

## Wayne Township Fire Department Meeting Minutes

**Date:** February 24, 2025

**Mark Scutchfield called the meeting to order**

### Pledge of Allegiance

### Roll Call

Karen Burke – Absent  
Mark Scutchfield – Present  
Brendan Cannaday – Absent  
Derrick Blackwell – Present  
Carrie Hutt – Present

### Approval of Minutes

Mark Scutchfield motioned to approve the January 8, 2025, minutes; Derrick Blackwell seconded. All were in favor.

### Notification of Discipline

Emailed to Merit Commissioners before tonight's meeting.

### New Business

Chief Garino informed the merit commissioners that there was a vacancy in the rank of Battalion Chief and requested three names from the promotional list. George Boots, Craig Peoples, and Mark Staggs are on the Battalion Chief promotional list. Mark Scutchfield asked for a motion to accept the above names from the Battalion Chief promotional list. Carrie Hart seconded, and all were in favor.

Mark Scutchfield moves to change the Wayne Township Fire Department Merit Commission Administrative Procedures, Chapter 1-Merit Law, Chapter 3-Hiring Process, and Chapter 6-Section 3 Discipline (the Wayne Township Fire Department Merit Commission Administrative Procedures are attached.) Derrick Blackwell seconded the motion. All in favor, motion carried.

### Old Business

None

### Good of the Order

None

**Mark Scutchfield requested a motion to adjourn, and Derrick Blackwell seconded.**

### **Next Meeting**

March 5, 2025, @ 5 pm  
6450 W. Ohio  
Indianapolis, IN 46214

# Wayne Township Fire Department Merit Commission Administrative Procedures

~~May 4~~ ~~February 24~~~~XX~~, 202~~5~~~~3~~



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## Chapter One | Enabling Legislation

### CHAPTER ONE

LAST AMENDED: ~~FEBRUARY 8, 2023~~ ~~FEBRUARY 24~~XX~~, 2025~~  
(Amended: Feb. 8, 2023, August 5, 2015; June 10, 2015; April 7, 2010)

**Wayne Township Fire Department Merit Commission  
Administrative Procedures**

**IC 36-8-3.5  
Chapter 3.5 Police and Fire Merit Systems**

**IC 36-8-3.5-1**

(a) This section applies only to a municipality or township that has a full-time paid police or fire department.

(b) A municipality may exercise the power of establishing a merit system for its police or fire department under this chapter or by ordinance adopted under IC 36-1-4-14. A township may exercise the power of establishing a merit system for its fire department under this chapter or by resolution under IC 36-1-4-14. This chapter does not affect merit systems established:

(1) by ordinance under IC 36-1-4-14, except as provided by subsection (f) and section 19.3 of this chapter;

(2) by resolution under IC 36-1-4-14, except as provided by subsection (g) and section 19.3 of this chapter; or

(3) by a prior statute, except as provided by subsection (c) and section 19.3 of this chapter.

(c) If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) be a person of good moral character; and

(2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member of a police or fire department or agency.

(d) After December 31, 1984, the legislative body also may repeal the ordinance described in subsection (c), but the legislative body shall in the repealing ordinance concurrently establish a new merit system under section 3 of this chapter. (This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend the ordinance under subsection (c).) After the new merit system takes effect, all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

(e) If a city had a merit system for its police or fire department under a prior statute but fails to retain that system under subsection (c), the city legislative body shall, before July 1, 1983, pass an ordinance to establish a new merit system under section 3 of this chapter. If the new merit system is approved as provided by section 4 of this chapter, it takes effect as provided by that section. However, if the new merit system is rejected under section 4 of this chapter, within thirty (30) days the city legislative body shall adopt an ordinance to retain the prior merit system. The prior merit system remains in effect until the new merit system takes effect, after which time all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

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~~(f) An ordinance adopted under IC 36-1-4-14 to establish a police or fire merit system must include a provision under which the commission, or governing board of the merit system, has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must be a person of good moral character who is not an active member of a police or fire department or agency. If an ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the ordinance must be amended to include this requirement.~~

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~~(g) This chapter does not prevent a township or other unit that has adopted a merit system under section 3 of this chapter from later amending or deleting any provisions of the merit system contained in this chapter. However, the merit system must include a provision under which the commission has at least one-third (1/3) of its members elected by the active members of the department, as set forth in section 8 of this chapter and a provision that incorporates the requirements of section 6(b) of this chapter. This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend under this subsection.~~

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~~(a) This chapter applies to each municipality or township that has a full-time paid police or fire department. A municipality may exercise the power of establishing a merit system for its police or fire department under this chapter or by ordinance adopted under IC 36-1-4-14. A township may exercise the power of establishing a merit system for its fire department under this chapter or by resolution under IC 36-1-4-14. This chapter does not affect merit systems established:~~

- ~~(1) by ordinance under IC 36-1-4-14, except as provided by subsection (e) and section 19.3 of this chapter;~~
- ~~(2) by resolution under IC 36-1-4-14, except as provided by subsection (f) and section 19.3 of this chapter; or~~
- ~~(3) by a prior statute, except as provided by subsection (b) and section 19.3 of this chapter.~~

~~(b) If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:~~

- ~~(1) be a person of good moral character; and~~
- ~~(2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member of a police or fire department or agency.~~

~~(c) After December 31, 1984, the legislative body also may repeal the ordinance described in subsection (b), but the legislative body shall in the repealing ordinance concurrently establish a new merit system under section 3 of this chapter. (This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend the ordinance under subsection (b).) After the new merit system takes effect, all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.~~

~~(d) If a city had a merit system for its police or fire department under a prior statute but fails to retain that system under subsection (b), the city legislative body shall, before July 1, 1983, pass an~~

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~~ordinance to establish a new merit system under section 3 of this chapter. If the new merit system is approved as provided by section 4 of this chapter, it takes effect as provided by that section. However, if the new merit system is rejected under section 4 of this chapter, within thirty (30) days the city legislative body shall adopt an ordinance to retain the prior merit system. The prior merit system remains in effect until the new merit system takes effect, after which time all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.~~

~~—(e) An ordinance adopted under IC 36-1-4-14 to establish a police or fire merit system must include a provision under which the commission, or governing board of the merit system, has at least one third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must be a person of good moral character who is not an active member of a police or fire department or agency. If an ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the ordinance must be amended to include this requirement.~~

~~—(f) This chapter does not prevent a township or other unit that has adopted a merit system under section 3 of this chapter from later amending or deleting any provisions of the merit system contained in this chapter. However, the merit system must include a provision under which the commission has at least one third (1/3) of its members elected by the active members of the department, as set forth in section 8 of this chapter and a provision that incorporates the requirements of section 6(a) of this chapter. This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend under this subsection.~~

**IC 36-8-3.5-2**

~~As used in this chapter:~~

~~—"Commission" refers to the merit commission for a merit system established under this chapter.~~

~~—"Department" refers to the police or fire department of a unit.~~

**IC 36-8-3.5-3**

(a) The legislative body of a unit (other than a township) may, by ordinance, establish a merit system under this chapter for the police or fire department of the unit. The legislative body of a township may, by resolution, establish a merit system under this chapter for the township's fire department. Before the merit system takes effect, however, the system must be approved by a majority of the active members of the department in a referendum.

(b) The legislative body shall specify in the adopting ordinance or resolution which of the provisions of this chapter that are left to its discretion are being adopted.

(c) If a merit system is established under this chapter for each department of a unit, each department has a separate merit system.

**IC 36-8-3.5-4**

~~(a) Within sixty (60) days after the adoption of an ordinance or resolution establishing a merit system, the safety board or governing board shall give at least three (3) weeks' notice to all active members of the department that a meeting will be held to approve or reject the merit system. The notice shall be given by posting it in prominent places in all stations of the department. The notice must designate the time, place, and purpose of the meeting.~~

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(b) A copy of the ordinance or resolution shall be distributed to each active member of the department at least one (1) week before the date of the meeting.

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(c) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board or governing board and shall be posted in accordance with subsection (a).

(d) If a majority of the active members of the department vote to approve the merit system, the merit system takes effect on January 1 following the vote. Appointments to the merit commission shall be made by March 1 following that January 1.

(e) If a majority of the active members of the department vote to reject the merit system, another proposal may not be put to a vote within one (1) year after the day the meeting is held.

~~—(a) Within sixty (60) days after the adoption of an ordinance or resolution establishing a merit system, the safety board shall give at least three (3) weeks' notice to all active members of the department that a meeting will be held to approve or reject the merit system. The notice shall be given by posting it in prominent places in all stations of the department. The notice must designate the time, place, and purpose of the meeting.~~

~~—(b) A copy of the ordinance or resolution shall be distributed to each active member of the department at least one (1) week before the date of the meeting.~~

~~—(c) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (a).~~

~~—(d) If a majority of the active members of the department vote to approve the merit system, the merit system takes effect on January 1 following the vote. Appointments to the merit commission shall be made by March 1 following that January 1.~~

~~—(e) If a majority of the active members of the department vote to reject the merit system, another proposal may not be put to a vote within one (1) year after the day the meeting is held.~~

**IC 36-8-3.5-5**

(a) A majority of the active members of the department, by referendum under section 4 of this chapter, may request the:

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(1) unit's legislative body; or

(2) governing board;

to establish a merit system for the department.

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(b) The unit's legislative body or the governing board shall vote on the request within sixty (60) days after the request is filed with the following:

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(1) In the case of a unit;

(A) the clerk of the legislative body of a county or a municipality; or

(B) the executive of a township.

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(2) In the case of a district or territory, the governing board.

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(c) If the unit's legislative body votes to grant the request, the legislative body shall adopt an ordinance or resolution establishing a merit system under this chapter. If the governing board votes to grant the request, the governing board shall adopt a resolution establishing a merit system under this chapter. A copy of the ordinance or resolution shall be distributed to each active member

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of the department, and another referendum under section 4 of this chapter is required before the merit system takes effect.

(d) If the unit's legislative body or a governing board votes to deny the request, the request may not be resubmitted to the legislative body or governing board for one (1) year. Before the request may be resubmitted, another referendum under section 4 of this chapter must be held.

— (a) A majority of the active members of the department, by referendum under section 4 of this chapter, may request the unit's legislative body to establish a merit system for the department. The legislative body shall vote on the request within sixty (60) days after it is filed with the clerk of the legislative body of a county or a municipality or the executive of a township.

— (b) If the legislative body votes to grant the request, the legislative body shall adopt an ordinance or resolution establishing a merit system under this chapter. A copy of the ordinance or resolution shall be distributed to each active member of the department, and another referendum under section 4 of this chapter is required before the merit system takes effect.

— (c) If the legislative body votes to deny the request, the request may not be resubmitted to the legislative body for one (1) year. Before the request may be resubmitted, another referendum under section 4 of this chapter must be held.

**IC 36-8-3.5-6**

(a) A merit commission consisting of five (5) commissioners shall be established for:

- (1) each department of a unit;
- (2) a district; or
- (3) a territory;

having a merit system.

(b) The commissioners of a unit are:

- (1) two (2) persons, who must be of different political parties, appointed by the unit's executive;
- (2) one (1) person appointed by the unit's legislative body; and
- (3) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.

(c) The commissioners of a district or territory are:

- (1) the members of the governing board; and
- (2) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding IC 36-1-8-10, the political affiliation of the persons appointed under subdivision (2) shall be determined through the voters' registration records of the three (3) most recent primary elections.

(d) This subsection does not apply to a commissioner who is a member of the governing board of a district or territory. A commissioner must have been a legal resident of the unit, district, or territory for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The unit's legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. The governing board may determine a per diem to be paid to each commissioner appointed under subsection (c)(2) for each day of actual service for

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the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.

(e) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board of a unit or the governing board.—(a) ~~A merit commission consisting of five (5) commissioners shall be established for each department of a unit having a merit system. The commissioners are:~~

- ~~(1) two (2) persons, who must be of different political parties, appointed by the unit's executive;~~
- ~~(2) one (1) person appointed by the unit's legislative body; and~~
- ~~(3) two (2) persons, who must be of different political parties, elected by the active members of the department.~~

~~Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.~~

~~—(b) Each commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.~~

~~—(c) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board.~~

**IC 36-8-3.5-7**

(a) This subsection applies only to a unit. The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.

(b) This subsection applies only to a district or territory. A commissioner who is a member of the governing board serves on the commission until the member ceases to be a member of the governing board. The term of a commissioner elected by the department under section 6(c)(2) of this chapter is four (4) years. However, the initial term of one (1) of the commissioners elected by the department is for a term of two (2) years.

(c) A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.

(d) A commissioner appointed by the unit's legislative body serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the department, the safety board or governing board shall call a meeting of the active members of the department under the procedures specified in section 4 of this chapter if a recall petition signed by a majority of the active members is submitted to the board.

