

VALPARAISO FIRE TERRITORY
MERIT COMMISSION
RULES AND REGULATIONS

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SECTION I

APPLICANT REQUIREMENTS

A. **General Requirements.** To be appointed to the Valparaiso Fire Territory (“Fire Territory”), all applicants must meet the following minimum requirements:

- 1) Applicant must be a citizen of the United States at least **eighteen (18)** years of age, but under **forty (40)** years of age. The age requirements do not apply to a person who has been previously employed as a member of the Fire Territory and who otherwise qualifies under Indiana law.
- 2) Applicant must be a high school graduate or have attained an equivalent certification.
- 3) In accordance with IC § 36-8-3.5-12(b), an applicant for appointment, reappointment or reinstatement must not have been convicted of a felony.
- 4) Applicant must be of good character.
- 5) Applicant must possess a current valid Indiana driver's license or beginner's permit and must acquire and maintain a valid driver's license without restriction due to traffic violations by the time of appointment and throughout the applicant's career.
- 6) Applicant must be able to read, write, speak, understand and otherwise communicate fluently in the English language.
- 7) The applicant must not have been dishonorably discharged from military service.
- 8) The Valparaiso Merit Board Commission (“Commission”) may set additional minimum requirements for a specific hiring event including, but not limited to, prior experience as a full-time firefighter, current membership in the 1977 Fund, or specific certifications (such as Paramedic Certification).

B. **Notification of Hiring Process.** Applicants will be notified of the Fire Territory's creation of a hiring list through advertisements placed with the local print and electronic media and the posting of hiring literature in public places.

C. **Overview of Hiring Process.** Applicants shall be rated on selection criteria and testing methods developed by the Fire Territory and adopted by the Commission prior to the hiring

process in accordance with IC § 36-8-3.5-12(e), as amended. The following is an overview of the events normally comprising the hiring process. These events may/may not be in the sequence set forth below, and the Commission shall determine the appropriate sequence of events prior to each hiring process. In addition, the Commission may determine that certain events will be added to or deleted from the following list:

- 1) Request from the Fire Territory Chief (“Chief”) that the Commission approve the initiation of a new hiring process;
- 2) Approval of hiring process initiation by Commission;
- 3) Advertisement and notice of commencement of hiring process;
- 4) Registration of applicants and distribution of applications;
- 5) Application returned to the Chief;
- 6) Written general aptitude test administered;
- 7) Structured Oral interview administered;
- 8) Eligibility list developed;
- 9) Eligibility list submitted to and certified by Commission;
- 10) Notification to applicants of conditional offer of employment;
- 11) Post-offer background checks are conducted;
- 12) Physical agility testing conducted;
- 13) Approval through Public Employees Retirement Fund (PERF); and
- 14) Swearing in.

- D. **Receipt of Application.** With the application, applicants will receive a job description for probationary firefighter and a notice to applicants detailing the hiring process, in a format approved by the Commission.
- E. **Return of Application to Commission.** Any applicant who does not return the completed application within the time limits set by the Commission will not be allowed to continue with the hiring process.
- F. **Written General Aptitude Test.** Applicants are required to take and pass a written

general aptitude test reflecting essential functions of the job conducted according to procedures adopted by the Commission and administered in a manner reasonably accommodating the needs of disabled applicants. The test date, place, and starting time will be announced in writing to each applicant; tardiness may cause the applicant to be removed from the hiring process.

