

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

LOCAL 1703 OF THE INTERNATIONAL :  
ASSOCIATION OF FIREFIGHTERS, AFL-CIO, :  
*Plaintiff,* :

vs. : C.A. No. 23-

THE TOWN OF TIVERTON and THE :  
TIVERTON FIRE DEPARTMENT, :  
*Defendants.* :

**VERIFIED COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

**INTRODUCTORY STATEMENT**

1. This is an action for injunctive and declaratory relief filed by the plaintiff, Local 1703 of the International Association of Firefighters, AFL-CIO, (“the Union” or “Local 1703”), the recognized bargaining agent for Tiverton Firefighters, against the Town of Tiverton (“Town”). This action is predicated on the Town’s enactment of a social media policy on October 12, 2023 , and is claimed by Local 1703 to violate its rights under the first amendment to the United States Constitution to comment on matters of public concern, and of its right to association, both in violation of 42 U.S.C. § 1983.

**JURISDICTION**

2. This Honorable Court has jurisdiction over the plaintiff’s claims of

constitutional violations, as asserted under 42 U.S.C. § 1983 under the provisions of 28 U.S.C. § §1331 and 1343, respectively.

### **PARTIES**

3. The plaintiff, Local 1703 of the International Association of Firefighters, AFL-CIO, is the recognized bargaining agent for members of the Tiverton Fire Department up through the rank of Battalion Chief.

4. The Town of Tiverton is a municipal corporation organized under a charter enacted by the Rhode Island General Assembly and, at all times, acted under the color of state law.

5. The Tiverton Fire Department is a sub-division of the Town of Tiverton that is organized under the Charter of the Town of Tiverton, and, at all times acted under the color of state law.

### **FACTUAL ALLEGATIONS**

6. On or about October 12, 2023, the Tiverton Fire Department, under the direction of the Town of Tiverton, enacted a social media policy. (A copy of the October 12, 2023 social media policy is attached hereto as Exhibit 1, and is incorporated by reference herein.)

7. Previously, in 2007, the Tiverton Fire Department had issued Rules and Regulations which govern, inter alia, social media and communications. (A copy of the 2007 Tiverton Fire Department Rules and Regulations are attached as

Exhibit 2 and incorporated by reference herein.

8. Chapter 4, Paragraph 18, of Exhibit 2 provides that:

“Members shall not discuss for publication matters concerning the Department without the approval of the Chief of the Department or the Town Administrator.”

9. Chapter 4, Paragraph 19, of Exhibit 2 provides that:

“Members shall not deliver any address, lecture or speech on Department matters without the approval of the Chief of the Department. Request for such approval shall be forwarded through official channels.”

10. The Tiverton Fire Department has a minimum manning of seven (7) members per shift, as provided in a collective bargaining agreement between the plaintiff, Local 1703, and the Town.

11. Since January 1, 2023 six (6) members of the thirty-two (32) members of the Tiverton Fire Department have left the department for employment with other fire departments in Rhode Island.

12. As a result of the fact that six (6) members of the Tiverton Fire Department have left the employ of the department, the remaining members have been required to work additional hours, increasing the department's over-time budget.

13. Under the decision of the Rhode Island Supreme Court in Narragansett v. I.A.F.F., Local 1589, 380 A.2d 521 (1977), issues of minimum manning must be bargained because minimum manning impacts the safety of firefighters.



14. Since the six (6) members left the Tiverton Fire Department since January of 2023, Local 1703 has commented on a social media account concerning issues of safety and other issues of public concern.

15. In response to the Union's social media postings concerning issues of safety and other issues of public concern, the Town of Tiverton, on October 12, 2023, enacted a social media policy (October 12, 2023 Social Media Policy).

16. The October 12, 2023 Social Media Policy violates the rights of Local 1703 under the first amendment to the United States Constitution for the following reasons:

- "The policy prohibits Tiverton Fire Department personnel from 'sharing, posting, transmitting, or otherwise disseminating any information to which they have access as a result of their official status of the Tiverton Fire Department without the expressed written permission from the Fire Chief or designee. This includes both on-duty and off duty.'"

17. The provision cited above in paragraph 16 violates the first amendment of the United States Constitution because requiring that a Tiverton firefighter, and member of Local 1703, first obtain permission from the Chief the defendant, Tiverton Fire Department, before "disseminating any information to which they have access as a result of their official status of the Tiverton Fire Department" is an impermissible prior restraint on permissible free speech.

18. The provision cited above in paragraph 16 violates the first amendment of the United States Constitution because the prohibition against "disseminating



any information to which they have access as a result of their official status of the Tiverton Fire Department” is overly broad in that this prohibition would prevent members of Local 1703 from:

- Speaking on matters of public concern on social media to the public;
- Speaking on matters of public concern to the Tiverton Town Council;
- Having internal discussions with other union members concerning that are of concern to the Union;
- Making complaints to public authorities under the so-called Rhode Island Whistleblower’s Act, Rhode Island General Laws 28-50-1, *et seq.*
- Reporting child abuse to police departments. It should be noted that as Emergency Medical Technicians (“EMTs”) members of the Tiverton Fire Department are mandatory reporters of any child abuse allegations.

19. Under the first amendment to the United States Constitution members of Local 1703 have the right to associate with one another to accomplish the goals of the Union, including, but not limited to, advocating for all of the terms and conditions of their employment and to advocate for the settlement and adjustment of grievances and litigation. See United Transportation Union v. Michigan Bar, 401 U.S. 576 (1971).

20. Under Rhode Island law, a union stands in a fiduciary relationship with its members. See McDonald v. Local Union 1033, 505 A.2d 1176 (R.I. 1986).

21. Local 1703 is organized under the provisions of the Rhode Island Firefighters’ Arbitration Act, Rhode Island General Laws § 28-9.1-5, which

provides:

“The labor organization selected by the majority of firefighters in any city or town shall be recognized by the city or town as the sole and exclusive bargaining agent for all of the members of the city or town fire department unless and until recognition of the labor organization is withdrawn by vote of a majority of the firefighters. The labor organization or city or town may designate any person or persons to negotiate or bargain on its behalf; provided, that the person or persons so designated shall be given authority to enter into and conclude an effective and binding collective bargaining agreement.”

22. There currently exists a Facebook webpage that is in the name of the Tiverton Firefighters’ Union, wherein members of Local 1703 have created “posts” that bring to public’s attention issues of staffing, manpower and the overall readiness of the Tiverton Fire Department to respond to calls for service.

23. Under the first amendment to the United States Constitution, the membership of Local 1703 has the right to make public statements, including Facebook “posts” on its Facebook webpage, concerning matters of public concern. See Providence Firefighters v. City of Providence, 26 F.Supp.2d 350 (D.R.I. 1998); Brady v. Tamburini, 518 F.Supp.3d 570 (D.R.I. 2021).

24. On October 12, 2023, the Tiverton Fire Department announced its intention to investigate members of the executive board of Local 1703 in relation to Facebook “posts” made on the Local 1703 Facebook webpage.

25. At all times pertinent hereto, all of the “posts” made by members of Local 1703 on the Local 1703 Facebook page were protected by the first

amendment of the United States Constitution because each post was narrowly directed towards matters of public interest.

26. By notifying members of the executive board of Local 1703 that it intended to investigate Facebook “posts” made on the Local 1703 webpage, the Town of Tiverton and Tiverton Fire Department have chilled the exercise of the Union’s first amendment rights to free expression and of its rights of association with like-minded persons, such as other members of Local 1703, in order to work toward common goals, in violation of the first amendment to the United States Constitution.

27. The Tiverton Fire Department has notified at least one member of the executive board of Local 1703 that the member must attend an investigative meeting on October 19, 2023 and that the member would be compelled to answer questions, even if the answers would incriminate the member.

28. Although not explicitly mentioned in the letter to the member of the executive board, it is clear from other communications with members of Local 1703 that the member will be compelled to answer questions concerning “posts” made on the Local 1703 Facebook page.

29. The act of the Tiverton Fire Department in compelling a member of the executive board of the Union to answer questions concerning Facebook “posts” on the Local 1703 Facebook webpage forces the member of the executive board, by



necessity, to reveal fiduciary communications between Union members.

30. The act of the Tiverton Fire Department in compelling a member of the executive board of the Union to answer questions concerning Facebook “posts” on the Local 1703 Facebook webpage violates the rights of members of Local 1703 to free association guaranteed under the first amendment to the United States Constitution, as the actions chill the exercise of free expression and violate the fiduciary-based right to privacy enjoyed by members of Local 1703.

**COUNT ONE**  
**OCTOBER 12, 2023 SOCIAL MEDIA POLICY**  
**2007 RULES AND REGULATIONS**

31. The plaintiff, Local 1703 hereby incorporates by reference each and every allegation set forth above in paragraphs 1 through 30 above.

32. The Social Media policy enacted by the Tiverton Fire Department on October 12, 2023 violates the first amendment of the United States Constitution because the policy constitutes a prior restraint on protected speech.

33. The Social Media policy enacted by the Tiverton Fire Department on October 12, 2023 violates the first amendment of the United States Constitution because the policy, as applied to members of the plaintiff, Local 1703, prohibits union members from commenting on matters of public concern.

34. The Social Media policy enacted by the Tiverton Fire Department on October 12, 2023 violates the rights of members of Local 1703 to associate with

each other by prohibiting the dissemination of communications that must be made in order to accomplish the goals of the Union to advocate for the terms and conditions of employment of its members.

35. Paragraph 18 of Chapter 4 of the Tiverton Fire Department Rules and Regulations violates the rights of members of the Union under the first amendment of the United States Constitution, as the members of the Union are prohibited from commencing on matters of public concern.

36. Paragraph 19 of Chapter 4 of the Tiverton Fire Department Rules and Regulations violates the rights of members of the Union under the first amendment of the United States Constitution, by requiring prior approval before making comments, which constitutes an impermissible prior restraint.

WHEREFORE, the plaintiff demands the following relief:

1. That the Honorable Court declare that the October 12, 2023 Social Media policy enacted by the Tiverton Fire Department is an unconstitutional violation of the rights to free speech of members of Local 1703 for the reasons set forth in paragraph 32.

2. That the Honorable Court declare that the October 12, 2023 Social Media policy enacted by the Tiverton Fire Department is an unconstitutional violation of the rights to free speech of members of Local 1703 for the reasons set forth in paragraph 33.

3. That the Honorable Court declare that the October 12, 2023 Social Media policy enacted by the Tiverton Fire Department is an unconstitutional violation of the rights to free speech of members of Local 1703 for the reasons set forth in paragraph 34.

4. That this Honorable Court issue a temporary restraining order enjoining the defendants, Town of Tiverton and Tiverton Fire Department from implementing or enforcing the October 12, 2023 Social Media policy enacted by the Tiverton Fire Department.

