



Police and Fire Commission

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Agenda

Monday, March 3, 2014

3:00 PM

De Pere City Hall Riverview Room

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a Regular Meeting of the **Police and Fire Commission** of the City of De Pere will be held on **March 3, 2014** at **3:00 PM** in the **De Pere City Hall Riverview Room, 335 S. Broadway, De Pere, WI 54115**.

I. Call to Order

1. Roll Call
2. Commencement of hearing in the Matter of Charges Filed Against Assistant Fire Chief James O. Stupka by Fire Chief Jeffery Roemer.
 - a. Discuss Process
 - b. Schedule Hearing Dates and procedural provisions
 - c. Authorization of counsel for procedural matters
3. Appointment of Vice President
4. Future agenda items.
5. Adjournment.

Ted Penn, Commission President

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Police and Fire Commission
Alderspersons
Fire Chief
City Administrator
City Attorney
Human Resources Director
Mayor
Bulletin Boards
De Pere Kress Family Library
News Media
James Stupka, 1041 Meadow View Lane, De Pere, WI
Tom Parins, Attorney (sent via e-mail)
Bob Burns, Attorney (sent via e-mail)

City of De Pere, Wisconsin

**Request For Police and Fire Commission Action**

MEETING DATE: March 3, 2014

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Commencement of hearing in the Matter of Charges Filed Against Assistant Fire Chief James O. Stupka by Fire Chief Jeffery Roemer.

ATTACHMENTS:

- Charges AC Stupka (PDF)

**BEFORE THE CITY OF DE PERE
POLICE AND FIRE COMMISSION**

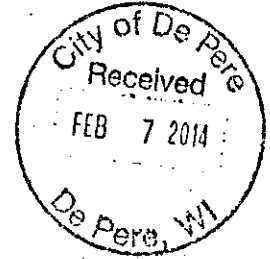
Jeffrey R. Roemer,

Complainant

v.

James O. Stupka, Assistant Fire Chief,

Respondent



**AMENDED
STATEMENT OF CHARGES**

COMES NOW, Jeffrey R. Roemer, Interim Fire Chief on behalf of RW Management Group, Inc., being first sworn, deposes and states the following as charges against James O. Stupka, Assistant Fire Chief:

GENERAL ALLEGATIONS

1. I am the agent and project manager of RW Management Group, Inc. ("RW Management"), the duly appointed Interim Fire Chief of the City of De Pere ("Chief Roemer"), having been appointed to such position by the City of De Pere Police & Fire Commission on February 28, 2013. The Common Council ("Council") approved its Consultant Agreement with RW Management on March 5, 2013.
2. James O. Stupka ("Assistant Chief Stupka") is the duly appointed Assistant Fire Chief for the City of De Pere who has held such office since July 5, 1999.
3. This Amended Statement of Charges supersedes that Statement of Charges filed with the Commission President on January 23, 2014.

COUNT I

- A. FAILURE TO FOLLOW CHAIN OF COMMAND;
- B. FAILURE TO PROVIDE ACCURATE, COMPLETE AND TRUTHFUL INFORMATION; and
- C. INSUBORDINATION

4. The Council approved RW Management as its consultant to conduct a Fire Department Organizational and Consolidation Feasibility Study ("the Study") on June 18, 2013.

5. RW Management completed the Study and made it available to members of the Fire Department and the public on October 28, 2013.

6. Before the Study was presented to the Council, Chief Roemer met with Assistant Chief Stupka on November 4, 2013, to find out Assistant Chief Stupka's opinion of the Study recommendations. Assistant Chief Stupka told Chief Roemer that he was "fine" with the recommendations and that he felt they would find a place for him no matter what direction they took.

7. RW Management presented an overview of the Study conclusions to the Council on November 5, 2013. No Alderpersons asked any questions on the Study and no council action was taken on the Study at this meeting.

8. On November 19, 2013, the Council revisited the Study recommendations. After inquiries from Alderpersons Bauer, Boyd and Crevier, the Study was referred back to RW Management for additional information.

9. Chief Roemer was later notified of a November 18, 2013 Facebook posting by Assistant Chief Stupka which read:

"Question everything...why change what we are doing and perform 'functionally' if it has no benefit to the community. Numbers can reflect anything you want them to...expect the real "savings" to be about one quarter what is being suggested. Time to ask lots of questions..."

10. City Alderpersons Kevin Bauer and Scott Crevier, other Department members, and others are among Assistant Chief Stupka's Facebook "friends".

11. Ald. Bauer contacted Assistant Chief Stupka to ask his opinion of the Study because of his Facebook contact.

12. Assistant Chief Stupka told Ald. Bauer to question the costs and benefits and he told Ald. Bauer that in his estimate, the cost savings would be ¼ of what the Study said.

13. Chief Roemer asked Assistant Chief Stupka on December 4, 2013 about this discussion. Assistant Chief Stupka admitted he discussed the Study recommendations with Ald. Bauer, including offering questions he thought Ald. Bauer should ask regarding the Study; however Assistant Chief Stupka was untruthful in telling Chief Roemer it was Ald. Bauer who first made contact about the Study when it was Assistant Chief Stupka who did.

14. Then, despite his November 4, 2013 assurance to Chief Roemer that he was "fine" with the Study recommendations, Assistant Chief Stupka defended his Facebook contact to De Pere Alderpersons by telling Chief Roemer on December 4, 2013 that he 'agreed with Roemer as a Chief but not as a consultant.'

15. The Fire Department has Standard Operating Guidelines (SOGs) regulating member conduct, including SOG 150.01 D Responsible Authority, which in part, requires member to bring matters of concern first to the officer in charge of that concern. A copy of SOG 105.01 is attached as Exhibit 1.