—(a) The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.

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~~—(b) A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.~~

~~—(c) A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the department, the safety board shall call a meeting of the active members of the department under the procedures specified in section 4 of this chapter if a recall petition signed by a majority of the active members is submitted to the board.~~

**IC 36-8-3.5-8**

(a) An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the safety board or governing board. The safety board or governing board shall give at least three (3) weeks' notice of the meeting to all active members of the department by posting the notice in prominent locations in stations of the department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.

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(b) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board or governing board and shall be posted in accordance with subsection (a).

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~~—(a) An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the safety board. The board shall give at least three (3) weeks' notice of the meeting to all active members of the department by posting the notice in prominent locations in stations of the department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.~~

~~—(b) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (a).~~

**IC 36-8-3.5-9**

(a) Not later than thirty (30) days after the commission is selected, the commission shall adopt rules to govern the commission, including the time and place of regular monthly meetings and special meetings that are necessary to transact the business of the commission. A majority of the commissioners constitutes a quorum, and a majority vote of all the commissioners is necessary to transact the business of the commission. Each year the commissioners shall select from among the commissioners a president, vice president, and secretary. The commission shall keep a permanent record of its proceedings.

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(b) In the case of a unit, the commission shall submit a proposed annual budget to the unit as other budgets of the unit are submitted. The legislative body shall include in its budget an amount sufficient for the necessary expenses of the commission.

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(c) The commissioners for a territory or district who are:

(1) members of the governing board may not receive a per diem for serving on the commission, but may receive compensation for expenses actually incurred in the performance of a commissioner's duties; and

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(2) described in section 6(c)(2) of this chapter may receive a per diem for serving on the commission and compensation for expenses actually incurred in the performance of a commissioner's duties.

~~—(a) Within thirty (30) days after the commission is selected, the commission shall adopt rules to govern the commission, including the time and place of regular monthly meetings and special meetings that are necessary to transact the business of the commission. A majority of the commissioners constitutes a quorum, and a majority vote of all the commissioners is necessary to transact the business of the commission. Each year the commissioners shall select from among their number a president, vice president, and secretary. The commission shall keep a permanent record of its proceedings.~~

~~—(b) The commission shall submit a proposed annual budget to the unit as other budgets of the unit are submitted. The legislative body shall include in its budget an amount sufficient for the necessary expenses of the commission.~~

**IC 36-8-3.5-10**

(a) Within ninety (90) days after the commission is selected, the commission shall adopt rules governing:

(1) the selection and appointment of persons to be employed as members of the department, subject to applicable pension statutes;

(2) promotions and demotions of members of the department; and

(3) disciplinary action or dismissal of members of the department.

(b) Before the rules required by this chapter are adopted by the commission, the commission must hold a public hearing to consider the adoption of the proposed rules. At least ten (10) days before the public hearing, the commission must have a notice of the hearing published in accordance with IC 5-3-1. The notice must state the time and place of the hearing and give briefly the subject matter of the proposed rules.

(c) At least ten (10) days before the hearing, one (1) copy of the proposed rules must be placed on file as follows:

(1) In the case of a unit, the office of the:

(A) clerk of a county, city, or town; or

(B) executive of a township;

for inspection by residents of the unit.

(2) In the case of a district or territory, the office of the:

(A) county legislative body of each county in which the district or territory is located;

(B) governing body; and

(C) clerk of each city or town and the executive of each township that is:

(i) located in; and

(ii) part of the district or territory;

for inspection by residents of the district or territory.

(d) At least ten (10) days before the hearing, three (3) copies of the proposed rules must be forwarded to the chief of the department and retained on file in the chief's office for inspection at all times by members of the department.

(e) At the hearing, any interested person of the unit, district, or territory and any member of the department must be afforded an opportunity to present both oral and written evidence on

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any matter relating to the adoption of the proposed rules. The commission shall give due consideration to this evidence in making the commission's final decision concerning the adoption of the proposed rules.

—(a) Within ninety (90) days after the commission is selected, the commission shall adopt rules governing:

- (1) the selection and appointment of persons to be employed as members of the department, subject to applicable pension statutes;
- (2) promotions and demotions of members of the department; and
- (3) disciplinary action or dismissal of members of the department.

—(b) Before the rules required by this chapter are adopted by the commission, the commission must hold a public hearing to consider the adoption of the proposed rules. At least ten (10) days before the public hearing, the commission must have a notice of the hearing published in accordance with IC 5-3-1. The notice must state the time and place of the hearing and give briefly the subject matter of the proposed rules.

—(c) At least ten (10) days before the hearing, one (1) copy of the proposed rules must be placed on file in the office of the:

- (1) clerk of a county, city, or town; or
- (2) executive of a township;

for inspection by residents of the unit.

—(d) At least ten (10) days before the hearing, three (3) copies of the proposed rules must be forwarded to the chief of the department and retained on file in the chief's office for inspection at all times by members of the department.

—(e) At the hearing, any interested person of the unit and any member of the department must be afforded an opportunity to present both oral and written evidence on any matter relating to the adoption of the proposed rules. The commission shall give due consideration to this evidence in making its final decision concerning the adoption of the proposed rules.

**IC 36-8-3.5-11**

—(a) The commission may appoint and remove members of the department, except for a member in an upper level policymaking position. The executive of the unit or the governing board shall appoint and may remove a member in an upper level policymaking position.

(b) The chief of a fire department shall be selected from the members of the department, and the chief must have at least five (5) years service in the department before the chief's appointment. These requirements may be waived by a majority vote of the:

- (1) unit's legislative body upon request of the unit's executive; or
- (2) governing board.

However, the chief must still have at least five (5) years service in a full-time, paid fire department or agency.

(c) To be appointed chief or deputy chief of a police department, an Applicant must meet the qualifications in IC 36-8-4-6.5.

(d) The removal of a member from an upper level policymaking position is removal from rank only and not from the department. When the member is removed, the member shall be appointed by the commission to the rank in the department that the member held at the time of the member's upper level appointment or to any rank to which the member had been promoted during the member's tenure in the upper level position. If such a rank is not open in either case, the member

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is entitled to the pay of that rank and shall be promoted to that rank as soon as an opening is available.

~~(a) The commission may appoint and remove members of the department, except for a member in an upper level policymaking position. The executive of the unit shall appoint and may remove a member in an upper level policymaking position.~~

~~—(b) The chief of a fire department shall be selected from the members of the department, and the chief must have at least five (5) years service in the department before the chief's appointment. These requirements may be waived by a majority vote of the unit's legislative body upon request of the unit's executive. However, the chief must still have at least five (5) years service in a full-time, paid fire department or agency.~~

~~—(c) To be appointed chief or deputy chief of a police department, an applicant must meet the qualifications in IC 36-8-4-6.5.~~

~~—(d) The removal of a member from an upper level policymaking position is removal from rank only and not from the department. When the member is removed, the member shall be appointed by the commission to the rank in the department that the member held at the time of the member's upper level appointment or to any rank to which the member had been promoted during the member's tenure in the upper level position. If such a rank is not open in either case, the member is entitled to the pay of that rank and shall be promoted to that rank as soon as an opening is available.~~

**IC 36-8-3.5-12**

(a) Subject to IC 36-8-4.7, to be appointed to the department, an Applicant must be:

- (1) a citizen of the United States;
- (2) a high school graduate or equivalent; and
- (3) at least twenty-one (21) years of age, but under forty (40) years of age.

However, the age requirements do not apply to a person who has been previously employed as a member of the department.

(b) A person may not be appointed, reappointed, or reinstated if the person has a felony conviction on the person's record.

(c) Applications for appointment or reappointment to the department must be filed with the commission. The Applicant must produce satisfactory proof of the date and place of the Applicant's birth.

(d) Applicants for appointment or reappointment to the department must pass the general aptitude test required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5. The general aptitude test shall:

- (1) reflect the essential functions of the job;
- (2) be conducted according to procedures adopted by the commission; and
- (3) be administered in a manner that reasonably accommodates the needs of

Applicants with a disability.

The results of the general aptitude test shall be filed with the commission. If the commission finds that the Applicant lacks the proper qualifications, it shall reject the Applicant.

(e) The Applicants shall then be rated on the selection criteria and testing methods adopted by the commission, which may include mental alertness, character, habits, and reputation. The commission shall adopt rules for grading the Applicants, including the establishment of a passing score. The commission shall place the names of Applicants with passing scores on an eligibility list by the order of their scores and shall certify the list to the safety board.

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(f) This subsection is subject to IC 36-8-4.7. If an Applicant reaches the Applicant's fortieth birthday, the Applicant's name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years a person may reapply as an Applicant.

(g) When a vacancy occurs in the department, the commission, upon a written request of the chief of the department, shall administer the physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the Applicant having the highest score on the eligibility list. If the appointed Applicant successfully completes the physical agility test, the Applicant shall then be enrolled as a member of the department to fill the vacancy if:

(1) the Applicant is still of good character; and

(2) the Applicant passes the required examinations identified in IC 36-8-3.2-6 and IC 36-8-19.

(h) All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify the member in writing that the member:

(1) is being reprimanded;

(2) is being suspended; or

(3) will not receive a permanent appointment.

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

(a) Subject to IC 36-8-4.7, to be appointed to the department, an applicant must be:

(1) a citizen of the United States;

(2) a high school graduate or equivalent; and

(3) at least:

(A) twenty one (21) years of age, but under thirty six (36) years of age, if the person is an applicant to the fire department; or

(B) twenty one (21) years of age, but under forty (40) years of age, if the person is an applicant to the police department.

However, the age requirements do not apply to a person who has been previously employed as a member of the department.

(b) A person may not be appointed, reappointed, or reinstated if the person has a felony conviction on the person's record.

(c) Applications for appointment or reappointment to the department must be filed with the commission. The applicant must produce satisfactory proof of the date and place of the applicant's birth.

(d) Applicants for appointment or reappointment to the department must pass the general aptitude test required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5. The general aptitude test shall:

(1) reflect the essential functions of the job;

(2) be conducted according to procedures adopted by the commission; and

(3) be administered in a manner that reasonably accommodates the needs of applicants with a disability.

The results of the general aptitude test shall be filed with the commission. If the commission finds that the applicant lacks the proper qualifications, it shall reject the applicant.

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~~—(e) The applicants shall then be rated on the selection criteria and testing methods adopted by the commission, which may include mental alertness, character, habits, and reputation. The commission shall adopt rules for grading the applicants, including the establishment of a passing score. The commission shall place the names of applicants with passing scores on an eligibility list by the order of their scores and shall certify the list to the safety board.~~

~~—(f) This subsection is subject to IC 36-8-4.7. If an applicant for original appointment to the fire department reaches the applicant's thirty-sixth birthday, the applicant's name shall be removed from the eligibility list. If an applicant for original appointment to the police department reaches the applicant's fortieth birthday, the applicant's name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years a person may reapply as an applicant.~~

~~—(g) When a vacancy occurs in the department, the commission, upon a written request of the chief of the department, shall administer the physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the applicant having the highest score on the eligibility list. If the appointed applicant successfully completes the physical agility test, the applicant shall then be enrolled as a member of the department to fill the vacancy if:~~

- ~~(1) the applicant is still of good character; and~~
- ~~(2) the applicant passes the required examinations identified in IC 36-8-3.2-6 and IC 36-8-8-19.~~

~~—(h) All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify the member in writing that the member:~~

- ~~(1) is being reprimanded;~~
- ~~(2) is being suspended; or~~
- ~~(3) will not receive a permanent appointment.~~

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

**IC 36-8-3.5-13**

(a) Rules governing promotions must provide that the following factors be considered in rating a member of the department for a promotion:

- (1) The score received by the member on a written competitive examination.
- (2) The score received by the member on an oral competitive interview.
- (3) The performance record of the member in the department.
- (4) The member's length of service.

The commission shall determine the weight to be given to each of the factors. However, neither a member's length of service nor the score received on the oral interview may comprise more than twenty percent (20%) each of the rating.

(b) Promotions to a rank must be from the next lower rank. In addition, the member being promoted must have served at the lower rank for a period determined by the commission.

(c) Only members who are qualified in rank and length of service may be given the competitive examinations and placed on an eligibility list. 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. The



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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 (5) years and then destroyed.

**IC 36-8-3.5-14**

—(a) Before a written competitive examination may be held to fill a current or expected vacancy in the ranks, the members eligible to take the examination must be notified of the written materials from which the questions will be taken. The commission may employ instructors, purchase materials, and make other expenditures to provide information for Applicants for promotion examinations.

—(b) The identity of a member taking the written examination shall be withheld from the person or persons grading the examination, and all written examinations are confidential. The commission 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 at any time.

