

**BOARD OF FIRE COMMISSIONERS**  
**CLARENCE FIRE DISTRICT NO. 1**  
**RULES AND REGULATIONS**  
**OF**  
**CLARENCE FIRE DISTRICT NO. 1**  
**REVISED JULY, 2010**

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## ARTICLE I - GENERAL RULES

1. In accordance with Section 176 Sub Division 11 of the Town Law, the Board of Fire Commissioners hereby establishes rules and regulations for Fire Service operation in the Clarence Fire District No. 1.
  - a) The following rules and regulations of the Clarence Fire District No. 1 are established as minimum requirements. Fire Companies within the Clarence Fire District No. 1 may establish firematic requirements exceeding the minimum set forth herein. Fire companies within the Clarence Fire District No. 1 may not create review or grievance boards, which excuse deficiencies or delinquency on the part of Volunteer Firefighters in complying with these requirements without the expressed approval of the Board of Fire Commissioners of the composition of such review or grievance boards.
  - b) The annual meeting of the Fire Companies within the Clarence Fire District No. 1 for the nominations and elections of the District Chief and Assistants shall be held on the Thursday following the second Tuesday of December of each year.
  - c) The Chief of the Clarence Fire District No. 1, shall under the direction of the Board of Fire Commissioners, have exclusive control of the members of the fire department of the Fire District at all fires, emergency first aid alarms, inspections, reviews, and other occasions when the fire department is on duty or parade; the Chief shall also have supervision of the engines, fire trucks, hose wagons, pumpers and other equipment and property used for the prevention or extinguishment of fire, response for emergency first aid alarms of all officers and firefighters of the fire department. The Chief shall see that the rules and regulations of the Board of Fire Commissioners are observed and that the orders of the Board of Fire Commissioners are duly executed. The Chief shall, whenever required by the Board of Fire Commissioners, report to said Board the condition of the property of the Clarence Fire District No. 1 and such other information as may be required of the Chief. The Chief shall hold the members and officers of the fire department strictly to account for neglect of duty and may suspend them for improper conduct, subject to the action of the Board of Fire Commissioners at its next meeting. In case of the disability or absence of the District Chief, the First Assistant shall perform the duties and exercise the powers of the Chief. When the fire department or any company or squad thereof is on emergency duty no member of the Board of Fire Commissioners shall interfere with the duties of the Chief or Assistant Chief responsible for training and safety of all Clarence Fire District No. 1 firefighters.
  - d) An officer or a member may be suspended by the Chief of the department for alleged incompetence or misconduct, but such period of suspension cannot extend beyond the time of the next regular meeting of the Board of Fire Commissioners. At such meeting the Board of Fire Commissioners must consider the matter and determine whether to press the charge. The Board may take one of the following actions:
    - i) Have formal charges prepared by the attorney, signed by the Chief, and served on the individual with a public hearing date determined by the Board. The Board must give the individual ten to thirty days notice of the hearing date. The hearing must be recorded by a Court Reporter. Upon completion of the hearing, the Board votes whether the charges have been sustained and, if so, to suspend (one year maximum) or remove the individual from membership.

## **ARTICLE I - GENERAL RULES (continued)**

- ii) Without a hearing, offer a voluntary suspension or resignation to the individual for an agreed upon time period. The individual will sign a document agreeing to the terms of the suspension or resignation.
  - iii) Refer the matter to the Fire Company for action under its Constitution and By-laws for conduct detrimental to the Company.
  - e) The Chief is responsible for continuing the filing system as established in 1985. It will be maintained in its present form. Changes are to be made only with approval of the Board of Fire Commissioners.
2. Fire or First Aid apparatus must not leave the Clarence Fire District No. 1 without the permission of the Board of Fire Commissioners except for fire or First Aid service in response to mutual aid alarms or drills.
  3. When Fire or First Aid apparatus and equipment leave the Clarence Fire District No. 1, it is the responsibility of the Chief to provide sufficient fire or first aid apparatus and manpower in the Clarence Fire District No. 1 to insure adequate protection at all times.
  4. The Fire companies within the Clarence Fire District No. 1 shall have a Chief, First Assistant, Second Assistant, Third Assistant, and Fourth Assistant.
  5. The District Chief is required to attend the monthly meetings of the Board of Fire Commissioners. The Chief may delegate an Assistant to represent the Fire Service.
  6. All requests for equipment under equipment account needed must be on a prescribed form signed by the Chief and submitted to the Board of Fire Commissioners for purchase.
  7. The driver of vehicular apparatus or first aid equipment is responsible for it from the time of departure at the Fire Station until the return. The driver shall be responsible for its ready use after returning from an alarm unless relieved of such responsibility by the Chief. Any mechanical defects should be reported immediately to the Chief.
  8. The Chief shall maintain an inventory of all Fire and First Aid equipment. All deficiencies must be reported to the Board of Fire Commissioners Equipment Committee as soon as possible.
  9. The Fire Company shall submit names of elected Firematic Officers to the Board of Fire Commissioners within five days of election for ratification and appointment to their offices.
  10. The following qualifications must be met to be eligible for election as Chief, Assistant Chief or Fire Captain:
    - a) A minimum of two years as assistant chief is a prerequisite to hold the position of Chief.
    - b) A working knowledge of the District equipment, District boundaries, current regulations, standard operating procedures and standard operating guidelines.
    - c) Be currently listed on the pump operators list as posted by the Chief.
    - d) Hold a current certification in emergency medical training. This training shall be obtained through the American Red Cross, American Heart Association or the National Safety Council. Courses from other sources may be submitted to the Board of Fire Commissioners for review and approval.
    - e) Have completed a minimum of six hours of firematic, EMS, hazardous materials or equivalent training as approved by the Board of Fire Commissioners. Such training must be attended in the same calendar year and prior to the Fire Company election. All courses and/or seminars must be pre-approved by the Fire District. Annual OSHA refresher training is excluded for meeting this requirement. Each candidate upon completion of said training must complete a training log.

