

DIVISION OF THE RHODE ISLAND STATE FIRE MARSHAL



EMPLOYEE RULES AND REGULATIONS

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Chapter I

1. ORGANIZATION OF THE DIVISION OF THE STATE FIRE MARSHAL

- A. The Rhode Island State Fire Marshal is a Division of the Department of Public Safety and consists of sworn members with police powers and civilian personnel.
- B. The Division consists of the following members: a State Fire Marshal, who shall be the head of the Division; as many deputy state fire marshals and assistant deputy state fire marshals as the fire marshal shall deem necessary; a director of fire training; bomb technicians; and such other personnel deemed necessary for whom the general assembly shall annually appropriate such sum as it may deem necessary for the payment of the salaries of the members of the Division. The members of the Division who shall be assigned by the Fire Marshal to execute the duties of deputy marshal of the Enforcement Bureau and deputy marshal of the Fire Code Bureau shall hold the rank of Chief Deputy.
- C. The responsibilities of the Division are distributed among three bureaus: the Enforcement Bureau, the Fire Code Bureau, and the Fire Education and Training Unit.
- D. The responsibilities of the **Enforcement Bureau** will be distributed between two units, the **Investigative Unit** and the **Technical Services Unit**. The bureau will be comprised of a deputy fire marshal – Chief Deputy of the Enforcement Bureau, who will oversee a Chief of Investigations and a Flammable Liquids and Explosives Technician.
- E. The responsibilities of the **Fire Code Bureau** will be distributed among four units, the **Inspections Unit**, **Plan Review Unit**, **Fire Safety Training Unit**, and **Central Clerical Unit**. The bureau will be comprised of a deputy fire marshal – Chief Deputy of the Fire Code Bureau, who will oversee the a Chief of Inspections, a Chief of Plan Review, the head of Fire Safety Training, and the members of the Clerical Unit.
- F. The responsibilities of the **Fire Education and Training Unit** are given to the Director of the Rhode Island Fire Academy. The director will oversee all instructors at the academy.

2. COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY

- A. The head of the Department of Public Safety shall be the Commissioner, who shall also serve as the Superintendent of the Rhode Island State Police and be a qualified police administrator. The Commissioner shall be appointed by the Governor and shall serve at the Governor's pleasure.
- B. The Commissioner is the head of the Department of Public Safety with all powers, rights, and duties prescribed by law. He/She is responsible for the administration of the department and all sub-agencies within the department, of which the Office of the State Fire Marshal is one. He/She is responsible for the administration and discipline of the department and is charged with, and responsible for, the enforcement and execution of all laws and regulations of the department.
- C. Subject to pertinent laws and these regulations, the Commissioner, with the approval of the Governor, has statutory authority to make rules, regulations, and policies, not inconsistent with law, for the qualifications of applicants for appointment to the sub-agencies within the Department of Public Safety, of which the Office of the State Fire Marshal is one. He/She has the authority to discipline, control, and remove sworn members and civilian personnel. The Commissioner has the authority to promulgate to the department these rules, regulations, policies, or any orders or instructions of the Governor for the execution of the Department of Public Safety mission.

3. MAJOR, RHODE ISLAND STATE POLICE, LIAISON TO THE DEPARTMENT OF PUBLIC SAFETY

- A. A Major from the Division of the Rhode Island State Police shall serve as the Commissioner's liaison to the Department of Public Safety. This Division Major shall oversee the day-to-day operations and management of the agencies that comprise the Department of Public Safety.
- B. The Major, liaison to the Department of Public Safety, shall be the first line supervisor for all directors of the agencies within the Department of Public Safety.

4. STATE FIRE MARSHAL

- A. The head of the Office of the State Fire Marshal shall be the Fire Marshal who shall be qualified in fire prevention, fire investigation, and fire protection. The Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate, and shall serve for a period of five (5) years upon appointment.

- B. The Fire Marshal is head of the Office of the State Fire Marshal with all powers, rights and duties prescribed by law. He/She is responsible for the administration and discipline of the Division and is charged with, and responsible for, the enforcement and execution of all laws and regulations of the Division.
- C. The Fire Marshal shall have minimum qualifications of five (5) years experience in fire prevention, fire investigation, or fire protection, or a degree in fire protection engineering from a credited college plus three (3) years experience in fire prevention, fire investigation, or fire protection.