—(c) The examination papers shall be kept under the commission's supervision. A member who is aggrieved with the score received on the written 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 correct by the examiner. The commission shall either affirm the score or correct the score according to the findings of a review. The examination papers shall be retired after the two (2) year period during which the eligibility list is valid. The retired papers shall be kept for five (5) years and then destroyed.

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**IC 36-8-3.5-15**

—(a) The commission shall adopt rules for determining a performance rating. The rules must require that a performance rating be made at least once every six (6) months for each member of the department, including probationary members. The rating shall be made by one (1) or more of the member's superiors, as defined in the commission's rules. Probationary members shall be rated in the same manner as other members of the department. The ratings shall be submitted to the chief of the department and kept on file in the chief's office under the chief's supervision. The chief shall notify each member in writing of the rating that the member received.

—(b) A member who is aggrieved with the performance rating given to the member by the member's superior may appeal to the commission for a review of the rating. 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.

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**IC 36-8-3.5-16**

(a) When a vacancy in rank occurs, the commission shall certify to the chief of the department 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 chief, shall promote one (1) of those members to fill the vacant position.

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(b) All promotions are probationary for a period not to exceed one (1) year. At the end of the period, a probationary member's superior shall review the member's performance and recommend to the commission that:

- (1) the promotion be made permanent; or
- (2) the promotion be revoked.

(c) The commission shall prepare a rating chart for the superior's use in making the report. The commission shall review the report and decide what action should be taken. The probationary member is entitled to appear before the commission and be heard on any matter detrimental to the member in the report of the member's superior. The member is also entitled to be represented by counsel or another representative of the member's choice. If the promotion is finally revoked the member may not be returned to a rank lower than that the member held before the probationary promotion.

(d) Actions by the commission other than making the promotion permanent may be appealed within thirty (30) days to the circuit or superior court of the county, with the unit, district, or territory being named as the sole defendant.

~~—(a) When a vacancy in rank occurs, the commission shall certify to the chief of the department 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 chief, shall promote one (1) of those members to fill the vacant position.~~

~~—(b) All promotions are probationary for a period not to exceed one (1) year. At the end of the period, a probationary member's superior shall review the member's performance and recommend to the commission that:~~

- ~~(1) the promotion be made permanent; or~~
- ~~(2) the promotion be revoked.~~

~~—(c) The commission shall prepare a rating chart for the superior's use in making the report. The commission shall review the report and decide what action should be taken. The probationary member is entitled to appear before the commission and be heard on any matter detrimental to the member in the report of the member's superior. The member is also entitled to be represented by counsel or another representative of the member's choice. If the promotion is finally revoked the member may not be returned to a rank lower than that the member held before the probationary promotion.~~

~~—(d) Actions by the commission other than making the promotion permanent may be appealed within thirty (30) days to the circuit or superior court of the county, with the unit being named as the sole defendant.~~

**IC 36-8-3.5-17**

—(a) The commission may take the following disciplinary actions against a regular member of the department:

- (1) Suspension with or without pay.
- (2) Demotion.
- (3) Dismissal.

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 unit, territory, or district may provide the member's allowances for any other fringe benefits to which the member was entitled before the suspension. The commission

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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.

(b) 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) violation of commission rules;
- (C) neglect or disobedience of orders;
- (D) continuing incapacity;
- (E) absence without leave;
- (F) immoral conduct;
- (G) conduct injurious to the public peace or welfare;
- (H) conduct unbecoming a member; or
- (I) furnishing information to an Applicant for appointment or promotion

that gives that person an advantage over another Applicant.

(c) If the chief of the department, after an investigation within the department, prefers charges against a member of the department for an alleged breach of discipline under subsection (b), including any civilian complaint of an alleged breach of discipline under subsection (b)(2)(F), (b)(2)(G), or (b)(2)(H), a hearing shall be conducted upon the request of the member. If a hearing is requested 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, the commission may hold the hearing or designate a person or board to conduct the hearing, as provided in the commission's rules. The designated person or board must be qualified by education, training, or experience to conduct such a hearing and may not hold an upper level policy making position. The hearing conducted under this subsection shall be held within thirty (30) days after it is requested by the member.

(d) 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 against the member;
- (3) the specific conduct that comprises the charges;
- (4) that the member is entitled to be represented by counsel or another representative of the member's choice;
- (5) that the member is entitled to call and cross-examine witnesses;
- (6) that the member is entitled to require the production of evidence; and
- (7) that the member is entitled to have subpoenas issued, served, and executed.

(e) 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.

(f) 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 circuit court, superior court, or probate court of the county setting forth the facts of the refusal. Upon the filing

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of the affidavit, a summons shall be issued from the circuit court, superior court, or probate 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.

(g) Disobedience of 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.

(h) A decision to discipline a member may be made only if the preponderance of the evidence presented at the hearing indicates such a course of action.

(i) A member who is aggrieved by the decision of a person or board designated to conduct a disciplinary hearing under subsection (c) 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.

(j) The commission, or the designated person or board, shall keep a record of the proceedings in cases of suspension, demotion, or dismissal. The commission shall give a free copy of the transcript to the member upon request if an appeal is filed.

~~(a) The commission may take the following disciplinary actions against a regular member of the department:~~

~~(1) Suspension with or without pay;~~

~~(2) Demotion;~~

~~(3) Dismissal.~~

~~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 local unit 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.~~

~~—(b) 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) violation of commission rules;~~

~~(C) neglect or disobedience of orders;~~

~~(D) continuing incapacity;~~

~~(E) absence without leave;~~

~~(F) immoral conduct;~~

~~(G) conduct injurious to the public peace or welfare;~~

~~(H) conduct unbecoming a member; or~~

~~(I) furnishing information to an applicant for appointment or promotion that gives that person an advantage over another applicant.~~

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~~—(c) If the chief of the department, after an investigation within the department, prefers charges against a member of the department for an alleged breach of discipline under subsection (b), including any civilian complaint of an alleged breach of discipline under subsection (b)(2)(F), (b)(2)(G), or (b)(2)(H), a hearing shall be conducted upon the request of the member. If a hearing is requested 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, the commission may hold the hearing or designate a person or board to conduct the hearing, as provided in the commission's rules. The designated person or board must be qualified by education, training, or experience to conduct such a hearing and may not hold an upper level policy making position. The hearing conducted under this subsection shall be held within thirty (30) days after it is requested by the member.~~

~~—(d) 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 against the member;~~
- ~~(3) the specific conduct that comprises the charges;~~
- ~~(4) that the member is entitled to be represented by counsel or another representative of the member's choice;~~
- ~~(5) that the member is entitled to call and cross examine witnesses;~~
- ~~(6) that the member is entitled to require the production of evidence; and~~
- ~~(7) that the member is entitled to have subpoenas issued, served, and executed.~~

~~—(e) 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.~~

~~—(f) 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 circuit court, superior court, or probate court of the county setting forth the facts of the refusal. Upon the filing of the affidavit, a summons shall be issued from the circuit court, superior court, or probate 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.~~

~~—(g) Disobedience of 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.~~

~~—(h) A decision to discipline a member may be made only if the preponderance of the evidence presented at the hearing indicates such a course of action.~~

~~—(i) A member who is aggrieved by the decision of a person or board designated to conduct a disciplinary hearing under subsection (c) 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~~

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~~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.~~

~~—(j) The commission, or the designated person or board, shall keep a record of the proceedings in cases of suspension, demotion, or dismissal. The commission shall give a free copy of the transcript to the member upon request if an appeal is filed.~~

**IC 36-8-3.5-18**

~~(a) 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 circuit or superior court of the county as follows:~~

~~(1) The county in which the unit is located.~~

~~(2) The county in which the provider unit (as defined in IC 36-8-19-3) of the territory is located.~~

~~(3) If a district is located in:~~

~~(A) not more than one (1) county, the county in which the district is located;~~

~~or~~

~~(B) at least two (2) counties, the primary county (as defined in IC 36-8-11-2).~~

~~(b) The appeal shall be made according to the Indiana rules of trial procedure with the following exceptions:~~

~~(1) The verified appeal must be filed within thirty (30) days after the date of the board's decision.~~

~~(2) The unit, district, or territory shall be named as the sole defendant.~~

~~(3) The unit, district, or territory is assumed to have denied the allegations without filing a responsive pleading.~~

~~(4) The plaintiff must file a bond at the time of filing the complaint conditioned on the plaintiff prosecuting the appeal to a final determination and paying the court costs incurred in the appeal.~~

~~(5) 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.~~

~~(c) The appeal takes precedence over other litigation pending before the court.~~

~~—(a) 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 circuit or superior court of the county in which the unit is located.~~

~~—(b) The appeal shall be made according to the Indiana rules of trial procedure with the following exceptions:~~

~~(1) The verified appeal must be filed within thirty (30) days after the date of the board's decision.~~

~~(2) The unit shall be named as the sole defendant.~~

~~(3) The unit is assumed to have denied the allegations without filing a responsive pleading.~~

~~(4) The plaintiff must file a bond at the time of filing the complaint conditioned on the plaintiff prosecuting the appeal to a final determination and paying the court costs incurred in the appeal.~~

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~~(5) 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.~~

~~(c) The appeal takes precedence over other litigation pending before the court.~~

**IC 36-8-3.5-19**

(a) In addition to the disciplinary powers of the commission, the chief of the department, may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, 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.

(b) If a 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. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the commission review the reprimand or suspension and either uphold or reverse the chief's decision. At its discretion, the commission may hold a hearing during this review. If the board 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 section 17(d) of this chapter. If the decision is reversed, the individual who was suspended is entitled to any wages withheld as a result of the suspension.

**IC 36-8-3.5-19.3**

(a) This section applies to a department that has at least one (1) certified employee, without regard to whether:

(1) the employee is an appointed police officer or firefighter; or

(2) the department has a merit system to which this chapter does not otherwise apply as provided under section 1 of this chapter.

(b) As used in this section, "certified employee" means an individual who, as a condition of employment, holds a valid certification issued under IC 16-31-3 by the Indiana emergency medical services commission established by IC 16-31-2-1.

(c) As used in this section, "medical director" means a physician with an unlimited license to practice medicine in Indiana and who performs the duties and responsibilities described in 836 IAC 2-2-1.

(d) If a medical director takes any of the following actions against a certified employee, the medical director shall provide to the certified employee and to the chief of the certified employee's department a written explanation of the reasons for the action taken by the medical director:

(1) The medical director refuses or fails to supervise or otherwise provide medical control and direction to the certified employee.

(2) The medical director refuses or fails to attest to the competency of the certified employee to perform emergency medical services.

(3) The medical director suspends the certified employee from performing emergency medical services.

(e) Before a department takes any employment related action as the result of a medical director's action described in subsection (d) against a certified employee, the certified employee is

**Wayne Township Fire Department Merit Commission  
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entitled to a hearing and appeal concerning the medical director's action as provided in sections 17 and 18 of this chapter.

(f) If the medical director's action that is the subject of an appeal under subsection (e) is based on a health care decision made by the certified employee in performing emergency medical services, the commission conducting the hearing shall consult with an independent medical expert to determine whether the certified employee followed the applicable emergency medical services protocol in making the health care decision. The independent medical expert:

- (1) must be a physician trained in emergency medical services; and
- (2) may not be affiliated with the same hospital as the medical director.

**IC 36-8-3.5-20**

A member of the department shall retire from the department when the member reaches the member's seventieth birthday. However, a member of the department who is seventy (70) years of age or older at the time the ordinance or resolution establishing the merit system takes effect may serve until the end of the calendar year.

**IC 36-8-3.5-21**

(a) If it is necessary for the safety board or governing board to reduce the number of members of the department, the reduction shall be made by granting a temporary leave of absence, without pay or financial obligation to the unit, territory, or district, to the appropriate number of members. The last member appointed shall be put on leave first, with other members also put on leave in reverse hiring order, until the desired level is achieved.

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(b) If the department is increased in number again, the members of the department who have been granted leaves of absence under this section shall be reinstated before an Applicant on the eligibility list is appointed to the department. The reinstatements begin with the last member granted a leave.

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(c) A member on leave of absence shall keep the commission advised of the member's current address. A member shall be informed of the member's reinstatement by written notice. Within ten (10) calendar days after a member receives notice of reinstatement, the member must advise the commission that the member accepts reinstatement and will be able to commence employment on the date specified in the notice. All reinstatement rights granted to a member terminate upon the member's failure to accept reinstatement within that period.

