

# Mosquito Fire Protection District

Policy Manual

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## **MISSION**

**The Mission of the Mosquito Fire Protection District is to provide to the people of the community the services that will protect life, save property, and ensure the public health and safety. This shall be done by providing the best possible methods of fire suppression and emergency medical services through the efficient use of personnel, equipment, training, prevention, and public education.**

*Mission*

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# Mosquito Fire Protection District

Policy Manual

## *Mission*

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# Mosquito Fire Protection District

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## **PHILOSOPHY AND GOALS**

(Agency Philosophy and Goals statement)

# Mosquito Fire Protection District

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### **MOSQUITO FIRE PROTECTION DISTRICT CODE OF ETHICS**

As a member of the Mosquito Fire Protection District, my fundamental duty is to serve the community; to safeguard and preserve life and property against the elements of fire and disaster; and maintain a proficiency in the art and science of fire protection, public safety and community protection.

I will uphold the standards of the District, continually search for new and improved methods and share my knowledge and skills with my contemporaries and successors.

I will not allow personal feelings, nor danger to self, deter me from my responsibilities as a District member.

I will at all times, respect the property and rights of all men and women, the laws of my community and my country, and the chosen way of life of my fellow citizens.

I recognize my position as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the fire service. I will never use my official position to obtain advantages or favors for myself, my friends or family.

I will constantly strive to achieve the objectives and ideals, dedicating myself to the protection of the Swansboro/Mosquito Community.

As a member of the Mosquito Fire Protection District, I accept this self-imposed and self-enforced obligation as my responsibility.

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### POLICY REVIEW AND REVISION TRACKING

Policy	Title	Revision Date	Reviewed Date
<b>Chapter 1 Fire Service Role and Authority</b>			
100	Fire Service Authority	3/23/22	3/23/22
101	Chief Executive Officer	3/23/22	3/23/22
102	Oath of Office	3/23/22	3/23/22
103	Policy Manual	11/17/22	6/23/22
<b>Chapter 2 Organization and Administration</b>			
204	California Fair Political Practices Commission Filings	6/23/22	6/23/22
211	Solicitation of Funds	6/23/22	6/23/22
215	Purchasing and Procurement	6/23/22	6/23/22
<b>Chapter 3 General Operations</b>			
<b>Chapter 4 Fire Prevention</b>			
<b>Chapter 5 Emergency Medical Services</b>			
<b>Chapter 6 Training</b>			
609	Health Insurance Portability and Accountability Act (HIPAA)	5/2/22	5/2/22
614	Training Records	7/28/22	7/28/22
<b>Chapter 7 Equipment and Technology</b>			
700	Use of District Owned and Personal Property	7/28/22	7/28/22
709	Photography and Electronic Imaging	7/25/22	7/25/22
710	Non Official Use of District Property	7/28/22	7/28/22
<b>Chapter 8 Records Management</b>			
803	Patient Medical Record Security and Privacy	5/2/22	5/2/22

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### *Policy Review and Revision Tracking*

804	Record Retention	6/23/22	6/23/22
<b>Chapter 9 Safety</b>			
<b>Chapter 10 Personnel</b>			
1012	Discriminatory Harassment	11/17/22	9/27/22
1013	Conduct and Behavior	6/23/22	6/23/22
1020	Grievance Procedure	3/25/22	3/25/22
1027	Drug and Alcohol Free Workplace	10/27/22	10/27/22
1029	Uniform Regulations	6/9/21	6/9/21
1040	Family and Medical Leave	11/17/22	11/17/22
1045	Member Speech, Expression and Social Networking	6/9/21	6/9/21
1048	Compensation and Benefits	3/4/22	3/4/22
1049	Disciplinary Procedures - Employee	2/26/22	2/26/22
1050	Disciplinary Procedures - Volunteer	2/26/22	2/26/22
1051	Attendance and Reporting Illness or Injury	10/27/22	10/27/22
1052	Job Description - Captain	9/27/22	9/27/22
1053	Job Description - Firefighter Engineer	9/27/22	9/27/22
1054	Job Description - Board Clerk and Administrative Assistant	9/27/22	9/27/22
1055	Job Description - Support Services Volunteer	10/27/22	10/27/22
<b>Chapter 11 Facility</b>			
<b>Chapter 12 Board Policies</b>			
1200	District Board Members	6/23/22	6/23/22

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## *Policy Review and Revision Tracking*

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1201	District Board Meetings	6/2/21	6/2/21



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## **Chapter 1 - Fire Service Role and Authority**

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## Fire Service Authority

### 100.1 PURPOSE AND SCOPE

This policy describes the legal authority of the District and the individual members.

### 100.2 POLICY

It is the policy of the Mosquito Fire Protection District to limit its members to only exercise the authority granted to them by law.

While the Mosquito Fire Protection District recognizes the authority of members granted to them, members are encouraged to use sound discretion in the exercise of their authority, and this district does not tolerate abuse of authority.

The operation of a public fire protection district is governed by State law, the Fire Protection Law of 1987-Health and Safety Code Sections 13801 through 13999. Most questions that are not covered by this law are governed by other California statutes or the California Administrative Code. Applicable provisions of the Health and Safety Code are hereby made a part of these Policies by the Board of Directors.

### 100.3 ORGANIZATIONAL POWERS

This district is authorized to perform the following:

- (a) Fire suppression
- (b) Provision of Emergency Medical Services (EMS)
- (c) Investigation of the cause and origin of fires
- (d) Enforcement of the Fire Code.

### 100.4 FIREFIGHTER POWERS

Firefighters are sworn members of this district and have the following authority:

- (a) Participate in a wide range of emergency and rescue activities, including EMS, extrication and heavy rescue
- (b) Perform fire suppression duties, including the suppression of structural, aircraft, wildland and other types of fires
- (c) Investigate causes of fires
- (d) Collect and preserve evidence when a fire is of a suspicious origin
- (e) Possess peace officer status when serving as a fire investigator or Fire Marshal (Penal Code § 830.37)
- (f) Perform specialty services, including hazardous materials response, technical rescue, water rescue and additional services as authorized by the Fire Chief
- (g) Provide fire code enforcement inspection and plan review services

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### *Fire Service Authority*

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- (h) Provide public education and fire prevention activities and services

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

When exercising their authority, members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

#### **100.6 SUPERVISORY AUTHORITY**

Any chief officer may relieve a member under his/her command from duty when, in his/her judgment, an offense committed is sufficiently serious to warrant immediate action. A report of such action shall be made immediately through the appropriate channels to the appropriate Captain, followed by written documentation of the charges, in accordance with district procedures. All such processes shall comply with established rules, regulations and applicable collective bargaining agreements.

# Chief Executive Officer

## 101.1 PURPOSE AND SCOPE

This policy identifies the education, experience or certifications desired for the Fire Chief.

## 101.2 POLICY

It is the policy of the Mosquito Fire Protection District to have a highly qualified Chief Executive Officer.

## 101.3 CHIEF EXECUTIVE OFFICER

Higher-level college degrees in public or business management, completion of the National Fire Academy Executive Fire Officer (EFO) and the Center for Public Safety Excellence Chief Fire Officer (CFO) programs as well as experience in chief officer positions enhance the professional credibility of candidates for the rank of Fire Chief.

## 101.4 CERTIFIED FIRE CHIEF

The Peer Assessment for Chief Executive (PACE IV) certification established by the OSFM is a desired qualification. Certified Fire Chief status may be achieved through the California Office of the State Fire Marshal (OSFM) by acquiring a PACE IV certification, holding a chief officer rank for a minimum of one year and completing the application process described in the training manual. The certification requirements are described in the State Fire Training Procedures Manual.

## Oath of Office

### 102.1 PURPOSE AND SCOPE

This policy establishes the oath of office for all Board of Directors and sworn personnel of this district.

### 102.2 OATH OF OFFICE

Upon employment, all sworn personnel shall be required to affirm the oath of office expressing commitment to support and defend the Constitution of the United States and the Constitution of the State of California (CA. Const. art. XX, § 3 and Government Code § 3102). The oath shall be as follows:

I, [employee name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

# Policy Manual

## 103.1 PURPOSE AND SCOPE

The Policy Manual of the Mosquito Fire Protection District is hereby established and shall be referred to as the "Policy Manual." The Policy Manual is a statement of the current policies, rules, and guidelines of this district. All district members are expected to conform to the provisions of this Policy Manual. All prior and existing policies, manuals, orders, and regulations that are in conflict with this Policy Manual are revoked, except to the extent that portions of the existing policies, manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this Policy Manual.

## 103.2 POLICY

Except where otherwise expressly stated, the provisions of this Policy Manual shall be considered guidelines. It is recognized that fire and rescue work is not always predictable, and circumstances may arise that warrant departure from these guidelines.

It is intended that the provisions of this manual be viewed using an objective standard, taking into consideration the sound discretion entrusted to the members of this district under the circumstances reasonably available at the time of any incident.

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Mosquito Fire Protection District and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the District, its officials, or members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The Mosquito Fire Protection District reserves the right to revise any policy content, in whole or in part.

### 103.2.2 SEVERABILITY

In the event that any term or provision of this Policy Manual is declared illegal, invalid, or unenforceable by any court or any federal or state government agency, the remaining terms and provisions that are not affected shall remain in full force and effect. If any provision of the Policy Manual is found to be in conflict with a local, state, or federal law, District policy, or collective bargaining agreement, such law, District policy, or collective bargaining agreement shall take precedence over that provision of the Policy Manual.

In the event that any of the terms or provisions of the Policy Manual are determined to conflict with any portion of a collective bargaining agreement, the District will seek to resolve the conflict.



## **103.3 RESPONSIBILITIES**

The responsibility for the contents of this Policy Manual rests with the Fire Chief. Since it is not practical for the Fire Chief to prepare and maintain the Policy Manual, the following delegations have been made:

### **103.3.1 BOARD OF DIRECTORS**

The Board of Directors shall be considered the ultimate authority for the adoption of administrative, personnel management and non-operational provisions of this manual and shall continue to issue, as needed, directives that shall modify those provisions of the manual to which they pertain. Any directive so issued shall remain in effect until such time as they may be permanently incorporated into the manual.

### **103.3.2 FIRE CHIEF**

The Fire Chief shall be considered the ultimate authority for the adoption of operational (fire, emergency response) provisions of this manual, including the Procedures Manual and shall continue to issue, as needed, directives that shall modify those provisions of the manual to which they pertain. Any directive so issued shall remain in effect until such time as they may be permanently incorporated into the manual.

### **103.3.3 STAFF**

Staff shall consist of the following:

- Fire Chief
- Assistant Chief
- Battalion Chief
- Captains (Paid and Volunteer)

Staff shall review all recommendations regarding proposed operational changes to the manual and make recommendations to the Fire Chief on final manual changes.

### **103.3.4 OTHER PERSONNEL**

Any member suggesting revision of the contents of the Policy Manual shall forward the suggestion through the chain of command, in writing, to his/her supervisor.

## **103.4 FORMATTING CONVENTIONS FOR THE POLICY MANUAL**

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

### **103.4.1 ACCEPTABLE ABBREVIATIONS**

The following abbreviations are acceptable substitutions in the manual:

- Policy Manual sections may be abbreviated as “Section 106.4” or “§ 106.4.”

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#### 103.4.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**District** - The District of Mosquito Fire Protection District.

**Civilian** - Members and volunteers who are not sworn employees.

**District/MQT** - The Mosquito Fire Protection District.

**Employee** - Any person employed by the District.

**Fire Code** - The 2018 edition of the International Fire Code (IFC) (2019 California Fire Code, Title 24, Part 9) as adopted by the State of California and the incorporated California amendments (Health and Safety Code § 18928).

**Firefighter/Sworn, appointed, or elected** - Those members, regardless of rank, who perform fire suppression duties as part of their primary duties as sworn, appointed, or elected members of the Mosquito Fire Protection District.

**Manual** - The Mosquito Fire Protection District Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Member** - Any person employed or appointed by the Mosquito Fire Protection District, including:

- Full- and part-time employees
- Sworn, appointed, or elected firefighters
- Volunteer firefighters
- Civilian employees
- Support Group and CERT volunteers
- Volunteers

**On-duty** - Member status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The job classification title held by a firefighter.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other district members, directing the work of other

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members, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., firefighter-in-charge, lead, or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

#### **103.5 DISTRIBUTION OF THE POLICY MANUAL**

A copy of the Policy Manual shall be located in the Station 75 front admin office:

An electronic version of the Policy Manual will be made available on the district network for access by all employees. The electronic version will be limited to viewing and printing specific chapters or sections. No changes shall be made to the electronic version without authorization from the Fire Chief or the authorized designee.

#### **103.6 POLICY MANUAL ACCEPTANCE**

As a condition of employment, all members are required to read and obtain necessary clarification of this Policy Manual. All are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Policy Manual and understand that they are responsible to read and become familiar with its content.

#### **103.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping informed of all Policy Manual revisions.

Each Division Officer will ensure that members under his/her command are aware of any Policy Manual revision.

All District members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

#### **103.8 REVIEW AND MAINTENANCE OF POLICIES**

To ensure that policies remain viable and applicable to an ever changing organization, all policies must be reviewed by the District at least once every 2 years. The Policy Review and Revision Table located at the front of the Policy Manual, shall be used as the tracking document of record.

## **Chapter 2 - Organization and Administration**

# California Fair Political Practices Commission Filings

## 204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a uniform method for complying with the Fair Political Practices Commission (FPPC) requirements, for designated members to report all potential economic conflicts of interest to the District.

## 204.2 POLICY

It is the policy of the Mosquito Fire Protection District to comply with state requirements, and designate certain job classifications as required to file a Statement of Economic Interests (Government Code § 87300).

## 204.3 PROCEDURE

The District requires certain job classifications to file a Statement of Economic Interests (Government Code § 87300). These job classifications have been identified based on the opportunity for personal gain that could result from official actions as a member of this district.

## 204.4 DISTRICT RESPONSIBILITIES

The Fire Chief shall designate the District Board Clerk to be the Conflict of Interest Filing Officer for the District, who shall be responsible for administering the filings in accordance with applicable laws.

All Statement of Economic Interests filings shall be screened for compliance by the District Board Clerk. Members in designated classifications are required to disclose certain economic interests, which may include investments, interests in real property, income and business interests. All information provided by members on the Statement of Economic Interests is a matter of public record.

The Eldorado County Elections Office is the lead agency monitoring reporting requirements of California Form 700 and the Public Service Ethics Education online course. The District Board Clerk shall coordinate compliance with Form 700 and the online ethic course through the Elections Office.

### 204.4.1 FILING REQUIREMENTS

Members in designated job classifications must file the following type of statements:

- Assuming office statement within 30 days after assuming office
- Annual statement due by April 1 each year
- Leaving office statement within 30 days after leaving the position
- Submitted through Board Clerk to County Elections Office

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## Policy Manual

### *California Fair Political Practices Commission Filings*

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#### 204.4.2 FILING PROCESS

The filing process is administered by the District Board Clerk and includes the following procedures:

- A Statement of Economic Interests form and filing instructions shall be distributed annually to designated district members. Additionally, forms shall be sent to designated members upon notice of appointment or termination.
- A completed Statement of Economic Interests shall be returned to the District Board Clerk by the date indicated on the instructions.
- The District Board Clerk shall screen the Statement of Economic Interests for completeness, potential conflicts of interest and to ensure all designated members have filed a statement, in accordance with FPPC regulations.
- Upon completion of the screening process, the District Board Clerk shall retain the original for a period of time in accordance with the FFPC and the district's established records retention schedules.
- A list of all district members with potential conflict situations will be compiled and maintained in the Administration Division.
- Any change to the FPPC filing process shall be submitted to the governing body for review and approval.

#### 204.4.3 REPORTING REQUIREMENTS

All members are required to report potential conflicts of economic interest even if they are not in a designated classification. All members are disqualified from participating in government decisions in which they have, or appear to have, a financial interest (Government Code § 87100). When a potential conflict of interest situation arises, it must be reported immediately through the chain of command to the member's immediate supervisor and then the District Board Clerk.

#### 204.4.4 DESIGNATED CLASSIFICATIONS

The Mosquito Fire Protection District has designated the following classifications as required to complete a Statement of Economic Interests document in accordance with FPPC regulations:

- Board of Directors
- Fire Chief
- Fire Officers

## Solicitation of Funds

### 211.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that fundraising activities associated with the District are consistent with its mission, values and legal status. This policy applies to all fundraising activities involving the District or the use of the district name, insignias, equipment or facilities.

#### 211.1.1 DEFINITIONS

Definitions related to this policy include:

**Fundraising** - The collection of money through donations, sales or event programming for the purpose of charitable donation or organizational budget enhancement.

### 211.2 POLICY

It shall be the policy of this district that all fundraising activities involving on-duty members or use of district equipment, and that provide financial benefit to the District, must be authorized by the Fire Chief or the authorized designee prior to initiating solicitations.

Authorized fundraising activities should not indicate or imply that a donation will influence services provided by the District. Members engaged in fundraising activities are expected to act ethically regarding the solicitation of funds, the interaction with donors or potential donors and the maintenance of fundraising records.

Members are prohibited from soliciting any goods or services from local businesses, groups or individuals for the purpose of providing incentives, prizes or give-aways to attendees of district-sponsored or hosted events, or to events when members attend as representatives of the District.