**ARTICLE I - GENERAL RULES (continued)**

- f) Prospective candidates for firematic office must submit an application to the Fire District Secretary no later than November 1<sup>st</sup> indicating intent to seek election for Chief, Assistant Chief and/or Fire Captain.
  - g) Candidates will be required to attend an interview held by the Clarence Fire District or its appointee, to insure all qualifications are met.
  - h) A list of eligible candidates will be provided to the Fire Company Secretary and posted by December 1<sup>st</sup>.
  - i) The Fire District reserves the right, if it sees fit, to appoint (or place on the eligible candidates list) a firefighter to the position of Chief, Assistant Chief or Fire Captain without meeting all of the above requirements.
11. No Volunteer firefighters shall appear on duty in an intoxicated condition or use insulting, indecent or improper language, or be guilty of conduct detrimental to the best interests of the Clarence Fire District No. 1, Volunteer Fire Companies and the Volunteer Firefighters of the District. To do so is sufficient cause for dismissal.
  12. Any Volunteer Firefighters leaving the scene of a Fire or any emergency without permission from the Chief or the Officer in Command shall be subject to the action of the Board of Fire Commissioners.
  13. The use of Fire District equipment including trucks, fire hose, hydrant wrenches, etc. except for official use is prohibited.
  14. No Fire Company member, Fire District Commissioner, Fire District employee or contractor shall possess a firearm or weapon while on Fire District property or while on Fire District equipment.
  15. The Board of Fire Commissioners shall deem any violation of these rules and regulations sufficient cause for dismissal.

## ARTICLE II - MEMBERSHIP

1. Any person desiring membership in any Fire Company within the Clarence Fire District No. 1 must fill out the prescribed application form:
  - a) Complete and furnish all information prescribed thereon.
  - b) Completed application form must be submitted to the Secretary and/or Membership Committee of the Fire Company, and be approved by the membership of the Fire Company.
  - c) New members accepted by the respective Fire Company must be submitted to the Board of Fire Commissioners for final approval.
  - d) Final approval by the Board of Fire Commissioners is contingent on successful completion of both:
    - (i) Physical exam (see District Rules and Regulations Article III).
    - (ii) Arson background check (per NYS Executive Law 837). This law applies to new applicants, transfers from other fire companies and reinstatements to membership. A follow-up arson background check must be completed for minors once they reach the age of 18 years of age. Fire Chiefs must receive parental permission before conducting any background checks on minors. (DCJS-9 forms are available at [www.erie.gov/fire](http://www.erie.gov/fire) and must be signed by the Fire Chief.)
2. The Board of Fire Commissioners shall be notified in writing by the Secretary of the respective Fire Companies of the removal of any Volunteer Firefighters from the roster of any Fire Company in the Clarence Fire District No. 1, giving the date and results of an investigation.
3. Any Volunteer Firefighters dismissed, suspended or disciplined by a Fire Company may apply for and receive a review of such action by the Board of Fire Commissioners.
  - a) Applications for review shall be in writing and must be served upon the Chief of the respective Fire Company and the Secretary of the Board of Fire Commissioners at least five (5) days prior to the next regularly scheduled meeting of the Board of Fire Commissioners.
4. Any persons making application to become a Volunteer Firefighter in any Fire Company within the Clarence Fire District No. 1 must have reached their 18th birthday at the time the application is accepted by the Board of Fire Commissioners.
5.
  - a) Any Fire Company within the Clarence Fire District No. 1 shall limit the active membership to no more than seventy (75) active members at any one time.
  - b) Non-resident active membership shall not exceed forty-five percent of the total active membership of any one fire company.
6. Any Fire Company within the Clarence Fire District No. 1 may activate a Fire Cadet Program subject to the approval of the Board of Fire Commissioners.
7. It shall be the responsibility of the individual firefighters to immediately notify (in writing) the Fire District of any change of residence address.