~~— (a) If it is necessary for the safety board to reduce the number of members of the department, the reduction shall be made by granting a temporary leave of absence, without pay or financial obligation to the unit, to the appropriate number of members. The last member appointed shall be put on leave first, with other members also put on leave in reverse hiring order, until the desired level is achieved.~~

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~~the date specified in the notice. All reinstatement rights granted to a member terminate upon the member's failure to accept reinstatement within that period.~~

**IC 36-8-3.5-22**

—The department shall print all rules of the commission and furnish a copy to each member of the department. Amendments to the rules 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.

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**IC 36-8-3.5-23**

—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.

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## Chapter Two | The Commission

### CHAPTER TWO

#### The Commission

**LAST AMENDED: MAY 3, 2023**  
(Amended Aug. 5, 2015; Oct. 2010)

## Wayne Township Fire Department Merit Commission Administrative Procedures

### 1. Purpose of Commission

- A. The purpose of the Merit Commission is to establish the processes for and the oversight of the selection, promotion, performance review, and discipline of sworn firefighters of the Wayne Township Fire Department. The Fire Chief shall assign administrative staff as appropriate to serve as liaisons between the Fire Department, Township Board and the Merit Commission. The Merit Commission does not create or adopt standard operating procedures for the Fire Department. The Merit Commission establishes eligibility lists for probationary firefighters and officer ranks resulting from selection and promotion processes that have been administered by the Department according to the Commission's rules and statutory requirements. The Commission is responsible for making offers of employment to probationary firefighters from the eligibility lists. The Commission is responsible for recommending firefighters to the Chief for promotion from the eligibility lists. The Commission also, upon request only, can review cases involving lesser discipline and oversees more serious disciplinary matters when such discipline is recommended by the Chief.

### 2. Basis for Rules

- A. Pursuant to Indiana Code § 36-8-3.5-9 and 10, this Administrative Handbook shall serve as the governing rules for the Merit Commission for the Wayne Township Fire Department.

### 3. Appointment and Qualifications of Commissioners

- A. Appointment of Commissioners - Terms: The Merit Commission shall consist of five (5) Commissioners and shall serve four (4) year terms at the pleasure of their respective appointing authority. The Township Trustee shall appoint two (2) Commissioners who must be of different political parties. The active members of the Fire Department shall elect two (2) Commissioners who also must be of different political parties. The Township Board shall appoint one (1) Commissioner. Political affiliation is determined by the voter's registration records for the most recent three (3) primary elections. Ind. Code § 36-8-3.5-6
- B. Qualifications of Commissioners: Commissioners must be legal residents of Wayne Township and have maintained that residency for at least three (3) years prior to appointment. Commissioners must be at least twenty-one (21) years of age and must be a person of good moral character. Commissioners may not be active members of a police or fire agency and no more than two (2) Commissioners may be past members of a police or fire agency. No salaried Wayne Township employee can serve on the Commission.
- C. Each Commissioner shall take an oath of office to conscientiously discharge the Commissioner's duties. A signed copy of the oath shall be filed with the safety board.

### 4. Transaction of Commission Business

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- A. *Time and Place of Regular Monthly Meeting:* The Commission will establish and advertise a schedule for regular monthly meetings at the beginning of each year. When establishing the schedule, the Commission will consider input from the Fire Chief or his/her designee regarding anticipated needs in the coming year for selection, appointment, and promotion processes. Meetings will normally occur at the Fire Department Headquarters. At least forty-eight (48) hours prior to a regular meeting, notice will be posted at the meeting location. If there is no anticipated business, upon approval of the President or designee of the Commission, a regular meeting may be canceled by posting notice prior to the regular scheduled meeting.
- B. *Special Meetings:* If a special need arises between regular meeting times, a special meeting may be called, with forty-eight (48) hour notice and posting of the meeting date, time, and location. The special meeting may be at the request of the Fire Chief or designee, the Township Trustee, or a member of the Commission. Reasons for special meetings may include, but are not limited to, disciplinary appeals, serious breach of discipline, unforeseen change in selection or promotion processes, or unforeseen vacancies in rank or positions.
- C. *Executive Sessions:* The Commission may hold an executive session upon the call of the President or a member of the Commission for any purpose permitted under Ind. Code § 5-14-1.5-6.1. At least forty-eight (48) hours prior to an executive session, notice will be posted at the meeting location, including within the Notice the stated purpose for the executive session. Executive sessions are closed to the public. The Commission may not make any decisions at the executive session.
- D. *Rules of Meeting:* Most meetings shall be conducted within normal business principles and the guidelines of Roberts Rules of Order.
- E. *Election of Officers; Duties of Officers:* Officers shall include President, Vice President, and Secretary and shall be selected by the Commissioners present at the first meeting each year. The President is responsible for coordinating the actions of Commission members; opening, leading, and closing meetings; contacting Commission members in cases of special meetings or cancellation of meetings; and preparation and presentation of a budget. The Vice President is responsible for performing duties of the President in the absence of the President. The Secretary is responsible for record keeping.
- F. *Record keeping:* A recording secretary may be employed by the Commission, and the Commission Secretary is then responsible for oversight and approval of the output of the recording secretary. A court reporter will record the proceedings of a formal appeals hearing if requested by the appealing employee, the Department or the Commission. Minutes of meetings shall be maintained in a file available at Fire Department Headquarters. Records of selection and promotion processes and disciplinary proceedings, which include confidential information, shall be separately retained and secured at Fire Department Headquarters.

Wayne Township Fire Department Merit Commission  
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- G. Budget: The commission shall submit a proposed annual budget to the Wayne Township Board as other budgets of Wayne Township are submitted. The Wayne Township Board shall include in its budget an amount sufficient for the necessary expenses of the commission. (See Ind. Code § 36-8-3.5-9)
- H. Ex parte communications: Ex-parte communications with anyone regarding any matter pending before the commission is prohibited. All Commission members are encouraged to discuss any concerns that they may have with a particular matter with legal counsel.

## Chapter Three | Selection Process

### CHAPTER THREE

LAST AMENDED: FEBRUARY 24~~X~~, 2025  
(Amended Nov. 1, 2023; Aug. 5, 2015; June 10, 2025)

**Wayne Township Fire Department Merit Commission  
Administrative Procedures**

1. **POLICY STATEMENT:** -Wayne Township Fire Department is dedicated to the concept of equal employment opportunities throughout the entire development of the Selection Process, it is our intent to:
  - A. Provide the fairest, most comprehensive format to determine a candidate's appointability utilizing all possible resources available to this department at the present time, thereby insuring the employment of the most qualified of those individuals applying.
  - B. Provide a foundation for determining appointability that through review, revision, and reconstruction, should remain a viable procedure indefinitely.
  - C. Insure that this procedure relates entirely and specifically to the skills, knowledge and abilities required of Wayne Township Career Firefighters.
  - D. Provide an Equal Employment Opportunity to all individuals applying for employment with this department without regard to race, religion, color, sex, disability, national origin, marital status, military status, sexual orientation, or ancestry.
  
2. **EQUAL OPPORTUNITY STATEMENT:** The Wayne Township Fire Department is an equal opportunity employer and does not discriminate in hiring or employment practices on the basis of race, religion, color, sex, disability, national origin, marital status, military status, political affiliation, sexual orientation, or ancestry, as defined by law, nor does it discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Department also does not discriminate on the basis of age against individuals whose age, except when age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration or as required by law.
  
3. **OVERVIEW OF SELECTION PROCESS**
  - A. The Fire Chief or his designee shall serve as the Hiring Coordinator and shall report such person to the Merit Commission before starting a new process.
  - B. This written procedure shall serve as a framework for producing a Selection Process which shall comply with [EEO and ADA](#) all applicable laws, the merit system and the Indiana State pension requirements.
  - C. The results of the Selection Process shall provide a ranked eligibility list of the best-qualified persons for the position of probationary firefighter.
  - D. The Selection Process shall include, at a minimum, the following components:
    - 1) For establishment of the eligibility list:
      - a) General Advertisement
      - b) Information Card and Packet Distribution
      - c) Written Examination
      - d) Application Distribution to those who successfully pass written examination;
      - e) Application Return
      - f) Structured Oral Interview
      - g) CPAT
    - 2) Prior to appointment as Probationary Firefighter:
      - a) Psychological Evaluation
      - b) Pension Physical Examination
      - c) Background Investigation





**Wayne Township Fire Department Merit Commission  
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will not be initiated until the Chief identifies the need and notifies the Merit Commission of his/her intent to establish a new list.

- B. If it is apparent to the Chief that the eligibility list will expire prior to the date that another recruit class can begin, the Chief may request that the Merit Commission approve initiation of a new Selection Process within six months prior to the expiration date of the existing eligibility list in order that a new eligibility list can be approved immediately upon expiration of the old list, or as soon after expiration of the old list as possible.
- C. Once the Chief has notified the Merit Commission of the need for a process, the Chief shall then notify the Hiring Coordinator who shall then be responsible for the actual administration of the process, and throughout the process shall bring reports of progress and results of testing to the Merit Commission meetings for the Commission's input, certification and approval.

**6. ADVERTISEMENT**

A. PURPOSE : The Purpose of advertisement is to:

- 1) Clearly initiate the Selection Process.
- 2) Provide public notice of the initiation of a new Selection Process.
- 3) Attract as many potential Applicants as possible.
- 4) Specify date, time, and location of application distribution.

B. METHODOLOGY

- 1) Upon initiation of the Selection Process, general advertisement shall occur in a minimum of two newspapers. The Department shall strive to advertise in as many publications as possible to attract many viable, diverse candidates.
- 2) The advertisement shall be as brief as possible, but descriptive of the position requirements, equal opportunity policy and the dates, times, and location of application distribution.
- 3) The advertisement shall run for a minimum of two consecutive weekends, up to a maximum of three full weeks and four consecutive weekends.
- 4) The first weekend of advertisement shall precede the first day of application distribution by no less than one day and no more than 10 calendar days.
- 5) In addition to paid advertisements, notification letters shall be sent to any persons remaining on the previous eligibility list and any persons who had during the previous two years contacted the department in writing of their interest in employment.

~~6) Written notification will be sent to corporation personnel via payroll dept.~~

~~7)6) Written notification will be sent to corporation personnel via payroll dept.~~

**8. 7. INFORMATION CARD AND PACKET DISTRIBUTION**

A. PURPOSE

- 1) The purpose of the information card and packet distribution is to:
  - a) Provide initial information on the prospective Applicants.
  - b) Provide initial information to prospective Applicants regarding the minimum requirements, Selection Process components, eligibility list, and probationary year.
  - c) Provide Applicants the opportunity to ask questions and receive further information regarding the department, position, and process.

B. METHODOLOGY

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**Wayne Township Fire Department Merit Commission  
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- a) Information cards may be filled out online at the Wayne Township website ([www.waynefire.org](http://www.waynefire.org)) or may be filled out at the fire department headquarters via computer or hand written. Cards filled out at fire department headquarters must be done Monday thru Friday during normal business hours (8am till 5pm).
  - b) The prospective Applicant may download an information packet from the fire department web site or pick one up in person at the fire department headquarters Monday thru Friday during normal business hours (8am till 5pm).
  - c) The prospective Applicant may download an information packet from the fire departments website or be provided with the opportunity to receive information regarding the minimum requirements for qualification, the steps in the Selection Process, and the expectations of the position.
- C. The following information is to be included in the application packet:
- 1) Minimum qualification requirements, which include:
    - a) Age within limits as established by state and federal law at the time of application; the Applicant must provide satisfactory proof of the date and place of his/her birth. (IC 36-8-3.5-12(a))
      - i. Applicants under the lower legal age limit may apply if the legal age will be attained by the date of establishment of the eligibility list. (~~Age 2118~~)
      - ii. If law establishes an upper age limit, Applicants just under the upper age limit may apply, but will be removed from the process/list if they are not employed prior to reaching the upper age limit. (~~Age 4036~~)
    - b) High school diploma or its equivalent (GED) at the time of application.
    - c) Ability to read and write legibly, speak, understand, and otherwise communicate in the English language.
    - d) Valid driver's license or beginner's permit at the time of application, and maintain it throughout employment.
    - e) Be legally able to work in the United States.
    - f) No felony convictions.
    - g) Must not have been dishonorably discharged from the military service.
    - h) Must possess the physical abilities to perform the tasks required of a Wayne Township Firefighter. Essential physical capabilities shall be evaluated through the C.P.A.T.
    - i) Must assist and cooperate with the Wayne Township Fire Department in obtaining past employment records, medical records, and personal history information that includes driving records and criminal history. Failure to cooperate may be considered cause for disqualification. If it is found that any requested information has been falsified, the Applicant will be eliminated from further consideration, or if employed by the time the falsification is discovered, may be grounds for immediate discharge.
    - j) Must possess excellent vision, hearing, and general health, free from chronic illnesses or conditions that would interfere with the essential functions of firefighting, or cause imminent safety problems during emergency operations. Applicants selected for the eligibility list must, prior to appointment, successfully pass a thorough medical examination required by state law.
    - k) Must be of sound and stable mind, and prior to appointment must successfully pass a psychological examination by a psychologist designated by the department.
  - 2) A description of the Selection Process and probationary year.

