

# CONSTITUTION OF THE ROCKWALL FIRE DEPARTMENT

## ARTICLE I

- Section 1. The name of this department shall be Rockwall Fire Department.
- Section 2. The badge and/or emblem of this department shall be selected by the department from time to time.
- Section 3. The Rockwall Fire Department is created through City Charter, and is under the direction of the, Fire Chief, City Manager and City Council.

## ARTICLE II

- Section 1. The members of this department shall consist of three classes; first; active members, second; honorary members, third; recruits. (Recruits are defined as new, recently hired firefighters who have not completed the twelve month probationary period and been accepted as an active member of the department.)
- Section 2. Active members must be a current resident of the City of Rockwall or County of Rockwall at the discretion of the oral review board.
- Section 3. A retired firefighter after serving 20 years active membership, will be an honorary firefighter for life with the right to attend meetings, eating privileges, use of fire stations weight rooms, others privileges deemed by the members of the department and recognized as such as department gatherings.
- Section 4. The Rockwall City Council will determine the total membership of the Rockwall Fire Department.

## ARTICLE III

- Section 1. Entry level requirements for the Rockwall Fire Department shall be as stated in Exhibit A.
- Section 2. All non TCFP certified members of this department must attend Texas A & M Fire Training School, or other equivalent training at least once every three years.
- Section 3. Active members and recruits that are TCFP certified must complete the minimum number of annual continuing education hours as required by the Texas Commission on Fire Protection.
- Section 4. All new recruits will be required to complete basic training as set forth by the Battalion Chief.

#### ARTICLE IV

- Section 1. The officers of this department shall consist of the paid Chief, paid Battalion Chief, volunteer First Assistant Chief, volunteer Second Assistant Chief, volunteer Third Assistant Chief/Secretary-Treasurer, paid Captains, volunteer Captain for each apparatus, safety officer, pension and retirement board members and a five member grievance committee, with one alternate. The assistant chiefs, pension and retirement board members, and the six grievance committee members will be elected by the active members of the department. The Chief and Battalion Chief will appoint the captains for each apparatus and the safety officer.
- Section 2. An oral review board, for the purpose of hiring recruits, will be elected by active members on an annual basis. This board will consist of five active members and five alternate active members.
- Section 3. An administrative review board consisting of the Chief, Battalion Chief and the three volunteer Assistant Chiefs shall be established for the purpose of making final recommendations on recruits and any other decisions deemed necessary by the Constitution, By-Laws, City Management or City Council.

#### ARTICLE V

- Section 1. The command structure of the Rockwall Fire Department shall be the paid Chief, paid Battalion Chief, volunteer First Assistant Chief, volunteer Second Assistant Chief, volunteer Third Assistant Chief/Secretary-Treasurer, paid Captains and volunteer captains. In the absence of any of these, the senior active member shall be in command at any emergency scene. In the absence of the Chief, the paid Battalion will be in charge of all day to day operations, enforce the constitution, by-laws, policies, and standard operating guidelines.
- Section 2. The duty of the Chief shall be to preside at all meetings, enforce the constitution, by-laws, policies, and standard operating guidelines, co-sign all checks for expenses of the department and be in charge of the department at all emergencies.
- Section 3. In the absence of the Chief, the command structure as described in section 1 shall be followed, to assume the duties of the Chief.
- Section 4. It shall be the duty of the secretary-treasurer to keep on hand a record book in which he/she shall record the proceedings of all regular and called meetings. He/She shall keep a list of all recruits, active members and honorary members of this department. He/She shall record attendance of all members at the regular meetings. He/She shall collect and deposit all money due to the department, maintain records, and pay all debts, approved by the department, and co-sign all checks with the Chief or Assistant Chief or Battalion Chief. He/She shall maintain such records so as to be able to present them for auditing, at any time, to the Director of Finance for the City of Rockwall.
- Section 5. The pension and retirement local board trustees (members) are to meet at least quarterly and conduct the business related to the pension and retirement board of local trustees. The P & R secretary shall keep minutes of all business conducted and a

record of members present at each meeting. The local board of trustees is composed of the following; one representative selected by the governing body, three trustees who are active members of the department will be elected by the members of the department, and two citizen's trustees chosen by the other board members. The local board shall annually elect a Chairman, Vice Chairman and Secretary from the members of the local board at the first meeting of each year. Trustees serve two-year terms. On the first local board, the fire department representatives shall serve staggered terms. The fire departments representatives shall draw by lots at the first board meeting to determine the length of term to be served. Two representatives shall serve two-year terms, and one representative will serve one-year terms. The first appointment of the tax-paying or citizen representatives shall be one appointed for a two-year term and one appointed for a one-year term. Thereafter, all appointments are for two year terms. A majority of the board constitutes a quorum. The boards decisions are made by a majority vote of all members present and the vote will be recorded in the minutes of the board meeting. No member of the local board may receive compensation for services as a trustee. If a vacancy occurs on the board, it is filled for the remainder of the unexpired term by the procedure by which the position was originally filled.

