



City of South Bend

Fire Department Merit Commission

Wednesday, May 14, 2025
Meeting Agenda

- I. **REGULAR MEETING- 2:00 P.M.- Hybrid Meeting- Central Fire Station, 1222 S. Michigan St., Classroom #1, South Bend, IN and Virtually via Microsoft Teams with the link below:**
<https://tinyurl.com/FireMerit51425>
- A. Roll Call
 - B. Approve Minutes
 - 1. April 2, 2025 Regular Minutes
 - C. Approve Electronic Meeting Resolution
 - D. Approve Bylaws
 - E. Public Hearing on Rules- the subject matter of the proposed rules includes
 - I. Applicability of Indiana Merit Law, II. Applicant Requirements, III. Performance Evaluations, IV. Promotional Process, V. Disciplinary Actions, VI. Rehiring of Previous Merit Firefighters, VII. Lateral Hire Requirements.
 - a. Submission of written and oral evidence any interested person of the unit, district, or territory and any member of the department
 - b. Deliberation of Commission Members
 - F. Approve Rules or Move agenda item to June meeting.
 - G. Privilege of the Floor
 - H. Adjournment

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS

Auxiliary Aid or Other Services are Available upon Request at No Charge. Please Give Reasonable Advance Request when Possible.

John Pinter

Dan Jones

Kenneth Marks



City of South Bend
Fire Department Merit Commission

SOUTH BEND FIRE DEPARTMENT
MERIT COMMISSION
RULES AND REGULATIONS

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SECTION I – APPLICABILITY OF INDIANA MERIT LAW

- A. **Title.** This document shall set forth the South Bend Fire Department Merit Commission Rules and Regulations.
- B. **Definitions.** As used throughout the South Bend Fire Department Merit Commission Rules and Regulations:
- (1) “Commission” means the South Bend Fire Department Merit Commission.
 - (2) “Department” or “SBFD” means the South Bend Fire Department.
 - (3) “Council” means the South Bend Common Council.
 - (4) “Merit Commission Rules” or “Rules” means the South Bend Fire Department Merit Commission Rules and Regulations.
 - (5) “Merit Law” or “Indiana Merit Law” means the Indiana Merit Statute, I.C. § 36-8-3.5 *et seq.* as amended and supplemented by the Commission from time-to-time.
- C. **Application of Indiana Merit Law.** The Council has adopted the Merit Law as amended and supplemented herein. The Commission will continue to operate pursuant to the language contained in the Merit Law, as amended. The statutory materials accompanying these Rules are current as of the date these Rules are distributed. While the Commission and the Department will endeavor to notify Members of amendments to the Merit Law, Members are responsible for keeping themselves informed of any changes in the Merit Law.
- D. **Invalidation of Merit Commission Rules.** If any of the Merit Commission Rules are invalidated for any reason, the remainder of the Merit Commission Rules shall continue in full force and effect.

SECTION II – APPLICANT REQUIREMENTS

- A. **General Requirements.** To be appointed to the Department, applicants must meet the requirements of I.C. § 36-8-3.5-12, as well as the following requirements:
- (1) In accordance with I.C. § 36-8-4-2 and during their term of employment with the Department, applicants must:
 - a) have adequate means of transportation into the jurisdiction served by the Department; and
 - b) maintain telephone service to communicate with the Department.
 - (2) Applicants must have a current valid driver’s license and must acquire and maintain a valid license without restriction due to traffic violations by the time of appointment and throughout the applicant’s career.
 - (3) Applicants must be able to read, write, speak, understand and otherwise communicate fluently in the English language.
 - (4) Lateral Hire requirements differ and are in SECTION VII of these Rules.