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- 3) Minimum standards as appropriate.
- 4) Brief position description.
- 5) Brief description of benefits.
- 6) All necessary application forms.
- 7) A written procedure detailing how to complete the application forms and deadline and location for application return.
- 8) Any other information deemed pertinent to the initial stage of application.

**8. WRITTEN TESTING**

- A. **PURPOSE-** The purpose of the written general aptitude test is to:
- 1) Provide one component of a comprehensive, recordable Selection Process that meets statutory requirements.
  - 2) Assess the basic intellectual abilities necessary for the function of firefighter.
- B. **STRUCTURE-** The written general aptitude test shall consist of multiple choice, matching, and/or true-false questions written in a test booklet. There may be a study guide of written information distributed to each Applicant in advance of the test. The Applicant shall answer the questions by marking on a form designed for computer grading (optical scanning).
- C. **SCOPE-** The written general aptitude test shall consist of an established test designed to assess an Applicant's general aptitude for service as a member of the department. The test will be designed such that no prior ~~fire fighting~~ firefighting knowledge or experience is necessary. It will test for the essential functions identified in a job-task analysis, including:
- 1) Ability to read
  - 2) Basic mathematic skills
  - 3) Basic language, spelling, grammar skills
  - 4) Ability to hear and respond to verbal instructions
  - 5) Ability to respond appropriately to written instructions
  - 6) Ability to function under stress and time constraints
  - 7) Ability to recall information
- D. **SCORING AND TABULATION**
- 1) The total number of points possible will be determined by the specific test selected for use in a given Selection Process.
  - 2) The written test is used primarily as a tool for achieving a score for establishing ranking of Applicants. The Merit Commission has established the passing point as 75%. In other words, the Applicant must demonstrate ability to read sufficiently to gain a score, but there is not a significantly high cut score which must be passed.
  - 3) The total points earned shall bear a weight factor of 40% in the overall eligibility scoring.
  - 4) Results of the written test shall be computer graded and analyzed by an impartial computer test grading program ~~service~~.
  - 5) The Hiring Coordinator shall be ultimately responsible for appropriately weighting and entering the scores from the written test into the total eligibility scoring.
- E. **GENERAL RULES FOR WRITTEN TEST**
- 1) The Applicant must be prompt; tardiness or failure to appear shall result in elimination.
  - 2) The written test shall be given at a date, time and location chosen to best meet administrative requirements as well as the general best interest of the Applicant population.

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- 3) Unless the size of the application population prohibits it, the test shall be given to all Applicants at the same time in the same location. If this is impossible, every effort shall be made to administer the test to all Applicants under as similar conditions as possible.
- 4) Upon completion of the written test, the Applicant shall be informed of the next component of the process. Results of the written testing shall be considered confidential and part of the Selection Process record. The Hiring Coordinator shall report such results only to the Merit Commission, and to the Wayne Township Fire Department upper administrative staff.

**9. APPLICATION DISTRIBUTION AND RETURN**

A. PURPOSE-: The purpose of application distribution is to:

- 1) Provide a reasonable and specific period of time for Applicants to obtain, complete, and return applications.
- 2) Provide initial information to prospective Applicants regarding the minimum requirements, Selection Process components, eligibility list, and probationary year.
- 3) Provide Applicants the opportunity to ask questions and receive further information regarding the department, position, and process.

B. METHODOLOGY

- 1) Application distribution shall occur for no less than 1 business day and no more than 40 business days. The dates of application distribution shall be included in the advertisement.
- 2) Only those who successfully passed the written exam will receive an application.
- 3) During the application distribution and return phase, the Applicant is encouraged to ask questions and receive guidance and clarification regarding the Selection Process and the requirements of the job.
- 4) The deadline for return of applications shall be no less than one week and no more than three weeks after the last day of application distribution.
- 5) Applications must be completed as directed and returned prior to the deadline, or the Applicant is eliminated from the Selection Process.
- 6) Upon return of the completed application the Applicant shall be advised of the date, time and location of the next component.

**10. STRUCTURED ORAL INTERVIEW**

A. PURPOSE-: The purpose of the Structured Oral Interview is to:

- 1) Provide one component of a comprehensive, recordable Selection Process.
- 2) Standardize elements of inquiry to provide a consistent, equitable interview
- 3) Provide for continuity in the interview process.
- 4) Evaluate each Applicant's responses to questions designed to measure behavioral characteristics essential for optimum performance as a Wayne Township Firefighter.

B. STRUCTURE-: The oral interview board(s) shall consist of a minimum of two Wayne Township Fire Department Merit Firefighters or qualified members of other departments. Although the membership of the interview board may change from one selection to another the same individuals shall if at all possible interview all Applicants in a particular process.

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~~If there are over 150 applicants to interview, two boards may be used to be respectful of the interviewer's time.~~

C. SCOPE:- The Structured Oral Interview is designed to measure personality characteristics which are important within the profession of firefighting/emergency services. The specific characteristics to be measured are based upon a job-task analysis and may include:

- 1) Ability to express thoughts verbally in a clear, understandable manner
- 2) Ability to speak clearly and audibly
- 3) Ability to follow verbal directions
- 4) Ability to compare and contrast information and combine details to reach a conclusion
- 5) Ability to handle sensitive public contacts with tact
- 6) Ability to comfort victims
- 7) Willingness to work in unpleasant conditions
- 8) Willingness to work in hazardous situations
- 9) Ability to maintain personal cleanliness

D. SCORING AND TABULATION

- 1) The total possible points shall be determined by the number of characteristics chosen to be measured.
- 2) The total points earned in the interview shall bear a weight factor of 40% in the overall eligibility scoring of the Applicant.
- 3) Each characteristic measured shall be evaluated either as superior, acceptable, or unacceptable by comparing the Applicant's response with the anchors written for each of the above categories.
  - a) Each oral interview board member will assign points to the Applicant's responses as follows:
    - i. SUPERIOR 7--9 POINTS
    - ii. ACCEPTABLE 4--6 POINTS
    - iii. UNACCEPTABLE 1--3 POINTS
  - b) Each board member will determine the actual points awarded to the Applicant's response from the above defined ranges by evaluating how closely the response parallels the pertinent anchors.
  - c) Each board member will tabulate the points he/she awarded to each of the characteristics measured and the sum will serve as the total points awarded to that Applicant by that specific board member.
  - d) The total scores of the board members will be added together and the sum divided by the number of board members to arrive at an average score. This average score will represent the total points that the Applicant earns from participation in the structured oral interview.

E. METHODOLOGY

~~1) All Applicants completing all prior components will be eligible to participate in the Structured Oral Interview.~~

~~2) The same board members will evaluate all applicants.~~

2) Each board member shall be given written and verbal instructions as to the methodology, scoring, and purpose and principles of the structured oral interview prior to engagement in the process.

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- 4)3) Any materials distributed to board members shall be treated as confidential information. No discussion of content will be allowed beyond the specific board members engaged in the process.
- 5)4) An instructional meeting involving all board members will be held prior to the interviews to explain the process in detail and answer any pertinent questions.
- 6)5) The Hiring Coordinator shall schedule all interviews and insure Applicant notification.
- a) Applicants will be allotted 20 minutes for the individual interview.
- i. Failure of an Applicant to appear at the scheduled interview time shall result in the elimination of that Applicant from any further employment consideration during that specific Selection Process.
- ii. ~~An applicant experiencing circumstances beyond his/her control which prevents appearance at the scheduled time may, upon notice to the Chief at earliest possible time prior to the scheduled interview, be rescheduled for an interview.~~
- iii. ~~ii.~~ Rescheduling of interviews will be entirely dependent upon viability of the individual extenuating circumstances and convenience of the board members.
- 7)6) Both responses to specific questions and observable characteristics throughout the interview shall be used to evaluate an Applicant.
- 8)7) Each Applicant within a specific Selection Process shall be asked the same questions and evaluated on the same observable characteristics.
- 9)8) Different questions and observations may be used in different Selection Processes; however, no questions or observable characteristics shall be changed or altered within a single Selection Process.
- 10)9) Each board member shall alternate reading the characteristic measurement questions. One member will serve as moderator to answer Applicant's questions and read the opening and closing statements.
- 6)10) Each board member will record the points awarded to the Applicant on their individual recording sheet. Each board member's total score will be transferred to the Applicant's oral interview summary sheet where final tabulations and computations will be completed.
- 7)11) After the last oral interview question has been answered, the moderator will read the closing statement to each Applicant.
- 11)12) Structured Oral Interviews ~~may~~ shall be tape recorded for future reference and verification.
- 12)13) Individual recording sheets and summary sheets shall be given to the Hiring Coordinator for final tabulation, filing, and ranking of Applicants.
- 13)14) Upon completion of the Structured Oral Interview the Applicant shall receive written notification regarding the establishment of the eligibility list. Results of the Structured Oral Interview shall be considered confidential and part of the Selection Process record. The Hiring Coordinator shall report such results only to the Merit Commission, and to the Wayne Township Fire Department upper administrative staff.

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**11. CPAT / ESSENTIAL FIRE FIGHTING TESTING**

- A. The physical component of the Applicant selection process is the CPAT, designed to evaluate whether or not an Applicant has the physical capabilities to perform job tasks

**Wayne Township Fire Department Merit Commission  
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required of firefighters. THIS TEST IS NOT EASY and requires high levels of cardiopulmonary endurance, muscular endurance and muscular strength. If not already engaged in high-level fitness, EACH APPLICANT SHOULD BEGIN PHYSICAL FITNESS TRAINING IMMEDIATELY. A CPAT training booklet has been provided to assist you with your fitness training.

- B. The physical agility test must:
- 1) Not discriminate on the basis of sex;
  - 2) Reflect the essential functions of the job; and
  - 3) At a minimum, includes testing the following:
    - a) Fear of heights (acrophobia)
    - b) Fear of confinement (claustrophobia)
    - c) Muscular strength
    - d) Muscular endurance
    - e) Cardiovascular endurance
    - f) Musculoskeletal flexibility.
- C. The following is a list and description of the eight separate events included in the CPAT. *APPLICANTS WEAR A 50-POUND BODY VEST THROUGHOUT THE ENTIRE SERIES OF EVENTS.*
- a) There are 85 feet of walking distance between each event.
  - b) The eight events are done in succession and must be completed within a total time of 10 minutes and 20 seconds.
    - i. **Stair Master Climb (for 3 mins. & 20 secs.)** - Applicant wears additional 12.5 pound weights on each shoulder. (Total of 75 pounds of extra weight)
    - ii. **Hose Drag** – Applicant drags a 1 ¾ inch hoseline 10 feet, then kneels and pulls it another 5 feet,
    - iii. **Equipment Carry** – Applicant lifts and carries a chain saw (approx. 28 lbs.) and a rescue saw (approx. 32 lbs.) for 150 feet and then, one at a time, replaces them in the tool cabinet.
    - iv. **Ladder Raise and Extension** – Applicant lifts a 24-foot ground ladder and walks it up until stationary against the wall. Then the Applicant extends and lowers the top fly of a pre-positioned 24-foot extension ladder.
    - v. **Forcible Entry** – Applicant uses a 10-pound sledgehammer and strikes a measuring device until a buzzer signals.
    - vi. **Search Maze** – Applicant crawls on hands and knees through a darkened, 64-foot tunnel maze that is approximately 3 feet high and 4 feet wide and includes two 90-degree turns.
    - vii. **Victim Rescue** – Applicant grasps a 165-pound mannequin by handles on the shoulders and drags it 70 feet, making a 90-degree turn at the 35foot mark.
    - viii. **Ceiling Breach and Pull Down** – Applicant uses a 6-foot pike pole to push and pull an overhead weighted device. Each set consists of three pushes and five pulls. Applicant completes four sets.
  - c) [Ladder Climb – Department proctored aerial climb to satisfy previous section.](#)

**12. [BONUS POINTS/CERTIFICATIONS](#)**

- A. Points shall be awarded for the following for a maximum of 10% of the total score:

**Wayne Township Fire Department Merit Commission  
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- 1) Honorable discharge from the military \_\_\_\_\_ 4 points
- 2) Paramedic certification \_\_\_\_\_ 4 points
- 3) College degree (Associate Degree or higher) \_\_\_\_\_ 2 points

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**13. ELIGIBILITY LIST**

A. PURPOSE:- The purpose of the eligibility list is to:

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A.

