

STAFFING MANAGEMENT GUIDELINES

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PURPOSE

The staffing management guidelines have been developed to assist the Field Operations Center (FOC) / Division Commanders with staffing Divisions / Sections within the Department. The following guidelines define the detailed procedures on the requesting, granting, or denying of leave, time off, and filling vacancies.

1. FUNDED FIELD STAFFING

1.1. SUPPRESSION

1.1.1. Battalion 1

Company	Minimum Staffing	Full Staffing
B-1	1	1
E-1	4	4
L-1	3	4
E-2	4	4
E-4	4	4
L-4	3	4
SQ-1	2 (Haz-Mat Techs)	2 (Haz-Mat Techs)
E-6	4	4
E-10	4	4
E-13	4	4
L-13	3	4
SQ-3	2(Haz-Mat Techs)	2 (Haz-Mat Techs)
Total	38	41

1.1.2. Battalion 2

Company	Minimum Staffing	Full Staffing
B-2	1	1
E-3	4	4
SQ-2	4 (HTR Techs)	4(HTR Techs)
E-5	4	4
L-5	3	4
E-8	4	4
E-11	4	4
E-12	4	4
Total	28	29

1.1.3. Battalion 3

Company	Minimum Staffing	Full Staffing
B-3	1	1
E-9	4	4

E-15	4	4
L-15	3	4
E-16	4	4
E-19	4	4
E-20	4	4
E-29	4	4
Total	28	29

1.1.4. Battalion 4

Company	Minimum Staffing	Full Staffing
B-4	1	1
E-17	5	5
E-7	4	4
E-14	4	4
E-18	4	4
E-21	4	4
L-21	3	3
E-27	4	4
Total	29	30
Total Staffing Levels	123	129

1.2. RESCUE

1.2.1. Battalion 1

Company	Minimum Staffing	Full Staffing
R-1	2	2
R-4	2	2
R-6	2	2
R-13	2	2
Total	8	8

1.2.2. Battalion 2

Company	Minimum Staffing	Full Staffing
R-3	2	2
R-5	2	2
R-11	2	2

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R-12	2	2
Total	8	8

1.2.3. **Battalion 3**

Company	Minimum Staffing	Full Staffing
R-9	2	2
R-15	2	2
R-16	2	2
R-19	2	2
R-20	2	2
R-29	2	2
QI	1	1
Total	13	13

1.2.4. **Battalion 4**

Company	Minimum Staffing	Full Staffing
R-7	2	2
R-14	2	2
R-18	2	2
R-27	2	2
Total	8	8
Total Staffing Levels	37	37

1.3. **City Minimum (Suppression and Rescue)**

Battalion 1	46
Battalion 2	36
Battalion 3	41
Battalion 4	37
Alarm Room	5 (NOT INCLUDED IN TOTAL)
Total	160

2. WORKING HOURS

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- 2.1. Members assigned to the field will be required to report for roll call at 8:00 a.m. Members assigned to support divisions shall report at the designated report time for their respective division.
- 2.2. When reporting for roll call, members must be in proper uniform with appropriate PPE on apparatus.
- 2.3. Roll call will be held promptly at 8:00 a.m.
- 2.4. When an incoming member is not present at roll call, his/her relief on the outgoing battalion may be required to remain on duty until the absent member arrives.
- 2.5. Members shall, before going off duty, acquaint their reliefs with all pertinent details of their tour of duty, turning over keys and equipment as necessary for the efficiency and benefit of the department.
- 2.6. If the company is out of quarters at the change hour, it shall be the duty of the officer of the incoming battalion to call roll, consult the fire alarm office, and ascertain if he/she and his/her crew should go to the fire event or remain in quarters. If the crew is needed at the fire event, the members present at roll call shall not wait for any tardy member, but shall leave immediately and report to the commanding officer. The outgoing battalion will be paid overtime until dismissed at quarters. Department vehicles will be used to transport crews if available and practical.
- 2.7. Overtime will be paid to the nearest tenth hour (4-6 minutes, one-tenth hour). If a member is called in to replace an on duty member whose shift is interrupted, he/she will be paid for the actual hours worked when shift is directly preceding or following overtime shift. If overtime shift is not directly preceding or following overtime shift member will be paid for a minimum of four (4) hour's of overtime.
- 2.8. If a member takes a portion of his/her shift as leave without pay, he/she will be docked for the time taken as leave calculated to the nearest one-tenth hour.
- 2.9. If a member takes a portion of his/her shift as sick leave, emergency leave, or injury leave, he/she will be docked for the actual time taken as leave, calculated to the nearest one-tenth hour.
- 2.10. Leaving during the shift on sick, emergency, or injury leave will necessitate keeping the Field Operations Center (FOC) and Battalion Commander apprised of when the member will return to duty.
- 2.11. Members on the oncoming Battalion that are in quarters and properly uniformed, when an alarm is received may respond in place of his/her relief on the outgoing Battalion if mutually agreed. No overtime or loss of pay is to result from this mutual agreement.

- 2.12. Members not present at the proper time, including those previously scheduled for overtime or those trading shifts, will be reported to the Battalion or Division commander as tardy. Members not present in quarters two hours after shift begins will be reported as AWOL and carried as such for the remainder of the shift. Unauthorized absence from work for a period of three consecutive working days shall be considered as an automatic resignation.
- 2.13. Members failing to report for duty at the proper time without notification approval will be carried as either tardy or AWOL.
- 2.14. Members assigned to the field and who are unable to report for work on time will notify the FOC or the EMS/Staffing Commander (934-8705) to indicate the reason for their tardiness or absence. If unable to contact either the FOC or the EMS/Staffing Commander, the member shall contact the Alarm Room to have the information relayed to the FOC. Members assigned to support divisions and who are unable to report at their designated times will contact their respective division head to indicate the reason for their tardiness or absence. If the member is unable to contact their division head, the member will contact the EMS / Staffing Commander to have the information relayed to their respective division head.
- 2.15. Delayed reporting for duty shall be logged.
- 2.16. On the third delayed reporting, the member shall be reported as tardy, regardless of the reason for being late.
- 2.17. The following table reflects the appropriate, though not limited to, actions for tardiness and AWOL violations in any 12-month period.

=====

VIOLATIONS IN ANY 12-MONTHS	TARDY	AWOL
1st	Logged	3-Day Suspension
2nd	Logged	10-Day Suspension
3rd	Logged	60-Day Suspension or Dismissal
4th	3-Day Suspension	
5th	10-Day Suspension	
6th	60-Day Suspension or Dismissal	

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- 2.18. The F.O.C. will notify the member's Battalion Commander/ and the EMS/Staffing Commander of the delayed reporting, tardy, or A.W.O.L. Any delayed

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reporting, tardy, and / or A.W.O.L. will be logged. Each shift carried as A.W.O.L. will be considered a separate offence.

3. VACANCY FILL IN PROCEDURES

3.1. FIELD PERSONNEL (Alarm Room, Suppression, and Rescue):

- 3.1.1 The daily roster will be set twenty-four (24) hours in advance and adjusted as needed by FOC personnel. The daily rosters will be completed for the next cycle prior to FOC personnel going off shift. All Fire Fighters will be placed into positions at the Fire Fighter and Driver ranks until all on duty Fire Fighters have been assigned. Additional personnel may be upgraded if above minimum staffing. Once staffing goes below minimum, remaining vacancies will be filled by overtime.
- 3.1.2 All members will accept upgrade to the next rank when directed, unless they have submitted a letter of refusal to act to the Fire Chief or designee. It is understood that members who refuse to act within one year prior to a promotional exam will not be eligible to participate in the promotional process. Members who wish to take promotional examinations but who have submitted letters indicating their intent not to act must rescind their letters in writing. A member who rescinds his / her letter will continue to be ineligible for a promotional examination until a period of one (1) year has elapsed from the date the letter was rescinded. All letters must be submitted to the Deputy Chief of Human Resources. Letters stating an employee’s intention not to act can be rescinded at any time during the year.
- 3.1.3 Pilot Program: Members with less than twelve (12) years shall be allowed to submit a letter of refusal to act as indicated above; however, this letter shall only be a request. A joint labor management committee shall be formed consisting of two Union appointees, two City appointees, and a fifth at large member selected by the other four members. The committee shall meet on a bi-weekly basis and shall interview members who have submitted refusal to act letters. The committee will approve or disapprove the refusal to act letters based on the justifications given by the member wishing not to act. The member shall not be required to act until the committee has rendered its decision, unless the failure to act would result in overtime that would not usually occur. In this event, the member would be required to act. The City and the Union agree to revisit and reevaluate this provision in May of 2007.
- 3.1.4 It is also understood that members on promotional lists will be directed to act and may be required to float to upgrade. Further exceptions to this provision may occur should both the City and the Union agree.
- 3.1.5 When staffing is above minimum, vacancies will be filled with promoted floaters first; then by upgrading promotional list fire fighters in list order; then by upgrading fire fighters who are eligible to act within the station based on the number of upgrade hours; then by upgrading fire fighters who are eligible to act within the Battalion

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based on the number of upgrade hours; and lastly by upgrading fire fighters who are eligible to act within the City based on the number of upgrade hours.

3.1.1.1. SUPPRESSION DIVISION:

3.1.1.1.1. If suppression staffing is above minimum (123 total; [4 person Engines, 4 person Heavy Technical Rescue Unit, 3 person Ladders, 2 person Hazardous Material Squads, and 4 Commanders]), the vacancy “fill in” procedure for each rank, not specifically in this order, will be as follows:

3.1.1.1.1. Battalion Commander:

3.1.1.1.1.1. A minimum of two (2) promoted Battalion Commanders and/or promotional list members must be on duty.

3.1.1.1.1.1.1. **Step 1:** Captains on promotional lists will be used in list placement order. “List placement” will take precedence over “in agency” upgrades for Captains that placed lower on the promotional list.

3.1.1.1.1.1.2. **Step 2:** After all promotional list Captains have been utilized, then Captains eligible to upgrade to Commander will be recommended based upon the total number of upgrade hours in agency. In station TUF will not be utilized for filling vacancies at the Commander level. “Vacancy fill in” recommendations will be made using pre-established rule sets. The list utilized for hire in this case is titled TUF. A Captain will temporarily upgrade for forty-eight (48) consecutive hours prior to the next Captain being recommended. Prolonged vacancies will be filled by promotional list Captains in list placement order. If no promotional list Captain is available, the vacancy will be filled by upgrading Captains who are eligible to upgrade.

3.1.1.1.1.2. Captain:

3.1.1.1.1.2.1. **Step 1:** Lieutenants on the promotional list will be used in list placement order. Rescue Lieutenants on the promotional list will move to the actual vacancy unit and the vacancy will be filled on the Rescue unless Rescue staffing cannot be met. If the Rescue Lieutenant must remain on the Rescue they will be paid upgrade to Captain and a Driver will be upgraded

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to Lieutenant. List placement will take precedence over “in station” upgrades for fire fighters that placed lower on the promotional list.