Section 6. It is the Battalion Chief, Paid Captains, and volunteer engine Captain's responsibility to make sure the personnel assigned to the apparatus are properly trained.

#### **Article VI**

Section 1. The elected officers of this department shall be elected at the regular business meeting in January of each year, or as soon thereafter as possible, and shall take office the date elected. All officers of this department are elected for one (1) year terms, except pension and retirement board members, their terms are as dictated in Article V Section 5.

Section 2. An active member who has been nominated for an elected position must receive a majority of vote's casts to be elected.

Section 3. Only active members not under suspension/probation are eligible to vote. Recruits are not eligible to vote or, hold elected or appointed positions.

#### **Article VII**

Section 1 Any active member or recruit who wishes to resign from the department shall present their resignation to the Chief or Battalion Chief and turn in all equipment and city issued identification cards.

Section 2. Any member or recruit who resigns from the department may not re-apply for membership within one year of the date of resignation, if at the time of the resignation he/she was not meeting the minimum requirements for attendance of emergency calls and meetings.

Section 3. An applicant for the position of recruit firefighter not accepted for the position for any of the following reasons will not be eligible to reapply for the position within one year from the date of notice of application being removed from consideration:

- A. Failure to attend physical agility test without notice to Battalion Chief or Chief after having previously confirmed attendance date.
- B. Failure to schedule and attempt a physical agility test within 90 days of original receipt of application.
- C. Failure to schedule and attempt a physical agility test within 90 days of any prior unsuccessful attempt.
- D. Failure to successfully complete the physical agility test after 5 attempts.
- E. Failure to complete background packet and return to Department within 45 days of receiving it.
- F. Failure to be recommended as a recruit firefighter by the oral review board.

### Article VIII

Section 1. Any amendments to this constitution or by-laws shall be presented in writing and signed by a minimum of 20% of active members and then lay-over until the next business meeting, then if adopted by a two-thirds vote of all votes cast, it shall become a part of this constitution and by-laws.

Section 2. It shall require a two-thirds majority of votes cast, of all active members present, in order to suspend the rules of this constitution and by-laws.

## EXHIBIT A

### Entry Level Requirements for the Position of Volunteer Firefighter Recruit

To be considered for a position as a Volunteer Firefighter, an applicant must meet the following minimum requirements:

1. Citizen of the United States of America or a lawful permanent resident.
2. Possess a High School Diploma or GED.
3. Minimum age of 18.
4. Must be a current resident of the City of Rockwall or a resident of Rockwall County, at the discretion of the oral review board, for at least six months.
5. Be in good moral standing.
6. Have good credit history.
7. Must be an able bodied person, be in good physical condition, be in good mental health, normal hearing, binocular acuity correctable to 20/40 (20/100 uncorrectable) with a slight degree of color blindness allowed (subject to review).
8. Must have a valid Texas Drivers License, class B, A, or CDL, or a class C and be able to obtain a class B, A, or CDL within 90 days.
9. Must not have any felony level convictions.
10. Must not have any convictions of Class 'A' or Class 'B' misdemeanors which are considered to be a crime against person, drug related *or a crime of moral turpitude.*\*
11. Some crimes as listed in the Class A and Class B Misdemeanors may not disqualify an applicant if the conviction is over *three* years old; *no DWI's in last five years.*
12. Must have a stable and satisfactory work record.
13. Must attend a minimum of 25% of all paged emergency calls which the member is required to make and a minimum of 50% of all required business meetings and training sessions.
14. Applicant must be able to perform the job duties listed on the attached job duty requirement sheet.
15. Must be able and willing to abide by the Volunteer Fire Department Constitution and By-Laws, Fire Department Standard Operating Procedures, City of Rockwall policy and administrative hand book, policies listed in the employee's handbook and City safety program manual.

*\*Crime of moral turpitude: Theft, perjury, vice crimes, bigamy, and rape have generally been found to involve moral turpitude, while liquor law violations and disorderly conduct generally have not.*

## Entry Process

If the applicant meets the above requirements, the applicant should complete the City's basic application and sign required waivers needed to check criminal history and physical agility hold harmless agreement. After the application and waivers are submitted, the department will check to make sure the applicant meets the minimum requirements. The department will schedule a time for the applicant to conduct the physical agility test. After successful completion of the physical agility test, the applicant will receive the personal history packet to be completed so as to allow for a background investigation. Upon completion of the background investigation the applicant will be scheduled for an interview with the oral review board. The oral review board will determine whether or not the applicant will be made a conditional offer to be a recruit with the Rockwall Fire Department. The applicant must pass the physical and drug testing process. Upon receipt of an acceptable report from a physician, that the applicant is able to perform the required job duties, the applicant becomes a probationary recruit for one year. At the conclusion of the probation period the recruit will appear before the administrative staff review board. The board will determine if the recruit is accepted as a member of the volunteer department or removed from the department recruit program.

