

## ARTICLE I

### ORGANIZATION AND ADMINISTRATION

#### Section 1. Establishment.

(A) The Commissioners of Fire District No. 1 in the Township of Dover, County of Ocean, New Jersey, (hereinafter referred to as "The Board of Fire Commissioners") is created pursuant to N.J.S.A. 40A:14-70.

(B) The Board of Fire Commissioners is governed by Title 40A, Chapter 14 of the New Jersey Statutes; and all other applicable statutes and laws.

#### Section 2. Powers.

The Board of Fire Commissioners may exercise those powers granted to it by Title 40A, Chapter 14 of the New Jersey Statutes; and all other applicable statutes and laws.

#### Section 3. Conflict.

These By-Laws and all provisions thereof shall govern the Board of Fire Commissioners except when in conflict with the Constitution and laws of the State of New Jersey or the United States of America.

#### Section 4. Membership and Officers.

(A) Unless otherwise provided by law, there shall be five commissioners who collectively shall be known as the Board of Fire Commissioners of Fire District No. 1, in the Township of Dover, County of Ocean who shall be elected in accordance with Title 40A and Title 19 of the New Jersey Statutes.

(B) Any vacancy in the membership shall be filled by the vote of the remaining members until the next succeeding annual election, at which time a resident of the district shall be elected for the unexpired term.

(C) The officers of the Board of Fire Commissioners shall be the Clerk, Treasurer and Chairman and such other offices as the Board of Fire Commissioners shall deem appropriate.

(D) The officers shall be members of the Board of Fire Commissioners and their appointments shall be for a term of one year and they shall be elected at the reorganization meeting.

(E) The duties of the officers will be as set forth in Title 40A.

(F) The Board of Fire Commissioners shall cause the Treasurer's records to be audited in accordance with Title 40A.

(G) Each member of the Board of Fire Commissioners shall receive as compensation in accordance with Title 40A.

**Section 5. Elections and Candidates.**

(A) The annual election shall be held in accordance with Title 40A and Title 19 of the New Jersey Statutes.

(B) Candidates for membership on the Board of Fire Commissioners shall be in accordance with Title 40A and Title 19 of the New Jersey Statutes

**Section 6. Defense Representation and Costs.**

(A) The Board of Fire Commissioners shall provide a member or officer of the Fire Company who is a defendant in any action or legal proceeding arising out of or incidental to the performance of his duties, subject to the exception in (B), with counsel and costs incidental to such representation for the defense of such action or proceeding.

(B) The defense representation and costs provided under (A) shall not be available for a member or officer's defense in a disciplinary proceeding instituted against him by the Board of Fire Commissioners or in a criminal proceeding instituted as a result of a complaint on behalf of the Board of Fire Commissioners. However, if

such disciplinary or criminal proceeding shall be dismissed or finally determined in favor of the member of officer, he shall be reimbursed for the expense of his defense.

**Section 7. Jurisdiction.**

The Commissioners shall exercise authority over all firematic matters within the boundaries of Fire District No. 1 in the Township of Dover, and in that regard shall have the authority in all respects over all volunteer and other fire companies or departments operating within the boundaries of the said fire district, and no fire company shall be formed nor any existing fire company continue to operate as except as hereinafter provided.

**Section 8. Budget.**

(A) The Board of Fire Commissioners shall introduce and approve the annual budget in accordance with Title 40A.

(B) The Fire District fiscal years shall begin on January 1 and end on December 31.

(C) The Board of Fire Commissioners budget shall conform to the requirements of Title 40A.

(D) Any and all expenditures, regular or emergent, made by the Board of Fire Commissioners shall be made in accordance with the requirements of Title 40A.

(E) The Board of Fire Commissioners may bond for certain expenditures in accordance with Title 40A.

**Section 9. Contracts with Volunteer Fire Companies.**

The Board of Fire Commissioners may contract with a volunteer fire company or companies in such municipality, for purposes of extinguishing fires, in accordance with Title 40A.

**Section 10. Meetings.**

(A) The Commissioners may convene regular, special, executive, (closed), adjourned or emergency meetings.

(B) All meetings of the Commissioners must be conducted in conformity with the requirements of the Open Public Meetings Act, NJ.S.A. 10:4-6, et seq., and the requisite notices of said meetings as required by that Act must be properly given.

(C) Special meetings may be called by any two Commissioners acting jointly. All other meetings must be called by a majority of the members of the Board, except as otherwise provided herein.