16. Assistant Chief Stupka violated SOG 150.01 D by first bringing his concern regarding the Study to City Alderpersons, Department members and others and not Chief Roemer.

17. SOG 201 covers Rules of Conduct; SOG 201.04 C Accountability, Responsibility, and Discipline requires Fire Department members to be "...accurate, complete, and truthful in all matters." Additionally, City Rules and Regulations Section 34.A.5 ("City Regulations"), defines prohibited employee conduct as the following: "Failure to provide accurate and complete information whenever such information is required by an authorized person." A copy of the entire SOG 201 is attached as Exhibit 2; a copy of City Regulations Section 34 is attached as Exhibit 3.

18. Assistant Chief Stupka violated SOG 201.04 C and City Regulations Section 34.A.5 on November 4, 2013 when he gave incomplete information to Chief Roemer, saying he was "fine" with the Study recommendations while not informing Chief Roemer at that time that he 'agreed with Roemer as a Chief but not as a consultant.'

19. Assistant Chief Stupka violated SOG 201.04 C and City Regulations Section 34.A.5 again on December 4, 2013 when he was untruthful when questioned about his initiation of contact with Ald. Bauer on November 18, 2013.

20. SOG 201.17 prohibits insubordination by Department members. Insubordination is defined, in part, as follows:

A. Members shall not be insubordinate. Insubordination is disrespect toward a Supervisor, open defiance, or the refusal to obey any lawful/safe order or directive of a Supervisor in a timely and satisfactory manner. This will include orders and directives relayed from a Supervisor by an Officer of the same or lesser rank.

1. Disrespect toward a Supervisor includes but is not limited to disrespectful conduct or language, which impairs a Supervisor's ability to carry out their Departmental duties.

21. By telling Chief Roemer he was "fine" with the Study recommendations while at the same time raising doubts among Alderpersons about those Study recommendations, Assistant

Chief Stupka intended to and did create division between Chief Roemer and the Council regarding the Study recommendations.

22. By engaging in this effort to provide only partial and untruthful information to Chief Roemer, Assistant Chief Stupka engaged in conduct intended to undermine the authority of and department direction by Chief Roemer, and in doing so, Assistant Chief Stupka was insubordinate in violation of SOG 201.17 A.1.

23. Assistant Chief Stupka knew or should have known that his conduct, as set forth in paragraphs 4 – 22 above was contrary to said SOGs and City Regulations.

COUNT II

- A. FAILURE TO SHOW RESPECT; and
- B. INSUBORDINATION

24. On November 20, 2013 Assistant Chief Stupka overheard a department vendor invite Chief Roemer to “dinner and drinks” after work. Assistant Chief Stupka, believing it to be improper behavior for Chief Roemer to have dinner and/or drinks with the vendor, wanted to be able to check out Chief Roemer’s behavior. In order to surveil Chief Roemer, Assistant Chief Stupka asked Department Captain Ed Balcer for information on Chief Roemer’s personal vehicle. Then, Assistant Chief Stupka drove past the restaurant see if Chief Roemer’s personal vehicle was there. Assistant Chief Stupka’s admitted and specific reason for doing so was to obtain and report improper behavior to City Administration if Chief Roemer’s vehicle was parked at the restaurant. (It was not.)

25. SOG 201.04 D General Conduct Toward Fellow Members requires that Fire Department members “...conduct themselves in a manner that will foster cooperation among members of (the) agency, showing respect, courtesy and professionalism in their dealings with one another.”

26. In trying to uncover evidence of improper behavior by Chief Roemer, Assistant Chief Stupka engaged in conduct that is disrespectful and unprofessional, and inconsistent with and in violation of the standards of SOG 201.04 D and is insubordinate conduct specifically intended to undermine the authority of Chief Roemer, in violation of SOG 201.17 A.1.

27. Furthermore, by asking Captain Ed Balcer for information on Chief Roemer's vehicle, Assistant Chief Stupka made his surveillance activities known to other Fire Department members. Letting other Department members know he was looking for information to damage the Chief does not foster cooperation or respect of the Chief in violation of SOG 201.04 D and is in subordinate conduct in violation of SOG 201.17 A.1.

28. Assistant Chief Stupka knew or should have known that his conduct as set forth in paragraphs 24 – 27 above was contrary to said SOGs.

COUNT III

- A. FAILURE TO FOLLOW FIREGROUND ACCOUNTABILITY;
- B. FAILURE TO FOLLOW INCIDENT COMMAND SYSTEM;
- C. UNTRUTHFULNESS; and
- D. INSUBORDINATION

29. The De Pere Fire Rescue Department ("Department") emphasizes traffic and highway emergency scene safety. All Department members, including Assistant Chief Stupka have received training on emergency scene safety. One of Assistant Chief Stupka's responsibilities as Assistant Fire Chief is to ensure Department members are trained on the proper response to motor vehicle accidents.

30. All Department members, including Assistant Chief Stupka, have received training on and are required to comply with National Incident Management System (NIMS) protocols when responding to emergencies. One of Assistant Chief Stupka's responsibilities as Assistant Fire Chief is to ensure Department members are trained in and use the NIMS.

31. The Department has adopted SOG 0202.06 Incident Command System, which incorporates NIMS and applies to all incidents to which the Department responds. A copy of SOG 0202.06 is attached hereto and incorporated by reference as Exhibit 4.

32. The Department has adopted SOG 0202.03 Fireground Accountability to create a standard method for the location and assignment of members operating at the scene of an emergency. A copy of SOG 0202.03 is attached hereto and incorporated by reference as Exhibit 5. This SOG requires that all personnel report in to the Incident Commander upon arrival at the scene of an incident.