- B. Notification of Hiring Process.** The public will be notified of the Department's creation of a hiring list through advertisements placed with the local print, electronic media, and the posting of hiring literature in public places.
- C. Overview of the Hiring Process.** Applicants shall be rated on selection criteria and testing methods developed by the Department and adopted by the Commission prior to the hiring process in accordance with I.C. § 36-8-3.5.-2(e), as amended. The following is an overview of events normally comprising the hiring process. These events may or may not be in the sequence set forth below, and the Commission will determine the appropriate sequence of events prior to each hiring process. In addition, the Commission may determine that certain events will be added to or deleted from the following list:
- (1) Registration and receipt of application;
 - (2) Completed application returned to the City of South Bend;
 - (3) Written general aptitude test;
 - (4) Physical agility testing (CPAT);
 - (5) Oral interview;
 - (6) Eligibility list developed;
 - (7) Eligibility list certified by Merit Commission;
 - (8) Notification to applicant of conditional offer of employment for civilian recruit academy;
 - (9) Pre- and post-offer background checks;
 - (10) Approval through Indiana Public Retirement System (INPRS);
 - (11) Admission to civilian recruit academy; and
 - (12) Graduation from civilian recruit academy and swearing in.
- D. Receipt of Application.** With the application, applicants will receive a job description for a firefighter recruit and a notice detailing the hiring process.
- E. Return of Completed Application to the City of South Bend.** Any applicant who does not complete and/or submit the application within the time limits set by the Commission will not be allowed to continue with the hiring process.
- F. Written General Aptitude Test.** Applicants are required to take and pass a written general aptitude test reflecting essential functions of the job. The test date, place, and starting time will be announced in writing to each applicant; failure to complete may cause the applicant to be removed from the hiring process.
- G. Physical Agility Test.** Applicants must be able to complete a physical agility test. The Department shall send written notice to the applicant to be tested, stating the date, time and place the physical agility test will be conducted.
- H. Oral Interview.** Applicants will answer questions from an oral interview board composed of members as assigned by the Fire Chief or designee.
- I. Eligibility List.** Applicants who obtain passing scores as determined by the Department will be placed on a hiring eligibility list in order from highest to lowest as computed by scores resulting from the written exam (40%), CPAT (Pass/Fail)



and Interview (60%). The eligibility list shall be approved by the Commission. The hiring eligibility list prepared as a result of an applicant screening process shall be in effect for two years or until a new eligibility list is certified by the Commission, whichever occurs first.

- J. Background Checks.** The City of South Bend will conduct background checks of applicants to examine the applicants' character, habits, and reputation. Such a background check will be conducted after a conditional offer of employment has been extended.
- K. Indiana Public Retirement System (INPRS) Approval.** Those applicants receiving conditional offers of employment shall be required to take and pass a pension physical and psychological examination, the results of which are subject to review by the Local Pension Board and INPRS.
- L. Conditional Offer of Employment for Fire Recruit Academy.** In accordance with the applicable collective bargaining agreement, when staffing is insufficient, the Chief, with the approval of the Commission, shall make a conditional offer of employment to those on the certified hiring list, in order of ranking, for the purpose of providing initial training and obtaining initial certifications.
- M. Swearing In Ceremony.** Appointment to the Department as an active member of the Department will occur at the swearing-in ceremony. Every person appointed shall subscribe to and take the Oath of Office.
- N. Probationary Status.** Applicants hired as sworn firefighters will become employees of the City of South Bend, Indiana and will be members of the Fire Department. Members will remain on a probationary status for a period of one year after appointment and are subject to all the rules and regulations of the Department. Upon request of the Fire Chief stating that the conduct or capacity of the probationary Member is unsatisfactory, the Commission may dismiss any probationary Member of the Department, without hearing or right to appeal, so long as the request is delivered to the Commission within the Member's probationary period.
- O. Order of Seniority.** Members order of finish in the recruit academy shall be determined by academic, practical, and physical assessments, in addition to certification exams.
- P. Certification as Advanced Emergency Medical Technicians.** All members, upon becoming sworn firefighters, must become, at a minimum, an Advanced EMT (AEMT) as a condition of employment. The Fire Department will enroll the firefighter into an AEMT program, and the firefighter will have sixteen (16) months from the moment they enroll to obtain their AEMT certification. AEMT Certification must be maintained for the duration of their employment with the SBFD.
- Q. Certification of Paramedics.** Members hired as paramedics will also be required to have certification as a paramedic by the State of Indiana Emergency Medical Services Commission at the time of appointment, and to maintain certification for the period of time that they are functioning as a paramedic with the Department.