**Section 11. Establishment of Paid Positions.**

(A) The Commissioners may, by resolution, establish paid positions within the Fire Department, or for the Fire District, as such position shall be determined by the Commissioners to be required for the purposes of the Fire District in accordance with Title 40A..

ARTICLE II

FIRE COMPANIES

Section 1. Establishment of Fire Companies.

(A) Fire Companies may be established in accordance with Title 40A.

Section 2. By-Laws.

No Fire Company's Constitution or By-Laws shall conflict with the Rules and Regulations as set forth by the Board of Fire Commissioners.

Section 3. Membership.

(A) An application for Membership in any Fire Company in Fire District No. 1 must possess the qualifications set forth in N.J.S.A. 40A:14-9 and must:

- (1) Posses a valid License and have a driving record not inconsistent with fulfilling the duties of a firefighter.
- (2) Must meet the following requirements for residence:
  - a. When applying to Toms River Fire Company No. 1 or No. 2, individual can reside in area covered by Toms River Fire Company No. 1 and No. 2, East Dover Fire Company No. 4, Pleasant Plains Fire Company, South Toms River area covered by Manitou Park, Beachwood Fire Company and Island Heights Fire Company.
  - b. When applying to East Dover Fire Company, individual can reside in area covered by East Dover Fire Company, Toms River Fire Company No. 1 and No. 2, Silverton, Island Heights and Pelican Island.
  - c. When applying to Ocean Beach Fire Company, individual can reside in area covered by Ocean Beach Fire Company No. 3, Brick-Beach area Fire Company, Lavallette, Seaside Heights, Seaside Park, Pelican

Island, Mantoloking and East Dover to Vaughn and Bay Avenue.

(3) An applicant must be not less than 18 years of age at the time of application for Membership.

(4) An applicant shall be required to submit to and pass a full physical and mental evaluation to the extent which has been determined by the Board of Fire Commissioners. Along with any other evaluation standards the Commissioners may deem necessary each applicant shall meet all New Jersey physical and mental standards and shall submit to and pass the Drug and Alcohol Testing/Screening procedures as required by the Fire Commissioners. Each applicant shall be required to sign any authorization necessary for the Board of Fire Commissioners to receive the outcome of the tests and procedure. If during the examination process a pre-existing condition is diagnosed, the applicant shall be responsible for the cost of any additional testing.

(B) If a Fire Company officer moves out of the above listed areas for his/her fire company, he/she will remain in office for the remainder of that year. That officer, however, will not be eligible to run for re-election for that position. If a member moves out of the above mentioned areas for his/her fire company, whether that member may retain membership in his/her fire company will be determined by the fire company itself. Any member that has moved out of these areas will not be eligible to run for a firematic office.

(C) No applicant shall be a valid firefighter of any Fire Company in Fire District No. 1 until such person's application has been approved by the Board of Fire Commissioners and such person has complied with all accompanying procedures required thereto by the Board of Fire Commissioners.

(D) The Board of Fire Commissioners may, at its discretion, require a member at any time to undergo a physical examination. In such a case, any member of the Fire Company may retire or may be retired by the Board of Fire Commissioners if:

(1) Said member refuses to submit to said physical examination; or

(2) Said member is unable to pass said physical examination.

(E) If a Fire Company expels or suspends any of its firematic members, such expulsion or suspension should be reported to the Board of Fire Commissioners at their next Regular Meeting.

The expelled or suspended member has the right of appeal to the Board of Fire Commissioners to be exercised within thirty days after receipt of notification by the Company of the final disposition of the matter. The decision of the Board of Fire Commissioners shall be final and conclusive.

(F) The number of members of the Fire Company shall be limited as follows:

(1) Sixty (60) active members;

(2) Ten (10) of the active members may be fire police.

(a) All members of the Fire Police shall have the following training in order to be considered qualified:

3 Hours - New Jersey Right to Know

6 Hours - NJSP Haz-Mat Awareness Level 1.

8 Hours - NJSP Haz-Mat Operational Level 1

3 Hours - Understanding Incident Command

3 Hours - Traffic control class room

3 Hours - Traffic control outside

3 Hours - Crowd control class room

3 Hours - Crowd control outside

3 Hours - Red Car Atomic energy class

35 Total Hours

(G) Any person who attains membership shall be subject to all the rules and regulations as set forth in these By-Laws and in the Constitution and By-Laws of their Fire Company.

(H) All new firefighters are required to attend and complete Dover Township Fire Academy, Level I Firefighters, and pass a final exam successfully within the firefighter probationary period.

