

CITY OF BLOOMINGTON

FIRE MERIT COMMISSION

RULES AND PROCEDURES

Adopted by the City of Bloomington Fire Merit Commission on_____, 2025.

INTRODUCTION

Under the authority vested in the Bloomington Fire Merit Commission in accordance with Indiana Code 36-8-3.5 for the conduct of those issues under which the State of Indiana has granted this Commission jurisdiction, the following Rules and Procedures are published for the administration and orderly processing of all hiring, promotional and disciplinary actions and considerations of the Bloomington Fire Department. These Rules and Procedures may only be amended or revoked by the Bloomington Fire Merit Commission. All amendments take effect immediately upon approval by the Commission.

Violations, breaches and/or omissions of any one or more of these Rules and Procedures shall be considered to be actions against the best interest of the Bloomington Fire Department, the community and/or the City of Bloomington and may be met with disciplinary action as indicated herein.

These Rules and Procedures are promulgated and ordered into effect on the date noted on page one above. Any policies, rules, regulations or procedures in conflict with these Rules and Procedures shall be revoked.

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I. APPOINTMENT.

The Bloomington Fire Merit Commission (“Commission”) shall from time to time as recommended by the Bloomington Fire Department (“Department”) appoint and remove members of the Department, except for those members in upper level policymaking positions (the Fire Chief and the Deputy Fire Chief).

A. Qualifications. To be appointed to the Department, an applicant must:

1. Be a citizen of the United States;
2. Be a high school graduate or equivalent;
3. Be at least twenty-one (21) years of age, but under forty (40) years of age;
4. Must pass the general aptitude test required by state law;
5. Must pass the physical agility test required by state law;
6. Not have a felony conviction(s) on the applicant’s record; and

The age requirements do not apply to a person who has been previously employed as a member of the Department. The age requirement for any veteran honorably discharged or eligible to receive an honorable discharge after having served at least twenty (20) years of military service shall be forty (40) years and six (6) months of age.

B. Filing.

1. Applications for appointment or reappointment shall be filed with the City of Bloomington Human Resources Department (“HR”). The applicant must produce satisfactory proof of the date and place of the applicant’s birth.
2. The results of the general aptitude test shall be filed with the commission.

C. Initial Screening. HR shall conduct an initial screening of all applications to determine that the information provided is complete and accurate.

Any application that does not pass the initial screening shall be removed from further consideration. .

D. General Aptitude Test. A fire and personality based written examination shall be administered by a third party vendor, who shall also tabulate the score. The applicant must pass the test with a score of 70% or greater. The written examination shall account for 35% of the overall hiring process score.

E. Physical Agility Test. Applicants must pass the Candidate Physical Aptitude Test (“CPAT”). The CPAT is administered by a third party vendor. The CPAT is pass/fail and the Department may use third parties to administer and score the CPAT and provide the results to the Department. Applicants must pass the CPAT prior to the oral interview.

- F. Oral Interview.** The Department shall conduct an oral interview of each applicant using only questions preapproved by HR. The interview shall be a panel interview with a representative from each of the Department's ranks and a Union representative attending. The same panel shall interview the entire class of applicants. The applicant must pass the oral interview with a score of 70% or greater. The oral interview shall account for 65% of the overall hiring process score.
- G. Raw Score Points.** In addition to the percentage of overall score, additional raw score points shall be granted to applicants who meet one or more of the following criteria:
1. Applicants who are veterans of military service and have been honorably discharged shall receive an additional five (5) points.
 2. Applicants whose mother or father was a firefighter or police officer in any fire or police department who died in the line of duty (as defined by I.C. 5-10-10-2) shall receive an additional five (5) points.
- H. Background Investigation.** HR shall conduct a background investigation. The purpose of the background investigation is to provide the Department and the Commission information to assess an applicant's character and reputation. The background investigation may include, but is not limited to:
1. Criminal History,
 2. Driver's license (valid),
 3. Social Media Accounts,
 4. Past Employer References, and
 5. Credit History.
- The Background Investigation is pass/fail. Applicants who do not successfully pass the background investigation shall be removed from the hiring process.
- I. Merit Commission Interview.** The Merit Commission shall conduct an oral interview of each applicant using only questions preapproved by HR. The interview is pass/fail and is not scored.
- J. Rejection.** If at any time the Department finds that the applicant lacks the proper qualifications, it shall reject the applicant.
- K. Ranking and laterals.** The panel ranks the applicants based on the general aptitude test score and the interview score. Depending on the needs of the Department, the applicants may be considered for hire either as currently enrolled PERF lateral transfers or as entry level candidates requiring a full academy.
- L. Eligibility List.** The applicants shall be placed on an eligibility list according to rank. The eligibility list shall be certified/approved by the Commission.
1. Any applicant who reaches the applicant's fortieth birthday before being appointed to the Department shall be removed from the eligibility list,