33. On January 20, 2014, the Department responded to a multiple motor vehicle accident involving personal injuries at the intersection of Lost Dauphin and Scheuring Roads. Captain Allen Matzke arrived on scene and assumed incident command (Captain Matzke is hereafter referred to as Command in reference to this incident).

34. Chief Roemer arrived on scene after Command; Assistant Chief Stupka arrived on scene after Chief Roemer.

35. Assistant Chief Stupka failed to report in to Command when he arrived on the scene and began directing traffic without being assigned to do so by Command.

36. When questioned about this incident, Assistant Chief Stupka was untruthful when he told Chief Roemer that he did report in with Command upon arrival on scene.

37. Command asked Chief Roemer to clear the scene and told Chief Roemer that Assistant Chief Stupka should also clear the scene.

38. Chief Roemer told Assistant Chief Stupka that he should clear the scene, to which Assistant Chief Stupka replied "ok." Chief Roemer then cleared the scene.

39. Assistant Chief Stupka remained directing traffic and did not clear the scene.

40. Command had to leave his post as soon as conditions allowed and walk to Assistant Chief Stupka as he was directing traffic. Command told Assistant Chief Stupka that he could clear the scene and that he was in a bad location for directing traffic.

41. Assistant Chief Stupka refused Command's direction to leave the scene and replied that he was going to stay until the scene was clear.

42. Assistant Chief Stupka's failure to check in with the Command upon arrival on scene is a violation of SOG 202.03 D.1) a).

43. Assistant Chief Stupka's untruthfulness in telling Chief Roemer that he had reported in to Command upon arrival on scene is a violation of SOG 201.04 C and City Regulations 34.A.5.

44. Assistant Chief Stupka's failure to receive an assignment on scene from Command is a violation of SOG 202.03 D.1) d).

45. Assistant Chief Stupka's refusal to clear the scene after Chief Roemer told him to do so is a violation of SOG 0202.06 D.3).

46. Assistant Chief Stupka's refusal to clear the scene after having been directed to do so by Command is a violation of SOG 0202.06 D.3).

47. Assistant Chief Stupka's refusal to clear the scene after having been directed to do so by Command is also insubordination in violation of SOG 201.17 A.2.

48. Assistant Chief Stupka knew or should have known that his conduct as set forth in paragraphs 29 – 47 above was contrary to the aforementioned SOGs.

COUNT IV

UNSATISFACTORY PERFORMANCE

49. SOG 201.16 Unsatisfactory Performance prohibits unsatisfactory performance by Department members. Unsatisfactory performance is defined therein, in part, as including "...a written record of repeated infraction of rules, regulations, procedures, directives, or departmental orders."

50. Assistant Chief Stupka has been the subject of two disciplinary suspensions within the past 14 months, providing a written record of unsatisfactory performance in violation of SOG 201.16 Unsatisfactory Performance.

51. Assistant Chief Stupka knew or should have known that his conduct, as set forth in paragraphs 49 – 50 above, was contrary to said SOGs.

WHEREFORE, pursuant to Wis. Stats. §62.13(5), the Complainant, Chief Jeffrey R. Roemer, requests as follows:

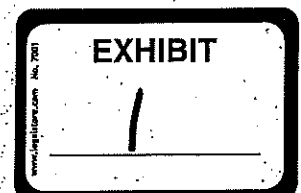
- A. That a date for hearing be set by the Police and Fire Commission not less than 10 days nor more than 30 days after the service of this Complaint upon Assistant Chief James O. Stupka.
- B. A Finding that Assistant Chief Stupka's conduct as alleged herein violated the following:
 1. Standard Operating Guideline 150.01D; Responsible Authority;
 2. Standard Operating Guideline 201.04 D; General Conduct Toward Fellow Members;
 3. Standard Operating Guideline 201.17; Insubordination;
 4. Standard Operating Guideline 201.04 C; General Conduct, Accountability, Responsibility and Discipline;
 5. Standard Operating Guideline 0202.06 D.3); Incident Command;
 6. Standard Operating Guideline 0202.03 D.1) a); Fireground Accountability;
 7. Standard Operating Guideline 0202.03 D.1) d); Fireground Accountability;
 8. City Rules & Regulations Section 34.A.5; Failure to provide accurate and complete information; and

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Chapter: ADMINISTRATION
Subject: Chain of Command
Code: 150
Date: January 31, 2007

150.01 RESPONSIBLE AUTHORITY. The Fire Department shall operate under the following chain of command as closely as possible:

- A. Chief. The Chief shall be responsible for the efficiency and effectiveness of the fire department. The Chief may delegate duties and responsibilities at his discretion.
- B. Administrative Officers. The Assistant Fire Chiefs shall report directly to the Fire Chief.
- C. Captains/Lieutenants. The Shift Captains shall be directly responsible to the Assistant Chief/ Fire Chief. Lieutenants shall be responsible to Captains in matters regarding operations. In absence of the Captains, they shall be responsible to the Assistant Chief/Chief. Members assigned specific duties directly by the Assistant Chief/Chief shall be responsible to the Assistant Chief/Chief for the completion of those duties.
- D. Other Members. All other members shall be responsible to their designated superior officer.
- E. Matters of Concern. Any member desiring consideration of any matter should see the officer in charge of that concern first.
- F. Personal Matters. For matters of a personal nature members may go directly to the Assistant Chief/Chief.
- G. Correct Title. Members should address officers by their correct title whenever subject to public view. In all cases, members shall address each other with respect, and nicknames, which may be viewed as offensive, shall not be used in public. Although a continued atmosphere of formality is encouraged, officers may request to be addressed informally to promote camaraderie at their discretion.