(I) Any person filing an application for a membership in Dover Township Fire District No. 1 shall not be an active member of another Volunteer Fire Company in any other fire district or fire company.

(J) Any fireman belonging to Voluntary Fire Companies within the jurisdiction of Dover Township Fire District No. 1, when attending housings, parades or other ceremonies pursuant to authorization from the Fire Commissioners shall not engage in any of the following:

- (1) water fights or other horseplay;
- (2) unruly, loud or boisterous behavior;
- (3) excessive consumption of alcoholic beverages (the driver of any apparatus taken to such housing, parade or other ceremony shall not consume any alcoholic beverages at all);
- (4) removal of equipment from the apparatus so taken without express permission from a Fire Commissioner or a Fire Chief;
- (5) operation of any platforms or other moving equipment on any such apparatus;
- (6) any activity which will jeopardize the maintenance at current rates of the insurance policies issued to the Fire



District nor which reflects adversely upon the Fire District or the Fire Commissioners.

Any fireman belonging to the volunteer fire companies within the jurisdiction of Dover Township Fire District No. 1 who attend said housings, parades or other ceremonies pursuant to authorization from the Fire Commissioners shall return from such housing, parade or other ceremony as soon as their participation thereat is no longer required nor appropriate, and any apparatus shall be returned directly to the fire station.

**Section 4. Firematics**

(A) When an alarm of fire occurs, it is the duty of all required members to immediately report to the firehouse, to convey their apparatus to the fire under orders of the Officer in charge, who in absence of an Officer shall be an Ex-Chief or Senior Firefighter of his/her designee, who is authorized to assume Officers rank in said absence, to act diligently and safely to extinguish fires and protect persons and property, and to return under the Officer in Charge's direction, their apparatus washed and cleaned to its proper place at the firehouse.

(B) And in these By-Laws any Officer or member who shall refuse or voluntarily neglect to obey or execute the orders of the Officer-in-Charge at any fire shall be subject to disciplinary action, including suspension or expulsion from the company according to the rules and regulations established by each company.

(C) And in these By-Laws each fire company shall drill and train not less than twice each month. Any Officer or member who shall refuse or voluntarily neglect to drill and train shall be subject to disciplinary action, including suspension or expulsion from the company according to the rules and regulations established by each company.

(D) No firefighters shall enter any building in search of bombs.

(E) The following rules shall govern injured personnel:

(1) In the event of any on-duty injury to a firefighter requiring medical treatment, the firefighter shall go to the Emergency Room of the nearest medical facility.

(2) It is up to the discretion of the Officer-in-Charge whether or not transportation via the First Aid Squad is required. The firefighter may request First Aid transportation even though the Officer-in-Charge does not determine it to be necessary. In that case, the Officer-in-Charge will accommodate the firefighter and arrange for the First Aid Squad, unless the injury is of such proportion that a wait may further aggravate the injury.

(3) It shall be the duty of the Chief, or the Officer-in-Charge as follows:

- (a) to make sure that either an officer, or another firefighter accompanies the injured to the Emergency Room and remain with the injured until such time as he or she is discharged, or admitted to the hospital;
- (b) to tell dispatch to notify the Administrator and one of the Commissioners.

**Section 5. Equipment.**

(A) No apparatus or chief's vehicle shall be taken outside of the Fire District without the consent of the Board of Fire Commissioners except in the case of emergency, firematic drill or meetings.

(B) Any member who, in the opinion of the majority of the Board members, has a bad driving record shall be prohibited from operating any fire apparatus.

(C) No apparatus shall leave the firehouse with less than 3 firefighters unless otherwise directed by the Officer-in-Charge.

(D) The requirements and procedures for drivers/operators of apparatus except as otherwise provided are as follows:

- (1) Be a regular member of a District #1 Fire Company.
- (2) Be at least 21 years of age.
- (3) Possess a valid driver's license.
- (4) Attend and pass driving education program to include a Defensive Driving School course.
- (5) Attend and successfully pass Basic Pump School (Dover Township Fire Academy, or equivalent) and have prior certification as a pumper driver/operator and attendance at and successfully complete EVOC training. The acceptance of an equivalent certification will be determined by the Board of Fire Commissioners after submission of certificate.
- (6) Receive final approval from Fire Company Chief prior to driving or operating a pumper. Final approval shall be in writing and made part of the record at the Fire Commissioners Office.

