

BY-LAWS HEMPSTEAD FIRE DEPARTMENT HEMPSTEAD, NEW YORK

EFFECTIVE: JANUARY 1, 2022

HEMPSTEAD FIRE DEPARTMENT

UNION ENGINE COMPANY NO. 2, 1848
ENTERPRISE HOSE COMPANY NO. 1, 1872
PROTECTION HOSE COMPANY NO. 3, 1873
HARPER HOOK & LADDER CO. NO. 1, 1876
VICTORY ENGINE COMPANY NO. 4, 1891
WEST END ENGINE COMPANY NO. 5, 1916
FLOODLIGHT & SALVAGE CORP, 1923
SOUTHSIDE HOOK & LADDER COMPANY NO. 2, 1928
SOUTHSIDE HOSE COMPANY NO. 2, 1928
RESCUE SQUAD, 1930
EAGLE ENGINE COMPANY NO. 1, 1932
RELIANCE ENGINE COMPANY NO. 3, 1932
FIRE POLICE SQUAD, 1940

BY - LAW COMMITTEE '21-22'

Co-chairman

Commissioner Robert Rook

Ex-Chief George Sandas

Members

Commissioner Lorenzo Sistruck

Captain Charles Rook

Captain Ted Forker

Ex-Captain Keith Eriksen

Ex-Captain Richard Smith

Anthony Cousins

The bylaws are a living document which will be required to change whenever the laws, rules, regulations, and public policies change. Should any part of the bylaws conflict with and any law or regulations that part will be nullified and void, the rest of the bylaws will remain in full force and effect. All offices are responsible to ensure members follow the bylaws and regulations for the safety of all members.

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PREAMBLE

WHEREAS THE STRICT OBSERVANCE OF ORDER CONSTITUTES THE BASIS OF ALL IMPROVEMENT, AND IS THE ONLY GUARANTEE OF THE PROPRIETY OF THE DEPARTMENT, AND AS IT THE IS DUTY OF EVERY MEMBER TO RESPECT AND OBEY THE OFFICERS WHEN ON DUTY, THEREFORE BE IT RESOLVED, THAT WE SOLEMNLY PLEDGE OURSELVES TO SUSTAIN OUR OFFICERS IN THE DISCHARGE OF THEIR DUTIES, AND HOLD OURSELVES BOUND IN HONOR TO CONFORM TO AND ABIDE BY EVERY RESPECT THE BY-LAWS CONTAINED HEREIN.

EXTRACTS NEW YORK STATE LAWS:

VILLAGE LAW- ARTICLE 10 FIRE DEPARTMENT

Section 10-1000-General powers of the Board of Fire Commissioners.

1. Has the care, custody and control of all village property of the fire department.
2. May purchase such equipment as is suitable and necessary to prevent and extinguish fires within the village, or for the purposes of any emergency and first aid squad organized within the fire department, and uniforms for all active members of the fire department and keep the same in good condition and repair.
3. May erect and maintain suitable and necessary buildings for the fire department.
4. May construct and maintain reservoirs and cisterns and supply them with water for use at fires.
5. May adopt rules for the admission, suspension, removal and discipline of the members, officers and employees of the fire department, may prescribe their powers and duties, and fix their compensation not inconsistent with section 10-1018 of this article.
6. May adopt rules and regulations governing fire companies and fire departments, prescribing the duties of the members thereof, and may enforce discipline and provide for public drills, parades, funerals, inspections and reviews of the village fire department, or any company or unit thereof, within the village or at other places within the state, any adjoining state or in Canada. Such rules and regulations shall not authorize any member of the board of fire commissioners to interfere with the duties of the fire chief or the assistant fire chief at such times as the fire department or any company or squad thereof is on duty.
7. May appoint persons other than members or officers of the department to take charge of village property, and may fix their compensation.

8. May employ duty or " persons on call," to serve on a part-time basis when necessary, and fix their duties and compensation. Such part-time paid firefighters in the event of injury shall be entitled to the applicable benefits provided for such part-time paid firefighters under section two hundred seven-a of the general municipal law and in the event of injury or death shall be entitled to the applicable benefits, if any, provided for such part-time paid firefighters under the retirement and social security law and the workers' compensation law. Persons who are volunteer members of the village fire department may be employed as such part-time paid firefighters, but in the event of injury, death, disease, or infection, resulting from services performed in line of duty as such part-time paid firefighters they shall not be entitled to any of the benefits provided for volunteer firefighters under the volunteer firefighters' benefit law, or under any policy of blanket accident insurance purchased by the village or purchased by the fire department to cover only volunteer members of such department.
9. May inquire into the cause and origin of fires occurring in the village and may take testimony in relation thereto.
10. Notwithstanding any other provisions of law to the contrary, a village may include as part of its budget an appropriation to fund an annual firefighters' inspection-dinner for each fire company within the village.

The legislature provides that there should be a Fire Council only in the villages in which a separate Board of Fire Commissioners does not exist.

Section 10-1010 Election of Company Officers and Delegates

Each of the several companies whose members constitute the fire department of the village shall hold an annual meeting on the first Tuesday in April of each year. At such meeting the members of each company shall elect by ballot from their own numbers a Captain, and a Lieutenant and such further officers if any as may be provided for in the by-laws of the company, who must be approved by the board of fire commissioners, one warden and one delegate to the general convention of the fire department. The terms of office of the captain and lieutenant and such further officers if any, as are elected as herein provided, shall be one year, the wardens two years, and the delegates three years, respectively, and any vacancies occurring in any such offices shall be filled by election in like manner. At the first annual meeting after this act takes effect two wardens and three delegates shall be elected, the wardens to serve for one and two years, respectively, and the delegates for one, two and three years, respectively. Any person who has been convicted of arson in any degree shall not be eligible for election to the office of captain, lieutenant, warden, delegate and any other offices provided for in the by-laws of the company. Any captain, lieutenant, warden, delegate or other officer of the company who is convicted of arson in any degree during his term of office shall be disqualified from completing such term of office.

Section 10-1012 Chiefs and Assistant Chiefs

The chief and the first and second assistant chiefs and such additional assistant chiefs, if any, as may be provided for in the by-laws of the fire department shall each be a member thereof and a resident of the state of New York. In addition, the board of trustees, or the board of fire commissioners subject to the approval of the board of trustees, may, by resolution, require that any or all of such fire department officers shall be residents of the village. The delegates elected to the general convention of the fire department shall meet at the council room thereof on the Thursday following the first Tuesday in April and nominate a person for each of such offices; but the fire commissioners of any village may adopt a rule requiring all such nominations to be made on the day of the meeting by a vote of the duly qualified members of the department, in which case the meeting of the delegates in general convention, as provided for in this section, shall be dispensed with. The person acting as secretary of such convention shall forthwith file in the office of the village clerk a certificate of such nominations. The board of fire commissioners at its next meeting shall consider the nominations and appoint such persons to the offices to which they are respectively nominated or, if a nomination is not approved the board shall reconvene the general convention, which shall submit a new nomination to take the place of any nomination not approved, which procedure shall continue until a full set of officers is approved. A person who has been convicted of arson in any degree shall not be eligible for nomination, election or appointment to the office of chief or assistant chief. Any fire chief or assistant chief who is convicted of arson in any degree during his term of office shall be disqualified from completing such term of office.

Notwithstanding the provisions of any general, special or local law inconsistent herewith any such chief or assistant chief of a village fire department need not be a resident of the village in order to serve as a member of the council of the fire department of the village pursuant to section 10-1014 of this article unless the board of trustees, or the board of fire commissioners subject to the approval of the board of trustees, has, by resolution, as provided in this section, required that any or all of such fire department officers shall be residents of the village. Except as otherwise provided pursuant to this subdivision, a person shall not hold the office of village mayor or village trustee and the office of chief or assistant chief of a village fire department at the same time. A village trustee who does not, either as an individual or as a member of a board, appoint or approve the appointment of the chief or assistant chief of a village fire department, may hold the office of chief or assistant chief at the same time. Notwithstanding any inconsistent provision of law, a person who is the chief or an assistant chief of a village fire department, if he is otherwise qualified, may be elected to the office of village mayor or village trustee or may be appointed to the office of village mayor or village trustee to fill a vacancy and, if he is so elected or appointed, his office as chief or assistant chief, as the case may be, shall become vacant upon his taking his oath of office as village mayor or village trustee.

Section 10-1014 Council of Fire Department

In a village in which separate fire commissioners are not appointed, the chief, the assistant, and the wardens of the several companies constitute the council of the fire department. The council shall meet on the third Tuesday in April in each year, except for the council of the fire department of the village of Fishkill, Dutchess county, which shall meet on the first Tuesday of December, and

choose from its own number a secretary, a treasurer and a collector of the fire department, who shall hold their respective offices for one year unless sooner removed by the council. A vacancy in the office of secretary, treasurer or collector shall be filled by the council at its next meeting for the balance of the unexpired term. Such council shall have all the powers and be subject to all the liabilities and perform all the duties of a separate board of fire commissioners, as prescribed in section 10-1000 of this article, except subdivisions two, three, four and eight and the fixing of compensation under subdivisions five and seven of such section, and as to the provisions of such subdivisions such council shall only recommend to the board of trustees of the village. A majority of the members of such council constitute a quorum, and may make and prescribe by-laws for the proper management of the affairs and the disposition of the funds of the fire department, may call meetings of the members, and designate one or more days in each year for public exercise, inspection and review.

