



Quaker Springs Fire District #1
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Standards of Conduct:

Quaker Springs Fire District #1 written policies, Quaker Springs Fire Department Standard Operating Guidelines ("SOGs"), Quaker Spring Fire Department By-Laws, and Quaker Springs Fire Department Constitution, collectively comprise our Standards of Conduct. These Standards of Conduct, which guide the internal affairs of the Department and the District (collectively "District"), are essential to our organization. All members must familiarize themselves with our Standards of Conduct and all members will be held to them. Any member who disregards or deviates from these Standards of Conduct may be subject to disciplinary action up to and including termination of membership.

To the extent permitted by law, membership in the District, and any rank or status therein, is "at will". Progressive Discipline, Disciplinary Action Procedures, procedures set forth in Article 1 of the District's Bylaws and elsewhere in the District's Standards of Conduct are aspirational, and do not create any rights in any member to any protections or procedures prior to discharge from membership or reduction in status by the Board of Fire Commissioners.

New York State's General Municipal Law §209-I ("209-I") provides for a procedure which must be made available to a volunteer officer or member of the District prior to removal from office or membership on the ground of incompetence or misconduct.ⁱ In all cases in which removal is sought on the ground of incompetence or misconduct, the procedure set forth in this statute shall control. The "officer or body having the power to remove the person charged" described in §209-I shall be the Chair of the Board of Fire Commissioners, or his or her designee. The Chair may designate any member of the Board of Fire Commissioners, the Department President, Chief or Assistant Chief. Such person may suspend the officer or member accused of incompetence or misconduct pending disposition of the charges.

In all other cases, that is, cases involving allegations of violations of the Standards of Conductⁱⁱ, or absenteeism at fires or at meetingsⁱⁱⁱ, the following procedures shall apply.

DISCIPLINARY ACTION:

Disciplinary action at Quaker Springs Fire District #1 is intended to fairly and impartially correct behavior and performance problems early on, in the least punitive way possible to all parties and to prevent any reoccurrence.

Disciplinary action may involve any of the following:

- No further action needed;
- Mediation;
- Verbal Warning;
- Written Warning;
- Suspension of membership; and
- Termination of membership (according to procedures defined in bylaws).

The District, through the Board of Fire Commissioners or its delegate(s), reserves the right to administer disciplinary action at its discretion and based upon the circumstances, except that in all cases the member is entitled to a written description of the violations of the Standards of Conduct he or she is accused of violating.

The District recognizes that certain types of member behavior are serious enough to justify suspension or termination of membership, without observing other disciplinary action first, and that some allegations justify suspension by the District until such time as a hearing has been conducted.

DISCIPLINARY ACTION PROCESS:

1. Any complaint can be given to any Commissioner or Officer of Quaker Springs Fire Department. All complaints will be addressed as quickly as reasonably possible to prevent further incidents.
2. After a complaint is received, the person who received the complaint will immediately provide it to the Department Secretary to be placed in the member's file and provided to the Respondent as provided for in ByLaws, Article 1, Section 1, (i) Membership, ¶¶(i)(ii)&(iii), and forward it to a Commissioner or a Chief to address.
3. Once a Commissioner or Chief receives a complaint, an Investigative Committee will be appointed by the Chairman of the Board of Fire Commissioners (or Vice Chairman in the absence of the Chairman) consisting of a minimum of 2 people (1 Commissioner and 1 Chief or Officer). In the event of a serious complaint as determined by the Chairman, a third person will be included in the Investigation Committee. The Investigative Committee's role is to review, investigate, identify the relevant facts whether resolved or unresolved, render a Report to the Complainant, the Respondent, the Chief and the Board of Fire Commissioners. Should a hearing be thereafter be held pursuant to

ByLaws, Article 1, Section 1, (i) Membership, ¶(iv), the Report may be used by either the Complainant, the Respondent or the person or body conducting the hearing only upon the consent of each, or in the event each person identified in the Report makes him or herself available for cross-examination.

4. The first action of the Investigative Committee shall be to meet with the Complainant and any person the Complainant believes has relevant material information. The Complainant shall be asked whether relief he or she is seeking.
5. The Investigative Committee shall then meet with the Respondent and any person the Complainant believes has relevant material information. The Complainant shall be asked whether resolution he or she is seeking.
6. The Investigative Committee shall then conduct additional investigation as needed to complete its Report.
7. All disciplinary actions, communication and/or reports must be filed in the Respondent's personnel file.

ⁱ **§ 209-I. Removal of volunteer officers and volunteer members of fire departments**

1. The authorities having control of fire departments of cities, towns, villages and fire districts may make regulations governing the removal of volunteer officers and volunteer members of such departments and the companies thereof.

2. Such officers and members of such departments and companies shall not be removed from office, or membership, as the case may be, by such authorities or by any other officer or body, except for incompetence or misconduct.

3. Removals on the ground of incompetence or misconduct, except for absenteeism at fires or meetings, shall be made only after a hearing upon due notice and upon stated charges and with the right to such officer or member to a review pursuant to article seventy-eight of the civil practice law and rules. Such charges shall be in writing and may be made by any such authority. The burden of proving incompetency or misconduct shall be upon the person alleging the same.

4.

a. Hearings upon such charges shall be held by the officer or body having the power to remove the person charged with incompetency or misconduct or by a deputy or employee of such officer, or body designated in writing for that purpose. In a case where a deputy or other employee is so designated, he or she shall, for the purpose of such hearing, be vested with all the powers of such officer or body, and shall make a record of such hearing, which shall be referred to such officer or body for review within ninety days from the close of such hearing along with his or her recommendations.

b. The notice of such hearing shall specify the time and place of such hearing and state the body or person before whom the hearing will be held.

c. Such notice and a copy of such charges shall be served personally upon the accused officer or member at least ten days but not more than thirty days before the date of the hearing.

d. A stenographer may be employed for the purpose of taking testimony at the hearing.

5. The officer or body having the power to remove the person charged with incompetence or misconduct may suspend such person after charges are filed and pending disposition of the charges, and after the hearing may remove such person or may suspend him or her for a period of time not to exceed one year.

The provisions of this section shall not affect the right of members of any fire company to remove a volunteer officer or voluntary member of such company for failure to comply with the constitution and by-laws of such company.

ⁱⁱ *Armstrong vs. Centerville Fire Company*, 83 NY2d 937, 939 (1994).

ⁱⁱⁱ New York General Municipal Law §209-I(3).