## Physical Agility Test

**Listed below are the requirements for the physical agility test. All events are timed. You have two attempts at each event. If the applicant can not complete any event in two attempts he/she may come back and retest at a later date but the entire test must be re-taken. The test will be conducted in any appropriate clothing:**

1. Drag (3) 50 foot sections (150') 1 ¼" charged hose and nozzle for a total of 300 feet around building. Hose will be charged to 100 psi. Maximum Time: 1 minute 30 seconds.
2. Drag 50 foot section 3" charged hose and nozzle for a total of 100 feet straight line. Maximum Time: Hose will be charged to 100 psi. 0 minutes 20 seconds.
3. Remove 24' extension ladder from apparatus, carry ladder, set up ladder, fully extend and tie off rope. Maximum Time: 1 minute 25 seconds.
4. Drag 185 pound dummy 75 feet. Maximum Time: 0 minutes 30 seconds.
5. Pick up 200 foot of 1 ¼" high rise hose pack and nozzle, carry it up 24 foot extension ladder and back to the ground. Maximum Time: 1 minute 15 seconds.
6. Carry nozzle and charged 1 ¼" hose up 24 foot extension ladder, lock leg in, lean back while holding nozzle. Maximum Time: Hose will be charged to 100 psi 1 minute 00 seconds.
7. Climb 24 foot extension ladder, lock leg in, remove hands from ladder and lean back. Maximum Time: 0 minute 30 seconds.
8. Keiser Sled Test: 35 seconds.

# BY LAWS OF THE ROCKWALL FIRE DEPARTMENT

## Article I

- Section 1. All business of the department will be transacted at a business meeting on the second Monday night of each month.
- Section 2. The Chief or Battalion Chief may call a meeting at any time deemed necessary, provided he has given notice to all the active members. At a called meeting, no business can be transacted except that for which the meeting has been called.
- Section 3. At any regular or called meeting, 50% of the active members in good standing shall constitute a quorum for the transaction of business.
- Section 4. The regular training sessions of this department will be held on the third and fourth Monday night of each month. The Chief, Battalion Chief or Assistant Chiefs may conduct special practice sessions as deemed necessary, provided all active members and recruits are notified. The practice sessions of this department will last a minimum of two (2) hours. Any active member or recruit needing to make up a regular practice meeting will be assigned training by the Chief or Battalion Chief.

## Article II

- Section 1. Any person desiring to become a member of the Rockwall Fire Department shall complete a City of Rockwall application and fulfill the requirements of exhibit A. (Entry Level Requirements for the Position of Volunteer Firefighter.)
- Section 2. After an application is accepted, applicant must successfully complete physical agility test, submit personal history packet for background review and complete an interview with the oral review board, pass physical and drug screen. Applications not meeting the requirements outlined in Exhibit A (Entry Level Requirements for the Position of Volunteer Firefighter) will be rejected.
- Section 3. The application and minimum requirements shall be approved by active members of the department as well as city management.

## Article III

- Section 1. All active members and recruits will be required to attend 25% of all paged fires or emergency situations this department is summoned to each year. Any active member not attending 25% of paged calls each year will be placed on

probation for one year. Any active member not qualifying for 2 years in succession will be dropped from the department. Any active member not attending 25% of paged calls each year will not receive credit toward the Pension and Retirement system unless it is one of the exceptions listed in the Pension and Retirement qualifications under House Senate Bill 411.

- Section 2. In order for any active member or recruit to receive any incentive pay or water discount or any incentive benefit eligible to the volunteer or part-time drivers, he/she must have met the minimum requirements as set forth by the Pension and Retirement system for the period in which the payment is to be received.
- Section 3. Any active member or recruit absent from three (3) second Monday night meetings in succession shall be automatically suspended from active membership or recruit status, except in case of sickness of self, immediate family, occupation requirements, or school. Absences to be excused for the above reasons should be reported to the Secretary/Treasurer and the Chief within seven days of the occurrence.
- Section 4. Any active member or recruit absent from three (3) regularly scheduled practice sessions in succession shall be automatically suspended from active membership or recruit status, except in case of sickness of self, immediate family, occupation requirements, or school. Absences to be excused for the above reasons should be reported to the Secretary/Treasurer and the Chief or Battalion Chief within seven days of the occurrence. If an active member or recruit misses 50% of regularly scheduled practices because of the exceptions, he/she must make the practice sessions up as determined by the Chief or Battalion Chief. If a member or recruit misses 50% of regularly scheduled practices because of the exceptions, and does not make the meetings up as determined by the Chief or Battalion Chief, the member will not receive credit toward the Pension and Retirement system unless it is one of the exceptions listed in the Pension and Retirement qualifications under House Senate bill 411.
- Section 5. If an active member or recruit is absent for any reason other than those stated in article III, sections 3 or 4, the member must come before the administrative staff review board and give his/her reasons for being absent. The board will determine whether the active member or recruit will remain on the department or be removed from membership.
- Section 6. All recruits (defined as a new, recently hired firefighter who has not been accepted as an active member) will undergo a probation period of twelve months with limited benefits. The limited benefits do not include voting, holding office, serving on any board or position. At the end of the twelve months, the administrative staff review board will determine if the recruit becomes and active member or is removed from the department.