5. That this Honorable Court issue a preliminary injunction enjoining the defendants, Town of Tiverton and Tiverton Fire Department from implementing or enforcing the October 12, 2023 Social Media policy enacted by the Tiverton Fire Department.

6. That this Honorable Court issue a permanent injunction enjoining the defendants, Town of Tiverton and Tiverton Fire Department from implementing or enforcing the October 12, 2023 Social Media policy enacted by the Tiverton Fire Department.

7. That this Honorable Court issue a temporary restraining order enjoining and restraining the defendants, Town of Tiverton and Tiverton Fire Department from enforcing Chapter 4, paragraphs 18 and 19 of the Rules and Regulations, found in Exhibit 2 against 1703 and its members.



8. That this Honorable Court issue a temporary restraining order enjoining and restraining the defendants, Town of Tiverton and Tiverton Fire Department from enforcing Chapter 4, paragraphs 18 and 19 of the Rules and Regulations, found in Exhibit 2 against Local 1703 and its members.

9. That this Honorable Court issue a temporary restraining order enjoining and restraining the defendants, Town of Tiverton and Tiverton Fire Department from enforcing Chapter 4, paragraphs 18 and 19 of the Rules and Regulations, found in Exhibit 2 against Local 1703 and its members.

10. That this Honorable Court award the plaintiff such other and further relief as may be deemed appropriate, including attorney's fees under 42 U.S.C. § 1988, costs, expert fees and any damages incurred by the plaintiff or its members.

LOCAL 1703 OF THE INTERNATIONAL  
ASSOCIATION OF FIREFIGHTERS,  
AFL-CIO,  
By its attorney,

/s/Edward C. Roy, Jr., Esquire #3029  
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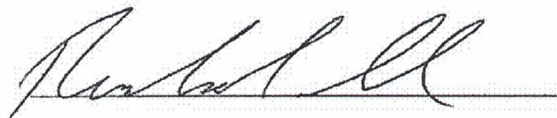
**VERIFICATION**

I, Richard Silva, having been duly sworn, hereby make affidavit and depose, under the pains and penalties of perjury.

1. I am the President of the plaintiff, Local 1703 of International Association of Firefighters, AFL-CIO, and, in that capacity, I am authorized to execute this Declaration.

2. I have reviewed the Complaint for Injunctive Relief and, swear, under the pains and penalties of perjury that everything contained therein is true and accurate.

3. As the Union President and as a member of the Union, I am subject to Discipline for violating any of the terms of either the October 12 Social Media Policy (Exhibit 1) or of Chapter 4, paragraphs 18 and 19 of the Tiverton Fire Department Rules and Regulations (Exhibit 2).

A handwritten signature in black ink, appearing to read "Richard Silva", is written over a horizontal line.


**EXHIBIT 1**

**Tiverton Fire Department**

**October 12, 2023 Social Media Policy**



# TIVERTON FIRE DEPARTMENT

	General Order GO-0925	Date: 12th October 2023
	Re: Social Media Policy	Series: Administration

**PURPOSE:** The Tiverton Fire Department endorses the use of social media to enhance communication and information exchange; streamline processes; and fosters productivity with its employees.

This policy establishes this fire and EMS department’s position on the use of social media and provides guidelines on management, administration, and oversight. This policy is not meant to address any one particular form of social media; rather social media in general terms as technology will outpace our ability to discover emerging technology and create policies governing its use.

**LEVEL OF PERFORMANCE:** Photographs and social media provides a valuable means of assisting the fire department and its personnel in meeting community education, community information, fire prevention, and other related organizational and community objectives. This policy identifies possible uses that may need to be evaluated and utilized as deemed necessary by the Fire Chief or his designee. The personal use of photographs or social media can have an effect on fire department personnel in their capacity as firefighters. This policy is a means to provide guidance of a precautionary nature as well as restrictions and prohibitions on the use of photography and social media by department personnel.

**DEFINITIONS:**

**Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

**Digital Image:** The creation of a digital images, typically from a physical scene. The term is often assumed to imply or include the processing, compression, storage, printing, and display of such images. The most usual method is by digital photography with a digital camera but other methods are employed.

**Image:** For the purpose of this policy the term refers to any digital, analog, video other type images as may be employed.

**Post:** Content an individual shares on a social media site or the act of publishing content on the site.

**Profile:** Information that a user provides about himself or herself on a social networking site.

**Photograph:** An image, especially a positive print, recorded by exposing a photosensitive surface to light, especially in a camera.

**Social Media:** A category of Internet-based resources that enables the user to generate content and encourage other user participation. This includes but not limited to, social networking sites:

Facebook, MySpace, Twitter, YouTube, Wikipedia, blogs and other sites. (There are thousands of these types of sites and this is only a short list.)

**Social Networks:** Platforms where users can create profiles, share information, and socialize with other using a range of technologies.

### **Social Media:**

Department personnel representing the department via social media outlets shall do the following:

- The use of Tiverton Fire Department computers by department personnel to access social media is prohibited without the permission of the Fire Chief.
- Use of social media is not allowed when responding to and/or during an active incident. It is specifically forbidden to take any photographs and /or video of any person receiving medical care at an incident. In addition, it is specifically forbidden to take photographs and/or video at any fatal or possibly fatal incident.
- Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
- Identify themselves as a member of the department.
- Shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without the expressed written authorization of the Fire Chief.
- Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without the express written permission of the Fire Chief or designee.
- Employees shall observe and abide by all copyright, trademark, and watermarks.

### **Personal Use Precautions and Prohibitions:**

**Department personnel shall abide by the following when using social media.**

- Tiverton Fire Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
- As public employees, Tiverton Fire Department personnel are cautioned that their speech either on or off-duty, and in the course of their official duties that has a nexus to the employee's professional duties and responsibilities may not necessarily be protected speech under the First Amendment.



Tiverton Fire Department personnel should assume that any speech and related activity on social media sites will reflect upon their position within the department and of this department.

- Tiverton Fire Department personnel are prohibited from sharing, posting, transmitting, or otherwise disseminating any information to which they have access as a result of their official status of the Tiverton Fire Department without the expressed written permission from the Fire Chief or designee. This includes both on-duty and off duty.
- Members of the Tiverton Fire Department shall not post material containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against race, any religion, or any protected class of individuals.
- Social media posting of one's own firefighting equipment or uniforms such as helmet shields, badges, or other identifying logos attached to those personal items (i.e Facebook cover or profile pictures) is approved as long as it projects the firefighter and Tiverton Fire Department in a positive light. Firefighters posting inappropriate pictures including department logos or equipment may have this permission revoked, in writing, at any time.
- Tiverton Fire Department personnel shall not divulge information gained by reason of their authority; make statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without the express written permission of the Fire Chief or designee.
- Tiverton Fire Department personnel should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization otherwise known as defamation. This includes publishing or posting private facts and personal information about someone without their permission that has been previously revealed to the public, is not of legitimate concern, and would be offensive to a reasonable person. It may include using someone else's name, likeness, or other personal attributes without that person's permission for an exploitive purpose; or publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- Tiverton Fire Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personnel information posted on such sites is protected.



- Tiverton Fire Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
- All matters relative to medical treatment or to care provided by the members of the Tiverton Fire Department in the performance of their duties shall adhere to all aspects of HIPPA Regulations.
- Any image taken which include Tiverton Fire Department equipment or personnel except for personal equipment issued to the individual firefighter may not be used in any non-departmental forum, website or blog or for any personal or professional use without the express written permission of the Fire Chief or designee.

**Violations:**

Any Tiverton Fire Department personnel aware or having knowledge of a posting or any website or webpage in violation of this provision shall notify his shift commander immediately. This information shall be forwarded to the Fire Chief or designee.

**Violation of the Tiverton Fire Department Social Media Policy may result in suspension or termination.**

**Repeated or consecutive violations of one or more of the above regardless of order may result in the Tiverton Fire Department employee's immediate suspension and/or eventual termination and possible legal/criminal proceedings under law.**

**EXHIBIT 2**

**Tiverton Fire Department  
2007 Rules and Regulations**

## RULES AND REGULATIONS

No code of Rules and Regulations can be devised which will provide a specific formula for every circumstance and condition. It is expected that these Rules and Regulations will be comprehensive enough to cover, in a general way, the obligations of members of the Tiverton Fire Department (the "Department"), and to that end, assist in ensuring that good discipline and efficiency will be maintained at all times, in a manner creditable to the Department.

### MISSION STATEMENT

The primary objective of the Tiverton Fire Department is the protection of life and property from fire, hazardous materials, disasters Natural or Man Made, the prevention and suppression of fire, and to provide emergency medical service to the Town of Tiverton. In addition, it shall be the prompt duty of the Fire Department to remove or cause the removal of all persons from danger whatever the cause.

### CHAPTER 1: RANK AND CHAIN OF COMMAND.

1. Permanent rank shall be established within the Department, and the line of command therein shall descend, in the manner and form hereinafter prescribed:

Chief of Department  
Deputy Chief  
Captains  
Lieutenants  
Fire Fighters  
Probationary Fire Fighters

2. General seniority among members of the Department holding equal rank therein shall be determined upon the basis of the order in which such members were promoted to said rank.

3. Authority among members of the Department holding equal rank therein shall exist only when the same is specifically provided for by law or by these Rules and Regulations.

4. Command of Departmental operations at the scene of fires or other disasters shall vest in the highest ranking officer who shall first arrive, until relieved by the arrival of a Chief, Deputy Chief or Captain. All officers who shall arrive subsequently to the first Officer at the scene of Departmental operations, shall subordinate themselves to the Officer who was first to arrive until the first Officer is relieved of such command by the arrival of some officer of superior rank, or upon order or directive of the Chief of Department.

5. It shall be the duty of every officer of the Department to assume such responsibilities relative to command as may devolve upon them by reason of the absence or incapacity of a higher ranking officer and to act in accordance with the necessities of any situation or circumstance they may encounter. Whenever any officer of the Department so assumes the responsibilities of command, and without willfulness, recklessness or negligence, undertakes such responsibility in good faith to perform and act or issue any order deemed to be required by the exigencies of the situation or circumstance encountered, such action shall thereby be justified without regard to any consequence that might result there from.

6. Officers of the Department shall assume and exercise the prerogatives of command over personnel, working in close cooperation in the interest of efficiency, discipline and morale of the Department.