5. DUTIES AND RESPONSIBILITIES OF THE FIRE MARSHAL

- A. The Fire Marshal shall be personally and directly responsible for the execution of the mission of the State of Fire Marshal and for the training, discipline, structure, efficiency, and morale of the members of the Division.
- B. The Fire Marshal shall have the authority to enforce and perform the duties required by the Comprehensive Fire Safety Act, the Fire Safety Code, and all codes referenced therein and adopted there under, and all other provisions of the general laws and public laws insofar as such powers and duties relate to fires, fire prevention, fire protection, fire inspection, and fire investigation.
- C. The Fire Marshal shall enforce all laws of this state in regard to the keeping, storage, use, manufacture, sale, handling, transportation, or other disposition of explosives and flammable materials; conducting and supervising fire safety inspections of all buildings regulated by the code within the state; certify to any state or federal agency whether or not any building covered satisfies the requirements of R.I.G.L. 23-28.1 to 23-28.39 and all codes referenced therein and adopted there under; and to plan for and oversee the comprehensive, professional, and consistent enforcement of the fire safety code.
- D. The Fire Marshal shall study any factors that might prevent the Division from functioning efficiently, including any possible morale-destroying situations or influences, and take all appropriate steps to correct any such problems.
- E. The Fire Marshal shall promptly investigate, or cause to be investigated, any complaints or charges brought against the Division or any member or employee thereof.

- F. The Fire Marshal may, in his/her discretion, discipline and/or suspend from duty any member or employee of the Division for any violation of these regulations or for any insubordination. He/She shall promptly proceed with the necessary disciplinary procedures as set forth in the Collective Bargaining Agreement, where applicable.
- G. The Fire Marshal, when deemed necessary, and with the approval of the Commissioner, shall promote members and employees of the Division. He/She shall ensure that only the best-qualified persons are promoted and that character, ability, performance, aptitude, and depth of experience will determine who is to be promoted, in accordance with the Collective Bargaining Agreement.
- H. The Fire Marshal shall maintain a specific workweek of not less than thirty-five hours. He/She shall be readily available in “on-duty” status to provide for the proper administration of the Division
- I. The Fire Marshal shall supervise or conduct any fire safety inspections required by any other state or federal agencies.
- J. The Fire Marshal shall keep in his/her office a record of all fires investigated by his/her office and all the facts concerning the investigated fires, and all reports of the investigations as the fire marshal may cause to be made.
- K. The Fire Marshal shall formulate, coordinate, implement, or cause implementation of appropriate education and training programs relating to fire fighting training, fire prevention, fire protection, fire inspection, and fire investigation. The Fire Marshal shall hold certification from the National Fire Protection Association as a Certified Fire Inspector I.
- L. The Fire Marshal shall oversee the issuance of all Uniform Test Report stickers, for which the fees received shall be deposited in the Fire Training Academy’s restricted receipt account, as described in R.I.G.L. 23-28.2-29.
- M. The Fire Marshal may appoint as many non-salaried assistant deputy state fire marshals as he/she may deem necessary, who shall serve at the pleasure of the Fire Marshal.

6. CHIEF DEPUTY FIRE MARSHAL

- A. The Chief Deputy Fire Marshals assist the State Fire Marshal in the operation of the Division of the State Fire Marshal. They are responsible for coordinating the implementation of state and federal codes, laws, regulations and policies relating to fire safety.

- B. The Chief Deputy Marshals supervise the unit in the absence of the State Fire Marshal.
- C. One Chief Deputy Marshal shall serve as the head of the Enforcement Bureau, and one Chief Deputy Marshal shall serve as the head of the Fire Code Bureau. These two positions are sworn, and are also interchangeable.

7. DIRECTOR OF FIRE TRAINING, RHODE ISLAND FIRE ACADEMY

- A. The Director of the Rhode Island Fire Academy shall be responsible for the development and implementation of all educational, developmental, and physical skills programs that are offered to both volunteer and career firefighters in the state. He/She shall be responsible for the day-to-day operations at the academy, the proper maintenance of records and documents, and the acquisition and ongoing development of the coordinators and instructors under him/her.
- B. The Director shall be appointed by the Fire Marshal from a list of names submitted by the Fire Education and Training Coordinating Board based on recommendations of a screening committee of that board. The Director shall answer directly to the Fire Marshal.
- C. The Director shall coordinate all day-to-day functions of the Fire Academy, implement the programs developed and offered by the Fire Education Board, and schedule all programs for delivery to regions throughout the state.
- D. The Director shall maintain all records pertaining to program delivery, student certification, and all academy instructors.
- E. The Director shall compile a semester report on all fire academy activity and submit the same to the board, State Fire Marshal, and Governor's Office for review.
- F. The Director shall ensure that necessary equipment and/or apparatus are available for use in classes, and that there are an adequate number of proctors for examinations and skilled examiners for practical skill examinations in accordance with existing policies of the Rhode Island Fire Academy.

