

Brownsburg Fire Territory



Merit Rules

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CHAPTER 1

MERIT COMMISSION PROCEDURAL RULES & REGULATIONS

DUTIES OF THE COMMISSION

- 1) The Brownsburg Fire Territory Merit Commission (the “Commission”) is responsible for establishing uniform procedures for the selection, promotion, performance review, career development, and discipline of Members of the Brownsburg Fire Territory (the “Fire Territory”) and to provide review and oversight of those processes. The Commission was established pursuant to the mandatory adoption requirements set forth under I.C. § 36-8-3.5-5.5 and as such shall have all the authorities and responsibilities set forth under applicable Indiana law.

DEFINITIONS

- 2) As used throughout the Brownsburg Fire Territory Merit Commission Rules and Regulations, the following terms shall have the definitions indicated:
 - a) “Council” shall mean the Town Council of the Town of Brownsburg of Hendricks County, Indiana.
 - b) “Chief” shall mean the Chief of the Brownsburg Fire Territory
 - c) “Commission” shall mean the Brownsburg Fire Territory Merit Commission.
 - d) “Fire Territory” shall mean the Brownsburg Fire Territory.
 - e) “Fire Territory Headquarters” shall mean Brownsburg Fire Territory Headquarters located at 470 East Northfield Drive, Brownsburg, IN 46112.
 - f) “Town Hall, Council Room” shall mean Town Hall, Council Room located at 61 N. Green St., Brownsburg, IN 46112.
 - g) “Member” or “Member of the Fire Territory” shall mean a full time paid career firefighter and member of the 1977 Pension Fund employed by the Brownsburg Fire Territory.
 - h) “Merit Commission General Procedures” shall mean the procedural rules adopted by the Commission pursuant to I.C. 36-8-3.5-9 as set forth in this document titled “Procedural Rules and Regulations.”

- l) “Merit Law” or “Indiana Merit Law” shall mean the Indiana Merit Statute, I.C. 36-8-3.5-1 *et seq.* as may be further amended and supplemented by the Board or the Merit Commission Rules.

Appointment and Qualifications of Commissioners

Terms:

The Commission shall consist of five (5) members which shall include the three (3) members of the Fire Territory’s Governing Board and two (2) members who are elected by the active members of the Fire Territory. A Commissioner who is a member of the Governing Board serves on the Commission until the member ceases to be a member of the Governing Board. The term of a commissioner elected by the active members of the Fire Territory is four (4) years; provided, however, the initial term of one (1) the Commissioners elected by the active members of the Fire Territory is for a term of two (2) years. Each Commissioner shall take an oath of office to conscientiously discharge the Commissioner’s duties. A signed copy of the oath shall be filed with the Governing Board.

Qualifications:

The only qualification for the three (3) Commissioners of the Governing Board is membership of the Governing Board. The qualifications for Commissioners shall be governed by I.C. 36-8-3.5-6.

Removal and Vacancies:

Any vacancy on the Commission shall be filled within thirty (30) days by the original appointing authority of the vacant position and the member who is selected to fill the vacated position shall serve on the Commissioner for the remainder of the unexpired term. The active members of the Fire Territory are the appointing authority for the two (2) Commissioners elected by the Fire Territory. Commissioners who are Governing Board members serve at the pleasure of their respective appointing authority and may be removed at any time by the said appointing authority. Commissioners who are elected by the active members of the Fire Territory serve at the pleasure at the active members of the Territory and may be removed at any time at a special meeting of the active members of the Fire Territory called by the Governing Board under the procedures specified in if a recall petition signed by a majority of the active members of the Territory submitted to the Governing Board.

Compensation:

Commissioners who are members of the Governing Board may not receive per diem for serving on the Commission but may receive compensation for expenses actually incurred in the performance of a commissioner’s duties. Commissioners who are elected by the active

members of the Fire Territory may receive a per diem for serving the Commission and compensation for expenses actually incurred in the performance of a commissioner's duties.

Meetings and Commission Business

Regular Meetings

- a) The Commission shall establish and advertise a schedule of regular meetings at the beginning of each year, if not established earlier. When establishing the schedule, the Commission will consider input from the Chief regarding anticipated needs in the coming year for firefighter selection, appointment and promotion processes. Meetings will normally occur at the Town of Brownsburg, Council Room. At least forty-eight (48) hours prior to a regularly scheduled meeting, notice will be posted at the meeting location. If there is no anticipated business, upon approval of the President or other designate of the Commission, a regular meeting may be cancelled by posting notice at least forty-eight (48) hours prior to the regularly scheduled meeting.

Special Meetings

- b) A Special Meeting may be called upon forty-eight (48) hour notice to Commissioners and the posting of the meeting date, time and location at Town of Brownsburg, Council Room. A Special Meeting may be called by the President of the Commission, or by any three (3) members of the Commission. Reasons for Special Meetings may include, but are not limited to, disciplinary appeals, review of disciplinary matters, unforeseen changes in selection or promotion processes, or unforeseen vacancies in rank or positions.

Executive Sessions

- c) The Commission may hold executive sessions upon the call of the President or any two (2) members of the Commission for any purpose permitted under I.C. 5-14-1.5-6.1. At least forty-eight (48) hours prior to an executive session, notice shall be given to all Commissioners and shall be posted at the meeting location, including within the Notice the stated purpose for the executive session. Executive sessions are closed to the public. Final action on all matters must be taken at a meeting open to the public in accordance with Indiana law.

Quorum

- d) At any meeting of the Commission, the presence of at least three (3) members of the Commission shall be necessary to constitute a quorum. Action by the Commission

shall be authorized by the affirmative vote of at least three (3) Commissioners acting at a properly called meeting at which a quorum is present.

Conduct of Meetings

- e) Meetings of the Commission shall be conducted within normal public meeting guidelines and under Roberts Rules of Order. All meetings shall be subject to the provisions of the Indiana Open Door Law, I.C. 5-14-1.5 *et seq.*

Officers

- f) At the first meeting of every calendar year, the Commission shall select from its members a President, Vice-President and Secretary. The President is responsible for presiding at all meetings; communicating with Commission members in cases of special meetings or cancellation of meetings; official communication with members of the Fire Territory; and preparation and presentation of the Commission budget. The Vice-President is responsible for performing duties of the President in the absence of the President. The Secretary is responsible for record keeping, minutes of meetings, and circulation and posting of notices of meetings. A recording secretary may be employed by the Commission.

Live Streaming & Archiving Meetings

- g) To the extent that I.C. 5-14-1.5-2.9 is applicable, effective July 1, 2025, the Commission shall provide, on a publicly accessible platform, live transmissions of public meetings of the Commission. If any meetings are live streamed, an archive of copies of the live transmissions of the Commission meeting with links to any meeting agendas, minutes, or memoranda. Such transmissions and recordings of public meetings of the Commission may be destroyed by the Commission after a period of ninety (90) days.