- R. **Joint Hiring Board.** The Fire Chief shall have the authority to enter into a joint hiring board process with other departments with the approval of the Commission.

SECTION III - PERFORMANCE EVALUATIONS

- A. **General and Job Specific Performance Evaluation.** The Department shall administer, at least once every six (6) months, both a General Performance Evaluation and a Job Specific Performance Evaluation for every member of the Department in accordance with I.C. 36-8-3.5-15, as amended.
- B. **Field Instruction.** A Field Instructor may be utilized to assess the performance of newly certified personnel.
- C. **Probationary Employees.** A probationary member shall receive an evaluation four (4) times during their probationary period. Evaluations shall be at the three-month, six-month, nine-month and eleven-month anniversary of their appointment as a sworn member.
- D. **Captains in Special Assignment (CISA).** Following a promotion to CISA, a member shall receive an evaluation at the following interval: at three (3) months, six (6) months, nine (9) months, and eleven (11) months after the date of promotion.
- E. **Appeal of Performance Rating.** The Commission will review any performance rating if a member files an appeal by sending to the Commission and the Fire Chief, within ten (10) days, a request for an appeal.

SECTION IV - PROMOTIONAL PROCESS

- A. Members participating in the Commission's promotional process shall be rated on selection criteria and testing methods developed by the Department and adopted by the Commission prior to the promotional process. The Commission shall determine the appropriate sequence of events prior to each promotional process. In addition, the Commission may determine that certain events or requirements (e.g., educational requirements, registration requirements, and assessment standards) will be added to or deleted from the promotional process.
1. **Promotional Ranks.** The only current promotional rank within the Department is the rank of Captain.
 2. **Job Description.** A written classification (job description) shall be included in the promotional announcement.
 3. **Eligibility, Education, and Experience Requirement.** The rank of Captain has prerequisites that must be met at to the first testing component of the promotional process is started. This requirement must be maintained for a candidate to remain eligible for the rank of Captain. Further, the requirements must be maintained in order for a promoted person to retain their rank. The education requirement is located in the South Bend Fire Department Career Development Manual (CDM). The Commission may substitute or amend any educational requirements with equivalent requirements from time-to-time.



B. Overview of Promotional Process. In accordance with I.C. § 36-8-3.5-13(a), the Commission has determined that the promotional process shall be comprised of the following components:

1. Weighted score components:

- i. Written examination (20%);
- ii. Professional Development Portfolio (20%);
- iii. In-Basket Exercise (20%);
- iv. Oral interview (20%);
- v. Performance Evaluations (10%);
- vi. Seniority (10%);
 - a. 8-10 yrs. = 0 points
 - b. 11-13yrs. = 2 points
 - c. 14-16 yrs.= 4 points
 - d. 17-19 yrs. = 6 points
 - e. 20-21 yrs. = 8 points
 - f. 22 yrs. and over = 10 points

2. Negative score adjustments to weighted score:

- i. Disciplinary Record (10%)
 - a. Any applicant with more than 10 points of credit lost as a result of discipline is automatically ineligible for entrance into the promotional process, as determined by the first day of the written testing component.
 - b. The discipline record will result in a deduction of up to 10 points.
 - c. Credit will be lost for each instance of discipline during the measurement periods. Credit will be lost according to the following schedule using the first day of the written testing component of the Promotion Process as the basis for calculations (*Note- a day of suspension is 8 work hours. Also, within any individual occurrence of discipline, when there has been both a written reprimand and a suspension, only the days of suspension will be counted and result in a loss of credit.*):

<u>Type of Discipline</u>	<u>Time Maintained in Personnel File</u>	<u>Credit Lost</u>
Oral	1 year (12 months or less)	1 point
Written	1 year (12 months or less)	3 points
	Over 1 year to 2 years	1 point
Suspension less than Fifteen (15) days	1 year (12 months or less)	8 points
	Over 1 year to 2 years	4 points
		2 points



