St. John's Regional Fire Department
Policy and Operational Guidelines

Title: 01-04-01 Fire Department By-Law

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Section: 04 Relevant Legislation
Title: 01 Fire Department By-Law

Purpose

To outline regulations with the St. John's Regional Fire Department (as per By-Law # 1362).

Background

This is not the official version. This By-Law can be found on the City of St. John's website.

BY-LAW NO. 1362
AMENDMENT NO.
ST. JOHN'S FIRE DEPARTMENT BY-LAW
PASSED BY COUNCIL ON January 15, 96

Pursuant to the powers vested in it under the City of St. John's Act, R.S.N. 1990, c. C-17 as amended and all other powers it enabling, the City of St. John's enacts the following By-Law relating to the regulation of the St. John's Regional Fire Department.

Procedure

ST. JOHN'S FIRE DEPARTMENT BY-LAW

1. This by-law may be cited as the St. John's Fire Department By-Law.

Definition

2. In this by-law, "Act" means *The St. John's Fire Department Act.*

Qualification of Members

3. (1) A person is not eligible to become a member of the St. John's Fire Department unless that person:

a. is a Canadian citizen, or landed immigrant;
b. is certified as medically fit by City appointed examiners;
c. passes the Canada Physical Fitness Test;
d. provides a Certificate of Conduct from a recognized police agency;
e. provides certification of successful completion of the Fisheries and Marine Institute of Memorial University of Newfoundland's Offshore Safety and Survival Centre Fire Fighter Recruit 14 Week Modular Training Program or of an equivalent combination of training, certification and practical experience;
f. possesses a valid driver's license; and
g. is a high school graduate or equivalent.

3. (2) a. The medical assessment referred to in section 3(1)(b) shall be based on nationally accepted standards for firefighters as outlined by Health and Welfare Canada and the NFPA.

b. Prior to attempting the Test referred to in section 3(1)(c) a recruit must be certified as medically fit in accordance with section 3(1)(b).

c. The Test referred to in section 3(1)(c) shall be administered by an agency external to the City and shall be based on nationally accepted standards for firefighters as outlined by Health and Welfare Canada and the NFPA.

4. (1) A member shall give one month's notice in writing to the Fire Chief of that member's intention to resign from the St. John's Fire Department.

4. (2) The Fire Chief and Assistant Fire Chief shall give three months notice in writing to the City of an intention to resign from the St. John's Fire Department.

Duties of Members

5. A member shall be courteous, obedient, loyal and efficient in the performance of his duties under the Act and the By-Law.

6. A member shall:

   a. perform within the City and at such other places in the Province as may be directed by the City, all fire fighting duties of any kind whatsoever that may be assigned to the Department by the City from time to time;

   b. at the end of his or her probationary period, become and remain ordinarily resident within the boundaries of the City or the region served by the St. John's Fire Department;

   c. perform such other duties and functions as are, from time to time, prescribed by the City; and

   d. carry out his duties in an expeditious and conscientious manner.

7. (1) A member shall not:

   a. disobey the lawful command of any member who is superior in rank or is in a supervisory capacity over the member;
   b. strike or threaten to strike another member;
   c. abuse or maltreat another member, especially one of lower rank or one over whom the member is in a supervisory capacity;
   d. fail to record or report any official complaint made to him;
   e. conduct himself by word or deed in an insubordinate manner in the course of his duties;
   f. shirk his duty at any fire;
   g. divulge any matter or thing that it is his duty to keep secret;
   h. be asleep on duty or leave a post without approval;
   i. be absent from duty without leave of the member's superior;
   j. attempt to commit, or aid, abet, counsel or procure any other member to contravene this section;
   k. without the authorization of the Fire Chief, or his designate, communicate directly or indirectly on any matter relating to the Fire Department with (i) the press or the radio and television services; or (ii) any other person except with respect to matters raised by the International Association of Firefighters Local 1075 relating to the collective bargaining process;
   l. while on duty be under the influence of alcohol or non-prescribed narcotic drugs;
   m. while on duty drink or receive alcoholic liquor;
   n. engage in conduct unbecoming a member and liable to bring discredit upon the

Fire Department;

o. fail to account for, improperly withhold, misappropriate or misapply, any public money or property coming into his possession during the course of duty.

7. (2) A member shall be responsible for all articles of uniform and equipment and

a. where loss or damage of such articles occur through the fault of the member, costs of replacement shall be borne by the member;

b. upon termination of employment, the member shall promptly return all such articles.

7. (3) A member who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence.

Discipline

8. (1) Offences against this by-law considered to be minor by the member's supervisor may be disposed of by the member's supervisor who may

a. discuss the matter with the offending member and dispose of the matter by oral admonition, if the facts and circumstances warrant;

b. if the facts and circumstances do not warrant an oral admonition, record the nature of the offence and the time when it occurred in the personnel file of the member and provide notice to the member in accordance with the collective agreement.