(E) The requirements and procedures for drivers/operators of aerials are as follows:

- (1) Be a regular member of a District No. 1 Fire Company.
- (2) Be at least 21 years of age.
- (3) Possess a valid driver's license.
- (4) Attend and pass driving education program to include a Defensive Driving School course.
- (5) Attend and successfully pass Ladder School (Dover Township Fire Academy, or equivalent) and attend and successfully complete EVOC training. The acceptance of an

equivalent certificate will be determined by the Board of Fire Commissioners after submission of certificate.

(6) Receive final approval from Fire Company Chief prior to driving or operating aerial. Final approval shall be in writing and made part of the record at the Fire Commissioners Office.

(7) Have prior certification as aerial driver/operator.

(F) Each fire company shall provide the Board office with a list of qualified drivers on or before January 15 of each year and the Board shall undertake a check of each such driver's license to determine if said driver's license is valid.

(G) No member of any company shall be permitted to tamper with, fix or repair any of the equipment or apparatus, unless they have permission of the Officer-in-Charge.

(H) The Chief shall cause ALL mechanical problems with the fire apparatus under his command to be reported to the Commissioner's office and/or Administrator as soon as possible. Office personnel will contact the Commissioner in charge of apparatus for work order approval. The apparatus will then be scheduled for repair.

(I) The Chief will decide whether or not the apparatus malfunction is serious enough to place the apparatus out of service. If the apparatus is placed out of service, then the Chief will contact the Administrator immediately. A decision will then be made as to the proper course of action, whether emergency repair is necessary. It shall be within the discretion of the Board of Fire Commissioners or Administrator or District Chief to transfer apparatus under emergency situations to the respective fire company in need of assistance.

(J) The Administrator shall maintain good communication with the Commissioners and the fire company Officers as to the progress of the repairs authorized.

(K) It is the Chief's responsibility to ensure that all apparatus and equipment under his jurisdiction is, at all times, in good, operable condition.

(L) The Commissioners will inspect such apparatus and equipment no less than once annually. Such inspection may or may not be announced in advance.

(M) The Board may assign a vehicle to the Chief of each Fire Company, and no other automobile or vehicle may serve as the Chief's official car nor carry emergency lights or siren without the specific consent of the State of New Jersey. In the absence or disability of the Chief, the said vehicle shall be assigned to the next qualifying line officer in descending rank.

(N) No civilians, with the exception of the Chief's wife and children, may ride in the Chief's vehicle without the consent of the Board, provided that such consent may only be granted for travel outside Dover Township in connection with conventions or activities of State or County fire associations or organizations, except under emergency circumstances. No Chief shall respond with lights and sirens activated to an emergency with any civilians in the vehicle.

(O) In the event that the Chief's vehicle or any apparatus whatsoever is involved in an automobile accident at any time, the operator thereof shall stay at the scene with the vehicle/apparatus until the police on the scene give authorization to leave the scene of the accident. In the event such an automobile accident occurs while responding to a fire, the operator of the apparatus shall immediately notify the supervising officer. If the Chief is involved in an automobile accident while responding to a fire, he shall immediately notify the Assistant Chief and delegate his duties to the Assistant Chief until he is able to response to the fire scene.

**Section 6. Substance Abuse Policy.**

(A) Introduction.

The Board of Fire Commissioners recognizes that it bears the responsibility of ensuring that its fire fighting force is fully capable of protecting the health, safety and welfare of the citizens within Dover Township Fire District No. 1.

The Board also recognizes that the nature of fire fighting is such that the impairment of any volunteer fire service member seriously endangers the lives, safety and welfare of the public and other members.

The Board also recognizes that substance abuse seriously impacts upon the health of the person and, therefore, encourages its members to seek out the availability of counseling and rehabilitation programs.

Therefore, the Board of Fire Commissioners has a compelling interest to make certain that all volunteer fire service members are free from abuse problems involving controlled dangerous substances and alcohol.

The Board of Fire Commissioners is committed to providing a drug free alcohol free, healthful, safe and secure work environment for all of its fire fighters and to provide further that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and the unlawful possession, use or abuse of alcohol is absolutely prohibited.

(B) Definitions.

For purposes of this policy, the following definitions shall apply:

"Controlled Dangerous Substance" includes the definition found at N.J.S.A. 24:21-2 and includes any substance other than alcohol that has mind or function altering effect, and volatile substances which produce the physiological and psychological effects of a controlled dangerous substance through deliberate inhalation or ingestion. "Controlled

Dangerous Substance" includes, but is not limited to, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances herein.

"Substance Abuse" shall mean the consumption or use of any controlled dangerous substance as defined herein for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized to practice medicine and the misuse, abuse or unlawful use of alcohol.