8. ENFORCEMENT BUREAU

- A. The Enforcement Bureau is responsible for the initiation of criminal prosecution of or civil proceedings against any person(s) in violation of the state Fire Safety Code or failure to comply with an order to abate conditions that constitute a violation of the Fire Safety Code, and any rules or regulations added there under and/or the general public laws of the state.
- B. This unit will consist of a Chief Deputy Fire Marshal, a Chief of Fire Investigations, a Senior Fire Investigator, Fire Investigators, an Explosives and Flammable Liquids Technician, and an Assistant Explosives and Flammable Liquids Technician, each of whom must satisfactorily complete appropriate course training in law enforcement at the Rhode Island Municipal Police Academy, or must have previously completed a comparable course. To fulfill their responsibilities, this unit may exercise, in any part of the state, all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police officers, and constables.

9. INVESTIGATIONS UNIT

- A. The Investigations Unit is part of the Enforcement Bureau of the Division, and is comprised of the Chief of Fire Investigations, a Senior Fire Investigator, and Fire Investigators.
- B. This unit shall investigate all fires of suspicious origin to determine cause, origin, and circumstance, including, but no limited to, all fires in State buildings, nursing homes, and hospitals, and all fires resulting in a fatality(ies).

10. CHIEF OF FIRE INVESTIGATIONS

- A. The Chief of Fire Investigations is responsible for coordinating all phases of a program of fire investigation designed to ascertain the cause, origin and circumstances of suspicious, accidental and incendiary fires and/or explosions, including, but no limited to, all fires in State buildings, nursing homes, and hospitals, and all fires resulting in a fatality(ies).
- B. The Chief of Fire Investigations is a sworn member of the Division; and therefore has the ability to carry a firearm and charge and apprehend suspected violators.

11. SENIOR FIRE INVESTIGATOR

- A. The Senior Fire Investigator is responsible for conducting both complex and routine investigations into the cause, origin, and circumstances of suspicious, accidental and incendiary fires; and to assist the Chief of Fire Investigations in coordinating the work of the members of the Investigations Unit.
- B. The Senior Fire Investigator is a sworn member of the Division; and therefore has the ability to carry a firearm and charge and apprehend suspected violators.

12. FIRE INVESTIGATOR

- A. A Fire Investigator is responsible for conducting comprehensive investigations into the cause, origin, and circumstances of suspicious, accidental and incendiary fires.
- B. A Fire Investigator is a sworn member of the Division; and therefore has the ability to carry a firearm and charge and apprehend suspected violators.

13. TECHNICAL SERVICES UNIT

- A. The Technical Services Unit is part of the Enforcement Bureau of the Division, and is comprised of an Explosives and Flammable Liquids Technician, and an Assistant Explosives and Flammable Liquids Technician
- B. The unit shall investigate all suspicious explosions within the state and provide proper explanation as to cause, origin, and circumstance.
- C. This unit shall also be know as the “Bomb Squad” or “Bomb Disposal Unit,” and shall be accredited by the Federal Bureau of Investigation as a bomb squad.

14. EXPLOSIVES AND FLAMMABLE LIQUIDS TECHNICIAN

- A. The Explosives and Flammable Liquids Technician is responsible for ensuring compliance with the provisions of state and federal codes, laws, regulations and policies in regards to the storage, transportation and use of

explosives and flammable liquids; and for the investigation of explosions to determine their nature and cause.

- B. The Explosives and Flammable Liquids Technician serves as the Commander of the State Bomb Squad.
- C. The Explosives and Flammable Liquids Technician is a sworn member of the Division; and therefore has the ability to carry a firearm and charge and apprehend suspected violators.

15. ASSISTANT EXPLOSIVES AND FLAMMABLE LIQUIDS TECHNICIAN

- A. The Assistant Explosives and Flammable Liquids Technician is responsible for assisting the Explosives and Flammable Liquids Technician with ensuring compliance to the provisions of state and federal codes, laws, regulations and policies in regards to the storage, transportation and use of explosives and flammable liquids; and for the investigation of explosions to determine their nature and cause.
- B. The Assistant Explosives and Flammable Liquids Technician also serves as a member of the State Bomb Squad.
- C. The Assistant Explosives and Flammable Liquids Technician is a sworn member of the Division; and therefore has the ability to carry a firearm and charge and apprehend suspected violators.