7. Each officer of the Department, or any member thereof acting as an officer, shall at all times exercise the prerogatives of command in a manner consistent with high standards of courtesy, decency and restraint, and with due regard for the rights and sensibilities of subordinates, and at all times shall issue orders or directions in accordance with the requirements hereinafter set forth:

- a) Be diligent to provide for the comfort, convenience and well being of subordinates,
- b) Be alert and diligent to avoid the willful, reckless or negligent issuance of an order or direction that would unnecessarily cause any subordinate to be exposed to imminent danger or injury or death;
- c) Issue only such orders or directions as have a lawful action as the objective;
- d) Issue no order or direction which requires any subordinate to perform any acts of personal service for the officer, unless such service is expressly, or by implication, provided for in these Rules and Regulations;
- e) Be diligent to avoid being repetitious, uncertain or quarrelsome in the issuance of orders or directions;
- f) Avoid the use of profane or indecent language toward a subordinate in issuing an order or direction;
- g) Commit, or threaten to commit, any act of physical violence upon the person of a subordinate;
- h) Be diligent to avoid issuing orders to any subordinate in public or in the presence of non-members of the Department, unless such action is necessary to preserve the efficiency, discipline or morale of the Department or to protect life and property from fire or other disaster;
- i) Be firm in a determination, that when orders or directions are issued, they will be obeyed and carried out.

8. Every member of the Department shall obey the orders and directions issued by a superior officer without insolence, contention, evasion or circumvention in every dispatch situation..

#### CHAPTER 2: GENERAL RULES.

All officers and members of the Department below the rank of Chief of Department shall be assigned to duty under a platoon system as prescribed in the General Orders governing the duty schedule of the Department. Other members and attaches shall work such tours of duty as may be ordered by the Chief of Department, not inconsistent with law.

#### CHAPTER 3: RANK AND DUTIES

##### Section 1: Chief of Department.

1. Under the direction of the Town Administrator, the Chief of Department shall have, and exclusively exercise, the power and authority, so far as the same may be consistent with the law and these Rules and Regulations, to control, manage, supervise and direct all functions of the Department. For such purpose, the said Chief of Department shall be and at all times act as the highest-ranking superior officer of the Department, and all Special Services and attaches.

2. The Chief of Department shall be and at all times properly perform the duties of an executive officer to the Town Administrator/Director of Public Safety. In such capacity, the Chief of Department shall take all actions necessary to carry out and effectuate all orders or directions of said Town Administrator/Director of Public Safety and to cause every obligation involving the protection of life and property from fire or other disaster, which is by law imposed upon said Town Administrator/Director of Public Safety, to be performed and discharged in an efficient manner.

3. Whenever any situation, circumstance or condition shall arise concerning the protection of life and property from fire or other disaster, or whenever any matter shall arise which tends to impair the efficiency, discipline or morale of the Department, which situation or matter is not made subject to some definition, supervision or control by these Rules and Regulations, the Chief of Department, acting in capacity as executive



officer, shall provide for the definition, management or control of the same through the issuance of a suitable general or special order.

4. It shall be the duty and obligation of the Chief of Department to carry out, perform, enforce, discharge or otherwise effectuate any duty specifically imposed by these Rules and Regulations; to provide for the full observance and compliance with these Rules and Regulations by the members of the Department; and to perform any lawful act necessary to protect the lives and property of the people of Tiverton from fire or other disaster.

#### Section 2: Acting Chief of Department.

1. In the absence of the Chief of Department for a period of greater than three days, the designated Captain shall be in charge of the Department and shall carry out all the duties and assume all the responsibilities of the Chief of Department as defined in Chapter 3, paragraphs 1 through 4.

#### Section 3: Captain/ Lieutenants- Officers.

1. The Captain/Lieutenants of the Department shall be subordinate to the Chief of Department and shall have the direct personal command, control and supervision over the personnel and companies assigned under their charge, and in such capacity shall be responsible for enforcing discipline within such companies and among the personnel thereof; for the proper use and maintenance of the quarters, apparatuses, appliances, devices, tools and other equipment assigned to the use of such companies and the personnel thereof; and for generally enforcing the observation of these Rules and Regulations within the Town.

2. The commanding shift officer, while on duty and unless prevented there from by fire duty, shall make a weekly inspection of the quarters and a daily inspection of personnel assigned to the companies, and shall therein, by personal inspection, ensure that the following prescribed duties are being properly discharged:

- a) That company roll calls are being properly held;
- b) That the company journal and other records are being accurately and adequately maintained;
- c) That the company quarters and furnishings are being maintained in a clean, orderly and usable manner, and that the use of such quarters by personnel is in full compliance with these Rules and Regulations;
- d) That all apparatus, appliances, devices, tools and other equipment assigned to the use of each such company is being maintained in a clean, orderly and serviceable condition, whether the same is in active service or in reserve.
- e) That the Officers/ Senior Members in command of each company are adequately instructed in and properly performing their duties, and are properly instructing subordinates in the performance of their duties; and
- f) That each such company is sufficiently manned to adequately perform any duties, directly or indirectly, involved in the protection of life and property from fire or other disaster.

3. It shall be the duty of each Officer, to acquaint themselves with the construction and arrangement of all industrial, commercial, mercantile, office or public buildings within Tiverton, and with the appliances and facilities for fire extinguishment and prevention contained therein by personal inspection and inspection by their subordinates.

4. Officers shall be just, dignified and firm with subordinates. They shall enforce all rules and orders, and shall promptly report every transgression of law, ordinance, rule or order.

5. It shall be the duty of each Officer to transmit to the companies under their command, all orders, special orders, and official communications, including Department memos, as soon after receipt of same as practical.

6. It shall be the duty of each Officer to receive all requisitions for supplies and all other reports forwarded from the Officers/ Senior Members in command of the companies assigned to their platoon. Each Officer shall

take every action with regard to same that is appropriate, including auditing the same when necessary and forwarding to the proper office or division.

7. In each station, the Chief of Department shall assign an Officer who shall properly and effectively discharge such additional duties as follows:

- a) Be responsible for setting up a program for the maintenance of quarters;
- b) Be responsible for ordering the necessary supplies for quarters as required; and
- c) Report the need for any repair to the building or grounds.

8. When necessary or desirable, it shall be the duty of each Officer to see that a report is made to the Chief of Department in every matter hereinafter prescribed:

- a) Discovery of any condition which, in their professional opinion, tends to impair the efficiency, discipline or morale of a company;
- b) Discovery of any apparatus, appliance, device, tool or other equipment in need of non-emergency repairs;
- c) Discovery of any condition in any institution, theatre, public building, industrial plant, commercial building or place wherein petroleum products are stored, which, in their professional opinion, constitutes a fire hazard or a hazard to life;
- d) When the operational strength of any company is so reduced by absenteeism of any kind that its efficiency is likely to be impaired; or
- e) When any public highway in the Town is unfit for the use of apparatuses or contains an accumulation of combustible materials.

9. It shall be the duty of each Officer to report any of the following instances to the Chief of Department:

- a) A member of any company assigned to their platoon fails to report at roll calls, reports off sick or incapacitated or becomes ill or injured while on duty;
- b) A member of any company shall commit, or be accused of committing, an offense against these Rules and Regulations or the discipline of the Department;
- c) A member of any company shall publicly use or wear a uniform that is unfit or unsuitable for public use or wear; or
- d) A member of any company assigned to their platoon shall make a permanent change in address.

10. Whenever any hydrant located in the district assigned to their charge shall be reported as damaged, unserviceable or inaccessible, it shall be the duty of the Officer to report such fact to the appropriate water department and to the Chief of Department. It shall be the duty of the Officer to recommend to the Chief of Department the need for new hydrant locations in said district.

11. It shall be the duty of the Officer/ Senior Member of each company to report the following changes and alterations in writing, without undue delay, to the company's Shift Captain/ Lieutenant, or other suitable Officer in the absence of said Shift Captain/ Lieutenant:

- a) Any school, industrial or commercial building, or other type of building in the company's district is being structurally altered, changed in internal arrangement, changed in essential use and occupancy, or the internal fire protection systems of such buildings are being altered or changed.

12. Whenever any apparatus, essential equipment or fire alarm devices used in the company quarters shall become defective, it shall be the duty of the Officer/ Senior Member of such company to immediately report such facts to the Shift Captain/ Lieutenant and submit reports as prescribed in these Rules and Regulations.

13. It shall be the duty of the Officer/ Senior Member in command of each company, to make a fire report on the proper forms as prescribed in these Rules and Regulations.



14. It shall be the duty of the Officer of each company to furnish the Chief of Department with a report on all properties owned by the town under their charge on the first business day of April and October of each year..

15. It shall be the duty of the Captain/ Lieutenants to keep an accurate record of and report on the training of the members of the company and/or the Probationary men assigned to the company.

16. It shall be the duty of the Officer/ Senior Member of each company to make a monthly requisition of supplies and/or equipment necessary to properly maintain the quarters and the apparatuses of the company in an orderly and serviceable condition. The Officer/ Senior Member shall prepare and forward such requisition to the Captain/ Lieutenants who shall then forward them to the Chief of Department.

17. It shall be the duty of the Officer/ Senior Member of each company to provide for the proper reception and courteous treatment of visitors to the quarters of the company and, insofar as duty permits, to explain the workings of the Department, the apparatuses or other equipment in an intelligent and informative manner. When a visitor has business with the company, it shall be the duty of the Officer/ Senior Member of the company to treat such business with promptness and dispatch.

18. It shall be the duty of the Captain/ Lieutenants to prohibit and prevent the following: disreputable or undesirable persons from frequenting the quarters of the company, children from remaining in or about the company quarters unless accompanied by an adult, non-members of the Department from engaging in any games or pastimes or speaking disrespectfully of or to any member of the company or of the Department, non-members of the Department from using the dormitory or any bed at any time or having access to the company quarters after 10:00 P.M. unless authorized to do so by the Chief of Department.

19. It shall be the duty of the Captain/ Lieutenants to prohibit social gatherings or other meetings from being held in the company quarters, unless expressly permitted by the Chief of Department; provided however, that nothing contained in this rule shall be constructed to authorize any Officer to prohibit, without cause, any member of the company from being visited by relatives or friends so long as such visits do not interfere with the member's duty or impair the efficiency, discipline or morale of the company.

20. The Captain/ Lieutenants, subject to the authority of the Chief of Department, shall have the immediate command and charge of the personnel and companies under their charge and shall at all times lawfully carry out the tasks necessary to perform and/or discharge the following duties and obligations:

- a) Maintaining efficiency and enforcing discipline among the personnel assigned to their charge;
- b) Maintaining the quarters and furnishings thereof in which the companies under their charge are housed in a clean, orderly and usable condition; and
- c) Exercising adequate diligence and care in maintaining apparatuses, appliances, tools, or other equipment used by or for the company under their charge in a clean, orderly and serviceable condition.

#### CHAPTER 4: FIRE FIGHTER DUTY.

##### Section 1: Duties and Obligations.

1. Members designated to temporarily perform the duties of a higher rank shall abide by the regulations and orders affecting that rank. They shall be accorded the obedience, respect and courtesy demanded by these Rules and Regulations for the higher rank.

2. Members shall obey all laws, rules and regulations, orders and commands. Such obedience shall be prompt, implicit and unqualified.

3. Upon being relieved from duty, Officers/ Senior Members in command of units shall inform the Officer/ Senior Member relieving them of every incident that occurred within their unit during their tour of duty, every

Department Order received during their tour of duty, and of any information which may affect the discipline or efficiency of the unit.