"Probable Cause" requires the concurrence of a Commissioner, District Chief or administrator in conjunction with the Company Chief or in conjunction with the senior ranking firematic officer or by the sole advice of the Board's Physician. "Probable Cause" is based upon the facts, circumstances, physical evidence, physical signs and symptoms, or a pattern of behavior that indicate that a member has violated this policy by the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and the unlawful possession, use or abuse of alcohol when responding to an alarm or while performing as a fire fighter/fire police. "Probable Cause" may be based upon, but not limited to, reports that a member has violated this policy during the performance of his/her duties as a fire fighter/fire police, the odor of alcohol or marijuana on a member, unusual behavior such as slurred speech or lack of coordination, possession of paraphernalia used in connection with any drug, or involvement in an accident which resulted or could have resulted in bodily injury or damage to property or which involved a piece of fire apparatus responding to a fire.

"Substance Abuse Test" shall be defined as any chemical, biological or physical instrumental analysis administered for the

purpose of determining the present or absence of a drug or its metabolites or for the purpose of determining the presence of any alcohol.

"Prescription medication" shall mean a drug prescribed for use by a duly licensed physician, dentist or other medical practitioner licensed to practice medicine and issue prescriptions for a drug that is authorized for general distribution and use in the treatment of human diseases, ailments or injuries.

(C) Substance Abuse Testing.

In order to ensure that above stated policy Dover Township Fire District No. 1 hereby implements a substance abuse testing procedure. Substance abuse testing will take place under the following circumstances:

1. Entry level substance abuse testing for persons applying for a position in the volunteer fire service. The testing will be done as a part of the pre-employment physical.
2. When probable cause exists that a member has violated the policy of Dover Township Fire District No. 1.

(D) Substance Abuse Treatment.

Further, in support of the policy to promote a drug free work environment, the Dover Township Fire District No. 1 encourages its members to seek assistance through counseling and rehabilitation and/or to request assistance with any substance abuse problem before disciplinary action is necessary.

(E) Entry Level Testing.

All applicants for a fire fighting position within Dover Township Fire District No. 1 shall be notified on their application form and receive a copy of this policy that as part of their application physical exam, a substance abuse screening test will be performed.



Applicants for a fire fighting position shall be required to sign a substance abuse test consent. The consent form will comply with the Health Insurance Portability and Accountability Act of 1996 (a/k/a HIPAA), 42 USC 1320d and 45 CFR 160-164. Failure to sign said consent and/or submit a urine sample for testing shall disqualify the applicant from consideration for volunteer fire service. This signed substance abuse test consent form will act as a consent to undergo substance abuse testing consistent with this policy and will constitute an acknowledgment by the applicant that any detection of control dangerous substance in his/her body will result in the denial of his/her application for a position in the volunteer fire service.

A urine sample is the standard method used in testing for the present of these and/or other related drugs. The analytical test to be utilized shall be in conformance with acceptable scientific and medical standards. Prior to the applicant being tested, the applicant will be informed of his/her opportunity to submit medical documentation that may verify his/her use of a prescription medication. Such verification, however, will not preclude the administration of the drug test.

Any applicant who refuses to submit to a drug test will be denied a position in the volunteer fire service. Similarly, any applicant who submits to the required drug test and whose urine specimen shows the presence of a controlled dangerous substance will be denied a position in the volunteer fire service.

(F) Probable Cause Testing.

The testing of members for control dangerous substances or alcohol shall be administered only upon probable cause. Random testing is prohibited. A request for an employee to consent to be tested in the absence of probable cause is prohibited.

When the two superiors concur that probable cause exists for the testing of a member that member shall be required to consent to a substance abuse test. If the member refuses to consent to the test, he will be instructed in writing to appear at the office of the Board's physician or other designated testing facility at a designated time not more than three hours from the time of the request to consent to testing. Members, subject to testing will not be allowed to drive, but will be transported to and from the collection site, and home if required. If requested, members shall be allowed to have a representative of their choice as an observer at the collection site.

Probable cause testing shall be conducted in the same manner as entry level testing.

In the case of a positive testing, applicants may elect to have the new sample tested.

Prior to the applicant being tested, the applicant will be informed of his/her opportunity to submit medical documentation that may verify his/her use of a prescription medication. Such verification, however, will not preclude the administration of the drug test.