8. (2) Where there has been no subsequent offence of a minor nature within one year of the date it has been recorded in the personnel file of the member, the record shall be removed from that personnel file.

9. Where a member has committed an offence that, in the opinion of the member's supervisor, is of such a nature that it cannot be dealt with under section 8, the member's supervisor shall advise the Fire Chief who will determine whether the member will be charged with an offence.

10. (1) Where a member is charged with a breach of this by-law the charge should be laid within 30 days of the alleged offence coming to the attention of the Fire Chief by

laying an Information in Form 1 and serving a Notice of the charge in Form 2 of the Schedule upon the member.

10. (2) An Information may allege more than one offence and shall contain

a. a separate statement of each offence with which the member is charged;

b. a statement of the particulars of the act, omission or neglect constituting each offence; and

c. the time and place of the trial.

10. (3) The Notice of a charge and the Information shall be served upon the member accused at least fifteen days before the time and place of the trial.

11. Where, following service of a Notice of a charge upon an accused member, the member denies the charge and offers an oral or written explanation which is satisfactory to the Fire Chief, such charge may be forthwith dismissed by the Fire Chief.

12. (1) Where, following service of a Notice of charge upon an accused member, the member pleads guilty before the Fire Chief, he may forthwith be convicted by the Fire Chief who may impose any of the penalties specified in Section 16.

12. (2) Before imposing any penalty referred to in subsection (1) the Fire Chief shall take into account the relevant circumstances surrounding the offences as well as the service record and prior conduct of such member and shall endorse the Information to that effect.

13. The Fire Chief at his discretion may suspend, with or without pay, a member who is charged with an offence under the regulations until such time as the charge is dealt with, and the Notice of suspension shall be in Form 3 of the Schedule.

14. (1) Where a charge against an accused member is not disposed of in accordance with Sections 11 or 12, the accused member shall be tried by a disciplinary panel consisting of two members; one appointed by the Fire Chief, one appointed by the Association, and a third person, who may or may not be a member, to be appointed by the two members to act as chairperson.

14. (2) Should the two appointed members fail to agree within seven days, the City shall appoint a person other than a member to act as chairperson;

14. (3) The members of the disciplinary panel shall have all the powers that are or may be conferred on a Commissioner by or under *The Public Enquiries Act.*

15. (1) The accused member shall appear before the disciplinary panel appointed to try the charge at the time and place appointed and may be represented by counsel.

15. (2) The accused may plead guilty or not guilty, and where he refuses to plead he shall be deemed to have pleaded not guilty.

15. (3) An accused is not compelled to testify but he may give evidence under oath.

15. (4) An accused may call witnesses on his own behalf and has the right to cross-examine any witnesses called by the prosecution.

15. (5) At the conclusion of the case for the prosecution, the accused or his counsel may make a statement to the disciplinary panel.

15. (6) A majority decision of the disciplinary panel is the decision of the panel and is binding upon it.

15. (7) A decision of the disciplinary panel shall contain written reasons.

16. (1) A member who pleads guilty or is found guilty of an offence under these regulations is liable to one or more of the following penalties:

a. dismissal;

b. a reduction in rank;

c. suspension without pay for a period not exceeding six months;

d. reprimand.

16. (2) In addition to, or as an alternative to, the imposition of a penalty under subsection (1), the disciplinary panel may, following a request by the accused member to that effect, order the member to participate in such program or activity as the panel feels appropriate.

16. (3) The disciplinary panel shall take into account the prior service record and conduct of the accused member in deciding the penalty or penalties to be imposed under this section and shall endorse the Information to that effect together with the penalty or penalties imposed.

16. (4) Where a member is found not guilty of an offence under this by-law, the disciplinary panel may order that the member:

a. be reinstated to his former position;

b. be reimbursed pay for any period of suspension without pay;

c. have his personal record expunged of any reference to disciplinary proceedings.

17. A member who is suspended under this by-law shall not

a. exercise any power or authority vested in him as a member; or

b. wear or use any article of uniform or equipment issued to him or under his control.

18. Either the Fire Chief or a member convicted of an offence may, within a period of 30 days from the date of the conviction, appeal on the record to a Provincial Court Judge designated by the Chief Provincial Court Judge, who may quash or enter a conviction, order a new trial, or increase, confirm, mitigate, grant a remission, or impose any penalty provided for in this By-Law.

19. The St. John's Fire Department Regulations, 1985 and all amendments thereto are hereby repealed

Approvals
As per By-Law # 1362

Approval Date
96/01/15

Revision Date

Rescind Date

Responsibility

St. John's Regional Fire Department

Appendix/Appendicies
None