Section 7. Any active member or recruit wishing to attend department funded fire academy or EMT training must agree, in writing, to remain on the department for a minimum of two years. If the member fails to fulfill the agreement, or achieve state certification for the course attended, He/She shall reimburse the department for the training. During this two year period the active member or recruit must meet the minimum requirements as set forth by the Pension and Retirement system. The Chief may make exceptions for hardships such as job transfers, family illness, etc. The Chief's decision may be appealed to the grievance committee. The decision of the grievance committee may be appealed to the City Manager for final disposition.

Section 8. Any member or recruit of the Department is required to report any arrest to the Chief, or in his absence the Battalion Chief, within 24 hrs of the arrest or release from jail, whichever is earliest. If any active member or recruit is arrested for an offense under Exhibit A, he shall be suspended from the Department until final determination of guilt or innocence and shall turn in his pager and city issued equipment on the first regular business day after the arrest. The suspension from the Department until final determination of guilt or innocence will not affect the percentage of runs or meetings required under Department By-laws and the active member or recruit shall receive credit for those runs and meetings already attended. If the member is convicted of the offense, he/she shall appear before the administrative staff review board in order to have their permanent status on the department determined. If the arrest is for an offense not under Exhibit A, the administrative review board will determine if the recruit or active member shall be suspended until final determination of guilt or innocence. If the active member or recruit is found guilty of charges, the administrative review board will make the final determination as to whether or not the active member or recruit will remain on the department.

#### Article IV

Section 1. No active member or recruit of this department shall operate any apparatus or equipment without first qualifying to operate such equipment. The Chief or the Battalion Chief will make final authorization.

Section 2. Apparatus of this department shall not leave the station except when authorized by the SOG's or unless cleared by the Chief, Assistant Chief, Battalion Chief or paid Captain.

Section 3. All active members and recruits will remain at meetings, practices, fires and emergency situations until released by the Chief, Assistant Chief, Battalion Chief, Captain or Officer in charge.

## Article V

- Section 1. Active members and recruits shall refer to the Standard Operating Guidelines for policies regarding the operation of Department apparatus and personal vehicles to and from calls.
- Section 2. No unauthorized personnel are allowed in fire trucks. Exceptions are Texas Department of Public Safety Driving Test Examiners, authorized repair persons, or active members of another department in a mutual aid situation or others authorized by the Fire Chief, Assistant Chief or Battalion Chief.

## Article VI

- Section 1. Disobedience of constitution, by-laws, standard operating guidelines, policies, or direct orders from the Chief, Assistant Chiefs, Battalion Chief or Captain, may result in charges being filed and possible expulsion.
- Section 2. All personnel will conduct themselves in an orderly and professional manner at all times.
- Section 3. Upon written charges having been filed with the secretary against any member of this department, the department will follow standard operating guideline A008.
- Section 4. If the Chief finds said member guilty of the charges referred against him, the Chief will refer the charges to the administrative staff review board to decide punishment and/or expel said member. The final determination of the administrative staff review board may be appealed to the grievance committee. This final ruling of the grievance committee may be appealed to the City Manager for a final disposition.
- Section 5. Any active member who has been expelled from this department will not be eligible to reapply to the department for a period of one year from the date of expulsion.

New Constitution / By-Laws / Exhibit A was Submitted to Membership: October 10, 2011

New By-Laws Read to Membership: October 10, 2011

New Constitution / By-Laws / Exhibit A was Voted on by Membership: November 14, 2011

Effective Date of New Constitution / By-Laws / Exhibit A: November 14, 2011

Signed by a minimum of 20% of active members:

Member: [Signature]

Member: [Signature]

Member: [Signature]

Member: [Signature]

Member: [Signature]

Member: [Signature]

Member: [Signature]

Secretary Signature: [Signature]

Battalion Chief: [Signature]

Chief Signature: [Signature]