Miscellaneous & Other Matters

- 1) **Public Records.** An official record of all meetings of the Commission shall be maintained in accordance with I.C. 5-14-1.5-4(b) and (c) and shall be available for inspection at Fire Territory Headquarters during normal business hours. Records of selection and promotion processes and disciplinary proceedings that include confidential information shall be separately retained and secured at Fire Territory Headquarters. The Commission shall be governed by, and all records of the Commission shall be maintained in accordance with, I.C. 5-14-3 *et seq.*
- 2) **Budget.** The Commission shall annually submit a budget to the Chief sufficient to cover all the expected costs of the Commission for the coming year. The President shall prepare and present a draft budget for approval by the Commission at the June meeting of each year.

After approval by the Commission, the budget shall be forwarded to the Chief in the same manner as other budgets for the Fire Territory.

- 3) **Amendment of Rules & Regulations.** Provided the Commission is acting within the confines of the provisions of the Procedural Rules and Regulations set forth herein, the adoption, amendment and replacement of the Procedural Rules and the Rules and Regulations of the Commission shall be by the Commission in accordance with I.C. 36-8-3.5-22.

CHAPTER 2

MERIT COMMISSION RULES FOR FIREFIGHTER SELECTION PROCESS

POLICY STATEMENT

- 1) Brownsburg Fire Territory is dedicated to the concept of equal employment opportunities throughout the entire development of the selection process. It is our intent to:
 - a) Provide the fairest, most comprehensive format to determine a candidate's appointability utilizing all possible resources available to this Territory at the present time, thereby ensuring the employment of the most qualified of those individuals applying.
 - b) Providing a foundation for determining appointability through review, revision, and reconstruction, should remain a viable procedure indefinitely.
 - c) Ensure that this procedure relates entirely and specifically to the skills, knowledge and abilities required of Brownsburg Fire Territory Career Firefighters.
 - d) Provide an Equal Employment Opportunity to all individuals applying for employment with this Territory without regard to race, religion, color, sex, disability, national origin, marital status, military status, sexual orientation, or ancestry.

EQUAL OPPORTUNITY STATEMENT

- 2) The Brownsburg Fire Territory is an equal opportunity employer and does not discriminate in hiring or employment practices on the basis of race, religion, color, sex, disability, national origin, marital status, military status, political affiliation, sexual orientation, or ancestry as defined by law, nor does it discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Territory also does not discriminate based on age, except when age constitutes a bona fide occupational qualification necessary for proper and efficient administration or as required by law.

OVERVIEW OF SELECTION PROCESS

- 1) The Fire Chief or his/her designee shall serve as the Hiring Coordinator and shall report such a person to the Merit Commission before starting a new process.
- 2) This written procedure shall serve as a framework for the selection process, which shall comply with EEO and ADA laws, the statutory merit system, and the Indiana pension requirements.

- 3) The results of the selection process shall provide a ranked eligibility list of the best-qualified people for the position of probationary firefighter.
- 4) The selection process shall include, at a minimum, the following components as determined by the Merit Commission.
 - a) For the establishment of the eligibility list.
 - i. General Advertisement.
 - ii. Online registration.
 - iii. Ladder climb.
 - iv. Must show proof of passing CPAT within 12 months of the written test.
 - v. Written Examination.
 - vi. Structured Oral Interview.
- 5) Prior to appointment as Probationary Firefighter
 - a) Psychological Evaluation
 - b) PERF Physical Examination
 - c) Pre-employment drug screen
 - d) Background Investigation
- 6) The Candidate Physical Agility Test shall consist of pass/fail components designed to assess the presence of basic capabilities that must be present before hire in order for a candidate to succeed in training and employment.
- 7) Four of the components for establishment of the eligibility list shall result in numerical scores and shall be weighed toward the final ranking as follows:
 - a) Written general aptitude test 40%
 - b) Certifications 10%
 - c) Structured oral interview 50%
- 8) Unless specifically indicated, this written procedure shall not be construed as limiting the authority of the Merit Commission or Brownsburg Fire Territory Administration to select, update and modify as appropriate the specific forms and evaluation tools used within each component.

SUMMARY OF SELECTION PROCESS

- 1) Objective: To develop a selection process that is objective, fair, identifies the most qualified of the candidates completing the process, and meets all statutory requirements.
 - a) Considerations to meet objective:
 - i. Selection process must include several parts and types of tests/evaluations to test for the variety of aptitudes needed by firefighters.
 - ii. Each part of the selection process must be based upon essential functions identified in a job-task analysis, and/or upon statutory requirements.
- 2) Eligibility: To be an eligible Applicant, a candidate must:
 - a) Satisfy certain requirements under Indiana law.
 - b) Provide satisfactory proof of the date and place of the applicant's birth.

- c) Pass the general aptitude test required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5. The general aptitude test shall:
 - i. reflect the essential functions of the job.
 - ii. be conducted according to procedures adopted by the commission; and
 - iii. be administered in a manner that reasonably accommodates the needs of applicants with a disability.

INITIATION OF SELECTION PROCESS

- 1) The selection process shall be initiated upon the notification by the Chief to the Merit Commission that a new eligibility list is needed. The Merit Commission does not need to vote to proceed with a new selection process. Generally, each eligibility list lasts for two years, and a new selection process will start upon the expiration of the previous list. However, if a list is exhausted prior to the two-year period, and the Chief anticipates the need to hire more firefighters, the selection process may be started as soon as the old list is exhausted. Conversely, if the old list is exhausted or expires, and the Chief anticipates that there will NOT be a need for new firefighters in the foreseeable future, the selection process will not be initiated until the Chief identifies the need and notifies the Merit Commission with his/her intent to establish a new list.
- 2) If it is apparent to the Chief that the eligibility list will expire prior to the date that another recruit class can begin, the Chief may request that the Merit Commission approve initiation of a new selection process within six months prior to the expiration date of the existing eligibility list in order that a new eligibility list can be approved immediately upon expiration of the old list, or as soon after expiration of the old list as possible.
- 3) Once the Chief has notified the Merit Commission of the need for a process, the Chief shall then notify the Hiring Coordinator who shall then be responsible for the actual administration of the process, and throughout the process shall bring reports of progress and results of testing to the Merit Commission meetings for the Commission's input, certification and approval.

ADVERTISEMENT

Purpose

- a) Clearly initiate the selection process.
- b) Provide public notice of the initiation of a new selection process.
- c) Attract as many potential Applicants as possible.
- d) Specify date, time, and location of all components of the process.