16. INSPECTIONS UNIT

- A. The Inspections Unit is part of the Fire Code Bureau of the Division, and is comprised of a Chief of Fire Safety Inspections, Senior Fire Safety Inspectors, including a Fire Alarm Inspector, and Fire Safety Inspectors.
- B. The members of this unit shall inspect all health care facilities, and public and private buildings, other than single, two, or three family dwellings, to ensure conformance to fire safety standards established in the state fire safety code, the federal life safety code and in related codes, laws, regulations and policies.

17. CHIEF OF FIRE SAFETY INSPECTIONS

- A. The Chief of Fire Safety Inspections is responsible for coordinating all phases of an inspection program designed to ensure conformance to fire safety standards established in the state fire safety code, the federal life safety code, and in related codes, laws, regulations and policies in the area of health care facilities and public and private buildings other than single, two or three family dwellings.

18. SENIOR FIRE SAFETY INSPECTOR

- A. The Senior Fire Safety Inspector is responsible for performing both complex and routine fire safety inspections for the purpose of checking compliance with fire safety standards in state and federal codes, laws, regulations and policies in the area of health care facilities and public and private buildings, other than single, two, or three family dwellings.
- B. The Senior Fire Safety Inspector will assist the Chief of Fire Safety Inspections with coordinating an inspection program by assigning inspectors to conduct inspections, and by assuring that these inspections are properly conducted and reported.
- C. A Senior Fire Safety Inspector may assist the Chief Plan Review Officer with the review of building plans and blueprints to ensure conformity to the provisions of the state and federal codes, laws, and regulations in the area of fire safety.

19. FIRE SAFETY INSPECTOR

- A. Fire Safety Inspectors are responsible for performing fire safety inspections for the purpose of checking compliance with fire safety standards in state and federal codes, laws, regulations, and policies in the area of health care facilities and public and private buildings, other than single, two, or three family dwellings.

20. FIRE SAFETY TECHNICIAN

- A. The Fire Safety Technician is responsible for fire protective and preventive services in hospitals and other health care facilities by inspecting for fire hazards, checking the condition of detection and detention equipment and appliances, recommending changes and improvements, and instructing personnel in fire preventive procedures and the proper responses to emergency situations.

21. FIRE SAFETY TRAINING OFFICER

- A. The Fire Safety Training Officer is responsible for assisting the Office of the State Fire Marshal with organizing, developing, and delivering fire safety educational programs to schools, health care facilities, business, and the general public.

22. CHIEF PLAN REVIEW OFFICER-FIRE SAFETY

- A. The Chief Plan Review Officer is responsible for the review of building plans and blueprints to ensure conformity to the provisions of the state and federal codes, laws, and regulations in the area of fire safety.
- B. The Chief Plan Review Officer supervises any Senior Fire Safety Inspectors who assist him/her with the review of building plans and blueprints.

23. EXECUTIVE ASSISTANT

- A. The Executive Assistant serves as a confidential assistant to the Fire Marshal in his/her capacity to formulate, determine and effectuate management policies in the field of labor relations. The Executive Assistant is responsible for confidential and sensitive administrative details involving labor/management relations, personnel matters, grievances, arbitrations, and collective bargaining negotiations; and to maintain the utmost confidentiality with respect to management processes, strategies, and organizational initiatives. This person must exercise discretion regarding related issues and activities.

24. WORD PROCESSING TYPIST

- A. The Word Processing Typist performs typing work of a difficult and responsible nature on automatic typewriting equipment that records material on cards or tapes for storage and reuse. This person also performs varied clerical work of a difficult and responsible nature.

25. PRINCIPAL CLERK STENOGRAPHER

- A. The Principal Clerk Stenography serves as a private stenographic secretary to an administrative official, and relieves such officials of important administrative details. This person handles correspondence and other routine matters.

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Chapter II

1. OBEDIENCE TO LAW

- A. Employees of the Division shall obey the laws of the United States and the State of Rhode Island, ordinances of local jurisdictions, and court orders. If it is proved that a sworn employee has violated this rule of conduct, the fact that no criminal prosecution was instituted against the employee shall not bar departmental discipline.

2. OBEDIENCE TO RULES AND REGULATIONS

- A. Employees of the Division shall obey the Rules and Regulations of the Office of the State Fire Marshal and any amendment or additions thereto. A violation of these rules and regulations or of any Division policy may be sufficient cause for disciplinary actions.