### 211.3 PROCEDURES

Fundraising activities or events involving the District should incorporate the following elements:

- (a) Compliance with applicable federal, state and local laws and regulations
- (b) Compliance with district and governing-body policies
- (c) A benefit to the District that is consistent with the district mission
- (d) An accurate description of the purpose for which funds are requested.
- (e) A limitation on the frequency of solicitations to avoid placing undue pressure on donors
- (f) Identification of the individual soliciting funds as a volunteer, a member of this district or a hired solicitor
- (g) An admonishment that encourages donors to seek independent advice if there is reason to believe that a proposed gift might significantly affect the donor's financial position, taxable income or relationship with other family members.

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### *Solicitation of Funds*

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- (h) The assurance that donor requests to limit the frequency of contacts, to prohibit solicitation by telephone or other technology and to reduce or cease sending printed or electronically transmitted material concerning the District will be honored
- (i) Respect of the donors' privacy and a commitment that the District will not sell or otherwise make available donors' names and contact information

Commercial or corporate sponsorship of fundraising activities or events may be allowed provided that it has been preapproved by the Fire Chief or the authorized designee.

#### **211.4 DISTRICT-SPONSORED EVENTS**

The following also apply to district-sponsored fundraising events:

- (a) Fundraising events should be clearly identified by a sign indicating the name, product, service, price and purpose of the event.
- (b) At least one member should be present during the entire event.
- (c) Individuals participating in the event should be briefed and supervised to ensure their activities are consistent with this policy.
- (d) Individuals participating in the event should not be compensated by a commission or a percentage of the amount collected.
- (e) Funds raised should be deposited no later than the next business day.
- (f) All donors should receive a receipt for the amount of their donation.
- (g) Fundraising activities should not delay emergency response or otherwise compromise the mission of the organization.
- (h) Fundraising that takes place on public-owned or private property will be done with the knowledge and approval of the property custodian or owner.
- (i) Fundraising that occurs on public ways or near roadways will be coordinated with the responsible law enforcement agency for the protection of pedestrians, motorists and event participants.

#### **211.5 FUNDRAISING ON BEHALF OF OTHERS**

Fundraising for the benefit of a non-profit charitable third party (e.g., blood drive, burn victims, surviving families) having no direct affiliation with the District is permissible provided that the fundraising standards and event prerequisites listed above are followed.

Any materials associated with a third-party fundraising activity shall be approved by the Fire Chief or the authorized designee prior to the activity. In addition, there should be a written agreement between the District and the organizers of the activity that includes:

- (a) Written proof that the event is for a charitable purpose.



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### *Solicitation of Funds*

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- (b) Assignment of responsibility to the organizers for all direct costs incurred for the event.
- (c) Assignment of responsibility to the organizers for the collection and reporting of any applicable taxes.
- (d) Written instructions regarding the maintenance of funds raised on behalf of others. The funds shall be maintained in a separate fund and not commingled with other district funds.

The District reserves the right to require additional conditions including, but not limited to, evidence of insurance coverage or appropriate indemnification.

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## Purchasing and Procurement

### 215.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the purchasing and procurement of goods and services.

### 215.2 POLICY

It is the policy of the district to conduct purchasing and procurement in an efficient, cost-effective and transparent manner consistent with federal, state, and local laws, rules, and requirements in order to protect the integrity of the district and maintain public trust.

### 215.3 PURCHASING COORDINATOR

The Fire Chief may designate a member to coordinate district purchases. The member's responsibilities would include:

- (a) Remaining familiar with and updating District purchasing policy and procedures.
- (b) Obtaining authorization from the Fire Chief or the authorized designee for each purchase.
- (c) Reviewing proposed purchases to determine the most appropriate method of procurement.
- (d) If the procurement method selected is one other than competitive bidding, documenting why another method was selected.
- (e) Assisting other members involved with the purchasing and procurement of goods or services in following purchasing requirements and rules applicable to the method of procurement.
- (f) Forwarding all contracts and purchase orders to the Fire Chief or the authorized designee for review, approval, and execution.

### 215.4 AUTHORITY

The District's Board of Directors authorizes the Fire Chief, or a person appointed by the Fire Chief, the authority to purchase, negotiate to purchase or contract for goods, or services, supplies or equipment as necessary for the function and operation for the District. As the purchasing agent for the Fire Chief. If designated, the Purchasing Coordinator must respect and adhere to this chain of authority.

Anyone who orders goods or services without adhering to this authority and following the **205 Purchasing and Procurement Procedure**, may be held financially responsible for payment.

### 215.5 OPEN AND FAIR COMPETITION

Open and Fair competition is a best practice to ensure that all items are procured at a good value. Providing the same purchasing information, (product requirements, terms and conditions,

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## Policy Manual

### *Purchasing and Procurement*

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equivalent brand options, etc.) to all vendors fosters a fair and competitive purchasing process that will benefit the District and maintain positive vendor relationships.

Sole or Single Sourcing should only be done after careful market research and a written determination that no other vendor/brand could possibly provide the benefit and value required. Only the Fire Chief holds the authority for Sole or Single Source procurement.

#### **215.6 INTEGRITY AND CONFIDENTIALITY**

Interactions among District members who are granted purchasing authority and their interactions with vendors will be performed with professionalism, courtesy, integrity and confidentiality at all times. All members are required to report potential conflicts of economic interest even if they are not in a designated classification. All members are disqualified from participating in government decisions in which they have, or appear to have, a financial interest (Government Code § 87100). When a potential conflict of interest situation arises, it must be reported immediately through the chain of command to the member's immediate supervisor and then the District Board Clerk.

#### **215.7 REVIEWS**

The Fire Chief shall review purchasing and procurement activities annually to ensure compliance with the District's own policies and procedures.

## Chapter 6 - Training

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# Health Insurance Portability and Accountability Act (HIPAA) Training

## 609.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure all members receive proper training in recognizing and handling Protected Health Information (PHI), as set forth in the Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations (42 USC § 201 and 45 CFR 164.530).

### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**Health information** - Information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan or employer and relates to a person's past, present or future physical or mental health or condition, or past, present or future payment for the provision of health care (45 CFR 160.103).

**Individually identifiable health information** - Health information, including demographic information, created or received by a covered entity or employer that relates an individual's past, present or future physical or mental health or condition, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, that can either identify the individual or provide a reasonable basis to believe the information can be used to identify the individual (45 CFR 160).

**Protected Health Information (PHI)** - Individually identifiable health information that is created or received by a covered entity or employer. Information is protected whether it is in writing, in an electronic medium or is communicated orally (45 CFR 160).

## 609.2 POLICY

It is the policy of the Mosquito Fire Protection District to provide HIPAA privacy training to all members as necessary and appropriate for their duties, and to apply appropriate sanctions against members who violate the privacy policies and procedures (45 CFR 164.530(b) and 45 CFR 164.530(e)).

It is also the policy of the District that no member shall be retaliated or discriminated against for filing a complaint about violations of the HIPAA regulations (45 CFR 164.530(g)).

## 609.3 TRAINING REQUIREMENTS

To ensure confidentiality and compliance with the HIPAA regulations, the District shall provide training to all members likely to have access to PHI. The training shall be completed for all newly hired members prior to them being allowed access to PHI. Training for all current members shall also occur any time material changes are made to the district's privacy policies and procedures.

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### *Health Insurance Portability and Accountability Act (HIPAA) Training*

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The Training Officer shall be responsible for establishing a periodic schedule for retraining and a method of ensuring that all members acknowledge receipt of all HIPAA training (45 CFR 164.530(b)).

Training should include a review of the:

- (a) District's statutory obligations imposed by HIPAA.
- (b) Patient Medical Record Security and Privacy Policy , including a thorough treatment of the security procedures the District uses to protect written and electronic health information.
- (c) Methods and procedures to be used during the collection of PHI.
- (d) HIPAA-imposed statutory limitations on the dissemination of PHI to the family members of patients.
- (e) Proper procedures when responding to media requests for information regarding incidents at which the District provided medical services.
- (f) Procedures for the secure destruction of written instruments containing PHI, including handwritten field notes, pre-hospital care records or other documents containing PHI.
- (g) Approved method for transferring PHI to receiving hospitals or other receiving medical facilities.
- (h) Photography and Electronic Imaging Policy as it pertains to PHI.
- (i) District's procedures for protecting employee health information.

#### **609.4 TRAINING RECORDS**

The Training Division shall be responsible for maintaining the records of all HIPAA-related training for all members for six years (45 CFR 164.530(j)).

## Training Records

### 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for accumulating and maintaining records of all training provided by the District and all training received by individual district members. This policy shall apply to all training received but particularly training that is mandated by an external force such as a law, statute or regulation.

### 614.2 POLICY

It is the policy of the Mosquito Fire Protection District to maintain comprehensive records of all training provided by the District, and all training received by district members. The Training Officer or the authorized designee shall be responsible for creating and maintaining training records. All members of the District are responsible for assisting the Training Officer in documenting training activities by signing course rosters, submitting certificates of completion from outside training or providing other means of training documentation.

Training records may be documented utilizing either hard copies stored in a traditional filing system or via electronic files. All electronic training records will be redundantly stored using district-approved secure electronic file storage systems.

### 614.3 MASTER TRAINING CALENDAR

The Training Officer will create and maintain an annual master training calendar for the District. This calendar will document all district-provided, regularly scheduled training opportunities. The master training calendar should be a living document, reflecting any changes made in the actual training schedule or actual training opportunities provided throughout the year. The training opportunities in the master training calendar should include, but are not limited to:

- (a) All federal or state mandated training. Examples include courses that address sexual harassment prevention, heat illness prevention, medical records privacy, personal protective equipment, bloodborne pathogens, CPR and hearing protection.
- (b) All federal or state mandated training drills, manipulative drills, skills or equipment testing, including annual audiograms and fit testing for Occupational Safety and Health Administration/National Institute for Occupational Safety and Health (OSHA/NIOSH)-approved masks and respirators.
- (c) All California Incident Command Certification System (CICCS) training provided by the District.
- (d) Specific training and certification for "all-hazards" positions, based on the Incident Command System (ICS), the National Incident Management System (NIMS) or Standardized Emergency Management System (SEMS) courses.
- (e) All NIMS, ICS, SEMS and NIMS-compliant incident management system courses.
- (f) All Emergency Medical Services (EMS) pre-hospital care, continuing education courses or programs provided by the District.

# Mosquito Fire Protection District

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### *Training Records*

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- (g) Any training opportunity scheduled through the Training Division and intended to be provided division-wide to each of the Divisions.
- (h) Any training opportunity utilizing instruction from outside the District.
- (i) Any interagency cooperative training program or activity.
- (j) Any regularly scheduled skills or job performance training and testing evolutions.

Copies of each year's master training calendar will be maintained and retained in the Training Division files based on district-established records retention schedules.

#### **614.4 DISTRICT TRAINING RECORDS**

The Training Officer shall be responsible for maintaining records of all training provided by the District. The information in each record shall include, but is not limited to:

- (a) The course title.
- (b) An outline of the subject matter and specific details of any information mandated by federal or state code, OSHA regulation or other requirement.
- (c) The dates the course was provided to members.
- (d) The instructor names, qualifications and/or certifications.
- (e) Copies of course curriculum, course duration, information sheets or other course content provided to students.
- (f) Copies of course evaluations submitted by students.
- (g) Attendance records for each course session, including each member's name or other identifier.

#### **614.5 INDIVIDUAL TRAINING RECORDS**

The Training Division will create and maintain an individual training file for each member of the District. The training files will be kept separate from the district's personnel files. The member training files should be used to document a member's training courses and training-related programs and activities.

The training files shall not be used to store any work-performance records, member conduct records, member disciplinary records or any other documentation that is not specifically training-related. Information entered into the member training files will be a permanent part of that record. No training information or entries will be removed from the file unless the record is found to be factually incorrect or erroneously entered into that member's training file. Each member's training file will be part of that member's permanent record of activity while employed by the District.

When a member ends employment with the District, that member's training file will be archived and maintained in accordance with the district's established records retention schedule.

Members of the District shall be provided access to their individual training file upon request. A member may request to review his/her training file either verbally or in writing. The Training Officer should facilitate those requests as soon as practicable but in all cases within 21 days of



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the member's request to review his/her file. Members may not add or remove any document or information from the training file without the express approval of the Training Officer. Training Division members shall be allowed to photocopy or otherwise reproduce images of any entries in their individual training file.

Member training files should be organized to readily allow for the retrieval of specific training subject documentation, particularly in regard to documentation of any mandated training subject compliance.

Member training files should contain documentation of all work- or job-related licensing and certification that the member earns, achieves or is awarded. Information regarding member progress toward or application for licensing and certification should also be stored in the member training files. Examples include CICCIS coursework, CICCIS position task books and certification, NIMS certifications, SEMS certifications, California State Fire Marshal certifications, California Office of Emergency Services certifications (OES) and State of California pre-hospital care provider continuing education coursework, licensing and certification records (paramedic and Emergency Medical Technician).

#### **614.6 TRAINING RECORDS FROM PREVIOUS EMPLOYERS**

The Training Officer may request that new members obtain and submit copies of any previous employer training files for inclusion in their Mosquito Fire Protection District training file. All members of the District may submit training records from previous employers to the Training Officer for inclusion in their individual training file. The Training Officer will evaluate any submitted training records obtained during previous employment and will add any pertinent information to the member's training file as appropriate.

#### **614.7 RELEASE OF FORMER MEMBER TRAINING RECORDS**

Upon written request, the individual training file of any former Mosquito Fire Protection District member may be copied and released to either the former member or to a third-party upon receipt of a signed written request from a former member of the District. The written request should include the past member's full name, approximate dates of employment with the District and date of separation from employment with the District. In the event that the former member is requesting that copies of his/her file be sent directly to a third party, the written request should include a statement authorizing the Mosquito Fire Protection District to release copies to the named third party.

## **Chapter 7 - Equipment and Technology**

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## Use of District-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the care and maintenance of district property entrusted to district members and the return of district property at the end of employment or affiliation with the District. This policy also provides guidelines for members to claim damage to or loss of personal property used in an occupational capacity.

### 700.2 POLICY

It is the policy of the Mosquito Fire Protection District to issue equipment to members for the purpose of performing their assigned duties. Members shall be responsible for the safekeeping, serviceable condition, proper care, use and request for replacement of all district property issued or entrusted to their care. A member's intentional or negligent abuse or misuse of district property may lead to discipline, including, but not limited to, the cost of repair or replacement of the property, and up to and including termination.

### 700.3 PROCEDURE

The following procedures shall be in effect regarding district property issued to members:

- (a) Members shall promptly report via the chain of command any loss, damage or unserviceable condition of district-issued property or equipment assigned for member use.
- (b) The use of damaged or unserviceable district property should be discontinued as soon as practicable and a supervisor notified so that the item may be replaced.
- (c) No member should attempt to repair damaged or unserviceable district property without supervisory approval.
- (d) Use of district property should be limited to official purposes in the capacity for which it was designed. Except when otherwise directed and/or required by circumstances, district property shall only be used by the member to whom it was assigned.
- (e) District property shall not be discarded, sold, traded, donated, destroyed or otherwise disposed of without supervisory approval.

#### 700.3.1 SURRENDERING DISTRICT PROPERTY UPON SEPARATION

Members who separate from the District shall return all district property, regardless of its condition. The following guidelines shall apply:

- (a) All district property, including keys, badges, identification cards, radios/pagers, turnouts, electronic devices and any other miscellaneous equipment belonging to the district, shall be returned to the District no later than the member's departure date or as directed by the Fire Chief or the authorized designee.
- (b) A member who fails to return all district property in his/her possession may be required to reimburse the District for the value of the property or may be subject to legal action brought by the District.

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### *Use of District-Owned and Personal Property*

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#### **700.4 FILING CLAIMS FOR PERSONAL PROPERTY**

Members are responsible for exercising reasonable care and caution to avoid damage to or loss of personal property while on-duty. However, consistent with district rules, personal property that is lost or damaged during the proper performance of a member's job duties may be replaced or the cost reimbursed by the District when such loss or damage is not the result of intentional or negligent abuse or misuse by the member.

Any claim for the replacement or cost reimbursement for damage to or loss of a member's personal property must be submitted on the proper claim form to the member's immediate supervisor.

The supervisor is responsible for reviewing the claim to assess whether the lost or damaged property was reasonably required for the proper performance of the member's job duties. The supervisor will make a determination as to whether reasonable care was taken to prevent loss or damage and whether proper procedures were followed just prior to the occurrence of the loss or damage. A supervisor may direct a member to submit additional details in a separate written report, if needed.

If approved, the supervisor will forward the claim and related reports to the Fire Chief, who will determine the appropriate reimbursement value of the property and will forward the claim for payment to the proper entity.

##### **700.4.1 COVERED PERSONAL PROPERTY**

Property that is necessary in the performance of the member's job duties shall be considered a covered item. The age and condition of the damaged or lost property shall be considered when determining replacement or reimbursement value.

##### **700.4.2 EXCLUDED PERSONAL PROPERTY ITEMS**

Members are discouraged from wearing expensive jewelry or watches or bringing personal property items to the workplace that may be damaged, lost or stolen. Personal property that is not eligible for replacement or reimbursement includes:

- (a) Any personal property that is lost or damaged directly or indirectly due to negligence of the member.
- (b) Personal computers, communication devices, cell phones, game consoles or any other electronic devices that the member voluntarily brings to the workplace and that are not required by the District for the performance of the member's duties.
- (c) Any personal property used in place of district-issued property.
- (d) Any jewelry, with the exception of watches, which shall not exceed a \$100 reimbursement.