Methodology

- a) Upon initiation of the selection process, general advertising shall occur in a minimum of two sources. The Territory shall strive to advertise on as many platforms as possible to attract as many viable and diverse candidates.

- b) The advertisement shall be as brief as possible, but descriptive of the position requirements, equal opportunity policy, and the dates, times, and location of application distribution.
- c) The advertisement shall run for a minimum of two consecutive weekends, up to a maximum of three full weeks and four consecutive weekends.
- d) The first weekend of advertising shall precede the first day of application distribution by no less than one day and no more than 10 calendar days.
- e) In addition to advertisements, notification emails shall be sent to any person remaining on the previous eligibility list and any person who has contacted the Territory during the previous two years in writing of their interest in employment.

ONLINE REGISTRATION

Purpose

- a) Provide initial information on the prospective Applicants.
- b) Provide initial information to prospective Applicants regarding the minimum requirements, selection process components, eligibility list, and probationary year.
- c) Provide Applicants the opportunity to ask questions and receive further information regarding the Territory, position, and process.

Methodology

- a) Online registration can be done on the Brownsburg Fire Territory website (www.brownsburgfire.org).
 - b) The prospective Applicant may download the information packet from the Fire Territory website or pick one up in person at the Fire Territory headquarters Monday through Friday during normal business hours (8am until 4:30pm).
- 2) The following information is to be included in the information packet:
- a) Minimum qualification requirements, which include:
 - i. Age within limits as established by state and federal law at the time of application; the Applicant must provide satisfactory proof of the date and place of his/her birth. (IC 36-8-3.5-12(a))
 - ii. Applicants under the age of 19 may apply if the required legal age is attained by the date of establishment of the eligibility list.
 - iii. Applicants who are 39 years old may apply but will be removed from the process/ list if he/she is not employed prior to reaching 40 years old.
 - iv. High school diploma or its equivalent.
 - v. Ability to read and write legibly, speak, understand, and otherwise communicate in the English language.
 - vi. Valid driver's license or beginner's permit at the time of application and maintain it throughout employment.
 - vii. Be a citizen of the United States.
 - viii. No felony convictions on his/her record.
 - ix. Must not have been dishonorably discharged from military service.

- x. Must possess the physical abilities to perform the tasks required of a Brownsburg Fire Territory Firefighter. Essential physical capabilities shall be evaluated through the C.P.A.T. This must be submitted prior to the written test.
- xi. Must assist and cooperate with the Brownsburg Fire Territory in obtaining past employment records, medical records, personal history information that includes driving records and criminal history. Failure to cooperate may be considered cause for disqualification. If it is found that any requested information has been falsified, the Applicant will be eliminated from further consideration, or if employed by the time the falsification is discovered, may be grounds for immediate discharge.
- xii. Must possess excellent vision, hearing, and general health, free from chronic illnesses or conditions that would interfere with the essential functions of firefighting or cause imminent safety problems during emergency operations. Applicants selected for the eligibility list must, prior to appointment, successfully pass a thorough medical examination as required by state law.
- xiii. Must be of sound and stable mind, and prior to appointment must successfully pass a psychological examination by a psychologist designated by the Territory.
- b) A description of the selection process and probationary year.
- c) Minimum standards as appropriate.
- d) Brief position description.
- e) Brief description of benefits.
- f) All necessary application forms.
- g) Any other information deemed pertinent to the initial stage of application.

WRITTEN TEST

Purpose

- a) Provide one component of a comprehensive, recordable selection process that meets statutory requirements.
- b) Assess the basic intellectual abilities necessary for the function of firefighter.

Structure

- a) The written general aptitude test shall consist of multiple choice, matching, and/or true-false questions written in a test booklet or online test. There may be a study guide of written information distributed to each Applicant in advance of the test.

Scope

- a) The written general aptitude test shall consist of an established test designed to assess an Applicant's general aptitude for service as a member of the Territory. The test will be designed such that no prior firefighting knowledge or experience is necessary. It will test the essential functions identified in a job-task analysis,

including.

- i. Ability to read.
- ii. Basic mathematic skills.
- iii. Basic language, spelling, grammar skills.
- iv. Ability to hear and respond to verbal instructions.
- v. Ability to respond appropriately to written instructions.
- vi. Ability to function under stress and time constraints.
- vii. Ability to recall information.

Scoring and tabulation

- a) The total number of points possible will be determined by the specific test selected for use in each selection process.
- b) The written test is used primarily as a tool for achieving a score for establishing ranking of Applicants.
- c) The total points earned shall bear a weight factor of 40% in the overall eligibility scoring.
- d) Results of the written test shall be graded and analyzed by an impartial test grading service.
- e) The Hiring Coordinator shall be ultimately responsible for appropriately weighting and entering the scores from the written test into the total eligibility scoring.

General Rules for written test

- f) The Applicant must be prompt; tardiness or failure to appear shall result in elimination.
- g) The written test shall be given at a date, time and location chosen to best meet administrative requirements as well as the general best interest of the Applicant population.
- h) Unless the size of the application population prohibits it, the test shall be given to all Applicants at the same time in the same location. If this is impossible, every effort shall be made to administer the test to all Applicants under as similar conditions as possible.
- i) At the written test the Applicant shall be informed of the next component of the process. Results of the written testing shall be considered confidential and part of the selection process record. The Hiring Coordinator shall report such results only to the Merit Commission and the Brownsburg Fire Territory upper administrative staff.

STRUCTURED ORAL INTERVIEW

Purpose

- a) Provide one component of a comprehensive, recordable selection process.
- b) Standardize elements of inquiry to provide a consistent, equitable interview.
- c) Provide for continuity in the interview process.

- d) Evaluate each Applicant's responses to questions designed to measure behavioral characteristics essential for optimum performance as a Brownsburg Fire Territory Firefighter.

Structure

- e) The oral interview board shall consist of a minimum of two Brownsburg Fire Territory Merit Firefighters or qualified members of other fire departments. Although the membership of the interview board may change from one selection to another the same individuals shall, if possible, interview all Applicants in a particular process. If there are over 150 Applicants to interview, two boards may be used to be respectful of the interviewer's time.

Scope

- f) The Structured Oral Interview is designed to measure personality characteristics which are important within the profession of firefighting/emergency services. The specific characteristics to be measured are based upon a job-task analysis and may include:
 - i. Ability to express thoughts verbally in a clear, understandable manner.
 - ii. Ability to speak clearly and audibly.
 - iii. Ability to follow verbal directions.
 - iv. Ability to compare information and combine details to reach a conclusion.
 - v. Ability to handle sensitive public contacts with tact.
 - vi. Ability to comfort victims.
 - vii. Willingness to work in unpleasant conditions.
 - viii. Willingness to work in hazardous situations.
 - ix. Ability to maintain personal cleanliness.