Chapter: Policy
Subject: Rules Of Conduct
Code: 201
Date: 9/15/2007

201.01 PURPOSE. To provide a list of directives which represents the standard conduct for members of the De Pere Fire Rescue Department.

201.02 POLICY.

The purpose of this procedure is to establish appropriate conduct for all De Pere Fire Rescue (DPFR) members, both Career and Paid On Call, on and off duty. Every member of the De Pere Fire Rescue Department is expected to conduct him or herself in a responsible, productive and positive manner.

201.03 ACCOUNTABILITY.

The duty of all members is to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception.

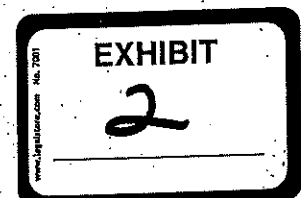
201.04 GENERAL CONDUCT.

A. Obedience to Laws, Regulations, Orders.

1. Members shall not violate any law or any department policy, rule, or procedure.
2. Members shall not violate any general city policy or procedure.
3. Members shall obey all lawful orders.
4. Be subject to duty and when summoned are requested to respond to fire calls if available.
5. When assigned to duty shift, report to work on time and obtain report from the off going personnel. Personnel being replaced SHALL give report to relief members.
6. Keep current of policies, procedures and directives of the Department and City of De Pere.
7. Operate equipment safely and use good judgment.
8. SUPERVISORS will manage in an effective, considerate manner / SUBORDINATES will follow instructions in a positive, cooperative manner.
9. Be careful of Department equipment and property.

B. Improper Conduct.

Members shall not engage in any conduct or activities on or off-duty that reflect discredit on the department, tend to bring this Department into dispute, or impair its efficient and effective operation.



C. Accountability, Responsibility, and Discipline.

1. Members are directly accountable for their actions through the chain of command; to the Fire Chief.
2. Members shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
3. Members shall be accurate, complete, and truthful in all matters.
4. Members shall accept responsibility for their actions.
5. Members who are arrested, cited, or come under investigation for any criminal offense or municipal violation in this or another jurisdiction shall report this fact to a superior as soon as possible.

D. Conduct Toward Fellow Members.

1. Members shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
2. Members shall not use language or engage in acts that demean, harass, or intimidate another person.

201.05 SEXUAL HARASSMENT PROHIBITED.

- A. It is the policy of the City of De Pere to foster an environment of respect for the dignity and worth of all its employees, and because incidents of sexual harassment are demeaning to all persons involved and impair the ability of the City to function properly, the city has adopted the guidelines established by the Equal Employment Opportunity Commission. Members who experience, or are aware of, a situation, which constitutes sexual harassment, should contact their Supervisor or the Human Resources Manager.
- B. It is in this policy of the City that the Human Resources Department will investigate all complaints promptly and thoroughly, and that appropriate records will be maintained of each such occurrence. Members who have engaged in sexual harassment will have appropriate action imposed if allegations are proven.
- C. No members shall engage in sexual activities while on duty.

201.06 CONDUCT TOWARD THE PUBLIC.

- A. Members shall conduct themselves toward the public in a civil and professional manner.
- B. Members shall treat the public with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate during the performance of their duty.

201.07 USE OF ALCOHOL AND DRUGS.

- A. Members shall not consume any intoxicating beverage while on duty.
- B. No alcoholic beverage shall be served or consumed on Fire Department premises or in vehicles owned by this Department.
- C. Members, while off duty, should refrain from consuming intoxicating beverages to the extent that it results in behavior, which discredits the Department, or renders the employee unfit to report for the next regular duty.
- D. No member shall report for duty with the odor of alcoholic beverages on his or her breath.
- E. No member shall report to work or be on duty when alcohol, medication, or other substances have impaired his or her judgment or physical condition.
- F. Supervisors may order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to this agency's policy on employee drug- screening and testing.

201.08 USE OF TOBACCO PRODUCTS WHILE ON DUTY.

A Member shall not use a tobacco product on duty unless in a designated area or out of public view, and not while conducting fire business. Additionally, employees are not permitted to use tobacco products in a vehicle owned or maintained by this department.

201.09 ABUSE OF POWERS OR POSITION.

- A. Members shall report any unsolicited gifts, gratuities, or other items of value that they receive to their Supervisor immediately.
- B. Members should not use their authority, position, or information gained from within this position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services.
- C. Members shall not purchase or have any claim to any found, impounded, abandoned, or recovered property, or any property from any fire/rescue scene.
- D. Members shall not solicit or accept contributions for this agency or for any other agency, organization, event, cause without the express consent of the Fire Chief, or his or her designee.
- E. Employees who institute or reasonably expect to benefit from any civil action that arises from acts performed while on duty shall inform their Supervisor.

201.10 PUBLIC STATEMENTS, APPEARANCES, AND ENDORSEMENTS.

- A. Members shall not, make any public statement that could be reasonably interpreted as having an adverse effect upon Department morale, discipline, operation of the agency, or perception of the public.
- B. Divulge or willingly permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or
- C. Unless expressly authorized by the Fire Chief, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this department. Any scheduled public appearances as such shall be pre-approved by the Fire Chief.
- D. Endorsements - Members while on duty or in uniform, may not, endorse, recommend, or facilitate the sale of commercial products or services. This includes extinguisher services, cleaning agencies technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

201.11 POLITICAL ACTIVITY.

- A. Members shall be guided by the following examples of prohibited political activities during work hours, while in uniform, or otherwise serving as a representative of this agency:
 - 1. Engage in any political activity.
 - 2. Place or affix any campaign literature on city-owned property.
 - 3. Solicit political funds from any member of this agency or other governmental agency of this jurisdiction.
 - 4. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction.
 - 5. Use official authority to interfere with any election or interfere with political actions of other employees or the general public.
 - 6. Favor or discriminate against any person seeking employment because of political opinions or affiliations.
 - 7. Participate in any type of political activity while in uniform.