##### **700.4.3 PERSONAL VEHICLES**

The District will not provide vehicle insurance coverage for members who use their personal vehicles for district business. All members must rely on their personal vehicle insurance carrier for

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## Policy Manual

### *Use of District-Owned and Personal Property*

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replacement or cost reimbursement of damage to or loss of a personal vehicle. Members using a personal vehicle for district business shall have the minimum evidence of financial responsibility required for that vehicle (Vehicle Code § 16056).

#### 700.4.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any district function, regardless of jurisdiction, shall report it as provided below:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as practicable.
- (b) A written report shall be submitted before the member goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

#### 700.4.5 DAMAGE BY PERSON OF ANOTHER AGENCY

If members of another jurisdiction cause damage to real or personal property belonging to the District, it shall be the responsibility of the member present or the member responsible for the property to make a verbal report to his/her immediate supervisor as soon as practicable. The member shall submit a written report before going off-duty or as otherwise directed by the supervisor.

All reports should be completed immediately after the incident or as soon as practicable if extenuating circumstances delay the member's ability to complete the report.

All reports, including the supervisor's written report, shall promptly be forwarded to the Fire Chief.

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# Photography And Electronic Imaging

## 709.1 PURPOSE AND SCOPE

The purpose of this policy is to authorize district members to utilize photography and electronic imaging to document incidents while also protecting the privacy of citizens and ensuring district compliance with the mandates of the Health Insurance Portability and Accountability Act (HIPAA).

This policy establishes legal ownership of all photographs and electronic images collected by district members, establishes the parameters for the types of incidents, subjects and activities that may be photographed or electronically imaged, and establishes restrictions on the use of such photographs and electronic images.

## 709.2 POLICY

It is the policy of the Mosquito Fire Protection District to authorize members to utilize photography and electronic imaging to document incidents and district activities that are subject to compliance with specific regulations, conditions, restrictions and guidelines.

The use of photography or electronic imaging of medical patients, injured victims or other people who are medically evaluated or treated by district members must also comply with the requirements of HIPAA.

The Mosquito Fire Protection District shall respect the privacy rights established in the state and federal constitutions.

## 709.3 OWNERSHIP AND COMMERCIAL USE OF PHOTOGRAPHS AND ELECTRONIC IMAGES

All photographs and electronic images taken by district members while on-duty or acting in an official capacity are the sole property of the District and may not be sold, transferred for commercial use, bartered or otherwise distributed for profit by any member of the District without the express prior approval of the Fire Chief (17 USC § 201).

All photos taken shall be forwarded to the Fire Chief as soon as practical.

## 709.4 AUTHORIZED USE OF PHOTOGRAPHY AND ELECTRONIC IMAGING

### 709.4.1 NON-INCIDENT EVENTS

Photography and electronic imaging may be utilized by district members for non-incident events, including:

- (a) Documentation of district training events, exercises, lectures, classes or activities, and all fire academy-related activities.
- (b) Documentation of internal district events and activities, such as promotional ceremonies, member recognition or award presentations, meetings, seminars, workshops and other activities involving district members.

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## Policy Manual

### *Photography And Electronic Imaging*

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- (c) Documentation of public events, such as safety seminars, fire station open house events, Administration education events and activities, school safety presentations and club or service organization events.
- (d) Documentation of all district vehicles, apparatus, tools and equipment, facilities and other district-owned property.
- (e) Creating and maintaining a photo/image bank depicting all district members.
- (f) Documentation of all buildings, structures, facilities, infrastructure components, landmarks and recreational areas within the district's jurisdiction for later use in disaster mitigation, recovery and cost-recovery efforts.
- (g) To document any condition, activity or event related to the district's code enforcement responsibilities.
- (h) To document inspections, code compliance activities or any other activity of Administration.
- (i) Unless prohibited elsewhere in this policy, to document any district activity for future use in training.
- (j) For any other purpose authorized by the Fire Chief.

#### 709.4.2 INCIDENT-RELATED EVENTS

Photography and electronic imaging may be utilized by district members at incident scenes, including:

- (a) Documentation of the conditions on arrival and during suppression activities at any fire incident.
- (b) Documentation of fire, smoke, water, structural collapse or any other damage or conditions resulting from any fire or fire-related event.
- (c) Documentation of people at the scene of a fire or a fire-related incident for the purpose of future investigation.
- (d) Documentation of anything of evidentiary value found at a fire or incident scene where any type of investigation may be initiated.
- (e) Documentation of the location, position, trauma, injuries or any other factor of investigative interest related to deceased victims at a fire or fire-related incident or other incidents.
- (f) Documentation of the condition of vehicles, apparatus, bicycles or other items involved in collisions, accidents, entrapments or other rescue or medical events.
- (g) Documentation of the extrication of trapped individuals in any rescue situation.

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### *Photography And Electronic Imaging*

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- (h) Documentation of the cause, location, extent, severity and nature of traumatic injuries of patients at the scene. These images may be transferred to the receiving physician, nurse or other authorized representative who assumes medical care for the patient.
- (i) Documentation of all aspects of any incident involving hazardous materials.
- (j) Documentation of severe weather events, including any damage, injuries or fatalities caused by such events.
- (k) Documentation of any other event, situation or activity as deemed appropriate and necessary by the Incident Commander of any event.

#### **709.5 PROHIBITED USE OF PHOTOGRAPHY OR ELECTRONIC IMAGING**

District members are prohibited from using photography or electronic imaging except as permitted in this policy.

Prohibited use of photography or electronic imaging shall include, but is not limited to:

- (a) Photographs and/or electronic images may not be taken, transmitted or used in violation of any HIPAA regulation.
- (b) Photographs and/or electronic images may not be taken, transmitted or used for personal purposes.
- (c) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images should be taken inside a private residence during a non-traumatic medical aid incident.
- (d) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images should be taken of a minor (under 18 years of age) patient resulting from a medical aid response.
- (e) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images depicting patient genitalia or the exposed breasts of female patients should be taken by district members.
- (f) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photograph or electronic image should be taken of a patient being treated by district members if the person expresses or indicates that he/she does not wish to be photographed. In the event that the need arises to take a photograph or electronic image of a medical patient against the patient's wishes, the medical need for taking the image will be explained to the patient with a witness present. Details regarding the need for the photograph or electronic image, the explanation provided to the patient and the identity of the witness present shall be included in a patient care report and/or incident report for the response.



## Non-Official Use of District Property

### 710.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the non-official use of district property. District property includes, but is not limited to, all portable pumps, chain saws, rescue saws, generators, fire hoses, hose adapters, suction hoses, ladders, rescue equipment, small tools or any power driven tools.

### 710.2 POLICY

The personal use of district property is not authorized. No equipment shall be loaned or used by a member for any purpose other than official district business without the express prior approval of a District Officer.

Requests from water companies or other District agencies for hose adapters or other equipment should be forwarded to the appropriate District Officer for consideration.

## **Chapter 8 - Records Management**

# Patient Medical Record Security and Privacy

## 803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish appropriate administrative, technical, and physical safeguards for patient medical records and to provide reasonable safeguards against prohibited uses and disclosures of protected health information (PHI) in accordance with federal and state law, to include the following:

- Health Insurance Portability and Accountability Act (HIPAA) (42 USC § 201 et seq.)
- California Confidentiality of Medical Information Act (CMIA) (Civil Code § 56 et seq.)
- Health and Safety Code § 1797.220
- Health and Safety Code § 1798

### 803.1.1 DEFINITIONS

Definitions related to this policy include:

**Health information** - Any information, whether oral or recorded in any form or medium, that is created or received by the District and relates to a person's past, present, or future physical or mental health or condition, or past, present, or future payment for the provision of health care to a person (45 CFR 160.103).

**Individually identifiable health information** - Health information, including demographic information, created or received by the District that relates to an individual's past, present, or future physical or mental health or condition, the provision of health care to the individual, or the past, present, or future payment for the provision of health care to an individual that can either identify the individual or provide a reasonable basis to believe the information can be used to identify the individual (45 CFR 160.103).

**Limited data set** - PHI that excludes the following direct identifiers of an individual or of relatives, employers, or household members of the individual (45 CFR 164.514(e)):

- Names
- Postal address information, other than town or city, state, and zip code
- Telephone or fax numbers
- Email addresses
- Social Security numbers
- Medical record numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate or license numbers

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### *Patient Medical Record Security and Privacy*

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- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full-face photographic images and/or any comparable images

**Patient medical records** - District records or data containing any information identifying a patient.

**Protected health information (PHI)** - Individually identifiable health information that is created or received by the District. Information is protected whether it is in writing, in an electronic form, or communicated orally (45 CFR 160.103).

**Protected personal information (PPI)** - Information that includes but is not limited to PHI, pictures or other forms of voice or image recording, patient address, telephone numbers, Social Security number, date of birth, age, or any other information that could be reasonably used to uniquely identify the patient or that could result in identity theft if released for unauthorized purposes or to unauthorized personnel.

#### **803.2 POLICY**

It is the policy of the District to reasonably safeguard PHI and comply with the HIPAA and the implementing regulations through the use of policy and procedures, system access security and passwords, and limited physical access to hard copy files (45 CFR 164.530(c)).

#### **803.3 RESPONSIBILITIES**

Members shall protect the security, confidentiality, and privacy of all patient medical records in their custody at all times.

Possessing, releasing, or distributing PPI, including for unauthorized purposes, is prohibited and may violate the HIPAA and/or other applicable laws. Members who have not received district training on the proper handling of these records shall not access patient medical records.

Members with occupational access to patient medical records shall be trained in the proper handling of PHI in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Training Policy and shall reasonably ensure that no unauthorized person shall have access to PHI without the valid authorization of the patient, except as provided by law (45 CFR 164.530(b); 45 CFR 164.512; Welfare and Institutions Code § 5328(24)).

#### **803.4 PRIVACY OFFICER**

The Fire Chief shall designate a privacy officer who is responsible for all matters relating to the privacy of patient medical information, including PHI. The privacy officer shall (45 CFR 164.530):

- (a) Identify who may have access to PPI and PHI.

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### *Patient Medical Record Security and Privacy*

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- (b) Resolve complaints under the HIPAA.
- (c) Mitigate to the extent practicable any harmful effects known to the District regarding any use or disclosure of PHI in violation of this policy or the HIPAA regulations.
- (d) Ensure members are trained in the proper handling of PHI in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Training Policy.
- (e) Ensure technical and physical safeguards are implemented to maintain security and confidentiality of PHI and to allow access to PHI only to those persons or software programs that have been granted access rights.

#### **803.5 PROCEDURE**

Records containing PHI or PPI, including Pre-Hospital Care Reports (PCRs), shall be kept out of view unless the report is being completed during an incident, during transfer of care, during input of information into the National Fire Incident Reporting System (NFIRS), or during processing or review at Mosquito Fire Protection District facilities by authorized personnel (45 CFR 164.530(c)).

#### **803.6 SECURITY**

All patient records containing PHI or PPI shall be kept secure at all times whether the record is in written, verbal, electronic, or any other visual or audible format (45 CFR 164.306(a)).

Documents provided by a patient or caregiver will receive the same level of confidentiality and security as district records during the time district personnel retain possession of the documents.

No patient record, including documents and electronic images containing PHI, shall be visible to the public.

##### **803.6.1 ELECTRONIC PHI SECURITY**

All computer workstations and servers within the District shall require appropriate security measures, such as user identification and login passwords, to access electronic documents, including electronic PHI (45 CFR 164.308(a)(5)).

Members with access to electronic data shall lock their workstations when left unattended and shall shut down their workstations when leaving for the day to prevent unauthorized access to electronic PHI (45 CFR 164.310; 45 CFR 164.312).

Remote access to district computer workstations requires that appropriate security measures be provided for access to PHI (45 CFR 164.312).

PHI may be transmitted electronically, provided the transmission occurs through a secure process that allows end-to-end authentication and the recipient is authorized to receive the information. Electronic transmission consists of email, file transfer protocol, internet web posting, and any configurable data stream. End-to-end authentication is accomplished when the electronic referral does not leave a secure network environment and the recipient is known, or when encryption and authentication measures are used between sender and recipient, thus verifying full receipt by

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the recipient. Any electronic PHI traveling outside a secure network environment, via the internet, requires encryption and authentication measures (45 CFR 164.312(e)).

#### 803.6.2 HARD COPIES

Hard copies of PCRs shall be kept in a secured area when unattended by authorized personnel. An area of the District is considered unattended when members are physically outside of the area and unable to maintain record security. This includes but is not limited to breaks, lunch, and meetings outside the District.

Hard copies of PCRs should be stored in a locked area whenever practicable for ease of record retention and retrieval.

Patient records shall not be removed from the District without express authorization from the Custodian of Records.

#### **803.7 PHI RECORD REQUESTS**

The following procedures apply to PHI record requests:

- (a) Requests and subpoenas for copies of patient records shall be processed by the Custodian of Records.
- (b) The Custodian of Records or the authorized designee shall not release records containing PHI without a properly completed authorization to release medical records that is signed by the patient or legal representative of the patient.
  1. Verification that the person completing the authorization is the patient or the legal representative of the patient shall be made with government-issued identification and documentation (45 CFR 164.508(c)).
- (c) Unless the request for records is from the patient or the parent of a minor patient, PHI shall be redacted from the record. A photocopy of the record shall be distributed to the requestor.
- (d) Requests for records via a valid subpoena do not require that PHI be redacted.
- (e) Fulfilled records requests shall be placed in a sealed envelope for release to the requestor.
- (f) A full copy of the valid subpoena or authorization to release medical records form shall be maintained in the file with the PCR.

#### 803.7.1 PROHIBITED DISCLOSURES OF PHI AND PPI

The District shall not use or disclose PHI or PPI without authorization. Prohibited disclosures include any form of communication, except as permitted in this policy, including but not limited to (45 CFR 160.103):

- (a) PHI or PPI contained in email or other forms of written communication.
- (b) Sharing of PHI or PPI on any website, blog, or other form of social or public media.
- (c) Verbal discussions.

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- (d) The use of any imaging device capable of capturing and storing still or moving images, such as digital or other cameras, video cameras, cellular telephones with picture-taking or video-recording capability, or any other device with picture-taking or video-recording capability, while engaged in patient care, while at the scene of a medical emergency or hospital, or at any time when such use could reasonably be expected to result in the inappropriate capture of PHI or PPI.

#### 803.7.2 PERMITTED DISCLOSURES OF PHI AND PPI

The Custodian of Records may release records containing PHI or PPI without authorization from the patient under any of the following circumstances:

- (a) For the district's use to carry out treatment, payment, or health care operations (45 CFR 164.506)
- (b) Where the PHI is requested pursuant to a valid subpoena or court order (45 CFR 164.512(e))
- (c) Where the PHI is part of a limited data set (45 CFR 164.514(e))
- (d) Where the PHI is used for public health activities authorized by law, including when the information is necessary to report child abuse or neglect (45 CFR 164.512(b))
- (e) Where the PHI is disclosed to a government authority because the person is believed to be a victim of abuse, neglect, or domestic violence (45 CFR 164.512(c))
- (f) To law enforcement as provided in this policy (45 CFR 164.512(f))
- (g) Where the District believes that disclosure of the information is necessary to avert a serious threat to the health or safety of a person or the public (45 CFR 164.512(j))
- (h) Where the PHI is required for workers' compensation purposes (45 CFR 164.512(l))

#### 803.7.3 REQUIRED DISCLOSURES

The District must disclose PHI when:

- (a) The PHI is requested by and provided to the individual to whom the PHI belongs (45 CFR 164.502(a)(2)).
- (b) The information is required by the U.S. Secretary of Health and Human Services to investigate compliance with HIPAA (45 CFR 164.502(a)(2)).

#### 803.7.4 SUBPOENAS

Records containing PHI or PPI will be disclosed only if one of the following is present (45 CFR 164.512(e)(1)):

- (a) A court order or subpoena signed (or stamped) by a judge that requires no additional assurances or notification to the individual whose records are requested.
- (b) A subpoena or discovery order signed by an attorney which requires additional proof of service that written notification has been given to the individual whose records are requested. In such a case, the subpoena or discovery order must be accompanied by one of the following:
  1. A qualified protective order.

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### *Patient Medical Record Security and Privacy*

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2. A notice to consumer (Code of Civil Procedure § 1985.3) or a declaration by the requesting party showing that reasonable efforts have been made to ensure that notice has been provided to the individual whose records are being requested.
  - (a) No records relating to the person named in the notice will be produced until the time to respond to the notice has lapsed and no objections to the production of the materials requested have been made. If a notice to consumer is not provided, the declaration must establish that:
    1. The requesting party has made a good faith effort to provide written notice to the individual.
    2. The notice includes sufficient information about the litigation or proceeding for which the PHI is requested to allow the individual to raise an objection.
    3. The time for the individual to raise objections to the court or tribunal has elapsed.
    4. No objections were filed or all objections have been resolved.
  - (b) In lieu of a declaration, records may be released if there is a court order or a stipulation by the parties to the litigation that both (45 CFR 164.512(e)(1)(v)):
    1. Prohibits the parties from using or disclosing the PHI for any purpose other than the litigation or proceeding for which such information was requested.
    2. Requires the return to the District or destruction of the PHI (including all copies made) at the end of the litigation or proceeding.