Scoring and tabulation

- g) The total possible points shall be determined by the number of characteristics chosen to be measured.
- h) The total points earned in the interview shall bear a weight factor of 50% in the overall eligibility scoring of the Applicant.
- c) Each characteristic measured shall be evaluated either as superior, acceptable, or unacceptable by comparing the Applicant's response with the anchors written for each of the above categories.
 - i. Each oral interview board member will assign points to the Applicant's responses as follows:

SUPERIOR	3 POINT
ACCEPTABLE	2 POINT
UNACCEPTABLE	1 POINT

- ii. Each board member will determine the actual points awarded to the Applicant's response from the above defined ranges by evaluating how closely the response parallels the pertinent anchors.

- iii. Each board member will tabulate the points he/she awarded to each of the characteristics measured and the sum will serve as the total points awarded to that Applicant by that specific board member.
- iv. The total scores of the board members will be added together and the sum divided by the number of board members to arrive at an average score. This average score will represent the total points that the Applicant earns from participating in the structured oral interview.

Methodology

- i) The Hiring Coordinator will determine the number of applicants that are eligible to participate in the Structured Oral Interview based on needs assessment.
- j) The same board members will evaluate all Applicants.

- k) Each board member shall be given written and verbal instructions as to the methodology, scoring, purpose and principles of the structured oral interview prior to engagement in the process.
- l) Any materials distributed to board members shall be treated as confidential information. No discussion of content will be allowed beyond the specific board members engaged in the process.
- m) An instructional meeting involving all board members will be held prior to the interviews to explain the process in detail and answer any pertinent questions.
- n) The Hiring Coordinator shall schedule all interviews and ensure Applicant notification.
 - i. Applicants will be allotted 20 minutes for the individual interview.
 - a. Failure of an Applicant to appear at the scheduled interview time shall result in the elimination of that Applicant from any further employment consideration during that specific selection process.
- g) An Applicant experiencing circumstances beyond his/her control which prevents appearance at the scheduled time may, upon notice to the Hiring Coordinator at earliest possible time prior to the scheduled interview, be rescheduled for an interview. Rescheduling interviews will be entirely dependent upon viability of the individual extenuating circumstances and convenience of the board members.
- g) Both responses to specific questions and observable characteristics throughout the interview shall be used to evaluate an Applicant.
- h) Each Applicant within a specific selection process shall be asked the same questions and evaluated on the same observable characteristics.
- i) Different questions and observations may be used in different selection processes; however, no questions or observable characteristics shall be changed or altered within a single selection process.
- j) Each board member shall alternate reading the characteristic measurement questions. One member will serve as moderator to answer Applicant's questions and read the opening and closing statements.
- k) Each board member will record the points awarded to the Applicant on their individual recording sheet. Each board member's total score will be transferred to the Applicant's oral interview summary sheet where final tabulations and computations will be completed.
- l) After the last oral interview question has been answered, the moderator will read the closing statement to each Applicant.
- m) Structured Oral Interviews shall be taped or video recorded for future reference and verification.
- n) Individual recording sheets and summary sheets shall be given to the Hiring Coordinator for final tabulation, filing, and ranking of Applicants.
- o) Upon completion of the Structured Oral Interview the Applicant shall receive written notification regarding the establishment of the eligibility list. Results of the Structured Oral Interview shall be considered confidential and part of the selection process record. The Hiring Coordinator shall report such results only to the Merit Commission, and to the Brownsburg Fire Territory upper administrative staff.

CPAT / ESSENTIAL FIRE FIGHTING TESTING

- a) The physical component of the Applicant selection process is the CPAT, designed to evaluate whether an Applicant has the physical capabilities to perform job tasks required of firefighters. Must show proof of passing CPAT within 12 months of the oral interview.

CERTIFICATIONS/EDUCATION

- 1) Points shall be awarded for the following for a maximum of 10% of the total score
 - a) Honorable discharge from the military 4 points
 - b) Paramedic certification 4 points
 - c) Bachelor's degree 2 points
 - d) Associate's degree 1 points
 - e) Current Fire Territory civilian employee 4 points

ELIGIBILITY LIST

- 1) **Purpose:** The purpose of the eligibility list is to:
 - a) Meet the statutory merit system requirement of maintaining for two years a list of people eligible for appointment as a probationary firefighter.
 - b) Provide a ranked order of Applicants based upon scores achieved through Written Testing, Structured Oral Interview, and Certifications.
 - c) Allow for final evaluation of Applicants in order of ranking and as positions for Probationary Firefighters open during the term of the list.
- 2) **Structure:** The eligibility list shall consist of a written list of names and final scores belonging to Applicants eligible for final evaluation for appointment to the Territory as probationary firefighters, arranged in ranked order from highest to lowest. The list shall be presented to and certified by the Merit Commission.
- 3) **Scope:** The eligibility list shall include the names and scores of only those people who successfully pass all phases and requirements of the selection process up to the establishment of the eligibility list.

Scoring and tabulation

- a) The Hiring Coordinator shall be responsible for calculating, checking, and ranking all scores.
- b) Scores of the components of the selection process shall be earned and weighed as follows:
 - i. Written General Aptitude Test: Number of possible points determined by selected test = 40% of Total.
 - ii. C.P.A.T. = Pass / Fail.

- iii. Certifications = 10% of Total.
- iv. Structured Oral Interview: Number of possible points determined by components selected = 50% of Total.

Methodology

- a) Throughout the selection process, the Hiring Coordinator shall calculate and record scores on individual score sheets.
- b) Upon completion of the structured oral interview, the Hiring Coordinator shall check all scores and calculations at least one more time, rank the scores, and produce the rank-ordered eligibility list.
- c) The Hiring Coordinator shall present the eligibility list to the Merit Commission for certification.
- d) Upon Merit Commission certification, the Hiring Coordinator shall notify in writing all persons on the eligibility list and inform the Applicants of their individual ranking.
- e) Copies of the eligibility list shall be distributed to the Merit Commission and Administrative Chief Officers.

CONDITIONAL OFFER

- 1) When a vacancy occurs in the Territory, the Commission, upon written request from the Chief, shall extend conditional offers to Applicants on the eligibility list. The first four (4) consecutive requests to fill vacancies shall be filled by the appointment of the Applicant with the highest score on the eligibility list. The next request to fill a vacancy shall be filled by an Applicant on the eligibility list selected at the sole discretion of the Chief. The process shall continue on a rotating basis so that at least eighty percent (80%) of the appointed Applicants are selected based on having the highest score and no more than twenty percent (20%) are selected at the discretion of the Chief. If an Applicant declines a conditional offer from the Territory, that Applicant will be removed from the eligibility list.
- 2) All appointments are probationary for a period of one (1) year after the date of hire. If the commission finds, upon the recommendation of the Territory during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify the member in writing that the member:
 - a) is being reprimanded.
 - b) is being suspended.
 - c) will have probationary period extended; or
 - d) will not receive a permanent appointment.
- 3) If a member is notified that the member will not receive a permanent appointment, the member's employment immediately ceases. Otherwise, at the expiration of the probationary period the member is considered regularly employed.