### ARTICLE III - PHYSICAL

1. a) In accordance with OSHA regulations, medical examinations will be required for all active personnel.
- b) Exams shall be performed by the Fire District physician.
2. Time Intervals:
  - a) All active personnel shall annually certified by the Fire District physician.
  - b) New firefighters shall be certified by the Fire District physician prior to being released for active duty.
  - c) Annual exams will be completed between February 1 and April 1.
3. Costs
  - a) Costs for the medical exam shall be the responsibility of the Clarence Fire District No. 1.
  - b) Hepatitis B and Tetanus vaccinations costs will also be the responsibility of the District when performed by the Fire District physician.
  - c) Any additional testing deemed necessary by the District physician must receive prior approval from the Board of Fire Commissioners to be eligible for reimbursement by the District.
4. The Fire District's medical services provider shall determine the protocol for medical exams, with approval by the Board of Fire Commissioners.

## **ARTICLE IV - FIRE COMPANY OFFICERS' DUTIES**

1. It shall be the duty of the Chief to be present at all fires, if possible, to plan the attack, direct the action of all apparatus, equipment, individuals and companies upon their arrival at the scene.
  - a) To see that each subordinate officer does that particular officer's duty.
  - b) It shall be the responsibility of the Chief to maintain records of attendance at Fires and First Aid calls, Fire and First Aid drills, safety drills and seminars.
2. It shall be the responsibility of the Chief to present a report at the next regular meeting of the Board of Fire Commissioners of all Fires and First Aid calls in the Chief's area.
3. It shall be the responsibility of the Chief to arrange for Fire and First Aid drills (as required in Article VI) at such time and place each month as the Chief deems desirable and shall give notice thereof to the Volunteer Firefighters in the Fire Company.
4. It shall be the responsibility of the Chief to command all individuals and equipment in the Fire Company or at a Fire, First Aid call or Emergency in the Chief's area and to have control thereof while on duty. All orders given by the Chief while on duty or at drills shall be explicitly obeyed.
5. It shall be the responsibility of the Assistant Chiefs to assist the Chief in the discharge of the duties.
6. It shall be the responsibility of the Assistant Chiefs to perform the duties and the responsibilities of the Chief in case of the latter's absence and in the proper chain of command of their respective offices.
7. On an alarm of fire, the respective Fire Officers will at once direct the apparatus and individuals by the nearest and best route to the fire. At the Fire they will give orders for the apparatus to be put in operation, then report their presence and receive orders from the Chief Officer in Command.
8. It shall be the responsibility of the Assistants to make certain that all apparatus is completely manned.
9. The Chief shall be held responsible for the condition of the apparatus and equipment and responsible for prescribed chemicals and appliances and their availability for efficient service. The engines and apparatus shall be maintained in a clean, efficient and effective working condition.
  - a) The Chief shall be responsible for testing fire hose. The Chief shall advise the Board of Fire Commissioners (Chairperson of Equipment) by December 1st of each year of the results of such testing.
10. The Chief must furnish a copy of the Insurance report to the Board of Fire Commissioners as per ARTICLE VII, Section 8.
11. The Chief is to report Arson information as per resolution by Board of Fire Commissioners dated March, 1982.
12. The Chief shall post a list of senior firefighters each year.