3. OBEDIENCE TO SUPERVISORS

- A. Employees of the Division shall obey all orders given to them by their appropriate supervisor. If an order is not understood, it is the responsibility of the employee to obtain clarification from their supervisor. Employees who are given orders that appear to be in conflict with previously issued orders, rules, or regulations shall respectfully inform their supervisor who issued the conflicting order. Their supervisor will then assume the responsibility for the conflict. If their supervisor does not alter or retract the second or conflicting order, the employee shall promptly obey the order barring any unsafe conditions.

4. REPORTING VIOLATIONS

- A. Employees of the Division who observe or have actual knowledge of violations of laws, ordinances, rules, regulations, or official orders on the part of another employee shall immediately report such incidents to their supervisor.

5. COURTESY

- A. A professional knows every aspect of his/her job and can provide complete, understandable answers to the public's questions. A

professional presents a business-like image, works efficiently, and does not abuse the position of power that special knowledge affords. A professional never criticizes a co-worker in public nor denigrates anyone. A professional raises conflict resolution to an art form, always seeking to preserve the dignity of the individuals involved in the dispute, thereby preserving the dignity of the Division of the State Fire Marshal. The word “respect” is always in the mind of the professional.

6. CONDUCT

- A. It is the duty of every employee to conduct himself/herself inside and outside his/her office in a manner that brings honor and respect for, rather than public distrust of, division personnel. Whenever a state employee conducts himself/herself as to cause scandal or to lose or jeopardize such esteem, he/she may be dismissed for the good of the service, subject to the provisions of the law and rules.

7. CONDUCT UNBECOMING

- A. Employees of the Division shall conduct themselves at all times, both on and off duty, in such a manner that reflects favorably on the Office of the Rhode Island State Fire Marshal. Conduct unbecoming in an employee shall include any conduct that brings or may bring the Division into disrepute or reflects discredit upon the employee, or impairs the operation or efficiency of the Office of the Rhode Island State Fire Marshal or the employee.

8. HARASSMENT AND DISCRIMINATION

- A. Employees of the Division shall not discriminate against or harass other individuals because of race, creed, color, national origin, sex, age, sexual orientation, gender identity, or any sensory, mental, or physical handicap.
- B. In the event that an employee feels that he/she has been the victim of a sexually harassing act, or other harassing or discriminatory act, or violence in the workplace, he/she shall immediately make a complaint either through his/her supervisor or directly to the Fire Marshal concerning the incident. In such cases the chain of command need not be followed to initiate such a complaint.

9. ON DUTY RELIGIOUS, RACIAL AND POLITICAL DISPUTE

- A. While on duty, employees of the Division shall not become publicly embroiled in any religious, racial, partisan political or other controversial dispute in which their stand on the issue could be interpreted as the official position of the Division of the State Fire Marshal.

10. USE OF ALCOHOL ON DUTY

- A. Employees of the Division shall not consume intoxicating beverages while on duty, nor shall he/she appear for work or be on duty while under the influence of intoxicants to any degree.

11. ALCOHOLIC BEVERAGES IN DIVISION FACILITIES

- A. Employees of the Division shall not possess, use, or store alcoholic beverages in any department facility or vehicle at any time, except for alcohol collected as evidence as part of an investigation.

12. USE OF DRUGS

- A. No Division employee shall use or possess any narcotic, dangerous drug, or controlled substance, whether on or off duty, except for medical purposes as prescribed by a physician, dentist or other medical authority, or for drugs collected as evidence as part of an investigation.

13. SUSPECTED INTOXICATION

- A. If a supervisor has reasonable grounds to believe a sworn employee is under the influence of an intoxicating beverage and/or drugs while on duty, the employee shall be immediately required to submit to tests to determine intoxication. If a blood sample is required, competent personnel will take the employee to a medical facility for extraction of the sample. The time lapse between the initial report of the employee's condition and the intoxication tests shall be accurately recorded.

14. ABUSE OF ALCOHOL OFF-DUTY

- A. Sworn employees, while off-duty, shall refrain from consuming alcohol to the extent that it could constitute unbecoming conduct as described in

these rules, or render them unfit to report for duty if they are called back in an emergency. Employees shall not consume any alcoholic beverage during the four hours prior to the start of their regular work hours.