with the exception of retired military personnel who have at least twenty (20 years of service and have received an honorable discharge who shall only be removed if they reach 40.5 years of age before being appointed to the Department.

2. Applicants remain on the eligibility list for two years from the date of certification. After two years a person may reapply as an applicant.
3. The Department shall maintain and update the eligibility list as needed.

M. Vacancies. When a vacancy occurs in the Department, the Commission shall, upon a written request by the Chief or Chief's designee, approve the appointment of the highest ranked applicant on the eligibility list to the vacant position as long as that applicant is still of good character and still meets all of the qualifications set forth in paragraph I.A above.

N. Probation. All appointments are probationary for a period not to exceed one year. If the commission finds, upon recommendation by the Department during the probationary period, that the conduct or capacity of the member is not satisfactory, then the Commission shall notify the member in writing that the member is:

1. Being reprimanded;
2. Being suspended; or
3. Will not receive a permanent appointment.

If a member receives a notice that the member will not receive a permanent appointment, then the member's employment immediately ceases. Otherwise, at the expiration of the probationary period the member is automatically considered regularly employed.

II. PROMOTION AND DEMOTION.

A. The Department shall consider the following factors, and the respective weight given to each factor, in rating a Department member for promotion:

1. The score received by the member on a written competitive examination (25%),
2. The score received by the member on an oral competitive interview (20%),
3. The score received by the member on the assessment center (40%),
4. The performance record (including general performance evaluations/ratings) of the Department member (10%), and
5. The Department member's length of service (5%).

The member must receive a cumulative score of 70% or higher to be eligible for promotion.

- B.** Promotions shall be conducted in accordance with the Department's promotional guide as that guide is modified from time to time. A copy of the most current version of the promotional guide is attached hereto, marked as Exhibit "A" and by this reference is incorporated herein.
- C.** Eligibility List. Only those members who are qualified in both rank and length of service may be placed on an eligibility list for promotion. The eligibility list for a position consists of members who have been placed on the list in order of their cumulative score on all rating factors.
- D.** The eligibility list shall be maintained for two (2) years from the date of certification, after which time the list shall be retired and a new list established. The retired list shall be kept for five years and then destroyed.
- E.** Written Competitive Examination. Any member who qualifies in length of service, rank, and possesses all of the promotional requirements may take a written competitive examination ("Examination") administered by the Department.
- 1.** Notice. Before the Examination may be administered to members to fill a current or expected vacancy in the ranks, the members eligible to take the Examination must first be notified of the written materials from which the questions will be taken.
 - 2.** Blind Grading. The Examination shall be graded by the Department without knowing the identity of the member who took the Examination.
 - 3.** Results. The Department shall notify each member in writing of the score that the member received on the Examination. The score received by a member on the written examination becomes a part of the permanent file of the member, and the member is entitled to access to this file for examination and review at any time.
 - 4.** Document Retention. Examination papers shall be kept under Department supervision. All Examinations shall be retained for the same two (2) year period in which the eligibility list is valid. After the eligibility period, the Examination documents may be retired. Retired examination papers shall be kept for five (5) years and then they may be destroyed.
 - 5.** Appeal. A member who is aggrieved with the score received on the Examination may appeal to the Commission for review of the score. The appeal must be filed within ten (10) days after notice of the score has been sent to the member. The member may review the questions incorrectly answered by the member and challenge the answer considered incorrect by the examiner. The Commission shall either affirm the score or correct the score according to the findings of a review.