3.1.1.1.1.1.2.2. **Step 2:** After all promotional list Lieutenants have been utilized, Lieutenants eligible to upgrade to Captain at the station where the vacancy exists will be recommended, with the exception of the QI officer. “Vacancy fill in” recommendations will be made using pre-established rule sets. The list utilized for hire in this case is titled TUF. Vacancies not filled by promotional list Lieutenants will be filled by Lieutenants who are eligible to upgrade based on the number of upgrade hours, first by in-station upgrades; then by in-region upgrades; and finally by in-agency upgrades. A Lieutenant will temporarily upgrade for forty-eight (48) consecutive hours prior to the next Lieutenant being recommended. Prolonged vacancies will be filled by promotional list Lieutenants in list placement order. If no promotional list Lieutenant is available, the vacancy will be filled by upgrading Lieutenants who are eligible to upgrade according to the employees total hours spent in upgrade.

Note: Eligible Lieutenants may be required to upgrade to fill a vacancy not at their station.

3.1.1.1.1.1.3. **Lieutenant:**

3.1.1.1.1.1.3.1. **Step 1:** Promoted floaters will be utilized, first.

3.1.1.1.1.1.3.2. **Step 2:** Drivers on promotional lists will be used in list placement order. “List placement” will take precedence over “in station” upgrades for fire fighters that placed lower on the promotional list.

3.1.1.1.1.1.3.3. **Step 3:** After all “promotional list” Drivers have been utilized, then Drivers eligible to upgrade to Lieutenant at the Station with the vacancy will be recommended. “Vacancy fill in” recommendations will be made using pre-established rule sets. The list utilized for hire in this case is titled TUF. Vacancies not filled by promotional list fire fighters will be filled by fire fighters who are eligible to upgrade based on the number of upgrade hours, first by in-station upgrades; then by in-

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region upgrades; and finally by in-agency upgrades. A Driver will upgrade for forty-eight (48) consecutive hours prior to the next Driver in the station being recommended. Prolonged vacancies will be filled by promotional list firefighters in list placement order. If no promotional list fire fighter is available, the vacancy will be filled by upgrading fire fighters who are eligible to upgrade according to the employees total hours spent in upgrade.

Note: Eligible Drivers may be required to upgrade to fill a vacancy not at their station.

3.1.1.1.1.1.4. **Driver:**

3.1.1.1.1.1.4.1. **Step 1:** Promoted floaters will be utilized, first.

3.1.1.1.1.1.4.2. **Step 2:** Fire fighters on promotional lists will be used in list placement order. "List placement" will take precedence over "in station" upgrades for fire fighters that placed lower on the promotional list.

3.1.1.1.1.1.4.3. **Step 3:** After all "promotional list" fire fighters have been utilized, then fire fighters eligible to upgrade to Driver at the station with the vacancy will be recommended. "Vacancy fill in" recommendations will be made using pre-established rule sets. The list utilized for hire in this case is titled TUF. Vacancies not filled by promotional list fire fighters will be filled by fire fighters who are eligible to upgrade based on the number of upgrade hours, first by in-station upgrades; then by in-region upgrades; and finally by in-agency upgrades. A fire fighter will upgrade for forty-eight (48) consecutive hours prior to the next fire fighter in the station being recommended. Prolonged vacancies will be filled by promotional list fire fighters in list placement order. If no promotional list fire fighter is available, the vacancy will be filled by upgrading fire fighters who are eligible to upgrade according to the employees total hours spent in upgrade.

Note: Eligible Fire Fighters may be required to upgrade to fill a vacancy not at their station if there are no "floaters" that can upgrade.

3.1.1.1.1.1.5. **Fire Fighter:**

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3.1.1.1.1.5.1. **Step 1:** Unassigned Fire Fighters will fill vacancies at the Fire Fighter rank and Driver rank for upgrade if there are no qualified Fire Fighters in the station where a vacancy exists.

3.1.1.2. **Support Divisions**

3.1.1.2.1. **Step 1:** For upgrades in support divisions, upgrades will be filled according to promotional list placement order within the respective division.

3.1.1.2.2. **Step 2:** If no promotional list exists or all promotional list members have been upgraded, then the upgrade progression will start with the most senior member at the upgradeable rank and continue through the least senior member. The cycle will repeat itself as needed. Each upgrade cycle will last for 4 (four) continuous shifts, and will not exceed 40 (forty) hours without giving the next eligible member an opportunity to upgrade.

4. OVERTIME CHARGEABLE HOURS (ALL DIVISIONS)

4.1. Any member that is paid at an overtime rate will be charged the hours in their overtime totals. This includes “holdover and CTA”

4.2. Fire Fighters that sign up for overtime and subsequently refuse the overtime offer may be required to speak with the EMS/Staffing Commander stating the reason why the Fire Fighter did not update their sign up status. In addition, the hours may be charged to their respective overtime bank. Deadline for signing up or removing a sign up code is twenty-four (24) hours before the affected shift. Fire Fighters that cannot commit that early may still sign-up later and be considered for overtime caused by sick leave or other last minute vacancies. Overtime will generally be called according to the following schedule; however, during holidays, days with multiple vacancies, partial overtimes, and as otherwise needed, overtime may be called at different times.

4.3. **Overtime Call Times**

2000 (night before the shift): for the twenty-four (24) hour shift or a day shift

1400: for a night shift

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4.4. All Fire Fighters will retain their respective overtime hours, even if promoted to a different rank. Overtime hours will be zeroed out on January 1st of each year. The only time adjustment of overtime hours may be necessary is when a Fire Fighter moves from a support division into the field. Rejected partial overtime less than the four (4) hours will not be charged against an employee’s overtime bank. The employee that rejects a partial overtime may be considered for overtime that develops later in the shift.

4.5. SUPPRESSION OVERTIME:

4.5.1. Once available staffing goes below minimum (123 total; [4 person Engines, 3 person Ladders, 2 person Haz-Mat Squads, 4 person HTR Squad, and 4 Commanders]): upgrading will cease. Overtime will now be offered to members on signup lists. Overtime will be called according to the call times listed above to fill vacancies that are present at the time the calls are being made. Additional overtimes may be called in order to adjust to the changes in staffing, (i.e. unscheduled vacation, PTO, or sick leave).

4.5.1.1. **Step 1:** Call twenty-four (24) hour sign ups.

4.5.1.2. **Step 2:** If there are no more twenty-four (24) hour sign ups; the vacancy will be split into a ten (10)-hour shift and a fourteen (14) hour shift. The new overtime lists will be pulled with the new time frames. This will look at “in rank” fire fighters that were not able to sign-up for the entire twenty-four (24) hour shift.

4.5.1.3. **Step 3:** If the vacancy is still not filled, an on duty fire fighters will be upgraded (first by promotional list members in list placement order; then by members who are eligible to upgrade based on the number of upgrade hours, first by in-station upgrades; then by in-region upgrades; and finally by in-agency upgrades.) The overtime will be worked at the new vacancy.

4.5.1.4. **Step 4:** If after all attempts no replacement is found, the fire fighter where the vacancy exists will be held over.

4.6. RESCUE DIVISION TEMPORARY UPGRADE FIRE (TUF):

4.6.1. If rescue staffing is above thirty-seven (37) (2 person Rescues and 1 QIO):

4.6.1.1. All on duty qualified fire fighters are to be utilized in the Rescue Division prior to being considered as Suppression staffing, regardless of rank.

4.6.2. Rescue Vacancies:

4.6.2.1. **Step 1:** Promoted floaters utilized.

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4.6.2.2. **Step 2:** Promotional list fire fighters.

4.6.2.3. **Step 3:** Qualified Drivers will be upgraded to fill the Rescue Lieutenant vacancies if above minimum staffing.

4.6.3. **Quality Improvement Officer:**

4.6.3.1. If qualified on duty Paramedics are thirty-seven (37) or above:

4.6.3.1.1. **Step 1:** Qualified Captain promotional list members.

4.6.3.1.2. **Step 2:** Agency TUF

4.7. **PARAMEDIC OVERTIME:**

4.7.1. Fire fighters that sign up for overtime and subsequently refuse the overtime offer may be required to speak with the EMS/Staffing Commander stating the reason why the fire fighter did not update their sign up status. In addition, the hours may be charged to their respective overtime bank. Deadline for signing up or removing a sign up code is twenty-four (24) hours before the affected shift. fire fighter that cannot commit that early may still sign-up later and be considered for overtime caused by sick leave or other last minute vacancies. Overtime will generally be called according to the following schedule; however, during holidays, days with multiple vacancies, partial overtimes, and as otherwise needed, overtime may be called at different times.

4.7.2. **Overtime Call Times**

2000 (night before the shift): for the twenty-four (24) hour shift or a day shift

1400: for a night shift

4.7.3. **RESCUE DRIVER OVERTIME**

4.7.3.1. **Step 1:** In rank sign ups will be utilized.

4.7.3.2. **Step 2:** If sign ups for the twenty-four (24) hour shift run out, the vacancy will be split into a ten (10) hour shift and a fourteen (14) hour shift. New overtime lists will be pulled with the new time frames (this will look at “in rank” drivers that were not able to sign-up for the entire twenty-four [24] hour shift).

4.7.3.3. **Step 3:** If in rank sign ups run out, overtime will be offered to Paramedic Fire Fighters that have signed up for overtime (upgrade ET).

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4.7.3.4. **Step 4:** If vacancies still remain; the overtime will be offered to any qualified sign ups remaining regardless of rank. At times this may necessitate three (3) fire fighters working on the Rescue (Fire Fighters that do not act, probationary Fire Fighters etc.).

4.7.3.5. **Step 5:** If vacancies still remain; a “qualified” list will be pulled up and all fire fighters on the list will be called regardless of rank or sign up status. In the unlikely event the vacancy still exists;

4.7.3.6. **Step 6:** The fire fighter that does not have a relief will be held over.

4.7.4. PARAMEDIC LIEUTENANT OVERTIME

4.7.4.1. **Step 1:** In rank sign ups will be utilized.

4.7.4.2. **Step 2:** If sign ups for the twenty-four (24) hour shift run out, the vacancy will be split into a ten (10) hour shift and a fourteen (14) hour shift. New overtime lists will be pulled with the new time frames (this will look at “in rank” Fire Fighters that were not able to sign-up for the entire twenty-four [24] hour shift).

4.7.4.3. **Step 3:** If the vacancy still remains; check to see if there are signed up Paramedic Drivers that were not utilized. If there are Paramedic Drivers that have not been utilized, upgrade (using upgrade guidelines) and work a Paramedic Driver overtime.

4.7.4.4. **Step 4:** If vacancies still remain; a “qualified” list will be pulled up and all fire fighters on the list will be called regardless of rank or sign up status. At no time will a Rescue be without an officer or acting officer.

4.7.4.5. **Step 5:** If the vacancy still exists; the fire fighter that does not have a relief will be held over.

4.7.5. QUALITY IMPROVEMENT OFFICER OVERTIME

4.7.5.1. **Step 1:** In rank sign ups will be utilized.