A positive test may result in discipline or discharge. The failure to submit to testing may result in discipline or discharge. The Board may also require the member to participate in counseling or a rehabilitation program as part of his continued service for the Dover Township Fire District No. 1. The expense for said counseling shall be paid by the member or his/her primary insurance carrier. If, in the event no insurance is available the, in that event, the Board shall have the sole discretion to determine to what extent, if any, it shall contribute to said expense. The Board will decide the nature of the discipline after a hearing. Pending the determination of the Board, the member will be suspended from active status. Prior to the hearing

the member will be given written notice of the charges and an explanation of the evidence against him, including the evidence used to establish probable cause. At the hearing the member may be represented by an attorney. If, in the event, a member is determined to have had a second offense under this policy, he/she shall be expelled from the service.

(G) Confidentiality.

The Board of Fire Commissioners will not release to any person, other than the applicant, medical personnel, supervising personnel or other personnel of the volunteer fire service on a need to know basis any information related to the drug test results unless:

- a. The applicant has expressly granted permission in writing for the Board of Fire Commissioners to release such information; and/or
- b. The Board of Fire Commissioners is legally mandated to release such information.

**Section 8. Insurance.**

(A) It shall be lawful for the Board of Fire Commissioners to appropriate, by resolution, monies for the purpose of defraying the cost of a group plan of life insurance in accordance with Title 40A.

(B) It shall be lawful for the Board of Commissioners of such Fire District, in addition to the insurance provided in (A) to effect, maintain and continue any and all forms of insurance covering the members of said volunteer fire department or incorporated volunteer fire company or companies, including group accident death and dismemberment, hospitalization, medical, surgical, major medical expenses, or health and accident insurance with any insurance company authorized to do business in New Jersey, or with a nonprofit hospital service or medical service corporation with respect to the benefits which they are authorized to provide, a contract or contracts to

provide drug prescription or other health care benefits, which the Board of Fire Commissioners may determined to be necessary or desirable for the protection, safety of the members, and for the protection and safety of the equipment and apparatus of said volunteer fire department, or incorporated volunteer fire company or companies, or for the protection of said Fire District, or against liability for its negligence and that of its officers, employees or servants, whether or not compensated or part-time, who is authorized to perform any act of service, but not including an independent contractor within the limitations of the "New Jersey Tort Claims Act" (C. 59:1-1, et seq.) and by resolution, to appropriate from time to time, and pay, such sums of money as may be required to cover the premiums and costs of said insurance, or such portion of the same as said Board of Fire Commissioners, in its discretion, may consider proper and advisable.

(C) The Board of Commissioners shall maintain the compulsory compensation insurance required by the relevant provisions of the Workers' Compensation laws, N.J.S.A. 34:15-74 to 34:15-76.

**Section 9. Motor Vehicle Liability Insurance.**

All vehicles must be covered by a liability insurance policy. The amount of this coverage must meet or exceed the insurance requirement of the state in which the vehicle is licensed. Any vehicle carrying ten (10) or more passengers is required to have limits of \$100,000/\$500,000/\$100,000 or \$500,000 single limits. In case of rented vehicles, the requirement of coverage limits can be met by combining the limits of personal coverage carried by the driver with coverage carried by the owner of the rented vehicle.

**ARTICLE III**

**OFFICERS**

**Section 1. District Chief.**

(A) The District Chief shall be appointed by the Board of Fire Commissioners.

(B) Prior to the appointed by the Board of Fire Commissioners, however, the Officers Association of the Dover Township Fire District No. 1 shall make a recommendation to the Board of Fire Commissioners for the position of District Chief. This recommendation shall be done taking into consideration the time period the selection of said District Chief as set forth in paragraph 2. The recommendation will be accomplished by way of a closed-ballot vote by all officers of the Officers Association. The individual receiving the majority vote shall receive the recommendation from the Association. All officers of the Officers Association shall vote either in person or by written absentee ballot on a form approved by the Board with original signatures of the absent member. The voting procedure for the Officers Association shall be reviewable by the Dover Township Board of Fire Commissioners.

(C) Each person interested shall submit to the Dover Township Fire Commissioners, Dist. No. 1 by the second meeting in January, a letter of interest, as well as a resume.

(D) Upon approval of his/her qualifications by the Board, resumes shall be given to the Officers Association Committee for their consideration and vote pursuant to the procedures set forth in paragraph 2(a).

(E) The qualifications for the District Chief shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

(F) The duties and obligations of the District Chief shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

(G) The District Chief's position shall be for a two year term. The Board of Fire Commissioners may in its discretion appoint a District Chief to a second two year term.