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1) Meet the statutory merit system requirement of maintaining for two years a list of persons eligible for appointment as probationary firefighter.

2)

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2) Provide a ranked order of Applicants based upon scores achieved through Written Testing, Structured Oral Interview, and Bonus Points-Certifications.

3)

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3) Allow for final evaluation of Applicants in order of ranking and as positions for Probationary Firefighters open during the term of the list.

B. STRUCTURE:- The eligibility list shall consist of a written list of names and final scores belonging to Applicants eligible for final evaluation for appointment to the department as probationary firefighters, arranged in ranked order from highest to lowest. The list shall be presented to and certified by the Merit Commission.

C. SCOPE:- The eligibility list shall include the names and scores of only those persons who successfully pass all phases and requirements of the Selection Process up to the establishment of the eligibility list.

D. SCORING AND TABULATION

1) The Hiring Coordinator shall be responsible for calculating, checking, and ranking all scores.

2) Scores of the components of the Selection Process shall be earned and weighted as follows:

a) Written General Aptitude Test: Number of possible points determined by selected test = 40% of Total;

b) C.P.A.T. = Pass / Fail;

c) Bonus Points = Certifications 10% of Total;

d) Structured Oral Interview: Number of possible points determined by components selected = 50% of Total

2)

E. METHODOLOGY

1) Throughout the Selection Process, the Hiring Coordinator shall calculate and record scores on individual score sheets.

2) Upon completion of the structured oral interview, the Hiring Coordinator shall check all scores and calculations at least one more time, rank the scores, and produce the rank-ordered eligibility list.

3) The Hiring Coordinator shall present the eligibility list to the Merit Commission for certification.



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- 4) Upon Merit Commission certification the Hiring Coordinator shall notify in writing all persons on the eligibility list, and inform the Applicants of their individual ranking.
- 5) Copies of the eligibility list shall be distributed to the Merit Commission, Wayne Township Trustee, and Administrative Chief Officers.

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**14. CONDITIONAL OFFER** ~~(Added by the Commission October 6, 2010)~~

- A. When a vacancy occurs in the Department, the Commission, upon written request from the Chief, shall extend conditional offers to Applicants on the eligibility list. The first four (4) consecutive requests to fill vacancies shall be filled by the appointment of the Applicant with the highest score on the eligibility list. The next request to fill a vacancy shall be filled by an Applicant on the eligibility list selected, at ~~the~~ sole discretion of the Chief. The process shall continue on a rotating basis so that at least eighty percent (80%) of the appointed Applicants are selected based on having the highest score and no more than twenty percent (20%) are selected at the discretion of the chief. If an Applicant declines a conditional offer from the Department, that Applicant will be removed from the eligibility list.
- B. All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify the member in writing that the member:
  - 1) Is being reprimanded;
  - 2) Is being put on administrative leave; or
  - 3) Will not receive a permanent appointment.

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

**15. BACKGROUND CHECK**

- A. PURPOSE:- The purpose of the background check is to:
  - 1) Investigate the past employment record, moral character, and driving and criminal records of an Applicant to ensure compatibility with the needs of the position of Probationary Firefighter.
  - ~~1)~~ Eliminate from employment consideration individuals with known histories which would be contrary or detrimental to the best interests of the Department and/or the citizens of Wayne Township.
- B. STRUCTURE:- The background check may include written, telephone, and/or in-person interviews.
- C. SCOPE:- The background check will include at least:
  - 1) Investigation of criminal record;
  - ~~1)~~ Investigation of driving record;
  - 2) Investigation of past work record;
  - ~~2)~~

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4) Contacts to personal references.

**D. METHODOLOGY**

1) A list containing name, sex, birth date, social security number and driver's license type of Applicants shall be sent to a law enforcement agency or investigation specialist for investigation of driving record and criminal record.

~~1)~~

2) The Hiring Coordinator and/or designate(s) shall contact by phone, in writing, and/or in person all persons listed as Personal References by Applicants in order to gain information regarding the Applicant's interpersonal relations and character.

~~2)~~

3) The Hiring Coordinator and/or designate(s) shall contact by phone, in writing, and/or in person, the previous employers of the Applicant, in order to gain information regarding work record.

~~3)~~

4) The Applicant may be eliminated from employment consideration if any of the following are found:

- a) Driving record indicating repeated and serious driving offenses, including a history of recklessness, suspended license, etc.
- b) Criminal record indicating conviction of felony.
- c) Work record indicating repeated and ongoing disciplinary problems, unresolved and un-improving attendance/tardiness problems, marginal or unacceptable performance, etc.
- d) Unresolved abuse of alcohol, controlled substances, or prescription drugs.
- e) Evidence of falsification of application.
- f) Any other serious defect of character or record that could be detrimental to the effective performance of a public employee.

5) Results of investigations shall be recorded on a background investigation form.

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**16. PSYCHOLOGICAL EVALUATION**

A. **PURPOSE:** The purpose of the psychological evaluation is to:

1) Meet the requirements of state law.

~~1)~~

2) Determine the mental status of an Applicant to help ensure selection of Applicants are sound and stable mental character, and possessing psychological characteristics necessary and desirable for the position of firefighter.

B. **STRUCTURE:** The psychological evaluation shall be performed by a psychologist selected by the department. The psychologist shall use such written, interpretive, and interview techniques as he/she deems necessary and appropriate for evaluation of the Applicant,

D. **SCOPE:** The psychologist shall render a written opinion regarding evaluation, as much as possible, of the following characteristics of the Applicant (these characteristics are essential according to job task analysis and/or statute)

1) Interest and aptitude for the position of firefighter.

~~1)~~

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2) Ability to work as part of a team, contribute a fair share to group effort, live harmoniously with others, and treat all persons with dignity and respect.

~~2)~~

3) Ability to follow direction, learn quickly, and accept criticism.

~~3)~~

4) Presence or absence of any psychological pathology.

~~4)~~

5) Tolerance of and reaction to stress; ability to work effectively under time pressure, calm distressed/distraught victims, analyze problems and act fast under stress, tolerate disgusting sights and smells, work effectively in adverse and/or dangerous conditions, and risk physical illness or injury.

~~5)~~

6) Respect for authority, individual differences, and property and ownership of others.

~~6)~~

7) Ability to maintain sense of humor and to handle sensitive public contacts with tact.

**E.D.** SCORING-: Although the psychological evaluation does not result in a numerical score, any finding in the psychological profile of active neurosis or psychosis, or psychological characteristics incompatible with the requirements or the function of firefighter shall result in elimination of the Applicant from employment consideration.

**F.E. METHODOLOGY**

1) As a position for probationary firefighter opens, Applicants will be sent in order of rank on the eligibility list for final evaluation for the position.

~~1)~~

2) The Applicant shall be given written and/or telephone notice of date, time and location of the appointment.

~~2)~~

3) Refusal of the evaluation, failure to appear, or election to withdraw from eligibility shall be cause for elimination of the Applicant from employment consideration.

~~3)~~

4) The Hiring Coordinator shall meet with the psychologist to discuss the results of the evaluation and receive the psychologist's written report.

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**17. PRE-EMPLOYMENT PHYSICAL EXAMINATION**

**A. PURPOSE**

1) The purpose of the pre-employment physical examination is to:

a) Meet the requirements of state law.

~~2)~~

b) Accurately determine the baseline physical health of the Applicant and assure the physical health of the Applicant is adequate to safely perform the functions of firefighter.

~~3)~~

4)c) ~~Provide~~d that such tests comply with PERF requirements.

**B. STRUCTURE-** The physical examination shall be performed by a medical doctor licensed in the State of Indiana and chosen by the department. The physician shall perform, order, and evaluate the results of all physical tests required by the Indiana State Public Employee

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Retirement Fund Board and shall render opinion of suitability of the Applicant for employment as a firefighter based upon the guidelines provided by the Public Employee Retirement Fund.

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~~B.~~  
C. **SCORING:** The physical examination does not result in a numerical score, but does result in a professional opinion regarding the acceptability of an Applicant according to specific written guidelines. Any finding which has been identified by PERF as cause for elimination shall eliminate the Applicant from employment consideration. Furthermore, any finding of a physical condition that is TEMPORARILY disabling for the position of firefighter shall result in return of the Applicant to the eligibility list until such a time as the condition is resolved and a position is available for the Applicant, or the eligibility list expires, whichever is first.

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D. **METHODOLOGY**

~~1)~~ 1) The Applicant shall receive written and/or telephone notice of the date, time and location of the appointment for the pension physical examination, and, details pertinent to preparation for the examination.

~~1)~~

~~2)~~ 2) Refusal of the evaluation, failure to appear, or election to withdraw from eligibility shall be cause for elimination of the Applicant from employment consideration.

~~2)~~

~~3)~~ 3) The department physician shall send results and interpretation of the examination to the Hiring Coordinator, with a completed PERF examination form.

~~3)~~

4) The physical examination shall be performed as close to the projected date of appointment to the department as possible.

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**18. FINAL APPROVAL AND APPOINTMENT**

~~A.~~ A. Upon completion of all testing and examinations, the Hiring Coordinator shall report findings and recommendations to the Fire Chief, local Pension Board and the Merit Commission.

~~A.~~

~~B.~~ B. The local Pension Board shall review the results of the psychological and physical examinations and certify to the state PERF board the acceptability of the Applicant based upon the PERF board guidelines.

~~B.~~

~~C.~~ C. The Merit Commission shall review the results of the background investigation, the recommendations of the Pension Board based upon psychological and physical examinations, and the Selection Process and rule upon the acceptability of the Applicant for the position of probationary firefighter.

~~C.~~

~~D.~~ D. Upon favorable recommendation of the Pension Board and the Merit Commission the Applicant shall be appointed to the department as a Probationary Firefighter as outlined in I.C. 36-8-3.5-12.

~~D.~~

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E. Details of notification of the Applicant regarding appointment, date, time and location for report to duty, uniform issue, etc., shall be handled by the Hiring Coordinator.

~~E.~~  
F. If an Applicant is offered employment from the eligibility list and refuses that offer, the Applicant shall be removed from that eligibility list. ~~(Added by the Commission October 6, 2010)~~

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**19. USE OF LIST BY OTHER DEPARTMENTS:**

The Township may, by mutual agreement, allow other fire departments to offer employment to Applicants on the Wayne eligibility list. Applicants that are offered employment by other fire departments on the basis of the Wayne eligibility list will be notified of that fact, in writing, at the time the offer is made. If an Applicant is offered employment by another fire department, based on the Wayne eligibility list, and if the Applicant is employed by that other fire department, the Applicant will be removed from the Wayne eligibility list. If the Applicant is not employed by the other department, for any reason, including refusing the offer, the Applicant will remain on the Wayne eligibility list. ~~Added by Merit Commission May 13, 2009~~

**20. LATERAL HIRING:**

- A. **POLICY:** The Department, with notification to the Merit Commission, may choose to fill a vacant position with a lateral entry Firefighter/EMT-B or Firefighter/EMT-P in the following instances:
- 1) Vacancy(s) where a joint academy is not scheduled;
  - 2) Retirement(s);
  - 3) Disability retirement(s);
  - 4) Resignations or terminations.
- B. **REQUIREMENTS:** The Commission requires the following criteria when this process is used:
- 1) Valid CPAT card.
  - 2) Three (3) years prior experience as a full time/career firefighter in a similar department.
  - 3) Completed Wayne Township Employment Application.
  - 4) State of Indiana Driver's license;
  - 5) Minimum State of Indiana EMS certification at EMT-B level or above.
  - 6) State of Indiana Firefighter II certification or above.
  - 7) Successful completion of Department Work Performance Evaluation.
  - 8) Successful completion of PERF physical.
  - 9) Successful completion of psychological testing.
  - 10) Oral interview.
  - 11) Pass pre- and post- offer background checks.
- C. **CONDITIONS OF EMPLOYMENT**
- 1) Candidate must have successfully completed all the requirements set forth in the policy and the appendix.
  - 2) Candidate will be a probationary employee for a period not to exceed one (1) year from the date of hire.

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- 3) Candidates enrolled in PERF, or its equivalent in another state, will receive one year of service for every three (3) years of service for the purposes of competing in the promotional process. Overall department seniority is decided by final rankings in the academy.

## Chapter Four | Promotions

### CHAPTER FOUR

#### PROMOTIONS

LAST AMENDED: ~~MARCH 1~~FEBRUARY 8, 2023  
(Amended: Feb. 4, 2016; Feb. 6, 2013; Oct. 6, 2010; Dec. 5, 2007)

**Wayne Township Fire Department Merit Commission  
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**1. Promotion of Officers**

- A. Basis for Promotion: Firefighter promotions to officer ranks shall occur in compliance with IC 36-8-3.5-13, 14, and 16 and according to such other standards as the Commission may adopt. Rank does not determine job description or position, which remains within the discretion of the Fire Chief.
- B. Merit Ranks: There shall be three merit officer ranks: Lieutenant, Captain, and Battalion Chief. Each rank shall have a promotional process and eligibility list.
- C. Commission Oversight of Promotion Process: The Fire Chief shall provide for development and administration of promotional processes that comply with the laws and standards governing firefighter promotion. The promotion processes shall be adopted by the Commission.