4.7.5.2. **Step 2:** If sign ups for the twenty-four (24) hour shift run out, the vacancy will be split into a ten (10) hour shift and a fourteen (14) hour shift. New overtime lists will be pulled with the new time frames (this will look at “in rank” Fire Fighters that were not able to sign-up for the entire twenty-four [24] hour shift).

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4.7.5.3. **Step 3:** If the vacancy still remains; check to see if there are signed up Paramedic Lieutenants that were not utilized. If there are, then upgrade (using upgrade guidelines) and work Paramedic Lieutenant overtime.

4.7.6. **ALARM ROOM OVERTIME**

4.7.6.1. Alarm Room minimum staffing is five (5) at all times. Before going to overtime, upgrade all possible vacancies. Deadline for signing up or removing a sign up code is twenty-four (24) hours before the affected shift. Fire Fighters that cannot commit that early may still sign-up later and be considered for overtime caused by sick leave or other last minute vacancies. Overtime will generally be called according to the following schedule; however, during holidays, days with multiple vacancies, partial overtimes, and as otherwise needed, overtime may be called at different times.

4.7.6.2. **Overtime Call Times**

2000 (night before the shift): for the twenty-four (24) hour shift or a day shift

1400: for a night shift

4.7.6.2.1. **Step 1:** Call all qualified (rank is not considered) Fire Fighters assigned to the Alarm Room that has signed up. If the vacancy remains;

4.7.6.2.2. **Step 2:** Call qualified Fire Fighters that are assigned to the Alarm Room using the “qualified list” irrespective of sign up status and offer the overtime. If the vacancy remains;

4.7.6.2.3. **Step 3:** An on duty Fire Fighter will be held over.

5. FAIR LABOR STANDARDS ACT (FLSA)

5.1. Timesheets (printout) will be generated from Tele Staff as follows:

5.1.1. **Step 1:** Personnel access the FLSA report from their calendars. A red vertical line indicates the FLSA period. Personnel right click on the line.

5.1.2. **Step 2:** The FLSA reporting period comes up. Ensure that this is the desired reporting period.

5.1.3. **Step 3:** On the top left hand side of the report find a tab named “Exceptions”, click on this and an Exception report will come up. This is the report that will be printed and signed by the member and the Battalion Commander.

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5.1.4. **Step 4:** For every leave time exception a P-30 will be filled out and attached to the FLSA report. The member and the Battalion Commander will sign the P-30 form.

5.2. The Battalion / Division Commanders are responsible for ensuring that a report is submitted for all fire fighters under their command. The signed FLSA reports and P-30's are due in the Fiscal Office at Fire Department Headquarters six (6) days after the end of the FLSA period. Failure to turn in an FLSA report and / or P-30's may be cause for disciplinary action.

6. FLEX/COMP TIME PROCEDURE

6.1. Each flex or comp time register will reflect all time that is accrued or used, and will have the proper authorization signatures for all entries prior to being utilized. Each Battalion / Division Commander shall insure that all flex/comp time registers are correctly filled out prior to being submitted.

6.2. Flex/comp time balances that have already been entered into Telestaff may be utilized by simply contacting the FOC and advising them that you would like to use your available comp time hours in place of scheduled leave or unscheduled leave providing staffing levels permit. Flex/comp time leave does count against the sixteen (16) allotted vacation slots. Flex/comp time cannot be utilized in place of sick leave. Flex/comp time must be approved prior to being accrued.

7. SICK LEAVE UTILIZATION GUIDELINES

Sick leave is authorized for personal illness or injury to include doctor's appointments, sickness in family or legal quarantine.

7.1. SICK LEAVE ACCRUALS AND USAGE

7.1.1. Fire fighters and civilian employees shall accrue sick leave per their respective collective bargaining agreements. For employees not covered by a collective bargaining agreement, employees will accrue sick leave according to the Merit System Ordinance.

7.1.2. Provided the fire fighter /employee has an accrued sick leave balance, sick leave may be granted for absence from duty because of personal illness, illness of a spouse, domestic partner, son, daughter, or parent as these terms are defined in the Personnel Rules and Regulations, Section 401.11, L.

7.1.3. Sick leave will not be granted before it is accumulated.

7.2. REPORTING OFF SICK PERSONAL ILLNESS (SKP):

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7.2.1. Sick leave may be taken in ten (10) hour and/or fourteen (14) hour segments by personnel in the field. Personnel that wish to report off on sick leave must do so as soon as practical. The automated staffing service telephone numbers: 352-3382; 352-3383; 352-3384; 352-3385; 352-3386; 352-3387; and 352-3388.

7.2.1.1. **Step 1:** The non-working code must be entered in TeleStaff by 06:00 hours by the fire fighter via station computer or phone.

7.2.1.1.1. Personnel unable to enter the non-working code into the automated staffing system for any reason will notify the FOC to trouble shoot the problem.

7.2.1.2. **Step 2:** If the fire fighter is on shift the FOC will fill the vacancy immediately if below minimum staffing. The fire fighter will be required to remain off for the remainder of the shift unless an exception is granted by the Fire Chief or designee.

7.2.1.2.1. Fire fighters may or may not automatically appear on the roster for the next working shift depending on sick leave usage/restriction.

7.2.1.2.2. The Fire Chief or designee prior to the implementation of any type of restriction will advise the Fire Fighters of the restriction placed on him/her.

7.2.1.2.3. The FOC may enter the non-working code if staffing authority override is necessary (i.e.; too close to start of shift, fire fighter is on some type of sick leave restriction etc.). The fire fighter will automatically appear on the roster for any segment of time not specified by the employee when reporting off.

7.3. DOCTOR’S APPOINTMENTS:

7.3.1. **Step 1:** Fire fighters that have scheduled appointments during working hours must notify the FOC at least twenty-four (24) hours in advance.

7.3.2. **Step 2:** If staffing is above minimum a fire fighter will float to cover the short-term vacancy.

Note: At the discretion of the Fire Chief or designee, the fire fighter may be required to provide proper documentation. Fire fighters requesting a different type of Sick Leave must provide proper documentation prior to the chargeable time being changed (sick leave hospitalization, sick leave injury or sick leave FMLA etc.).

7.4. CERTIFICATION OF SICK LEAVE:

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7.4.1. Fire fighters absent from work where such absence is chargeable to sick leave will be required to complete and turn in a Request for Leave form (P-30), indicating the type of sick leave claimed and the dates of absence. Fire fighters/employees may be required to provide the fire department with a doctor’s statement certifying that the absence from work was due to illness or injury and the employee is now able to perform the essential functions of the job.

7.5. BEREAVEMENT LEAVE (SKE):

7.5.1. The Fire fighter may use a maximum of two (2) twenty-four (24)-hour shifts. Emergency leave may be used in case of death in the employee’s immediate family (spouse, domestic partner, mother, father children and/or stepchildren).

7.5.2. An additional twenty-four (24)-hour shift may be granted for every 500 miles traveled from Albuquerque one way required to attend funeral services. Additional emergency leave may be granted by the Fire Chief or designee on a case-by-case basis. Emergency vacation leave may be used in lieu of SKE.

7.5.3. Fire fighters/employees who make a false claim for sick leave, sign a certificate/statement containing a false statement, refuse to be examined by a doctor selected by the City, or fails to cooperate in any investigation by the City of their claim for sick leave shall not be entitled to any leave with pay for the time in dispute. Such actions are considered just cause for disciplinary action up to and including termination.

7.6. SICK LEAVE CLEARANCE:

7.6.1. **Step 1:** Fire fighters/employees returning after four (4) or more consecutive twenty-four (24)-hour shifts of sick leave must submit to the Human Resources Department a release from their personal physician.

7.6.2. **Step 2:** The Human Resources Department will then refer the fire fighter /employee to the City Clinic for a return to work clearance and certification that the fire fighter/employee is able to perform the essential functions of the job; however, nothing will prohibit the Fire Chief or his designee from requesting a sick leave clearance from fire fighter s/employees returning for a period of less than four (4) consecutive shifts of sick leave.

7.7. SICK LEAVE MONITORING

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7.7.1. Members will have their sick leave usage monitored. Members who use excessive sick leave in a rolling calendar year may be placed into the Sick Leave Management Program. This may impact their eligibility for trade of shift agreements, overtime opportunities, outside employment, etc. The Sick Leave Management Committee, comprised of management and Union representatives, will determine what is excessive or abusive sick leave usage.

7.7.1.1. Excessive Sick Leave Usage Days

7.7.1.1.1. The department has experienced excessive sick leave usage on certain days. As such, the following dates a fire fighter calls off sick will require a P-30 with the physician certification section completed by a health care provider.

- 7.7.1.1.1.1. January 1st
- Super Bowl
- Mother's Day
- July 4th
- Thanksgiving
- December 24th & 25th
- December 31st

7.7.1.1.1.2. **Step 1:** Fire fighter will submit the P-30, in person, to the Battalion Commander on duty at the FOC prior to being placed back on duty.

8. FAMILY AND MEDICAL LEAVE ACT

8.1. These rules and regulations are based on the provisions of the Federal Family and Medical Leave Act (FMLA) and will be administered consistent with the law, federal regulations and the definitions included in this section.

8.2. Job-protected leave may be taken for up to a total of twelve (12) workweeks in any twelve (12) month period because of:

- 8.2.1. The birth of a child and to care for the newborn child during the first year following birth,
- 8.2.2. The placement of a child with the employee for adoption or foster care during the first year following placement,
- 8.2.3. The employee's need to care for a child, spouse, domestic partner or parent with a serious health condition, or
- 8.2.4. The employee's inability to work because of a serious health condition.

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8.3. The City may require documentation of any family relationship on which leave request is based.

8.4. Eligibility

8.4.1. To be eligible for FMLA leave, an employee must have worked for the City twelve (12) months (or fifty-two [52] weeks if the work is intermittent) and must have worked 1,250 hours in the twelve (12) months preceding the date the FMLA leave will begin. FLSA-exempt employees who have worked for twelve (12) months are presumed to meet the hourly requirement. Paid and unpaid absences used in the twelve (12) months preceding the date the FMLA leave will begin is not counted toward the 1,250 hour total.

8.5. Types of FMLA

8.5.1. Birth Placement of a Child

8.5.1.1. An employee may take leave because of the birth or placement of a child with the employee. The right to family leave expires twelve (12) months after the birth or placement of a child with the employee.

8.5.2. Serious Health Condition of the Employee:

8.5.2.1. An employee may take medical leave for up to twelve (12) weeks for a medically certified temporary period of incapacity, illness or injury that is a serious health condition making the employee unable to work,

8.5.2.2. Medical leaves of absences for pregnancy, childbirth or related conditions are subject to the same eligibility, terms, and conditions as are applicable to leaves of absence for all other types of serious health conditions.

8.5.3. Serious Health Condition of a Family Member

8.5.3.1. An employee may take medical leave for up to twelve (12) weeks if the employee’s parent, spouse, domestic partner or child has a serious health condition and the employee is needed to care for the family member. An employee is “needed to care for” a family member when either physical or psychological care is needed. It included situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance, which would be beneficial to a child, spouse, domestic partner or parent with a serious health condition that is receiving in-patient or home care. The term also included situations where the employee may be needed to fill in for others who are caring for the

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family member, or to make arrangements for changes in care, such as transfer to a nursing home.

