

PERSONNEL

The staff of Yakima County Fire Protection District No. 5 constitutes a valuable and significant resource for an effective program. The program(s) of the district shall function successfully when qualified staff are appointed, opportunities for staff training are provided and the best possible working conditions are maintained which are conducive to personal, occupational and professional satisfaction and which encourage each staff member to make the fullest contribution to the district's program.

The district is subject to and required to comply with federal, state, local laws and regulations related to the employment process. This includes, but is not limited to civil rights laws, the Occupational Safety and Health Act, and regulations of the Equal Employment Opportunity Commission, Department of Labor, and Internal Revenue Service.

THE PERSONNEL POLICIES ADOPTED BY THE FIRE DISTRICT ARE INTENDED TO BE GENERAL STATEMENTS OF DISTRICT POLICY. THEY ARE NOT INTENDED TO BE A PART OF THE EMPLOYMENT RELATIONSHIP BETWEEN THE DISTRICT AND INDIVIDUAL STAFF MEMBERS AND NOT TO BE CONSIDERED CONTRACTUAL IN NATURE.

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL**Nondiscrimination**

The district shall provide equal employment opportunity and treatment for all applicants and district members in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity shall be provided without discrimination with respect to race, creed, color, national origin, age, sex, marital status or non-job-related physical, sensory or mental handicaps, except insofar as such bases are valid occupational qualifications.

Cross Reference: Policy 2103
Policy 2604/2604P/2604E

Affirmative Action
Disciplinary Action and Discharge

Legal Reference: RCW 49.60
WAC 392.200

Law against discrimination
Employment discrimination
Title VII, Civil Rights Act of 1964
P.L. 99-603 (IRCA), Immigration Reform
and Control Act of 1986

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Employment of Handicapped Persons

In order to fulfill the district's commitment of nondiscrimination to those with handicapping conditions, the following conditions shall prevail:

1. No qualified handicapped person shall, solely by reason of a handicap, be subjected to discrimination, and the department shall not limit, segregate or classify any applicants for employment of any member in any way that adversely affects opportunities or status because of a handicap. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.
2. The district shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the district program. Such reasonable accommodations may include:
 - Making facilities used by staff readily accessible and usable by handicapped persons, and
 - Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.
 - In determining whether or not accommodation would impose an undue hardship on the department, factors to be considered include the nature and cost of the accommodation.
3. The district shall not make use of any employment test or criteria that screens out handicapped persons unless:
 - The test or criteria is clearly and specifically job-related, and
 - Alternative tests or criteria are not available to evaluate the applicant's ability to perform the job.
4. While the district may not make pre-employment inquiry as to whether an applicant has a handicap or as to the nature and severity of any such handicap, it may inquire into an applicant's ability to perform job-related functions.

5. Any staff member who believes that there has been a violation of the policy of the law prohibiting discrimination because of a handicap may initiate a grievance through the procedures for staff complaints.

Cross Reference:	Policy 2100	Nondiscrimination
	Policy 2103	Affirmative Action
	Policy 2442/2442P	Resolution of District Member Complaints

Legal Reference: 45 C.F.R. 84, Section 504, Vocational Rehabilitation Act of 1973
RCW 49.60 Law Against Discrimination

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Sexual Harassment

The district recognizes its responsibility to provide a working environment that is free from all types of discrimination, including sexual harassment. Sexual harassment is defined as deliberate verbal, visual or physical advances made within the work setting and unwelcome by the person for whom they are intended. Such unwelcome conduct is seen as harassment when submission to the conduct:

- Is made a term or condition of the staff member's employment, or
- Results in a denial of a promotion or other career enhancing opportunities, or
- Interferes with the staff member's work performance or otherwise creates an intimidating, hostile, or offensive working environment.

Any district member who has been found, after appropriate investigation, to have sexually harassed another district member will be subject to disciplinary action and/or discharge.

The chief is directed to develop procedures that provide for receiving and investigating a complaint from any staff member who alleges that he/she has been subjected to sexual harassment. The district board of commissioners shall be advised of all formal complaints that are filed with the chief.

Cross Reference:	Policy 2442/2442P Policy 2604/2604P/2604E	Resolution of District Member Complaints Disciplinary Action and Discharge
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Legal Reference:	Sec. 703, Title VII, Civil Rights Act of 1964 29 CFR 1604.11 RCW 49.60 Law Against Discrimination
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Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Sexual Harassment

A district member who believes that he/she has been subjected to sexual harassment should report the alleged harassment within sixty (60) days to their supervisor. The district member may consult with their supervisor without filing a formal complaint. If the harassment complaint is against the member's supervisor, the complainant may report such charges to the district chief or chairman of the board, depending upon who is next in the chain of command. As a result of this informal conference, the district will begin action to resolve the alleged harassment on an informal basis. If the complaint cannot be resolved informally, the complaining party shall submit a written complaint which sets forth the specific acts, conditions or circumstances regarding the alleged harassment.