Section 10-1016 Meetings of the Department

The members of the several companies constituting the fire department shall hold an annual meeting at such time and place as the council may direct.

Section 10-1018 Duties of Chief and Assistants

The chief shall be president of the council and of the meetings of the fire department. He shall, under the direction of a separate board of fire commissioners, if any, have exclusive control of the members at all fires, inspections and reviews, the supervision of the ENGINES, HOSE and OTHER APPARATUS owned by the village for the prevention or extinguishment of fires, of all property owned by the fire department, and of all officers and employees thereof elected or employed by the council or by a separate board of fire commissioners, if any. He shall, whenever required by the board of fire commissioners, report to the board the condition of the property of the department and such other information respecting the department as may be required. He shall hold the members, officers and employees of the department strictly to account for neglect of duty, and may, in a village in which separate fire commissioners are not appointed, suspend or discharge them at any time, subject to the approval of two-thirds of the members of the council at the next meeting. He shall, upon application, and if authorized by the council, or a separate board of fire commissioners, if any, issue through the secretary of the fire department a certificate of the time of service of a member of the fire department, and shall give to each officer of the department immediately after his election a certificate thereof countersigned by the secretary. In case of the inability or absence of the chief, the first assistant and in case of the absence or inability of both the chief and first assistant, the second assistant, and in the absence of the second assistant, the third assistant, if any, and in the absence of the third assistant, if any, the fourth assistant, if any, shall perform the duties and have all the powers of the chief.

BY-LAWS OF HEMPSTEAD FIRE DEPARTMENT

ARTICLE I ORGANIZATION

SECTION 1

The name of the Fire Department will be known as "Hempstead Fire Department / Hempstead Volunteer Fire Department."

SECTION 2

The purpose of the Hempstead Fire Department / Hempstead Volunteer Fire Department is to protect the lives and property of the residents of the Incorporated Village of Hempstead from the perils of fire and major catastrophes.

SECTION 3

The calendar year for the fiscal purpose shall be from January 1 to December 31.

ARTICLE I-A
OFFICERS

SECTION 1

The officers of the department nominated at the annual meeting shall consist of Chief, First, Second, and Third Assistant Chiefs and Delegates to the Battalion District in which the village of Hempstead may be situated at any time.

SECTION 2

No member shall hold office of Chief or First, Second, or Third Chief unless he shall have served as Captain of a company and have been a member of the department for eight (8) consecutive years directly prior to their nomination.

SECTION 3

The department officers appointed by the Chiefs and approved by the Board of Fire Commissioners shall consist of a Secretary, Treasurer, and a Collector.

SECTION 4

Department Chaplains and Surgeons shall be appointed by the Board of Fire Commissioners

SECTION 5a

No member shall hold the position of either Chief of the Department or one of the Assistant Chief positions unless they reside in either the Inc. Village of Hempstead or in the vicinity of the Inc. Village of Hempstead as stated in Article I-A, Section 5b. Or said member work in the village full time and expected to respond to alarms.

SECTION 5b

The vicinity of the Inc. Village of Hempstead shall include the following geographic areas: Baldwin, Garden City, Rockville Centre, South Hempstead, Uniondale & West Hempstead, Lakeview, & Roosevelt.

ARTICLE II
INSIGNIA OF RANK, SENIORITY AND AFFILIATION

SECTION 1 - Insignia of Rank

Fire Commissioners: Gold shield w/ NYS seal

Chief: Five gold trumpets crossed

First Assistant Chief: Four gold trumpets crossed

Second Assistant Chief: Three gold trumpets crossed

Third Assistant Chief: Two gold trumpets crossed

Captain Engine and Hose Companies: Two upright silver trumpets (parallel)

Lieutenant Engine and Hose Companies: One silver trumpet (horizontal). Hat and lapel badges to be worn with mouthpiece facing in.

Captain Hook & Ladder Company: Two upright silver axes (parallel)

Lieutenant Hook & Ladder Company: One silver axe (horizontal). Hat and lapel badges to be worn with axe head facing in.

Captain Rescue Squad: Two silver life guns

Lieutenant Rescue Squad: One silver life gun

Captain Fire Police Squad: Two silver lapel bars and silver badge
(Amended June 1998)
(Amended September 2005)

Lieutenant Fire Police Squad: One silver lapel bar and silver badge
(Amended June 1998)
(Amended September 2005)

Chaplains: Cross or Star of David

Surgeons: Caduceus

Secretary of Department: Two crossed Quills

Treasurer of Department: Two crossed Keys

Collector of Department: Key and Quill crossed

Firefighter: Department prescribed silver Maltese cross for both breast and hat badges. Breast badge to show individual badge number. Hat badge to show members company.

Ex-Chief: Hat badge "Ex" in red background

The Secretary, Treasurer, and Collector shall be permitted to wear suitable gold insignias and badges on their uniforms as department officers.

Any Battalion delegate elected as Chairman or Vice Chairman of the Nassau County Fire Commission shall be permitted to wear the appropriate gold insignias and badges of the commission.

SECTION 2

DEPARTMENT PATCH- Any Department Patch, as designated by the Fire Department and approved by the Board of Fire Commissioners , shall be worn on the left sleeve of the uniform coat and class "B" shirt with the top of the patch falling two inches below the shoulder seam. Any approved company patch may be worn the right sleeve of class. "B" shirt falling two inches below the shoulder seam .

2001 MEMORIAL BAR- To be worn by ALL members. 2 inch by ½ inch red-white-blue bar with memorialized badge numbers 261-838-581 (Pearsall-Fahey-Kiefer). This bar shall be worn on the uniform outermost garment one inch above the breast badge or center and above any other meritorious medals or bars.

RESCUE SQUAD PATCH- to be worn on right sleeve of uniform coat and class "B" shirt, with the top of the patch falling two inches below the shoulder seam.

NASSAU COUNTY FIRE COMMISSION PATCH- Any delegate elected as Chairman or Vice Chairman of the Nassau County Fire Commission shall be permitted to wear such patch on the right sleeve of the uniform coat and class "B" shirt with the top of the patch falling two inches below the shoulder seam.

NYS ASSOCIATION OF FIRE CHAPLINS PATCH- Any chaplain appointed by the Board Of Fire Commissioners shall be permitted to wear such patch on the right sleeve of the uniform coat

and class "B" shirt with the top of the patch falling two inches below the shoulder seam.

SERVICE STARS- Each star shall denote five (5) years of service and shall be worn on the left sleeve of the uniform, coat, two inches above the cuff in rows of four, three, two and one to form a pyramid.

ALL AWARDS MEDALS- To be worn on the uniform coat and class "B" shirt above the breast badge. There shall be one inch space between the bottom of the medal and the top of the breast badge. If a medal awarded by a Municipality or a Firematic Organization has a representative bar, the bar may be worn with the bottom one inch above the breast badge.

LIFE SAVING BAR- 2 inch by 1/2 inch blue bar with silver trim and a silver star located in the center. If another Life Saving Award is achieved the silver star is replaced with the corresponding number. To be worn on the uniform outermost garment above the breast badge. A one inch space shall separate the bar from the top of the breast badge. If a department medal of valor is also worn the bar shall be placed 1/2 inch above the medal.

PRE-HOSPITAL SAVE BAR- 2 inch by 1/2 inch red bar trimmed in silver. If another Pre-Hospital Save Bar is awarded, then a silver number representing the corresponding number of bars shall be placed in the center of the Pre-Hospital Save Bar. This bar shall be worn on the uniform outermost garment above the breast badge. A one inch space shall separate the bar from the top of the breast badge. If a Department Medal of Valor is also worn, the bar shall be placed 1/2 inch above the Medal of Valor.

MEDICAL TECHNICIAN PIN- A silver pin with the appropriate letters (EMT, AEMT or EMT-P) not to be larger than 1-1/2 inch by 1/2 inch to be worn on the uniform outermost garment one inch above the breast badge or 1/2 inch above any awarded medals. These are to be worn only by New York State certified medical technicians.

Veteran's Bar – 2 inch by 1/2 inch yellow bar trimmed in gold with the word "VETERAN" located in the center. This bar is to be worn on the outermost garment of the uniform above the breast badge. A one inch space shall separate this bar from the top of the breast badge. If a department medal of valor is also worn, this bar shall be placed 1/2 inch above the medal. (Added October 2015)

ARTICLE II-A
DEPARTMENT UNIFORM

SECTION 1

The Department uniform shall consist of Class A attire and Class B attire. In all cases only Department Issue (where applicable) shall be worn.