8.6. Intermittent Leave or Reduced Leave Schedule

8.6.1. When medically necessary due to an employee’s own serious health condition or to care for a serious ill child, spouse, domestic partner or parent of the employee, an employee is permitted an intermittent leave or a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period of time.

8.6.2. When leave is taken on an intermittent or reduced leave schedule, the leave may be measured in increments of not less than one hour and may last up to several weeks. A reduced leave schedule reduces an employee’s usual number of hours per workweek and/or per workday. For intermittent leave or leave on a reduced leave schedule, there must be a medical need for the leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule.

8.6.3. When FMLA leave is used for reason where intermittent leave or reduced leave schedules are not medically necessary, an employee may request such a schedule. The department director has the discretion to approve or deny the request.

8.6.4. An employee must work with the department director to establish a mutually satisfactory treatment schedule that does not unduly disrupt business and meets the employee’s or the patient’s medical needs. If an employee fails to consult with the department director the employee may be requested to reschedule treatments, subject to the approval of the health care provider.

8.7. Employee Notice of Leave

8.7.1. As with any type of leave, an employee must give advance notice requesting leave and obtain approval, except in emergencies. An employee must give at least thirty (30) days written notice before leave starts. If thirty (30) days notice is not possible, notice is not possible, notice is expected as soon as practical. “As soon as practical: means at least verbal notice within two (2) business days of learning of the need for leave followed by written confirmation. If an employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the department director may deny the taking of leave until at least thirty (30) days after the date of the employee provided notice.

- 8.7.2. Request for leave must be submitted on a Request for Leave of Absence form. The department director or designee will determine if the leave qualifies for family/medical leave. It is the employee's responsibility to provide enough information, including the reason for requesting leave, so that the department director can make this determination.

8.8. City Notices to the Employee

- 8.8.1. The department director will notify the employee within two (2) workdays, if feasible, of the approval/disapproval of their FMLA request.
- 8.8.2. The department director will also within two (2) workdays, if feasible, notify the employee of the designation of the absence as FMLA even if the employee had not requested such leave. If the department director learns the absence is for an FMLA qualifying purpose the director may retroactively designate the leave as FMLA leave. The department director will give notice within two (2) workdays, if feasible, of learning the reason for the leave.
- 8.8.3. The City may make a preliminary designation of leave as FMLA qualifying if medical certification was not provided prior to the beginning of leave, or if the employee is waiting for a second or third medical opinion.
- 8.8.4. The City may designate leave, which has already been taken.

8.9. Required Medical Certification

- 8.9.1. An employee who requests leave for their own or an eligible family member's serious health condition must provide a medical certification from a health care provider on a form supplied by the City. Where FMLA leave is foreseeable and thirty (30) days notice has been provided, an employee must provide a medical certification before leave begins. In other cases, the medical certification must be provided within fifteen (15) days after the City requests medical certification or the employee advised their supervisor of the need for the FMLA absence. The employee is responsible for any expense connected with the medical certificate. Failure to provide the required medical certificate(s) may result in a delay or denial of family or medical leave.
- 8.9.2. The City has the right to require, at its own expense, a second medical opinion and to select the health care provider. If the second opinion and the original certificate conflict, the City has the right to require a third opinion by a health care provider on whom the City and the employee agree. The third opinion is final and binding.
- 8.9.3. If the City designates paid or unpaid leave as FMLA leave, without the employee's request for FMLA leave, the employee may dispute this designation by supplying a medical certificate from the health care provider.

8.9.4. The City may request additional medical certificates at reasonable intervals during family medical leave, but no more often than every thirty (30) days, unless the reason for or duration of the leave changes.

8.10. **Restrictions**

8.10.1. If both the husband and wife or domestic partner work for the City, they may take only a combined total of twelve (12) weeks in any twelve (12) month period for the birth or placement of a child, or to care for a parent (not a parent-on-law) who has a serious health condition.

8.10.2. Family leave should be taken consecutively unless other arrangements are made with the department director.

8.11. **Substitution of Paid Leave**

8.11.1. Employees must use accrued sick leave. After accrued sick leave is exhausted, the employee may use vacation or unpaid leave. Donated leave, hardship leave, or injury time, excluding light duty, will be charged to FMLA leave.

8.11.2. City recognized holidays that occur during an employee's FMLA leave will be counted as FMLA leave.

8.12. **Rights and Responsibilities While on Leave**

8.12.1. During paid FMLA leave, sick and vacation leave will continue to accrue and will be prorated if appropriate. Sick and vacation leave will not accrue during any unpaid FMLA leave.

8.12.2. The City will continue to pay its share of insurance premiums while the employee is on paid leave; however the employee will be responsible for the full payment of insurance premiums while on unpaid leave for a full pay period or longer. The City has the right to recover premiums it paid if the employee does not return to work after the leave.

8.12.3. Employees on unpaid FMLA leave will not pay PERA for that period of unpaid leave not will the employee receive service credit during the unpaid leave for retirement purposes.

8.12.4. While on FMLA leave, an employee must contact the supervisor, by telephone, at least every four (4) weeks to report on their status and intention to return to work at the end of the leave. If the circumstances of the employee's leave changes and the employee is able to return to work earlier than anticipated, the employee must notify the supervisor at least two (2) workdays before the date the employee intends to report to work.

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8.13. Return to Work after FMLA

8.13.1. Position

8.13.1.1. An employee, except for a key employee, returning from FMLA, has the right to return to their former position if the employee is able to perform the essential functions of the job, or they may be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

8.13.1.2. The City reserves the right to deny reinstatement to key employees where such denial is necessary to prevent substantial and grievous economic injury to the City’s operations. The determination of whether an employee is a key employee will be made at the time the employee gives notice of the need for leave or at the time the City designates leave as FMLA leave. Key employees will be notified of the City’s intention to deny reinstatement as soon as a determination is made that injury would occur. In the event a key employee decides not to return to work from unpaid leave, the employee will remain on leave for the balance of the leave period and then be terminated.

8.13.2. Benefits

8.13.2.1. If an employee does not return to work after the leave entitlement has expired, the employee may be required to reimburse the City for any health insurance premiums paid by the City during the period the employee was on family or medical leave if the failure to return to work is not due to the continuation, recurrence, or onset of the serious health condition entitling the employee to leave or other circumstances beyond the employee’s control. An employee shall provide certification from the health care provider supporting a claim if inability to return to work for health reasons.

8.13.3. Release

8.13.3.1. Employees returning to work from a serious health condition must submit to the Human Resources Department a release from their personal physician. The Human Resources Department will refer the employee to the City Health Clinic for a return to work clearance and certification that the employee is able to perform the essential functions of the job with or without accommodations. If an employee requires an accommodation under ADA a request must be submitted in accordance with Section 308.

8.14. Prohibitions and Enforcement

8.14.1. FMLA makes it unlawful for an employer to:

8.14.1.1. Interfere with, restrain, or deny the exercise of any right provided under FMLA; and

8.14.1.2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

8.14.2. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

8.14.3. The US Department of Labor is authorized to investigate and resolve complaints of violations of FMLA.

8.14.4. An eligible employee may bring a civil action against an employer for violation.

8.15. **Record Keeping Requirements**

8.15.1. Departments are responsible for providing written notice to the employee who is absent from work for a serious health condition (to handle Workers Compensation claims) that their time away from work counts toward their FMLA entitlement.

8.15.2. Departments must keep records of the dates and duration of leave taken under FMLA entitlement. FMLA records, which contain medical information, such as FMLA certification, Request for Leave forms, and written communications, must be maintained separately from other personnel and payroll records.

8.16. **FMLA Definitions**

8.16.1. **Immediate Family:**

8.16.1.1. **Spouse** – husband or wife as defined or recognized under New Mexico law.

8.16.1.2. **Domestic Partner** – an individual who lives in a long-term relationship of indefinite duration who meets all criteria established by the City and has filed an affidavit of domestic partnership with the Human Resources Department, Insurance and Benefits Division.

8.16.1.3. **Son or Daughter** – a biological, adopted or foster child, stepchild, a legal ward, or a child for who the employee (Fire Fighter) has intentionally assumed the obligations of the parental relationship, such as daily care and financial support without going through the formalities of adoption, who is under the age of eighteen (18), or is eighteen (18) years of age or older and is incapable of self-care because of a mental or physical disability.

- 8.16.1.4. **Parent** – the biological parent of an employee (Fire Fighter) or an individual who intentionally assumed the obligations of the parental relationship, such as daily care and financial support, without going through the formalities of adoption when the employee was a child. This term does not include parents-in-law.
- 8.16.2. **FMLA Leave** – Paid or unpaid leave taken for a reason provided for by the Federal Family and Medical Leave Act.
- 8.16.3. **Health Care Provider**
- 8.16.3.1. Doctors of medicine or osteopathy; or
- 8.16.3.2. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to subluxation correction); or
- 8.16.3.3. Nurse practitioners, nurse-midwives and clinical social workers that are performing within the scope of their practice as defined by state law; or
- 8.16.3.4. Christian Science practitioners; or
- 8.16.3.5. Any health care provider recognized by the City or its health care plans.
- 8.16.4. **Serious Health Condition** – an illness, impairment, or physical or mental condition that involves:
- 8.16.4.1. In-patient care in a hospital, hospice or residential medical care facility, or subsequent treatment in connection with inpatient care; or
- 8.16.4.2. Incapacity for more than three (3) consecutive days involving treatment two (2) or more times by a health care provider, by a provider of health care services (e.g., nurse, physicians assistant, physical therapist) under the direction of a health care provider, and any subsequent incapacity or treatment related to the same condition.
- 8.16.4.3. **Pregnancy** – any period of incapacity due to pregnancy or prenatal care; or
- 8.16.4.4. A chronic condition that continues over an extended period of time, and that may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.) requiring periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under the supervision of a health care provider; or

- 8.16.4.5. A permanent or long-term period of incapacity due to a condition for which treatment may be limited such as Alzheimer's disease, severe stroke, or the terminal stages of a disease; or
- 8.16.4.6. A period of absence to receive multiple treatments by a health care provider (or to recover from treatment), or by a provider of health care services, either for restorative surgery after an accident or injury, or for
- 8.16.4.7. A condition that would likely result in a period of incapacity of more than three (3) consecutive shifts in the absence of treatment such as chemotherapy, radiation therapy, or dialysis.
- 8.16.5. **Family Leave** – leave taken because of the birth or placement of a child with the employee.
- 8.16.6. **Medical Leave** – leave taken because of the employee's (Fire Fighter's) own serious health condition or to care for a spouse, domestic partner, child or parent if they have a serious health condition.
- 8.16.7. **Key Employee (Fire Fighter)** – a salaried, FMLA eligible employee (Fire Fighter) who is among the highest paid 10% of all the employees (Fire Fighter) of the City.
- 8.16.8. **Twelve (12) month period** – the twelve (12) months immediately preceding the beginning of each new FMLA leave.