#### 803.7.5 RELEASE OF PHI TO LAW ENFORCEMENT

The release of PHI to a law enforcement agency is permitted under the following circumstances:

- (a) In response to a law enforcement officer who completes the district's release of PHI to law enforcement form and requires the PHI (45 CFR 164.512(f)(1)):
  1. To report certain types of wounds or other physical injuries.
  2. In compliance with a court order or court-ordered warrant, subpoena, or summons, a grand jury subpoena, or an administrative request.
- (b) In response to a law enforcement officer who completes the district's release of PHI to law enforcement form for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person. In such a case, the District may only disclose the following PHI (45 CFR 164.512(f)(2)):
  1. Name and address
  2. Date and place of birth
  3. Social Security number
  4. ABO blood type and Rh factor



## *Patient Medical Record Security and Privacy*

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5. The character and extent of injuries
6. Date and time of treatment
7. Date and time of death, if applicable
8. A description of distinguishing physical characteristics

### **803.8 INDIVIDUAL RIGHTS**

The privacy officer is responsible for ensuring the District complies with all of the following rights of patients:

- (a) The right to request restrictions on certain uses and disclosures of PHI (45 CFR 164.522(a))
- (b) The right to receive their PHI confidentially (45 CFR 164.522(b))
- (c) The right to inspect and copy their PHI (45 CFR 164.524)
- (d) The right to request amendments to their PHI (45 CFR 164.526)
- (e) The right to receive an account of disclosures of PHI (45 CFR 164.528)

#### **803.8.1 PHI AMENDMENT REQUESTS**

Patients have the right to review their PHI records and, if necessary, request that amendments be made. A patient must make a request in writing to have his/her medical record amended. Included in the request must be the patient's account of the incident and what specific amendment is being requested (45 CFR 164.526(b)(1)).

The privacy officer has the authority to deny the request for amendment where the PHI (45 CFR 164.526(a)(2)):

- (a) Was not created by the District.
- (b) Is not part of the designated record.
- (c) Is not available for inspection by the requestor pursuant to 45 CFR 164.524.
- (d) Is accurate and complete.

Within 60 days of receipt of the request for amendment, the privacy officer must provide the basis for its denial in writing or, in the case that the request is approved, provide notice of approval (45 CFR 164.526(b)(2)).

The time for response may be extended for up to 30 days with a written statement to the requestor identifying the reasons for the delay and the date by which the action will be completed (45 CFR 164.526(b)(2)).

## Record Retention

### 804.1 PURPOSE

The purpose of this policy is to provide guidelines, consistent with legal requirements, for the retention and disposition of records, papers and documents in the possession of the Mosquito Fire Protection District.

### 804.2 POLICY

This policy applies to "original" records, papers and documents. Non-original items (copies) may be disposed of when they are of no further value to the district. Additionally, original items, which are more than two (2) years old and required to be maintained for a longer period by statute, may be copied to photographic or electronic media and then the original item destroyed.

### 804.3 AUTHORITY

Sections 60200-60203 of the California Government Code grants the legislative body of any special district the power to dispose of records, papers and documents which are in the files of the district.

### 804.4 DISPOSITION PROCEDURE

The Board, at their pleasure, shall direct the Secretary to examine the District's files and identify all records, papers and documents, which are candidates for destruction based upon the retention schedule specified in this policy. The Secretary shall then prepare a resolution for Board adoption, which identifies, in general, the items to be destroyed and authorizes their destruction.

### 804.5 PERSONNEL & TRAINING

District Employees - Current	On-going
District Employees - Former	5 Years
Volunteers - Current	On-going
Volunteers - Former	5 Years
Workers' Comp. Injury Report- Current Employee/ Volunteer	On-going
Workers' Comp. Injury Report- Former Employee/ Volunteer	5 Years
HazMat Exposure Reports	Indefinite
DMV Pull Notices - Current Employees/Volunteers	On-going
DMV Pull Notices - Former Employees/Volunteers	2 Years

### 804.6 RECORD, PAPER OR DOCUMENT

CFIRS - Loss exceeds \$50,000	Indefinite
CFIRS - Loss less than \$50,000	7 Years
Medical Aid Response	3 Years

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### *Record Retention*

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Wild land Fire	3 Years
All other Response Reports	2 Years

#### **804.7 DISTRICT EQUIPMENT**

Maintenance Logs of Active Equipment	On-going
Maintenance Logs of In-Active Equipment	2 Years
Accident/Damage Reports	2 Years

#### **804.8 ADMINISTRATIVE RECORDS**

General Correspondence Received	2 Years
General Correspondence Sent	3 Years
Attorney-Client Correspondence Received/Sent	Indefinite
Minutes of Regular and Special Board Meetings	Indefinite
Board Resolutions	Indefinite
Formation of the District	Indefinite
Station Log Books	3 Years
Chief's Monthly Report to Board	2 Years
Mutual Aid and Service Agreements - Active	On-going
Mutual Aid and Service Agreements - Inactive	2 Years

#### **804.9 FISCAL RECORDS**

Adopted Annual Budget	Indefinite
Annual Independent Audit Report	Indefinite
Petty Cash Check Register	3 Years
Petty Cash Bank Statements	3 Years
Purchase Orders/Contracts	2 Years

## **Chapter 10 - Personnel**

## **Discriminatory Harassment**

### **1012.1 PURPOSE AND SCOPE**

The purpose of this policy is to prevent district members from being subjected to discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### **1012.2 POLICY**

The Mosquito Fire Protection District is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The District will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The District will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the District may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### **1012.3 DEFINITIONS**

Definitions related to this policy include:

#### **1012.3.1 DISCRIMINATION**

The District prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or district equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to district policy and to a work environment that is free of discrimination.

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### *Discriminatory Harassment*

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#### 1012.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 1012.3.3 SEXUAL HARASSMENT

The District prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### 1012.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the California Civil Rights Department guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with District or district rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **1012.4 RESPONSIBILITIES**

This policy applies to all district members who shall follow the intent of these guidelines in a manner that reflects district policy, professional standards, and the best interest of the Mosquito Fire Protection District and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Fire Chief, the Fire Chief, or the Board of Directors.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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### *Discriminatory Harassment*

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

#### 1012.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Fire Chief, the Fire Chief, the Board of Directors, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### 1012.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Fire Chief and the Board President in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 1012.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the District and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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#### **1012.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Mosquito Fire Protection District that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### **1012.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **1012.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Fire Chief, the Fire Chief, or the Board of Directors.

##### **1012.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the District. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **1012.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Fire Chief. The outcome of all reports shall be:



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### *Discriminatory Harassment*

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- (a) Approved by the Fire Chief, the Board of Directors, or the Fire Chief, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

#### 1012.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

#### **1012.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the District.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

#### 1012.7.1 STATE-REQUIRED TRAINING

The Training Officer should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Officer should ensure that employees are provided the website address for the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

#### 1012.7.2 TRAINING RECORDS

The Training Officer shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

#### **1012.8 REQUIRED POSTERS**

The District shall display the required poster regarding discrimination, harassment, and transgender rights in a prominent and accessible location for members (Government Code § 12950).

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## Conduct and Behavior

### 1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to prevent activities or behaviors that may lead to disciplinary actions or dismissal.

### 1013.2 POLICY

It is the policy of this district that its members strive to attain the highest professional standard of conduct and discharge their duties in a courteous and professional manner.

### 1013.3 PROFESSIONAL CONDUCT

All members should be governed by the ordinary and reasonable rules of behavior observed by law-abiding citizens, and should conduct themselves at all times in such manner as to reflect favorably on the District. Conduct unbecoming a member shall include that which discredits the District or the person as a member of the District or which impairs the operation or efficiency of the District or its members.

All members should conduct themselves in a manner that will not impair the good order and discipline of the District. Members should not, while on-duty, be insubordinate, indulge in offensive, obscene or uncivil language, verbal or physical altercations or threats thereof or conduct which might cause injury to another person.

Additionally, all members will familiarize and conduct themselves according to the National Society of Executive Fire Officers' **Firefighter Code of Ethics**, both on and off duty.

[See attachment: Firefighter Code of Ethics.pdf](#)

### 1013.4 INTERACTION WITH THE PUBLIC

In the performance of their duties, members should be courteous to the public and tactful. They should control their tempers, exercise reasonable patience and discretion, and should not engage in any argumentative discussions even when provoked.

In the performance of their duties, members should not use coarse, violent, profane, or insolent language or gestures, and should not express prejudice or discrimination (Government Code § 12940 et seq.).

### 1013.5 COURTESY TO MEMBERS

Members should be courteous and respectful in their relations with all members of the District. Members shall not use coarse, violent, profane, or insolent language or gestures, and shall not express prejudice or discrimination (Government Code § 12940 et seq.).

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#### **1013.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful, is prohibited.

#### **1013.7 CONFORMANCE TO LAWS**

Members shall obey all laws of the United States and of any state and local jurisdiction in which the member is present.

#### **1013.8 DEROGATORY OR MALICIOUS STATEMENTS**

Members should not be a party to any malicious gossip, report or activity which would tend to disrupt district morale or bring discredit to the District or any member thereof. Member questions concerning district policy, activities, officers and/or safety issues shall be submitted by official written communication to the member's immediate supervisor or Fire Chief.

#### **1013.9 POLITICAL ACTIVITY**

Members should not engage in political activities of any kind while on-duty. Members are also prohibited from engaging in any political activity off-duty while wearing any uniform items or equipment that could identify them as members of the District.

#### **1013.10 SEXUAL ACTIVITY**

Members should not engage in any sexual activity while on-duty. This includes use of any electronic device to communicate or receive messages, photos or any other content of a sexual or provocative nature.

#### **1013.11 ILLEGAL GAMBLING**

Members should not engage or participate in any form of illegal gambling at any time while on-duty. This includes accessing gaming websites from computers or any electronic device, whether district-issued or owned by the member.

#### **1013.12 GIFTS AND GRATUITIES**

With the exception of approved fundraising activities, members should not solicit or accept any gift, including money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with the District.

If it may reasonably be inferred that the person, business, or organization seeks to influence the actions of an official or seeks to affect the performance of an official while on-duty, the incident should be immediately reported to the next level supervisor. This rule does not take the place of

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any relevant requirements applicable to individuals under Government Code § 1090 et seq. or the State Political Reform Act, Government Code § 87100 et seq.

#### **1013.13 OFFERS OF DONATIONS AND GIFTS OF THE HEART**

Members who are approached with monetary donations shall direct the person or entity to Administration for instruction on proper ways to donate.

At no time should a member accept any monetary donation or gift for personal use. If a citizen offers a gift of a non-monetary nature, such as food or product, the gift shall be placed in an area of the station or office to be shared by all members.

At no time shall a member consider a gift of the heart as a personal present.

#### **1013.14 ABUSE OF POSITION**

Members should not use their official positions, official identification cards, or badges to avoid the consequences of illegal acts or for other non-work-related personal gain. Members shall not lend to another person their identification cards or badges or permit their identification cards or badges to be photographed or reproduced without the approval of the Fire Chief.

Members should not authorize the use of their name, photograph, or official title that identifies them as district members (e.g., in connection with testimonials or advertisements of any commodity or commercial enterprise) without the approval of the Fire Chief.

#### **1013.15 PUBLIC STATEMENTS AND APPEARANCES**

Members should not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, or release or divulge investigative information or information on any other matter of the District while presenting themselves or in any way identifying themselves as representing the District, without the approval of the Fire Chief.

## Grievance Procedure

### 1020.1 PURPOSE AND SCOPE

This policy establishes processes for resolving disputes or concerns regarding conditions of employment or violations of District policy, procedures, rules or regulations.

This policy does not apply to complaints related to alleged acts of discrimination or harassment or complaints of discrimination on the basis of other protected categories subject to the Discriminatory Harassment Policy. This policy also does not apply to complaints consisting of any alleged misconduct or improper job performance by any member that, if true, would constitute a violation of federal, state or local law.

This grievance procedure shall not apply to any member for any discipline action or prohibit adverse administrative action taken for legitimate non-discriminatory or non-retaliatory reasons, including for-cause discipline.

The procedures set forth herein are intended to supplement and not limit a member's access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state law, local ordinance or collective bargaining agreement.

#### 1020.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of District policy, procedures, rules or regulations.

Grievances may be brought by an individual member.

### 1020.2 POLICY

It is the policy of this district that all grievances be handled quickly and fairly without retaliation against a member who files a grievance, whether or not there is a basis for the grievance. It is the philosophy of this district to promote free verbal communication between members and supervisors.

### 1020.3 RETALIATION PROHIBITED

No member may retaliate against any person for reporting or making a complaint under this policy or participating in any investigation pursuant to this policy or any other policy in this policy manual.

Members found to be in violation of this policy are subject to discipline. Supervisors who condone or ignore violations of this policy or otherwise fail to take appropriate action to enforce this policy are also subject to discipline.

### 1020.4 PROCEDURE

Grievances, as defined above, should be resolved using the following procedure.

# Mosquito Fire Protection District

## Policy Manual

### *Grievance Procedure*

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#### 1020.4.1 COMMUNICATING GRIEVANCES

Members are encouraged to communicate with command personnel regarding any workplace problem or issue they feel needs immediate attention. Generally, any concern about a workplace situation should be first raised with the member's immediate supervisor unless that supervisor is part of the member's concern. It is recognized, however, that there may be occasions where the use of the normal chain of command may not be appropriate.

Any member who feels threatened in any manner or is otherwise concerned about reporting to his/her immediate supervisor may report this information directly to the Fire Chief or Administration without first reporting the information to their immediate supervisor or following the chain of command.

This alternate process shall not be used to circumvent or avoid addressing issues through the normal chain of command.

#### 1020.4.2 GRIEVANCE RECEIPT

Upon receipt of a written grievance, the receiving supervisor will promptly document the grievance, initiate the investigative process and ensure that the appropriate supervisors and the Fire Chief are notified.

The supervisor receiving the grievance shall explain to the grieving member how the matter will be handled.

#### 1020.4.3 RESOLVING GRIEVANCES

- (a) Supervisors receiving grievances should attempt to resolve the issue through informal discussion with the member.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the member may request a meeting with the Captain or immediate next level of supervision.
- (c) If a successful resolution is not found with the Captain, the member may request a meeting with the Fire Chief.
- (d) If the member and the Fire Chief are unable to arrive at a mutual solution, then the member shall proceed as follows:
  1. Deliver one copy of the grievance to the Fire Chief and another copy to the immediate supervisor and include the following information:
    - (a) The basis for the grievance, including what District policy, procedure, rules or regulations have allegedly been violated.
    - (b) What remedy or goal is being sought by this grievance
- (e) The Fire Chief or designee will review and analyze the facts or allegations and respond to the member within 14 calendar days. The response shall identify any corrective measures or other remedies as appropriate.

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## Policy Manual

### *Grievance Procedure*

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#### 1020.4.4 APPEALING GRIEVANCES

Within 7 calendar days of service of the written response from the Fire Chief or designee, the member may submit a written appeal to the Fire Chief stating why the member disagrees with the Fire Chief's response, including:

- (a) any reason why the member believes the Fire Chief has misapplied District policy, procedures, rules or regulations;
- (b) any reason why the member disagrees with the Fire Chief's factual conclusions;
- (c) any reason why the member believes that any corrective measures or other remedies are inappropriate or insufficient

The member's written statement of the grievance, the Fire Chief's written response, and the member's written appeal shall be presented to the Board of Directors.

The Board of Directors shall consider the member's appeal at an upcoming regular meeting of the Board, and in no event later than the second regular meeting after the member files his or her appeal with the Fire Chief unless the member agrees to an extension of time. The Board of Directors may, at its discretion, invite the member to address the Board. Once the Board has considered the member's appeal, the Board or designee will notify the member in writing of the Board's decision on the member's appeal within 14 calendar days. The Board of Director's decision is final and binding on all parties.

#### **1020.5 RESPONSIBILITIES**

##### 1020.5.1 MEMBER RESPONSIBILITIES

This policy is intended to support efforts to identify and remediate when appropriate, workplace issues. Members are encouraged to identify workplace issues to bring about positive change in the District. Members shall act in good faith and not file trivial grievances or grievances intended to harass or deflect scrutiny or blame to another.

Members shall make reasonable efforts to verify facts before making a grievance. Members shall not report or threaten to report information or a grievance knowing it to be false, with willful or reckless regard for the truth or falsity of the information or otherwise made in bad faith.

When making a grievance, members should provide as much information as possible and should cooperate fully with all investigations. Members shall maintain the confidentiality of any statements made in conjunction with an active grievance pursuant to this policy. This provision is not intended to diminish a member's rights or remedies afforded by applicable federal law or constitutional provision.

Any member who believes that he/she has been subjected to reprisal or retaliation should immediately report the matter to a supervisor in the member's chain of command.

##### 1020.5.2 SUPERVISORS

Supervisors should make reasonable efforts to identify and remediate workplace issues and bring about positive change in the District before issues escalate to the grievance level. Once a member

# Mosquito Fire Protection District

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### *Grievance Procedure*

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has made the decision to file a grievance, supervisors shall not attempt to discourage the member, shall accept grievances and shall ensure that reasonable efforts are made to reach a prompt and fair resolution.

Supervisory personnel will:

- (a) Document all grievances received and all steps taken to resolve the issue.
- (b) Forward the documentation to the Fire Chief through the chain of command.
- (c) Monitor the work environment to ensure that any member making a grievance is treated with respect and no differently than any other member.