## **ARTICLE V - TRAINING**

1. It shall be mandatory for any accepted applicant for membership in any Fire Company within the Clarence Fire District No. 1 to be available for the prescribed training.
2. All persons whose applications for membership in any Fire Company within the Clarence Fire District No. 1, who have been approved by the Board of Fire Commissioners, must pass the prescribed new member training course to the satisfaction of the Chief of the Company. Before actively participating in alarms. As a minimum, newly appointed firefighters shall receive at least 15 hours of training in the duties in which they will be expected to perform. The training shall include OSHA training as described in paragraph 4 of this article. Newly appointed firefighters must also complete NYS Firefighter I (or equal) prior to participating in interior structural firefighting duties.
3. Any person whose application for membership in any Fire Company within the Clarence Fire District No. 1 who has been approved by the Board of Fire Commissioners who does not pass the prescribed training course to the satisfaction of the respective Chief will be dismissed from the Fire Service by action of the Board of Fire Commissioners.
4. In accordance with OSHA regulations, all active personnel shall attend annual OSHA refresher training. The form of this training is detailed in the District OSHA policy. Requests for review/approval of related credit may be submitted to the Board of Fire Commissioners prior to the taking of a course. The final decision as to granting of related credit shall rest with the Board of Fire Commissioners. Training certificates documenting the completion of this training will be kept on file in the District Office. The schedule for annual training will be posted by the Fire Chief. Anyone not completing the required training in a calendar year will not be allowed to attend alarms until all OSHA training has been completed for that year. Compliance with the above rules shall be reviewed and acted upon annually by the Board of Fire Commissioners at their December Board meeting.
5. In accordance with the Fire Company by-laws, all active personnel shall attend the required number of drills. The annual drill schedule will be posted by the Fire Chief. Members not completing the required number of drills will be suspended from attendance at incidents until the amount of the deficit has been satisfied, which must be made up within the first six months of the following calendar year. Compliance with the above rules shall be reviewed and acted upon by the Board of Fire Commissioners at the annual organizational meeting.

## **ARTICLE VI - FIRE DRILLS**

1. It shall be the duty of the Chief of the Fire Company within the Clarence Fire District No. 1 to plan and conduct a minimum of twelve Fire Drills and twelve First Aid Drills per year.
2. The Chief of the Fire Company shall submit to the Board of Fire Commissioners at the February meeting of the Board each year, a roster of the active firefighters in the Company indicating the number of Fire, First Aid Drills and OSHA drills attended by each firefighter. The Chief shall also notify the Board of Fire Commissioners at any regular meeting of the Board of the failure of any applicant to complete the prescribed course of training as set forth in ARTICLE V.
3. All active firefighters, except those medically certified for "Fire Police Duty Only", must attend at least one hose test per year.

## ARTICLE VII - SAFETY

1. All persons riding on Fire District vehicles shall be seated in approved riding positions and shall be secured to the vehicle by seat belts any time the vehicle is in motion. The only exception to the above rule shall be personnel actively involved in providing emergency care to a patient. Riding on tail steps, sidesteps, running boards or in any other exposed positions shall be specifically prohibited.
2. When weather conditions make progress over roads is in anyway dangerous to people and equipment, the speed of such vehicles will be reduced to a speed where progress will be safe.
3. Persons other than Volunteer Firefighters are prohibited from riding on or operating Fire or First Aid vehicles when on an emergency response.
  - a) Any Volunteer Firefighter operating vehicular Fire or First Aid apparatus on the public highways must have a New York State Operator or Chauffeur license in effect and up to date. All such Firefighters may be required at any time to show proof of a valid license. The Fire District shall conduct an inspection of drivers' licenses at regular intervals as deemed appropriate.
  - b) To be on the Drivers List, a firefighter must be at least age 21 and have at least 1 active year of service in Clarence Fire District No. 1 (this does not include vehicles #7, #8, #5-1 and Chiefs' vehicles, use of which would be at the discretion of the Fire Chief).
  - c) The Chief may grant vehicle use of 5-1 to a Chief that is in need of a response vehicle for twenty-four hours. Use of 5-1 for longer than a twenty-four hour time period would require the approval of two commissioners and review of the entire Board of Fire Commissioners at their next Board meeting. Use of the vehicle would only be permitted in the Town of Clarence. Use outside the District (such as training) may only be granted by the Board of Fire Commissioners.
4. All Firefighters must wear the proper equipment when engaged in firefighting. Proper equipment shall include helmet, turnout coat and rubber boots as well as any additional safety gear necessary to insure the personal safety of a Firefighter. If in the opinion of the Chief safety conditions warrant, the Chief may order all or part of any safety equipment to be dispensed with.
5. The Board of Fire Commissioners prohibits persons other than Volunteer Firefighters from using or operating Fire or First Aid equipment pertaining thereto without specific permission.
6. All vehicular Fire and First Aid equipment used on public highways must use oscillating and flashing warning lights at all times when responding to an alarm of fire, first aid or other emergency, unless at the discretion of the Chief in charge or Amherst Fire Control a "cold" response is recommended. Such lights shall be left on when vehicular equipment is parked on or near a public highway during the duration of the emergency. (In order not to detract from the impact of such lights in an emergency except that such lights may be used at such times at the discretion of the vehicular operator or the officer in charge if advisable for safety reasons and should be used if individuals are riding on the vehicle at places other than the cab.)
7. Injuries, no matter how slight, received by a Volunteer Firefighter in performance of that Firefighter's duties, must be reported to the Board of Fire Commissioners as soon as the information is available by a copy of the Insurance Report form stating all the facts pertaining to the same, including cause, diagnosis, treatment and prognosis.
8. It will be the responsibility of the President of the Fire Company to report to the Board of Fire Commissioners all injuries sustained on Fire Company property.