4. In matters of general conduct, not within the scope of these Rules and Regulations, members shall be governed by the customary rules of good behavior observed by law-abiding and self-respecting citizens. In all cases where members conduct themselves in a manner which may bring reproach or reflect discredit upon the Department, charges shall be preferred.

5. Members of the Department shall:

- a) Promptly notify the Officer in command of their unit of any inability to report for duty at the time or place required at least one hour before the respective duty tour;
- b) Be courteous and respectful at all times;
- c) Always present a neat and well-groomed appearance;
- d) Be responsible for the safekeeping of all Department property entrusted to their care;
- e) Promptly report the loss of any badge, device or equipment;
- f) Use every precaution to avoid damage or injury when working in or about quarters;
- g) Promptly report all accidents involving damage to motor vehicles in connection with the operations of the Department; and
- h) Promptly notify the Officer in command of their unit of any matter within their knowledge which may affect the interest or welfare of the Department.

6. Members of the Department shall not:

- a) Violate their oath of office;
- b) Neglect nor shirk any duty;
- c) Absent themselves from quarters, fires, or any other assigned duty without permission of the Officer in command;
- d) Indulge in the use of drugs and/or narcotics except with the written approval of a physician;
- e) Indulge in, or be under the influence of, liquors, malt, intoxicating beverages, drugs or narcotics while on duty;
- f) Have, or allow to be brought into any Department building, intoxicating liquors of any kind;
- g) Use indecent, profane or uncivil language, or engage in immoral or indecent conduct;
- h) Engage in any altercation, commit an assault, violate any law, or engage in any activity for which they may be arrested;
- i) Make a false statement or report with intent to deceive;
- j) Conduct themselves in a manner that may bring discredit upon the Department;
- k) Damage any Department property or handle any apparatus or equipment in a careless or reckless manner; or
- l) Sleep while on duty, except during the hours permitted or at other times permitted by the Chief of Department.

7. Members shall not sell, lend or give away any Department property without the approval of the Chief of Department.

8. Members shall not solicit or contribute, or cause to be solicited or contributed, any money or valuable article or thing to be used in connection with a matter affecting the Department without the approval of the Chief of Department. This rule does not apply to money collected for dues and assessments of benevolent organizations or for other authorized purposes.

9. Members shall not engage in any scheme or enterprise intended to induce or influence, or likely to induce or influence, any person to purchase tickets for gatherings or entertainment of any kind, without the approval of the Chief of Department.



10. Members shall not use official Department letterheads, envelopes, or stationery except for the transaction of the official business of the Department.
11. Members shall not perform or engage in any other gainful occupation in any quarters of the Department.
12. Members in charge of Department vehicles shall not permit non-members of the Department to ride in or upon such vehicles unless authorized by the Chief of Department.
13. Officers observing members in uniform in any public gathering, on the street, or in any public or private conveyance, shall note any actions by such members which tend to bring reproach upon the Department and shall take proper official action regarding such actions.
14. Except when responding to alarms, leaving quarters to go off duty or leaves of absence, when leaving quarters members shall record the time and purpose of leaving and the location to be visited in the Company Journal. Upon return to quarters, they shall record the time of return in the Company Journal.
15. Members assigned to parades, reviews and funerals, assemblages, special calls for men without apparatus, etc. shall report directly to the Officer in command of such detail.
16. No member shall solicit any compensation, reward or consideration for services performed in the line of duty or accept any reward, gift or donation as a member of the Fire Department without the approval of the Chief of Department.
17. Members shall treat the official business of the Department as confidential. They shall not impart information which has been published in the orders of the Department to anyone nor permit non-members of the Department to have access to, or make a transcript of, a Department record, except as follows:
  - a) Under due process of law; or
  - b) As directed by, or with the approval of, the Chief of Department.

This does not prohibit explaining Department routine to visitors.

18. Members shall not discuss for publication matters concerning the Department without the approval of the Chief of Department or the Town Administrator.
19. Members shall not deliver any address, lecture or speech on Department matters without the approval of the Chief of Department. Request for such approval shall be forwarded through official channels.
20. All copies of Rules and Regulations shall be updated to reflect the most current version of said Rules and Regulations at all times. It shall be the duty of every member to ensure that a copy of any order hereafter issued which changes or affects these Rules and Regulations is attached to his book. Company officers shall, semi-annually during the months of March and October, examine all Books of Rules and Regulations issued to the members of their platoon to ensure that they reflect the most current, up to date versions of the Rules and Regulations.
21. Members' private vehicles shall be parked only in designated areas at quarters; no private vehicles shall be parked on the apparatus floor of any unit, except when authorized by the Chief of Department.
22. Members of any unit of the Department shall report, through proper channels, to the Chief of Department any action undertaken by a member of the Department, whether such member is off duty or on duty at the time, which might be constructed to constitute a meritorious or heroic action.
23. Members shall not at any time speak disrespectfully of or to any superior Officer of the Department.

24. Members of the Department shall address Officers by their proper titles.

Section 2: Response to Alarms.

1. The personnel of each unit of the Department, while performing a tour of duty, shall maintain themselves in a condition of alertness and preparedness and shall be immediately available at all times to respond to alarms, unless specifically excused from same.

2. Each unit of the Department and the personnel thereof shall respond to alarms of fire or other emergencies in full compliance with the provisions of these Rules and Regulations, or upon the direction of the Dispatcher, to the receipt of any signal or message transmitting an alarm of fire or other emergency. This obligation to respond to alarms of fire or other emergencies shall take precedence over any other employment, activity or duty.

3. Each member assigned to duty within any Department unit that is required by duty assignment to respond to alarms of fire or other emergencies shall assist the Officer in command of such unit in accurately decoding signals and correctly interpreting messages involved in the transmission of alarms of fire or other emergencies. If any unit fails to respond when required or otherwise improperly responds to any alarm of fire or other emergency, each member assigned to duty within such unit shall have the burden of showing an absence of fault or negligence on their part concerning the same.

4. When a signal or message involving the response to alarms by particular Department units is transmitted to those units, the personnel of such units shall respond to the apparatus floor fully prepared to proceed with the apparatus.

5. When a member at quarters is notified of the occurrence of a fire or other emergency, the member so notified shall immediately cause the units in quarters to be alerted in the appropriate manner and the Officer in command of the responding unit shall promptly notify dispatch of the situation.

6. The motor of the apparatus shall not be started until the location to which the unit is responding has been received and understood. The unit shall leave quarters immediately after the first complete transmission of the signal or message has been given.

7. If for any reason, any unit of the Department shall be unable to properly respond to an alarm of fire or other emergency when required, it shall be the duty of the Officer in command of such unit to immediately notify the dispatcher of the unit's inability to respond and to submit the proper reports in accordance with these Rules and Regulations.

8. When an Engine company and any other unit are housed in the same quarters and such units are responding to the same alarm as the Engine company the Engine company shall leave quarters first unless unusual circumstances make it impractical to do so or unless the Rescue Company is designated as the first unit assigned.

9. Any and all approved protective clothing and equipment shall be worn by all firefighting/suppression personnel while responding to, operating at, and returning from any and all firefighting/emergency activities that require the use of personnel protective equipment; except however, the vehicle operator shall not be required to wear boots or a helmet while driving the apparatus. The Chief of the department or Officer in charge may allow deviation from this policy for wildland fire fighting operations.

10. Response to alarms shall be made with all proper dispatch, and consistent with safety as prescribed in these Rules and Regulations. Officers shall hold members responsible for the handling of apparatuses, and shall report, through proper channels, to the Chief of Department where carelessness, recklessness or other delinquency is observed.



11. Apparatuses responding to alarms or other emergencies shall give due consideration to existing traffic conditions, shall take the shortest practical route and, for the purpose of obtaining right of way over other traffic, shall sound bells, sirens, and air horns and use such visual warnings as the apparatus is equipped with.

Section3: Special Conditions of Response.

1. When any unit discovers another fire or emergency while responding to an alarm of fire or other emergency, the Officer in command shall immediately notify Dispatch and advise same as to the location and nature of the fire or emergency. If, in the best judgment of the Officer in command, the discovered fire or emergency warrants their remaining with the company at the scene they shall immediately notify Dispatch of this action.

2. When any unit of the Department is required to respond to an alarm while engaged in service inspection, the commanding Officer, after the assignment has been completely transmitted, shall acknowledge receipt of the alarm to Dispatch and response to the alarm shall be made in accordance with these Rules and Regulations.

Section4: Response Outside of Town Limits.

1. When any unit of the Department responds to an alarm of fire or other emergency and finds that the fire or emergency for which said alarm was transmitted involves property outside the corporate limits of the Town of Tiverton but such fire or emergency is not attended by an organized department or company of another community, such unit shall immediately notify Dispatch of the situation and proceed to extinguish such fire or handle the emergency in the appropriate manner until relieved by the arrival of a fire force or company from the community in which the situation exists.

2. Whenever units of the Department are required to respond to other communities on mutual aid agreements, the unit or units responding shall be under the command of the Chief Officer of the community in which the emergency is located.

3. The Officer in charge shall ensure that stations are properly back filled to provide continuous coverage for the Town of Tiverton during the mutual aid response.

Section5: Procedures at Fires or Other Emergencies.

1. The first officer to arrive at a fire or other emergency shall, upon arrival, provide a description of the incident and the mode of operation that is being undertaken. The Officer or first arriving senior member shall take full control and command until relieved by an officer, senior in rank, who shall be informed of existing conditions.

Modes of Operation:

- a) Investigating
- b) Offensive
- c) Defensive

2. Upon arrival at the location indicated by an alarm and finding no fire, the senior ranking officer first to arrive shall make a thorough investigation and report the result to Dispatch who shall relay such information to the responding Captain / Lieutenant.

3. The Officer in command of a fire or other emergency or a designated representative of said Officer shall, as promptly as possible after arrival at the fire or emergency scene, report to Dispatch by radio the nature of the incident including location, type of building, size and any other information deemed pertinent to the situation.

4. If, upon arrival of the first unit at a fire, the Officer in command of such unit deems an additional alarm or additional equipment immediately necessary, such Officer shall be authorized to request the same.