Formal review

The chief or highest non-involved officer shall investigate the allegations set forth within thirty (30) calendar days of the filing of the charge. The officer shall prepare a full written report of the complaint and the results of the investigation. The chief or highest non-involved officer shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint. The chief or highest non-involved officer shall state that the district either:

- Denies the allegations contained in the written complaint received by the district, or
- Shall implement reasonable corrective measures to eliminate any such act, conditions or circumstances.

Such corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the chief's or highest non-involved officer's mailing of a written response to the complaining party.

Appeal to Board of Commissioners

If a complainant remains aggrieved as a result of the action or inaction of the chief or highest non-involved officer, he/she may file a written notice of appeal with the secretary of the board by the tenth calendar day following:

- The date upon which the complainant received the chief's or highest non-involved officer's response, or

- The expiration of the thirty-calendar day response period stated, whichever occurs first.

The board shall schedule a hearing to commence by the twentieth calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board shall render a written decision by the tenth calendar day following the termination of the hearing and shall provide a copy to all parties involved.

The district will protect the rights of all persons involved in the grievance process including persons against whom the grievance has been filed, witnesses and individuals who register sexual harassment complaints. Personnel involved in the resolution process shall not suffer restraint, interference, discrimination, coercion or reprisal on account of participation in the complaint procedure.

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, shall be retained for a period of five (5) years.

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL**Affirmative Action**

The district is committed to undertake affirmative action which shall make effective equal employment opportunities for staff and applicants for employment.

Reasonable steps shall be taken to promote employment opportunities of those classes that are recognized as protected groups--aged, handicapped, ethnic minorities, women and veterans.

Cross Reference: Policy 2100
Policy 2101

Nondiscrimination
Employment of Handicapped Persons

Legal Reference: Exec. Order 11246, Amended by Executive Order 11375
CFR 45, Affirmative Action

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

WHISTLEBLOWER ACT

Reporting Improper Governmental Action and Protecting Personnel Against Retaliation

It is the policy of Yakima County Fire District #5 (1) to encourage reporting by its members of improper governmental action taken by Yakima County Fire District #5 members and (2) to protect Yakima County Fire District #5 members who have reported improper governmental actions in accordance with the Yakima County Fire District #5's policies and procedure(s).

Yakima County Fire District #5 members who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the member shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the member's belief that an improper governmental action has occurred. Where the member reasonably believes the improper governmental action involves his or her supervisor, the member may raise the issue directly with the next supervisor as outlined in the district organizational chart.

In the case of an emergency, where the member believes that damage to persons or property may result if action is not taken immediately, the member may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor reported to, shall take prompt action in properly investigating or assisting in the investigation of improper governmental action. Yakima County Fire District #5 officers and members involved in the investigation shall keep the identity of reporting members confidential to the extent possible under law, unless the member authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the member reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Yakima County Fire District #5 members may report information about improper governmental action directly to the Yakima County Prosecutors Office if the Yakima County Fire District #5 member reasonably believes that an adequate investigation was not undertaken by Yakima County Fire District #5 to determine whether an improper governmental action occurred, or that insufficient action has been taken by Yakima County Fire District #5 to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Yakima County Fire District #5 members who fail to make a good-faith attempt to follow the district's procedures in reporting improper governmental action shall not receive the protections provided by the district in these procedures.

PROTECTION AGAINST RETALIATORY ACTIONS

Yakima County Fire District #5 officials and members are prohibited from retaliatory action against a district member because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Members who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or appropriate district official in writing. District officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the member's supervisor, or district official contacted, as the case may be, does not satisfactorily resolve a district member's complaint that he or she has been retaliated against in violation of this policy, the district member may obtain protection under this policy and pursuant to state law by providing a copy of the written notice to the board of fire commissioners that:

- Specifies the alleged retaliatory action and
- Specifies the relief requested.

District members shall provide a copy of their written charge to the board of fire commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action. The board of fire commissioners shall respond within thirty (30) to the charge of retaliatory action.

After receiving either the response of the board of fire commissioners or thirty days after the delivery of the charge to the board of fire commissioners, the district member may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An member seeking a hearing should deliver the request for hearing to the board of fire commissioners within the earlier of either fifteen (15) days of delivery of the board of fire commissioner's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the district for response.