- G. **Structured Oral Interview.** Applicants will answer questions from an oral interview board that is comprised of state certified firefighters selected by the Chief with approval by the Commission. The questions will be identical for each applicant and each applicant will be rated on his/her answers.
- H. **Certifications.** Additional points shall be awarded to applicants for the following for a maximum of ten percent (10%) of the total eligible score:
- | | |
|--|----------|
| 1) Honorable discharge from the military | 2 points |
| 2) Fire Service Certification | 1 point |
| 3) EMS Certification | 1 point |
| 4) Paramedic Certification | 3 points |
| 5) College Degree (Associate or higher) | 3 points |
- I. **Development of Eligibility List.** Applicants who obtain passing scores as determined by the Commission will be placed on a hiring eligibility list in order from highest to lowest as computed by scores resulting from the structured oral interview, the written test and certifications.
- J. **Background Checks.** The Commission will conduct background checks of applicants to examine the applicants' character, eligibility, habits, and reputation. Background checks may be conducted prior to the certification of the eligibility list and/or prior to notification of a conditional offer of employment and/or after an offer of employment.
- K. **Certification of Eligibility List.** The hiring eligibility list will be presented to the Commission for certification. The hiring eligibility list prepared as a result of an applicant screening process shall be in effect for a maximum of two (2) years or until a new eligibility list is certified by the Commission for any reason, whichever occurs first. At any time during the two-year period, the Chief with approval by the Commission, may initiate the process to establish a new hiring eligibility list. A person who is not selected for appointment from a prior eligibility list may reapply as an applicant, unless that

individual no longer meets the eligibility qualifications set forth above.

- L. **Conditional Offer of Employment.** When a vacancy occurs in the Fire Territory, the Chief, with the approval of the Commission, shall make a conditional offer of employment as a probationary firefighter to such applicant or applicants as are necessary to fill any vacancies which exist in the Fire Territory by taking the applicant having the highest score on the eligibility list and proceeding down the list in order to fill 80% of such vacancies. The Chief, with the approval of the Commission, may make a conditional offer of employment for the remaining 20% of the vacancies by selecting any person remaining on the final eligibility list based on the needs of the Fire Territory.
- M. **Physical Agility Test.** Applicants must be able to complete a physical agility test designed to meet the requirements of IC § 36-8-3.2-3 and approved by the Commission. The Fire Territory shall send written notice to the applicants to be tested, stating the date, time and place the physical agility test will be conducted. The physical agility test shall be administered on a pass/fail basis, and those applicants scoring below the passing criteria shall be eliminated from the hiring process. The Fire Territory may rely on a current (less than 2-years old) Candidate Physical Ability Test ("CPAT") certification if approved by the Commission.
- N. **Public Employees Retirement Fund ("PERF") Approval.** Those applicants receiving conditional offers of employment and passing the physical agility test shall be required to take and pass a pension physical and psychological examination meeting the requirements of IC § 36-8-3.5-12(g) and (e), the results of which are subject to review by PERF.
- O. **Swearing In Ceremony.** Upon receipt of the approval ratification of the PERF examinations, appointment to the Fire Territory will occur at the swearing in ceremony. Every person appointed shall subscribe to and take the Oath of Office.
- P. **Probationary Status.** Applicants hired will become employees of the City of Valparaiso of Porter County, Indiana, and will be members of the Fire Territory. Members will remain on a probationary status for a period of one (1) year after appointment and are subject to all the rules and regulations of the Fire Territory. Upon three (3) days' advance written notice ("Notice Term") from the Chief to the Commission stating that the conduct or capacity of a probationary member is unsatisfactory, the Chief may dismiss a probationary member of the Fire Territory, without hearing or right of appeal, so long as the notice is delivered to the Commission within the member's probationary period. The Commission may request additional information from the Chief on the matter and/or schedule a

Commission meeting to discuss the Chief's actions.

- Q. **Order of Seniority.** For those members hired to participate in a common recruit class and who successfully complete the recruit class, seniority within that class shall be determined by the members' order of badge number in the recruit class as determined by order of hire.
- R. **Orientation.** Unless granted an extension by the Fire Territory, members hired will be required during the basic training period, which shall not exceed six (6) months from the date of employment, to take and pass the approved Fire Territory orientation program.
- S. **Certification of Emergency Medical Technicians.** Members who are certified as EMT's at the time of employment must maintain their State of Indiana EMT certification throughout their employment with the Fire Territory.
- T. **Certification of Firefighters.** Probationary firefighters who take and fail to pass the state Firefighter I/II course for probationary firefighters will be subject to termination.
- U. **Certification of Paramedics.** Members hired as paramedics will be required to have certification as a paramedic by the State of Indiana Emergency Medical Services Commission at the time of appointment, and to maintain certification throughout their employment with the Fire Territory. All newly hired members of the Fire Territory shall have four (4) years from their date of employment to be enrolled in an approved paramedic program. Enrollment must occur no later than the three-year mark, though members may enroll earlier at their discretion. The Fire Territory will cover the full cost of the initial paramedic course and provide coverage for scheduled classes and clinical time. [Should a member require additional attempts to complete the course or obtain certification, any subsequent costs or scheduling accommodations will be the sole responsibility of the member. Failure to enroll in an approved paramedic program within the required three-year timeframe, or failure to complete the program once enrolled, shall result in termination of employment.]