5. Members responding to alarms shall, in an orderly and efficient manner, perform all the duties required of them to accomplish their specific mission and they shall endeavor to make an intelligent and immediate response to the directions of their superior officers.
6. At fires or other emergencies, members are expected to be courageous without being reckless.
7. At fires or other emergencies officers shall be responsible for the actions of the members of their unit and members shall, as far as practical, remain with their respective units to receive orders which may be given.
8. Officers at fires shall not unnecessarily jeopardize the lives of members or bystanders.
9. At fires or other emergencies, members shall inform the Officer in command of any known or discovered dangerous or unusual conditions.
10. Extreme care shall be exercised in placing apparatuses at fires or other emergencies. Unless otherwise directed, the roadway in the immediate vicinity of a fire or emergency shall not be obstructed by an apparatus unless, in the professional opinion of the Senior Member or Officer in charge, obstruction is needed to provide a margin of safety for personnel. Fire hydrants shall not be blocked unnecessarily.
11. The Officer in command of the Engine Company first to arrive at a fire shall order the appropriate initial attack line to the fire unless conditions warrant a larger hose line. The second arriving Engine Company's first operations shall be to connect to the nearest available hydrant and to provide a water supply line to the first arriving Engine Company. This shall be standard procedure unless otherwise directed by the Incident Commander. The third due arriving Engine Company shall follow the directions of the Officer in charge of the incident.
12. Ladder companies shall raise ladders to effectuate rescues, ventilation and entry to fire areas at various levels where needed. All other duties at fires or other emergencies such as overhaul, salvage operations, etc. shall be done under the direction of Officers in charge.
13. At fires or other emergencies, Rescue Companies and other special units shall perform such duties relative to their scope of operation and any other duties ordered by the Incident Commander.
14. All units responding to subsequent special signals or multiple alarms shall, before commencing operations, report to the Incident Commander unless otherwise ordered to stand by in staging.
15. At fires involving buildings which are equipped with automatic sprinkler systems, the Incident Commander shall order hose lines to be connected to the Fire Department connections so as to be prepared to supply water to these systems. A dedicated Pumping engine shall always be used for this purpose.
16. At fires in factories, plants and premises covering large areas, the Incident Commander shall utilize standpipes as may be provided when the operations of the Department can be assisted thereby. Hose lines shall be connected to Siamese connections so as to be prepared to augment the water supply. A dedicated Pumping engine shall always be used for this purpose.
17. At any fire or emergency, the Incident Commander shall insure that arrangements are made with the Police Department to set up necessary fire lines for the protection of men, apparatus and equipment.
18. At any fire or emergency which threatens danger to adjacent buildings, the Incident Commander shall have the right to request assistance from the Officer in command of the police detail in the removal of occupants from those buildings and in the prevention of said occupants return to those buildings until the danger is over.
19. When necessary to have gas or electric service cut off, the Incident Commander shall notify Dispatch to contact the respective utility companies regarding the situation.



20. Members at the scene of fires or other emergencies shall notify the Officer in command of their unit of any valuables found. The Incident Commander shall be notified and in turn shall notify the Police that are present so that they may take charge of the valuables.

21. When conditions surrounding a fire are of a suspicious nature, the Incident Commander shall notify Dispatch to summon a Fire Prevention Officer to the scene and shall prevent the disturbance of any thing connected therewith. Members shall refrain from any discussion of the fire and prohibit unauthorized persons from entering the premises.

22. When the fire or emergency is under control, the Incident Commander of any fire or other emergency may, upon the request of news media, issue a verbal statement. Such statement shall be official and shall briefly summarize what happened at the scene. NO OTHER MEMBER OF THE DEPARTMENT SHALL ISSUE ANY STATEMENT OR DISCUSS THE FIRE OR EMERGENCY FOR PUBLICATION. All subsequent press releases shall be issued through the office of the Chief of the Department.

23. When a fire involves an eating establishment or place where any food stuffs are sold or stored, the Incident Commander shall request Dispatch to notify the Department of Health.

24. Whenever any unit responds to an emergency involving chemicals or flammable or volatile liquids, the Incident Commander shall follow all procedures as outlined in Hazardous Material Training for First Responders.

25. The resetting of manually operated alarm boxes, both public and private, shall be the responsibility of the responding Officer in command.

26. The resetting of Master Boxes and Internal Auxiliary Systems, shall be the responsibility of the Officer in Command.

27. Fire Alarm Box keys, "Knox Box" Keys and other necessary keys shall be properly tagged, and shall be carried on the apparatus.

28. Under the direction of the Incident Commander, all operations at fires and other emergencies shall be performed, as far as practicable, in accordance with standard procedures and practices as prescribed by the Chief of Department.

#### Section 6: Recall to Duty.

1. When members of the Department comprising the off-duty platoon shall be recalled to duty, such members shall promptly report for duty as hereinafter prescribed:
  - a) Each member, upon reporting for duty to cover a station assignment, shall enter in the Station log their name, roll call number and the time of reporting for duty.
  - b) When a reserve apparatus is available, it shall be put in service as soon as two members report for duty. If no Officer is present, the senior member shall take command until the arrival of an Officer. Dispatch shall be notified as to a availability of the unit.
  - c) Officer in charge of units while relocated in other quarters shall exercise the same care and maintain the same discipline as enforced in their own quarters and shall ensure that the same routine of general work is followed.
  - d) Off duty members reporting to duty at the scene of any fire or emergency shall, by radio, report that they are responding and shall, upon arrival at the scene of the incident, promptly report to the Incident Commander for assignment.

#### CHAPTER 5: SUBSTITUTION.

1. Upon approval from the Officer in charge, members of the Department shall be permitted to substitute with other members within the Department; provided, however, no substitution shall be permitted when emergency conditions exist.
2. Substitution shall be granted for a period of a day or night tour of duty. However, substitution for successive day or night tours shall not be granted except by direct permission of the Chief of the Department.
3. All requests for substitutions shall be made on the proper forms in accordance with these Rules and Regulations.

#### CHAPTER 6: APPARATUS AND EQUIPMENT.

##### Section 1: Apparatus and Pumps.

1. It shall be the duty of the Officer/ Senior Member in command of the unit on duty to insure that all apparatuses and equipment are maintained in a clean and proper manner at all times.
2. The motor vehicles and apparatuses, and all appliances, devices, tools, and other equipment used therewith, assigned to the use of each unit of the Department, shall be maintained by such unit in a clean, orderly and serviceable condition and ready for immediate use at all times.
3. Reserve apparatuses shall be given the same attention as assigned apparatuses. Company Officers/ Senior Members shall be responsible for all tools and appliances assigned to the apparatuses.
4. Fuel tanks on apparatuses in quarters shall be kept filled at all times. Oil and water levels shall be checked daily.
5. Tires for each apparatus shall be inflated to the pressure prescribed. Tires shall be minimally tested each Monday for the prescribed pressure.
6. Reserve apparatuses shall be started on Monday of each week and shall be taken out of quarters and run for at least ten minutes at the prescribed R.P.M.
7. Portable pumps, generators and small engines assigned to any company shall be started and run in the proper manner for five minutes once each week. Fuel tanks on portable pumps and generators shall be kept filled at all times.
8. All requests to Headquarters for batteries, routine work, etc., shall be made before 11:00 A.M. Emergencies shall be handled at any time.
9. Engine Company chauffeurs, when at working fires or emergencies in freezing weather, and when not using pumps or tanks, shall, to prevent freeze-up, either cause the water to circulate through the tank and pump continuously or drain the pump and water supply and keep the motor running at the prescribed R.P.M. Care should also be taken for all medical supplies that are housed in outside compartments to prevent freezing of medications and intravenous solutions.
10. To prevent freeze-up, Engine Company chauffeurs shall consider draining the water tank when at prolonged working fires or other emergencies in freezing weather and when using their respective pump and not the water tank. ,.
11. Pumpers operating at fires or other emergencies shall be attended by pump operators at all times. To ensure efficient and safe operation, the pump operator shall observe all gauges on the apparatus when operating the pumper. Pump Operators shall notify command when the compound pressure falls below 10 PSI residual.



12. Chauffeurs or Motor Pump Operators shall follow all instructions, procedures and practices of the Tiverton Fire Department in the performance of their duties.
13. Any defect or irregularity of operation of an apparatus reported by the chauffeur to the Officer/ Senior Member in command of the unit shall be promptly reported to the Captain / Lieutenant at Station 3.
14. When it is necessary for the apparatus of a company to be placed out of service for repairs, the Officer/ Senior Member in command of the unit shall promptly notify the Captain / Lieutenant of the situation.
15. When a unit is placed out of service for any reason, other than for normal response, and there is a like reserve unit located and available for use, the Officer/ Senior Member in command of the unit shall promptly place their company in service with the reserve unit.
16. Officers placing a reserve apparatus out of service when a regularly assigned apparatus is returned shall promptly notify the Captain / Lieutenant of the shift.
17. The unit Officer in command shall have the designated unit chauffeur present and available to assist when the designated service people are performing any work on an apparatus at quarters.
18. Company Officers shall not allow apparatuses to be taken from quarters except:
  - a) Upon receipt of an alarm of fire, accident or other emergency;
  - b) Upon orders of the Chief of Department;
  - c) For the purpose of cleaning quarters, training chauffeurs, outdoor drills or district inspection;
  - d) For the performance of maintenance or repairs; or
  - e) Upon order of the Officer in charge.
19. Reserve apparatuses shall not be used for any service outside the line of training, fire duty or other emergency, except upon the approval of the Chief of Department.
20. The Officer/ Senior Member in command of an apparatus shall insure that the chauffeur uses prudent and sound judgment when responding to requests for emergency service and exercises extreme caution at all times. When crossing intersections against YIELD signs, STOP signs, or RED lights, extreme caution shall be exercised for safe passage.
21. Apparatuses shall neither be operated in a reckless or negligent manner, nor without due regard for the rights of others using the highways.
22. Other than when responding to alarms, when operating an apparatus on any other occasion, members shall fully comply with every law, ordinance or regulation concerned with regulating the use and operation of motor vehicles.
23. In responding to alarms, companies shall not race other companies to intersections or along highways and shall not pass the apparatus of any other company unless such apparatus has, for some reason, been brought to a stop; provided however, that when any apparatus is proceeding at a low rate of speed because of disability, accident or any other reason, the Officer in command shall signal any apparatus approaching from the rear to pass the apparatus. Both Officers shall use due care and caution in such process.
24. Any unit forced to stop because of mechanical problems or other disability while responding with or operating an apparatus, other than when responding to alarms, or because such apparatus is unfit for further operation, the Officer in command shall, when necessary, cause the apparatus to be moved to the side of the roadway and halted and shall immediately notify Fire Alarm. The apparatus shall not be removed or started again until the arrival or approval of automotive repair personnel.

Section 2: Hose.



1. Members shall be held responsible for the proper care and handling of hoses.
2. The Officers in command of Engine Companies shall supervise the changing of the hoses on the apparatuses.
3. Unless otherwise ordered, hoses used at fires shall be rolled and returned to quarters where they will be cleaned and dried before replacing them on the apparatus.
4. Commanding Officers of Engine Companies shall be responsible for the replacement of hoses on all apparatuses under their command.
5. Hoses on apparatuses shall be securely coupled and orderly arranged.
6. Department apparatuses and other vehicles shall not drive over hose lines unless absolutely necessary.
7. Captains/ Lieutenants of Engine Companies shall carry not less than one 50 foot section of 2 1/2 inch hose and two 50 foot sections of 1 3/4 inch hose on each piece of the apparatus for use in the High Rise / Standpipe pack.
8. Burst or porous hoses shall be recorded in the Company Journal, rolled, tagged, sent to Headquarters and replaced.
9. When filling gasoline tanks on apparatuses or using petroleum products, due care shall be exercised to prevent the gasoline or petroleum product from coming into contact with the hose.
10. When washing walls of quarters with a hose line, due care shall be exercised to avoid wetting electrical equipment, fire alarm equipment, etc., placed on walls.