(H) The Dover Township Board of Fire Commissioners shall set up a Review Committee consisting of four company chief, two Board members and the Administrator. This Review Committee shall review the progress and evaluate the performance of the District Chief. The evaluation shall be done by specifically reviewing the provisions as set forth within Section 2 District Chief Appointment Qualifications and Duties and Obligations. This Review Committee shall meet every six months (from the date of appointment) and report to the full Board of Fire Commissioners with their evaluation and recommendations regarding the District Chief's performance during that period. If the Committee determines that the evaluation is unfavorable, the District Chief's performance shall again be reevaluated in three months.

**Section 2. Chiefs.**

(A) The qualifications for Chief shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

(B) The duties and obligations of a Chief shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

**Section 3. Assistant Chiefs.**

(A) The qualifications for Assistant Chief shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

(B) The duties and obligations of an Assistant the District Chief shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

**Section 4. Captains.**

(A) The qualifications for Captain shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

(B) The duties and obligations of a Captain shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

**Section 5. Lieutenant.**

(A) The qualifications for Lieutenant shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

(B) The duties and obligations of a Lieutenant shall be as set forth in Standard Operating Guideline for the Dover Township Fire Department.

**Section 6. Required Documentation.** All candidates for line officers who are applying for the above-mentioned offices shall be required to have proof of successful completion of the various schools as outlined above and which are part and parcel of the qualifications for said officers. Each candidate shall be required to renew and recertify certifications for each school after two (2) years have passed for receiving said certification for the respective school. If, however, a person achieves a higher rank, then it shall be required that the individual shall have to reindoctrinate their self to the various schools if their certification for that schooling is older than two (2) years.

**Section 7. Fire Police.**

(A) A Fire Police shall have the following qualifications:

(1) Must have State Fire Police Certificate from Ocean County Fire Police Court and/or equivalent, including any Fire Police Policy as may be promulgated by the Board of Fire Commissioners.

(2) Must fill out applications and take physical pursuant to the requirements as heretofore set forth within these By-Laws.

(3) Must have valid Drivers License as heretofore set forth within these By-Laws.

(4) All members of the Fire Police shall have the following training in order to be considered qualified:

- 3 Hours - New Jersey Right to Know
- 6 Hours - NJSP Haz-Mat Awareness Level 1
- 8 Hours - NJSP Haz-Mat Operational Level 1
- 3 Hours - Understanding Incident Command
- 3 Hours - Traffic control class room
- 3 Hours - Traffic control outside
- 3 Hours - Crowd control class room
- 3 Hours - Crowd control outside
- 3 Hours - Red Card Atomic energy class
- 35 Total Hours

(B) The duties.

(1) Crowd control.

(2) Fires, drills and firematic functions.

(3) All duties listed under Title 15:8-4 that pertain to fire police.

(4) Must wear appropriate equipment issued and authorized by the Board of Fire Commissioners.

**Section 8. Explorers.**

The individual companies may have Explores in accordance with the terms of the Standard Operating Guideline for the Dover Township Fire Department.

**ARTICLE IV**

**PREGNANY POLICY**



**Section 1. Statement of Purpose:**

The goal of the Dover Township Board of Fire Commissioners, District No. 1, is to ensure the safety of the public and our firefighters at all times.

The Dover Township Fire District No. 1 is fortunate to have a number of female firefighters among its rank. These firefighters have served with distinction and their continued bravery and contributions to the fire district are a source of pride for the entire community.

It is natural that there may come a time when a female firefighter will become pregnant. Due to the unusually strenuous and hazardous nature of firefighting, it is a reality that at some point during a pregnancy, due to medical and practical considerations, a firefighter will be unable to carry out the duties that are required to fight fires and the firefighter may have to withdraw from active firefighting duties.

The goal of the Dover Township Fire District No. 1 is to allow a pregnant firefighter to remain active within the fire district, but to give said firefighter the option to temporarily transfer to less hazardous duty. It is the recommendation of the Board of Fire Commissioners that a pregnant firefighter will limit her activity to non-hazardous duty within the department, however, this is merely a recommendation and not a directive.

To ensure the safety of the public, the firefighter herself and her colleagues, the Board of Fire Commissioners adopts the following policy:

**Section 2. Notification:**

(A) A firefighter, upon learning of her pregnancy, shall immediately report her condition to her station chief.

(B) Upon being advised by a firefighter of her pregnancy, the station chief shall report the matter to the Fire District Administrator who shall inform the Fire Commissioners.