BACKGROUND CHECK

Purpose: The purpose of the background check is to:

- a) Investigate the past employment record, moral character, and driving and criminal records of an Applicant to ensure compatibility with the needs of the position of Probationary Firefighter.
- b) Eliminate from employment consideration individuals with known histories which would be contrary or detrimental to the best interests of the Territory and/or the citizens of Brownsburg Fire Territory.

Structure: The background check may include written, telephone, and/or in-person interviews.

Scope: The background check will include at least.

- a) Investigation of criminal records.
- b) Investigation of driving record.
- c) Investigation of past work record.
- d) Contacts with personal references.
- e) Review the applicant's social media.

Methodology

- a) A list containing name, gender, birth date, social security number, and driver's license type of Applicants shall be sent to a law enforcement agency or investigation specialist for investigation of the driving record and criminal record.
- b) The Hiring Coordinator and/or designee(s) shall contact by phone, in writing, and/or in person all the people listed as personal references by Applicants in order to gain information regarding the Applicant's interpersonal relations and character.
- c) The Hiring Coordinator and/or designee(s) shall contact them by phone, in writing, and/or in person, the previous employers of the Applicant, to gain information regarding work record.
- d) The Applicant may be eliminated from employment consideration if any of the following are found:
 - i. Driving record indicating repeated and serious driving offenses, including a history of recklessness, suspended license(s), etc.
 - ii. Criminal record indicating a conviction of a felony.
 - iii. Work record indicating repeated and ongoing disciplinary problems, unresolved and un-improving attendance/tardiness problems, marginal or unacceptable performance, etc.
 - iv. Unresolved abuse of alcohol, controlled substances, or prescription drugs.
 - v. Evidence of falsification of application.
 - vi. Any other serious defect of character or record that could be detrimental to the effective performance of a public employee.
- e) Results of investigations shall be recorded on a background investigation form.

PSYCHOLOGICAL EVALUATION

Purpose

- a) Meet the requirements of state law.
- b) Determine the mental status of an Applicant to help ensure selection of Applicants are of sound and stable mental character and possess psychological characteristics necessary and desirable for the position of firefighter.

Structure

- a) The psychological evaluation shall be performed by a psychologist selected by the Territory. The psychologist shall use such written, interpretive, and interview techniques as he/she deems necessary and appropriate for evaluation of the Applicant.

Scope

- a) The psychologist shall render a written opinion regarding evaluation, as much as possible, of the following characteristics of the Applicant (these characteristics are essential according to job- task analysis and/or statute)
 - i. Interest and aptitude for the position of firefighter.
 - ii. Ability to work as part of a team, contribute a fair share to group effort, live harmoniously with others, and treat all people with dignity and respect.
 - iii. Ability to follow direction, learn quickly, and accept criticism.
 - iv. Presence or absence of any psychological pathology.
 - v. Tolerance of and reaction to stress; ability to work effectively under time pressure, calm distressed/distraught victims, analyze problems and act fast under stress, tolerate disgusting sights and smells, work effectively in adverse and/or dangerous conditions, and risk physical illness or injury.
- b) Respect for authority, individual differences, and property and ownership of others.
- c) Ability to maintain a sense of humor and to handle sensitive public contacts with tact.

Scoring

- a) Although the psychological evaluation does not result in a numerical score, any finding in the psychological profile of active neurosis or psychosis, or psychological characteristics incompatible with the requirements or the function of a firefighter shall result in elimination of the Applicant from employment consideration.

Methodology

- b) As a position for probationary firefighter opens, Applicants will be sent in order of rank on the eligibility list for final evaluation for the position.
- c) The Applicant shall be given written and/or telephone notice of date, time and location of the appointment.
- c) Refusal of the evaluation, failure to appear, or election to withdraw from eligibility shall be cause for elimination of the Applicant from employment consideration.
- d) The Hiring Coordinator or his designee may discuss with the psychologists the results of the evaluation and receive the psychologist's written report.

PRE-EMPLOYMENT PHYSICAL EXAMINATION

Purpose

- a) The purpose of the pre-employment physical examination is to:
 - i. Meet the requirements of state law.
 - ii. Accurately determine the baseline physical health of the Applicant and ensure the physical health of the Applicant is adequate to safely perform the functions of firefighter.
 - iii. Provide that such tests comply with PERF requirements.

Structure

- a) The physical examination shall be performed by a medical doctor licensed in the State of Indiana and chosen by the Territory. The physician shall perform, order, and evaluate the results of all physical tests required by the Indiana State Public Employee Retirement Fund Board and shall render opinion of suitability of the Applicant for employment as a firefighter based upon the guidelines provided by the Public Employee Retirement Fund.

Scoring

- a) The physical examination does not result in a numerical score but does result in a professional opinion regarding the acceptability of an Applicant according to specific written guidelines. Any finding which has been identified by PERF as cause for elimination shall eliminate the Applicant from employment consideration. Furthermore, any finding of a physical condition that is TEMPORARILY disabling for the position of firefighter shall result in return of the Applicant to the eligibility list until such a time as the condition is resolved and a position is available for the Applicant, or the eligibility list expires, whichever is first.

Methodology

- a) The Applicant shall receive written and/or telephonic notice of the date, time and location of the appointment for the pension physical examination, and details pertinent to preparation for the examination.
- b) Refusal of the evaluation, failure to appear, or election to withdraw from eligibility shall be cause for elimination of the Applicant from employment consideration.
- c) The Territory physician shall send results and interpretation of the examination to the Hiring Coordinator, with a complete PERF examination form.
- d) The physical examination shall be performed as close to the projected date of appointment to the Territory as possible.

FINAL APPROVAL AND APPOINTMENT

- 1) Upon completion of all testing and examinations, the Hiring Coordinator shall report findings and recommendations to the local Pension Board and the Merit Commission.
- 2) The local Pension Board shall review the results of the psychological and physical examinations and certify to the state PERF board the acceptability of the Applicant based

upon the PERF board guidelines.