The Fire Territory is an equal opportunity employers and does not discriminate in hiring or employment practices on the basis of age, gender, race, color, national origin, religious or political affiliation, gender identity, sexual orientation, veteran status or disability except where specific age, gender or physical requirements constitute a bona fide occupational qualification, are necessary for proper and efficient administration of the Fire Territory or are otherwise allowed or required by law. All hiring processes shall be administered in

compliance with the Americans with Disabilities Act, and the Fire Territory and the Commission shall take any action necessary to comply with the provisions of the Americans with Disabilities Act.

SECTION II PERFORMANCE EVALUATIONS

- A. **General and Job Specific Performance Evaluation.** The Fire Territory shall administer, at least once every six (6) months, both a General Performance Evaluation and a Job Specific Performance Evaluation for every member of the Fire Territory in accordance with IC § 36-8-3.5-15, as amended. Performance evaluations shall be conducted by one (1) or more of the member's superiors.
- B. **EMS Field Evaluation.** An Emergency Medical Services Field Evaluation may be utilized during the year to assess the performance of EMS personnel.
- C. **Probationary Employees.** A probationary member shall receive an evaluation at least quarterly after the date of hire including an evaluation immediately prior to the expiration of the probationary period. A recommendation shall be made to the Commission by the Chief regarding the probationary member's successful completion of the probationary period.
- D. **Promotional Employees.** Following a promotion, a member shall receive an evaluation at six (6) months after the date of promotion and at eleven (11) months after the date of promotion. A recommendation shall be made to the Commission by the Chief regarding the probationary promotee's successful completion of the probationary promotion period.
- E. **Fire Territory Employees.** All other non-member employees shall receive an evaluation at least annually.
- F. **Records.** The Chief shall notify each member of the Fire Territory in writing of the rating the member received. All ratings shall be submitted to the Chief and shall be maintained in the member's personnel file.
- G. **Appeals.** A member who disagrees with the performance rating given by his/her superior

may appeal in writing to the Chief. The appeal must be filed with the office of the Chief within **ten (10)** days after receiving notice of the performance rating. A short, written narrative of the perceived evaluation discrepancy and a copy of the performance appraisal must be included with the appeal. The Chief shall have **thirty (30)** days to investigate the complaint and either affirm or modify the performance rating. A member who disagrees with the Chief's decision may appeal to the Commission for a review of the rating. The appeal must be filed with the office of the Chief within **ten (10)** days after receiving the Chief's determination. The member may not include any information not previously provided to the Chief. The Commission shall review the Chief's decision and either affirm or modify the rating at a subsequent Commission meeting. The Commission shall notify the appealing party, the Chief, the evaluator and the Union District President at least forty-eight (48) hours prior to hearing the appeal of any performance evaluation.

SECTION III PROMOTIONAL PROCESS

Members participating in the Fire Territory 's promotional process shall be rated on selection criteria and testing methods developed by the Fire Territory and adopted by the Commission prior to the promotional process. The following is an overview of the events normally comprising the promotional process. These events may or may not be in the sequence set forth below, and the Commission will determine the appropriate sequence of events prior to each promotional process. In addition, the Commission may determine that certain events or requirements (e.g., educational requirements, registration requirements, assessment standards) will be added to or deleted from the promotional process described below on a case-by-case basis.