**Section 3. Firefighter's Options:**

(A) A pregnant firefighter shall have the following options regarding her duties during the course of her pregnancy:

(1) The firefighter shall be allowed to take a leave from her duties for the duration of her pregnancy or as allowed under the Family Medical Leave Act, or unless otherwise stipulated by the fire fighter's physician. If the fire fighter takes this option, the fire fighter is not entitled to accumulate time with regard to the Length of Service Awards Program; or

(2) The firefighter shall be allowed to limit her activity to "non-hazardous" duties during the course of her pregnancy and reasonable time thereafter as health conditions dictate. "Non-hazardous" duties are those duties that do not pose any risk to the pregnant fire fighter, including, but not limited, training, public education, prevention, policy development and communication. "Non-hazardous" duties shall not include active participating in the fighting of fires or on-site inspections of fire scenes; or

(3) Continue fire fighting. If the firefighter chooses to continue active firefighting during the course of her pregnancy, she must provide the Fire District Administrator with a written report from her treating physician certifying that she is able to continue with the strenuous and hazardous duties of firefighting. This requirement shall be the same as that for other non-duty related

disabilities. Said certification must be made following every exam of the firefighter by the physician and shall be mailed directly to the Administrator with a copy going to the firefighter. The Fire Commissioners retain the authority to transfer any pregnant firefighter who does not supply said certification from her doctor to "non-hazardous" duty status.

**Section 4. Seniority - Rank and Benefits:**

(A) In order to maintain seniority, rank and all other benefits as if on "regular active duty", the pregnant fire fighter shall, at a minimum, perform non-hazardous and/or corporate duties for her fire company during the course of her pregnancy. If such minimal level of activity is maintained, the fire fighter shall not be passed up for any possible promotion due to her pregnancy.

(B) If the pregnant fire fighter chooses not to maintain said minimal level of activity as set forth in paragraph 1 above, she shall provide a written report from her treating physician certifying that she is not able to continue to perform the minimal required activities, including corporate duties due to health reasons. If such a certification is provided, said pregnant fire fighter, during the course of her pregnancy, will maintain her seniority, rank and all other benefits as if "on regular active duty."

**Section 5. Grievances:**

If any pregnant firefighter is of the opinion that she is being discriminated against due to her pregnancy, she shall immediately report said incident and the matter shall be handled in accordance with the Dover Township Fire District No. 1 Policy on Sexual Discrimination/Harassment.

**ARTICLE V**

**SEXUAL HARRASSMENT**

**Section 1. Policy Statement:**

It is the policy of the Board of Fire Commissioners that all members of the Fire District's Jurisdiction should be able to enjoy a work atmosphere, free from all forms of discrimination, including sexual harassment. Sexual harassment infringes on a member's right to a comfortable work environment, and is a form of misconduct which undermines the integrity of the member-fire company relationship. No member, male or female, should be subject to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical. Sexual harassment will not be tolerated.

The policy of the Board of Fire Commissioners shall be as set forth in the Standard Operating Guidelines of the Dover Township Fire Department.

ARTICLE VI

INFECTIOUS DISEASE CONTROL

Section 1. Purpose:

The Board of Fire Commissioners policy is set forth in Standard Operating Guideline for the Dover Township Fire Department.

**ARTICLE VII**

**BOARD OF FIRE COMMISSIONERS**

**RULES AND REGULATIONS**

**Section 1. Governing Rules and Regulations.**

The Rules and Regulations contained in these By-Laws governing Fire Commissioners of Fire District No. 1 in the Township of Dover, County of Ocean, shall supersede and replace any and all prior Rules and Regulations, and shall constitute the governing Rules and Regulations.

**Section 2. Modifications.**

These Rules and Regulations may be altered, changed, amended or rescinded by the Board of Fire Commissioners as they determine it is necessary for the control, management and government of the Department, and for regulating the proceeding and business of its own meeting. The Bylaws may be altered, amended or repealed by the vote of a majority of the entire Board of Fire Commissioners. Written notice of any such Bylaw change to be voted upon by the Board shall be given not less than ten (10) days prior to the meeting at which such change shall be proposed. The final vote on the Bylaw change shall take place at the next subsequent meeting after the Bylaw change is proposed.

**Section 3. Violations.**

Any Officer or member of the Department who shall violate, willfully neglect, or refuse to be governed, controlled or managed by the Rules and Regulations herein or hereinafter adopted by the Board of Fire Commissioners shall be subject to suspension or expulsion by the Board of Fire Commissioners after an impartial hearing.

**Section 4. Effective Date.**

These Rules and Regulations shall take effect immediately upon adoption by the Board of Fire Commissioners.