15. GRATUITIES, GIFTS, REWARDS

- A. Employees of the Division shall not solicit or accept any gratuity or any other item of value where there is any connection, however remote, between such offer of solicitation and the civilian's position with the department. Employees shall neither directly or indirectly:
 - 1.) Solicit or accept any gratuities of merchandise, meals, beverages, or any other item of value that is intended to influence their or any other employee's actions in any matter of department business, or which might cast an adverse reflection on the department or any of its employees.
 - 2.) Solicit any discounted services or merchandise offered as a result of their employment with the department.
 - 3.) Solicit or accept any gift or gratuity from other department personnel if such items would adversely affect their duties.
 - 4.) Solicit or accept any reward for services rendered in the performance of their duty.
 - 5.) Solicit free admission to places of amusement for themselves or others.
 - 6.) Private financial obligations shall be handled so not to affect work performance.

16. INSUBORDINATION

- A. Insubordination or disrespect toward superior authority is strictly prohibited. Insubordination is defined as: a failure to recognize the authority of any supervisor by disrespecting, disputing, disobeying, or refusing to obey the supervisor's lawful authority.
- B. Sworn employees of the Division shall not publicly criticize the Division of the State Fire Marshal, its policies, or other employees in speech, writing, or other forms of expression. This provision is not intended to preclude the exercise of employees' rights under state and/or federal law.

17. ABUSE OF POSITION

- A. Employees of the Division shall not lend to another person their identification card or permit them to be photographed or reproduced without the approval of the Fire Marshal.
- B. Employees of the Division shall not authorize their names, photographs or official titles that identify them as employees of the Division of the State Fire Marshal for use in connection with advertisements of any commodity or commercial enterprise.
- C. Employees of the Division shall not identify themselves as employees of the Division of the State Fire Marshal for the purpose of gaining personal advantages or avoiding the consequences of illegal acts performed by themselves or by other individuals.

18. ENDORSEMENTS AND REFERRALS

- A. No Division employee shall recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service.

19. CONFLICT OF INTEREST STATEMENT

- A. Employees of the Division shall have no interest, financial or otherwise, direct or indirect, nor shall they engage in any business, transaction, or professional activity, or incur any obligation of any nature that is in conflict with the proper discharge of their duties.
- B. Employees of the Division shall have no interest or association, financial or otherwise, direct or indirect, with any illegal activity, or with any individual and/or business in any way associated with any illegal activity. Such association may be permitted when necessary for the performance of official duties and where unavoidable because of family relationships with a department member.

20. TARDINESS

- A. Employees of the Division are required to report for duty on time. Failure to report on time may result in penalties and/or disciplinary action subject to the terms and conditions of the Collective Bargaining Agreement, where applicable.

21. ATTENDANCE RECORDS

- A. Employees of the Division shall not knowingly make omissions or false representation on time cards, sick leave reports, injury reports, or personnel records.

22. RELATIONS WITH DIVISION PERSONNEL

- A. Employees of the Division shall never behave disrespectfully or use threatening or insulting language toward any other employee. Employees shall not offer violence against, nor strike or attempt to strike any other employee.
- B. In their dealings with department personnel of the opposite sex, all employees shall act in a professional, respectful manner.

23. REPORTS

- A. Employees of the Division shall complete and submit all reports in accordance with established department procedures. No employee shall knowingly enter, or cause to be entered, any inaccurate, false, or misleading information on a report.

24. TRUTHFULNESS

- A. Employees of the Division shall at all times be truthful and honest in dealing with fellow department personnel or members of the public. Upon the order of any superior, employees shall truthfully answer all questions lawfully asked of them that are specifically directed to the scope of employment and operations of the department.

25. FALSIFICATION OF EMPLOYMENT APPLICATION

- A. No employee of the Division shall procure employment by willfully misrepresenting their qualifications, character, or reputation.

26. DERELICTION OF DUTIES

- A. Employees of the Division, while on duty, shall at all times remain alert and ready to respond to any situation requiring the Fire Marshal. While on duty, employees shall not sleep, conduct personal business, attend to personal pleasures, or take part in any other activities that would cause them to neglect or be inattentive to duty. It is the obligation of all employees to devote their on-duty time to official matters only. Therefore, employees shall not engage in private business while on duty.

27. UNSATISFACTORY PERFORMANCE

- A. Employees of the Division shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by an unwillingness or inability to perform assigned tasks, and the failure to conform to work standards established for the employee's position. In addition to other indicators of unsatisfactory performance, the following shall be considered evidence of unsatisfactory performance: repeated poor evaluations or a record of repeated infractions of rules, regulations, directives, or orders of the department.