- F. Eligibility List. Following completion of the review process, including any appeal, the Chief shall present to the Commission a promotional eligibility list ranking the eligible candidates for promotion.
1. Rankings. Rankings shall be made in accordance with the factors listed in paragraph II.A above.
 2. Resolving Ties. Any tie resulting from the review process shall be resolved using the time and grade of the tying candidates' previous rank. If a tie still remains, then the tie shall be resolved using the candidates' time of initial appointment as a full-time firefighter with the Department.
 3. Certification. The Commission shall review and certify all eligibility lists.
 4. Eligibility Period. All eligibility lists shall be in effect for two (2) years from the date of certification. After the eligibility period, the eligibility list shall be retired.
 5. Document Retention. All eligibility lists shall be retained for five (5) years following the date of retirement.
- G. General Performance Evaluations/Ratings.
1. Six Month Evaluation/Rating. At least once every six (6) months the Department shall administer a general performance evaluation/rating of each member of the Department. Performance evaluations/ratings shall be made by at least one (1) or more of the member's superiors in accordance with procedures established by the Department, subject to approval by the Commission.
 2. Probationary Members. Probationary members shall also receive an additional evaluation/rating immediately prior to the expiration of their probationary period. The Chief, or Chief's designee, shall make a recommendation to the Commission regarding the probationary member's successful completion of the probationary period.
 3. Rating Report. The following ratings shall be used by the superior who is responsible for evaluating/rating the probationary members performance during the one (1) year probationary period:
 - a. Above standards
 - b. Meets standards
 - c. Needs improvement
 4. Records. The Chief, or the Chief's designee, shall notify each member in writing of the rating that the member received. All ratings shall be submitted to the Chief and shall be properly secured on file with the Department.

5. Appeals. A member who is aggrieved with the performance rating given to the member may appeal to the Commission for a review of the rating. The member may be represented by counsel or another representative of the member's choice. The appeal must be filed within ten (10) days after notice of the rating has been sent to the member. The Commission shall either affirm or correct the rating.

H. Certification of Eligible Members. When a vacancy in rank occurs, or is expected to occur, the Commission shall certify to the Fire Chief the three (3) members with the highest scores on the eligibility list for that particular rank. Within six (6) months the Commission, upon the recommendation of the Fire Chief, shall promote one (1) of those members to fill the vacant spot.

I. Promotion Probationary Status. All promotions shall be probationary for a period of one (1) year from the date of promotion. Following a promotion, a member shall receive an evaluation at six (6) and eleven (11) months after the date of promotion. At the end of the probationary period, the Chief or the Chief's designee shall review the member's performance and recommend to the commission that:

1. The promotion be made permanent; or
2. The promotion will be revoked.

If the promotion is revoked, the member may not be returned to a lower rank than the one the member held before the probationary promotion.

J. Appeal. Actions by the Commission other than making the promotion permanent may be appealed within thirty (30) days to the Monroe County Circuit Court. The Department shall be named as the sole defendant. Court costs shall be the appealing member's responsibility.

III. DISCIPLINARY ACTION.

A. The commission may take the following disciplinary actions against a regular member of the department:

1. Suspension with or without pay;
2. Demotion; or
3. Dismissal.

B. **Suspension.** If a member is suspended under this subsection, the member is entitled to the member's remuneration and allowances for insurance benefits to which the member was entitled before the suspension. In addition, the Department may provide the member's allowances for any other fringe benefits to which the member was entitled before the suspension. The Commission shall determine if a member of the department who is suspended in excess of five (5) days shall continue to receive the member's salary during suspension.