- A. **Promotional Ranks.** The promotional ranks within the Fire Territory are:
 - 1) Lieutenant;
 - 2) Captain; and
 - 3) Battalion Chief
- B. **Job Descriptions.** Each position shall be described in a written job description and shall be included in the Job Classification Manual.
- C. **Educational Requirements.** Each position has educational prerequisites that must be met before the promotional process is started. The education requirements are as follows:

1) Lieutenant, Captain, and Battalion Chief candidates must have successfully completed the educational requirements for the rank of firefighter as well as the following requirements or their equivalents: (a) one of the following: a college level Strategy and Tactics Course, (e.g. Ivy Tech Community College or the University of Cincinnati) or the State of Indiana NFPA Fire Officer I Certification; (b) the State of Indiana NFPA Fire and Life Safety Educator I Certification, a college level fire prevention class (e.g. Ivy Tech Community College or the University of Cincinnati), or the National Fire Academy two (2) week course on fire Prevention-Community Risk Reduction.

2) Lieutenant, Captain, and Battalion Chief candidates must have successfully completed an approved Officer Development Course, as determined by the Commission prior to being eligible for promotion. This course is intended to ensure foundational leadership and operational competencies are met prior to assuming any formal supervisory role. The Commission may substitute or amend the above-educational requirements with equivalent requirements as necessary.

D. **Prior Experience.** The following employment requirements are established for all individuals seeking promotion with the Fire Territory:

1) *Firefighter to Lieutenant:* To be eligible to test for promotion to the rank of lieutenant, an individual must have completed five (5) years of continuous service as a full-time member of the Fire Territory .

2) *Lieutenant to Captain:* To be eligible for promotion to the rank of captain, an individual must have served one (1) year in the rank of lieutenant.

3) *Captain to Battalion Chief:* To be eligible for promotion to the rank of battalion chief, an individual must have served one (1) year in the rank of captain.

4) Prior experience requirements may be amended by the Commission if there are no candidates meeting the time requirements for the rank they are testing for.

E. **Eligibility List.** The chief officer supervising the Training Division will submit to the Chief a list of personnel within the Fire Territory who are qualified to participate in the promotional process. The Chief will notify each of those members that the promotional process is about to begin and that those members are qualified to participate.

F. **Registration.** A sign-up list will be posted at Headquarters for a period of at least two

(2) weeks prior to the start of the promotional process. There will be one (1) sign up list for each of the promotional ranks within the Fire Territory. In order to participate in the process, a candidate must sign up in person during Fire Territory Headquarters' normal business hours. At the time each candidate for promotion signs up to participate in the promotional process, he/she will receive a promotional booklet. The promotional booklet will describe details about the process, list reading requirements, sources for reading requirements, percentages for scoring, contact personnel for questions, and dates on which aspects of the promotional process will occur.

G. **Overview of Promotional Process.** In accordance with IC § 36-8-3.5-13(a), the Commission will consider the following factors in promotional processes: written competitive examinations, oral competitive interviews, an officer's performance record, and length of service. The Commission has determined that the promotional process shall be comprised of the following weighted components:

- 1) Written examination (20%);
- 2) Oral interview (20%);
- 3) Performance evaluation (20%);
- 4) Education (20%);
- 5) Length of service (20%)

- H. **Disqualification.** If any candidate for promotion is late for any part of the promotional process, he/she may be allowed to continue with the promotional process but will be removed from further consideration by the Commission.
- I. **Written Examination.** The written examination portion shall constitute twenty percent (20%) of the total promotional process score.
- 1) Members eligible to take the exam will be notified prior to the examination of written materials from which the questions will be taken. Assigned reading materials will be made available for all candidates. Additional copies may be purchased by the individual. Candidates should make sure that the edition and title are the same as the assigned reading materials. Candidates for promotion shall be notified that the questions on the written test will be taken from the reading materials that are listed as assigned reading materials in the promotional booklet.
 - 2) The specific dates, times, and locations for the exams will be published at least 60 days prior to the exams. Except as otherwise stated, exam dates will be the first Friday and Saturday of March of the promotion process year. There will be two exam sessions, so that each candidate will be able to attend off duty. There will be no allowances for make-up testing; candidates must arrange their schedules appropriately.
 - 3) The identity of each member taking the written examination shall be withheld from the person or persons grading the examination. All written examinations are confidential. A person aggrieved by the results of the written examination may appeal to the Commission pursuant to IC § 36-8-3.5-14.
- J. **Oral Interview.** The next phase of the promotional process will be a structured oral interview. The interviews will be scheduled over a period of time starting the week after the written tests. The times and dates will be announced so that each candidate may attend the interview off duty. The structured oral interview is meant to assess a candidate's ability to respond to critical questions which may be posed by superiors and subordinates. The interview will be conducted by a Promotional Interview Board comprised of one (1) chief officer from within the Fire Territory, two (2) chief officers from outside the Fire Territory, and along with one (1) representative of the Commission.
- K. **Performance Evaluation.** The performance evaluation portion shall constitute twenty percent (20%) of the total promotional process score. This component will be divided into two subcomponents:

1) **Disciplinary Record (10%)**

Ten percent (10%) of the Job Evaluation score will be based on the candidate's disciplinary history. Each candidate will begin with 10 points. For each instance of discipline received within the measurement period, points will be deducted based on the type and age of the infraction, as outlined in the following table. The measurement period will be calculated from the first day of the written testing component of the promotional process.

Disciplinary Point Deduction Table (Per Instance):		
Type	Age of Discipline	Points Deducted
Written Reprimand	≤ 12 months	3 points
Written Reprimand	>12 to 24 months	1 point
Suspension < 15 days	≤ 12 months	8 points
Suspension < 15 days	>12 to 24 months	4 points
Suspension 15–30 days	≤ 12 months	10 points
Suspension 15–30 days	>12 to 24 months	7 points
Suspension > 30 days	≤ 12 months	10 points
Suspension > 30 days	>12 to 24 months	9 points

Note: A day of suspension is defined as 8 work hours. In any single instance of discipline where both a written reprimand and suspension are given, only the suspension will be used to calculate point deductions. Each instance of discipline during the applicable measurement period shall be reviewed and scored separately.

2) **Performance Evaluations (10%)**

The remaining ten percent (10%) of the Job Evaluation score shall be determined by the average of the candidate's last four (4) biannual performance evaluations, as required under IC § 36-8-3.5-15. These evaluations must be completed prior to the start of the promotional process and must reflect a continuous timeline of recent performance. The average score from the four evaluations will be converted proportionally to account for ten percent (10%) of the total promotional process score. The evaluation scoring scale and conversion methodology will be detailed in the promotional booklet to ensure transparency and consistency.

- L. **Education.** The **education** portion shall constitute twenty percent (20%) of the total promotional process score. Candidates may earn up to **100 points**, which will be scaled to represent the 20% weighting of this category within the overall promotional score. Education points will be awarded across four distinct subcategories as outlined below:

1) **College Degrees (Maximum: 20 Points)**

Candidates may receive credit for their **highest** degree obtained. Only one degree will be counted in this category.

- Associate Degree – 5 points
- Bachelor Degree – 10 points
- Master Degree – 15 points
- Doctorate (Ph.D. or equivalent) – 20 points

2) **Bonus Fire Certifications (Maximum: 20 Points)**

Candidates may earn up to 20 points in this category by holding **rank-specific bonus certifications**. Each certification is worth **4 points**. Only certifications **not required for the candidate's current or aspirant rank** and which are listed below will be counted.

Lieutenant & Captain Candidates:

- Fire Officer II
- Safety Officer
- Fire Investigator
- Fire Inspector I
- One (1) Technician-Level Certification (up to three (3) max)

Battalion Chief Candidates:

- Fire Officer III
- Instructor II
- Fire Inspector II
- One (1) Technician-Level Certification (up to three (3) max)
- NIMS 300

Note: A Technician-Level Certification is defined as a specialized certification that meets or exceeds NFPA technician-level standards.

3) **General Fire/EMS Education Hours (Maximum: 40 Points)**

Candidates may receive **1 point for every 20 hours** of fire or EMS-related education, up to a maximum of **800 hours** for 40 points. These hours:

- **May not** include any certifications or licenses that are a **condition of employment** or **required for promotion**.
- **May not** include any certifications already counted in the Bonus Fire Certifications category.