SECTION 2

The uniform of the day shall comprise of department officers wearing white dress hats all year (Chiefs hats shall have felt bands). The department secretary, treasurer, collector, ex-chiefs ,chaplain and Nassau County Fire Commission Chairman/Vice-Chairman shall wear black hats with felt bands at all times. The Chief and Assistant Chiefs shall wear white dress hats with gold bands and appropriate hat badge.

SECTION 3

Class A Dress Uniform will consist of Dress Hat with proper hat badge; Dress coat with silver buttons, insignias and badges except for chiefs, ex-chiefs, chaplain ,50-year Honorary Chiefs, the department secretary, treasurer, collector and Nassau County Fire Commission Chairman/Vice Chairman who shall wear gold buttons, insignias and badges; white dress shirt with black tie (chiefs and ex-chiefs shall wear appropriate gold trumpets crossed on each collar); dress uniform pants; black belt; black socks; black dress shoes.

SECTION 4

Class B dress uniform will consist of Dress Hat with proper hat badge; white uniform short sleeve shirt (with badge), dress uniform pants; black belt; black socks and black dress shoes. Chiefs, Ex-Chiefs, chaplain ,50-year Honorary Chiefs, and the department secretary, treasurer, collector and Nassau County Fire Commission Chairman/Vice Chairman who shall wear white uniform short sleeve shirt. Chiefs and ex- chiefs shall wear appropriate gold trumpets crossed on each collar; dress uniform pants; black belt; black socks; black dress shoes.

SECTION 5

Officers shall wear the appropriate silver collar pins on their uniform shirt as follows:

Captain- Engine/Hose Co.:	Two Upright Trumpets (parallel)
Lieutenant- Engine/Hose Co.:	One Upright Trumpet (horizontal)
Captain- Truck Co.:	Two Upright Axes (parallel)
Lieutenant- Truck Co.:	One Upright Axe (horizontal)
Captain- Rescue Squad:	Two Upright Life Guns (parallel)
Lieutenant- Rescue Squad:	One Upright Life Gun (horizontal)
Captain- Fire Police:	Two Upright Bars (parallel)
Lieutenant- Fire Police:	One Upright Bar (horizontal)

(Adopted January 1997)

SECTION 6

Any member of the Hempstead Fire Department wishing to wear their “Class A” or Class B” department issued dress uniform to a non-Hempstead Fire Department event, ceremony, function or photo session must obtain the permission of either the Chief of the Department, one of the three Assistant Chiefs and/or the Board of Fire Commissioners. Failure to comply may result in disciplinary action being taken.

ARTICLE III **MEETINGS**

SECTION 1

The proposal for nomination to the office of Chief and First, Second, and Third Assistant Chiefs shall be made at the February Board of Fire Commissioners meeting. The nomination for Delegate or Delegates to the Battalion district shall be made at the same meeting. The names of the candidates proposed or of those nominated shall be placed on a ballot printed and furnished by the Department. Where there are two or more candidates for one office, the positions shall be drawn for by the secretary of the Board of Fire Commissioners.

SECTION 2

The annual election for the nominations for Chief, First, Second, and Third Assistant Chiefs also election of delegate or delegates to the Battalion district, shall be held on Thursday following the first Tuesday in April of each year as per section 10-1012 of the Village Law. Hours for membership voting will be from 12 noon to 1 p.m. and 8 p.m. to 9 p.m. The appointed judge and tellers shall be the same for both sessions. Any changes must have prior approval of the Board of Fire Commissioners and done so as to have time to notify the membership .

SECTION 3

The Officers of the Department shall be nominated and the delegates shall be elected at the annual meeting, and a majority vote shall mean the plurality of the valid votes cast.

SECTION 4

In accordance with Section 10-1012 of the Village Law, the names of the Chief and of the First, Second, and Third Assistant Chiefs selected by ballot as described above, under Section 4, shall be submitted for approval to the Board of Fire Commissioners and Village Board. In the event the latter does not approve their nominations, new nominations must be submitted to take the place of those not approved which procedure shall continue until a full set of officers is approved. The officers shall assume their office immediately after having been accepted and approved by the Village Board and shall serve until their successors are approved by the Village Board.

SECTION 5

As directed by Section 10-1010 of the Village Law each and every Company shall meet on the first Tuesday in April of each year at 8 o'clock P.M. and elect a Captain, Lieutenant, Secretary and Treasurer for one year. Candidates must have been members of the Department in good standing for at least the following periods of time directly prior to their election:

CAPTAINS- 1 year

LIEUTENANTS- 1 year

Candidates for the office of Captain or Lieutenant of a company must have successfully completed either a N.Y. State, Nassau Co., or Hempstead Fire Dept. certified Officers Training Course. This shall exclude any member who has previously held the office of Captain of a company in the Hempstead Fire Department. Under no circumstance shall a member hold the position of Captain or Lieutenant of a company and Captain or Lieutenant of a squad simultaneously.

Names of those elected to the posts of Captain, Lieutenant must be submitted to the Board of Fire Commissioners prior to the annual Commissioners meeting, held subsequent to the Company election. Elected Candidates for Captain, Lieutenant, will take office immediately after certification by the Board of Fire Commissioners and will serve until their successor is elected.

SECTION 6A

No Department member shall be elected or re-elected to any of the positions of Chief, 1st Assistant Chief, 2nd Assistant Chief, 3rd Assistant Chief, Captain, Lieutenant, Secretary, Treasurer if they are on any department probation.

(Amended July 2015)

SECTION 6B

Any member of the Hempstead Fire Department may not be elected or hold any Department, Company or Squad office, if said member has been convicted of any crime as stated in the New York State Penal Law. This will be reviewed on a case-by-case basis with the Chief of the Department.

SECTION 7

The annual meeting of the Board of Fire Commissioners shall be held in Headquarters on the third Tuesday in April of each year as per Section 10-1014 of the Village Law, and shall approve appointments by the Chiefs of members as Secretary, Treasurer, and a Collector of the Fire Department, who shall hold their respective offices for one year unless sooner removed by the Chiefs. The Board of Fire Commissioners shall certify Company Captains, Lieutenants, at the annual meeting of the Board of Fire Commissioners. The regular monthly meeting of the Board of Fire Commissioners shall be held on the last Wednesday of each month. A change of meeting date shall require a posted notice as required by law.

SECTION 8

A vacancy in the office of Secretary, Treasurer, or Collector shall be filled at the next regular meeting of the Chiefs for the balance of the unexpired term. Vacancies occurring among all other

officers of the department or companies shall be filled in the same manner as was their predecessor.

SECTION 9

Special meetings of the Board of Fire Commissioners may be called upon the signing of a written request by the Chiefs or members of the Board of Fire Commissioners. The written request for a special meeting shall be served on the Chief. A special Department meeting may be called at any time by the Chief or the Board of Fire Commissioners, or upon the signing of a written request by twenty-five (25) or more members of the Department, in good standing, same to be served on the Chief. Notice in writing shall be sent to each Chief and member of the Board of Fire Commissioners advising him as to the date, time and place of a Special meeting and specifying the business to be taken up at the meeting. Notice in writing shall be sent to each Department member advising them as to the date, time, and place of a special Department meeting and the specifying the business to be taken up at the meeting.

ARTICLE IV
Department and Board of Fire Commissioners

SECTION 1

The Board of Fire Commissioners shall be accountable to the Village Board through the Chiefs, for all equipment, fire apparatus, quarters, and personnel.

SECTION 2

SECRETARY

It shall be the duties of the Secretary to keep a true record of all proceedings of the Chiefs; read the minutes of the proceedings; keep and file all documents relating to the business of the Chiefs; notify by written notice all members of the annual, regular and special meetings and/or funeral services of a deceased member; keep a record of all members of the Department; and to perform such other duties as he may be instructed to do, from time to time, by the Chief. It shall be the duty of the Secretary to notify, in writing, applicants of their acceptance in the Department, and their obligation to appear at the next regular company meeting to receive their Badge. The Secretary shall maintain an up to date copy of the By-Laws of each Company, Squad, and Standing Committee of the Department.

SECTION 4

TREASURER

It shall be the duty of the Treasurer to keep a record of all funds received and he will make a report in writing to the Chiefs at each meeting of all such monies received and at hand. And shall deposit all funds received in a bank designated by the Chiefs and shall sign all checks and drafts when properly approved by the Chiefs.

SECTION 5

COLLECTOR

It shall be the duty of the Collector to collect all funds and other monies due the Department. They shall keep an accurate record and account and make a report in writing to the Chiefs at each meeting of all monies received. The Collector shall turn over all monies so received to the Treasurer, taking receipt for same. Also shall perform such other duties as he/she may be instructed to do, from time to time, by the Chief

ARTICLE V
POWER AND DUTIES OF CHIEFS

SECTION 1

The Chief of the department shall have control and direction of the department, and be responsible to the Board of Fire Commissioners and the Village Board for its proper management. The Chief shall keep an accurate record, in convenient form, for reference, of all business transacted in the office. The Board of Fire Commissioners shall have full control over all buildings, apparatus, hose, implements, tools, etc., and their assignments, and may seem to be for the best interests of the Department.

SECTION 2

The Chief shall recommend to the Board of Fire Commissioners from time to time, the purchase of new apparatus, hose, implements, etc.