#### **1020.5.3 COMMAND STAFF**

Command staff shall ensure prompt resolution of all grievances, including the following:

- (a) Timely grievance recognition and acceptance
- (b) Appropriate documentation of the process and investigation
- (c) Remediation of any inappropriate conduct or condition and the implementation of measures to minimize the likelihood of reoccurrence
- (d) Timely communication of the outcome to the grieving member

#### **1020.6 MEMBER REPRESENTATION**

Members are entitled to have representation during the grievance process and may seek advice, counsel or the assistance of other members or representatives in their presentation of a grievance.

#### **1020.7 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration.

#### **1020.8 GRIEVANCE AUDITS**

#### **1020.9 CONTINUOUS IMPROVEMENT**

In the event that the grievance identifies a problem in existing policies, procedures, rules or regulations, action should be taken as soon as practical to rectify any related process deficiencies.



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## Drug and Alcohol Free Workplace

### 1027.1 PURPOSE AND SCOPE

The Mosquito Fire Protection District has zero-tolerance for and prohibits the use of drugs and alcohol in the workplace in order to provide a safer work environment for members and to protect the public's safety and welfare. Members are also prohibited from responding to District calls for service after they have consumed alcohol or any prescribed medication which could cause impairment. This policy applies to all members when they are on District property or when performing District-related business elsewhere (41 USC § 8103).

### 1027.2 POLICY

It is the policy of the Mosquito Fire Protection District to provide a drug-free workplace for all members.

### 1027.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on district time can endanger the health and safety of district members and the public.

Members who have consumed any amount of an alcoholic beverage, cannabis, controlled substance (21 USC § 812), prescription medication, or a combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Fire Chief or the appropriate supervisor as soon as they are aware that they will not be able to report to work. If a member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1027.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Members who are medically required or need to take any such medication shall report that need to their immediate supervisor prior to commencing any on-duty status.

#### 1027.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 1027.4 EMPLOYEE ASSISTANCE PROGRAM

A voluntary employee assistance program may be available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Administration, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

## *Drug and Alcohol Free Workplace*

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### **1027.5 WORK RESTRICTIONS**

If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and request that a Captain respond to the location of the impaired member. The Captain shall ensure the member is transported to a safe location and that the continuity of district operations is maintained.

### **1027.6 REQUESTING SCREENING TESTS**

A supervisor or Captain may request that an employee submit to a screening test under any of the following circumstances:

- (a) The supervisor or Captain reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) During the performance of duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to the employee or another person or substantial damage to property.

#### **1027.6.1 CAPTAIN RESPONSIBILITY**

The Captain shall ensure written records are prepared documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### **1027.6.2 SCREENING TEST DISPOSITION**

Employees may be subject to disciplinary action if they:

- (a) Fail or refuse to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fail to provide proof, within 72 hours after being requested, that they took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name.
- (c) Violate any provisions of this policy.

# Mosquito Fire Protection District

## Policy Manual

### *Drug and Alcohol Free Workplace*

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#### **1027.7 MEMBER RESPONSIBILITIES**

Members shall come to work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on district premises or on district time (41 USC § 8103). Members shall notify the Fire Chief when they have reason to believe that alcohol or controlled substances are in physical possession or located on District premises. The District has the right to search all lockers, living quarters and items brought onto District property. A member shall not be physically searched without prior consent and in the presence of an independent witness.

Members shall notify a supervisor immediately if they observe behavior or other evidence they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

##### **1027.7.1 EXCLUSIONS**

The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

The lawful possession or use of alcohol by citizens or off-duty members on District property during a sanctioned community event, is also excluded from this prohibition.

#### **1027.8 CONFIDENTIALITY**

The District recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

#### **1027.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the District will take appropriate disciplinary action, up to and including dismissal and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

## Uniform Regulations

### 1029.1 PURPOSE AND SCOPE

The purpose of this policy is to establish uniform regulations for members in order to enhance the district's overall professional and positive image.

### 1029.2 POLICY

It is the policy of the Mosquito Fire Protection District that members shall wear the proper uniform at all times when on-duty or engaged in district-related activities off-duty. Members shall maintain an adequate supply of uniforms to meet the needs of their assignment and maintain the uniforms in an acceptable condition. This policy does not supersede district regulations regarding the use of any personal protective equipment (PPE).

Any variance to this policy should be at the direction of the Chief.

### 1029.3 STANDARD WORK UNIFORM

The standard work uniform for captains, engineers, and firefighters shall consist of a navy blue short- or long-sleeve shirt (with black buttons), navy blue trousers, district-issued badge, standard black belt and black leather or approved wildland boots.

The standard work uniform shall be worn as directed. Members are not required to wear the standard work uniform underneath personal protective equipment (PPE) in order to complete the PPE ensemble.

Officers shall wear appropriate rank insignia on the standard work uniform.

#### 1029.3.1 UNIFORM JACKETS

Uniform jackets may be worn as described in this subsection:

- At any time over the standard work uniform shirt
- For an emergency response, over an approved t-shirt
- In transit to and from a physical fitness location
- Uniform jackets that are not fire resistive, shall not be worn underneath PPE.
- Captains shall wear appropriate rank insignia on any uniform jacket.

#### 1029.3.2 T-SHIRTS

Official district on-duty t-shirts may be worn:

- Under the standard work uniform shirt.
- Uncovered and tucked into the trousers, at the company officer's discretion, while working at the fire station or while engaged in company level manipulative training that does not require PPE.

# Mosquito Fire Protection District

## Policy Manual

### *Uniform Regulations*

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- Long-sleeve t-shirts, either official or plain, can be worn as a layering component under wildland PPE.

#### 1029.3.3 BASEBALL CAPS

Official district on-duty baseball caps (that have been approved by the Chief) may be worn, except:

- When a helmet is required.
- At formal or semi-formal events or occasions.

The baseball caps will be clean and serviceable. Any Insignias, logos or nicknames are not allowed to be affixed to the cap.

#### 1029.3.4 POLO SHIRTS

A dark navy blue Polo shirt may be worn in lieu of the Standard Work Uniform shirt described above, with the Chief's approval. The right side breast pocket area will at a minimum have the wearers last name. It is optional to include the wearers rank. The left side breast pocket area will have "Mosquito Fire District" on it.

#### 1029.3.5 OTHER

Official district "job shirts" (sweatshirt with denim collar and elbow patches or similar) may be worn:

- Only as directed and only in quarters.
- On emergency responses or in transit to and from a physical fitness location, if covered by PPE.

The right side breast pocket area will at a minimum have the wearers last name. It is optional to include the wearers rank. The left side breast pocket area will have "Mosquito Fire District" on it.

### **1029.4 PHYSICAL FITNESS UNIFORMS**

The physical fitness uniform shall primarily be worn when engaged in physical fitness. It may also be worn in quarters after normal work hours, as long as there are no public event occurring at the Station.

The fitness uniform shall be covered with an appropriate work uniform or combination of PPE and work uniform while in transit to and from a physical fitness location.

Nylon or other synthetic material shorts and other fitness uniform items shall not be worn under PPE because those fabrics may melt.

### **1029.5 DRESS UNIFORMS**

Dress uniforms are optional and may be purchased by the employee at their own expense. Dress uniforms shall be worn as directed by the Fire Chief via bulletin or memo and when attending the following types of events:

- Funerals and memorials

# Mosquito Fire Protection District

## Policy Manual

### *Uniform Regulations*

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- Formal district functions, such as graduations and badge ceremonies
- Formal District functions

#### **1029.6 UNIFORM MAINTENANCE**

- Uniforms shall be clean, neat, in good condition and should fit well.
- Boots shall be clean and polished with black polish, as applicable.
- Metal badges shall be clean and free from excessive scratches.

## Family and Medical Leave

### 1040.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612; Government Code § 12945.1; Government Code § 12945.2):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member with a serious health condition.
- When an employee is unable to work because of his/her own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty. Under the California Family Rights Act (CFRA), this includes care for a domestic partner.
- Under CFRA, leave due to a qualifying exigency (as defined in Unemployment Insurance Code § 3302.2) related to the covered active duty or call to active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the Administration or legal counsel to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any collective bargaining agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

#### 1040.1.1 DEFINITIONS

Definitions related to this policy include:

**CFRA** - California Family Rights Act (Government Code § 12945.1; Government Code § 12945.2).

**Child** - A child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent). Under CFRA, a child includes a legal ward and child of a domestic partner (Government Code § 12945.2).

**FMLA** - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

**Qualified health care professional** - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some

# Mosquito Fire Protection District

## Policy Manual

### *Family and Medical Leave*

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purposes; any health care provider from whom the district benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

**Spouse** - The person with whom an employee has entered into a marriage as defined or recognized by the location in which the marriage was entered into (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122).

**Family Member** – (Under CFRA) - A child, parent, grandparent, grandchild, sibling, spouse, or domestic partner as defined in Family Code § 297.

**Family Member** – (Under FMLA) - A spouse, child, or parent as defined by 29 CFR 825.122.

#### **1040.2 POLICY**

It is the policy of the Mosquito Fire Protection District to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal and state law and any applicable collective bargaining agreement.

#### **1040.3 ELIGIBLE EMPLOYEES**

Employees are eligible for FMLA/CFRA after working for the Mosquito Fire Protection District for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110; Government Code § 12945.2).

For leave under FMLA, employees may not be eligible for leave if there are less than 50 other employees within 75 miles of the employee's work site (29 USC § 2611; 29 CFR 825.110).

#### **1040.4 TYPE AND DURATION OF LEAVE**

Generally, eligible employees are entitled under FMLA/CFRA to 12 work weeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

##### **1040.4.1 SERIOUS HEALTH CONDITIONS**

Eligible employees may take up to 12 weeks of leave to care for a family member with a serious health condition or when the employee is unable to work because of his/her own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200; Government Code § 12945.2).

Under FMLA, if both spouses are employed by the Mosquito Fire Protection District, the combined number of work weeks to care for a sick parent is limited to 12 work weeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).



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### *Family and Medical Leave*

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- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition which requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

#### 1040.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200; Government Code § 12945.2). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

Under FMLA, if both parents are employed by the Mosquito Fire Protection District, the combined number of work weeks of leave is limited to 12 work weeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

#### 1040.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.

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### *Family and Medical Leave*

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- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military employee's parent who is incapable of self-care, such as providing care on an immediate need basis or arranging for alternative care.

#### 1040.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the covered veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the Mosquito Fire Protection District, the combined number of work weeks of leave is limited to 26 during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

#### 1040.4.5 FAMILY MILITARY LEAVE

An employee who is a spouse or registered domestic partner of a member of the military who is deployed to designated combat zones is entitled to take up to 10 days unpaid leave (Military and Veterans Code § 395.10).

#### 1040.4.6 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced-leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Fire Chief, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

## *Family and Medical Leave*

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Intermittent leave for any employee shall be tracked and calculated.

### 1040.4.7 PREGNANCY DISABILITY LEAVE

FMLA is separate and distinct from disability leave for pregnant employees. Pregnant employees may be entitled to a disability leave as provided in the Pregnancy Disability Leave Policy in addition to any FMLA/CFRA leave.

### 1040.4.8 LEAVE FOR VICTIMS OF CRIME OR ABUSE

Eligible employees may take leave if the employee is the victim of a crime, abuse, or sexual assault and needs leave for any of the purposes specified in Labor Code § 230.1. Reasonable advance notice of leave is required except in cases where notice is not feasible. Information relating to this leave shall be kept confidential to the extent permitted by law (Labor Code § 230.1).

The District shall provide written notice of the rights specified in this section to newly hired employees and upon request (Labor Code § 230.1).

## **1040.5 EMPLOYEE BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The District may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

## **1040.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable collective bargaining agreements and civil service rules, employees are required to exhaust all applicable paid leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA and/or CFRA leave. Employees may not use paid accrued leave to extend FMLA/CFRA leave beyond 12 work weeks per year.

### 1040.6.1 USE OF SICK LEAVE

Employees are required to first exhaust paid sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

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### *Family and Medical Leave*

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Employees may choose to use paid sick leave concurrently with leave under this policy (Labor Code § 233):

- To care for a family member (as defined by Labor Code § 245.5) with a serious health condition.

#### **1040.7 USE OF FMLA/CFRA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for Firefighters who are on workers' compensation leave pursuant to Labor Code § 4850.

#### **1040.8 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA/CFRA:

- (a) When a leave is requested for a medical or other FMLA/CFRA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to the district's operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA/CFRA must provide his/her supervisor with 30 days' advance notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete a FMLA/CFRA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the District, the supervisor should forward the request and any medical certifications to the Administration and ensure the employee is provided the necessary forms and FMLA/CFRA information within five days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave from the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

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#### **1040.9 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA/CFRA within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Administration or legal counsel to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA/CFRA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Fire Chief, in consultation with the legal counsel or the Administration, will determine whether non-FMLA/CFRA leave should apply.

#### **1040.10 RESPONSIBILITY**

Supervisors should work with the Administration or legal counsel regarding questions relating to leave or reinstatement from leave under this policy. The Administration should advise the supervisor and inform members of their rights and responsibilities.

#### **1040.11 RECORDS**

The District will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the district's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA/CFRA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

#### **1040.12 NOTICE TO EMPLOYEES**

The Fire Chief should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the District where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

# Member Speech, Expression and Social Networking

## 1045.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with member use of social networking sites and to provide guidelines for the regulation and balancing of member speech and expression with the needs of the District.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1045.1.1 DEFINITIONS

**Member** - A member of the Mosquito Fire Protection District is defined as any employee or volunteer of the District.

**Volunteer** - This includes firefighting and non-firefighting volunteers

### 1045.1.2 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1045.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this district. Due to the nature of the work and influence associated with the fire profession, it is necessary that members of this district be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Mosquito Fire Protection District will carefully balance the individual member's rights against the district's needs and interests when exercising a reasonable degree of control over its members' speech and expression.

## 1045.3 SAFETY

Members should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Mosquito Fire Protection District members, such as posting personal information in a public forum,

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## Policy Manual

### *Member Speech, Expression and Social Networking*

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can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing the address of a fellow District member.
- Otherwise disclosing where another District member can be located off-duty.

#### **1045.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the district's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Mosquito Fire Protection District or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Mosquito Fire Protection District and tends to compromise or damage the mission, function, reputation or professionalism of the Mosquito Fire Protection District or its members. Examples may include:
  1. Statements that indicate disregard for the law of the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the District.
- (e) Speech or expression that is contrary to the canons of the Firefighters' Code of Ethics as adopted by the Mosquito Fire Protection District.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the District for financial or personal gain, or any disclosure of such materials without the express authorization of the Fire Chief or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of district logos, emblems, uniforms, badges, patches, marked

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## Policy Manual

### *Member Speech, Expression and Social Networking*

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vehicles, equipment or other material that specifically identifies the Mosquito Fire Protection District on any personal or social networking or other website or web page, without the express authorization of the Fire Chief.

- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or district owned, for personal purposes while on-duty, except in the following circumstances:
  1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  2. During authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the member (e.g., social or personal website).

#### 1045.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit, members may not represent the Mosquito Fire Protection District or identify themselves in any way that could be reasonably perceived as representing the Mosquito Fire Protection District in order to do any of the following, unless specifically authorized by the Fire Chief (Government Code § 3206; Government Code § 3252):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that a member, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this district, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Mosquito Fire Protection District.

Members retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another member to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).



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### *Member Speech, Expression and Social Networking*

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#### 1045.4.2 POLITICAL ACTIVITY

The following rights are retained by firefighters by statute and are extended to all other members by the Mosquito Fire Protection District (Government Code § 3252).

- (a) No member shall be prohibited from engaging in political activity, unless otherwise prohibited by law, in violation of district policy or any time a member is on-duty or in uniform.
- (b) Members shall not be coerced or required to engage in political activity.
- (c) A member can seek election to, or serve as a member of, the governing board of a school district or any local agency where he/she is not employed, including, but not limited to, any city, county, special district or political subdivision.

#### 1045.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any Internet site that is accessed, transmitted, received, or reviewed on any district technology system (see the Information Technology Use Policy for additional guidance).

The District shall not require a member to disclose a personal username or password for accessing personal social media, or open a personal social website; however, the District may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### 1045.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Fire Chief or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the District or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the District.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the District.

#### 1045.7 TRAINING

Subject to available resources, the District should provide training regarding the limitations on speech, expression, and the use of social networking to all members and supervisors.

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## Compensation and Benefits v1.0 2/24/22

### 1048.1 PURPOSE

To define employee compensation and benefits for positions of the Mosquito Fire Protection District. ("MFPD" or "District")

### 1048.2 POLICY

This policy supersedes any benefit or compensation policy, or practice previously adopted by the Board. All of the following benefits are included in the compensation for full-time, salaried, fully benefited positions. Select benefits for all other positions are described under the position description sections in this policy. Applicable benefits will begin on the first full pay period of the budget year or the first full pay period following an employee's hiring or promotion.

### 1048.3 RETIREMENT PLAN CONTRIBUTION

Every month, the District will pay 0.75% of the employee's previous month's salary into an approved retirement plan on behalf of the employee. The employee may take up to one (1) year to transfer accrued contributions to said fund, after which, the benefit will be paused and the accrued contributions paid directly to the employee.