- 3) The Merit Commission shall review the results of the background investigation, the recommendations of the Pension Board based upon psychological and physical examinations, and the selection process and rule upon the acceptability of the Applicant for the position of probationary firefighter.
- 4) Upon favorable recommendation of the Pension Board and the Merit Commission the Applicant shall be appointed to the Territory as a Probationary Firefighter as outlined in I.C. 36- 8-3.5-12.
- 5) Details of notification of the Applicant regarding appointment, date, time and location for report to duty, uniform issue, etc., shall be handled by the Hiring Coordinator.
- 6) If an Applicant is offered employment from the eligibility list and refuses that offer, the Applicant shall be removed from that eligibility list.

USE OF LIST BY OTHER DEPARTMENTS

- a. The Territory may, by mutual agreement, allow other fire departments to offer employment to Applicants on the Brownsburg Fire Territory eligibility list. Applicants that are offered employment by other fire departments based on the Brownsburg Fire Territory eligibility list will be notified of that fact, in writing, at the time the offer is made. If an Applicant is offered employment by another fire department, based on the Brownsburg Fire Territory eligibility list, and if the Applicant is employed by that other fire department, the Applicant will be removed from the Brownsburg Fire Territory eligibility list. If the Applicant is not employed by the other fire department, for any reason, including refusing the offer, the Applicant will remain on the Brownsburg Fire Territory eligibility list.

LATERAL HIRING

Policy

- i. The Territory, with notification to the Merit Commission, may choose to fill a vacant position with a lateral entry Firefighter/EMT-B or Firefighter/EMT-P if a vacancy(s) occurs where there is no academy scheduled.

Requirements

- ii. Must show proof of passing CPAT within 12 months of the oral interview.
- iii. Three (3) years prior experience as a full time/ career firefighter in the 1977 Police and Firefighter Fund.
- iv. Successfully complete ladder climb.
- v. Completed Brownsburg Fire Territory Employment Application.
- vi. State of Indiana Driver's License.
- vii. Minimum State of Indiana EMS certification at EMT-B level or above.
- viii. State of Indiana Firefighter II certification or above.
- ix. Successful completion of Territory incumbent firefighter physical with Aerobic Capacity Test.

- x. Oral interview.
- xi. Pass background checks.

Conditions of employment

- a) Candidate must have successfully completed all the requirements set forth in the policy.
- b) Candidate will be a “probationary employee” for a period of one (1) year from the date of hire.
- c) Candidates will receive up to 3 years of credit for previous experience.

CHAPTER 3

MERIT COMMISSION RULES FOR PROMOTION

Promotion of Officers and Engineers

- 1) Basis for Promotion: Firefighter promotions to officer ranks shall occur in compliance with IC 36-8-3.5-13, 14, and 16 and according to such other standards as the Commission may adopt. Rank does not determine job description or position, which remains within the discretion of the Fire Chief.
- 2) Merit Ranks: There shall be three merit Officer Ranks: Engineer, Lieutenant, and Captain. Each rank shall have a promotional process and eligibility list.
- 3) Commission Oversight of Promotion Process: The Fire Chief shall provide for development and administration of promotional processes that comply with the laws and standards governing firefighter promotion. The promotion processes shall be adopted by the Commission.
- 4) Only those individuals who complete the process with an overall score of 70% or above will be eligible to be put on the promotion list.

Objective of the Promotional Process

- 1) The Promotional Process is intended to be objective, fair, and unbiased. It should identify the most qualified candidates eligible for promotion and meet all statutory requirements.

INITIATION OF PROCESS

- 1) The Promotional Process shall be initiated upon the notification by the Chief to the Merit Commission that a new eligibility list is needed. The Merit Commission shall approve the initiation of the process.
- 2) Each promotional list shall be valid for two years from the date of certification. The Chief can wait for an existing list to expire before beginning a new process, the Chief can begin a new Promotional Process up to six (6) months prior to the existing list's termination date, or the Chief can begin a new process within the two (2) year window if a list is completely exhausted. If the Chief does not anticipate the need for promotions in the foreseeable future, the Chief can wait, and the Promotional Process will not begin until the Chief identifies the need and requests the approval of the Merit Commission to establish a new list.
- 3) Upon approval by the Merit Commission, the Promotional Process Coordinator shall be responsible for the administration and oversight of the process. The Promotional Process Coordinator shall bring reports of progress and results of testing to the Merit Commission.

Eligibility for Promotions

Time requirements to be eligible for promotion

- a) Engineer
 - i. Must have completed three (3) full years of service with the Brownsburg Fire Territory or you laterally transferred to Brownsburg Fire Territory from another department then you must have three (3) years in the fire service with one (1) year of service with the Brownsburg Fire Territory.
- b) Lieutenant
 - i. Must have completed five (5) full years of service with the Brownsburg Fire Territory or you laterally transferred to Brownsburg Fire Territory from another department then you must have five (5) years in the fire service with three (3) years of service with the Brownsburg Fire Territory.
- c) Captain
 - i. Must hold Rank of Lieutenant for a minimum of two (2) years to be eligible for promotion to Captain.

Education Requirements

- a) It is the commitment of the Brownsburg Fire Territory that only Merit Officers meet the necessary training and certification qualifications required by the State of Indiana serve in merit rank positions.
- b) ALL courses attended, or test challenges, must be approved prior to the start of the process.
- c) Must meet all educational requirements as outlined in the Territory's job description for the position desired.

*If the State of Indiana changes the title of any certification, the equivalent certification shall be used in its place. All certifications must be kept up to date and valid.

OVERVIEW OF THE LIEUTENANT AND CAPTAIN PROMOTION PROCESS

- 1) The Promotional Process outlined herein shall apply to merit Lieutenant and Captain rank.
- 2) The Promotional Process shall include seven (7) components:
 - a) Interest letter.
 - b) The score received by the member on a written competitive examination.
 - c) The score received by the member on an oral presentation and oral competitive interview, and assessment center.
 - d) The member's accomplishment record.
 - e) The score received by the member for training and education.
 - f) The discipline record of the member in the Territory.

- g) The member's length of service.
- 3) The Fire Chief or his designee shall serve as the Promotional Process Coordinator, who shall serve as the liaison between the members of the Fire Territory and the Merit Commission.
 - a) Promotions to the rank of Lieutenant must come from the rank of Private. Promotions to the rank of Captain must come from the rank of Lieutenant. In addition, the member being promoted must have served at the lower rank for a period determined by the Commission.
- 4) Only members who are qualified in rank and length of service may be given the competitive examinations and placed on an eligibility list. The eligibility list for a position consists of members who have been placed on the list in order of their cumulative score on all rating factors.
- 5) The eligibility list shall be maintained for two (2) years from the date of certification, after which time the list shall be retired and a new list established.
- 6) Members must be available in person for all the required testing.