## **ARTICLE VII – SAFETY (continued)**

9. Operation of Emergency Vehicles - Effective immediately, all emergency vehicles operated by Clarence Fire District No. 1 personnel are directed as follows:
  - a) All vehicles will STOP at all controlled intersections (i.e. stop light, stop sign), then are to proceed with caution.
  - b) When a stoplight is on green, the maximum speed will be 15 M.P.H.
  - c) Maximum speed for emergency vehicles - prudent speed, based upon road and weather conditions shall always prevail. However, in all cases, the maximum speed shall be: Ambulance - 55 M.P.H. and Fire Trucks - posted speed limit.
  - d) Ambulance driver and radio operator WILL WEAR SEAT BELTS at all times.
  - e) Seat belts are encouraged on all other Fire District vehicles.

## **ARTICLE VIII - FIREPOLICE**

1. Each Fire Company within the Clarence Fire District No. 1 will have a unit known as Fire Police, consisting of Volunteer Firefighters under the direction of a Captain, elected by the membership of the Clarence Fire Company.
2. The duties of Fire Police, under the direction of the respective Chief or Fire Police Captain, will be to assist in traffic control, protection of property and the handling of spectators. If, at the scene of a Fire, First Aid call or emergency, a Fire Police is needed to assist at the fire, the Chief may so order. Fire Police duties may be performed only during a fire, first aid call or emergency. Chief may use Fire Police in their capacity at any firematic function and assign them to any duty the Chief may deem necessary.

## **ARTICLE IX - PROPERTY**

1. The Fire Company and bonafide member thereof is entitled to use of the buildings and grounds assigned to them except where restrictions are imposed by the Board of Fire Commissioners.
2. No person, other than for Fire District or Company purposes, may use Fire House premises or portion thereof, except upon permission of Fire District Commissioners, and therefore, Commissioners have the power to refuse permission in a particular case where they deem that refusal is proper in the interests of the District.
3. Ownership of property or equipment purchased by the Fire Company transferred to the Clarence Fire District No. 1, must be made in the form of a letter or other documentation to the Board of Fire Commissioners, giving all detailed and pertinent information.

## **ARTICLE X - FIRST AID**

1. Each Fire Company operating within the Clarence Fire District No. 1 will have a unit known as a First Aid Squad, consisting of Volunteer Firefighters qualified as in Section 3 of this article.
2. The First Aid Squad shall be composed of personnel qualified in up to date first aid practices, methods and procedures.
3. First Aid Personnel must be active members in good standing in the Clarence Fire District No. 1 and must hold a valid American Red Cross First Aid Card and be certified by the Chief and First Aid Captain.
4. First Aid Personnel must attend First Aid Squad Drills each year as prescribed by the Chief.
5. Emergency or First Aid vehicles shall not transport persons other than authorized personnel at any time in an emergency; other persons may be transported to a Hospital or Doctor's Office by direction of a Doctor or Police Officer.

## **ARTICLE XI - HOME RADIO RECEIVERS**

1. Home Radio Receivers must remain in continuous operation when assigned to a Volunteer Firefighter.
2. Due care must be taken to prevent any damage to the set.
3. Failure of any assigned Home Receiver Set shall be immediately reported to the Chief of the Fire Company.
4. If necessary, each set holder shall agree to telephone any additional Firefighters assigned to him by the Chief.
5. Any Home Receiver Set may be recalled and reassigned at the discretion of the Board of Fire Commissioners or the Chief of the Company.
6. Under no circumstances will a Firefighter attempt to make repairs, alterations, dismantle or tamper with any Home Receiver.
7. Home Receiver Sets must remain in the possession of the assigned Firefighter until voluntarily surrendered or recalled and reassigned by the Chief of the Company.
8. The Chief of the Company will make periodic appraisal of set assignments.
9. Any Home Receiver Set assigned to a Firefighter must remain in the possession of the individual.
10. No Home Receiver Set will be taken out of the Clarence Fire District No. 1 without the approval of the Board of Fire Commissioners.
11. Failure to comply with any regulations set forth for the use of Home Receiver Alarm Sets will result in recall and reassignment of the set.
12. All Clarence Firefighters must accept the following regulations before they will be issued a Motorola Pocket Pager with accessories:
  - a) Any pager that is lost or damaged through negligence will be repaired or replaced by the Firefighter responsible.
  - b) No Clarence Firefighter will respond with Blue Light to an emergency call until they are within the boundaries of the Clarence Fire District or one Fire District away in each direction.
  - c) All Firefighters will use pocket pagers with discretion, keeping in mind the good name of the Clarence Fire Company and Clarence Fire District No. 1.