9. SICK LEAVE MANAGEMENT PLAN

9.1. Sick Leave Management Plan Review Board

- 9.1.1. While it is recognized anyone may have a year with multiple illnesses resulting in multiple sick leave absences, it is unacceptable for employees to have continuous years with increased sick leave usage without documented medical conditions of sufficient severity to explain the absence patterns. In order to maintain department wide sick leave usage at an acceptable level, the Fire Chief has established a Sick Leave Management Plan Review Board.
- 9.1.2. **The Purpose of the Sick Leave Management Plan Review Board**
 - 9.1.2.1. To administer the Albuquerque Fire Department Sick Leave Management Plan in a fair and equitable manner.
- 9.1.3. **Make-up of the Sick Leave Management Plan Review Board**

- 9.1.3.1. The Sick Leave Management Plan Review Board will consist of five (5) members: two members selected by the Fire Chief; two members selected by the Union; and one member selected at-large by the other four members.
- 9.1.3.2. Upon selection of the board, the members of the board will select a Chairperson.
- 9.1.3.2.1. **Responsibilities of the Chairperson**
- 9.1.3.2.1.1. Oversight of meetings
- 9.1.3.2.1.2. Scheduling of subsequent meetings
- 9.1.3.2.1.3. Providing in writing to each member in the Sick Leave Management Plan decisions made by the board concerning his / her case.
- 9.1.3.2.1.4. Providing a written report to the Fire Chief detailing the decisions made by the board concerning each individual in excess of 66.99 % sick leave usage. This report will also be forwarded to all Battalion / Division Commanders, the Fire Operations Center, and to each member of the Sick Leave Management Plan Review Board.
- 9.1.4. The Sick Leave Management Plan Review Board will receive from the department payroll division monthly sick leave usage reports for all department members whose percentage of sick leave usage exceeds 66.99 % of the annual sick leave accrual. This percentage is based on personal sick leave absences (SKP) in a rolling calendar year. Absences involving Sick Leave Emergency (SKE), Sick Leave FMLA (SKFM), Sick Leave Injury (SKI), and Sick Leave Hospitalization (SKH) are exempt and will not be included in the sick leave usage percentage. It is the responsibility of each employee to properly code the type of leave taken on the P-30 Form. Suspected fraudulent uses of SKE, SKFM, SKI and / or SKH will be investigated. Any member found to have fraudulently used SKE, SKFM, SKI and / or SKH will be subject to disciplinary action.
- 9.1.5. The Sick Leave Management Plan Review Board will meet every other month to determine the appropriate step for each individual in excess of 66.99 % of the annual sick leave accrual. The Sick Leave Management Plan Review Board will provide in writing to each member in the Sick Leave Management Plan the decision of the board with respect to his /her case. In addition, this information will be relayed to the Fire Chief, the Fire Operations Center, and to the respective Commander in charge of each member in the Sick Leave Management Plan. All members in the Sick Leave Management Plan will be required to provide a doctor's release for each sick leave absence until exiting the Sick Leave Management Plan. Members decreasing their usage and decreasing into a lower step or exiting the program altogether will be given a congratulatory letter for decreasing their usage.

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9.2. Certification of Sick Leave

9.2.1. Each individual is responsible to provide proper documentation and forward this documentation to the AFD Fiscal Section via his / her Chain of Command. All Requests for Leave of Absence (P-30) Forms will be forwarded to the Fiscal Section via his / her Battalion / Division Commander as per Staffing Management Guidelines, Directive 1, titled “P-30 Submission Processing.”

9.2.2. Employees must provide the Fiscal Section with a signed P-30 with the Physician Certification section completed, under the following conditions:

9.2.2.1. Members in the Sick Leave Management Plan who report off on any type of sick leave, including Sickness in the Family.

9.2.2.2. Members reporting off for Sick Leave Emergency (SKE), FMLA (SKFM), Injury (SKI), Hospitalization, (SKH) and Sick Leave Unpaid, (SKU)

9.2.2.3. Members reporting off for Sick Leave Personal Illness (SKP) for three (3) or more consecutive shifts.

9.2.3. The Fire Department may request documentation from employees for absence of less than three (3) shifts for any reason as outlined in the Collective Bargaining Agreement and the Personnel Rules & Regulations. Employees found to be in non-compliance with the sick leave usage policy may be placed in a non-pay status for the time period claimed as sick leave and the disciplinary process may be initiated.

9.2.4. Employees are required to cooperate in all City investigations. Employees who utilize sick leave when not sick, refuse to be examined by a doctor selected by the City, fail to cooperate in any investigation by the City concerning an employee’s utilization of sick leave, or sign a certificate containing a false statement, shall not be entitled to any leave with pay for the time in dispute. Such actions are considered just cause for disciplinary action up to and including termination.

9.3. Step Program

9.3.1. Step 1: Sick Leave Usage between 67.00 % up to and including 83.99 %

9.3.1.1. The Sick Leave Management Plan Review Board will issue a Step 1 Notification Letter to the employee via the employee’s supervisor. The employee’s supervisor will hold a conference with the Fire Fighter to identify possible issues and or to take corrective measures. The supervisor will send to the Sick Leave Management Plan Review Board a receipt signed by the employee indicating that the employee has been notified of his / her sick leave usage.

9.3.1.2. **Step 1 Restrictions**

9.3.1.2.1. Required to provide a P-30 form with the Physician Certification section completed for each sick leave absence.

9.3.2. **Step 2: Sick Leave Usage between 84.00 % up to and including 99.99 %**

9.3.2.1. The Sick Leave Management Plan Review Board will issue to the employee via the employee's Battalion / Division Commander a Step 2 Notification Letter with restrictions placed on the employee indicated. The Battalion / Division Commander will conduct a second conference with the Fire Fighter. The Union may be in attendance to assist with an improvement plan. The Commander will send to the Sick Leave Management Plan Review Board a receipt signed by the employee indicating that the employee has been notified of his / her sick leave usage and of the restrictions placed on the employee.

9.3.2.2. **Step 2 Restrictions -- includes the Step 1 restriction in addition to the following restrictions:**

9.3.2.2.1. Request for Permission to Engage in Outside Employment (P-3 Form) may be denied or revoked.

9.3.2.2.2. Fire Fighter may be ineligible for Modified Light Duty from an off-the-job injury.

9.3.2.2.3. Fire Fighter shall be required to report off to the EMS / Staffing Commander or Deputy Chief of Human Resources.

9.3.3. **Step 3: Sick Leave Usage of 100.00 % and above**

9.3.3.1. The Sick Leave Management Plan Review Board will issue to the employee via the employee's Battalion / Division Commander a Step 3 Notification Letter with restrictions placed on the employee indicated. . The Battalion / Division Commander will conduct a third conference with the Fire Fighter. The Union may be in attendance to assist with an improvement plan. The Commander will send to the Sick Leave Management Plan Review Board a receipt signed by the employee indicating that the employee has been notified of his / her sick leave usage and of the restrictions placed on the employee.

9.3.3.2. **Step 3 Restrictions -- includes all previous restrictions given in Step 1 and 2 in addition to the following restrictions**

- 9.3.3.2.1. May be referred to Employee assistance program
- 9.3.3.2.2. May be Ineligible for Comp time usage or accrual
- 9.3.3.2.3. May be ineligible for shift exchanges
- 9.3.3.2.4. May be ineligible for transfers
- 9.3.3.2.5. May be placed in a leave without pay status for sick leave over utilization
- 9.3.3.2.6. May be subject to disciplinary action
- 9.3.3.2.7. May be ineligible for overtime
- 9.3.3.2.8. May be recommended for complete fitness for duty examination

9.3.3.2.8.1. Employees who are sent for a complete physical examination will have the results evaluated by the Employee Health Physician and the Human Resources Deputy Chief. If a medical problem surfaces which may contribute to an employee's absence, the Fire Department will make every effort to aid the employee with his or her identified condition. If it is determined that the employee is physically fit, disciplinary action may be taken.

9.3.3.2.9. May be ineligible for unscheduled vacation requests.

9.3.3.2.10. May be reassigned and will be ineligible to bid for one year.

Note: Any supervisor that is in the Sick Leave Management Plan is prohibited from conducting sick leave counseling sessions with their subordinates. The counseling session will revert to the supervisor's immediate supervisor.

9.4. Appeals

9.4.1. Appeals of Decisions Made By the Review Board

9.4.1.1. Any member who disagrees with the decision of the Sick Leave Management Plan Review Board in his / her case may request in writing to schedule an appointment to come before the board and argue his / her case. While the appeal is being heard, the member will remain in the Step initially indicated by the Review Board.

9.4.1.2. After the appeal is heard, the Review Board will render a decision to the appealing member in writing.

9.4.1.3. If the appealing member is not satisfied with Review Board's decision, he / she may request in writing to the Fire Chief to have the decision of the Review Board reviewed. This appeal must be made within ten (10) calendar days of the receipt of the written decision. Failure to request the hearing in a timely manner will forfeit the member's opportunity to appeal and the decision of the Review Board is final and is not grievable.

9.4.2. Appeals to the Fire Chief

9.4.2.1. Upon receipt of an appeal, the Fire Chief will review the case and decide whether or not to hear the appeal. The Fire Chief will render in writing the decision to hear or deny the appeal. An appealing member cannot grieve the decision by the Fire Chief not to hear an appeal. While the appeal is being heard, the member will remain in the Step initially indicated by the Review Board.

9.4.2.1.1. If the Fire Chief decides not to hear the appeal, the decision of the Review Board is final and is not grievable.

9.4.2.1.2. If the Fire Chief decides to hear the appeal, the notice granting the appeal will indicate the date, time, and location the member is to come before the Fire Chief to argue his / her case.

9.4.2.2. The Fire Chief will render a decision in writing to the appealing employee. This decision of the Fire Chief is final and is not grievable.

10. INJURY ON THE JOB (ALL AFD PERSONNEL):

10.1. Employee is injured or has suffered an occupational disease in the performance of their duties.

10.1.1. **Step 1:** Employees are to report all on-the-job injuries to their supervisors immediately after the occurrence.

10.1.2. **Step 2:** The supervisor shall report all injuries utilizing the "Supervisor's Injury Investigations Report".

10.1.3. **Step 3:** Employee shall report to City Employee Health Center, Room B06 with the above paper work, Monday through Friday from 7:00 a.m. and 5:00 p.m. (except Holiday's and or after hours).

10.1.4. **Step 4:** If the fire fighter will not be returning to full duty, the Officer will notify the FOC so the vacancy can be filled.

10.1.5. **Step 5:** If required, the fire fighter will fill out the “Notice of Accident” form (pursuant to chapter 52 NMSA 1978 section 52-1 29) to receive Workmen’s Compensation. Employee Health usually provides this form.