201.12 EXPECTATIONS OF PRIVACY.

- A. Members should not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, Departmentally owed vehicles, filing cabinets, computers, or similar areas that are under control and management of this department. While this department recognizes the need for Officers to occasionally store personal items in such areas, Officers and members shall be aware that these and similar

places may be inspected or otherwise entered – to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Fire Chief or designee.

- B. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residency or in other locations outside the confines of this agency without express written permission of the Fire Chief.

201.13 TELEPHONE/ADDRESS CHANGES.

Members shall report immediately any changes in telephone numbers, addresses, marital status, dependants, or beneficiaries to the City of De Pere Human Resources department. Members address and telephone information shall be treated as confidential information and will not be disclosed except as required by law or court order.

201.14 DEPARTMENTAL AND INJURY REPORTS.

Members shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by members shall be truthful and complete, and no member shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information.

Members should report any personal injury received while duty to the direct supervisor and duty officer. A green sheet report shall be filled out as soon as practical.

201.15 INJURIES OR ILLNESS.

A. All injuries, no matter how small, must be reported to the Duty Officer, an incident report (Green Sheet) filled out and logged on the daily report.

B. Any member injured off duty shall report the injury as soon as possible to the Duty Officer, if the injury will cause the missing of a Duty shift.

C. If a member becomes sick or injured on duty, the Duty Officer shall be notified and if necessary, arrange a replacement to be summoned. Replacement will be by policy. When an off duty member is in station, that member can cover until the replacement arrives.

D. Any member who becomes ill off duty needs to notify the Duty Officer at least 30 minutes prior to duty. The Duty Officer shall arrange replacement if the illness causes the shift to be less than six (6) on duty members.

E. In all cases of injury or illness a report shall be logged in the daily report.

201.16 UNSATISFACTORY PERFORMANCE.

Members shall maintain sufficient competency to properly perform their duties and responsibilities. Members shall perform their duties in a manner, which will remain high standards of efficiency. Unsatisfactory performance may be demonstrated by a lack of knowledge regarding Departmental policy,

procedures or application thereof; the unwillingness or inability to perform assigned tasks; the failure to take appropriate action; or absence without leave. In addition, the following will be considered evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, regulations, procedures, directives, or departmental orders.

201.17 INSUBORDINATION.

A. Members shall not be insubordinate. Insubordination is disrespect toward a Supervisor, open defiance, or the refusal to obey any lawful/safe order or directive of a Supervisor in a timely and satisfactory manner. This will include orders and directives relayed from a Supervisor by an Officer of the same or lesser rank.

1. Disrespect toward a Supervisor includes but is not limited to disrespectful conduct or language, which impairs a Supervisor's ability to carry out their Departmental duties.

2. Open defiance includes, but is not limited to deliberate or willful refusal to carry out or disregard an order/directive, direct refusal, and/or outright or blatant verbal indication or actions that clearly defy an order, rule, regulation, or directive.

201.18 REPORTING FOR DUTY.

Members should report for duty at the time and place required by assignment or orders and should physically and mentally fit to perform their duties. They should be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

201.19 TARDINESS.

A. Any tardiness, reporting for duty after the hour of shift change will be reported as tardy. The Duty Officer will be contacted and a written report shall be filed.

B. Tardiness beyond 30 minutes without notification to the Duty Officer will be considered failure to report for Duty.

C. The Duty Officer shall report the absence to the Fire Chief. That officer will authorize a replacement to be called in. The Duty Officer will complete a written report as soon as possible.

201.21 MEMBERS SHALL NOT:

A. During duty time, work or give special attention to employment outside the department, which does not directly, or indirectly benefit the Department.

B. Permit the use of their name or photograph for paid advertising or enterprise related to or based upon their employment with the Department without the approval of the Fire Chief. The Fire Chief shall obtain approval from the Mayor of De Pere.

C. Engage in any activity considered to be a conflict of interest.

D. Disobey the orders of a Superior Officer.

E. Fight

F. Report for duty while under the influence of alcoholic beverage, debilitating drugs, or any substance which could impair physical or mental capacities or use such substances while on duty.

G. Solicit special privileges by use of badge, uniform or position in the department for private gains.

H. Maliciously make false reports.

I. Leave work without being relieved.

J. Engage in sexual or deviant activities.

Section 33 Operation of City Vehicles

Drivers of City vehicles are responsible for:

- A. The safe, courteous, and efficient operation of the vehicle;
- B. Observance of all traffic laws;
- C. Payment of all fines or forfeitures due to illegal action while operating City vehicles;
- D. Making necessary reports to the authorities as required by law in the event of accidents involving property damage and/or personal injury;
- E. Notifying the department head or supervisor of any accident as soon as possible;
- F. Reporting to the department head or supervisor any damage or suspected damage to any City vehicle as a result of daily operation as soon as possible;
- G. Reporting any malfunction of the vehicle or equipment to the department head or supervisor as soon as possible; and
- H. City vehicles shall not be used to transport passengers, other than employees, unless required in the performance of duty. This restriction does not apply to employees granted an exception by the Finance/Personnel Committee.

Section 34 Prohibited Conduct

The following activities or conduct are prohibited at the work place and/or when involved in the employment relationship. The City has established a policy of progressive discipline with normal progression being:

- 1. Oral reprimands (with written notation in the employee's personnel file);
- 2. Written reprimand;
- 3. Suspension; and
- 4. Discharge.