SECTION 3

The Chief shall see that all laws, ordinances, rules, orders, and directions for the government of the department are properly enforced.

SECTION 4

The Chief shall make official reports upon any matter in their judgment requiring the attention of the Board of Fire Commissioners or Village Board .

SECTION 5

The Chief shall have the power to demolish buildings and part of buildings which, in their judgment, might cause further damage to property or to prevent the spread of fire.

SECTION 6

The Chief shall see that the premises in which fires occur are left in such condition that the said fires will not rekindle, and at such time, when in their judgment necessary, a member or members of the Department may be detailed to remain on the premises for a period specified .

SECTION 7

It shall be the duties of the Assistant Chiefs strictly to conform to the following rules:

- (1) In the absence of the Chief, to assume all the functions and responsibilities.
- (2) When the Chief is present, to obey commands properly and respectfully assist the Chief in the performance of all duties. The Duty Chief shall have the authority to appoint an Ex-Chief or a

Captain as acting Chief, to officiate in their absence. Notification of the aforementioned appointment shall be made over the Department communication system.

SECTION 8

The Chief shall have power to summarily suspend from the Department any person under their command for a violation of laws, ordinances, rules, regulations, or directions, and report such action to the Chief's office for action.

SECTION 9

The Chief shall cause all companies not needed in their judgment to return to quarters.

SECTION 10

The Board of Fire Commissioners, Chief and Assistant Chiefs are privileged to visit any and all firehouses and meetings of the several companies and squads at will.

ARTICLE V-A
STANDING COMMITTEES AND SQUADS

SECTION 1

The Standing Committees of the Department shall have a standard or operations policy. The Board of Fire Commissioners will oversee and appoint committee membership, of the following groups. All others will be appointed by the Chiefs and approved by the Board of Fire Commissioners.

Board of Fire Commissioners

- 1.Apparatus Standardization & Specification.
- 2.Equipment Testing and standardization
- 3.By- Laws
- 4.Red Alert System
5. BOFC Finance
6. Fire Dept. Buildings & Property

Chiefs

- | | |
|---------------------------|---------------------------|
| a) Investigation. | h) Medical |
| b) Auditing | i) Service Awards Program |
| c) Jr. firefighter org. | j) Percentage |
| d) Drivers | k) Quality Assurance |
| e) Ex-Chiefs Association | l) Safety |
| f) Fire Prevention Bureau | j) House To House |
| g) Fire Training School | |

SECTION 2

The chairman of all Standing Committees must have been a member of the Department in good standing for a period of at least five (5) years.

SECTION 3. 50 Year Membership

The chief shall appoint a committee consisting of five (5) members with at least twenty (20) years of active service in the Hempstead Fire Department. No more than 1 member from a company shall serve on this committee.

Any member upon reaching fifty (50) years in the Hempstead Fire Department shall have a resume submitted by their company to this committee. The resume must include the date joined, rank held, attendance at fires and meetings, the date they ceased being active or the date that they

left the Village and any other information that may be helpful to the committee.

The committee, upon completion of their investigation, will vote to award the member with the maximum or lesser award. A majority vote of the committee must be cast before an award is recommended. The amount of the award shall be set by the Chiefs at the time that the committee is appointed. A written report of the committee's findings shall be submitted to the Board of Fire Commissioners for its approval.

SECTION 4

The Squads of the Department shall consist of:

- a) Rescue
- b) Fire Police

SECTION 5

Standing Committees and special Squads may adopt such rules, regulations, or by-laws as are pertinent to their administration. However, such rules, regulations, or by-laws will not become operative until approved by the Board of Fire Commissioners.

SECTION 6

The Chief shall each year appoint three (3) or more members of the department as Instructors of the Fire Training school. Additional Instructors not members of the Hempstead Fire Department may be appointed for a term of one (1) year upon approval of the Board of Fire Commissioners.

ARTICLE VI
DUTIES OF CAPTAINS AND LIEUTENANTS

SECTION 1

All Captains shall see that their fire lines are stretched, that their company working, and duties are in no way jeopardized or obstructed.

SECTION 2

Captains of Companies shall have command and control of the members attached to their companies, except as provided for in Article XI, Section 1.

SECTION 2a

At the scene of any fire, the Captain of any company shall have the authority to give orders to any Department member.

SECTION 3

Captains shall promptly report their arrival to the Officer in command, assume command at fires when they are the first to arrive and exercise command until the arrival of a superior officer.

SECTION 4

Captains shall preserve order and strict discipline in and about quarters and at fires.

SECTION 5

Captains shall be accountable for all public property in their charge and see that it is kept in proper order for immediate use, and on July, October, January, and April 1st of each year shall take an inventory of such property, and make a return thereof to the Chief of the Department.

SECTION 6

The Officer in charge of the Hook and Ladder Companies shall have control and direction in the raising of their ladders and shall not permit their use by any one before they are in a proper and safe position.

SECTION 7

It shall be the duty of the Lieutenant, in the absence of the Captain, to assume all their functions and responsibilities and when present, obey their commands and assist in the performance of all their duties.

SECTION 8

Each and every Captain shall see that all firemen in their company receive a copy of these

By-Laws and take their receipt thereof.

SECTION 9

The Officer in Charge shall always be near their Company to direct movements of his/her members.

SECTION 10

It shall be the duty of all Captains to see that the Chiefs of the Fire Department is notified immediately of the election of all new members to their respective Companies, that their applications - after being properly completed - are forwarded to the Department Secretary who in turn, if approved by the Board of Fire Commissioners and after entering the names on the roll of the Department, will give them to the Chief for confirmation by the Village Board.

SECTION 11

In the event of an accident the Captain, or in their absence, the Lieutenant shall see that all necessary accident and medical forms are prepared. Reports are to be initiated on all accidents involving any member of the Company and/or the Company apparatus.

ARTICLE VII **MEMBERSHIP**

SECTION 1

An applicant for membership in the Department shall be no less than eighteen (18) years of age and shall not have attained their sixty-fifth (65) birthday. They must be a citizen of the United States or a Legally documented Non-Citizen of the United States, with their legal status updated yearly to the Department Secretary with a copy of their legal documents, a resident of the Village of Hempstead and be of such character as not to bring the Department into disrepute. Applicant must produce a birth certificate and/or proof of age acceptable to the Board of Fire Commissioners. Applicants below the age of twenty-one (21) must submit written parental consent before their acceptance. It is not necessary that they be an elector. All applicants must have a high school diploma or equivalent. If still in high school applicant must submit their diploma within six (6) months of their acceptance into the department.

SECTION 2

All candidates must submit to a physical examination before a Department Surgeon and must be classified, before their application may be presented before the Chiefs and the Board of Fire Commissioners for approval, as follows:

Firefighter: Class A
Fire Medic: Class A or B

SECTION 2a

Applications for membership shall come before the Department Investigation Committee no later than ninety (90) days from the date of the application. After ninety (90) days the application shall become null-and-void and the applicant must reapply for membership. Any application not finalized within six (6) months of the date of issuance shall become null-and-void .

SECTION 2b

Proposals for membership shall be presented to the Board of Fire Commissioners in any month.

SECTION 3

No person shall become a member of any company in the Department if at the time he is under suspension or has been expelled from a company for non-payment of dues or fines unless he/she settles their dues or fines to the company suspending or expelling them.

SECTION 3a

Any member wishing to transfer from one company to another may do so by first obtaining written permission from the company they are leaving and presenting same, with their request for transfer, to the company of intended transfer. This will be subject to the approval of the Chief's office. If approved, aid transfer shall take place simultaneously. No member of a company can transfer to member at large.

SECTION 4

A member shall be considered in good standing if: their Company dues are current; they have no fines or charges pending against them; they have not submitted a resignation accepted and approved by their Company; and they have not been dropped by his/her Company.

A member not in good standing shall not be permitted to vote on any department business, nor may they ride the apparatus or function at a fire.

SECTION 4a

Membership in the department is not effective until such application has been filed with the secretary of the department, approved by the Board of Fire Commissioners and by the Village Board of Trustees. The department secretary shall notify the member of their acceptance by the Village Board. A Temporary badge may be issued upon receipt by the Fire Department of the applicants' certificate approved by the Village Board. At the next regular Company meeting the applicant will be sworn in and receive their regular badge, by-laws and probationary certificate. (Added February 1998)

SECTION 5

All new members shall serve a probationary period of at least one (1) year. All probationary firefighters will be required to attend and satisfactorily complete the Nassau County classroom courses: Essentials of Firefighting and Primary. Failure to satisfactorily complete these courses in their first year of probation will automatically be dropped from the department. The Board of Fire Commissioners may waive this requirement for any probationary member who presents past training/certificate equal or greater to such. All probationary members are also required to attend and satisfactorily complete both Hempstead F.D. Training School and Nassau County Operations Fire School as a probationary requirement. However, only upon successful completion or waiver of the Essentials and Primary courses may a probationary member attend these classes. Probation may be extended a second year in order for a member to complete Hempstead and Nassau County Operations classes. The failure of a probationary member to satisfactorily complete Hempstead and Nassau County Operations training within two (2) years shall be dropped from this department unless extended by the Chiefs and approved by the Board of Fire Commissioners. At such time a probationary member has fulfilled all training requirements and upon recommendation

of their company or the Chief, on behalf of Members-at-Large, and approval of the Board Of Fire Commissioners the Chief shall then present the regular department certificate.