### 1048.4 MEDICAL INSURANCE CONTRIBUTION

Every month, the District will pay the employee \$750.00 to offset the cost of the employee's own health insurance and medical expenses. This contribution will be in lieu of the District providing a health insurance benefit, and will be proportionally included in each payroll.

### 1048.5 SICK LEAVE

#### 1048.5.1 SICK LEAVE ACCRUAL

Employees shall accrue sick leave at the rate of 2.67 work hours for every pay period of continuous employment until a maximum of 40 hours are accrued.

#### 1048.5.2 SICK LEAVE USAGE

Sick leave must only be used by the employee during times that their physical or mental health is impacted by illness or injury. All approvals for sick leave are at the discretion of the Chief or his/her designee.

A request to use sick leave must be made at least 12 hours before the start of an employee's shift or when they are aware of a progressing medical condition. Emergency sick leave may be granted with a sudden onset of injury or illness that does not allow the employee to meet the 12 hour notification rule.

Sick Leave shall not be used in place of or to extend Vacation or Compensatory Time Off.

# Mosquito Fire Protection District

## Policy Manual

### *Compensation and Benefits v1.0 2/24/22*

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Should Sick Leave be needed for more than three (3) continuous work days, the employee will furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work.

#### 1048.5.3 SICK LEAVE ACCOUNTING

District Administration shall accurately maintain a record of employee sick leave balances to ensure that they do not exceed the maximum accrual or usage limits.

#### 1048.6 LONG TERM DISABILITY

If an employee cannot perform their duties because of incapacity due to an incident NOT associated with District employment for a period exceeding all available paid leaves which the employee has accrued, the District will continue to make normal contributions to the medical and retirement benefits specified by this policy for one calendar month, following the exhaustion of said paid leaves. After that month, the District is no longer bound to make contributions to any employee benefits. The Employee's full compensation and benefits will be reinstated upon their return to work.

#### 1048.7 HOLIDAY LEAVE

Employees shall receive one (1) day off from work with pay on each of the following "Holidays"; Christmas Eve, Christmas Day, New Year's Day, Thanksgiving Day, and the Friday immediately following Thanksgiving, Easter, President's Day, and Memorial Day.

If the holiday falls on the employee's scheduled day off, the employee shall be granted Compensatory Time Off (CTO) or payment equivalent to one workday.

#### 1048.8 VACATION LEAVE

##### 1048.8.1 VACATION LEAVE ACCRUAL

**Year One - Probationary Employee** - No vacation leave shall accrue during the probationary period. However, at the completion of probation, the employee shall be awarded vacation leave equivalent to 1.5 hours for each pay period worked.

**Year Two through Year Four** - After completing 26 pay periods of continuous employment, the employee shall accrue vacation leave at the rate of 3.0 hours for each pay period worked.

**Year Five and Thereafter** - After completing 130 pay periods of continuous employment, the employee shall accrue vacation leave at the rate of 4.5 hours for each pay period worked.

**Maximum** - The maximum accrual balance of vacation leave is 240 hours. Employees are encouraged to use vacation leave in the year earned. At employment termination, accrued vacation balances will be paid to the employee at their current, regular pay rate.

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#### 1048.8.2 VACATION LEAVE USAGE

All requests to use vacation leave must be pre-approved by the Chief or his/her designee to ensure reliable staffing and operations.

#### 1048.8.3 VACATION LEAVE ACCOUNTING

District Administration shall accurately maintain a record of employee vacation leave balances to ensure that they do not exceed the maximum accrual or usage limits.

#### **1048.9 OVERTIME (OT) AND COMPENSATORY TIME OFF (CTO)**

As is inherent when providing emergency services, additional work time may occasionally be necessary to satisfy the staffing needed for emergency service calls and to ensure the continued readiness of fire personnel, apparatus, and equipment.

##### 1048.9.1 OT & CTO ACCRUAL

**Rate** - Employees shall accrue OT and CTO leave at the rate of one and one-half (1.5) hours for each full hour worked in excess of their normal duty hours.

**Approval and Maximum** - The Chief or his/her designee must pre-approve all non-emergency OT and CTO accruals. The maximum accrual balance for CTO is 480 hours.

**Off Duty Exception** - In recognition of the Board's desire that trained, salaried staff respond to emergency service calls whenever available, OT or CTO leave is granted without the condition of pre-approval.

##### 1048.9.2 CTO ACCOUNTING

District Administration shall accurately maintain a record of employee CTO leave balances to ensure that they do not exceed the maximum accrual or usage limits. Employees shall ensure that their CTO leave balance does not exceed the specified maximum by expeditiously using earned leaves throughout the year.

##### 1048.9.3 CTO USAGE

All requests to use CTO leave must be pre-approved by the Chief or his/her designee to ensure reliable staffing and operations. The District may require an employee to use accrued CTO leave at any time.

##### 1048.9.4 CTO PAYOUT

Each year, during the last pay period in June, all employees will be compensated for unused CTO leave balance hours at their current regular pay rate and their CTO leave balance will be reset to zero (0). At employment termination, both accrued leave balances will be paid to the employee at their regular pay rate.

#### **1048.10 FIRE CAPTAIN (STAFF)**

**Position** –This is a full-time, salaried, and fully benefited position.

**Salary** - The annual salary is specified in the District's Classification and Wage Table document.

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**Work Hours** - Regular duty hours shall consist of eight (8) hours per day, five (5) days per week. The Chief shall establish the duty schedule for this position.

**Scheduled Training** – When the employee attends an approved training session after having worked a normal shift that day, they shall be granted OT or CTO leave for those training hours.

#### **1048.11 FIREFIGHTER, ENGINEER/EQUIPMENT OPERATOR (STAFF)**

**Position** – These are full-time, salaried, and fully benefited positions.

**Salary** – The annual salary is specified in the District's Classification and Wage Table document.

**Work Hours** - Regular duty time shall consist of eight (8) hours per day, five (5) days per week. The Chief shall establish the duty schedule for this position.

**Scheduled Training** - When the employee attends an approved training session after having worked a normal shift that day, he/she shall be granted OT or CTO leave for those training hours.

#### **1048.12 FIREFIGHTER, ENGINEER/EQUIPMENT OPERATOR, CAPTAIN (PART-TIME)**

**Position** - These are part-time positions and are not fully benefited.

**Salary** – These are hourly positions. Hourly rates for these positions are specified in the District's Classification and Wage Table document.

**Work Hours** - The Chief shall establish the duty schedule for these positions.

**Scheduled Training** - When the employee attends an approved training session after having worked a normal shift that day, they shall be granted OT leave for those training hours.

#### **Benefits -**

- Overtime benefit 1048.9 applies to this position.
- Sick Leave benefit 1048.5 applies to this position.

#### **1048.13 DISTRICT BOARD CLERK (PART-TIME)**

**Position** - This is a part-time position and is not fully benefited.

**Work Hours** – The Chief shall establish the duty schedule for this position.

**Compensation** – This is an hourly position. The hourly rate for this position is specified in the District's Classification and Wage Table document.

#### **Benefits -**

- Overtime and Compensatory Time Off benefit 1048.9 applies to this position.
- Holiday Leave benefit 1048.7 applies to this position.
- Sick Leave benefit 1048.5 applies to this position.

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### *Compensation and Benefits v1.0 2/24/22*

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#### **1048.14 ADMINISTRATIVE ASSISTANT (PART-TIME)**

**Position** – This is a part-time position and is not fully benefited.

**Work Hours** – The Chief shall establish the duty schedule for this position.

**Compensation** – This is an hourly position. The hourly rate for this position is specified in the District's Classification and Wage Table document.

**Benefits -**

- Overtime and Compensatory Time Off benefit 1048.9 applies to this position.
- Holiday Leave benefit 1048.7 applies to this position.
- Sick Leave benefit 1048.5 applies to this position.

#### **1048.15 BATTALION CHIEF & ASSISTANT CHIEF (VOLUNTEER)**

**Position** – This is an at will, volunteer position and is not fully benefited.

**Compensation** – Nominal stipends for these positions are specified in the District's Classification and Wage Table document.

**Work Hours** – The Chief shall establish the duty schedule for this position.

#### **1048.16 FIREFIGHTER, ENGINEER/EQUIPMENT OPERATOR, LIEUTENANT, CAPTAIN (VOLUNTEER)**

**Position** – These are at will, volunteer positions and are not fully benefited.

**Compensation** – Nominal stipends for these positions are specified in the District's Classification and Wage Table document.

**Work Hours** – The Chief shall establish the duty schedule for these positions.

**Benefits -** Sick Leave benefit 1048.5 applies to this position,

[See attachment: Classification and Wage Table - Attachment A.pdf](#)

## Disciplinary Procedures - Employee

### 1049.1 PURPOSE

To define responsibility and establish procedures for administering disciplinary action for the Mosquito Fire Protection District ("District"). Actions taken under this Section shall comply with the Firefighter Procedural Bill of Rights Act (**FFPBOR**), Government Code, Title 1, Division 4, Chapter 9.6. Firefighters [3250-3262]

### 1049.2 DEFINITIONS

1. Disciplinary Action is considered any action affecting the compensation of the employee. These actions include but are not limited to termination, demotion and suspension without pay. Evaluations, reprimands, job assignments and suspension with pay are not subject to these disciplinary actions or the appeals procedure.
2. Volunteers - District volunteers provide their services without expectation of remuneration or compensation. Accordingly, a District volunteer is not considered a paid employee of the District and therefore the provisions of this policy do not apply. Volunteer disciplinary issues are resolved under Policy 1050 Disciplinary Procedures - Volunteer

### 1049.3 PROBATIONARY PERIOD

All paid employees of the District shall serve a one-year probationary period beginning from the date of hire. Employees who have been employed in excess of one year by the District and are promoted to a new position will also serve a one year probationary period in that new position.

During the probationary period, the employee may be relieved from their new position without cause and returned to the position they held prior to their promotion at the discretion of the District.

The District may terminate probationary employees without cause and without implementing the other disciplinary and appeal procedures contained in this policy.

### 1049.4 PERMANENT EMPLOYEES

Upon successful completion of the probationary period, the employee's position becomes "Permanent" and may be subject to disciplinary action utilizing the following procedures.

### 1049.5 DISCIPLINARY PROCEDURE

1. The District must provide the employee with a written notice of intent to discipline within one (1) year of discovery of the act, omission, or misconduct unless an exception in the FFPBOR applies. The notice will outline the specific policies, regulations, ordinance or any State or Federal law that the employee is alleged to have violated and include the District's contemplated action. The notice will also contain copies of all evidentiary materials pertaining to the violations, including but not limited to: audio/video recordings, reports, memorandums, transcripts, witness statements or any evidence relied upon by the District in preparing the notice of intent to discipline.

# Mosquito Fire Protection District

## Policy Manual

### *Disciplinary Procedures - Employee*

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2. Within ten (10) days of being served with the formal notice of intent to discipline, the employee may submit a notice to request a pre-disciplinary or Skelly Hearing. Failure by the employee to submit said request within the time period prescribed shall constitute a waiver of the employee's right to a pre-disciplinary hearing unless otherwise agreed upon by all parties. All requirements of time in this section are subject to modification or waiver by mutual consent of the parties. All waivers shall be in writing.
3. If the employee waives their right to a pre-disciplinary hearing, the Chief or his designee will serve upon the employee a formal written notice of disciplinary action within 30 days of the notice of intent, but not less than 48 hours prior to imposing discipline.
4. Pre-Disciplinary Hearing
  - (a) Within ten working days of service of the notice of intent to discipline, the employee may schedule a pre-disciplinary or "Skelly Hearing" before the Chief or the Chief' designee. The employee has the right to be represented by an attorney, labor representative or other representative of their choosing in all stages of the disciplinary process. The cost of any such representation shall be borne by the employee.
  - (b) Due to the District's small size and the importance of objectivity and fairness to the employee, the Chief may elect to designate an officer from another fire district to oversee the pre-disciplinary hearing in place of the Chief. This decision is at the sole discretion of the Chief.
  - (c) Within 30 days from the conclusion of the pre-disciplinary hearing but not less than 48 hours prior to imposing the discipline, the Chief or his designee will serve upon the employee a formal written notice of disciplinary action.

#### **1049.6 APPEAL PROCEDURE FOR FIREFIGHTERS**

All references below to "employee" mean a "firefighter" as defined by FFPBOR. A firefighter may appeal a formal written notice of disciplinary action as follows:

1. Within ten (10) days of being served with the formal notice of disciplinary action, the employee may submit a notice of appeal to the Chief or the Chief' designee. Failure by the employee to submit a notice of appeal within the time period prescribed shall constitute a waiver of the employee's right to an administrative appeal, unless otherwise agreed upon by all parties. All requirements of time in this section are subject to modification or waiver by mutual consent of the parties. All waivers shall be in writing.
2. Upon receipt of the employee's notice of appeal,, the Chief or Chief's designee and the employee shall, within 30 days, select a mutually agreeable arbitrator. In the event the parties are unable to agree, the parties shall request a list of seven (7) arbitrators from the California State Mediation and Conciliation Service. The parties shall alternate striking names from the list until only one arbitrator remains. The remaining arbitrator shall hear the appeal.



# Mosquito Fire Protection District

## Policy Manual

### *Disciplinary Procedures - Employee*

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3. The District has the burden of proving by a preponderance of evidence that the facts support the charges against the employee and the penalty is appropriate under the circumstances.
4. Formal rules of evidence shall not apply. However, the arbitrator shall use their discretion to limit evidence based on reliability and relevancy.
5. Discovery shall be permitted according to Government Code section 11507.6
6. The hearing shall be scheduled and conducted at the earliest possible date taking into account all parties' schedules and each parties' requisite need or preparation and discovery.
7. The arbitrator shall issue a written, proposed decision supported by written findings of fact
8. The decision of the arbitrator shall become final and binding unless the employee, Chief, or Chief's designee appeals the proposed decision to the Board of Directors within fourteen (14) days of service by the arbitrator. A hearing in closed session shall be scheduled before the Board and the Board shall review the proposed decision and any record made of the hearing before the arbitrator, such as a transcript. The Board may, in its sole discretion, reopen the hearing and take additional evidence into consideration.
9. The Board of Directors shall render its independent decision on the proposed discipline and is not bound by the decision of the arbitrator. The Board shall issue findings of fact, informing the employee of their decision. The Board may employ a representative, such as legal counsel, to assist the Board in preparing findings of fact and its decision.

## Disciplinary Procedures - Volunteer

### 1050.1 PURPOSE

To define the disciplinary procedure and conditions under which a District Volunteer can be removed from the active volunteer roster of the Mosquito Fire Protection District ("District").

### 1050.2 GENERAL

Volunteer Firefighters and Support Group members provide their services without expectation of remuneration or compensation but must still adhere to the same Firefighter Code of Conduct Policy as all firefighting staff.

### 1050.3 CONDITIONS FOR REMOVAL

A Volunteer can be removed from the District's active volunteer roster at any time for any reason that is not otherwise prohibited by law. Accordingly, any act, omission, or misconduct that could warrant more than a verbal reprimand will generally result in the Volunteer's removal from the active volunteer roster. Removal from the volunteer roster will generally be due to a violation of policy 1050.3 or any one of the violations, but is not limited to these grounds for removal:

1. **Conduct** – Violating any of the items specified in the District's Code and Conduct Policy.
2. **Protocols** - Repeated failure to adhere to recognized and reasonable firefighting tactics or Support Group protocols during an incident.
3. **Safety** - Repeated failure to adhere to safety standards or wear protective clothing during an incident or training.
4. **Direction** - Failure to obey lawful orders given by the Chief or Incident Commander (if at an emergency incident)
5. **Impairment** - Responding to an incident while impaired by alcohol or drugs or with the smell of alcohol on the breath or about the person. The volunteer will follow the requirements set forth in the District's Drug and Alcohol Policy.
6. **Training** - Failing to attend 6 consecutive scheduled training sessions or half of the scheduled training sessions in a twelve (12) month period. The Chief may excuse training absences due to sickness, personal reasons, or individual working schedules.
7. **Incapacity** - Inability of a volunteer to perform their duties due to long term illness or debilitating injury, may be cause for temporary removal from the active volunteer roster. Under these circumstances, a volunteer may then be permanently removed from the roster if it is determined that the illness or injury will permanently prevent the volunteer from resuming their duties. In the case of injury or illness the volunteer will follow the requirements set forth in the Attendance and Reporting Illness or Injury Policy.

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## Policy Manual

### *Disciplinary Procedures - Volunteer*

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#### **1050.4 REMOVAL PROCESS**

The Chief shall conduct an inquiry of his/her own discretion to determine if a volunteer should be removed from the District's active volunteer roster. At the conclusion of the inquiry, the Chief will issue a written finding to the volunteer and will take action accordingly.

#### **1050.5 APPEAL PROCESS**

A volunteer who has been removed from the roster has the right to appeal to the District Board of Directors. Within ten (10) days of receiving the Chief's written finding, the Volunteer may initiate the appeal process by filing a written letter to the Clerk of the Board, requesting that the appeal be placed on the agenda for the next regularly scheduled or special Board of Directors meeting within thirty (30) days. The Board will consider the appeal from the volunteer in "closed" session where the Volunteer shall be permitted to address the Board. The Board or the Board's designee shall inform the Volunteer of the Board's decision within five (5) days of the closed session meeting.. The decision by the Board is final.

