion may result from actual observation of the use or ingestion of a substance by an employee, or it may be based on reliable information that the employee is currently or has recently used or possessed a controlled substance, or container with alcohol on the job. Reasonable suspicion may also result from an observation of physical symptoms such as the following:

- a. Slurred speech
- b. Drowsiness or actual sleeping during working hours
- c. Red, watery eyes
- d. Dilated pupils
- e. Odor of alcohol on the breath
- f. Unsteady gait

In addition, reasonable suspicion may result from the observation of behavioral symptoms such as severe mood swings, unexplained personality changes, inattention to personal hygiene, and frequent accidents.

9. Controlled Substance - unless otherwise specified means a drug, substance, or immediate precursor which is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.

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C. Policy

1. The San Diego Fire & Safety Services will aggressively act to eliminate any substance abuse by its employees resulting in increased potential for accidents, absenteeism, reduced productivity, poor employee morale or damage to the Department's reputation. The San Diego Fire & Life Safety Services will make a reasonable effort to provide training and education on substance abuse to all employees.
2. Employees who self identify before a substance abuse problem is cause for disciplinary action, will be assisted by the Employee Assistance Program. The Department reserves the right to refer employees to the Employee Assistance Program and/or to take appropriate disciplinary action against the employee based on past performance or other relevant factors in accordance with full due process and representation rights.
3. Employee job performance problems will be addressed through performance evaluations and progressive discipline as appropriate.
4. Employees who are involved in illegal actions pertaining to the illegal use, sale, purchase, or possession of alcoholic beverages or any controlled substance during the course of City employment may be investigated by the Police Department or other law enforcement agencies.
5. Employees may be required to undergo a compulsory medical examination which may include drug and alcohol screening if reasonable suspicion exists in accordance with Section 5 of this policy.
6. Employees involved in an on-the-job accident while operating a motor vehicle or a piece of power equipment may be required to undergo a compulsory medical examination which may include drug and alcohol screening if reasonable suspicion of substance abuse exists.
7. Employees who are required to take a mandatory drug test or screening will also be required to authorize in writing that the facility conducting the test disclose the results of such test or screening conducted under this policy to the City. Failure to do so may result in appropriate disciplinary action up to and including termination in accordance with full due process and representation rights. The results of such testing shall be kept confidential as otherwise required by law. Refusal to immediately submit to an alcohol and/or drug analysis when lawfully required by management or law enforcement personnel will constitute insubordination and will be grounds for discipline up to and including termination.

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8. San Diego Fire & Life Safety Services employees shall be governed by the following procedures in regard to substance abuse:

a. Alcohol

Employee Group	Restrictions
Safety and Safety Related	Prohibited during working shifts
Equipment and Plant Operations	Prohibited during working shifts
Unclassified (other than safety)	Prohibited during working
All Other Employees	Prohibited during working hours. Strongly discouraged during working shifts.

In addition to the specific provisions above, all employees are prohibited from consuming alcoholic beverages:

- (1) At any time if the use of alcohol has or will have a detrimental effect on job performance or the ability to operate equipment or a motor vehicle.
- (2) At any time when the employee is in a City uniform, when operating a City vehicle, or while at assigned worksites or City operated facilities.

NOTE: During special, infrequent occasions such as retirement or Holiday parties, limited consumption of alcoholic beverages may be allowed, but only upon specific approval by the Department Head.

b. Controlled Substance

The unlawful use, sale or possession of, drug paraphernalia as defined in Section 11014.5 of the California Health and Safety Code, or controlled substances by Fire Department Employees will result in disciplinary action up to and including termination under

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the following circumstances. The degree of discipline imposed may vary depending on the facts of each individual case. In determining the degree of discipline to be given to members of the Fire Unit for off-duty drug possession or use, consideration will be given to the quantity and type of drugs, the type of activity involving possession or use, the employee's work record, past rehabilitation efforts and any related mitigating circumstances.

EMPLOYEE GROUP	RESTRICTIONS
Safety and Safety Related	Prohibited at any time
All Other Employees	Prohibited during work shifts
	Prohibited at any work site
	Prohibited at anytime if there is an impact on the employee's job performance or any connection with the employee's status as a Fire Department employee

NOTE: The lawful use or possession of medication or controlled substances prescribed by a licensed physician or the use of and possession of a non-prescription medication is not prohibited, but an employee whose job performance may be affected by such use must advise his/her supervisor. Examples of impaired performance are listed under the definition of reasonable suspicion. Failure to advise the supervisor may result in discipline for poor performance or misconduct.