C. A member may be disciplined by the Commission if:

1. The member is convicted of a crime; or
 2. The Commission finds the member guilty of a breach of discipline, including:
 - a. Neglect of duty;
 - b. Neglect or disobedience of orders;
 - c. Continuing incapacity;
 - d. Absence without leave;
 - e. Immoral conduct;
 - f. Conduct injurious to the public peace or welfare;
 - g. Conduct unbecoming a member; and/or
 - h. Furnishing information to an applicant for appointment or promotion that gives that person an advantage over another applicant.
- D.** If the Chief, after an investigation within the Department, prefers charges against a member of the Department for an alleged breach of discipline under subsection (C), including any civilian complaint of an alleged breach of discipline under subsection (C)(2)(f), (C)(2)(g), or (C)(2)(h), a hearing shall be conducted upon the request of the member. If the member desires a hearing, then the member shall request said hearing not more than five (5) days from the date in which the Chief preferred charges. If a hearing is requested, then within five (5) days of the Chief preferring charges, the parties may by agreement designate a hearing officer who is qualified by education, training, or experience. If the parties do not agree within this five (5) day period, then the Commission may hold the hearing or designate a person or the Board of Public Safety to conduct the hearing. The designated person or the Board of Public Safety must be qualified by education, training, or experience to conduct such a hearing and may not hold an upper level policy making position in the Department. The hearing conducted under this subsection shall be held within thirty (30) days after it is requested by the member.
- E.** Notice of Hearing. Written notice of the hearing shall be served upon the accused member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must state:
1. The time and place of the hearing;
 2. The charges preferred against the member;
 3. The specific conduct that comprises the charges; and
 4. That the member is entitled to:
 - a. Be represented by counsel or another representative of the member's choice;
 - b. Call and cross examine witnesses;
 - c. Require production of evidence; and
 - d. Have subpoenas issued, served, and executed.
- F.** The Commission may:
1. Compel the attendance of witnesses by issuing subpoenas;

2. Examine witnesses under oath; and
 3. Order the production of books, papers, and other evidence by issuing subpoenas.
- G.** If a witness refuses to appear at a hearing of the Commission after having received written notice requiring the witness's attendance, or refuses to produce evidence that the commission requests by written notice, the Commission may file an affidavit in the Monroe County Circuit Court setting forth the facts of the refusal. Upon the filing of the affidavit, a summons shall be issued from the Monroe County Circuit Court and served by the sheriff of the county requiring the appearance of the witness or the production of information or evidence to the commission.
- H.** Failure to comply with a summons constitutes contempt of the circuit court, superior court, or probate court from which the summons has been issued. Expenses related to the filing of an affidavit and the issuance and service of a summons shall be charged to the witness against whom the summons has been issued, unless the circuit court, superior court, or probate court finds that the action of the witness was taken in good faith and with reasonable cause. In that case, and in any case in which an affidavit has been filed without the issuance of a summons, the expenses shall be charged to the Commission.
- I.** The standard of review in any disciplinary hearing shall be by a preponderance of the evidence. A decision to discipline a member may only be made if the preponderance of the evidence presented at the disciplinary hearing supports such a course of action.
- J.** Appeal From Designated Person or Board of Public Safety. A member who is aggrieved by the decision of a person or the Board of Public Safety designated to conduct a disciplinary hearing under subsection (D) may appeal to the Commission within ten (10) days of the decision. The Commission shall on appeal review the record and either affirm, modify, or reverse the decision on the basis of the record and such oral or written testimony that the Commission determines, including additional or newly discovered evidence.
- K.** The Commission shall keep a record of the proceedings in all cases of suspension, demotion, or dismissal. The Commission shall provide a free copy of the transcript of the disciplinary hearing to the member upon request if an appeal is filed.
- L.** Appeal from Commission. A member who is aggrieved by a decision of the Commission to suspend the member for a period greater than ten (10) calendar days, demote the member, or dismiss the member may appeal to the Monroe County Circuit Court.
1. The appeal shall be made in accordance with the Indiana Rules of Trial Procedure with the following exceptions:

- a. The verified appeal must be filed within thirty (30) days after the date of the Commission's decision.
 - b. The City of Bloomington shall be named as the sole defendant.
 - c. The City of Bloomington is assumed to have denied the allegations without filing a responsive pleading.
 - d. The member, as plaintiff, must file a bond at the time of filing the complaint conditioned on the member prosecuting the appeal to a final determination and paying the court costs incurred in the appeal.
 - e. Within thirty (30) days after the service of summons, the Commission shall file in court a complete transcript of all papers, entries, and other parts of the record relating to the case.
2. In accordance with I.C. 36-8-3.5-13, the appeal takes precedence over other litigation pending before the court.

M. Summary Disciplinary Actions.

- 1. In addition to the disciplinary powers of the Commission, the Chief may, without a hearing, reprimand or suspend a member without pay, for a maximum of five (5) working days. For the purposes of this subsection, eight (8) hours of paid time constitutes one (1) working day.
- 2. If the Chief reprimands a member in writing or suspends a member, the chief shall, within forty-eight (48) hours, notify the Commission in writing of the action and the reasons for the action.
- 3. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the Commission review the reprimand or suspension and either uphold or reverse the Chief's decision.
- 4. At its discretion, the Commission may hold a hearing during this review. If the Commission holds a hearing, written notice must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under paragraph E above. If the Chief's decision is reversed, the individual who was suspended is entitled to any wages withheld as a result of the suspension.