## Attendance and Reporting Illness or Injury

### 1051.1 PURPOSE

To promote a safe and healthy work environment through a collaborative effort of all members. Due to the nature of the activities associated with emergency services, it is important members make every effort to stay fit and the District actively supports that effort. In the event that an injury or illness does occur, this policy sets forth the member's responsibilities and the District's expectations.

### 1051.2 SAFE WORKPLACE

The Mosquito Fire Protection District (MFPD) has taken precautions, implemented policy, rules and regulations and training in an effort to provide as safe a working environment as possible. It is incumbent that members actively participate in identifying hazards, following safety precautions and reporting unsafe conditions or practices to the Chief (or a Board Member in the Chief's absence). They are also encouraged to take action and rectify hazardous or unsafe conditions, if they are able, as soon as reasonable. The Chief, upon being informed of a hazard or unsafe condition, is expected to initiate corrective action as appropriate.

### 1051.3 REQUIREMENTS OF DUTY

Members shall report for duty physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty.

All members must meet the requirements of their positions which include (but is not limited to) ensuring that established work schedules are fulfilled. The shift schedule shall be produced by the Chief one month in advance, with input by eligible members of their availability to cover stipend shifts. Each member shall then verify and commit to the schedule in writing, directly to the Chief. ,

Members are subject to Emergency Recall, or Mandatory Holdover in situations of extreme emergency. This includes Strike/Task Force Team deployment or any other event that directly impacts emergency operations in the Fire District. With the exception of volunteers, employed members understand that Emergency Recall and/or Mandatory Holdover supersedes all external secondary employment positions. Volunteer members are encouraged to make a 'best effort' to likewise comply with Recall/Holdover orders if possible. That failure to comply with Emergency Recall, or Mandatory Holdover may subject the member to disciplinary actions, in accordance to the SB220, Firefighter Bill of Rights

### 1051.4 REPORTING INABILITY TO WORK

Members will not be absent from duty without proper permission or leave, except when unable to report for duty at the assigned time due to sickness or injury. An anticipated absence or tardiness is to be reported to the Chief as soon as circumstances permit, prior to the assigned duty start time. The provisions of the Compensation and Benefits Policy (Policy 1048) shall apply.

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## Policy Manual

### *Attendance and Reporting Illness or Injury*

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#### **1051.5 SUBMISSION / PREPARATION OF TIMECARDS**

1. The timecard is an official document requesting payment of salary and when endorsed by the member and approved by the Chief it becomes an official pay document of the District. After submission by the member, alterations shall not be made which would cause a change in the pay unless authorized by the Chief.
2. All paid members receiving monetary compensation from the District shall submit a single timecard covering each 2 week pay period as designated by the County.
3. The timecard document shall be considered a Fiscal Document and retained in district files according to the Records Retention Policy (Policy 804).
4. Members shall prepare their own timecard to report hours worked or leave taken and submit them for approval on or before the last day of the pay period. To meet payroll requirements, the Chief (or designee) may prepare a timecard for a member who, due to unexpected absence, was unable to complete their own timecard.
5. Whenever it is known in advance that leave will be taken, members shall complete the required time card entries prior to leaving work on their last regular duty day.

#### **1051.6 WORK-RELATED INJURIES**

District related work injuries represent a significant impact on the member, their family, their coworkers and the District. It is important that the member reports and documents the injury, receives prompt and appropriate medical care (when needed) and understands the District's expectations when they are absent due to a work-related injury.

1. **Minor Injury:** A member is required to report even a minor work related injury that does not require immediate medical treatment at a medical facility and does not result in any time off work, and shall document the injury by a memo to the Chief. The memo shall include the date/time/nature of the injury AND a description of how the injury occurred.
2. **Serious Injury:** A member who suffers a serious injury which requires immediate medical treatment and/or results in work time off, shall document the injury utilizing the District's Workers Compensation claim form which may be obtained from Administration.
  - (a) The member will seek medical treatment at their personal care provider's office when appropriate or closest "Rapid Care" type facility or hospital as needed dependent upon the type of injury and time of day.
  - (b) While a member is off work and receiving Workers Compensation benefits, they shall be available for and go to all scheduled medical appointments, maintain positive and frequent contact with their doctor, the Workers Compensation Adjuster if one is assigned to their claim and the Chief in an effort to facilitate prompt and appropriate care.
3. The member shall abide by the limitations their doctor has set for them while they are working or off duty.

# Mosquito Fire Protection District

## Policy Manual

### *Attendance and Reporting Illness or Injury*

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4. The member shall call the Chief (or designee) no later than 7 days after reporting a work related injury to report their progress and seek assistance if needed. The member shall also, at that time, unless their limitations preclude them from driving, schedule a bi-weekly meeting with the Chief (or designee) to keep the District abreast of their progress and enable the District to plan for their return.

#### **1051.7 NON-WORK-RELATED INJURIES**

A member must notify their supervisor of their inability to work due to non-work-related injury at or before the start of their regular shift. This will be done by a phone call but if that's not practical or possible, an email will satisfy this responsibility.

1. A member off work because of a non-work-related injury or illness for a period that exceeds 1 work week, shall, as soon as practical, initiate a meeting with the Chief (or designee) to discuss their condition and expected return to work date. This is necessary to permit the District to plan future staffing needs.
2. Compensation for the member during a non-work-related illness or injury absence is specified in the Compensation and Benefits Policy (Policy 1048)

#### **1051.8 RETURN TO DUTY**

Before returning to full duty, a member off work for a period exceeding 1 work week because of an injury or illness, either work-related or non-work-related, shall provide the District with a statement from a medical doctor specifically stating that the employee is able to perform the duties listed in the job description for that member and is fit to return to duty.

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## Job Description - Captain

### 1052.1 PURPOSE AND SCOPE

To establish the position of Captain and define the Board's performance expectations of the person occupying that position.

### 1052.2 POLICY

The position of Captain is established by the Mosquito Fire Protection District (MFPD) Board of Directors as an Hourly Position. The Captain shall operate under the general direction of the Fire Chief. Although there are other duties as described below, the primary responsibility of the position is to insure a continuing state of readiness of all responding fire apparatus and equipment.

The Captain shall function as a staff member to the Chief by providing input regarding daily operations, shift scheduling, evaluating and correcting safety violations, enforcing District policy and procedures, assisting with the training and support of volunteers. The Captain is responsible for the supervision of the on-duty engineer and firefighters.

### 1052.3 MINIMUM REQUIREMENTS

The Captain must meet the following requirements. The Probationary Period shall be one year. Continuation in the position requires completion of below listed requirements and quarterly satisfactory personnel evaluation.

- (a) Be physically capable to function as a firefighter.
- (b) Possess a current certification to the level of an Emergency Medical Technician 1B or, obtain within one year of appointment.
- (c) Maintain a valid California Drivers license with Firefighter endorsement.
- (d) Possess a Firefighter 2 certification or equivalent.
- (e) Qualified to operate all District apparatus.
- (f) Reside in the District or within 60 miles of the district.
- (g) Held paid position of firefighter for 2 years or volunteer firefighter for 3 years.
- (h) Complete all apparatus task books within one year after appointment.

### 1052.4 UNIVERSAL STANDARDS

The Board of Directors of the Mosquito Fire Protection District expects the Captain to adhere to the following universal performance standards:

- (a) Serve citizens of the District with courtesy and impartiality.
- (b) Comply with Standard Operating Procedures, Board Policy and law.
- (c) Decide issues without undue delay.

# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Captain*

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- (d) Build and maintain productive relationships with the volunteers, the support group and the Board of Directors.
- (e) Comply with and enforce safety rules.
- (f) Display vision and creativity when making recommendations to the Chief.
- (g) Assure efficiency and effectiveness in operations.
- (h) Maintain normal office hours at the Fire Station within the limitations imposed by other duties and/or functions.
- (i) Maintain off-duty conduct in a manner that does not bring embarrassment, criticism or other negative impacts upon the District or the Department.
- (j) Submit, when directed by the Chief to a standard D.O.T. drug test.

#### **1052.5 SPECIFIC STANDARDS**

- (a) Respond immediately, when on duty, to all dispatched incidents. Perform in a professional manner to bring the incident to its final conclusion.
- (b) Inspect, maintain, and repair as necessary all fire apparatus and related equipment to assure that it is safe, functioning properly and ready to respond.
- (c) Possess following certifications:
  - (a) A NFPA Pump Testing Certification (desirable)
  - (b) CFSM Driver/Operator Certification.
  - (c) Red Card Certification.
  - (d) Command 1A & 1B Certification or equivalent.
  - (e) ICS-100, ICS-200, ICS-300 and ICS-700 Classes
  - (f) Maintain EMT 1B (upon completion).
  - (g) Held position of Engineer for 1 year – Requires verification of prior employment and experience
  - (h) Basic Wildland and Engine Boss Certifications
- (d) Inspect, maintain, and repair as necessary the fire station itself and other related MFPD assets.
- (e) Maintain driver training program that assures safe, legal and proper use of all fire apparatus.
- (f) Effectively represent the Department with state and county agencies, other fire departments, and especially the members of the community that this department serves.
- (g) Develop and maintain a high morale and efficiency among all volunteer fire fighters and support group members.
- (h) Maintain inventory control on equipment and parts.



# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Captain*

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- (i) Organize and fill monthly shift schedule for fire station staffing.
- (j) Perform other related duties as needed or directed by the Chief.
- (k) Ability to train or demonstrate to staff, volunteers, and community the proper safety and operations of all department emergency response equipment.

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## Job Description - Firefighter Engineer

### 1053.1 PURPOSE AND SCOPE

To establish the position of Firefighter/Engineer and define the Board's performance expectations of the person occupying that position.

### 1053.2 POLICY

The position of Firefighter/Engineer is established by the Mosquito Fire Protection District (MFPD) Board of Directors as an Hourly Position. The Firefighter/Engineer shall operate under the general direction of the Chief and Captains. Although there are other duties as described below, the primary responsibility of the position is to insure a continuing state of readiness of all responding fire apparatus and equipment.

The Firefighter/Engineer shall function as a staff member to the Chief and Captains by providing input regarding daily operations, evaluating and correcting safety violations, enforcing District policy and procedures, assisting with the training and support of volunteers.

### 1053.3 MINIMUM REQUIREMENTS

The Firefighter/Engineer must meet the following requirements. The Probationary Period shall be one year. Continuation in the position requires completion of below listed requirements and quarterly satisfactory personnel evaluation.

- (a) Be physically capable to function as a firefighter.
- (b) Possess a current certification to the level of an Emergency Medical Technician 1B or obtain within one year of appointment.
- (c) Maintain a valid California Driver license with Firefighter endorsement.
- (d) Possess a Firefighter 2 certification or obtain equivalent.
- (e) Qualified to operate all District apparatus.
- (f) Reside in the District or within 60 miles of the district.
- (g) Held paid position of firefighter for 1 year or volunteer firefighter for 2 years.
- (h) Complete all apparatus task books within one year after appointment.

### 1053.4 UNIVERSAL STANDARDS

The Board of Directors of the Mosquito Fire Protection District expects the Firefighter/Engineer to adhere to the following universal performance standards:

- (a) Serve citizens of the District with courtesy and impartiality.
- (b) Comply with Standard Operating Procedures, Board Policy and law.
- (c) Decide issues without undue delay under direction of the Captain or Chief.

# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Firefighter Engineer*

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- (d) Build and maintain productive relationships with the volunteers, the support group and the Board of Directors.
- (e) Comply with and enforce safety rules.
- (f) Display vision and creativity when making recommendations to the Chief and Captain.
- (g) Assure efficiency and effectiveness in operations.
- (h) Maintain normal office hours at the Fire Station within the limitations imposed by other duties and/or functions.
- (i) Maintain off-duty conduct in a manner that does not bring embarrassment, criticism or other negative impacts upon the District or the Department.
- (j) Submit, when directed by the Chief to a standard D.O.T. drug test.

#### **1053.5 SPECIFIC STANDARDS**

The Board of Directors of the Mosquito Fire Protection District expects the Firefighter/Engineer to adhere to the following specific performance standards:

- (a) Respond immediately, when on duty, to all dispatched incidents. Perform in a professional manner to bring the incident to its final conclusion.
- (b) Inspect, maintain, and repair as necessary all fire apparatus and related equipment to assure that it is safe, functioning properly and ready to respond.
- (c) Possess following certifications:
  - 1. A NFPA Pump Testing Certification (desirable).
  - 2. CFSM Driver/Operator Certification.
  - 3. Red Card Certification.
  - 4. Command 1A & 1B (desirable)
  - 5. Maintain EMT 1B (upon completion)
  - 6. ICS-100, ICS-200, ICS-300 and ICS 700 Classes
  - 7. Wildland Classes S-130, L-180, S-190 and S-212
  - 8. Firefighter 1 and Engine Boss Certifications
- (c) Inspect, maintain, and repair as necessary the fire station itself and other related MFPD assets.
- (d) Maintain driver training program that assures safe, legal and proper use of all fire apparatus.
- (e) Effectively represent the Department with state and county agencies, other fire departments, and especially the members of the community that this department serves.
- (f) Develop and maintain a high morale and efficiency among all volunteer firefighters and support group members.
- (g) Maintain inventory control on equipment and parts.

# Mosquito Fire Protection District

Policy Manual

## *Job Description - Firefighter Engineer*

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- (h) Perform other related duties as needed or directed by the Chief or Captain.
- (i) Ability to train or demonstrate to staff, volunteers, and community the proper safety and operations of all department emergency response equipment.

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# Job Description - Board Clerk and Administrative Assistant

## 1054.1 PURPOSE AND SCOPE

To establish the position of District Board Clerk and Administrative Assistant to the Fire Chief and define the Board's performance expectations of the person occupying that position.

## 1054.2 POLICY

The position of District Board Clerk and Administrative Assistant to the Fire Chief is established by the Mosquito Fire Protection District (MFPD) Board of Directors as a Part-Time Hourly Position. The positions may be performed by two employees or combined with one employee. The District Board Clerk and Administrative Assistant to the Fire Chief shall operate under the general direction of the Chief. However, when performing duties supporting the Board, the District Board Clerk and Administrative Assistant to the Fire Chief shall take direction from the Board President.

## 1054.3 ESSENTIAL FUNCTIONS

This job description is intended to convey information essential to understanding the scope of the position; it is not intended to be an exhaustive list of skills, efforts, duties, responsibilities or working conditions associated with the position.

1. Attend Board and Committee meetings; record and maintain the official public and closed session proceedings of the District Board of Directors; prepare and maintain the official minutes of all meetings; maintain policy manual, resolutions, ordinances, and other District documents; respond to questions to clarify actions and agenda items.
2. Establish, publish, and provide legal notice of all Board and Committee meeting agendas, as required by law, under the direction of the Board President, the Fire Chief or designee and individual Committee Chairs. Maintain email distribution list of Directors and constituents and distribute board agendas and information, as appropriate.
3. Plan and coordinate necessary preparations and support requirements for all Board, Fire Chief and Committee meetings. Schedule and coordinate facility usage.
4. Respond to inquiries, requests, and concerns of the public, media, public agencies, and District personnel relative to Board matters, with notification to the fire Chief.
5. Respond to California Public Records Act Requests in compliance with state or federal law in conjunction with District General Council.
6. As the District's Custodian of Records, direct and lead the District's records management function; participate in records policy development and long range planning; publicize Administrative Policies and guidelines governing records retention, scanning and disposition

# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Board Clerk and Administrative Assistant*

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for District use; supervise the maintenance, scanning, retrieval and disposal of records; participate in the selection of an electronic document management system; establish indexing standards and other guidelines for use of the system.

7. Conduct independent research and compile information as requested by the collective action of the Board, Board President, Committee Chairs, individual Directors, or the Fire Chief.

8. In conjunction with the Fire Chief. represent, formulate, and follow up with District personnel on requests by Directors or the Fire Chief for District information required for governing the District.

9. Inform the Fire Chief of Board priorities requiring action; maintain individual director communications with the Fire Chief on matters of District and Board business.

10. Promote a harmonious and effective working relationship with the members of the Board of Directors, Fire Chief, District personnel, members of the public, and personnel from other agencies.

11. Receive claims against the District and transmit to Board of Director action. Receive and open bids for District services and asset acquisitions and certify timely submission.

12. Coordinate District election proceedings with the El Dorado County Voters Registration and Elections Department. Prepare required election resolutions for adoption by the Board. Process Board vacancies and file Statement of Facts in accordance with State statute.

13. Attest all District Resolutions, Ordinances, and minutes; certify public proceedings and other District documents as required.

14. Administer the District's Conflict of Interest Code and act as filing officer for Statements of Economic Interest filings of the Board of Directors and designated staff.

15. Inform elected officials of their obligations under AB 1234 and maintain a tracking system for Ethics Training Certificates.

16. Prepare Resolutions of Commendation for Board adoption.

17. Administer Oath of Office to newly elected Board Directors.

18. Arrange appointments, meetings, and travel of all Board Directors, Fire Chief and District personnel.

# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Board Clerk and Administrative Assistant*

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19. Provide small project development and management, schedule equipment repairs, and purchase station equipment/supplies and Personal Protective Equipment.
20. Assist with application and administer of grants and external funding.
21. Maintain fuel billing, tracking and reimbursements.
22. Participates in budget preparation and administration; prepares cost estimates for budget recommendation and submits justifications for budget items;
23. Maintain and prepare account payable and receivable, petty cash and Cal-Card account, QuickBooks ledger and prepare bank deposit. Monitors and controls expenditures; tracks and processes invoices for payments.
25. Prepare and submit parcel tax and special assessment billing to county and maintain development fee account.
26. Coordinate and assist with annual audit, research and resolve accounting discrepancies and complex accounting issues
27. Prepare, invoice and distribute payments for strike team assignments.