SECTION 5a

All probationary members will be required to make 20% of all accountable alarms within their first calendar year. However, any such member(s) that successfully completes 20% of such alarms for said calendar year from date joined to the end of that calendar year shall then be considered as a successful completion of their first year (percentage), otherwise, the first year shall begin January 1st following. Accountable alarms will constitute the total number of general and still alarms. Any firefighter failing to make the required percentage in their first year of probation will automatically be dropped from the department. After a Rescue squads member successful completion of their second year requirements, they will be given credit for one (1) general alarm for every rescue call to which they have responded too.

SECTION 5b

In subsequent calendar years after completion of one year of service, all firemen will be required to make the following percentage of accountable calls:

Years 2-5 15%. Years 6-10 10%. Years 11-15 8%. Years 16-20 6%.

If a member fails to make the required percentage of alarms, they must in the following year make the percentage which they should have made the previous year. If a firefighter fails to make the required percentage two (2) years in succession, they will automatically be dropped from the Department. Any member in years 6-20 will be given a third year to make their percentage but will not have the right to vote in any elections or attend the installation, if they fail to meet their percentage, they will be dropped from the Department. A year in which a firefighter fails to meet the required percentage will not be considered as a year of service in regards to this By-Law. A Department parade, Department Funeral service, Department meeting, and Department drill, will each count as two (2) alarm credit. Members of a company or squad on standby shall receive one (1) alarm credit for each two (2) hours of available coverage period. Standby credit will not exceed 25% of required percentage in any year.

SECTION 5c

Upon completion of a full term of office as Chief to including First, Second or Third Assistant an Ex-Chief will be exempt from the requirements of section 5b.

SECTION 6

Any member, upon resigning from the Department and who makes re-application for membership within sixty (60) days, may be accepted into membership without the necessity of appearing before the Department Investigation Committee provided such member, at the time of such resignation, maintained a percentage as required in Article VII Section 5b. Otherwise reapplication may not be made until twelve (12) months from date of resignation. Notwithstanding the fact that they may be over the maximum age limit prescribed in these by-laws. Any former member of a company cannot reapply as a member at large. Reinstatement will be with the recommendation of the Chief and approval of the Board of Fire Commissioners.

SECTION 6a

A former member of the Hempstead Fire Department, or of another Fire Department, who was a member for at least five (5) years and who resigned there from in good standing, shall be eligible to apply for membership in this department notwithstanding the fact that they may be over the maximum age limit prescribed in these by-laws. They must apply for membership within two (2) years from the date on which they ceased to be a member to be exempt from attending sessions of Fire Training School provided they can submit proof of former training suitable to the Chiefs and Board of Fire Commissioners. They will be required to pass a physical examination.

SECTION 6b

Any former member of the Hempstead Fire Department who was expelled for any reason cannot reapply for membership until after twelve (12) months from the date of expulsion. All such applicants must then be re-investigated by the Department Investigation Committee and a favorable report submitted to the Chiefs and accepted by the Board of Fire Commissioners.

SECTION 6c

Any former member of the Hempstead Fire Department whose period from resignation to re-entry is 48 months or less shall be bound by the provisions in section 5-b to the same year of the percentage the member was at the time of resignation. However, such member will not be afforded a second year to make their required percentage in the year of return.

Additionally, any former member of the Hempstead Fire Department whose period from resignation to re-entry is more than 48 months shall be bound by the provisions in section 5b to the same year of percentage the member was at the time of resignation, provided the said member joined another New York State volunteer fire department within six (6) months of said resignation from Hempstead F.D. and completed all required federal and state mandated courses and training and had no lapse in membership in such other New York State volunteer fire department exceeding six (6) months prior to reapplying (application submitted) to the Hempstead Fire Department. However, such member will not be afforded a second year to make their required percentage in the year of return.

SECTION 6d

Any former member of the Hempstead Fire Department whose period from expulsion to re-entry is less than 24 months shall be bound by the provisions in section 5-b to the same year of the percentage the member was at the time of expulsion. However, such member will not be afforded a second year to make their required percentage for the year they return.

SECTION 7

Any member of the Hempstead Fire Department having faithfully served the Department more than twenty-five (25) years, may be presented with a life membership certificate certifying to such service. Life membership certificates shall be granted only on the approval of the Board of Fire Commissioners following recommendation of their company and Chiefs. Life Members who fail to meet the qualifications of Article VII Section 4 shall, upon such failure, immediately rescind their Life Membership. A Life Member shall enjoy all the rights and privileges of a regular member. A Life Member who re-qualifies under Article VII Section 4 shall, upon application and vote of a company and the Board of Fire Commissioners, be re-instated into the Department. For such members, age limit and physical examination shall be waived.

SECTION 8

Non-Residency Requirement

- 1-a. To qualify under these By-Laws, a person must be a Hempstead Firefighter first and then move out of the village.
- 1-b. The firefighter must notify the Secretary of their company in writing and in advance of their intension to change residence to a territory in the vicinity of the Village of Hempstead
2. The member must move to the vicinity of Hempstead or be available due to occupation in Hempstead.
3. Continued membership must be voted on by company according to company By-Laws by 3/4 vote.
4. A change of residency outside of the village must be approved by Board of Fire Commissioners by 2/3 vote and approved by the Village Board.
5. Non-Resident firefighters cannot exceed 45% of company roster.
6. To request non-resident status the member must have been a member at least two (2) years and off probation.
7. The vicinity is as follows: Uniondale, South Hempstead, West Hempstead, Garden City,

Baldwin, and Rockville Centre. Lakeview & Roosevelt. Furthermore, vicinity may be decided upon an individual basis by the Board of Fire Commissioners.

8. The vicinity to which a member relocates must be approved by the Board of Fire Commissioners and deemed to be in the best interests of the Fire Department and Village.

SECTION 8a

Any person:

- (1) who was recognized on or after the first day of January, two thousand three and prior to the first day of February two thousand eleven, as a volunteer member of the Hempstead Fire Department by the Board of Fire Commissioners of the Hempstead Fire Department, and
- (2) who has faithfully served the department, and
- (3) is a member in good standing pursuant to these by-laws, and
- (4) who rendered active service with such fire department between such dates, and
- (5) who is at the time of their election to membership, a resident of the village or who was a non-resident who intended to become a resident, shall for all purposes in the law be considered to have been duly elected and approved, or continued, as a member in such fire department as of the date of such approval; notwithstanding that there may have been some legal defect in such election, or the proceedings precedent thereto, or a failure of the Board of Fire Commissioners or Board of Trustees to approve the continuance of membership of such member, as provided by the law in force at the time of such election, or continuance, and the status of such person as a volunteer firefighter as of the date is hereby legalized, validated and confirmed.

SECTION 9

Any member of the Hempstead Fire Department who is permanently disabled in the line of duty, and can no longer perform the duties of an active firefighter, upon recommendation of their Company and Chiefs and approval of the Board of Fire Commissioners , may be accorded Life Membership.

SECTION 10

Any member of the Hempstead Fire Department having faithfully served the Department more than fifty (50) years may be granted the title of Honorary Chief. This title may be granted only upon recommendation of the Members Company and approval by the Chiefs and of the Board of Fire Commissioners

ARTICLE VII-A **LEAVES OF ABSENCE**

A leave of absence from active duty as a member of the department shall be in accordance with the following provisions:

SECTION 1

Medical Leave

Medical leave of absence from active duty as a member of the Department may be granted to any member in good standing who requests leave due to incapacitation from active duty resulting from illness or injury, not arising out of the performance of their duties as a member.

SECTION 1a

A request for medical leave shall be made in writing to the Fire Chiefs. Medical documentation corroborating the illness or injury shall accompany the request. The documentation shall be from the member's physician. Such documentation shall include the nature of the illness or injury, manner in which the member is incapacitated, the anticipated period of incapacitation, and a statement that a member is not able to engage as an active member of the Department. The documentation shall be signed and dated by the physician and contain his/her specialty, address, and telephone number. The Fire Chiefs shall forward the documentation to the Department Physician, and he/she shall determine whether medical leave shall be granted. Any member on medical leave in excess of ninety (90) days must provide the Fire Chiefs with a medical update of their status from their physician on a quarterly basis commencing from the date of their leave. Members whose medical leave exceeds eighteen (18) consecutive months shall automatically be dropped from the department after an unfavorable review by the Chiefs and notification of the Board of Fire Commissioners.

(Members currently on medical leave shall be afforded up to an additional eighteen (18) months of medical leave commencing from the date of the adoption of this bylaw.)