D. Procedures and Responsibilities

1. Supervisor's responsibility

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- a. After determining reasonable suspicion of substance abuse, notify, through the chain of command, their Deputy Director/Deputy Chief of all suspected violations of this policy.
2. Second level supervisor's responsibility
 - a. In cases of public safety or immediate danger to the public, other employees, or to the employees themselves, take immediate corrective action such as suspending the employee from his/her assigned duties for the remainder of the workshift. Such suspensions shall be carried out in accordance with Civil Service Rule XI and Personnel Manual Code L-2.
 - b. Prepare a written summary outlining the circumstance and the physical condition and/or behavior constituting reasonable suspicion substance abuse at the time of the incident, and identifying statements, whenever possible, of all witnesses at the worksite. All written documentation should be preserved for future use.
 - c. If directed by their Deputy Director/Deputy Chief, escort the employee to the designated medical testing facility and after examination, if directed, to the employee's residence.
 3. Deputy Director's/Deputy Chief's responsibility
 - a. Upon receiving a report of suspected violation of this policy, the Deputy Director/Deputy Chief (or appropriate designee) will review the facts and determine if reasonable suspicion of substance abuse exists to support a decision to require medical screening. If so, the Deputy Director/Deputy Chief shall advise the supervisor of this course of action.

If a medical screening is required, the Deputy Director/Deputy Chief shall contact the City Manager's representative (Labor Relations Manager, Risk Management Director, Workers' Compensation Administrator, or Deputy City Manager) to schedule a medical screening appointment. If the circumstances warrant, the Deputy Director/Deputy Chief will also contact the Police Department to determine if an investigation of the possession and/or use of a controlled substance is warranted and to request, if necessary, a police escort to the medical facility. After consulting with the supervisor and the Manager's Office, the Deputy Director/Deputy Chief may initiate appropriate disciplinary proceedings in

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accordance with the employee's right to full due process and representation.

- b. If the test results of an employee's medical screening are positive, the Deputy Director/Deputy Chief may prepare and carry out the appropriate disciplinary action.
- c. In addition to the above, Deputy Directors/Deputy Chiefs shall comply with and be directed by Administrative Regulation 97.00, on substance abuse.

Following is an attachment of the City's drug testing policies.

CITY OF SAN DIEGO

DRUG TESTING PROCEDURES

1. Upon arrival at the medical provider's offices, the employee completes a drug testing authorization/release of test results/recent drug usage form. The receptionist will ask for, check, and photocopy the employee's picture identification unless the employee is accompanied by a supervisor.
2. After the necessary paperwork has been completed, the employee is given a paper cup, escorted to a bathroom or restroom, and asked to provide a urine sample. The giving of the urine sample will be observed by a medical assistant.
3. In the presence of the employee, the medical assistant pours the urine sample from the paper cup into a specimen bottle, caps the bottle, and places a tamper proof seal over the cap of the bottle and down the sides of the bottle. (The seal for the bottle has a preprinted identifying number on it). The medical assistant then writes the identifying number on a Chain of Custody form, and asks the employee to verify that the number on the form is the same as the number on the bottle.

The employee is then asked to sign the Chain of Custody form certifying that the urine specimen, bearing the number on the bottle and the form, was provided by him/her.
4. The medical assistant then signs the Chain of Custody form certifying that the number on the urine specimen bottle is the same as the number of the Chain of Custody form and that the urine specimen of the employee was provided in accordance with specified urine collection procedures.
5. The medical assistant places the sealed urine specimen bottle in a refrigerator.
6. The urine sample is then picked up by courier for delivery to the testing laboratory. The courier signs the Chain of Custody form acknowledging receipt of the specimen with no signs of tampering. The courier delivers the sample to the testing laboratory. A copy of the Chain of Custody form accompanies this specimen to the laboratory. This copy identifies the specimen by number only and does not identify the employee by name.
7. The laboratory analyzes the urine specimen and reports the results to medical provider.
8. If the drug screen was positive, the report and paperwork completed earlier will be reviewed to determine if the drug test was positive because of legal drug usage. Satisfactory proof of legal drug usage may include written confirmation by the employee's private medical doctor that the employee was taking prescription medications. If satisfactory proof is supplied, the drug screen will be acceptable.
9. If the drug screen was positive for illegal drugs or if it was positive for unsatisfactorily explained legal drugs, the City will initiate appropriate disciplinary action against the employee.

G. Marking Official Notices

Employees shall not mark, mar or deface any printed or written notices in relation to Fire Department business.

H. Special Orders

Any order posted on the bulletin boards of the Department over the signature or name of the Chief shall have the same effect and be construed the same as a part of the Rules and Regulations of this Department.

I. Marking of Department Property

Employees shall not make any unauthorized mark, mar or deface any Fire Department property.

J. Security of City Issued Equipment

Employees shall be personally responsible for the security of all equipment issued and charged to each employee. Loss of City provided equipment may be charged to the employee for reimbursement to the City.

In lieu of disciplinary action, employees may be required to pay for lost equipment. At no time will the payment for lost equipment exceed the amount of money the employee would lose if disciplined.

K. Maintenance of City-Issued Equipment

1. Turnout clothing shall be washed with non-detergent soap and water.
2. Helmets shall not be altered in any way. Holes shall not be drilled in helmets.

L. Conflict of Interest and Employee Conduct

1. Purpose

a. The purpose of this regulation is to:

- (1) Summarize in a single document a code of ethics and acceptable employee conduct which will apply equally to all employees, regardless of individual job duties and responsibilities.