	Over 2 years to 3 years	
Suspension of Fifteen (15) to Thirty (30) days	1 year (12 months or less)	10 points
	Over 1 year to 2 years	7 points
	Over 2 years to 3 years	5 points
	Over 3 years to 4 years	3 points
	Over 4 years to 5 years	1 point
Suspension of Thirty (30) days	1 year (12 months or less)	10 points
	Over 1 year to 2 years	9 points
	Over 2 years to 3 years	7 points
	Over 3 years to 4 years	5 points
	Over 4 years to 5 years	3 points
	Over 5 years and beyond	1 point

3. Pass/Fail Component.

i. **Strategic and Tactical Assessment Center.**

C. **Disqualification.** Candidate will not be eligible for consideration by the Commission if any of the following apply:

1. Candidate is late for any part of the promotional process,
2. Candidate fails the Strategic and Tactical Assessment Center, or
3. Candidate has a total of more than 10 points as a result of discipline by the first day of the written testing component.

D. **Written Examination.**

1. Assigned reading materials will be made available to all candidates. Electronic or print copies may be purchased by the individual. Candidates should make sure that the edition and title are the same as the assigned reading materials. Candidates for promotion shall be notified that the questions on the written test will be taken from the reading materials that are listed as assigned reading materials in the promotional announcement.
2. The specific dates, times, and locations for the exams will be published at least sixty (60) days prior to the exams. There will be two exam sessions, so that each candidate will be able to attend off duty.
3. With the exception of reasonable accommodations per the Americans with Disabilities Act, the Pregnant Workers Fairness Act, Line of Duty Injury and Military Leave, there will be no allowances for make-up testing. Candidates must arrange their schedules appropriately. Exceptions shall be made only at the discretion of the Commission.

E. **Oral Interview.** Structured oral interviews will be scheduled over a period of time starting after the written tests. The times and dates will be announced so that each candidate may attend the interview off duty. The structured oral interview is meant to assess a candidate's ability to respond to critical questions which may be posed by superiors and subordinates. The interview will be conducted by a



Promotional Interview Board comprised of senior officers from outside the Department.

- F. Assessment Center.** The assessment center exercises will occur at the same time as the oral interviews. These exercises include the Strategic and Tactical Assessment, the Professional Development Portfolio, and the In-Basket Exercise. The assessment center exercises may include presentations to the Board, oral interview exercises involving memos, group discussions, problem analysis, or simulated situations. This phase of the process examines the job-related behavioral tasks and job duties. The job-related tasks and duties will be those of the rank the candidate is competing to attain. The Promotional Interview Board that evaluates the oral interview will also evaluate the assessment center exercises.
- G. Performance Evaluation.** Only evaluations from 2025 forward will be included. The score will be based on the average evaluation score, based on the applicable evaluation matrix, of the most recent three (3) years.
- H. Independent Review.** The Commission may utilize an outside, independent agency to act on its behalf to construct, evaluate, administer, grade and report on the written test questions, the oral interview questions, and the assessment center evaluations. A Promotional Development Committee will be convened to review and approve written questions, oral questions and the assessment center exercise recommended by the outside agency.
- I. Appeal and Review Process.** After the results have been sent to each of the candidates, there will be a review session to allow each candidate to review the written questions and their own answers. All candidates will be allowed to submit written challenges on questions which appear on the written test. The challenges will be submitted to the Promotional Development Committee for action. If a problem is found with a question and the question is thrown out, the question will be thrown out for all candidates.
- J. Establishment of Promotional List.** After the review session is complete, the Promotional Development Committee and the outside agency, if any, shall tabulate scores for all candidates and shall submit them to the Commission. After the scoring process, the Commission shall establish a promotional list for each rank, ranking personnel on their respective list in order of their cumulative scores on all rating factors. The eligibility list is valid for a period of two (2) years pursuant to I.C. § 36-8-3.5-14, as amended.
- K. Voluntarily Declining a Promotion.** In the event a member is offered a promotion to a particular rank by the Commission and said member voluntarily declines the promotion in writing to the Fire Chief and the Commission within five (5) business days, that member will go to the bottom of the eligibility list for the particular rank. Declining a promotion without written notification to the Fire Chief and the Commission will result in removal from the eligibility list.