Some or all of the preliminary steps in progressive discipline shall not be required in instances where the conduct of the employee represents a sufficiently serious infraction of the employment relationship justifying immediate suspension or discharge. Prohibited conduct may include, but shall not be limited to:

A. Work Performance

- 1. Insubordination, including disobedience, or failure or refusal to carry out assignments or instructions.
- 2. Loafing, loitering, sleeping or engaging in unauthorized personal business.
- 3. Unauthorized disclosure of confidential information or records.
- 4. Falsifying records or giving false information to employees responsible for record keeping.

5. Failure to provide accurate and complete information whenever such information is required by an authorized person.
6. Failure to comply with health, safety and sanitation requirements, rules and regulations.
7. Negligence in performance of assigned duties.

B. Attendance and Punctuality

1. Constant failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift without the specific approval of the supervisor.
2. Unexcused or excessive absenteeism.
3. Failure to observe the time limits and scheduling of lunch, rest or wash-up periods.
4. Failure to notify the supervisor promptly of unanticipated absence or tardiness.

C. Use of Property

1. Unauthorized or improper use of City property or equipment including vehicles, telephone or mail service.
2. Unauthorized possession or removal of City or another person's private property.
3. Unauthorized posting or removing of notices or signs from bulletin boards.
4. Unauthorized entry to City property, including unauthorized entry outside of assigned hours of work or entry to restricted areas.

D. Personal Actions and Appearance

1. Threatening, attempting to do, or doing bodily harm to another person.
2. Intimidating, interfering with, harassing or using abusive language to others.
3. Making false or malicious statements concerning other employees or supervisors.
4. Use of alcoholic beverages or illegal drugs during work hours.
5. Reporting for work under the influence of alcohol or other drugs.
6. Unauthorized solicitation for any purpose.
7. Inappropriate dress or lack of personal hygiene, which adversely affects performance or constitutes a health or safety hazard.
8. Unauthorized or improper use of possession of uniforms, identification cards, badges or permits.
9. Use of official position or authority for personal profit or political advantage.
10. Discrimination because of race, color, creed, national origin, ancestry, marital status, age, sexual preference or handicap.



0202.06 INCIDENT COMMAND SYSTEM

Chapter II Operations

Subject 02 Command

Topic 06 Incident Command System

A. PURPOSE

To provide a standardized incident organizational structure for the management of all incidents that will meet the requirements of the National Incident Management System (NIMS).

B. SCOPE

This guideline shall apply to all incidents to which the De Pere Fire Rescue Department responds.

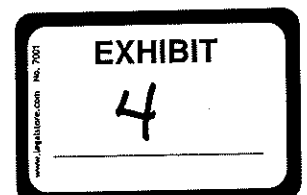
The De Pere Fire Rescue Department hereby adopts the National Incident Management System, Incident Command System.

C. TERMS AND DEFINITIONS

- 1) Chain of Command: A series of command, control, executive, or management positions in hierarchical order of authority.
- 2) Command: This refers to both the function and the person in charge of the incident. Rank can vary from the first-arriving company officer to the fire chief.

D. GUIDELINE

- 1) The organization of the Incident Command System (ICS) is built around five major functional areas. These functional areas are the basis for the primary ICS Sections:
 - a) Command. Sets objectives and priorities; has overall responsibility at the incident or event.





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- b) Operations. Conducts tactical operations to carry out the plan, develops the tactical objectives, organization, and directs all resources.
 - c) Planning. Develops the action plan to accomplish the objectives, collects and evaluates information, maintains resources status.
 - d) Logistics. Provides support to meet incident needs; provides recourse and all other services needed to support the incident.
 - e) Finance/Administration. Monitors costs related to the incident; provides accounting, procurement, time recording, and cost analyses.
- 2) The Incident Command System shall be scalable, capable of being used for both small and large incidents. The first-arriving officer on all incidents shall establish Command. That officer shall remain in Command until it is properly transferred to another officer or the incident is terminated. When possible, Command Officers should be marked by a Command vest. The Command Post should be marked by a green flag or light.

On small incidents, one person may handle all functions of command. As the incident grows in size or complexity, authority for any of the major functions may be delegated to others. Each of the primary ICS Sections may be subdivided as needed.

- 3) The Incident Commander (IC) is the person in charge at the incident. As an incident grows in size or complexity the fire chief may assign a more highly qualified IC. Taking over command at an incident always requires that there be a full briefing for the incoming IC and notification that a change in command is taking place.

The IC may assign members for both a Command Staff and a General Staff. The Command Staff provides Information, Safety, and Liaison services for the entire organization. The General Staff are assigned authority to the primary ICS Sections of Operations, Planning, Logistics, and Finance/Administration.

- 4) Command Staff. Depending on the size of the event, it may be necessary for the IC to designate members to handle the activities of the Command Staff. At the Command Staff level the person in charge shall be designated as an Officer, e.g., Information Officer.



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- a) Information. The Public Information Officer shall be the point of contact for the media, or other organizations seeking information directly from the incident or event. There should be only one Incident Information Officer.
 - b) Safety. The Safety Officer monitors safety conditions and develops measures for assuring the safety of all assigned personnel.
 - c) Liaison. On larger incidents or events, representatives from other agencies may be assigned to the incident to coordinate their agency's involvement. The Liaison Officer will be their primary contact.
- 5) General Staff. The people who perform the four major activities of the ICS Sections are designated as General Staff. At the Section level the person in charge will be designated as a Chief, e.g., Planning Section Chief.
- a) Operations Section. The IC will determine the need for a separate Operations Section. Until a separate Operations Sections is assigned, the IC will have direct control of tactical resources.