28. NOTIFICATION OF INABILITY TO REPORT TO WORK

- A. Employees of the Division who know they will be unable to report to work due to illness, injury, or for any other reason, shall immediately notify their supervisor (or ensure such notification) and supply the expected date of return to work. The supervisor shall also be advised of a change in the expected date of return that may occur after the original notification is given. Upon return to duty from sick leave, employees may be required to supply a doctor's certificate stating physical ability to return to work.
- B. Employees of the Division injured while on duty shall report such injuries to their supervisor as soon as possible, and shall comply with the provisions of existing regulations pertaining to such injuries. Employees who become ill and find it necessary to leave an assigned task or duty shall report this fact to their supervisor before leaving the assignment or task.

29. FICTITIOUS ILLNESS OR INJURY REPORT

- A. Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive, or attempt to deceive any employee of the Division as to the condition of their health.

30. PROCESSING PROPERTY AND EVIDENCE

- A. Property or evidence that have been discovered, gathered, or received in connection with Division responsibilities shall be processed and disposed of in accordance with established Division procedures. Employees shall not manufacture, conceal, falsify, destroy, remove, tamper with, or convert to their own use, any property or evidence, except in accordance with established Division procedures.

31. INTERFERENCE WITH LEGAL PROCESSES: UNAUTHORIZED INVESTIGATIONS

- A. Employees of the Division shall not interfere with cases assigned to other employees for investigation, nor shall they interfere with any arrest or prosecution brought by other employees, persons, or agencies without authorization of a supervisor.
- B. Employees of the Division shall not undertake any investigation or other official action outside their regular duties without obtaining permission from their supervisor, except in exigent circumstances.

32. RECOMMENDATIONS REGARDING DISPOSITION OF CASE

- A. Employees of the Division shall not make any recommendation to any court or other judicial agency regarding the disposition of a pending criminal court case. Employees shall refrain from making any recommendation or comment that might tend to reflect the Division's official approval or disapproval of another such agency's actions.

33. COURT APPEARANCES

- A. Employees of the Division are required to attend scheduled court appearances to testify or appear before any court of law, public agency or commission, legislative body, or any other similar forum when notified.

34. TESTIFYING IN CIVIL CASES

- A. Employees of the Division shall not testify in any civil case in which the Rhode Island State Fire marshal may have an interest without specific prior approval from the Fire Marshal, unless they are a party to the action or have been legally summoned to testify.

35. CRIMINAL CASE TESTIMONY

- A. Employees of the Division appearing for the prosecution shall not publicly discuss the testimony that they will give in any criminal court action, nor shall they sign any statements concerning any criminal for a person not officially connected with the Division, except at the direction of official agencies such as the prosecuting official having jurisdiction of the case. Employees subpoenaed by the defense in a criminal case shall contact the prosecuting attorney handling the case prior to the trial.

36. DISSEMINATION OF INFORMATION

- A. Employees of the Division shall treat the official business of the Fire Marshal that is not considered a public record as confidential. Information regarding official business shall be disseminated only to those for who it is intended, in accordance with established procedures. Employees will assist any member of the public who requests public information, and will abide by the applicable sections of the “*Access to Public Records Act*,” R.I.G.L. 32-2-1, et seq., regarding such requests. Employees shall not divulge the identity of persons giving confidential information except as authorized by the Fire Marshal.

37. PUBLIC PRONOUNCEMENTS

- A. Any employee of the Division must have authorization from the Fire Marshal before engaging in public speaking on behalf of the Division, as the Fire Marshal has the ultimate responsibility for formulating and interpreting Division policies and procedures.
- B. Employees of the Division engaged in public speaking events shall be responsible for accurately relating Division policy as outlined in these *Rules and Regulations* and other Division procedures.
- C. The article shall not be interpreted to deprive employees of any first amendment rights as citizens to comment on matters of public interest.

38. ATTENDANCE AT PUBLIC FUNCTIONS

- A. Employees are prohibited from attending any of the following functions while on duty without prior approval of their supervisor, unless their attendance has been requested as part of their official duties:
 - 1.) Court trials and hearings
 - 2.) Public hearings, city/town meetings, legislative sessions, political events, etc.
 - 3.) Union meetings
 - 4.) Public demonstrations

39. SEEKING PUBLICITY

- A. Employees of the Division shall not directly or indirectly use their official position within the department to seek publicity for themselves through the press, radio, television, or other news media; nor shall they furnish information to same for the purpose of gaining personal recognition.

40. IDENTIFICATION

- A. Employees of the Division shall carry their identification cards on their persons at all times. They shall furnish their identifications cards to any person requesting that information when they are on duty or while portraying themselves in an official capacity.