10.2. **Injuries occurring after hours/or on holidays (for the hours between 5:00 pm and 7:00 am, Holidays and weekends)**

10.2.1. **Step 1:** For injuries occurring after hours or during holidays, the employee shall report to the contract hospital Emergency Room

10.2.2. **Step 2:** If emergency medical treatment is required, report to the contract hospital. Then the employee should report to the City Employee Health Center the following workday.

10.2.3. **Step 3:** If the fire fighter will not be returning to full duty, the Officer will notify the FOC so the vacancy can be filled.

Note: Employee may not return to work without clearing through the Employee Health Center.

10.3. **If exposed or possibly exposed to airborne or blood pathogens while on duty.**

10.3.1. **Step 1:** Report the exposure to immediate supervisor, QI Officer or Designated Safety Officer. Refer to Fire Ground Operating Guidelines (exposure control plan 410.01).

10.3.2. **Step 2:** If the fire fighter will not be returning to full duty, the Officer will notify the FOC so the vacancy can be filled.

10.4. **LIGHT DUTY**

10.4.1. **Step 1:** Employees who are released for Light Duty shall report to Fire Headquarters immediately after being released or if after normal working hours, on the next business day at 8:00 a.m.

10.4.2. **Step 2:** The FOC shall be notified so that the employee’s time may be properly coded and the employee placed on a new work schedule.

10.4.3. **Step 3:** The Fire Timekeeper will enter the days and/or hours and initial the P-30.

10.4.4. **Step 4:** A Deputy Chief or Fiscal Manager will sign the P-30.

10.4.5. **Step 5:** The Timekeeper will ensure the P-30 is hand carried to the Risk Management Division and City payroll before 12:00 noon on Tuesday of the pay week.

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11. ADMINISTRATIVE LEAVE

- 11.1. Chief Administrative Officer (CAO) approval must be obtained prior to placing an employee on administrative leave.
- 11.2. **Loaned Executive Request:**
 - 11.2.1. Administrative leave with pay may be authorized for a loaned executive.
 - 11.2.1.1. **Step 1:** A written request for a loaned executive must be submitted to the Chief Administrative Officer, which includes the period of time, direct benefit to the City, and the specialty or expertise requested.
 - 11.2.2. The City will negotiate the terms and conditions of the loaned executive including salaries, benefits and operating expenses.
 - 11.2.3. Requests for a loaned executive will be for a period not to exceed six (6) months, however, the Chief Administrative Officer may extend the term under exceptional circumstances.
 - 11.2.4. The loaned executive will prepare and submit a report of accomplishment to the Chief Administrative Officer and department director upon completion of the assignment.
- 11.3. Administrative leave with pay may be authorized by the Chief Administrative Officer for services or activities of employees outside the scope of their employment, which can reasonably be anticipated, directly or indirectly, to benefit the City. Such leave will not exceed eighty (80) hours.
- 11.4. An employee may be placed in administrative leave status during the period of an investigation.
 - 11.4.1. Such leave may be given with or without pay for good and sufficient reason that the Chief Administrative Officer considers to be in the best interest of the City service.
 - 11.4.2. Administrative leave during an investigation shall be limited to thirty (30) workdays. Administrative leave in excess of fifteen (15) workdays shall require approval by a committee composed of the Director of the Human Resources Department, the Director of the Office of Employee Relations and the City Attorney or their designees. During this period of time, the Chief Administrative Officer may assign the employee duties and responsibilities that are of benefit to the City.

12. LEAVE WITHOUT PAY (LWOP)

12.1. LWOP FOR MORE THAN 2 WEEKS TO 1 YEAR

12.1.1. Permanent employees may be granted leave without pay under certain conditions. Employees may be granted leave without pay for a period not to exceed one (1) year due to sickness or disability when certified by a qualified doctor or medicine, osteopathy or podiatry, or to run for non-city public office or for additional vacation time or for good and sufficient reason which the Mayor or designee considers to be in the best interests of the City.

12.1.1.1. **Step 1:** Submit your request to the Mayor via the Fire Chief to be approved / disapproved.

Note: Employees do not accrue sick leave or vacation leave, or any other benefits while on leave without pay. Employees must pay contributory benefits directly when on a non-pay status. Employees may not withdraw PERA contributions when on leave without pay status.

12.2. LWOP 2 WEEKS OR LESS

12.2.1. **Step 1:** Submit your request to the Fire Chief to be approved / disapproved.

12.2.2. **Step 2:** The Fire Chief will notify the requestor if their request is approved/disapproved.

Note: Employees may not be granted leave without pay as an extension of physical layoff. Except under unusual circumstances, voluntary separation to accept employment outside the City service shall be considered by the Mayor or designee as insufficient reason for granting a leave of absence without pay.

12.3. References:

12.3.1. **Personnel Rules & Regulations, 402.3, Leave Without Pay**

12.3.2. **Merit System Ordinance, Section 2-1-18, Leave Without Pay**

12.3.3. **IAFF Local 244 Contract, Article 18, Leave Without Pay**

12.3.4. **AFSCME Local 624 Contract, Section 26, Leave Without Pay**

12.3.5. **AFSCME Local 2962 Contract, Section 27, Leave Without Pay**

13.ON DUTY, JURY DUTY AND SUBPOENAS

13.1. **Step 1:** Notify your supervisor and the FOC once you have been subpoenaed or selected for Jury Duty.

- 13.2. **Step 2:** Employees shall forward a copy of the summons to Fire Headquarters and the FOC as soon as possible after being served.
- 13.3. **Step 3:** The FOC will adjust the employee's work schedule accordingly, to accommodate a fire fighter on jury duty.

Note: Employees who are called to serve on jury duty during normal work hours shall be paid at the regular pay for the time served as a juror.

- 13.4. Employees shall reimburse the City for all compensations received for such service performed during normal work hours.

13.5. **Subpoena Of Personnel On Behalf Of The City**

- 13.5.1. Employees appearing in court on behalf of the City or at the request of the District Attorney on issues arising as a direct result of actions taken while in the performance of their duties, will do so on pay status.

Note: When the subpoena is served on behalf of the City, District Attorney, the State of New Mexico or any of its agencies, no witness fee need be tendered.

- 13.5.2. Employees appearing in court as witnesses for a private citizen and/or organization must not accept the subpoena without being given a check for their appearance.

- 13.5.2.1. It is imperative that a witness fee check be attached at the time of service of the subpoena. Demand must be made for such check when the subpoena is served or the right to the check is waived.

- 13.5.2.1.1. The check should be in the amount provided by statute for witness fees. This amount is presently \$75.00 per day in state courts as set forth in Section 10-8-4 and Section 38-6-4 NMSA.1978, and \$40.00 per day in federal courts as set forth in 28 USC Section 1821.

- 13.5.2.1.2. The witness fee should include mileage fees for testimony in courts not located in Albuquerque. The mileage fee is based on the mileage rate for state and federal courts. (Witness fees are subject to change by the Legislature.)

13.6. **When a Fire Fighter is Subpoenaed**

- 13.6.1. **Step 1:** Contact your supervisor and the FOC once you are subpoenaed.

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13.6.2. **Step 2:** If the substance of the testimony concerns the employee’s functions as an employee of the City, the employee shall return the check to his/her department director and utilize City time for such testimony.

13.6.3. **Step 3:** The FOC will schedule the Fire Fighters to be off.

13.6.3.1. If such testimony is required on a day the employee would not otherwise be expected to work for the City, such check may be retained by the employee with no further reimbursement due from the City, (i.e., no overtime to be charged, etc.).

13.6.3.2. If the hearing is cancelled and the employee subsequently is required to appear on duty time, the employee will be required to take vacation time or return the amount of the check to the City.

13.7. Depositions/Interrogatories

13.7.1. **Step 1:** Fire fighters will contact City Legal at 768-4697 and the Deputy Fire Chief to advise them of the deposition. City Legal will determine if they need to be present.

13.7.1.1. When a subpoena is served for depositions or interrogatories on behalf of the City, District Attorney, the State of New Mexico or any of its agencies, no witness fee need be tendered.

13.7.1.2. Employees who receive subpoenas for depositions or interrogatories on behalf of private citizens and/or organizations shall not accept the subpoena, unless the witness fee check is attached at the time of service of the subpoena.

13.7.2. **Step 2:** If the deposition/interrogatory is scheduled on a workday the fire fighter will notify the FOC so a replacement can be found. The witness fee will be turned over to the City via the AFD Fiscal Manager.

Note: The guidelines for disposition of payment and utilization of City time for such testimony shall be the same as for employees appearing in court as witnesses.

13.8. Metropolitan Court

13.8.1. “Notice of Hearing: is used to notify Fire Department personnel to appear at the Metropolitan Court as a result of the issuance of citations.

13.8.2. A supervisor or Field Commander may accept the “Notice of Hearing” and hand carry it to the appropriate person named on the notice.

13.8.3. This notice does not require a witness fee.

13.8.4. Reporting for Duty Upon Completion of Testimony:

13.8.4.1. The guidelines established for reporting the duty upon completion of jury duty shall be the same for employees summoned by subpoena.

13.9. Federal Court:

13.9.1. Rule 4 of the Federal Rules of Civil Procedure was amended February 1983 to provide for service by mail of summonses and complaints filed in the Federal Court.

13.9.1.1. **Step 1:** Included with the summons and complaint is an acknowledgement for service by mail, which must be signed by the party served and returned to the person indicated immediately. If this acknowledgment is not returned within twenty (20) days of receipt, the City may be liable for costs of serving the summons and complaint.

13.9.1.2. **Step 2:** Any lawsuit received shall be forwarded to a Deputy Chief and the Litigation Division of the Legal Department immediately. In Federal suits, there are only twenty (20) days to file an answer; therefore, time is of the essence. Contact the City Attorney's office if you have any questions.

13.9.1.3. References:

13.9.1.3.1. **CAO'S Policy and Procedure Manual; Section 2-4-2 (c).**

13.10. ACCEPTANCE OF SERVICE

13.10.1. CIVIL CASES

13.10.1.1. Only the employee named on the subpoena in a civil case will accept service of the subpoena.

13.10.1.2. Civil case subpoenas will not be accepted by an employee unless the \$75.00 state fee or \$40.00 federal fee is attached and is made out to the employee as provide by state law pending claim or suit.

13.10.1.3. **Step 1:** If the case will be heard on a workday, notify the FOC so that a replacement can be found. The witness fee must be turned over to the City via the AFD Fiscal Manager.

13.10.2. Civil Cases Involving the Employee, the Department, or the City.

13.10.2.1. **Step 1:** If the civil case is one which involves the pending claim or suit against the employee, department, or City, or if the employee believes there may be potential liability, the employee shall notify the Litigation

Division of the Legal Department and an AFD Deputy Chief within twenty four (24) hours.

13.10.2.2. **Step 2:** The Deputy Chief will notify the Fire Chief.

13.10.3. **References:**

13.10.3.1. **CAO's Policy & Procedure Manual; Section 2-4-2 (C)**

14. CITY BUSINESS – WORK OFF-SITE, (WOS)

14.1. City Business is defined as: Travel outside the municipal area for the purpose of: training, (other than scheduled/Fire Academy training), Union Business, and miscellaneous business as determined by the Fire Chief. WOS designation used for accountability of time while on duty or as a representative of the Albuquerque Fire Department.