Section 3. Nozzles and Hose Fittings.

1. Nozzles, fittings and hose couplings shall receive the utmost care, and shall always be fitted with proper washers.
2. Special nozzles and pipes shall be placed in an accessible position on the apparatus and protected from damage and debris.
3. Members shall use professional discretion in operating and controlling nozzles on hand lines. Opening the valve too quickly causes a sudden release of pressure, which may wrest the line from control. Closing the valve too quickly causes a sudden increase of pressure, which may cause injury to personnel and equipment.
4. When not in use, fire control nozzles that have developed leaks at fires shall be placed in a receptacle or outside of the building to prevent unnecessary water damage.
5. In freezing weather, nozzles shall be kept slightly opened to prevent water from freezing in the line.
6. Officers in command of apparatuses shall ensure that various size nozzle tips are kept available for use when low water pressure makes it impracticable to use the larger nozzle or when a large volume of water is required.
7. The water supply for any master appliance shall be opened or closed only at the pump supplying such master appliance.
8. Damaged nozzles, fittings, hose couplings and other appliances shall be reported to the Captain/ Lieutenant for repair.

9. Nozzles, hose fittings and appliances shall be used and operated, as practicable as possible, in accordance with standard procedures prescribed by the Tiverton Fire Department.

#### Section 3: Ladders.

1. A weekly inspection of ladders shall be made. The Officer/ Senior Member in command of each company shall be held responsible for the condition of the ladders on the apparatuses.

2. All ladders shall be removed from the apparatuses once a month, washed and thoroughly dried before being placed back on the apparatuses. At this time, a thorough inspection shall be made of all parts of the ladders, and the parts which receive the most wear shall be given particular attention. Beams, rungs and rung blocks shall be checked for cracks and other defects. Other points to be inspected include: frayed halyards, cut or worn; loosened or unbolted tie rods; worn or loosened ends of extension ladder stops; broken or worn ladder locks; spurs worn smooth.

3. Channel guides on extension ladders shall be kept clean and greased when necessary.

4. In order to prevent gouging of beams on ladders, ladder guides and locks on all apparatuses shall be kept free of all dirt and grit.

5. Ladders used at any fire or other emergency shall be cleaned and inspected for any damage upon return to quarters.

6. Ladders should never be used as a battering ram.

7. Ladder procedures and practices at fires or other emergencies shall be performed, as practicable as possible, in accordance with standard procedures prescribed by the Tiverton Fire Department.

#### Section 4: Breathing Apparatus.

1. Anytime a member of the department must enter an I.D.L.H. environment, the use of breathing apparatuses or masks at fires or other emergencies is mandatory.

2. Self-contained breathing apparatuses shall be used in all I.D.L.H. atmospheres until the quality of the air has been monitored and determined to be safe for normal breathing.

3. Breathing apparatuses and masks shall be maintained in a clean, orderly and serviceable condition at all times. Tank capacity on self-contained breathing apparatus shall be checked after each use and, when not in use, shall be kept filled at all times.

4. Breathing apparatuses and masks shall be maintained and operated in accordance with standard procedures prescribed by the Tiverton Fire Department.

5. A department supplied voice amplifier in operational condition shall be attached to the face piece of each department member's personal self-contained breathing apparatus.

6. The Captain/ Lieutenant shall inspect the face piece of each self-contained breathing apparatus at least once a month and notify the Chief of Department when the condition of said face piece may render it inoperative or may endanger the safety of the member using said device.

7. At the conclusion of all incidents, all self-contained breathing apparatus tanks shall be completely filled immediately upon returning to quarters.



Section 5: Salvage Covers.

1. Salvage covers assigned to any unit of the Department shall be periodically inspected to ensure that the covers are in a serviceable condition. Whenever covers are found to be in need of repair, they shall be tagged out of service and sent to Headquarters.
2. When using salvage covers from any unit so equipped, members shall notify the Officer in command of the unit from which the covers were taken, stating the number used and their location.
3. When covers are used at a fire or emergency and are to be out for a time, the officer of the district in which the covers are used shall ensure, through periodic inspection, that all covers used in his district are returned as soon as possible.
4. Salvage (Care and custody of Covers)
  - a) All salvage covers used in the Department shall be cleaned, repaired and maintained in a serviceable condition.
  - b.) Immediately following use, each salvage cover shall be swept clean of all loose material.
  - c.) All salvage covers shall be washed with mild soap and water and rinsed to maintain them in an operational state.
  - d.) Each salvage cover shall be allowed to completely dry before being returned to service.
  - e.) All salvage covers utilized by the Tiverton Fire department shall be marked with proper markings that clearly identify them as property of the Tiverton Fire department.
  - f.) To facilitate rapid selection of the appropriate size cover during an emergency operation, at least one corner of each salvage cover shall be clearly labeled with the apparatus to which the cover is assigned and the approximate size of the cover.

CHAPTER 7: REPORTS.

1. Officers or members of the Department shall properly prepare and promptly forward all reports through official channels to the Chief of Department unless otherwise provided for in these Rules and Regulations.
2. All reports shall be accurate and complete and prepared and submitted as prescribed in these Rules and Regulations.
3. Reports passing through channels shall be examined for completeness and accuracy and properly endorsed by each Officer through whom they pass. They shall not be withheld, delayed, or intercepted.
4. Commanding Officers shall prepare, or cause to be prepared, sign and promptly forward all reports originating in their units; except, all fire reports; meritorious acts; deaths of members; accidents to members, persons, property or apparatuses; injury or sickness of members; and reports of unusual occurrences shall be prepared, signed and promptly forwarded by the Officer in command of the unit at the time of such occurrence.
5. All fire reports shall be in the office of the Chief of Department within 48 hours of the occurrence.

CHAPTER 8: RECORDS.

1. All Department records, and records made necessary for the efficient operation of the Department, shall be kept in an orderly manner and up to date as prescribed.



2. Records of responses and incidents shall be promptly completed by the Officer in charge of the incident.
3. All cards governing signals, assignments, and responses to alarms and the instructions therewith, shall be kept revised to date by promptly making all corrections and changes promulgated in Department orders.
4. The information contained in records shall be kept complete and accurate, and when kept in books, it shall be systematically classified and arranged under proper headings and definitely indexed.
5. Officers in command of units shall properly file and preserve all official records, reports, correspondence and forms originating in, or forwarded to, their units.
6. All reports received shall be filed at the point of final receipt; copies of all reports forwarded shall be preserved at the points of origination for at least one (1) year. However, General Orders, copies of reports of deaths, accidents, or injuries to anyone, and other unusual occurrences shall be filed and kept until otherwise directed.
7. The falsification of records, the making of misleading entries, or the willful mutilation of any Department record, book, paper or document is strictly prohibited. The Company Journal shall be an accurate and complete record of all matters affecting the interests of the Department and the administration of the company. Officers shall ensure that all necessary information is properly recorded therein.

#### CHAPTER 9: ACCOUNTABILITY AND DISCIPLINE.

1. An effective and responsive system of personnel accountability and discipline provides for the maintenance of efficient department performance and the preservation of overall department morale. A clearly defined disciplinary policy enables all members of the Department to know what is expected of them and to understand that appropriate discipline will be administered when required. Essential fairness and justice are the foundation of the disciplinary process and it is the responsibility of the Fire Chief to ensure that this standard is equitably maintained.
2. Firefighters, Officers, and employees may be disciplined for just cause. This would include any misconduct or unsatisfactory behavior that impairs personnel or departmental efficiency or effectiveness.
3. Disciplinary actions which may be imposed after statutory procedural requirements are observed include but are not limited to the following:
  - a. Suspension from duty;
  - b. Lowering in rank and compensation;
  - c. Dismissal from the department;
  - d. Reprimand; and
  - e. Other such penalties as may be determined by the Chief of Department or Town Administrator.
4. A complete record will be made of the facts and circumstances of any disciplinary action taken and will be retained in the personnel record file of the firefighter or employee involved.
5. Department standards of conduct and performance will be enforced in a uniform and consistent manner and the disciplinary measures taken will be based upon the seriousness of the charge.
6. When appropriate, the following disciplinary measures may first be considered:
  - a. Oral Reprimand - The Chief of Department or an Officer may reprimand or admonish for minor infractions of department regulations or procedures. At the Chief's discretion, a record of the same may be entered in an individual's personnel file. Each notation entered in an oral reprimand action shall be deleted from the file at the end of twelve months. However, if new disciplinary action is taken against the member during the twelve-month period, the notation of the oral reprimand becomes a permanent part of the individual's personnel file.

b. Written Reprimand - The Chief of Department may issue a written reprimand for infractions of department regulations and procedures. All letters of reprimand will become a permanent part of the individual's record and be included in the personnel file of the department.

7. Department members and employees will not be subject to unjust, capricious or frivolous complaints and they will be exonerated if an investigation determines that they were carrying out their duties in accordance with law or in compliance with Departmental practices and procedures.