N. Action of the Medical Director.

- 1. Suspension and Termination of Emergency Medical Technicians. The Medical Director may suspend or terminate the active functions of any emergency medical technician under their medical control.
 - a. Suspension. The Medical Director may temporarily inactivate a member who holds an emergency medical technician certification from an operational capacity that could place them in contact with patients and/or moved elsewhere within the Department while receiving their remedial training. During suspension the member

shall not function as an operational, frontline firefighter until their emergency medical technical certification is reinstated.

- b. Termination. The Medical Director may terminate a member's emergency medical technical certification. In that event, the member will no longer be permitted to operate in the Department as a front line firefighter.

- 2. Written Explanation. If the medical director takes any of the following actions, then the medical director shall provide a written explanation to both the Chief and the member explaining the reasons for the action taken:
 - a. Refusing or failing to supervise or otherwise provide medical control and direction to any certified member.
 - b. Refusing or failing to attest to the competency of any certified member to perform emergency medical services.
 - c. Suspension of a certified member from performing emergency medical services.
- 3. Appeal. Before the Department takes any employment related action as a result of the medical director's action described in Section III. N. 2 above, the certified member is entitled to a hearing and appeal as set forth in Section III. L above.
- 4. If the medical director's action that is the subject of an appeal under this section is based on a health care decision made by the certified member in performing emergency medical services, the Commission shall consult with an independent medical expert to determine whether the certified member followed the applicable emergency medical services protocol in making the health care decision. The independent medical expert:
 - a. must be a physician trained in emergency medical services; and
 - b. may not be affiliated with the same hospital as the medical director.

IV. MISCELLANEOUS

- A. Retirement Age: A member of the Department shall retire from the Department when the member reaches the member's seventieth birthday.
- B. Reduction In Number of Members: In the event it becomes necessary to reduce the number of members of the Department, then the Department shall do so in accordance with the terms and conditions of the Collective Bargaining Agreement and I.C. 36-8-3.5-21, as that statute is amended from time to time. If it is necessary for the Board of Public Safety to reduce the number of members of the Department, the reduction shall be made by the Department granting a temporary involuntary leave of absence, without pay or financial obligation to the City of Bloomington, to the appropriate number of members.
 - 1. The last member appointed to the Department shall be the first member put on temporary involuntary leave of absence, with other members also put on temporary involuntary leave of absence in reverse hiring order, until the necessary number of members is reached..

2. A member on temporary involuntary leave of absence shall keep the Department advised of the member's current contact information, including, complete mailing address, phone number and email address.
 3. If the Department is increased in number again, the members of the Department who have been granted a temporary involuntary leave of absence under this section shall be reinstated by the Department before any applicant on the eligibility list is appointed to the Department. The reinstatements shall begin with the last member who was granted a temporary involuntary leave of absence being the first to be reinstated.
 4. A member shall be informed by the Department of the member's reinstatement by written notice. The notice shall specify the date and time in which the Department requires the member to report for duty. The date to report specified in the notice shall be at least fourteen (14) days from the date of notice. Within ten (10) calendar days after a member receives notice of reinstatement, the member must advise the Department that the member accepts reinstatement and will be able to commence employment on the date to report specified in the notice. All reinstatement rights granted to a member terminate upon the member's failure to accept reinstatement within the specified period.
 5. Civilian personnel will not be hired as a result of a layoff to perform any duties previously performed by a member.
- C. The Department shall print and furnish a copy of these Rules and Procedures to each member of the Department. Amendments to these Rules and Procedures take effect thirty (30) days after their adoption if copies have been furnished to all members of the Department within that period. Otherwise, they do not take effect until copies are furnished to all members of the Department. Copies are deemed furnished when sent to each member's City of Bloomington email address.
- D. A commissioner who knowingly furnishes information to an applicant for original appointment or to a member eligible for promotion that gives that person an advantage over another person commits a Level 6 felony.