Within the Operations Section, two additional levels of organization can be used as necessary. These are Divisions and/or Groups, and Branches. Divisions and Groups can be used together on an incident and are at an equal level in the organization. Division and Group Commanders always report to the IC unless an Operations Section Chief and/or Branch Director has/have been established.

- i) Divisions. A Division is established to divide an incident geographically. How it is divided will be determined by the needs of the incident. Divisions covering an area on the ground will usually be labeled by letters of the alphabet. Within a building, division will usually be designated by floor numbers.
- ii) Groups. A Group is established to describe functional areas of operation. The kind of group to be established will be determined by the needs of the incident. Groups will work wherever they are needed, and will not be assigned to any single division.



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- iii) Branches. On very large incidents it may be necessary to establish Branches within the Operations Sections. The three common reasons to establish a Branch are to maintain span of control, the need for a functional branch structure, and/or in multijurisdictional incidents. Each Branch will have a Branch Director.
- iv) Staging Areas. Staging Areas may be established wherever necessary to temporarily locate resources awaiting assignment. Staging Areas and the resources within them will always be under the control of the Operations Section Chief.
- b) Planning Section. The major activities of the Planning Section are to:
 - i) Collect, evaluate, and display information about the incident.
 - ii) Develop Incident Action Plans for each operational period, conduct long-range planning, and develop plans for demobilization at the end of the incident.
 - iii) Maintain resource status information on all equipment and personnel assigned to the incident.
 - iv) Maintain incident documentation.
 - v) The Planning Section is the initial place of check-in for any Technical Specialists assigned to the incident.
- c) Logistics Section. The Logistics Section is responsible for all of the services and support needs of an incident, including obtaining and maintaining essential personnel, facilities, equipment, and supplies.

Six functional units can be established within the Logistics Section. If necessary, a two-branch structure can be used to facilitate span of control.



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- d) Finance/Administration Section. The IC will determine the need for a Finance/Administration Section, which may be established for any incident that requires on-site financial management.
- 6) Incident Facilities. Facilities will be established depending on the kind and complexity of the incident or event. Incident Facilities may be pre-designated in pre-incident plans or Emergency Operations Plans. Not all of those listed will necessarily be used:
 - a) Incident Command Post (ICP). The location from which the IC oversees all incident operations. There is only one ICP for each incident or event. Every incident must have some form of an ICP, whether it be the battalion chief vehicle or a fixed structure.
 - b) Staging Areas. Locations at which resources are kept while awaiting incident assignment. Most large incidents will have a Staging Area; some incidents may have several.
 - c) Base. The location at the incident at which primary service and support activities are performed. Not all incidents will have a base.
- 7) Incident Action Plan (IAP). Every incident must have an oral or written action plan. The purpose of the plan is to provide all incident supervisory personnel with direction for future actions. Action plans that include the measurable tactical operations to be achieved are always prepared around a time frame called an Operational Period.

Operational Periods can be of various lengths, but should be no longer than twenty-four hours. The length of an Operational Period will be based on the needs of the incident, and these can change over the course of the incident.

The planning for an Operational Period must be done far enough in advance to ensure that the requested resources are available when the Operational Period begins.

Large incidents should have a written Incident Action Plan. Incidents that extend through an Operational Period should also have a written Incident Action Plan to ensure continuity due to personnel changes.



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The Incident Action Plan must be made known to all incident supervisory personnel. This can be done through briefings, by distributing a written plan prior to the start of the Operational Period, or by both methods.

- 8) Span of Control. The number of organizational elements that may be directly managed by a person. Effective Span of Control ranges from three to seven; a ratio of one to five reporting elements is recommended. If the number of reporting elements falls outside those ranges, expansion or consolidation of the organization may be necessary.
- 9) Unity of Command. Each person within the organizational structure shall report to one and only one designated person. The purpose of Unity of Command is to ensure unity of effort under one responsible commander for every objective.
- 10) Unified Command (UC). Unified Command may be established when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the UC, often the senior person from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies and a single IAP.

Also see Appendix A – MABAS SOG – Incident Safety Officer

-END-



0202.03 FIREGROUND ACCOUNTABILITY

Chapter: II Operations

Subject: 02 Command

Topic: 03 Fireground Accountability

A. PURPOSE

To create a standard method of accounting for the location and assignment of members operating at the scene of an emergency or training exercise.

B. SCOPE

This guideline shall apply at all incidents where any members are operating in a hazard zone.

C. TERMS AND DEFINITIONS

- 1) Hazard Zone: Any area that requires an SCBA, charged hose line, and special protective clothing; or in which a firefighter is at risk of becoming lost, trapped, or injured by the environment or structure.
- 2) Passport: The four (4) ID Velcro tags from each company member that are grouped together on the apparatus card at the beginning of each day.
- 3) PAR: The acronym for Personnel Accountability Report, a systematic roll call of members assigned to an incident.

D. GUIDELINE

- 1) General Safety Rules.
 - a) All personnel must be under direct supervision of a company officer. All company officers will be under the direct supervision of the incident commander or division/group supervisor. *There will be no freelancing.*
 - b) Under normal circumstances, a company officer's span of control will be 3 to 7 members.



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- c) Company officers must keep their crews together and be able to immediately account for all members under their direct supervision throughout an incident. Reduced visibility and increased risk will require working very close to each other.
- d) Companies not assigned a task will report to the staging area. Company officers will advise the incident commander or supervisor of any changes in status, which will be logged by the Accountability Officer.
- e) All companies will be equipped with a radio. If a radio fails while in a hazard zone, the company will immediately exit, notify command of the problem, and shall not be reassigned to the hazard zone until a replacement radio is obtained.

2) Communications.