#### **1054.4 PERSONAL QUALITIES**

The highest level of loyalty, integrity, judgment, confidentiality, discretion, tact, flexibility to working schedule, and effective response to stressful conditions. Must be able to work in a fast paced, changing political environment.

#### **1054.5 KNOWLEDGE, SKILLS AND ABILITIES**

Knowledge of:

1. Excellent English usage, including grammar, spelling, and letter composition.
2. Modern office equipment, methods and procedures, including complex computer applications, networking and troubleshooting.
3. California laws pertaining to public agency governing boards and special districts, freedom of information requests, public elections, Public Records Act, Brown Act requirements, Fair Political Practices Commission regulations and conflict of interest statements.
4. Principles of public relations and communications.

# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Board Clerk and Administrative Assistant*

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5. Principles and practices of records management, including records retention policies and laws and electronic management systems.

#### Ability to:

1. Record, summarize, and maintain custody of the official, complex, and extensive records of public agency governing board meetings.
2. Plan, organize, and legally notice public agency meeting agendas in accordance with State law.
3. Understand, interpret, and apply District policies/procedures, election laws, freedom of information regulations, and laws applicable to public agency governing boards.
4. Establish functional priorities appropriate to the goals and objectives of the Fire Chief and the Board of Directors.
5. Establish and maintain harmonious and effective working relationships with a wide variety of people that include publicly elected officials, all levels of District management, District employees, outside public agencies, media, and the general public.
6. Create and maintain spreadsheets and generate custom reports. Operate computer word processing, scanning, and related software.
7. Conduct independent research of complex issues for preparation of concise reports with recommendations.
8. Maintain confidentiality of sensitive information and records.
9. Work independently under stressful and flexible conditions in the absence of supervision.
10. Respond to wide variety of support requests of five elected public officials, Fire Chief and Committee members.

#### **1054.6 OTHER REQUIREMENTS**

1. Complete District approved Confidentiality Agreement

#### **1054.7 PHYSICAL REQUIREMENTS**

Maintain physical ability to meet position tasks and responsibilities. Physical abilities must commensurate with the essential functions of the position. Reasonable accommodation can be made to enable people with disabilities to perform the described essential functions of the position.



# Mosquito Fire Protection District

Policy Manual

## *Job Description - Board Clerk and Administrative Assistant*

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### **1054.8 LICENSE**

Possession of and ability to maintain a current valid California Driver's License, Class C, is a condition of employment

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## Job Description - Support Group Volunteer

### 1055.1 PURPOSE AND SCOPE

To establish the position of Support Group Volunteer and define the Board's performance expectations of persons occupying that position.

### 1055.2 POLICY

The position of Support Group Volunteer is established by the Mosquito Fire Protection District Board of Directors as a volunteer position. The Support Group Volunteer shall operate under the general direction of the Chief, Incident Commander or Station Manager during an emergency incident.

The Support Group Volunteer's duties may include:

- Road Control - Road closures or traffic direction during emergency incidents
- Water Supply - Operating a mobile water pump or controlling the flow of water from a fire hydrant
- Helispot Coordinator - Provide verbal assistance to a helicopter during landing when being used in an emergency incident
- Logistical Support - Transporting firefighters, equipment, food and/or water to the scene of an emergency incident
- Other Duties - As assigned by the Chief or Station Manager during an emergency incident

When assigned by the Chief, they may also assist staff with fire prevention duties, perform public education functions and assist in the District's Administrative Office.

### 1055.3 PHYSICAL REQUIREMENTS

Support Group Volunteers must meet the following requirements.

- Reside within the Mosquito Fire Protection District
- Be physically capable to carry out most of the routine duties of the position
- Must be at least 21 years of age

### 1055.4 GENERAL STANDARDS

The Board of Directors of the Mosquito Fire Protection District expects the Support Group Volunteer to adhere to the following general performance standards.

- Serve citizens of the District with courtesy and impartiality
- Comply with District Standard Operating Procedures, Board policy and the law
- Maintain off-duty conduct in a manner that does not bring embarrassment, criticism or other negative impacts upon the District or the Department

# Mosquito Fire Protection District

## Policy Manual

### *Job Description - Support Group Volunteer*

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#### **1055.5 SPECIFIC STANDARDS**

The Board of Directors of the Mosquito Fire Protection District expects a Support Group Volunteer to adhere to the following specific performance standards.

- Respond immediately, when available, to all dispatched incidents
- Perform in a professional manner to bring the incident to its final conclusion
- Maintain a valid California Class C Driver's License
- Attend at least 75% of the scheduled training sessions in any 12 month period. For good cause, the Chief or his designated representative may "excuse" a volunteer's absence from a scheduled training session.

#### **1055.6 REMOVAL FROM THE ACTIVE ROSTER**

Failure to meet the above requirements or performance standards could result in removal by the chief, from the active Support Group Volunteer roster.

## **Chapter 12 - Board Policies**

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## District Board Members

### 1200.1 PURPOSE AND SCOPE

To define as policy, the process of governing the Mosquito Fire Protection District.

### 1200.2 POLICY

The policy of the Mosquito Fire Protection District to adhere to the following Fire Board of Directors Policies regarding Board members.

#### 1200.2.1 DISTRICT BOARD OF DIRECTORS

The Mosquito Fire Protection District is governed by a Board of Directors composed of five members. These members are elected at large by the District's registered voters in the State's General Election held every even year. Each director's term of office is four (4) years.

#### 1200.2.2 BOARD OF DIRECTORS ROLE

- (a) The role of the Board is: (1) to formulate and evaluate policy to ensure the lawful and efficient operation of the District, (2) to oversee the fiscal well-being of the District, and (3) to select and retain competent administrative staff to manage District operations. Routine matters concerning procedural and operational aspects of the District are delegated to the professional staff members employed by the District. A board member should strive to understand that his/her basic function is "policy" and not "administration or operations".
- (b) The District Board shall act only by Ordinance, Resolution, or Motion. A majority vote of members of the District Board (3/5) is required on each action taken and the vote shall be recorded in the meeting minutes.

#### 1200.2.3 BOARD OFFICERS

- (a) The officers of the Board are President, and Vice President. Members filling these positions serve at the pleasure of the Board and are selected by majority vote of the Board at a regular board meeting.
- (b) Should the President's position become permanently vacant for any reason, the Vice President shall assume the role of President for the remainder of the former President's term as an Officer. If any other officer position becomes permanently vacant for any reason, the Board shall elect a replacement for that position at a regular meeting as soon as practical.

#### 1200.2.4 BOARD OFFICER ROLES

- (a) President - The Board President shall: (1) preside over all Board meetings, (2) shall ensure that an appropriate agenda is established and published for each meeting, (3) shall sign all documents on behalf of the Board and District as may be required, (4) be the primary interface between the Board and the Chief, and (5) shall have the same rights and responsibilities as other Directors to participate in and vote on items at Board meetings.

# Mosquito Fire Protection District

## Policy Manual

### *District Board Members*

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- (b) Vice President - The Vice President shall serve as acting president in the temporary absence or disability of the President and shall become president upon the death, resignation, or removal from office of the President.
- (c) Budget preparation assistance becomes the responsibility of the Finance Committee and all other responsibilities are assigned to the Fire Chief. Should the Chief see a need for sign off he has access to both the Finance Committee and the Board President. The Chief will report quarterly (March, June, September, December) on the district fiscal condition.

#### 1200.2.5 BOARD MEMBERS DECORUM

It is understood that Board Members will not always agree. Board members have the right to maintain and express differing viewpoints, styles, opinions, and values. Nonetheless, Board members should aspire to respect the dignity of their office and to observe common standards of decorum to the extent possible.

In order to assist in the governing of the behavior between and among members of the Board of Directors, the following rules shall be observed:

- Board Members' decisions and actions shall best serve the needs of the District's citizens in light of available resources and information available to the Board at the time such decisions or actions take place.
- The dignity, style, values and opinions of each Director shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- Once the Board of Directors takes action, Directors should commit to supporting said action and not create barriers to the implementation of the action that was taken.

#### 1200.2.6 BOARD MEMBER RESIGNATION

- (a) An office becomes vacant before the expiration of its term upon the delivery of a letter of resignation by the resigning board member to the Board Clerk. The letter may be delivered by mail, in person, or electronically.
- (b) The letter of resignation shall specify a date on which the resignation will become effective and no acceptance or rejection by the Board is necessary.
- (c) A vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months by failing to attend regular board meetings. For good cause, however, the Board may authorize the member's absence.
- (d) A resignation occurs without the delivery of a letter of resignation if a Board Member ceases to be an inhabitant of the District.

#### 1200.2.7 HARASSMENT AND DISCRIMINATION

It is the policy of the District to establish and maintain a work environment free of all forms of harassment and discrimination. Such behaviors are unacceptable and will not be condoned or tolerated on the part of any District member. All Directors, paid staff and volunteers must be familiar and comply with the District's policies and California bills SB 1343 and AB 1825 prohibiting such

# Mosquito Fire Protection District

## Policy Manual

### *District Board Members*

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behaviors. Formal training shall be accomplished by completing mandatory classes every two (2) years as required under California law.

#### 1200.2.8 CODE OF ETHICS TRAINING

Assembly Bill 1234, passed by the California Legislature on October 7, 2005, requires that any local agency providing compensation (either by salary or stipend) or reimbursement of expenses to members of its legislative body must provide ethics training to those local agency officials every two years. While Directors currently do not fall within the compensation or reimbursement requirements of AB 1234, by policy all Directors shall meet the requirements of this law and provide evidence of training compliance to the Board Clerk within three (3) months of assuming office.

#### 1200.2.9 CONFLICT OF INTEREST

The District shall adopt by Resolution and file with the Clerk of the County of El Dorado a Conflict of Interest Code which satisfies the requirements of Government Code Sections 81000, et. seq. The Resolution shall be reviewed and amended as necessary.

All members are required to report potential conflicts of economic interest even if they are not in a designated classification. All members are disqualified from participating in government decisions in which they have, or appear to have, a financial interest (Government Code § 87100). When a potential conflict of interest situation arises, it must be reported immediately through the chain of command to the member's immediate supervisor and then the District Board Clerk.

## District Board Meetings

### 1201.1 PURPOSE AND SCOPE

To define as policy, the process of governing the Mosquito Fire Protection District.

### 1201.2 POLICY

The policy of the Mosquito Fire Protection District to adhere to the following Fire Board of Directors Policies regarding Board meetings.

#### 1201.2.1 BOARD MEETINGS

Regular Board of Director meetings are held at the Mosquito Fire Station, 8801 Rock Creek Road, and are open to the public. The meeting date and time is generally the fourth Thursday of each month at 7:00 PM. Emergency, special and committee meetings may be held within District boundaries at a date and time as necessary.

#### 1201.2.2 MEETING ATTENDANCE

The basic manner in which board members fulfill their elected responsibilities is through attendance and active participation at regular, special, and emergency meetings. Members of the Board are encouraged to attend all scheduled meetings.

#### 1201.2.3 MEETING AGENDA (BROWN ACT REQUIREMENT)

- (a) An agenda for each meeting held by the Board of Directors shall be developed and posted in accordance with the provisions of the Brown Act.
- (b) To assure Board familiarity with Brown Act provisions, the Board President, through District's legal counsel or other satisfactory means, shall schedule a workshop covering relevant portions of the Act. The workshop will be scheduled within the first quarter of each odd-numbered calendar year

#### 1201.2.4 AGENDA ITEMS

A Director or Chief may place on the agenda an item for the Board's consideration by submitting it to the Board Clerk in a timely manner (at least 7 days before the regularly scheduled meeting). The item should include a designation as a discussion item or action item.

#### 1201.2.5 BOARD MEMBER PACKAGE

Except in exigent circumstances, the Board Clerk shall compile a Board Member Package for each scheduled meeting and shall provide a copy of that package to all Board Members and the Chief at least three (3) calendar days prior to the scheduled meeting date.

The Board Package shall contain all data pertinent to the meeting including issue papers for each "Action Item" if applicable. At least three (3) additional Board Packages shall be printed and be available for the public's use during the scheduled meeting.



# Mosquito Fire Protection District

## Policy Manual

### *District Board Meetings*

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#### 1201.2.6 CORRESPONDENCE

Any correspondence delivered to Station 75 pertaining to District business addressed to the President, Board Members, or other correspondence as determined by the Chief to be pertinent, shall be delivered to the Board Clerk time and date stamped (so it can be later determined when it arrived), and placed on file in the administrative office when received. If there exists a condition where some or all Board members can not access the station to review the Board correspondence, then the correspondence shall be scanned and e-mailed to the affected board members. The communication shall be referenced in the Board packet for the next regular board meeting. It shall be the individual Board member's responsibility to become familiar with that correspondence prior to each regular board meeting. On occasion, individual Directors may be recipients of correspondence that pertain to the District that they feel needs to be relayed to other Board members. These items should be forwarded to the Board Clerk for distribution.

## Attachments

## **Classification and Wage Table - Attachment A.pdf**

Mosquito Fire Protection District  
 Classification and Wage Table  
 Revised 12-23-2021

JOB CLASSIFICATION	CLASSIFICATION STEPS (Hourly)				
	1	2	3	4	5
Fire Chief	Contract Position \$80,000/Yr				
Captain	23.65	24.73	25.80	26.88	27.95
Engineer/Equipment Operator	18.28	19.35	20.43	21.50	22.58
Firefighter	15.05	16.13	17.20	18.28	19.35
Administrative Assistant	16.00	17.00	18.00	19.00	20.00
Administrative Clerk	16.00	17.00	18.00	19.00	20.00

Based on experience and training certification, nominal stipends are available as follows:

- 1) 24 hour overnight shift: \$100
- 2) Per call based on qualifications and experience: \$30-\$50

## **Firefighter Code of Ethics.pdf**

# FIREFIGHTER CODE OF ETHICS

## Background

The Fire Service is a noble calling, one which is founded on mutual respect and trust between firefighters and the citizens they serve. To ensure the continuing integrity of the Fire Service, the highest standards of ethical conduct must be maintained at all times.

Developed in response to the publication of the [Fire Service Reputation Management White Paper](#), the purpose of this National Firefighter Code of Ethics is to establish criteria that encourages fire service personnel to promote a culture of ethical integrity and high standards of professionalism in our field. The broad scope of this recommended Code of Ethics is intended to mitigate and negate situations that may result in embarrassment and waning of public support for what has historically been a highly respected profession.

Ethics comes from the Greek word ethos, meaning character. Character is not necessarily defined by how a person behaves when conditions are optimal and life is good. It is easy to take the high road when the path is paved and obstacles are few or non-existent. Character is also defined by decisions made under pressure, when no one is looking, when the road contains land mines, and the way is obscured. As members of the Fire Service, we share a responsibility to project an ethical character of professionalism, integrity, compassion, loyalty and honesty in all that we do, all of the time.

We need to accept this ethics challenge and be truly willing to maintain a culture that is consistent with the expectations outlined in this document. By doing so, we can create a legacy that validates and sustains the distinguished Fire Service institution, and at the same time ensure that we leave the Fire Service in better condition than when we arrived.



# FIREFIGHTER CODE OF ETHICS

**I understand that I have the responsibility to conduct myself in a manner that reflects proper ethical behavior and integrity. In so doing, I will help foster a continuing positive public perception of the fire service. Therefore, I pledge the following...**

- Always conduct myself, on and off duty, in a manner that reflects positively on myself, my department and the fire service in general.
- Accept responsibility for my actions and for the consequences of my actions.
- Support the concept of fairness and the value of diverse thoughts and opinions.
- Avoid situations that would adversely affect the credibility or public perception of the fire service profession.
- Be truthful and honest at all times and report instances of cheating or other dishonest acts that compromise the integrity of the fire service.
- Conduct my personal affairs in a manner that does not improperly influence the performance of my duties, or bring discredit to my organization.
- Be respectful and conscious of each member's safety and welfare.
- Recognize that I serve in a position of public trust that requires stewardship in the honest and efficient use of publicly owned resources, including uniforms, facilities, vehicles and equipment and that these are protected from misuse and theft.
- Exercise professionalism, competence, respect and loyalty in the performance of my duties and use information, confidential or otherwise, gained by virtue of my position, only to benefit those I am entrusted to serve.
- Avoid financial investments, outside employment, outside business interests or activities that conflict with or are enhanced by my official position or have the potential to create the perception of impropriety.
- Never propose or accept personal rewards, special privileges, benefits, advancement, honors or gifts that may create a conflict of interest, or the appearance thereof.
- Never engage in activities involving alcohol or other substance use or abuse that can impair my mental state or the performance of my duties and compromise safety.
- Never discriminate on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual preference, medical condition or handicap.
- Never harass, intimidate or threaten fellow members of the service or the public and stop or report the actions of other firefighters who engage in such behaviors.
- Responsibly use social networking, electronic communications, or other media technology opportunities in a manner that does not discredit, dishonor or embarrass my organization, the fire service and the public. I also understand that failure to resolve or report inappropriate use of this media equates to condoning this behavior.

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