Lieutenant/Captain Process

Letter of Interest

- a) The first component of the Promotional Process is a letter of interest.
- b) The letter of interest shall constitute 5% of the total score.

Written Examination

- a) The next component of the Promotional Process is a written examination. The written examination shall constitute 25% of the total score.
- b) Before a written competitive examination may be held, the members eligible to take the examination must be notified of the written materials from which the questions will be taken.
- c) All written examinations are confidential.
- d) The Commission shall notify each member in writing of the score that the member received on the examination. The score received by a member on the written examination becomes a part of the permanent file of the member, and the member is entitled to access to this file for examination at any time.
- e) The examination papers shall be kept under the commission's supervision.
- f) A member who is aggrieved with the score received on the written examination may appeal to the commission for review of the score. The appeal must be filed within ten (10) days of receiving their results. The member may review the questions incorrectly answered by the member and challenge the answer considered correct by the examiner. The commission shall either affirm the score or correct the score according to the findings of a review. The examination papers shall be retired after the two (2) year period during which the eligibility list is valid. The retired papers shall be kept for five (5) years and then destroyed.

Oral Presentation/Assessment Center

- a) The next component of the Promotional Process is an oral presentation/assessment center. The oral presentation/assessment center shall constitute 20% of the total score.
- b) The assessment center shall be comprised as follows: a tactical scenario, oral presentation, and a writing assignment.

Accomplishment Record

- a) The next component of the Promotional Process to be considered is the member's accomplishment record. The Accomplishment Record is a written document that details your accomplishments throughout your career.
- b) Accomplishment records shall count as 20% of the total score.

Disciplinary Record

- a) A candidate's performance record shall count as 5% of the total score.

Training/Education

- b) The training/education shall constitute 15% of the total score.
- c) Points will be awarded as follows:
 - i. Completion of an associate's degree – 1 point (1 degree maximum)
 - ii. Completion of a bachelor's degree – 2 points (1 degree maximum)
 - iii. Completion of a master's degree – 3 points (1 degree maximum)
 - iv. EMT-Paramedic certification with affiliation – 2 point
 - v. Military service with honorable discharge – 1 point
 - vi. Military officer – 1 point
 - vii. Each hour of training that is documents in the department's record system for the past 2 years as of the date of the written exam – 1/10 of a point
 - viii. Candidates who have received an associate's degree, bachelor's degree, and a master's degree in the same area of study will only receive credit for the highest degree. Any degree submitted must be from an accredited university.

Overview of the Engineer Promotion Process

- 1) The Promotional Process outlined herein shall apply to merit Engineer rank.
- 2) There shall be a list for Merit Pumper Engineer and a list for Merit Ladder Engineer.
- 3) The Promotional Process shall include six (6) components.
 - a) Interest letter.
 - b) The score received by the member on a written competitive examination.
 - c) The score received by the member on a practical examination.
 - d) The score received by the member for training and education.
 - e) The discipline record of the members in the Territory.
 - f) The member's length of service.

- i. The Fire Chief or his designee shall serve as the Promotional Process Coordinator, who shall serve as the liaison between the members of the Fire Territory and the Merit Commission.
- ii. Promotions to a rank must be from the next lower rank. In addition, the member being promoted must have served at the lower rank for a period determined by the Commission.
- iii. Only members who are qualified in rank and length of service may be given the competitive examinations and placed on an eligibility list. The eligibility list for a position consists of members who have been placed on the list in order of their cumulative score on all rating factors.
- iv. The eligibility list shall be maintained for two (2) years from the date of certification, after which time the list shall be retired and a new list established the retired list shall be kept for five (5) years and then destroyed.
- v. Members must be available in person for all the required testing.

Engineer Process

Letter of Interest

- a) The first component of the Promotional Process is a letter of interest.
- b) The letter of interest shall constitute 5% of the total score.

Written Examination

- a) The next component of the Promotional Process is a written examination. The written examination shall constitute 25% of the total score.
- b) Before a written competitive examination may be held, the members eligible to take the examination must be notified of the written materials from which the questions will be taken.
- c) All written examinations are confidential.
- d) The Commission shall notify each member in writing of the score that the member received on the examination. The score received by a member on the written examination becomes a part of the permanent file of the member, and the member is entitled to access to this file for examination at any time.
- e) The examination papers shall be kept under the commission's supervision.
- f) A member who is aggrieved with the score received on the written examination may appeal to the commission for review of the score. The appeal must be filed within ten (10) days of receiving their results. The member may review the questions incorrectly answered by the member and challenge the answer considered correct by the examiner. The commission shall either affirm the score or correct the score according to the findings of a review. The examination papers shall be retired after the two (2) year period during which the eligibility list is valid. The retired papers shall be kept for five (5) years and then destroyed.

Practical Evaluation

- a) The next component of the Engineer Process is a practical evaluation.
- b) The practical evaluation shall constitute 40% of the total score.

Disciplinary Record

- a) A candidate's performance record shall count as 5% of the total score.

Training/Education

- b) The training/education shall constitute 15% of the total score.
- c) Points will be awarded as follows:
 - i. Completion of an associate's degree – 1 point (1 degree maximum)
 - ii. Completion of a bachelor's degree – 2 points (1 degree maximum)
 - iii. Completion of a master's degree – 3 points (1 degree maximum)
 - iv. EMT-Paramedic certification with affiliation – 2 point
 - v. Military service with honorable discharge – 1 point
 - vi. Military officer – 1 point
 - vii. Each hour of training that is documents in the department's record system for the past 2 years as of the date of the written exam – 1/10 of a point
 - viii. Candidates who have received an associate's degree, bachelor's degree, and a master's degree in the same area of study will only receive credit for the highest degree. Any degree submitted must be from an accredited university.

Length of Service

- a) Points for promotion.
 - i. Candidates will receive ½ point for each year of service completed up to a maximum of 10 points.
 - ii. A candidate's length of service shall count up to 10% of the total score.

Appointments

- 1) When the Chief notifies the Commission of a vacancy in rank, the Commission shall certify to the Chief the number of vacancies, plus two (2) additional names representing the highest scores on the eligibility list for that rank. Within six (6) months the Commission, on the recommendation of the Chief, shall promote one (1) of those members to fill the vacant position.
- 2) If a candidate turns down a promotion, then he/she will be removed from the eligibility list.
- 3) All promotions are probationary for a period not to exceed one (1) year. At the end of the period, a probationary member's superior shall review the members' performance and recommend to the Commission that: (1) the promotion be made permanent; (2) the promotion be revoked; or (3) the probation may be extended.
- 4) The Commission shall prepare a rating chart for the superior's use in making the report. The Commission shall review the report and decide what action should be taken. The probationary member is entitled to appear before the Commission and be heard on any

matter detrimental to the member in the report of the member's superior. The member is also entitled to be represented by counsel or another representative of the member's choice. If the promotion is finally revoked the member may not be returned to a rank lower than that the member held before the probationary promotion.