When a member's incapacitation ceases, they shall advise the Fire Chiefs in writing and provide medical documentation from the member's physician. The physician shall attest that the member is no longer incapacitated from said illness/injury and that the member is without restriction, able to return to active duty and perform all their duties as an active member of the Department. The documentation shall be signed and dated by the physician and contain their specialty, address, and telephone number.

Upon evaluation of the member's medical documentation by the Department Physician, the member may be considered eligible to return to active duty. The member will be notified in writing of the Fire Chiefs' decision. The member shall not return to active duty absent notification by the Fire Chiefs of renewed eligibility. All members who are granted eligibility following a leave of absence return to their service year and percentage requirements as of date of leave.

A member on medical leave shall not be permitted to function as an active member (i.e., ride Fire Department apparatus, function at alarms or vote on department or company business) of the Department during the period of leave.

SECTION 2

Maternity Leave

Maternity leave shall be automatically granted to any member of the Department immediately following the beginning of pregnancy. It shall be the responsibility of said member to notify the Chief's office and Board of Fire Commissioners of their pregnancy in writing. The leave shall be for the duration of her pregnancy. The member shall also be entitled to leave pursuant to the Family and Medical Leave Act (FMLA) if requested.

A member on maternity leave shall not be permitted to function in any manner as an active member of the Department during the period covered by the granted leave.

A member returning from maternity leave of absence shall return to their service year and percentage requirements as of the date of the commencement of leave.

Any provision contained herein which is found to be inconsistent with or in violation of the Family & Medical Leave Act (FMLA), shall be deemed to be null-and-void and the applicable provision of the FMLA shall govern. In the event any provision herein is deemed null-and-void, the remaining provisions shall remain in full force.

SECTION 3

Personal Leave

An active member of the Hempstead Fire Department may request a leave from the Department by submitting a written request to the Chief's office, and forward to the Board of Fire Commissioners. The member must be in good standing in the Department, and not be avoiding actions against them by the Department or Village of Hempstead. Personal leave may include but not limited to Family illness/ complications, birth and or death / illness of a family member, change of occupation, financial hardship, loss of employment, or deemed necessary by the Chief's office and approved by Board of Fire Commissioners. The leave may be up to 6 months and may be extended by the Board of Fire Commissioners, on a case-by-case basis. During this leave the member will be removed from the percentage system, upon return the member will continue at the percentage at the time of leave. No LOSAP credits will be earned. If this provision of these by-laws conflicts with any law, the part in conflict will be null-and-void, but all other aspects will remain in full force and effect.

ARTICLE VII-B **FIRE MEDICS**

SECTION 1

A person desiring to join the Hempstead Fire Department for the purpose of providing initial emergency medical assistance and not participating in firefighting activities can do so as a “Fire Medic”.

SECTION 2

Upon approval of their application, the member will enter the department as a Member-At-Large and be assigned to the Rescue Squad under the supervision of the Rescue Officers.

SECTION 3

Fire Medics need not be Emergency Medical Technicians to join the department. However, if they have not achieved certification within 18 months from date of election to membership, they will be automatically dropped. This time requirement will not apply if the member is currently enrolled in the original course or waiting for notification from the state of New York when the time expires. They will be maintained on probationary status until receiving notification from the state. If the notification indicates that the member has failed the course and will not receive certification from the state of New York, they will automatically be dropped.

SECTION 4

If a Fire Medic loses their certification and does not regain it within 1 year, they will automatically be dropped.

SECTION 5

Fire Medics are prohibited from participating in any firefighting activities. They are, however, required to take the Nassau County Hazardous Materials Awareness Course and participate annually in the department’s Hazardous Materials refresher class. Fire Medics must also attend Department Operations class at the Nassau County Fire Service Academy twice in their first five years.

SECTION 6

Fire Medics can respond to all Rescue calls, accountable rescue calls and general alarms where an ambulance has the capability of responding. Fire Medics percentage will be based on total number of rescue calls and general alarms. They will be given (1) rescue call credit for each rescue call to which they responded and one (1) general alarm credit for every rescue alarm call to which they have responded.

All fire Medics will be required to make the following percentage of accountable calls:

First Year: 20% Years 2-5 15%. Years 6-10 12%. Years 11-15 10%.
Years 16-20 7%.

SECTION 7

Fire Medics will be permitted to participate and vote in the elections of Rescue Squad Officers. Fire Medics will also be permitted to participate and vote on any Department business including the Annual Election of Fire Chief's. (Amended December 2015)

SECTION 8

If any Fire Medic desires to become a firefighting member of the department, they may transfer to a company provided they meet the medical requirements for a firefighter as provided in Article 7 Section 2. Thereafter the member is responsible to meet all requirements of a probationary firefighter including percentage and schools. If these requirements are not fulfilled, the member shall be dropped from the department, or may choose to remain a Fire Medic and return to M.A.L. status for a minimum of 2 years before reapplying to become a Firefighter. (Amended June 2007)

ARTICLE VII - C **Anti-Harassment Policy**

SECTION 1

It is the policy of the Hempstead Volunteer Fire Department that all members as well as all persons with whom we encounter should be able to enjoy an environment free from discrimination based on race, color, creed, sex, age, sexual orientation, disability, religion, national origin, marital, military or veteran status, or any other basis protected by federal, state or local law. Harassment which violates the law will not be tolerated.

SECTION 2

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- a. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's membership
- b. Submission to, or rejection of, such conduct is used as the basis for decisions affecting such individuals; or
- c. Such conduct has the purpose or effect of interfering unreasonably with the individual's work performance or creating an intimidating, hostile or offensive environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities.

This definition includes many forms of offensive behavior. It makes no difference if the harassment is "just joking" or "teasing" or "playful." The following is a partial list of examples of sexual harassing conduct:

- a. Unwanted sexual advances
- b. Offering benefits in exchange for sexual favors
- c. Making or threatening after reprisals after a negative response to sexual advances
- d. Visual conduct such as leering, making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, cartoons, posters, social media, or computer or television broadcasts
- e. Verbal conduct such as making or using derogatory comments; sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits; sexually explicit comments about an individual's sexual desirability; sexually degrading words to describe an individual; suggestive or obscene letters, notes or invitations; or playing radio or television broadcasts that contain sexually suggestive or degrading conversation
- f. Physical conduct such as touching, petting, pinching, impeding or blocking movements or assault
- g. Retaliation for reporting harassment or threatening to report harassment

SECTION 3

Other Forms of Harassment

Prohibited harassment based on other protected classes, includes behavior similar to sexual harassment. It makes no difference if the harassment is “just joking” or “teasing” or “playful.” Following is a partial list of examples of harassing conduct:

- a. Visual conduct such as derogatory posters, photographs, cartoons, drawings, gestures, social media, or computer or television broadcasts.
- b. Verbal conduct such as ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over radio or television broadcasts)
- c. Physical conduct such as touching, blocking movement or assault
- d. Retaliation for reporting harassment or threatening to report harassment

SECTION 4

Complaint Procedure

The Fire Department’s complaint procedure provides for an immediate, thorough and objective investigation of any claim of harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or economic benefit.

Each member is responsible for maintaining a workplace free from harassment. Accordingly, any member who believes the actions or words of another member constitute unwelcome harassment should take the following actions.

1. If possible, tell the harasser that his or her actions are not welcome and they must stop.
2. Promptly report the incident to a department officer or chief. This may be done either verbally or in writing. It is strongly encouraged that a member files a written complaint . The complaint should be as detailed as possible and include the names of individuals involved, witnesses, direct quotes and or evidence (i.e., notes, e-mails, etc.).

All incidents of harassment will be expeditiously investigated and handled as discreetly as possible. Officers and chiefs must take timely and appropriate corrective action when instances of sexual harassment or other forms of harassment come to their attention. The Hempstead Fire Department is responsible for investigating any case of alleged or suspected harassment, even if the victim makes no complaint or does not want the matter pursued. The accused shall be afforded an opportunity to present their version of events. All individuals are hereby directed and required to cooperate with the Village off Hempstead Fire Department in fulfilling its investigative function. All complaints of harassment and the investigation of complaint(s) are confidential to the maximum extent consistent with law and the Fire Department’s obligations to conduct a thorough investigation.

If the investigation is conclusive, corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future harassment. Appropriate disciplinary action, which may include dismissal from the Department, will be taken in accordance with the by-laws set forth by the Hempstead Fire Department. Once a determination has been made, it will be communicated to the member who complained, as well as to the accused harasser.

Retaliation of any kind against a member who makes a report of harassment or who participates in an investigation into a harassment complaint is strictly prohibited. Follow-up interview(s) with the complainant will be conducted for an appropriate period, to ensure that the harassment has not resumed and that no retaliatory action has been taken.

ARTICLE VIII
DEPARTMENT BUSINESS

SECTION 1

All communications, concerns and or complaints whether written or verbal as it relates to business of the department from or to any of the officers or members of the department shall be properly endorsed and forwarded through the chain of command, which is the Company Officers, to the Chief's Office, to the Board of Fire Commissioners and to the Village Board, when and if necessary. (Amended March 2016)

SECTION 2

All reports and recommendations will be made out separately and forwarded through the regular channels to the office of the Chief of the Department, for transmittal to the Board of Fire Commissioners or Village Board.