4) **Recent Fire/EMS Education Hours – Last Two Years (Maximum: 20 Points)**

Candidates may earn **1 point for every 20 hours** of documented fire or EMS-related education obtained within the **two years immediately preceding** the start of the promotional process, up to **400 hours for 20 points**. These hours:

- **May not** include any certifications or licenses that are a **condition of employment**.
- **May** include certifications already counted in the Bonus Fire Certifications category, as long as they were earned in the applicable two-year period.

All documentation for educational degrees, certifications, and training hours must be submitted by the deadline listed in the promotional process announcement. Only verified documentation will be accepted for scoring purposes.

M. **Length of Service.** Length of service shall constitute twenty percent (20%) of the overall promotional process score. This component will be split evenly between Time in Rank *and* Total Years of Service with the Fire Territory, each weighted at ten percent (10%).

1) **Time in Rank (10%)**

This subcomponent shall apply only to candidates who are currently serving in the following promotional categories:

- **Lieutenant testing for Captain**
- **Captain testing for Battalion Chief**

Candidates in these categories shall receive **one (1) point for each full year completed** in their current rank, with a maximum of **ten (10) points** awarded in this category.

Example: A Captain with 7 full years in rank testing for Battalion Chief would receive 7 out of 10 possible points.

Candidates testing for **Lieutenant from Firefighter** are **not eligible** for points in this subcomponent.

2) **Total Years of Service (10%)**

All candidates, regardless of current rank, shall receive **0.5 points for each full year of continuous service with the Fire Territory**, up to a maximum of **10 points**.

Example: A candidate with 18 full years of service with the Fire Territory would receive 9 points in this category.

The combined score from both Time in Rank and Total Years of Service shall be added together to determine the candidate's total seniority score, with a maximum of **20 points total** available for this section.

N. Independent Review. The Commission may utilize an outside, independent agency to act on its behalf to construct, evaluate, administer, grade and report on the written test questions, the oral interview questions, and other portions of the process.

O. Establishment of Promotional List and Vacancies. After the review session is complete, the Promotional Development Committee and any outside agency shall tabulate scores for all candidates and shall submit them to the Commission. After the scoring process, the Commission shall establish a promotional list for each rank, ranking personnel on their respective list in order of their cumulative scores on all rating factors. Upon the occurrence of a vacancy in rank, the Chief shall notify the Commission of the vacancy. The Chief shall also confirm with the Commission the names of the three (3) members with the highest scores on the eligibility list for that particular rank. Absent a request by the Chief and/or the Commission to discuss the matter, the Chief will promote one member from the list to fill the vacant position within six (6) months of the vacancy. As provided in IC § 36-8-3.5-16 (b), all promotions are probationary and the Chief, within one (1) of any promotion, shall review the members performance and recommend to the Commission that the promotion be permanent or revoked.

SECTION IV DISCIPLINARY ACTIONS

Both the Chief and the Commission may take disciplinary action against a member of the Fire Territory. The policies and procedures for such disciplinary actions are generally governed by IC § 36-8-3.5-17, -18, -19. The following procedures generally follow the foregoing provisions, but shall not limit the discretion of the Fire Territory, the Chief, the Provider Unit, the Governing Board, or the Commission in any way. To the extent that these procedures are inconsistent with or omit any non-discretionary provision of Indiana law, these procedures are deemed to be amended by the applicable Indiana Code requirements and relevant case law which are incorporated herein by reference and should be referred to in addition to these procedures.

- A. **General.** The Commission may take any disciplinary action consistent with Indiana Merit law -- IC § 36-8-3.5-17, *et seq.*
- B. **Offenses.** The Commission may take disciplinary action for any reason consistent with IC § 36-8-3.5-17.