Upon receipt of request for hearing, the board of fire commissioners shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
P.O. Box 42488, 4224 Sixth S.E.
Rowe Six, Bldg. 1
Lacey, Wa. 98504-2488
(360) 459-6353

The board of fire commissioners will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

The chief is responsible for implementing the district's policies and procedures (1) for reporting improper governmental action and (2) for protecting members against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all members will have reasonable access to them, (2) are made available to any members upon request and (3) are provided to all newly-hired members. Officers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

Cross Reference: Resolution 275

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Chief

The board shall appoint a chief and fix his/her compensation. The chief shall be responsible for:

1. Performing such services for the district as directed from time to time by the board of commissioners in the manner and to the extent permitted by the laws of the State of Washington and in accordance with the policies of the district as established by the board of commissioners.
2. Supervising all paid and volunteer personnel. The authority to discipline all paid and volunteer personnel as well as make recommendations to the board of commissioners on suspending or terminating a district member. Suspended or terminated personnel shall have the right to appeal their suspension or dismissal to the board.
3. Determining who shall be volunteer firefighters for the district and appointing and promoting all officers of the district.
4. Directing and supervising the training of all personnel of the district. Establishing and enforcing a manual of operating procedures for the district. Maintaining custody of all equipment of the district and providing for the maintenance of all equipment, facilities and stations.
5. Assisting in the preparation of the annual budget, authorizing the purchase of equipment, supplies, and services necessary for the proper operation and maintenance of the facilities of the district; provided, however, that purchases in excess of \$5,000 must be authorized by the board of commissioners. Emergency purchases, in excess of that amount, in order to maintain the tactical efficiency of the operation of the department, may be made by the chief, provided that he informs the board as soon as practicable.
6. Preparing and maintaining all appropriate records that may be required by law or by direction of the board.
7. Assigning and/or delegating responsibilities and duties to all personnel of the department, and supervising the performance of the duties, provided that the duties so assigned/delegated shall conform to the policies of the board.

Cross Reference: Policy 2413
Policy 6200

Employment contracts
Purchasing: Authorization and
Control

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL**Evaluation of the Chief**

The Board of Commissioners may evaluate the performance of the chief from time to time as the board shall see fit. Such evaluation shall serve the purpose of goal-setting and improved performance and relationships between the chief and the board. The basis for evaluation shall be the chief's position description and accomplishments of objectives established by the Board of Commissioners.

Cross Reference: Policy 2450

Performance evaluations of staff

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL**Organization of Staff**

The chief has the responsibility for developing position descriptions for each staff member. Supervisory relationships and general responsibilities shall be reflected in an organizational chart.

Adoption Date: May 3, 2005

Chief Signature: _____

EXHIBIT 2302
YAKIMA COUNTY FIRE DISTRICT NO. 5
ORANIZATIONAL CHART
PAGE 1

EXHIBIT 2302
YAKIMA COUNTY FIRE DISTRICT NO. 5
ORGANIZATIONAL CHART
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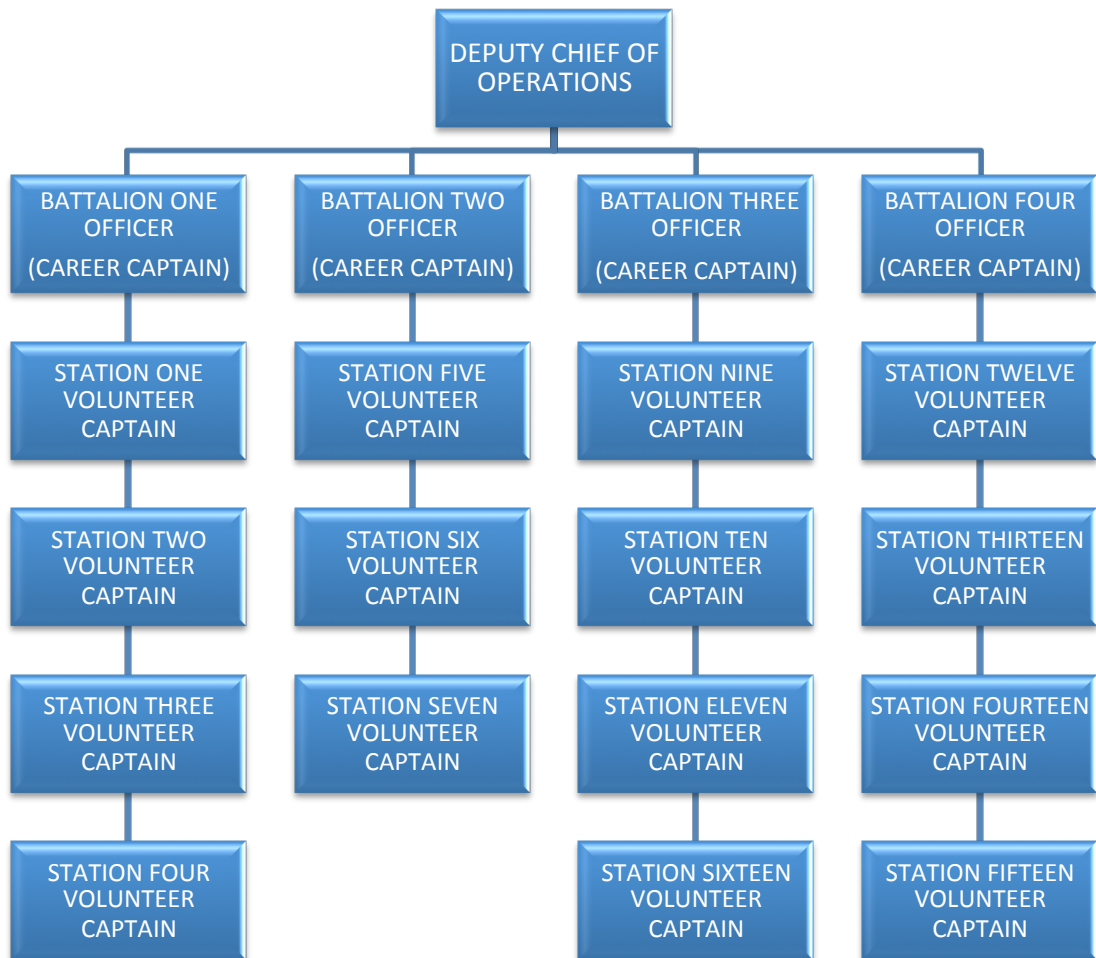