SECTION 3

In case of the death of a member, the Secretary or Officers of the company of which they were a member, shall immediately notify the Chief.

SECTION 4

No resignation will be forwarded or endorsed by the Commanding officer of any company when it is known that the member is suspended, expelled, or that charges are pending.

SECTION 5

All resignations, suspensions, withdrawals, or honorable discharges, after being properly endorsed by Company Officers, must be forwarded to the Chiefs for final action, and recorded on the department books as a record.

SECTION 6

Money shall be withdrawn from the department Treasury only upon a warrant signed by the department Secretary, after having been approved by the Chiefs.

SECTION 7

Any member upon entering the Armed Forces of the United States either by induction or enlistment shall retain all rights and privileges of the department except those excluded by New York State Law. Their membership will terminate upon their re-enlistment.

ARTICLE IX
FIRES OUT OF THE VILLAGE

SECTION 1

1. Upon receiving an alarm for a request for Mutual Aid for a call out of the Village of Hempstead, all members shall report to either their company quarters or to quarters as requested by the Fire Alarm Dispatcher.
2. Companies shall communicate with the Fire Alarm by telephone and ascertain whether its services are needed.
3. To maintain firefighter accountability, only firefighters assigned to the apparatus or Chief's vehicles designated to respond will be allowed to respond to the scene as firefighters.
4. Firefighters volunteering their services at such fires shall adhere to Hempstead Fire Department discipline and By-Laws
5. No fire apparatus is to respond without proper orders.
6. Probationary firefighters are NOT to respond to calls for mutual aid.
7. All firefighters responding to the mutual aid MUST be Class A firefighters.
8. Drivers of the responding apparatus must be either a "Class A" or "Class B" firefighter.
9. Members of the Hempstead Fire Department are NOT to respond as firefighters in personal vehicles to any alarms outside the village. (Amended May 2016)
10. All cases will be reviewed by the Chiefs and Board of Fire Commissioners.

ARTICLE X **APPEARANCE**

SECTION 1

1.1 The grooming of individual members of this Department must be consistent with the conditions under which he or she is employed. Much of our work takes place in highly heated, toxic, poorly illuminated, and unsanitary conditions. Heat prostration, lacerations, burns, and falls are common consequences of firefighting. Exposure to air-borne and blood-borne pathogens is a common consequence of providing pre-hospital emergency medical care. Hair of excessive length on the head, and hair on the face of any length will increase the probabilities of the indispositions mentioned above. With the mask face piece designs currently in use, it has been reliably proven by NASA, the National Bureau of Standards, and others that it is important to obtain a satisfactory seal on a bearded individual.

1.2 It is evident that hair, excessive to any degree, acts as an insulator, retaining body heat and raising body temperatures at a time when eliminating body heat through exposed skin surface is highly desirable.

1.3 The health of the individual firefighter is also compromised when working in an unsanitary environment. Exposed hair is a breeding place for germs. Lacerations on hair-covered surfaces are subject to infection in direct proportion to the area and depth of the hair, thereby complicating the injury and extending the recuperation period.

1.4 Firefighters are required to be fit-tested for the use of the N95 Respirator, for protection against Tuberculosis. Occupational Safety and Health Administration Standards (OSHA) Law 29 CFR 1910.134, Respiratory Protection, Section (e)(5)(1) states that respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, and excessive hair.

1.5 Accordingly, safety standards for personal grooming and procedures for implementation are hereby established within the following guidelines. Responsibilities for compliance at all times shall be the individual responsibility of all members performing fire duty.

SECTION 2 **GUIDELINES**

2.1 **HAIR.** Hair is to be neatly groomed and clean. The bulk or length of the hair shall not interfere with the proper wearing of any department head gear or equipment. Hair pins, combs, or barrettes may be worn to meet the requirement of this standard, but may not interfere with the proper wearing of any department apparel or gear.

Both male and female department members must conceal all hair within a protective hood and still

maintain a proper fit of headgear and self-contained breathing apparatus face piece. Additionally, hair length must not interfere with providing emergency medical services

2.1.1 WIGS AND HAIR PIECES. Wigs or hair pieces may be worn while on duty or in uniform for cosmetic reasons to cover natural baldness or physical disfigurement. If a wig or hair piece is worn, it must conform to this policy for natural hair and must not cause a safety hazard.

2.1.2 FACIAL HAIR: No person shall report for work or be on duty with facial hair of sufficient length to potentially interfere with an individuals' ability to maintain a safe seal with/while wearing a self-contained breathing apparatus.

2.1.3 SIDEBURNS: Sideburns must be neatly trimmed, not extend below the bottom of the earlobe, and must end with a clean-shaven horizontal line. Sideburns shall not extend into the portion of the face which will interfere with safety equipment.

2.1.4 MUSTACHES: Mustaches may be word provided they are maintained in a neat manner which presents a groomed appearance. Mustaches must not be longer on the sides than the bottom of the lip. The mustache must not interfere with the wearing of any fire equipment and shall not expose the wearer to undue risk hazard.

2.2. This policy does not cover all potential appearances and grooming issues and any extreme clothes, hairstyles, facial hair or jewelry are not permitted. Department members are expected to use discretion in maintaining the professional image of the Fire Department.

2.3. All hair and grooming guidelines shall be in compliance with Occupational Safety and Health Administration Standards (OSHA) Law 29 CFR 1910.134

SECTION 3

PROCEDURES

3.1 Company Officers at shall inspect members for compliance with these safety standards.

3.1.1 When the member's violation of safety standards might impair the full effectiveness of the mask face piece command discipline or formal charges shall be preferred against the violator. The member shall then be given a direct order to conform to the grooming standards set forth in these by-laws.

3.1.2 If the member refuses the direct order, additional charges shall be preferred against the violator, and the Officer shall relieve such member from duty. In all cases, entries shall be made in the Company Journal of all the facts, including the exact nature of the violation

3.2 Chief and Company Officers are responsible for the enforcement of these regulations. Where violations are detected and investigation reveals that subordinate officers have tolerated violations of these standards, disciplinary actions, including charges shall be taken for failure to properly supervise.

ARTICLE XI **GENERAL RULES**

SECTION 1

All orders issued by the Officer in Charge of the department shall be obeyed above all other orders.

SECTION 2

It shall be the duty of every Officer and firefighter to properly display his/her badge when entering within the fire lines and at all reviews, drills, and parades.

SECTION 3

All Officers and members of the department are requested to aid in the enforcement of section 2 about badges to admit within fire lines.

SECTION 4

All members of the Department, if responded in a private vehicle to an alarm of fire, shall be subject to the regulations as provided by Village ordinance, and right of way must be given to fire apparatus at all times.

SECTION 5

None of the apparatus of this department will be allowed to run over lines of hoses unless in case of absolute necessity.

SECTION 6

No driver of any vehicle shall be allowed to drive over or cross any hose in use, or about to be used, in any street, avenue, public or private place.

SECTION 7

Officers and firemen shall be respectful to superiors, equals, and citizens and be courteous to subordinates at all times.

SECTION 8

No Officer or fireman shall be allowed to enter any department meeting room or handle any of the department paraphernalia at fires while under the influence drugs or alcohol, or be guilty of conduct unbecoming a member of the Department, or conduct themselves in any manner prejudicial to the good reputation, order, and discipline of the department.

SECTION 9

No Company, Squad, nor any organization, (even though its membership be composed entirely of firemen of this department), shall hold any entertainment, dance, card party, or any affair to which admission is charged, or the public invited and shall not use the name of the Hempstead Fire Department in any way, without first obtaining permission from the Bord of Fire Commissioners.

Where it is impossible to obtain permission from the Bord of Fire Commissioners, the Chief is permitted to grant such permission, provided said request has not been previously denied by the Bord of Fire Commissioners.

SECTION 10

Any proposed amendments to these By-Laws shall be presented in writing, read at one company meeting, and re-read at the next regular meeting of the Board of Fire Commissioners before being voted on for adoption.

SECTION 11

All rules, regulations, or orders, general, special, or verbal, issued or promulgated, conflicting in any manner with the foregoing rules are hereby revoked, repealed, countermanded, and rendered inoperative, and of no force in effect.

SECTION 12

All Officers and firemen shall read and become familiar with the laws, rules, and regulations relating to this department.

SECTION 13

All firemen, in addition to these by-laws, shall be governed also by their Company By-Laws, provided that same does not conflict in any way with Federal, State, or Municipal law or ordinance or Hempstead Fire Department By-Laws.

SECTION 14

A copy of the Department By-Laws shall be issued to each member of the department.

SECTION 15

Members of the Department may only use forms currently in force after approval by the Board of Fire Commissioners.

SECTION 16

Any member wishing to display a blue light on his/her motor vehicle shall comply with New York State Laws, and obtain a blue light card signed by the Chief of the Department.

SECTION 17a

No apparatus will be used for funeral purposes without approval of the Chiefs and Board of Fire Commissioners

SECTION 17b

A firehouse may be used for private functions by a firefighter, or the family of a firefighter in good standing with the consent of the company or companies and approval of the Board of Fire Commissioners.