14.2. PROCEDURES FOR IN-STATE OR OUT-OF-STATE CITY BUSINESS:

14.2.1. **Step 1:** Prepare the request for City Business Form and obtain the Program Manager's approval. City employees will attached a signed P-30 for City Business for Fire Chief's approval/disapproval.

14.2.2. **Step 2:** The approved/disapproved request for City Business Form and P-30 (if applicable) for City Business will be forwarded by the Program Manager to the Training and Safety Program Manager for review.

14.2.3. **Step 3:** The Training Program Manager will forward the request and P-30 with leave hours completed (if applicable) for City Business to the Fire Chief, with a recommendation based on staffing, scheduling and department needs.

14.2.4. **Step 4:** When the request and P-30 are signed and approved/disapproved (if applicable) by the Fire Chief the Original will be forwarded to the Travel Coordinator in the Fiscal Division.

14.2.5. **Step 5:** The Travel Coordinator will notify the Program Manager that the request for City Business was approved or disapproved. The approved request will be processed and the Travel Coordinator will notify the employee. The disapproved requests will be returned to the Program Manager who will notify the employee.

14.2.6. **Step 6:** The Travel Coordinator will call to make reservations for a hotel room and obtain a confirmation number and provide a map to the hotel. The Fiscal Manager will call to confirm the hotel location and confirmation number.

14.2.7. **Step 7:** The Travel Coordinator will prepare the Travel Authorization Form for the travel arrangements. The Form will then be forwarded to the City Accounting

Department. The Travel Coordinator will notify the employee when and where to pick up the airline tickets or gas card.

14.3. Travel Advance:

14.3.1. The City Business Form must reach the Travel Coordinator's office three (3) weeks prior to any travel. Allow the appropriate time for Step 1-4 to be completed prior to the three (3) week deadline. Only 75 percent of the hotel and per diem cost is paid in advance and is mailed to the employee's home address. Each employee receiving an advance is personally obligated to reimburse the City for any unspent advanced funds.

14.4. Reimbursement Due to the City:

14.4.1. Submit all the travel receipts to the Coordinator within two (2) weeks of completing travel. If not, the full amount of the advance and a \$15.00 penalty will be deducted from the employee's next payroll check.

14.5. Reimbursement Due To The Employee:

14.5.1. Submit all receipts within two (2) weeks of completing the travel to the Travel Coordinator. The Coordinator will submit the original travel reimbursement form and receipts to the City Accounting Division for reimbursement.

14.6. Overtime will not be paid for training or the City Business that necessitates the travel in or out of state. Prior to city Business the time will be worked out on a shift-for-shift basis. Example: City Business is to be conducted Monday through Friday and requires one full day of travel on Sunday. This equals six (6) total shifts. The member is on –A– Shift and is scheduled to work on Monday and Tuesday. This equals four (4) shifts. The difference is two (2) shifts owed the member; these shifts will be scheduled off immediately prior to or immediately after the City Business.

14.7. Hotel Rooms

14.7.1. The employee will need to guarantee the room accommodations with their own Credit Card. It is important the employee set up the arrival and departure dates to insure the availability of the hotel. The City will not allow the use of the Diners Credit Card for hotel guarantees.

14.8. Long Distance Calls

14.8.1. Employee's may call a family member or loved one while traveling on City Business. Personal calls will limit to one (1) call per day. Calls shall be limited. The actual cost not to exceed \$10.00 per call per day. Business calls for local or long distance required to conduct official City Business are allowable. All business calls will be reimbursed based on the hotel or personnel phone bill receipt. A notation must

be made by the traveler, on the receipt, indicating who was called and why this was for official city business.

14.9. Mileage Reimbursement

14.9.1. Mileage will be per mile. □ reimbursed for in state or out-of-state travel at .325 Mileage is determined by an Official State road map. Mileage will be paid not to exceed the amount of a round trip airfare.

14.10. Trip Cancellation

14.10.1. The Fire Department employee will be responsible for any penalties or service fees charged, due to a trip cancellation made by the employee. Please make arrangements accordingly.

14.11. National Fire Academy

14.11.1. Pursuant to current policy regarding stipend contracts in conjunction with the National Fire Academy, travel request will be treated as follows:

14.11.1.1. Meals expenditures for attendees will continue to be absorbed by the Albuquerque Fire Department.

14.11.1.2. Airline fares will be paid for initially by the Albuquerque Fire Department.

14.11.1.3. All reimbursement checks made to the employees by the National Fire Academy will to be turned in to the Albuquerque Fire Department Fiscal Division immediately upon receipt.

14.12. CHIEF ADMINISTRATIVE OFFICER PRIOR APPROVAL IS REQUIRED FOR:

14.12.1. Three (3) or more employees on in-state or out-of-state travel.

14.12.2. Out-of-United States travel.

14.12.3. Out-of-State travel with a City vehicle.

14.13. CITY BUSINESS QUESTIONS:

14.13.1. Contact the AFD Travel Coordinator or the Training and Safety Program Manager.

15.SCHEDULED VACATION (VCFM)

The following rules and regulations shall apply to vacation:

15.1. Vacation schedules shall be governed by seniority in grade for Drivers, Lieutenants, Captains and Commanders. Time on the department shall determine seniority for Fire Fighters. The bidding will be city wide on shift (16 slots total for the field).

15.2. Field Quotas: (in any combination - up to four [4] Paramedics can be off, the QIOs do not count against the Paramedic restriction)

Commanders	1
Captains	1
Lieutenants	3
Drivers	4
FF	7

15.3. The first vacation period will run from April 1, of current year, through March 31, of following year ("first bid"). All requests for the first vacation period bidding will be turned in to each respective Battalion Commander by March 15 and awarded by March 31. The Union and the Administration will collectively organize and conduct vacation bids for the city. A second round of bidding will be held for the unused vacation slots ("second bid"). The second bid paperwork must be turned in by April 15 and will be awarded by April 30.

15.4. Division Commanders will be responsible to organize and conduct vacation allotments for their respective division. Vacation requests will be prepared on the official AFD Vacation Request Form that is currently in use. The FOC shall enter the vacation bid results into TeleStaff by March 31 ("first bid"). The second round bid awards for the spring and fall periods will be entered into TeleStaff by April 30.

15.5. A copy of the first bid vacation awards will be forwarded to the four (4) battalions by April 1 so that personnel may see what is available for the second round bidding.

15.6. VACATION PROCEDURE

15.6.1. **Step 1:** Starting with the officers all ranks first Vacation Request; first choice will be approved or denied following the quota by rank.

15.6.2. **Step 2:** After all first vacation requests first choice have been approved or denied, any unfilled vacation slots may be filled by rank and seniority regardless of the quota (exception: the Rescue quota of four (4) will remain in effect).

15.6.3. **Step 3:** The second choice will only be processed if first choice was denied.

15.6.4. **Step 4:** Follow the same procedure outlined in Step 1, 2, and 3 for all vacation requests.

15.6.5. **Officers, Drivers and Fire Fighters may schedule up to five (5) total scheduled vacation periods between the “first” and the “second” bids.**

15.7. **SCHEDULED VACATION QUOTAS FOR:**

15.7.1. **Fire Prevention Bureau:**

15.7.1.1. The Fire Prevention Bureau may schedule up to three (3) members, regardless of rank, for vacation.

15.7.2. **The Alarm Dispatch Section:**

15.7.2.1. The Fire Communications Division may schedule one (1) member, regardless of rank, to go on vacation.

15.7.3. **The Training Division**

15.7.3.1. The Training Division may schedule members, regardless of rank, to be on vacation as long as it does not impact service delivery.

15.7.4. **The Arson Section:**

15.7.4.1. The Arson section may allow one (1) person on scheduled vacation.

15.7.5. **Fire Department Headquarters:**

15.7.5.1. The Fire Chief may schedule members, regardless of rank, to be on vacation as long as it does not impact service delivery.

15.7.6. **Technical Services**

15.7.6.1. The Technical Services Division Commander may schedule members, regardless of rank, to be on vacation as long as it does not impact service delivery.

15.7.7. **Fire Alarm Divison:**

15.7.7.1. Schedule one (1) fire fighter per shift, regardless of rank to go on vacation at one time, but not from the same shift.

15.7.7.1.1. Vacation requests for scheduled vacation shall be submitted to the Alarm Room Division Commander to allow for time periods requested as long as they do not fall on scheduled training dates either at the Fire

Academy or the Alarm Room unless prior arrangements have been made to attend the scheduled training.

15.8. **EMERGENCY VACATION (EV):**

15.8.1. Emergency vacation will be granted by the EMS/Staffing Commander. Any time EV is granted, the Deputy Chief of Operations and the Deputy Chief of Human Resources will be notified. In the case that the EMS/Staffing Commander cannot be contacted, a Deputy Chief may grant the vacation. For the purposes of emergency vacation, an emergency is defined as “unforeseeable circumstances beyond the control of the fire fighter; a pressing need that demands his/her absence away from his/her place of employment; and when time does not allow or it is not practical for the fire fighter to trade time with another fire fighter in order to be off duty. Overtime may be granted to allow a member to go on EV. Documentation of the emergency may be required of individuals who are granted EV.

15.9. **VACATION CHANGES:**

15.9.1. Vacations once assigned will not be changed without the approval of both the fire fighter and the EMS/Staffing Commander.

15.9.2. The FOC will enter the awarded scheduled vacation into the calendars of all members assigned to the respective shifts and or divisions.

15.9.3. **Trading Scheduled Vacation:**

15.9.3.1. Fire fighters may trade scheduled vacation on a one for one basis. A written request must be sent to the EMS/STAFFING Commander for approval.

15.9.4. **Canceling Scheduled Vacation**

15.9.4.1. Fire Fighters may cancel vacation if done twenty-four (24) hours prior to the start of the shift. The advanced canceling may be done in twenty-four (24)-hours, fourteen (14)-hours, or ten (10)-hour segments.

15.10. **Unscheduled Vacation (UV):**

15.10.1. Vacation slots that are left unused or canceled will be granted as unscheduled vacation. UV shall be granted on a “first come – first served” basis, regardless of rank and will be granted in twenty-four (24)-hour day, fourteen (14) hour night, or ten (10)-hour increments. Overtime will not be allowed for the purpose of granting a member unscheduled vacation above the sixteen (16) approved. The EMT-P maximum of 4 of the 16 vacation slots maybe exceeded if on duty paramedic staffing permits.

Note: Fire fighters will only be allowed one request on the books at one time. The limit will be forty-eight (48) continuous hours (one cycle). The FOC may grant the vacation as

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soon as its requested if the slots are open. **Unscheduled vacation requests may not be submitted more than ninety (90) days in advance.**

15.10.1.1. **Step 1:** Fire fighters wishing to request Unscheduled Vacation will contact the FOC to ascertain availability.