- 5) Actions by the Commission other than making the promotion permanent may be appealed within thirty (30) days to the circuit or superior court of the county, with the Territory being named as the sole defendant.

CHAPTER 4

MERIT COMMISSION RULES FOR DISCIPLINE

Basis for discipline

- 1) Ind. Code § 36-8-3.5-17 provides for disciplinary action by the Commission.
Ind. Code § 36-8-3.5-18 provides for appeal procedures. Ind. Code § 36-8-3.5-19 provides for discipline by the Fire Chief that may be reviewed by the Commission.
 - a) For the purpose of these rules, any reference to member or firefighter shall apply to civilian EMS personnel as well.

Commission oversight of discipline

- 1) The Fire Chief shall provide for the development and administration of disciplinary procedures that comply with the laws and standards governing Fire discipline. The Merit Commission shall review the disciplinary procedures to ensure compliance, alter procedures if they are found to be non-compliant, and work within the procedures established in cases of discipline.

Suspension greater than five days, demotion, or termination

- 1) If the Chief of Fire prefers charges against a non-probationary Firefighter for an alleged breach of discipline and recommends a suspension without pay that exceeds five (5) days, a demotion or a recommendation for termination, such action requires notification and involvement of the Merit Commission. The Merit Commission shall review all charges preferred against any Firefighter and may uphold the Chief's recommended discipline or issue alternative discipline. The Firefighter may request a hearing on the charges referred by the Fire Chief by filing a request with the Chief within five (5) business days of the notice of the charges.³ The Commission shall follow the requirements in Ind. Code § 36-8-3.5-17 when it holds a hearing.

Suspension is less than five days

- 1) If the Fire Chief reprimands a firefighter in writing or suspends a member, the Chief shall, within forty-eight (48) hours, notify the Commission in writing of the action and the reasons for the action. A firefighter who is reprimanded in writing or suspended in accordance with this provision may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the Commission review the

reprimand or suspension and either uphold or reverse the Chief's decision. At its discretion, the Commission may hold a hearing during this review. If the Commission holds a hearing, written notice must be given in accordance with the rules provided.

- 2) For purposes of a request for a review of charges, “business days” include Monday through Friday, excluding legal holidays recognized by Brownsburg Fire Territory. The time period within which a Firefighter must file an appeal begins to run: (1) if the notice is personally delivered to the Firefighter by a Territory officer, upon delivery of the notice; or (2) if the notice is mailed by certified mail, the earlier of (a) the date the receipt of delivery is signed, or (b) three (3) days after mailing the notice by the Territory. If the decision is reversed, the individual who was suspended is entitled to any wages withheld because of the suspension.

Notice of a Merit Commission review or hearing

- 3) Written notice of a Merit Commission Review or Hearing shall be provided to the accused Firefighter, either in person or by delivering a copy to the Firefighter’s last known address. The notice shall be delivered at least fourteen (14) days prior to the review or hearing date, unless the Firefighter agrees to a shorter period of time. The notice shall state the following:
 - i. The time and place of the hearing.
 - ii. The charges against the member.
 - iii. The specific conduct that comprises the charges.
 - iv. That the member is entitled to be represented by counsel or another representative of the member’s choice.
 - v. That the member is entitled to call and cross-examine witnesses.
 - vi. That the member is entitled to require the production of evidence.
 - vii. That the member is entitled to have subpoenas issued, served, and executed.

STANDARDS FOR A “HEARING” BY THE MERIT COMMISSION

- 4) A hearing is a more formal consideration of a disciplinary matter. A Hearing will be conducted by the Merit Commission. The President, or a Commission member designated by the President, will chair the Hearing. A Hearing will be conducted under the Indiana Rules of Evidence. All people presenting facts or documents will be placed under oath. The Fire Chief or his designee will present the facts concerning the disciplinary matter and may call witnesses and introduce evidence in support of the discipline. All people testifying on the Territory’s behalf may be cross-examined by the Firefighter or his counsel. At the conclusion of the territory’s presentation, the Firefighter will present the facts relevant to his defense. The Firefighter may call witnesses and introduce evidence in support of his defense. All persons testifying on behalf of the Firefighter may be cross-examined by the Fire Chief or his designee. The Merit Commission, in its discretion, may question any witnesses presenting evidence. The Firefighter and the Chief may be permitted to make closing arguments, at the Merit Commission’s discretion. The Commission members will publicly consider the matter submitted and will render a decision by a majority vote of the Commission members present based on a preponderance of the evidence presented. The

Merit Commission shall record all proceedings and may employ a court reporter to transcribe the Hearing.

Standards for a “Hearing” by the Merit Commission

- 5) In any case where the Merit Commission suspends a Firefighter for more than ten (10) days, demotes a Firefighter, or dismisses a Firefighter, the Firefighter may file an appeal with the Hendricks County Circuit or Superior Court. The appeal must be filed within thirty (30) days after the Merit Commission’s decision. If such an appeal is filed, the Merit Commission shall prepare a complete transcript of all papers, entries, and other parts of the record, including the Review or Hearing, without charge to the Firefighter, and file the transcript with the court within thirty (30) days after it receives the service of summons.

CHAPTER 5

MERIT COMMISSION RULES FOR PERFORMANCE EVALUATIONS

General and Job Specific Performance Evaluation.

- 1) The Department will administer, at least once every twelve months, a performance evaluation to each non-probationary member and non-probationary civilian EMS person.
- 2) Performance evaluations will be conducted by one or more of the members or civilian EMS personnel superiors under procedures established by the Chief and approved by the Commission.

Probationary Employees

- 1) All probationary members and probationary civilian EMS personnel will receive an evaluation at least once every six months after the date of hire, including an evaluation immediately before the expiration of the probationary period.

Promotional Employees

- 1) Following a promotion, the promoted officer will receive evaluations at six months after the date of promotion and at eleven months after the promotion.

Records

- 1) The Chief or his designee must notify each department member and civilian EMS personnel in writing of their performance review rating. All ratings will be submitted to the Chief and be maintained in the personnel files.

Appeals

- 1) A member or civilian EMS employee aggrieved with his or her performance rating may appeal in writing to the Commission for a review of the rating. The appeal must be filed with the office of the Chief within ten days after receiving notice of the rating. The appeal must include a short, written narrative of the perceived evaluation discrepancy and a copy of the performance rating. The Commission will review and either affirm or correct the rating at

the Commission's next meeting, or at such other time set by the Commission. The Commission will notify the appealing party, the Chief, and the evaluator at least 48 hours before the appeal.