**2. Overview of the Promotion Process**

- A. The Promotional Process outlined herein shall apply to all merit ranks.
- B. The Promotional Process shall include five (5) components:
  - (1) The score received by the member on a written competitive examination.
  - (2) The score received by the member on an oral competitive interview and assessment center.
  - (3) The member's accomplishment record.
  - (4) The performance record of the member in the Department.
  - (5) The member's length of service.
- C. The Fire Chief or his designee shall serve as the Promotional Process Coordinator, who shall serve as the liaison between the members of the Fire Department and the Merit Commission.
- D. Promotions to a rank must be from the next lower rank. In addition, the member being promoted must have served at the lower rank for a period determined by the Commission.
- E. Only members who are qualified in rank and length of service may be promoted from an eligibility list. Members who are not qualified in rank and length of service but can be eligible for promotion may be given the competitive examinations and placed on an eligibility list. Those members cannot, however, be selected for promotion until they meet all of the qualifications including length of service. 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.
- F. 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. If list is exhausted prior to the two (2) year expiration date, the Chief may begin a new process in accordance with this manual. The retired list shall be kept for five (5) years and then destroyed.
- G. Members must be available in person for all required testing.

**3. Objective of the Promotional Process**

- A. The Promotional Process is intended to be objective, fair, and unbiased. It should identify the most qualified candidates eligible for promotion and meet all statutory requirements.



**Wayne Township Fire Department Merit Commission  
Administrative Procedures**

- B. In order to achieve this goal, the Promotional Process will include a written examination and an oral interview/assessment center. This is done to test for the variety of aptitudes needed for each promotion.

**4. Initiation of Process**

- A. The Promotional Process shall be initiated upon the notification by the Chief to the Merit Commission that a new eligibility list is needed. The Merit Commission shall approve the initiation of the process.
- B. Each promotional list shall be valid for two years from the date of certification. The Chief can wait for an existing list to expire before beginning a new process, the Chief can begin a new Promotional Process up to six (6) months prior to the existing list's termination date, or the Chief can begin a new process within the two (2) year window if a list is completely exhausted. If the Chief does not anticipate the need for promotions in the foreseeable future, the Chief can wait, and the Promotional Process will not begin until the Chief identifies the need and requests the approval of the Merit Commission to establish a new list.
- C. Upon approval by the Merit Commission, the Promotional Process Coordinator shall be responsible for the administration and oversight of the process. The Promotional Process Coordinator shall bring reports of progress and results of testing to the Merit Commission.

**5. Eligibility for Promotions**

- A. Time Requirements to be eligible for Promotion
- (1) Must hold Rank of Firefighter 1<sup>st</sup> Class for a minimum of five (5) years to be eligible for promotion to Lieutenant.
  - (2) Must hold Rank of Lieutenant for a minimum of three (3) years to be eligible for promotion to Captain.
  - (3) Must hold Rank of Captain for a minimum of five (5) years to be eligible for promotion to Battalion Chief.
- B. Certification Requirements
- (1) It is the commitment of the Wayne Township Fire Department that only Merit Officers meeting the necessary training and certification qualifications required by the State of Indiana serve in merit rank positions.
  - (2) ALL courses attended, or test challenges, must be approved through the Wayne Township Fire Department training division.
  - (3) Lieutenant:
    - Firefighter I/II
    - Operator Pumper/Aerial<sup>1</sup>
    - FOST
    - Instructor I
    - Fire Officer I
    - Incident Safety Officer<sup>2</sup>
    - NIMS 300

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<sup>1</sup> This designates the addition of a third driver/operator certification. This is now a requirement from the State prior to the Summer and Aerial courses.

<sup>2</sup> This designates the "Incident Safety Officer" certification, as the State recognizes two different versions.

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- (4) Captain:
- All requirements of Lieutenant and:
  - Instructor II
  - Fire Officer II
  - NIMS 400

- (5) Battalion Chief:
- All requirements of Captain; and
  - Fire Officer III

\*If the State of Indiana changes the title of any particular certification, the equivalent certification shall be used in its place. All certifications must be kept up to date and valid.

**6. Written Examination**

- A. The first component of the Promotional Process is a written examination. The written examination shall constitute 20% of the total score.
- B. Before a written competitive examination may be held, the members eligible to take the examination must be notified of the written materials from which the questions will be taken.
- C. The Commission may employ instructors, purchase materials, and make other expenditures to provide information for Applicants for promotion examinations.
- D. The identity of a member taking the written examination shall be withheld from the person or persons grading the examination, and all written examinations are confidential.
- E. The Commission 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 at any time.
- F. The examination papers shall be kept under the commission's supervision.
- G. A member who is aggrieved with the score received on the written 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 correct by the examiner. The commission shall either affirm the score or correct the score according to the findings of a review. The examination papers shall be retired after the two (2) year period during which the eligibility list is valid. The retired papers shall be kept for five (5) years and then destroyed.

**7. Oral Examination/Assessment Center**

- A. The second component of the Promotional Process is an oral interview. The oral interview shall constitute 20% of the total score, and the assessment center shall constitute 30%.
- B. The assessment center shall be comprised as follows: a tactical scenario, human resources scenario, and a writing assignment.

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**8. Accomplishment Record**

- A. The next component of the Promotional Process to be considered is the member's accomplishment record, which shall include whether the member has any military experience, level of education, professional certifications, and roles on any department committees.
- B. The accomplishment record shall constitute 25%.

**9. Performance Record**

- A. Performance appraisals shall be performed in accordance with Section 5 of this manual.
- B. A candidate's performance record shall count as 1% of the total score.

**10. Length of Service**

- A. All promotions must be from the next lowest rank.
- B. Time-in Rank Requirements for Promotion
  - 1) Must hold Rank of Firefighter 1<sup>st</sup> Class for a minimum of five (5) years to be eligible for promotion to Lieutenant.
  - 2) Must hold Rank of Lieutenant for a minimum of three (3) years to be eligible for promotion to Captain.
  - 3) Must hold Rank of Captain for a minimum of five (5) years to be eligible for promotion to Battalion Chief.
- C. A candidate's length of service from the date of hire shall count as 4% of the total score. Maximum length of service will be set at 20 years.

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**11. Appointments**

- A. When the Chief notifies the Commission of a vacancy in rank, the Commission shall certify to the Chief the number of vacancies, plus two (2) additional names representing the highest scores on the eligibility list for that particular rank. Within six (6) months the Commission, upon the recommendation of the Chief, shall promote one (1) of those members to fill the vacant position.
- B. All promotions are probationary for a period not to exceed one (1) year. At the end of the period, a probationary member's superior shall review the member's performance and recommend to the Commission that: (1) the promotion be made permanent; or (2) the promotion be revoked.
- C. The Commission shall prepare a rating chart for the superior's use in making the report. The Commission shall review the report and decide what action should be taken. The probationary member is entitled to appear before the Commission and be heard on any matter detrimental to the member in the report of the member's superior. The member is also entitled to be represented by counsel or another representative of the member's choice. If the promotion is finally revoked the member may not be returned to a rank lower than that the member held before the probationary promotion.
- D. Actions by the Commission other than making the promotion permanent may be appealed within thirty (30) days to the circuit or superior court of the county, with the Township being named as the sole defendant.

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**CHAPTER FIVE**  
**PERFORMANCE APPRAISALS**  
**LAST AMENDED: FEBRUARY 8, 2023**  
**(Amended: May 5, 2010)**

**Wayne Township Fire Department Merit Commission  
Administrative Procedures**

**1. OBJECTIVE**

- A. The Department's systematic performance appraisal program is a beneficial management tool for both supervisors and employees. It focuses on the professional development of subordinates; provides for periodic review and evaluation of employee performance; allows for job clarification and definition of expectations stated in measurable terms; and, attempts to merge the job perceptions of the supervisor and the employee. This program provides a means for appraising work performance over extended periods of time and documenting work performance and career development progress.
- B. The performance appraisal program creates a means to facilitate effective levels of communication and cooperation between employees and supervisors: allows for the identification of in-service and career development education needs; promotes an environment conducive to maximum work productivity; and, directs employee performance toward the achievement of the Department's mission, goals, and objectives.

**2. SCOPE**

- A. The Performance Appraisal Program described in this chapter is designed to comply with the requirements of I.C. 36-8-3.5-15 and shall be the method utilized to evaluate the performance of all members of the Department.
- B. The method of evaluating the performance of members serving in specialized staff positions shall be objective based upon criterion referenced to the specific positions.
- C. Therefore, the performance appraisal program shall include, as a minimum, the following requirements:
  - 1) Performance appraisals shall be conducted every six (6) months for regular and probationary members of the Department.
  - 2) Performance appraisals shall be administered by one (1) or more of the member's superiors.
  - 3) Probationary members shall be evaluated using the same criteria as other members of the Department.
  - 4) Performance appraisal results shall be submitted to the Chief of the Department.
  - 5) Performance appraisal process results shall be kept on file under the supervision of the Chief of the Department.
  - 6) The Chief of the Department shall notify in writing all members of their performance appraisal results.
  - 7) A member who is aggrieved with a performance appraisal result given by the superior(s) may appeal to the Merit Commission for review of that performance appraisal within ten (10) calendar days after receiving written notice of the performance appraisal.
  - 8) The Merit Commission shall:
    - i) Address appeal requests by reviewing performance appraisals, and
    - ii) Either affirm or remand for correction the performance appraisal.
- D. The performance appraisal program shall include the following processes:
  - 1) Pre-advisement phase:
    - i) Preparation of evaluator and employee
    - ii) Preliminary preparation of appraisal form
    - iii) Review of preliminary appraisal form

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- 2) Advisement phase: interview
  - i) Post-advisement phase:
  - ii) Performance appraisal routing, security, notification
  - iii) Retention of appraisal documents
  - iv) Confidentiality
  - v) Follow-up
  - vi) Performance appraisal program and breaches of discipline.

**3. PRE-ADVISEMENT PHASE**

**A. PREPARATION OF EVALUATOR AND EMPLOYEE**

- 1) The success of the performance appraisal program is directly related to supervisory preparation. Formal evaluation interviews should be considered a summary of what the subordinate and supervisor already understand about that subordinate's performance and expectations for improvements in future performance. Supervisors should analyze the data gathered, identify the points to be covered, and determine the appropriate interview approach prior to conducting the appraisal interview.
- 2) Supervisors must prepare for the evaluation interview by first gathering pertinent and relevant data about the individual's performance. Other records such as memos, commendations, or reprimands may be used as resources. However, the employee should have known about any formal item that has become part of the official records prior to any formal evaluation interview. Supervisors shall review previous performance evaluations results in order to determine previously defined goals-objectives, subordinates' progress in achieving goals-objectives, patterns of behavior, and/or growth and development needs.
- 3) Supervisors shall review and discuss with subordinates the appraisal program, processes, and relevant forms prior to scheduled appraisal interviews.
- 4) Employees shall know in advance when they are to be reviewed. To summon unexpectedly and casually announce that an appraisal interview is about to take place is unfair. This takes employees by surprise, does not permit them a chance to reflect or think about their performance, and/or prepare for discussion of their work performance. Therefore, supervisors should schedule evaluation interviews and notify employees in advance.

**B. PRELIMINARY PREPARATION OF APPRAISAL FORM**

- 1) Based on the Department's performance appraisal schedule, supervisors shall complete performance appraisal documents according to the directions for the particular appraisal method being used by the Department.
- 2) Assigned ratings for specified behaviors, progress and developmental narratives, and goal statements shall be based on observable, measurable, and/or documented work performances. Situations that called for more than normal attention such as significant instances of commendable or weak performance, inability to perform certain tasks acceptably which indicated the need for further instruction I and/or compliments or complaints received shall be taken into consideration.

**C. REVIEW OF PRELIMINARY APPRAISAL FORM**

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- 1) Prior to the supervisor's conduction of an actual formal appraisal interview, supporting documentation utilized to substantiate the performance appraisal and the completed evaluation form including proposed goals-objectives shall be submitted to the supervisor's immediate superior for review.
- 2) After the immediate superior's review, supporting documents and the evaluation form are to be returned to the evaluator, and the evaluator will either be required to revise and/or edit the evaluation documents and resubmit them for additional review by the superior; or if the immediate supervisor has approved the preliminary appraisal document, the evaluator will conduct the scheduled formal appraisal interview.