## **ARTICLE XII - PERSONAL EQUIPMENT INSPECTION**

1. All personal firematic equipment including Home Receiver Sets will be inspected at least once a year as recommended by the Equipment Committee of the Board of Fire Commissioners.

## **ARTICLE XIII - FIREMATIC OFFICER VACANCY**

1. Any vacancy occurring in a firematic office prior to the expiration of the term of such office will be filled by a special election by the Fire Company and approved by the Board of Fire Commissioners.

## **ARTICLE XIV - MEDICAL LEAVE**

1. Any firefighter unable to perform duties due to illness or disability will be required to immediately inform the Chief and the Board of Fire Commissioners in writing. Firefighters that fail to notify the Board of Fire Commissioners of a change in physical condition or injury that prevents them from participating in firematic activities will be placed on “medical leave” by the Board or Commissioner in charge of physicals if they have reasonable grounds to believe the firefighter is unable to perform firefighting duties. Said firefighter will be required to undergo a physical by the District appointed physician at the District’s expense. Results of the required physical will govern the firefighter’s status.
2. The definition of Medical Leave is that period of time as defined by a Medical Doctor in which a firefighter is unable to participate in firematic activities. Medical leave may be granted to the firefighters following these steps:
  - a) notification in writing, and
  - b) Medical doctor certificate.
3. If Medical Leave is granted and while on Medical Leave, a firefighter shall not respond to alarms of Fire, First Aid, or any other emergency and will not participate in any firematic functions. There are no exceptions. However, he/she may perform non-firematic duties as prescribed by the Fire Company.
4. The Board of Fire Commissioners has full power to exercise control of and administer the policy and procedure for Medical Leave of Absence. Failure of a firefighter to comply with these regulations may be reason for dismissal from the Fire Service.
5. The Board of Fire Commissioners may, where it deems advisable, require a firefighter to be examined by a medical doctor appointed by the Board and at the Board’s expense, before restoring a firefighter to active duty.
6. The Board of Fire Commissioners on an annual basis shall review medical leave for individuals.
  - a) Persons on leave for emergency related reasons (injuries) may continue to accrue seniority, according to the fire company by-laws.
  - b) Medical leave for other than emergency related reasons shall accrue seniority up to review date, but in no incident shall a person accrue more than two (2) years seniority.
7. A firefighter requesting to be restored to active duty, shall submit a request to the Board of Fire Commissioners. This request shall include a doctor’s release certificate. The firefighter will be notified of the action taken.

## **ARTICLE XV - AMENDMENTS**

1. These Rules and Regulations for the Clarence Fire District No. 1 shall become effective on April, 1996.
2. The Board of Fire Commissioners at any regular monthly meeting may amend these Rules and Regulations for the Clarence Fire District No. 1 thereof.

## **ARTICLE XVI - SERVICE AWARD PLAN PROVISIONS**

Service Award Program for the Volunteer Firefighters in the Clarence Fire District No. 1.

1. TYPE OF PLAN: Defined Benefit Plan.
2. ENTITLEMENT AGE: Later of age 65 or the firefighter’s age upon earning one year of service credit after the effective date of the Service Award Program.