EXHIBIT 2302
YAKIMA COUNTY FIRE DISTRICT NO. 5
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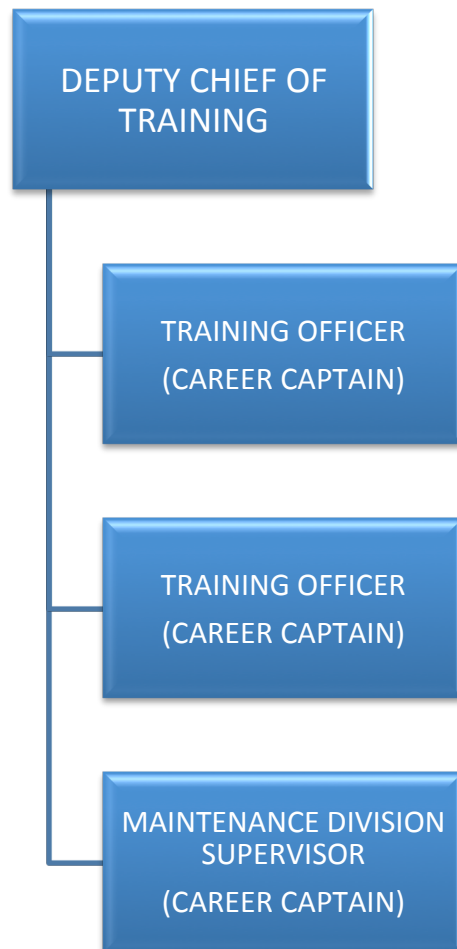


EXHIBIT 2302
YAKIMA COUNTY FIRE DISTRICT NO. 5
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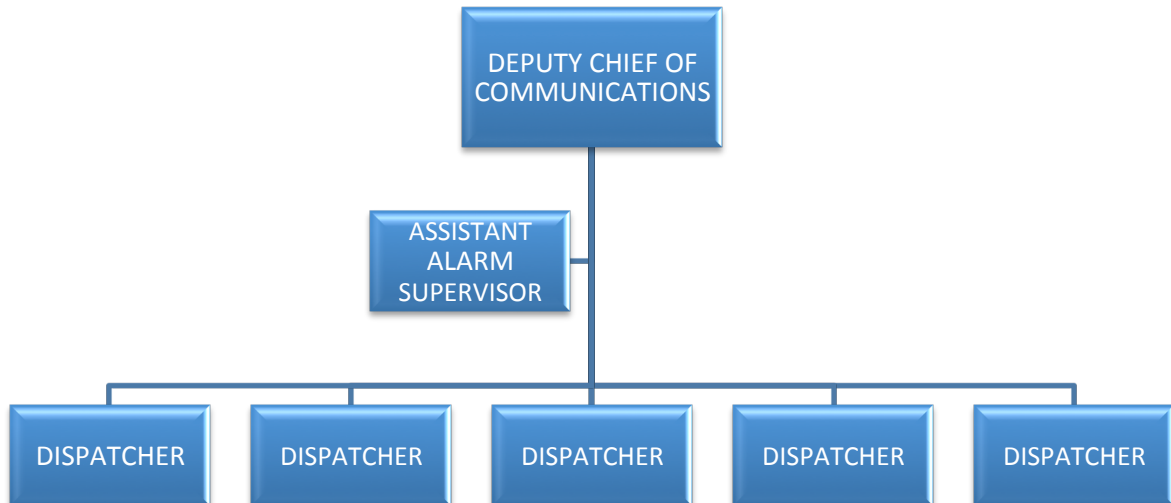


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