SECTION V – DISCIPLINARY ACTIONS

Either the Fire Chief or the Commission may take disciplinary action against a member of the Department. The policies and procedures for such disciplinary actions are more fully set forth according to the applicable Merit Law, as well as the adopted Discipline Matrix attached as Exhibit 1. The Merit Law disciplinary process may be found in I.C. § 36-8-3.5-



17, 18, and 19, as amended. The following is a summary of disciplinary actions:

- A. **Prefers Charges.** If the Fire Chief prefers charges against a member, the member may be entitled to request a hearing on the matter. The member may also have certain review/appeal rights for such disciplinary actions and there are important time limitations on such review/appeal rights.
- B. **Summary Disciplinary Action.** The Fire Chief may, without a hearing, reprimand or suspend a member without pay for a maximum of five (5) eight (8) hour working days. A member may have the right to request a review by the Commission to either uphold or reverse the Chief's decision.

SECTION VI - REHIRING OF PREVIOUS MERIT FIREFIGHTERS

- A. **Purpose.** It is the purpose of this policy to establish guidelines for the rehiring of former members of the Department who previously resigned from Departmental employment with no disciplinary action or proceedings pending.
- B. **Conditions of Rehiring.** Absent compelling circumstances, the following will apply as conditions of rehiring:
 - 1. The applicant must successfully complete the applicant requirements set forth in these Rules.
 - 2. The applicant will be solely responsible for repayment of any funds necessary for INPRS reinstatement.
 - 3. The rehired member shall be a "probationary firefighter" as defined herein.
 - 4. The rehired member shall achieve seniority based only upon the rehire date. Time in grade requirements for promotional processes shall begin with the member's rehire date.

SECTION VII - LATERAL HIRE REQUIREMENTS

- A. The Department, with notification to the Merit Commission, may choose to fill a vacant or new position with a lateral entry firefighter/EMT-B, lateral entry firefighter/AEMT or a lateral entry firefighter/EMT-P in any of the following instances:
 - 1. A recruit academy is not scheduled;
 - 2. New position(s);
 - 3. Retirement(s);
 - 4. Disability retirement(s);
 - 5. Military deployment(s) in conjunction with vacancies;
 - 6. Resignation(s) or Termination(s); or
 - 7. Any of the above in conjunction with vacancies.
- B. **Later Hire Criteria:**
 - 1. Prior experience as a full-time/career firefighter with a municipal fire



department;

2. A current member or someone who qualifies for membership in the 1977 Police Officers and Firefighters Retirement Fund;
3. City of South Bend Fire Department Employment Application;
4. Valid Driver's License;
5. Valid Indiana or National Registry EMT-Basic, Advanced EMT, or EMT-Paramedic certification;
6. Valid Indiana, ProBoard, or IFSAC Firefighter II certification;
7. Pre- and post-offer background checks;
8. Department deception (polygraph or CVSA) testing procedures;
9. Oral Interview; and
10. Successful Completion of Candidate Physical Abilities Test (CPAT).

C. Conditions for lateral hire candidates:

1. Candidate must have successfully completed all the requirements set forth in Section VII.B;
2. Candidate must complete all Department required training and orientation;
3. Candidate will be a probationary employee for a period of one (1) year from the date of becoming a sworn firefighter;
4. Candidate will receive one (1) year of service credit for every two (2) years of full time, sworn service from their previous municipal fire department for the purposes of vacation accrual and seniority;
5. Candidate will, at a maximum, be hired at the rank of First-Class Firefighter, based on 2:1 years of service obtained. Merit ranks from other departments will not be recognized at South Bend Fire Department;
6. For the purpose of applying for open positions and vacation picks, the Candidate's seniority begins at their sworn-in date, as determined by the Commission, with South Bend Fire Department;
7. For Primary Assignments and promotional purposes, all lateral hires must serve a minimum of three (3) years with the Department and a minimum of eight (8) years from their sworn date as determined by the Commission; and
8. If the candidate is a licensed paramedic, the candidate shall serve in that capacity for a minimum of five (5) years and must maintain ALS certification for the duration of employment.

D. Lateral List: The following condition(s) apply to maintaining a lateral list:

1. The Department may maintain a list of potential lateral hires for one (1) year with a six (6) month option to extend the list as approved by the Merit Commission. If necessary, the Department will advertise a new lateral process after a respective list expires.