#### CHAPTER 10: PROHIBITED CONDUCT.

1. The following acts, actions or activities by members of the Fire Department are prohibited or restricted:

a. Conduct unbecoming of a firefighter, Officer or Member of the Department. The commission of any specific act or acts of immoral, improper, disorderly or intemperate personal conduct which reflects discredit on the member, fellow members or the reputation of the Tiverton Fire Department.

b. Criminal Conduct. The commission of any felony or misdemeanor, or the violation of the criminal laws or statutes of the United States, State of Rhode Island and Providence Plantations or any local jurisdiction.

c. Abuse Of Department Property. Intentionally or negligently abusing, misusing, damaging or losing Department property or equipment.

d. Discourtesy. Being rude, impolite, contemptuous or insolent to an Officer, fellow firefighters Town employees or a member of the general public.

e. False Information on Records. Members of the Department shall not make or submit any false or inaccurate reports or knowingly enter or cause to be entered into any departmental books, records, or reports, any inaccurate, false, or improper information.

f. Feigning Illness or Injury. Members shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any Officer as to the condition of their health.

g. Incompetence. All members of the Department or employees assigned to the Department shall maintain sufficient competency to perform their duties and to assume the responsibilities of their position.

h. Incompetence, which may be demonstrated, but not limited to, the following:

1. A lack of knowledge of the application of codes and laws required to be enforced;
2. An unwillingness or inability to perform assigned tasks;
3. The failure to conform to work standards established for the members rank, grade or position; or
4. Repeated poor evaluations or infractions of the rules and regulations.

i. Incurring Department Liability. A member or employee shall not incur a liability chargeable to the Department without the prior knowledge and consent of the Chief of Department.

j. Insubordination. Failure or deliberate refusal to obey a lawful order given or issued by a superior or Officer.

j. Use of and or Possession of Intoxicating Beverages or Drugs. Members or employees of the Department shall not:



1. While on duty, consume any intoxicating beverages;
2. While on duty, use any narcotic, controlled substance or other toxic drug except at the direction of a physician for a specific health purpose (in any case where it is necessary to take any such drug on the advice of a physician, such member or employee shall notify their superior officer upon reporting for duty and be guided by his decision as to their fitness for duty or work.);
3. Report for duty or work while under the influence of intoxicating liquor or any narcotic drug or controlled substance unlawfully administered;
4. Report for duty with the odor of intoxicants on their breath;
5. While on duty, render themselves unfit for normal duty through the use of intoxicating beverages or narcotic drugs or controlled substances unlawfully administered;
6. While on duty, drink any intoxicating beverage;
7. Bring, place or keep, or permit to be brought, placed or kept in any Department building or vehicle any intoxicating beverage, narcotic drug or controlled substance, except in the proper performance of Department operations as required by departmental practices and procedures.

k. Mailing Address. Members shall not use the Fire Department mailing address for private purposes without the permission of the Chief of Department. At no time will the Department address be used as a mailing address for the purpose of a motor vehicle license or registration.

l. Department Letterhead. Members and employees shall not use the official department letterhead for private correspondence or for sending official correspondence out of the department without the permission of the Chief of Department.

2. No sections previously listed shall limit or restrict the rights or benefits afforded to any member by Collective Bargaining Agreement, Town Ordinances, or General Laws of the State of Rhode Island.

#### CHAPTER 11: CITIZEN COMPLAINTS.

##### Section 1: Purpose.

It is the policy of the Tiverton Fire Department to respond promptly, courteously, and positively to all citizen complaints regarding its personnel and/or services.

##### Section 2: General Information.

Citizen Complaints may refer to the conduct or performance of specific individuals or may relate to the level of performance or non-performance of service delivery functions. Management and supervisory personnel will attempt to resolve the complaints at the lowest appropriate organizational level.

##### Section 3: Documentation.

All Citizen Complaints, including those that are anonymous, will be documented. Documentation of complaints will be forwarded to the Chief of Department.

#### CHAPTER 12: DEPARTMENT TELEPHONE.

1. Members, when answering the Department Telephone, shall give their UNIT NAME and NUMBER, RANK, and SURNAME. Members calling shall promptly identify themselves in the same manner.



2. Department Telephones shall be used only for the transaction of official Department business; however, in cases of unusual circumstances or emergencies, exceptions may be made by the Officer in command.
3. Telephone conversations on the Department Telephone shall be as brief as possible.
4. Department Telephones shall be used only by authorized personnel.
5. Calls on the Department Telephone shall not be made while an alarm is being transmitted to stations.
6. Department Telephones shall not be adjusted, repaired, removed, or tampered with in any way except by authorized personnel given permission to do so by the Chief of Department.
7. Members shall refrain from "listening in" on any telephone conversation between two parties.

#### CHAPTER 13: RADIO AND RADIO OPERATING PROCEDURES.

##### Section 1: Radio.

1. The Tiverton Fire Department Radio System is licensed by the Federal Communication Commission with the call sign WPMC 283.
2. All operations shall comply with the rules and regulations of the Federal Communications Commission.

##### Section 2: Radio Operating Procedures.

1. The successful and efficient operation of the Fire Department's radio station and mobile units depends upon the complete understanding and use of an efficient operating procedure by all members of the Department. All members shall be thoroughly familiar with the efficient operation of their radio equipment.
2. The Radio Operating Procedures shall be rigidly adhered to by all members of the Department, and Officers of the Department shall ensure that standard procedure is maintained at all times when using the radio.

##### Section 3: Use of Radios.

- In transmitting messages over radio, the following rules shall apply:
1. Listen for other transmissions before pressing down the microphone button;
  2. The microphone button shall not be keyed for a lengthy period of time before proceeding with the message;
  3. Except to transmit an Emergency or Urgent message, do not cut in when others are transmitting;
  4. Know what you are going to say before you push down the microphone button;
  5. When speaking into the microphone, hold the microphone at approximately a 45 degree angle from your mouth. Keep your mouth close to the microphone and speak in a normal tone of voice. Do not shout, blow, whistle or make irritating noises into the microphone. The radio has all the amplification it needs, and shouting distorts the signal so that it is absolutely unintelligible;
  6. Pronounce words slowly and distinctly. The normal talking rate should be around 60 words per minute;
  7. Once you start a transmission, complete it;
  8. Keep radio transmissions brief and concise and free of all slang. Avoid idle chatter. The use of profane, obscene or indecent language is strictly prohibited;
  9. Be impersonal on the air; refer to members of the Department by car number or by title;
  10. Do not try to be humorous on the air;
  11. Do not give the same message more than once unless requested to do so; and

12. When using the transmitter to call out, press the button on the side of the microphone. This will put the transmitter in operating position. When this button is pushed, the red light on the control head of the set should light up. After completing the transmission, release the push button, and the red light on the control head should go out. If this light does not go out, it indicates that your transmitter is still in operating position, and you will not be able to receive calls. This condition will also prevent other cars from making radio contact with the main transmitter. If this occurs, try moving the microphone button until the red light goes out. If you cannot make the red light go out, report this trouble immediately, give your location and then turn the radio off. If you are not on an emergency assignment, return to your quarters and notify Dispatch of the trouble.

Section 4: Messages.

There shall be three general classes of messages: EMERGENCY, URGENT and ROUTINE.

1. **Emergency Traffic**- Any message that must be given in an expeditious manner to notify the IC of a condition that threatens the life or safety of fire fighters. This message takes priority over **ALL** radio traffic.

- a) Fire fighter in trouble or lost (this will also require the issuance of a “MAYDAY”);
- b) Immediate collapse feared; or
- c) Structural collapse occurred.

2. **Urgent Message** - Any message made necessary by an emergency situation. The Urgent Message takes priority over all routine messages and it is transmitted in the most expeditious manner.

a) Types of Urgent Messages:

1. When a member suffers an injury that is not immediately life threatening but which requires medical attention.
2. Loss of water which will endanger members.
3. Fire is discovered entering or extending to an exposure and a delay may cause considerable extension of the fire.
4. An interior attack is to be discontinued and an exterior attack is to be instituted.

3. **Routine Message** - Any message which passes useful information or requests on to the listener; Normally not of an emergency nature.

a) Types of Routine Messages:

1. Preliminary Situation Report and Progress Report to chief officers.
2. Units reporting in service.
3. Dispatcher's request for information concerning a fire or incident.
4. Calls for services of Utility Companies or other services.
5. Routine Notifications.
6. Routine Messages of officials on the air.
7. Routine tests of radio equipment.
8. Units reporting on the air and off the air.

Members using radios shall be guided by the priority listings under the types of Emergency, Urgent and Routine Messages.

Section 5: Radio Code Words and Phrases.

The use of radio code words and phrases in place of lengthy messages has been found to greatly speed up transmissions and eliminate unnecessary chatter. The following list of words is standard throughout the radio system and should be used whenever possible. It is suggested that these words and the phonetic alphabet be memorized so that their use on the air will become automatic.

CODE WORDS AND PHRASES	MEANING
Affirmative	Yes.
Acknowledge	Let me know if you have received and understand the message.
All Cars and Stations	Message to everyone on the network.
Call	Call by telephone.
Call the Dispatcher at this office	Call the Dispatcher by telephone.
Correction	An error has been made. The correct version is...
Clear	Message or conversation has Terminated.
Clear with (unit)	Message or conversation with (unit) has terminated.
Disregard	This transmission is in error, disregard it or this assignment has been cancelled.
Emergency Traffic	Any message that must be given in an expeditious manner to notify the IC of a condition that threatens the life or safety of fire fighters. This message takes priority over <b>ALL</b> radio traffic.
Expedite	As quickly as possible "Hurry it up."
Fire Alarm (Dispatcher)	Bureau of Operational Control Dispatcher.
In Service on the Air	The unit is in service by radio and available for other alarms. Note: This phrase is used only when a unit has been out of service to an alarm of fire or other incident.
Mayday	A fire fighter who is in need of immediate assistance or trouble.
Negative	No.
On the Air	the unit is in contact with the Dispatcher by radio.



Off the Air (location)	Leaving the mobile unit, but may be reached at this location.
Over/Go ahead	This is the end of my message to you and a response is necessary. Proceed with your message.
Relay to.....	Give this message to.....
Roger	Received and understand your entire message. (This should not be used as a substitute for "Yes).
Routine Message	Any message which passes useful information or requests on to the listener.
Say Again	Repeat your message.
Stand By	I am busy now, but I will call you when I can take your message. I will call you when I can give you an answer.
Will Do	I have received your message, understand it, and will comply.
Short Test Count	Count to five (5) and back.
Long Test Count	Count to ten (10) and back.
That is Correct	What you have just said is correct.
That is Wrong	What you have just said is not correct.
Urgent Message	Any message made necessary by an emergency situation. The Urgent Message takes priority over all routine messages and it is transmitted in the most expeditious manner.

For the purpose of allocating and effectively undertaking the activities, duties and employments required by law or custom to be engaged in, performed or discharged by the Fire Department, the Department shall have within its organization a Special Service Divisions hereinafter set forth:

Section 1: Fire Alarm Division.

1. The Fire Alarm Division shall manage, control, maintain, operate and service all systems of communication required for the use of the Department.
2. Specific duties of members assigned to this Division shall be performed as ordered and directed by the Chief of Department.

Section 2: Fire Prevention Bureau.

1. The Fire Prevention Bureau shall engage in and perform all inspections and investigations which are necessary to secure the enforcement of any law, ordinance, regulation or order pertaining to the protection and preservation of life and property from fire or other disaster.
2. The Fire Prevention Bureau shall be under the exclusive management, control and command of the Chief of the Fire Department or his/ her designee.

CHAPTER 15: THE NATIONAL ANTHEM.

- On any occasion, members shall be governed by the following when the National Anthem is played:
1. In uniform but not in formation: face the music or National Color or Flag, stand at attention and execute the hand salute.
  2. In formation (at a halt): the formation shall be brought to attention and the Officer in command shall execute the hand salute.
  3. The salute shall always be executed at the first note of the Anthem and shall be held until the last note has been played.

CHAPTER 16: FLAG OF THE UNITED STATES.