41. CARE AND MAINTENANCE OF DIVISION PROPERTY, EQUIPMENT AND VEHICLES

- A. Employees of the Division shall maintain, in good condition, all property and equipment assigned to them or under their control. They shall immediately report to their supervisor any loss or damage of Division property, equipment or vehicles assigned to them or under their control. They shall also notify their supervisor of any defects or hazardous conditions existing in any property or equipment assigned to them. In those cases where state property is found bearing evidence of damage that has not been reported, the last person using the property, equipment, or vehicle will be held responsible for said damage.

42. OPERATION OF OFFICIAL VEHICLES

- A. Employees of the Division shall operate official vehicles in a careful and prudent manner and shall obey all state laws and the *Rules and Regulations* of the Office of the State Fire Marshal pertaining to such operation. Loss or suspension of any driving license shall be reported immediately.

43. ACCIDENTS INVOLVING VEHICLES

- A. Whenever an employee of the Division is involved in an accident while operating a department vehicle, he/she shall immediately notify his/her superior officer.
- B. A supervisor shall investigate said accident and complete all related reports.
- C. The supervisor of the employee involved has the responsibility of notifying the Fire Marshal without unreasonable delay. In the case of a collision involving serious injury, the supervisor shall immediately notify the Fire Marshal.

44. INJURIES INFLICTED TO PERSONS OR PROPERTY

- A. Whenever an employee of the Division is involved in an accident while operating a department vehicle, or in any way injures a person or property, the employee shall immediately notify his/her supervisor, and the supervisor shall subsequently notify the Fire Marshal without unreasonable delay.

45. RESPONSIBILITY FOR DIVISION VEHICLE

- A. An employee of the Division who is assigned as an operator of a department vehicle shall be responsible for the instant serviceability of the vehicle assigned to his/her use.

46. EXPENDITURE OF STATE FUNDS

- A. No purchases shall be made or liability incurred in the name of the Office of the Fire Marshal by an employee unless in accordance with the state purchasing policy, regulations, or laws.

47. KNOWLEDGE OF DIVISION DIRECTIVES

- A. All employees are responsible for knowing and understanding all Division regulations, policies, and directives. It is the responsibility of the employee to seek clarification of any order or material that is not clearly understood.

48. CIVIL SUITS FOR DAMAGES OR INJURIES

- A. No employee will prosecute or enforce any claim against any person for injuries or damages incurred while on duty until he/she has notified the Fire Marshal of his/her intention. In the event of such recovery for damages claimed, the employee will reimburse the state for wages and medical expenses paid by the state while he/she was in an “off-duty injured” status, in accordance with state law.

49. VIOLATIONS

- A. Violations of these Rules and Regulations or of any policy, procedure, directive, order, or command given lawfully by superior authority may be grounds for disciplinary action. The Fire Marshal will determine appropriate disciplinary action, and in accordance with the appropriate Collective Bargaining Agreement, where applicable.

50. GENERAL KNOWLEDGE AND PERFORMANCE

- A. Every employee will familiarize himself/herself with all the laws, statutes, ordinances, and regulations necessary for the proficient execution of his/her duty as an employee of the Division of the State Fire Marshal.

51. KNOWLEDGE OF THE STATE

- A. Employees of the Division will familiarize himself/herself with the geography of the state, including the location of streets, highways, bridges, public buildings, courts, stations, prominent or important office buildings, large industrial plants or commercial establishments, and such other information as may be disseminated by superiors from time to time.

52. SECURITY OF FIREARMS

- A. A Sworn member of the Division is responsible for the safekeeping and security of his/her firearm at all times. A sworn member will not leave his/her firearm unattended and unsecured. When a firearm is left in a locker, the sworn member will ensure that the locker is properly secured.

53. MARKING OR ALTERING DIVISION NOTICES

- A. Employees of the Division shall not mark, alter, mar, or deface any notice posted on any bulletin board or blackboard maintained by the Office of the State Fire Marshal. All notices of a personal nature and/or of derogatory character regarding any member are prohibited.

54. STATEMENT CONCERNING LIABILITY

- A. Employees of the Division will not make any oral or written statements to anyone concerning liability in connection with the operation of Division vehicles or performance of other duties, unless specifically authorized to do so by the Fire Marshal.

55. RELEASE OF PERSONAL TELEPHONE NUMBERS, E-MAIL ADDRESSES, AND STREET ADDRESSES

- A. No employee of the Division will release to the public or any public agency the home or personal telephone number(s), e-mail address(es), and street address(es) of any employee(s) of the Division without authorization.