- C. **Investigation.** All disciplinary matters shall be presented to the Chief or the Chief's designee for appropriate investigation and inquiry. If, in the Chief's or the Chief's designee's opinion, a full investigation should be made, that person may appoint an investigator to complete the investigation. A copy of any investigative findings, along with all relevant information, photos, depositions, physical evidence, official reports and other materials, will be delivered to the Chief for further action by the Chief or the Commission.
- D. **Hearing Request.** If the Chief, after an investigation within the Fire Territory, brings charges against a member for an alleged breach of discipline, a hearing shall be conducted upon the request of the member. If a hearing is requested within five (5) days of the Chief bringing charges, the parties may by agreement designate a Hearing Officer who is qualified by education, training, or experience. If no agreement is reached within this five (5) day period, the Commission may hold the hearing itself or designate a person or board to conduct the hearing. The designated person or board must be qualified by education, training, or experience to conduct such hearing and may not hold an upper-level policy making position with the Fire Territory.
- E. **Timing.** Any hearing conducted pursuant to these procedures shall be held within thirty (30) days after it is requested by the member, unless the parties agree to extend the time for a hearing. The Commission does not have discretion to unilaterally extend the 30-day requirement.
- F. **Notice.** Written notice of the hearing shall be served upon the accused member consistent with IC § 36-8-3.5-17.
- G. **Commission Powers.** To the extent that such power is granted by IC § 36-8-3.5-17, the Commission may compel the attendance of witnesses by issuing subpoenas, examine witnesses under oath, and order the production of books, papers, and other evidence by issuing subpoenas. Subpoena requests from the Chief or from the accused member should be submitted to the Commission's president at least ten (10) days prior to any final hearing. The Commission President is authorized by the Commission to issue subpoenas for the attendance of witnesses or the production of documents on its behalf.
- H. **Appeal of Hearing Officer.** A member who is aggrieved by the decision of a person or board designated to conduct a disciplinary hearing may appeal to the Commission pursuant to IC § 36-8-3.5-17. The Commission shall on appeal review the record and either affirm, modify, or reverse the decision on the base of the record and such oral or written testimony that the Commission determines, including additional or newly discovered evidence.
- I. **Records.** The Commission shall have a transcriptionist record any evidentiary hearing of a

disciplinary matter. The Commission, or the designated person or board, shall keep a record of the proceedings in cases of suspension, demotion or dismissal. The Commission shall give a free copy of the transcript to the Member upon request if an appeal is filed.

- J. **Appeals to Court.** A member who is aggrieved by a decision of the Commission to issue a suspension for a period greater than ten (10) calendar days, demotion, or dismissal may appeal to the Porter County Circuit or Superior Court in accordance with IC § 36-8-3.5-18.
- K. **Summary Discipline.** In addition to the disciplinary powers of the Commission, the Chief may, without a hearing, reprimand or suspend without pay a member for a maximum of five (5) working days. For the purposes of this policy, eight (8) hours of paid time constitutes one (1) working day. If the Chief reprimands a member in writing or suspends a member, he shall, within forty-eight (48) hours, notify the Commission in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section 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 either consistent with IC § 36-8-3.5-17(d).

SECTION V

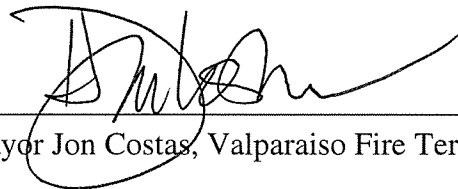
MISCELLANEOUS MATTERS

A. **Prohibition of Certain Political Activities.**

- 1) **Permitted Activities.** members of the Fire Territory may be candidates for elective office and may, so long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for an office for which they are candidates, and otherwise engage in lawful political activity.
- 2) **Prohibited Activities.** It shall be cause for disciplinary action for any member of the Fire Territory during duty hours to solicit any person to vote at any general, special, or primary election for any candidate, nominee, or political party, or in any manner attempt to influence any delegate to a political convention.

It is acknowledged that the City of Valparaiso, as the Provider Unit, has entered into an Agreement (“CBA”) with Valparaiso Firefighters Local 1124. That Agreement outlines certain aspects of employment of Fire Territory members. In the case of any conflict between the CBA and either Indiana law or these Rules and Regulations, the latter shall control.

Approved June 13, 2025



Mayor Jon Costas, Valparaiso Fire Territory Merit Board President

Katrina Spence-Smock, Valparaiso Fire Territory Merit Board Secretary