Communications is a key element of an effective accountability system. The company officer must keep the incident commander or their supervisor aware of the company's:

- a) Entry into the building/area.
- b) Task and location.
- c) Significant findings and observations.
- d) Exit from building/area and destination.

3) Equipment.

- a) Company/Member Identification.
 - i) The turnout coat will display the member's last name on the lowest area on the back of the coat.
- b) Cards and Passports.



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- i) All members will be issued four (4) accountability system tags. A tag from each company member will be placed on each of the passport cards located on the inside of the officer's door. This group of ID cards will be known as the "passport." One passport will be kept with the officer for conducting PAR report on the emergency scene and the other will be given to or collected by the accountability officer on scene to track the company's activity and availability.
- ii) The company officer will ensure the accuracy of the passport at the beginning of each duty day.
- c) Status Display.
 - i) Each company will have passports located in an area where passports can be collected and the Accountability Officer can track the status of crews working in the hazard zone.
 - ii) An accountability clipboard with ICS worksheets will be carried in each engine and chief's vehicle. The clipboard will be equipped with fasteners for passports and will have an appropriate pen or marker available.
- d) Radio.

A portable radio will be available in the first engine for use by the Accountability Officer.
- 4) Accountability System Implementation.
 - a) Accountability Officer.
 - i) The incident commander shall assign a member to perform the duties of the Resources Unit. This assignment may vary by size or complexity of the incident.



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- b) Locations.
 - i) The first engine to each geographic side will serve as the initial accountability location.
 - ii) First alarm companies should leave their passports on the apparatus. The Accountability Officer will collect the passports as time allows.
 - iii) Whenever possible, the Accountability Officer will be located in a position that has a clear view of the primary point of entry.
- c) Point of Entry Control.

When collected, passports will remain with the Accountability Officer, near the point of entry. The ICS worksheet will display the status (location and task) of all companies assigned to the incident.
- d) Tactical Benchmarks.
 - i) Several accountability benchmarks are included in tactical operations. The Personnel Accountability Report (PAR) involves a roll call of members assigned to the incident. For the company officer, a PAR is a confirmation that members assigned to his/her crew are visually accounted for. For command or a division/group supervisor, a PAR is an accounting for all crewmembers of all companies assigned to him/her. Reports of PARs should be conducted face-to-face within the company or within the division/group whenever possible.
 - ii) A PAR will be initiated by command in the following situations:
 - (a) Any report of a missing or trapped firefighter.
 - (b) Any change from offensive to defensive attack mode.



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- (c) Any sudden hazardous event at the incident (flashover, backdraft, collapse, etc.).
 - (d) By crew(s) reporting "primary search completed" (company officers of crews responsible for search and rescue will ensure they have a PAR for their crews at the time they report an all clear).
 - (e) At a report of fire under control.
 - (f) Any time command requests.
 - (g) No more than 20 minutes of elapsed time shall pass without a PAR.
- e) Missing or Trapped Firefighters.
 - i) In the event a firefighter or crew is determined to be missing, trapped, or a MAYDAY is broadcast, command shall be notified immediately – PLAN Report. Command will immediately request an extra alarm assignment through the dispatch center. A situation assessment must be performed prior to re-assigning resources.
 - ii) The dispatch center will be ordered to reassign tach channel. A brief description of the emergency should be transmitted by command. Crews operating at the incident may expect to be reassigned. This may include evacuation or a change in attack modes.
 - iii) "MAYDAY, MAYDAY, MAYDAY!"
 Notification: The firefighter shall issue over the radio
 "MAYDAY,
 MAYDAY.
 MAYDAY."

The firefighter will transmit a "P.L.A.N." report

Person – Who you are and what unit you are assigned to?



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Location – Where are you in the building or hazard zone?

Action – What are you doing to help yourself?

Needs – What do you need when help arrives? (Air, water, assistance)

For the MAYDAY call to be completed it must be received and reported to command. Once received, information must be repeated back to the firefighter. This is the only way the firefighter calling the MAYDAY will know their message was received correctly.

iv. Command:

- a) Acknowledge the MAYDAY
- b) Attempt to contact MAYDAY firefighter. Verify team and last known location
- c) Assign RIT to action
- d) Call for "Emergency Traffic only Status"
- e) Assign operations to a secondary channel
- f) Request the next greater alarm.
- g) Conduct a P.A.R.
- h) Evaluate the need for evacuation

5) Terminating the Passport System.

The passport system will be maintained throughout the incident. The company officer will collect the passport after they have been cleared from the incident but prior to leaving the scene.

6) Summary of Accountability System Responsibilities.

Accountability will work only with a strong personal commitment to the safety system. This commitment involves the following responsibilities:

- a) Firefighter: Responsible for staying with his/her crew at all times and ensuring that his/her ID tag is on the passport at all times.
- b) Engineer: The engineer of the first engine to each geographic side of the incident becomes the initial Accountability Officer. The engineer must manage accountability until relieved by another Accountability Officer.



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- c) Company Officer: Responsible for keeping his/her crew intact at all times and that the passport is current and accurate. The passport should reflect only those members operating in the hazard zone.
- d) Division or Group Supervisor: Responsible for maintaining an awareness of their location and status of all resources in his/her division/group.
- e) Accountability Officer: Reports to the Planning Section Chief or the Incident Commander, tracking the location and status of all assigned resources. Maintains a master list of all resources committed to incident operations.
- f) Command: Responsible for maintaining an awareness of the location and status of all resources assigned to the incident through regular communications with the Accountability Officer or Planning Section Chief.

Also see Appendix A – MABAS SOG – Emergency Button Activation

Also see Appendix A – MABAS SOG – Passport Accountability

-END-