**4. ADVISEMENT PHASE: INTERVIEW**

- A. The scheduled formal appraisal interview shall be directed towards maximizing the effectiveness of the subordinate by being both a goal-oriented and a problem-solving process. The interview shall be a two-way feedback and discovery process where both the subordinate and the evaluator become aware of discrepancies, similarities, or consistencies in perceptions of work performance expectations and achievements. A subordinate may request a copy of the completed, final appraisal document.

**5. POST -ADVISEMENT PHASE**

**A. PERFORMANCE APPRAISAL ROUTING SECURITY NOTIFICATION**

- 1) After the interview phase has been completed, the evaluator is to route completed appraisal documents, including all supporting documentation, in accordance with the instructions on the evaluation form.
- 2) In compliance with statutory merit law, ultimately the Chief of the Department must be informed of all formal performance appraisal results in order to notify all employees in writing of their performance appraisal results.

**B. RETENTION OF APPRAISAL DOCUMENTS**

- 1) The Chief of the Department shall retain all appraisal documents including the supporting documentation, until the ten (10) day appeal time has elapsed or the appeal, if filed, has been resolved.
  - i) Under the supervision of the Chief of the Department, all completed performance appraisal program documents (forms) and copies shall be retained for at least two (2) years and then destroyed.
- 2) The Chief of the Department shall be responsible for overseeing secured record keeping systems for performance appraisal documents.
- 3) A copy shall be made of all performance appraisals and retained under the supervision of the Battalion Chief's in a separate secured record keeping system from which supervisors may request access related to preparation of performance appraisals.
- 4) Only the following personnel shall have direct access to this performance appraisal record keeping copy file:
  - i) Chief of the Department,
  - ii) Deputy Chiefs, and the Battalion Chiefs
- 5) Evaluators shall only have access to assigned subordinate appraisals results and must submit in writing to their respective Battalion Chief requests to review previous appraisal



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documents results. The Battalion Chiefs shall maintain a log of when and who accesses performance appraisal information.

**C. CONFIDENTIALITY**

1) All performance appraisal program documents and discussions during the interviews shall be considered as confidential and managed accordingly by Department personnel and the Merit Commission to insure confidentiality.

**D. FOLLOW-UP**

1) Upon the conclusion of the advisement phase, supervisors are responsible for monitoring subordinate work performance not only on a duty day to duty day basis, but also in relationship to progress and development as specified during the advisement phase and documented within the appraisal form.

**E. PERFORMANCE APPRAISAL PROGRAM AND BREACHES OF DISCIPLINE**

1) Failure of an evaluator to comply with the performance appraisal processes shall be considered a breach of discipline and shall result in disciplinary action. Disciplinary action may be warranted when evaluators exhibit evidence of failure to adhere to the performance appraisal processes including, but not limited to the following:

- i) Submitting performance appraisals with no supporting documentation
- ii) Confidentiality infractions shall be considered a breach of discipline and shall result disciplinary action. Disciplinary action shall be warranted when members exhibit evidence of a breach of confidentiality including, but not limited to the following:
  - a) Failure to secure appraisal written and/or computer documents so as to insure that access is limited to only authorized personnel
  - b) Discussion of appraisal results with unauthorized parties.

**6. PURPOSE**

A. This procedure provides a means by which an employee who is in disagreement with a performance appraisal may register an appeal for review of that appraisal.

**7. POLICY**

- A. All merit members of the department, including probationary employees, are entitled to all rights and provisions specified in this procedure.
- B. It is the responsibility of the appealing party to submit a formal, written request for a Merit Commission review.
- C. Failure of the appealing party to comply with the time limits specified in this procedure shall constitute abandonment of the appeal.

**8. PROCEDURE**

**A. INFORMAL RESOLUTION**

1) Prior to the submission of an appeal, it is responsibility of the employee to promptly inform the evaluator and discuss the perceived disagreement.

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i) The employee may submit a formal, written appeal request when informal discussion does not result in resolution to the satisfaction of the employee.

**B. EMPLOYEE FILING PROCEDURE**

1) A member who is aggrieved with the performance appraisal given to him by his superior may appeal to the Merit Commission for a review of that appraisal.

i) The appeal request for review of the performance appraisal by the Merit Commission must be in writing.

ii) The appeal must be filed within ten (10) calendar days after notice of the appraisal has been sent by the Chief of the Department to the department member.

iii) The written request must be delivered in person to a chief officer who shall direct it to the Chief of the Department for delivery to the Merit Commission.

iv) Merit Commission shall either affirm the appraisal or remand the appraisal to the supervisor with recommendations for change.

**C. APPEALS MUST INCLUDE:**

1) Brief description of perceived discrepancy and/or dissatisfaction with the appraisal.

2) Dates, times, and parties involved in the appraisal process.

3) Short narrative of informal resolution attempt(s) which includes date(s), time(s), and parties involved.

4) Attachment of copies of the performance appraisal including the official notification of results from the Chief of the Department.

**D. NOTIFICATIONS**

1) After receiving notice of submitted appeals, the Merit Commission shall include submitted performance appraisal process appeals in their next regularly scheduled meeting's official agenda, unless by mutual agreement with the appealing party and the Commission another regularly scheduled meeting time would be considered more suitable.

2) The Merit Commission shall notify in writing within seven (7) days of the scheduled meeting the following individuals of the date, time, and location of the review of the appeal:

i) Appealing party

ii) Chief of the Department

iii) Evaluator(s)

iv) Union District President

**E. MERIT COMMISSION REVIEW**

1) The Commission shall verify that the following criteria has been met for each performance appraisal process result appeal submitted for review:

i) Performance appraisal program process is administered at least biannually,

ii) Performance appraisal process was administered by one (1) or more of the appealing party's supervisor(s),

iii) Performance appraisal process is administered to members of similar merit rank and position,

iv) Performance appraisal process results were submitted to the Chief of the Department,

v) Appealing party was officially notified in writing of the performance appraisal process result,

vi) Formal, written appeal was submitted within the ten (10) calendar day time limit.

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2) The Commission shall conduct a review of the performance appraisal process result documents.

3) The Commission shall as a result of the review either:

i) Affirm the performance appraisal process result, or remand to the supervisor with recommendation for change

**F. NOTIFICATIONS AND PROCESSING OF MERIT COMMISSION REVIEW FINDINGS**

1) The Merit Commission shall notify in writing the appealing party and the Chief of the Department of their review findings within forty-eight (48) hours of the Commission's review decision.

i) The Chief of the Department upon receipt of the Merit Commission's review findings shall:

a) File Merit Commission's decision notifications with the performance appraisal process result documents,

b) Facilitate the correction of the performance appraisal process results when so directed as a result of Merit Commission's review findings.

## Chapter Six | Discipline

### CHAPTER SIX

#### Discipline

AMENDED FEBRUARY 19~~May 3, 2025~~  
(Last amended: May 3, 2023; ~~Added~~ October 2010)

## Wayne Township Fire Department Merit Commission Administrative Procedures

### 1. Basis for Discipline

Ind. Code § 36-8-3.5-17 provides for disciplinary action by the Commission. Ind. Code § 36-8-3.5-18 provides for appeal procedures. Ind. Code § 36-8-3.5-19 provides for discipline by the Fire Chief that may be reviewed by the Commission.

### 2. Commission Oversight of Discipline

The Fire Chief shall provide for development and administration of disciplinary procedures that comply with the laws and standards governing Fire discipline. The Merit Commission shall review the disciplinary procedures to ensure compliance, alter procedures if they are found to be non-compliant, and work within the procedures established in cases of discipline.

### 3. Suspension Greater than Five Days, Demotion or Termination

If the Chief of Fire prefers charges against a non-probationary Firefighter for an alleged breach of discipline and recommends a suspension without pay that exceeds five (5) days, a demotion or a recommendation for termination, such action requires notification ~~and involvement of~~ the Merit Commission. ~~The Merit Commission shall review all charges preferred against any Firefighter and may uphold the Chief's recommended discipline or issue alternative discipline.~~ The Firefighter may request a hearing on the charges referred by the Fire Chief by filing a request with the Chief within five (5) business days of the notice of the charges.<sup>3</sup> ~~If a hearing is requested, the~~ Commission shall follow the requirements in Ind. Code § 36-8-3.5-17 when it holds a hearing. ~~If a hearing is not requested, the Fire Chief's recommended discipline shall stand and be accepted by the Commission.~~

### 4. Suspension of Five Days or Less

The Fire Chief, may, without a hearing, reprimand or suspend without pay a firefighter 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.

If the Fire Chief reprimands a firefighter 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. A firefighter who is reprimanded in writing or suspended in accordance with this provision may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the Commission review the reprimand or suspension and either uphold or reverse the Chief's decision. At its discretion, the Commission may hold a hearing during this review. If the Commission holds a hearing, written notice must be given in accordance with the rules provided

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<sup>3</sup> For purposes of a request for a review of charges, "business days" include Monday through Friday, excluding legal holidays recognized by Wayne Township. The time period within which a Firefighter must file an appeal begins to run: (1) if the notice is personally delivered to the Firefighter by a department officer, upon delivery of the notice; or (2) if the notice is mailed by certified mail, the earlier of (a) the date the receipt of delivery is signed, or (b) three (3) days after mailing the notice by the Department.

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herein. If the decision is reversed, the individual who was suspended is entitled to any wages withheld as a result of the suspension.

**5. Notice of a Merit Commission Review or Hearing**

Written notice of a Merit Commission Review or Hearing shall be provided to the accused Firefighter, either in person or by delivering a copy to the Firefighter's last known address. The notice shall be delivered at least fourteen (14) days prior to the review or hearing date, unless the Firefighter agrees to a shorter period of time. The notice shall state the following: (1) the time and place of the hearing; (2) the charges against the member; (3) the specific conduct that comprises the charges; (4) that the member is entitled to be represented by counsel or another representative of the member's choice; (5) that the member is entitled to call and cross-examine witnesses; (6) that the member is entitled to require the production of evidence; and (7) that the member is entitled to have subpoenas issued, served, and executed.

**6. Standards for a "Review" by the Merit Commission.**

A Review is a consideration of a disciplinary matter where the Fire Chief issued a suspension of five (5) days or less. A Review will be conducted by the Merit Commission. The President, or a Commission member designated by the President, will chair the Review. In most cases, a Review will consist of the Fire Chief, or his designee, presenting the facts and relevant documents concerning the disciplinary matter, followed by the Firefighter presenting the facts and relevant documents in his defense. The Fire Chief or his designee will be permitted to close. The Merit Commission, in its discretion, may ask questions to any persons present and may permit others to speak. Counsel, who shall be permitted to speak at such times as the Firefighter would be permitted to speak, may represent a Firefighter. Parties will not be permitted to examine or cross examine one another. The Commission members will publicly consider the matters submitted and will render a decision by a majority vote of the Commission members present based on a preponderance of the evidence presented. The Merit Commission shall record all proceedings.

**7. Standards for a "Hearing" by the Merit Commission**

A Hearing is a more formal consideration of a disciplinary matter. A Hearing will be conducted by the Merit Commission. The President, or a Commission member designated by the President, will chair the Hearing. A Hearing will be conducted under the Indiana Rules of Evidence. All persons presenting facts or documents will be placed under oath. The Fire Chief or his designee will present the facts concerning the disciplinary matter and may call witnesses and introduce evidence in support of the discipline. All persons testifying on the department's behalf may be cross-examined by the Firefighter or his counsel. At the conclusion of the Department's presentation, the Firefighter will present the facts relevant to his defense. The Firefighter may call witnesses and introduce evidence in support of his defense. All persons testifying on behalf of the Firefighter may be cross-examined by the Fire Chief or his designee. The Merit Commission, in its discretion, may question any witnesses presenting evidence. The Firefighter and the Chief may be permitted to make closing arguments, at the Merit Commission's discretion. The Commission members will publicly consider the matter submitted and will render a decision by a majority vote

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of the Commission members present based on a preponderance of the evidence presented. The Merit Commission shall record all proceedings and may employ a court reporter to transcribe the Hearing.

**8. Appeal of Merit Commission's Decisions.**

In any case where the Merit Commission suspends a Firefighter for more than ten (10) days, demotes a Firefighter, or dismisses a Firefighter, the Firefighter may file an appeal with the Marion County Circuit or Superior Court. The appeal must be filed within thirty (30) days after the Merit Commission's decision. If such an appeal is filed, the Merit Commission shall prepare a complete transcript of all papers, entries, and other parts of the record, including the Review or Hearing, without charge to the Firefighter, and file the transcript with the court within thirty (30) days after it receives the service of summons.