1. Each Station of the Department shall be supplied with a National Flag.
2. The Flag of the U.S., when unfurled from a staff on a building, is designated as the National flag; when carried in any formation, it is designated as the National Color.
3. Whenever the National Color is carried in Department formations, a color guard shall be provided.
4. The National Color, when carried in any formation with the Department Flag, or any other flag or color, shall always be to the right, or in front of all other colors.
5. Members of the Department carrying the National Color shall not dip it to any person or upon any occasion.
6. On all occasions, when the National Color passes in parades or previews, members in uniform but not in formation shall stand at attention and salute.
7. The National Flag shall always be hoisted briskly and lowered slowly and ceremoniously. When flown at half-staff, the flag shall first be hoisted to the peak and then lowered to the half-staff position. Before lowering the flag for the day, it shall first be hoisted to the peak.
8. The National Flag shall be properly displayed from 8:00 A.M. to sunset on all Department stations as hereinafter prescribed except on days of inclement weather.

- a) On all legal holidays.
- b) On May 30th and Firemen Memorial Day, the flag shall be displayed at half staff from 8:00 A.M. to noon and at peak from noon until sunset.
- c) Upon the death of an active member of the Department, the flag shall be displayed from the day of death until the day of burial of such member. It shall be flown at half-staff from the day of death until noon of the day of burial at which time the flag shall be flown at the peak until sunset.
- d) At any time the Chief of Department or the Tiverton Town Council may direct.

CHAPTER 17: FORMAL COURTESY TO RANK.

Section 1: The Hand Salute.

1. The HAND SALUTE shall be executed as follows:

- a) To execute the hand salute, raise the right hand smartly until the tip of the forefinger touches the lower part of the hat visor or forehead above and slightly to the right of the right eye; thumb and fingers extended and joined, palm to the left; upper arm horizontal, forearm inclined about 45 degrees, hand and wrist straight (from finger tips to elbow should be one straight line). As the hand is brought smartly to salute, turn the head with eyes toward the person saluted. When the salute is acknowledged, snap the arm and hand smartly back to the normal position by the side.
  - b) To execute the hand salute when in formation, the command given shall be "Present, ARMS". Upon the command "ARMS", members required to salute shall execute the hand salute as prescribed above. To return to the normal position, the command given shall be "Order, ARMS". At the command "ARMS", move the arm and hand, in one motion, smartly back to the normal position by the side.
- 2. The hand salute may be executed from a position of attention, while marching, while halted or while seated in a vehicle.
  - 3. The hand salute shall be executed when within six paces of the person saluted or at the nearest point of approach. The salute shall be held until the person saluted has passed, or until the salute has been properly acknowledged.
  - 4. The subordinate shall always tender the salute first and be smartly and promptly returned by the person(s) saluted.
  - 5. The salute shall be tendered to the Town Administrator, Chief of Department, and all superior staff officers of the Police and Fire Departments.
  - 6. Members, before addressing a Chief Officer of the Fire or Police Department or the Town Administrator or when addressed by those individuals, shall snap to attention and salute before and after addressing such persons.
  - 7. Upon entering the personal office of the Chief of Department, members shall snap to attention and salute the Chief; after which, they shall remove their hats, and stand at attention. At the termination of business, they shall salute, face about and leave the office.

Section 2: Formation.

- 1. Uniform Inspection (Semi-annual)



- a) Members shall align themselves according to company.
- b) As the inspecting officer approaches, members to be inspected shall snap to attention, smartly execute the hand salute and snap to the normal position of attention and remain at attention until the inspecting officer passes.

2. Station Personnel or Quarters Inspection

- a) Each company shall align according to rank next to the apparatus or at some other suitable designated location on the apparatus floor.
- b) As the inspecting officer or party approaches, the Officer in command shall call his unit to attention and execute the prescribed hand salute.
- c) If the quarters are to be inspected, the Officer in command of the unit to be inspected shall accompany the inspecting officer or party through the quarters.

3. Funerals (Honor Guard)

- a) Members forming an honor guard for a deceased member shall align in two ranks according to rank (senior to junior) from the entrance to the church or chapel. The senior ranking officer or other designated officer shall issue all commands.
- b) As the casket is taken from the hearse to be carried into to the church or chapel, the Officer in command shall issue the commands "Detail, ATTENTION and Present, ARMS". At the command "ARMS", each member shall execute and hold the hand salute as the casket is carried between the honor guards. When the casket is beyond the honor guard, the Officer in command shall command, "Order, ARMS" and members shall recover and proceed into the church or chapel.
- c) As the casket is carried from the church or chapel to be placed into the hearse, the same procedure described in (b) above is used. When the casket is placed into the hearse, the Officer in command commands, "Order, ARMS".
- d) At the completion of activities, the Officer in command shall dismiss the detail.

4. Parades

- a) Unless otherwise directed by the Chief of the Department or the Officer in command of the formation, members marching in parades shall be aligned behind the Color Guard and in order of rank (senior to junior) and height.
- b) The officer in command of the formation shall be positioned center and at the head of the formation behind the Color Guard.
- c) Procedure when passing in review at parades shall be as follows:
  - 1. When within six paces of the Reviewing Party, the Officer in command of the formation shall give the command, "Eyes RIGHT (LEFT)".
  - 2. The hand salute shall be executed ONLY by the Officer in command of the formation and Chief Officers at the Command "RIGHT (LEFT)". All other members at the right (left) shall turn their heads smartly and look to the right (left) towards the Reviewing Party who shall continue with head and

eyes straight-ahead. The hand salute and eyes right shall be held as the march is continued in formation past the Reviewing Party.

3. When at six paces beyond the Reviewing Party, the Officer in command of the formation shall give the command "Ready, FRONT". At the command "FRONT", the head and eyes shall be turned smartly to the front and those rendering the hand salute shall smartly return to the normal position, continuing the march in formation.

#### DEFINITIONS

**ACTING OFFICER:** The term "Acting" when used in conjunction with the title of a rank in the Fire Department shall mean that the member so designated is temporarily assigned to perform all the duties and assume all the responsibilities of the rank so designated.

**ANNOUNCEMENT:** Information issued by the Chief of Department to the personnel of the entire Department or to any group thereof. Announcements may be written or verbal.

**APPARATUS FLOOR:** That portion of company quarters wherein motor fire apparatuses are housed and equipment and "gear" are stored.

**ATTACHE:** Any non-uniformed employee of the Department.

**CAPTAIN:** Rank of officer achieved through testing who at times will assume command responsibilities.

**CHIEF OFFICER:** The Chief of Department.

**COMPANY:** Any firefighting unit of the Fire Force consisting of platoons or groups.

**COMMANDING OFFICER:** Captains or Lieutenants who are in overall command of their respective units and charged with the administrative duties of such commands.

**DISPATCHER (OPERATOR):** Any member assigned to the Dispatcher's desk whose duties include the receipt and transmission of alarms and the operation of equipment therein.

**ENGINE COMANPNY:** A fire fighting vehicle staffed by members of the department which carries water and hoses for the extinguishment of fire.

**FIRST DUE:** Any unit that is assigned to arrive first at a fire or other emergency.

**GENERAL ORDERS:** Printed orders issued by the Chief of Department usually of a permanent character which require the attention of the entire Department. General Orders are numbered and of a designated series. Said orders become a permanent part of these rules.

**GROUP:** Referring to the members that make up a work group assigned to a duty schedule of the department.

**HOUSE DUTY:** Whenever a member of the Department shall be assigned to "Limited Duty" by the Department Physician or Chief of Department, such member shall be designated as being on House Duty.

**INJURED ON DUTY:** A member of the Fire Department that is injured while performing their assigned duties of employment.

**INSPECTOR:** Any member below the rank of Captain assigned to the Fire Prevention Bureau.



**LADDER TRUCK:** A specific vehicle that carries a complete compliment of ground ladders, an aerial device, and salvage covers and performs victim rescue, salvage and overhaul at incidents. Also referenced as an aerial or truck company in many areas.

**LIEUTENANT:** A promotional rank that assumes supervisory command responsibility over those fire fighters assigned to their care.

**MEMBERS:** The term "Members" includes all appointed uniformed personnel of the Department and all attaches of the Department.

**NOTIFICATION:** Information, written or verbal, issued to the entire personnel of the Department or to any group thereof.

**OFF DUTY:** Whenever a member is not designated as being required to serve a tour of duty and not designated as being on Leave of Absence, such member shall be deemed to be in an "Off Duty" status. Upon the transmission of any authorized signal requiring a return or upon the occurrence of multiple alarms of fire or other emergency a member shall remain on or return to duty when so ordered by the Chief of Department or other authorized superior officer.

**OFF INJURED:** When a member becomes injured or sick resulting from the performance of duty and such injury or sickness requires that the member be relieved of duty by order of the attending doctor or Department Physician, such member shall be designated as being "off Injured" and shall be governed by these Rules and Regulations covering injury.

**OFF SICK:** When a member becomes sick or injured outside the performance of duty and such member is required to be relieved from duty, such member shall be designated as being "Off Sick" and shall be governed by these Rules and Regulations covering Sickness.

**OFFICER IN COMMAND (OFFICER IN CHARGE):** The officer or acting officer on duty and in immediate command of one or more Department units.

**OFFICIAL CHANNELS (PROPER CHANNELS):** The forwarding or transmitting of official communications through intermediate officers in ascending or descending order of rank.

**PLATOON:** A body of persons working together on an assigned work schedule, (see group).

**QUARTERS:** Any fire Station or Department building and grounds wherein apparatuses are housed and members are assigned for duty.

**SPECIAL ORDERS:** Printed orders, usually temporary in character, which affect the Department or one or more units or members thereof. Special Orders are numbered and of a designated series.

**SUBORDINATE:** A member who stands lower in rank or grade than another member.

**UNIT:** The term used to designate any apparatus, platoon, company, battalion or division of the Department.

**VERBAL ORDERS:** Orders issued, usually of a temporary character, affecting the efficient operation of a member or unit of the Department.

**VICINITY BOX:** Any fire alarm box sounded in the vicinity of an alarm for which a previous alarm has been sounded. Only one unit responds to a Vicinity Box.



JS 44 (Rev. 04/21)

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 Local 1703 of the International Association of Firefighters AFI-CIO

**(b)** County of Residence of First Listed Plaintiff Newport  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Edward C. Roy, Jr., Esq., 577 Tiogue Avenue, 2nd Fl.  
 Coventry, RI 02816 (401) 823-0488

**DEFENDANTS**  
 The Town of Tiverton and the Tiverton Fire Department

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
 Timothy Cavazza, Esq., Whelan Corrente, 100  
 Westminster St., Providence, RI 02903 (401) 270-4500

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habercs Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 42 U.S.C. Section 1983

Brief description of cause:  
 The plaintiff, firefighters union claims violation of first amendment rights to post social media content on matters of public concern

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

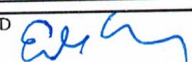
**DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: October 15, 2023

SIGNATURE OF ATTORNEY OF RECORD: 

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_