## **ARTICLE XVI - SERVICE AWARD PLAN PROVISIONS (continued)**

3. MONTHLY BENEFIT: \$20 for each firefighter for each calendar year up to a maximum of 30 years that the firefighter earned 50 points.
4. ELIGIBILITY TO PARTICIPATE IN THE SERVICE AWARD PROGRAM: Must be 18 years old and must earn 50 points during a calendar year.
5. TO EARN CREDIT FOR A YEAR OF SERVICE:
  - a) To be eligible to earn a year of credited service for one year of benefit accrual under the Program: A firefighter must accumulate 50 points during the calendar year.
  - b) To earn credit for a year for vesting purposes: A firefighter must earn 50 points during a calendar year and participate in the Service Award Program. The calendar year can be any calendar year before or after the effective date of the program.
  - c) To earn credit for each year of prior service: 50 points must have been earned in a calendar year prior to 1991. No more than 5 years of prior service credit allowed. (See #6 for additional requirements.)
6. TO BE GRANTED CREDIT FOR SERVICE PRIOR TO 1991: To be eligible to receive credit for service prior to 1991 with the Clarence Fire District No. 1, (or any other volunteer fire department located in New York State) a firefighter must be an active volunteer firefighter on January 1, 1991 in the Clarence Fire District No. 1 and must earn at least 50 points with the Clarence Fire District No. 1 by December 31, 1991 unless the firefighter is granted a medical leave of absence during 1991 by the Board of Fire Commissioners of the Clarence Fire District No. 1 in accordance with the Clarence Fire District regulations in which case the deadline will be extended at the discretion of the Clarence Fire District No. 1 Board of Commissioners.
7. CREDIT FOR PRIOR SERVICE WITH ANOTHER VOLUNTEER FIRE DEPARTMENT OR DISTRICT WITHIN NEW YORK STATE: Any active volunteer firefighter who transfers subsequent to 1990 from a volunteer fire department or district to the Clarence Fire District No. 1 will after earning five (5) years of Service credit in the Clarence Fire District Service Award Program be granted credit for up to five (5) additional years of service credit for service with the former volunteer fire department or district provided the firefighter did not already have vested service credit for that service in any volunteer fire department's or district's Service Award Program.
8. POINT ACCUMULATION ACTIVITIES: There are seven categories allowed by Article 11-A of the New York State General Municipal Law:
  - a) training courses,
  - b) drills,
  - c) sleep-ins or stand-byes,
  - d) hold an elected position and/or attend firefighter conventions as a delegate,
  - e) attend official fire department meetings,
  - f) participate in department responses and
  - g) miscellaneous activities such as inspections.
9. EFFECTIVE DATE OF PROGRAM: January 1, 1991.
10. FORM OF BENEFIT PAYMENT: Monthly payment life annuity only until the Board subsequently approves by Board Resolution other actuarially equivalent forms.

## **ARTICLE XVI - SERVICE AWARD PLAN PROVISIONS (continued)**

11. **DEATH BENEFIT:** Lump sum payable to the firefighter's designated beneficiary equal to the Actuarial Present Value of the firefighter's Accrued Service Award at time of death. For purpose of calculating the death benefit, a firefighter who dies in 1991 while an active member of the Clarence Fire District No. 1 will automatically be granted the prior service credit that the firefighter would have earned had the firefighter earned the 50 points in 1991.
12. **DISABILITY BENEFIT:** Lump sum payment equal to the Actuarial Present Value of the firefighter's Accrued Service Award at time of total and permanent disability as defined by #13. For the purpose of calculating the disability benefit, a firefighter who, due to a permanent and total disablement which commenced in 1991 while an active member of the Clarence Fire District No. 1 will automatically be granted the prior service credit that the firefighter would have earned had the firefighter earned 50 points in 1991.
13. **DEFINITION OF DISABILITY:** Awarded benefits for a total and permanent disability from: Workers' Compensation, Social Security, the Volunteer Firemen's Benefit Law or from any other authority approved by the Board; and, unable to earn 50 points per year as determined by the Board due to a disablement which commenced after December 31, 1991. Disabled firefighters who collect a disability benefit payment from the Clarence Fire District No. 1 Service Award Program who subsequently recover from their disability and again become active members of the department will be considered as new participants and will not again receive credit for the service upon which their disability benefit payment was based.
14. **FUNDING OF PRIOR SERVICE BENEFITS:** Twenty year level payment amortization based on 7.5% interest rate.
15. **COMMENCEMENT OF BENEFIT PAYMENTS:** As soon as possible after a completed application from a firefighter or a firefighter's beneficiary and the required points certification from the Board of Fire Commissioners are received by the program administrator. In the year a firefighter attains entitlement age, commencement of the monthly service award benefit will be postponed to January 1 of the next year to allow firefighters to earn credit for the year in which the firefighter attains the entitlement age. Effective January 1, 2007, active firefighters will be allowed post entitlement age accruals for points and benefits.
16. **WHEN BENEFITS ARE FORFEITED:** As of December 31 of the year a non-vested firefighter ceases to be a member of the fire department or at the end of the fifth consecutive year during which an active non-vested firefighter fails to earn at least 50 points.
17. **VESTING SCHEDULE:** A firefighter's accrued benefit is 100% vested (i.e. he owns it) after he has earned credit for five years of vesting service, attains the entitlement age, is awarded a funding of disability or dies.
18. **ADMINISTRATION COSTS:** are paid by the Board.
19. **MILITARY DUTY:** A participant whose volunteer fire service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the participant shall receive active volunteer service credit of fifty points for each full year, prorated for service of less than a year. If firefighter's enlistment in the United States military is for a service term greater than the four years allowed by law, and the firefighter is in good standing and has been granted a leave of absence by the Clarence Fire Company Board of Directors to complete his military service, and if the firefighter has earned Length of Service Award Program credit but has not yet vested in the Program, now be it therefore resolved, that the firefighter, shall retain any previously earned LOSAP credit when he returns to active service in the Clarence Fire District No. 1 after completion of his military obligation (Board motions of June 1 and 22, 2009).