SECTION 17c

Notwithstanding Article V Section 1, all uses of Fire Department Facilities by non-Hempstead Fire Department personnel shall need the Board of Fire Commissioners approval, prior to use, with proper insurance documentation.

SECTION 18

The annual department inspection will be at 1:00 P.M. on the appointed Sunday. Class A uniform is mandatory. If a firefighter does not have uniform, suitable attire will be acceptable.

SECTION 19

Firemen must attend the inspection in order to be eligible to attend the annual Installation, unless excused by a Chief or a life member.

SECTION 20

A firefighter making a department presentation at the Installation must wear their class A uniform, or suitable attire if they do not have a uniform.

SECTION 21

While any department function is in progress all firehouses will be closed to all members, except response to alarms, and no company, squad or team function shall occur while said department function is in progress unless previously approved by the Board of Fire Commissioners.

SECTION 22

On any matter not covered in these Hempstead Fire Department By-Laws, Robert Rules of Order will apply.

SECTION 23

Upon the dissolution of the Hempstead Fire Department, all department assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Nassau County Court exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose, which are organized and operated exclusively for such purpose, the actions shall be subject to the approval of a Justice of the Supreme Court of the State of New York.

SECTION 23a

Notwithstanding any other provisions of these articles, the organization is organized for one or

more of the purposes as specified in Section 501(c)(3) of the Internal Revenue code of 1986 and shall not carry on any activities not permitted to be carried on by an organization except from Federal income tax under IRC 501(c)(3) or corresponding provision of any subsequent tax laws.

SECTION 23b

No part of the net earnings of the organization shall inure to the benefit of any member, trustee, director, officer of the organization, or any private individual (except that reasonable compensation may be paid for services rendered to the organization), and no member, trustee, officer of the organization or any private individual shall be entitled to share in the distribution of any of the organization's assets on dissolution of the organization.

SECTION 23c

No substantial part of the activities of the organization shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by IRC 501(h)) or participating in, or intervening in otherwise (including the publication or distribution of statements) any political campaign on behalf of or in opposition to any candidates for public office.

SECTION 23d

In any taxable year in which the organization is a private foundation as described in IRC 509(a), the organization shall distribute its income for said period at such time and manner as not to subject it to tax under IRC 4942, and the organization shall not (a) engage in any act of self-dealing as defined in IRC 4941(d), (b) retain any excess business holdings as defined in IRC 4943(c), (c) make any investments in such a manner as to subject the organization to tax under IRC 4944, or (d) make any taxable expenditures as defined under IRC 4945(d) or corresponding provision of any subsequent Federal tax laws.

ARTICLE XII
SOCIAL MEDIA POLICY

SECTION 1

Members of the Hempstead Fire Department shall not photograph or record any scene where the Hempstead Fire Department is responding without the official written approval of the Chief's Office.

SECTION 2

Any member of the Hempstead Fire Department wishing to photograph or record any Department proceedings must request prior approval from the Chief's Office.

SECTION 3

Members of the Hempstead Fire Department shall not post any material that is in any manner prejudicial to the reputation, order, or discipline of the Hempstead Fire Department on social media (Facebook, Instagram, Twitter, TikTok, etc.)

ARTICLE XIII
ORDER OF BUSINESS

Order of Business, for the Business Meetings shall be as follows:

- 1) CALL TO ORDER AND SALUTE TO THE AMERICAN FLAG
- 2) ROLL CALL
- 3) READING OF MINUTES OF PREVIOUS MEETING
- 4) REPORT OF OFFICERS AND COMMITTEES
- 5) PETITIONS, COMMUNICATIONS, AND BILLS
- 6) UNFINISHED BUSINESS
- 7) NEW BUSINESS
- 8) ELECTION OF OFFICERS
- 9) COLLECTORS REPORT
- 10) ADJOURNMENT

ARTICLE XIV
PERFORMANCE COUNSELING, DISCIPLINARY ACTION AND PROCEDURE

SECTION 1

The Village of Hempstead expects that all its Volunteer Members will conduct themselves with pride and respect. Members are expected to maintain satisfactory job performance and appropriate conduct at all times, which includes working with integrity and exercising good judgment and discretion consistent with Village of Hempstead Fire Department standards. In the event a member fails to meet performance or behavior expectations, our Performance Counseling and Disciplinary Action policy is intended to proactively assist members in addressing such deficiencies, taking into consideration the facts and circumstances of each situation.

SECTION 2

Not all situations warrant Performance Counseling and Disciplinary Action. In some serious situations, termination may be appropriate even in the absence of prior discipline.

SECTION 3

Performance Counseling and Disciplinary Action typically consists of one of these four measures:

1. Counseling and Verbal Warning (documented)
2. First Written Warning
3. Final Written Warning and/or Suspension
4. Termination of Membership from the Hempstead Fire Department

SECTION 4

We strive to advise Members about how to correct a problem and the consequences that may follow if a member fails to meet expectations. However, the level of discipline imposed will depend on the facts and circumstances present, such that levels of discipline may be eliminated from or added to those described above. As stated above it is our goal to utilize Performance Counseling and Disciplinary Action to proactively assist members in improving performance and/or conduct. However, there are certain situations that are so serious that the membership relationship must be terminated immediately.

Listed below are examples of instances that may result in disciplinary action or immediate termination from the Village of Hempstead Fire Dept. Although we have tried to give as much guidance as possible, this list is not all-inclusive:

1. Violation of our Hempstead Fire Dept. Conduct and Ethics
2. Being intoxicated or under the influence of illegal or non-prescription drugs while responding to or actively participating at a Dispatched Emergency or while operating a Fire Department vehicle, subject to the terms of the Hempstead Fire Department Drug

- and Alcohol Policy
3. Dishonestly, including falsification of on Duty Training, and or other Fire Department records
 4. Harassment and or discriminatory conduct or treatment of fellow Fire Department Members or Civilians
 5. Misuse of Department property such as vehicles, equipment and facilities.
 6. Willful violation of Fire Department Regulations, policies and or other procedures
 7. Knowingly operating a Fire Department vehicle during loss or suspension of a Driver's License.
 8. Insubordination including refusing to obey a direct order from a Chief, Officer or Commissioner of the Village of Hempstead Fire Department.
 9. Failing to report a vehicular accident.
 10. Theft of property and or funds from the Fire Dept., Company, co-workers, or civilians
 11. Failing to maintain the confidentiality of sensitive Member personal information
 12. Fighting or using abusive or threatening language and gestures while representing the Hempstead Fire Dept. at Alarm, Drills, Meetings, Official Gatherings or on Fire Dept. property.
 13. Unauthorized extension of a leave of absence
 14. Gross negligence which results in significant liability to the Fire Dept. and/or serious damage to Fire Dept., Civilian or public property
 15. At fault vehicular accident due to Gross Negligence resulting in a death or total loss of Company vehicle and/or other serious safety Violations.

SECTION 5

Membership with the Village of Hempstead Volunteer Fire Department is at the mutual consent of the member and the Village of Hempstead Volunteer Fire Department. Disciplinary action is discretionary and is not a pre-condition to the termination of membership. The listings above are only examples of misconduct for which a member may be subject to disciplinary action and/or immediate termination of Membership. These examples do not constitute a complete list of the possible circumstances for which disciplinary action and/or discharge will be warranted. Nothing in this list alters the at-will nature of your membership.

SECTION 6

Any Officer or member of the Department suspended or discharged by the Chief as provided in Article V, Section 8 hereof, or against whom charges shall be otherwise preferred, shall be sent a written statement of the charges by registered mail not less than one (1) week from date of suspension, to include a date of hearing before the Board of Fire Commissioners and waiver if member agrees to have Chiefs hear the case. The Chiefs at such meeting will then hear and determine the charges and if the officer or member is found guilty by two-thirds (2/3) vote of the Chiefs at the meeting he may be reprimanded, suspended, or dismissed from the department as the

Chiefs may determine.

SECTION 7

In the event of suspension or termination, the Board of Fire Commissioners will review the determination of the Chief(s).

The elements of procedure to be followed in any such hearing to be undertaken at the direction of the Board of Fire Commissioners, unless waived by the employee, are the following:

1. The member shall be provided written notice of the charges against him and the time the hearing is to be conducted in accordance with Article XIII, Section 5.
2. The member shall be heard before the Board of Fire Commissioners. The oral hearing will usually to last no longer than two hours, unless otherwise approved by the Board of Fire Commissioners.
3. There shall be a record maintained, including a tape recording of the hearing.
4. The member shall have an opportunity to be represented by legal counsel at her own expense.
5. The member shall be provided an opportunity to present evidence and to rebut the information upon which his/her charged misconduct or inadequate performance is based.
6. To be upheld the charges must be sustained by a two-thirds vote of the members of the Board of Fire Commissioners.
7. If the charges are upheld the penalty shall be fixed by a two-thirds vote of Board of Fire Commissioners and the member notified of such penalty at the meeting or by certified mail.