15.10.1.2. **Step 2:** The FOC will grant the Unscheduled Vacation if criteria are met.

Note: If all sixteen (16) slots are taken and the staffing is still above minimum additional vacation may be granted up to minimum staffing. These additional slots will not be granted earlier than two (2) hours prior to shift start.

15.11. **SHORT TERM PERSONAL TIME OFF (PTO)**

15.11.1. Eligible fire fighters (not on sick leave restriction) may be allowed twelve (12) hours per year of personal time. The year is defined as January 1 to December 31. No short-term personal time off will be granted on paid holidays. There is no borrowing from the next year and there is no carry over. Short-term personal time off will be granted up to the point when no replacement can be found. This will be chargeable to vacation. **NO EXCEPTIONS.** No short-term personal time off will we granted between the hours of 2200-0600, unless approved by the Deputy Chief of Operations.

15.11.1.1. **Step 1:** Fire fighters that are requesting a portion of their twelve (12) hours will contact the FOC at least two (2)-hours in advance. This will allow for filling the vacancy ahead of time and possibly lessening the chance of holding over. If the portion of the shift is in the middle of the cycle and no relief (overtime or floater) can be found the unit will be kept in service and the request will be denied.

15.11.1.2. **Step 2:** Fire fighters can consider the request approved when the FOC notifies them that a replacement has been found.

Note: Fire Fighters are responsible for ensuring that they do not exceed the allotted amount of Short Term Personal Time Off.

15.12. **MARRIAGE LEAVE**

15.12.1. Emergency unscheduled vacation shall be granted for up to two (2) shifts if the employee is getting married. One (1) shift shall be granted for marriages in the employee’s immediate family, which, will be defined as children/step children.

16.MILITARY LEAVE

16.1. Paid military leave will be authorized for permanent employees who are members of any organized reserve unit of the armed forces of the United States. The maximum

allowable time will be 528 hours per year. Any requests for additional Military leave will be directed to the Fire Chief for approval. The time will be coded as MLWOP or vacation. Requests for additional time will be submitted in writing to the Fire Chief no later than two (2) weeks prior to the requested leave date. The Fire Chief or designee will respond to the Fire Fighter in a timely manner and notify the FOC of the status of the request.

- 16.1.1.1. **Step 1:** Fire Fighters reporting off to fulfill Military obligations will fax or deliver a copy of the orders to the FOC as soon as practical. No leave will be granted with out orders (prior to the leave). Military orders must have the employee's name, date and time frame noted on the official orders for leave to be approved. Hand writing name onto a general office memo does not meet the above criteria.

17.UNION NEGOTIATION LEAVE

- 17.1. The Executive Board, in writing to the Fire Chief, will designate four (4) bargaining unit members. These members will have their schedules temporarily changed to meet the schedule for negotiations. If there are short-term meetings they will be place on City Business (WOS) for the meeting and the vacancy will be filled appropriately. The Fire Chief must approve this type of leave prior to it being granted.

18.SHIFT EXCHANGE

- 18.1. Trade Time off (TTO), and Trade Time Work (TTW) remains between individual Fire Fighters.
- 18.1.1. **Step 1:** The Firefighter that will be off will enter the trade into Telestaff. The Fire Fighter will specify the replacement in Telestaff and ensure that the replacement is displayed on their individual history reports. If it is not, contact the FOC for troubleshooting.

Note: An employee off on leave that requires clearance to report back to work is unable to have another employee work a trade for them (i.e., Administrative leave, injury on the job, personal leave without pay).

18.2. NO PRIOR APPROVED AGREEMENT

- 18.2.1. Fire Fighters that enter erroneous trades into Telestaff may be subject to discipline. In the event a vacancy is created due to an unfulfilled shift exchange agreement, the following procedures will be followed:

- 18.2.1.1. **Step 1:** The FOC will be notified immediately of a vacancy created due to an unfulfilled shift exchange.
- 18.2.1.2. **Step 2:** The FOC will hold over the individual who has not been relieved due to the unfulfilled shift exchange. The individual held over will be compensated at his/ her overtime rate. This individual will be held over until a relief can be found.
- 18.2.1.3. **Step 3:** The FOC will attempt to contact the personnel involved in the shift exchange agreement to determine the reason for the absence.
- 18.2.1.4. **Step 4:** If there is a dispute over whether a shift exchange was mutually agreed to by both parties for the shift in question, an investigation will be conducted to determine which Firefighter will incur liability for the shift.
- 18.2.1.5. **Step 5:** Upon completion of the investigation, the Firefighter found to be at fault may face disciplinary action and will be docked according to the provisions of the Union contract governing shift exchange.

Note: The Department will incur no cost for missed shift exchanges (trades).

19.BID FOR POSITION POLICY

- 19.1. The bid award system will be used to assign personnel according to seniority, specialty, and / or training. The bid assignment will be for a period of two years. There will be three separate selection processes that will award field vacancies beginning with the rank of Firefighter; the selection process for the rank of Driver will follow; the selection process for the Officers (Lieutenants, Captains and Commanders) will conclude the bid process.

19.1.1. Key Points

- 19.1.1.1. To assist fire fighters during the process, fire fighters may access the Union website @ <http://www.iaff244.org/> to get a visual of the remaining vacancies.
- 19.1.1.2. Vacancies that occur after the bid process concludes shall be awarded through promotion.
- 19.1.1.3. Fire fighters who wish to participate in the process and know they will be unavailable to be contacted shall be allowed to submit to the Deputy Chief of Human Resources a list of desired vacancies -- prioritized with the most desirable choices at the top of the list progressing to the least desirable at the bottom of the list. This request must be time stamped at Fire Administration at

least one (1) day prior to the start of the process for their respective rank. During the process, the Deputy Chief of Human Resources will award to a fire fighter submitting a written list of choices the highest remaining vacancy. If none of the choices requested are available, the fire fighter shall be bypassed and the process will proceed with the next most senior fire fighter.

- 19.1.1.4. Fire fighters who choose not to participate in the process or who fail to make a selection during the process shall be assigned a position by the Deputy Chief of Human Resources after the bid process has concluded.
- 19.1.1.5. After bid process concludes, Field Commanders may request in writing to move personnel within their respective divisions to address personnel problems and / or needs. The Deputy Chief of Human Resources will approve / disapprove such moves.
- 19.1.1.6. Personnel assigned to support divisions will be allowed to participate in the process; however, their movement into field vacancies may be delayed or denied based on training of replacement personnel. Support division vacancies may be filled by a joint labor / management interview process or by assignment.
- 19.1.1.7. Each Specialty Division Program Coordinator (Haz-Mat, HTR, Wild Land and Paramedic) shall provide to the Administration and to the Union a list of firefighters with department recognized specialties. **This list shall be published at least fifteen (15) days prior to the beginning of the process.** The Specialty Division Program Coordinator, in conjunction with the Administration and the Union, will settle disputes concerning qualifications and assignments within specialty divisions. For specialty divisions, members with department recognized training shall have priority over personnel without training. For like trained personnel, seniority shall be the deciding factor.
- 19.1.1.8. The most current AFD Seniority list for each respective rank will determine the seniority of individuals within each rank. Disputes involving seniority will be decided by a joint labor / management decision.

19.1.2. Process

- 19.1.2.1. **Step 1:** Fire fighters on the specialty certification lists (i.e. Haz-Mat, HTR, and Rescue) will be offered field vacancies within their respective specialty divisions according to their seniority. Each fire fighter will be contacted by telephone and given a list of all remaining vacancies within his / her specialty division. It is the fire fighter's responsibility to have the correct contact information in telestaff and to be available to be contacted during the designated bid process. If the selection committee attempts to contact a member by telephone, the committee shall wait for a maximum period of ten minutes for the member to contact the committee. If the time limit is surpassed,

the next most senior fire fighter will be contacted and given a list of all remaining vacancies remaining within his / her specialty division. After the committee makes contact with a fire fighter, the fire fighter will have a maximum period of five minutes to make his / her decision. If the time limit is surpassed, the next most senior fire fighter will be contacted and given his / her choice. Fire fighters who are bypassed may contact the selection committee at any time and receive the position of his / her choice of all remaining vacancies within their respective specialty. Exceptions will be made for members who are on duty and unable to be contacted by the committee. A fire fighter may opt to leave a specialty division; however, their movement into field vacancies may be delayed or denied based on the amount of trained replacement personnel, the amount of time in the division, and / or seniority. A fire fighter who is allowed to opt out will be placed in seniority order with the rest of the non-specialty area trained personnel and will be offered vacancies in field assignments according to seniority. Once a member has selected a position during the bid process, the member may not change his / her selection.

19.1.2.2. **Step 2:** Fire fighters without department recognized specialties and / or fire fighters opting out of specialty divisions will be offered according to seniority all remaining field vacancies, including vacancies within specialty divisions. Each fire fighter will be contacted by telephone and given a list of all remaining vacancies. It is the fire fighter's responsibility to have the correct contact information in telestaff and to be available to be contacted during the designated bid process. If the selection committee attempts to contact a member by telephone, the committee shall wait for a maximum period of ten minutes for the member to contact the committee. If the time limit is surpassed, the next most senior fire fighter will be contacted and given a list of all remaining vacancies. After the committee makes contact with a fire fighter, the fire fighter will have a maximum period of five minutes to make his / her decision. If the time limit is surpassed, the next most senior fire fighter will be contacted and given his / her choice. Fire fighters who are bypassed may contact the selection committee at any time and receive the position of his / her choice of all remaining vacancies. Exceptions will be made for members who are on duty and unable to be contacted by the committee. Untrained fire fighters who select a position within a specialty division, or who are forced into a position within a specialty division, shall attend the next available certification class for the division. Once a member has selected a position during the bid process, the member may not change his / her selection.

19.1.2.3. **Step 3:** A memo will be put out at the end of each rank specific process indicating the award of positions and the duty dates of the personnel. This procedure will be followed until all vacancies at all ranks are filled or personnel have been assigned.

20.REQUIRED CERTIFICATIONS

- 20.1. **ACADEMY SUPPRESSION INSTRUCTOR**
 - 20.1.1. FIRE INSTRUCTOR ONE (IFSAC) ALL INSTRUCTORS
- 20.2. **EMS INSTRUCTORS**
 - 20.2.1. EMT INSTRUCTOR/COORDINATOR (EMSA)
 - 20.2.2. ACLS or PALS INSTRUCTOR (AHA) or EQUIVELANT
- 20.3. **FIRE MARSHAL'S OFFICE**
 - 20.3.1. INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS FOR FIRE INSPECTOR
- 20.4. **ARSON**
 - 20.4.1. NEW MEXICO LAW ENFORCEMENT ACADEMY
- 20.5. **ALARM ROOM**
 - 20.5.1. EMERGENCY MEDICAL DISPATCHER
 - 20.5.2. EMERGENCY FIRE DISPATCHER
 - 20.5.3. STATE FIRE COMMUNICATOR
- 20.6. **TECHNICAL SERVICES**
 - 20.6.1. A PLUS CERTIFICATION