## **ARTICLE XVI - SERVICE AWARD PLAN PROVISIONS (continued)**

20. SECTION 1. SUBDIVISION (C) OF SECTION 217 OF THE GENERAL MUNICIPAL LAW IS AMENDED BY ADDING A NEW PARAGRAPH (VIII) TO READ AS FOLLOWS: In the event that any active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Workers' Compensation Board or other competent authority approved by the sponsor of the Service Award Program, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighters' Benefit Law, the firefighter shall receive five points for each full month of such disability.

## **ARTICLE XVII - SERVICE AWARD PLAN POINT ACCUMULATION SYSTEM**

1. POINT ACCUMULATION ACTIVITY: Attendance at Training Sessions
  - a) Maximum Annual Points For This Activity: 25
  - b) How Points are Credited: Based on duration of training course, i.e.:
    - i) under twenty hours: one point per hour; no more than 5 points per course.
    - ii) twenty to forty-five hours: five points plus one point per hour for each hour over twenty hours; no more than 10 points per course.
    - iii) over 45 hours to 100 hours duration: fifteen points per course.
    - iv) courses exceeding 100 hours duration: twenty-five points per course.
  - c) Note: Chief of the Clarence Fire District No. 1 must approve all courses and certify completion to Recording Secretary before points are to be credited.
2. POINT ACCUMULATION ACTIVITY: Attendance at Drills.
  - a) Maximum Annual Points For This Activity: 20
  - b) How Points Are Credited: One point per drill (minimum two hours)
3. POINT ACCUMULATION ACTIVITY: Participation in Sleep-in or Stand-by Session.
  - a) Maximum Annual Points For This Activity: 20
  - b) How Points Are Credited:
    - i) Sleep-in Session: One point for each full night of 8-hour duration.
    - ii) Stand-by Session: One point for each session (four hour minimum duration); a "stand-by" is defined in the State Law as "a line of duty activity of the volunteer fire company, lasting for four hours, not falling under one of the other categories."
4. POINT ACCUMULATION ACTIVITY: Completing a one-year term as an elected or appointed officer or selection as a convention delegate.
  - a) Maximum Annual Points For This Activity: 25.  
Elected administrative officers must attend 50% of scheduled meetings.
  - b) How Points Are Credited:
    - i) Twenty-five points are earned for the completion of a one-year term (elected position) as a "line officer, a department or company officer, president, vice president, treasurer and secretary of a Fire Company or commissioner."
    - ii) Fifteen points are earned for the completion of a one-year term in an appointed firematic or administrative position.
    - iii) One point is earned for each convention meeting attended by a firefighter as a convention delegate appointed by the fire department or district excluding elected or appointed officers.

**ARTICLE XVII - SERVICE AWARD PLAN POINT ACCUMULATION SYSTEM (con't.)**

5. POINT ACCUMULATION ACTIVITY: Attendance at Official Fire Company Meetings.
- a) Maximum Annual Points For This Activity: 20
  - b) How Points Are Credited: One point earned per meeting.
6. POINT ACCUMULATION ACTIVITY: Participation in Department Responses.
- a) Maximum Annual Points For This Activity: 30
  - b) How Points Are Credited:
    - i) Fifteen points are earned for responding to at least the required percentage of the total fire department emergency rescue and first aid squad calls for the year shown in the chart below:

	Total Number of Calls for			
the Year for the Fire Dept.:	0-500	500-1000	1000-1500	1500+
Required Percentage:	10%	7.5%	5%	2.5%
    - ii) Fifteen points are also earned for responding to at least the same required percentages of all other calls.
    - iii) Of the 50 points total per year required, 15 points must be earned from either of the above categories.
7. POINT ACCUMULATION ACTIVITY: Miscellaneous Activities.
- a) Maximum Annual Points For This Activity: 15
  - b) How Points Are Credited: One point per activity for participation in inspections and other activities covered by the volunteer firefighters benefit law for which points cannot be earned otherwise.
  - c) Activities Include But Are Not Limited To:
    - i) Funerals
    - ii) Wakes
    - iii) Fund Drive
    - iv) Work Call (2 Hour Minimum)
    - v) Committee Meeting: For point accumulation purposes, attendance by a firefighter at committee meetings to which the firefighter had been named as a committee member by the President of the Fire Company will provide each such firefighter with one point per meeting attended.
  - d) Note: A maximum of 15 points is the sum total of all earned points under miscellaneous activities.