

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

IN RE: William C. Perry
Respondent

Complaint No. 2018-4
(For Office Use Only)

COMPLAINT

The undersigned Complainant(s) files this Complaint in the public interest and requests that the Rhode Island Ethics Commission conduct an investigation into certain conduct and activities of the above-named Respondent, for the purpose of determining whether said Respondent has violated the Rhode Island Code of Ethics.

To the best of my(our) information and belief, said Respondent has violated the Rhode Island Code of Ethics as follows:

1. Respondent is: (Please check one and fill in Respondent's title)

☐ a state or municipal elected official: _____

☐ a state or municipal appointed official: _____

☒ an employee of state or local government or of a board, commission or
agency: East Greenwich Fire Department

2. The Respondent's home or business address is (include telephone number if known):

Name William C. Perry

Tel. No. 401-886-8686

Street 284 Main Street

City and State: East Greenwich, RI 02818

(Set forth below in separately numbered paragraphs each specific act complained of including the time and place of its occurrence.)

3. (See Attached Supplemental Response)

RECEIVED
RHODE ISLAND
ETHICS COMMISSION
18 MAR 16 AM 10:33

I (We) acknowledge that the facts above-stated are true and accurate to the best of my(our) knowledge.

DATE March 15, 2018



Signature of Complainant

Peter F. Henrikson
Print Name

57 Elderedge Avenue
Address

East Greenwich, RI 02818

(401) 474-9857
Telephone Number

State of Rhode Island
County of KENT

Subscribed and sworn to by the above-signed at WARWICK before me this
15th day of March 2018


NOTARY PUBLIC

My Commission Expires: 06/12/2021
(SEAL) ID # 55340

RI ETHICS COMPLAINT

IN RE: WILLIAM C. PERRY

Supplemental Response to Paragraph #3 of Ethics Complaint:

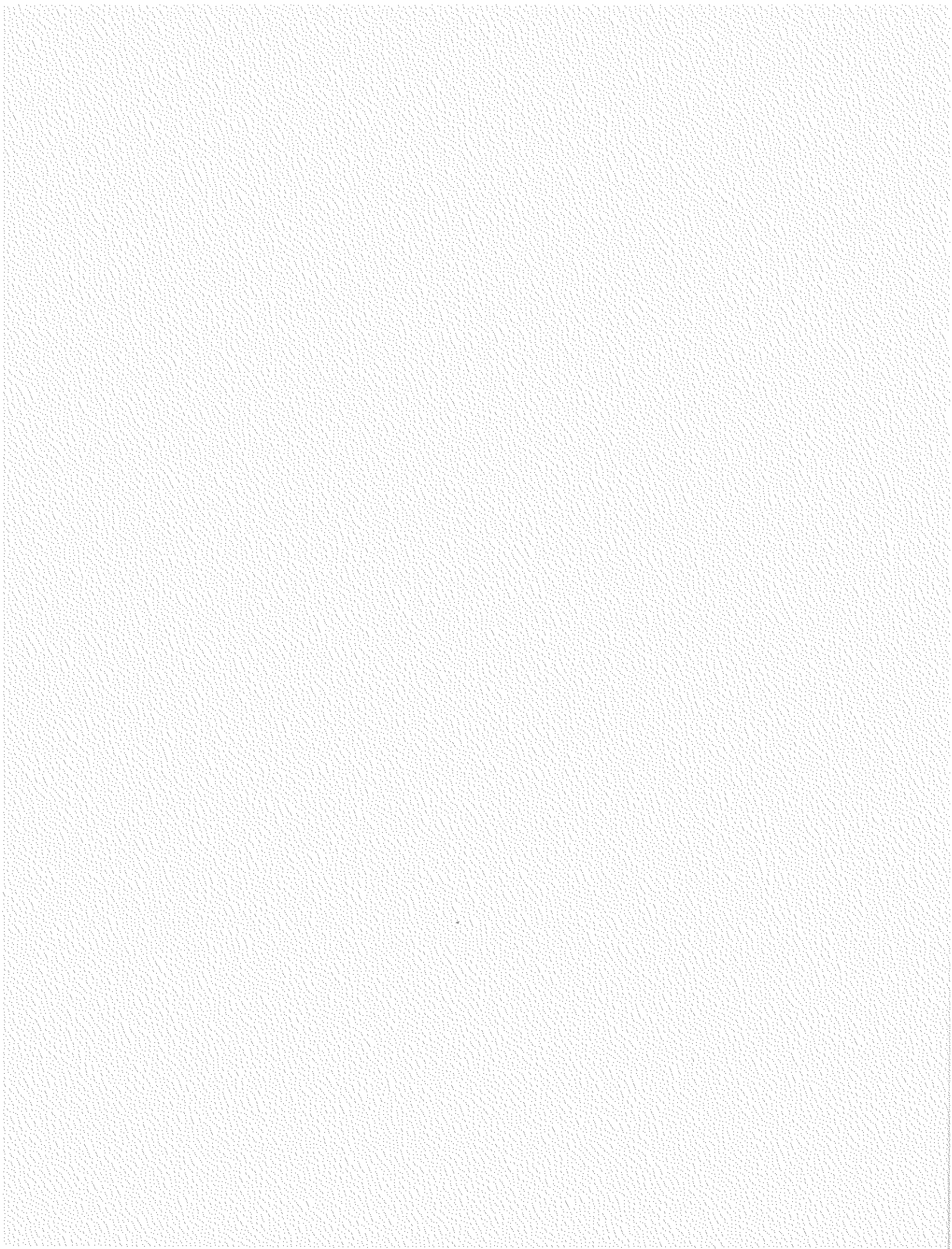
1. Respondent has served as President of IAFF Local 3328, the exclusive bargaining representative of East Greenwich Fire Department employees since 2007. Nothing in this Complaint relates to his role or position as the President of the Local.
2. Respondent requested and obtained an Advisory Opinion from the Commission concerning the proposed hiring of his brother and matters related to chain of command in the event that his brother was hired. [See: Advisory Opinion 2016-26.]
3. In the Advisory Opinion, the Commission stated that, “[Respondent was required to] recuse from any decisions... [involving his brother, such as] supervision, evaluation, work assignment, promotion, transfer and discipline...”
4. The RI Ethics Commission meeting minutes reflect that at the time the opinion was sought, the Fire Department had both a Fire Chief (Russell G. McGillivray) and a Deputy Fire Chief (Michael Sullivan), both of whom were present at the hearing. After the hearing, Deputy Chief Sullivan retired, and the position has been eliminated since July 1, 2017.
5. The RI Ethics Commission meeting minutes reflect that it was represented to the Commission that the “schedule [will be] modified so that [Lt. Perry] is never supervising his brother.” Chief McGillivray also estimated, “there might be a 10% chance that they would end up on the same platoon.” The fact is that Firefighter James Perry transferred to the Respondent’s platoon effective February 6, 2017 [See: Bid transfer notice from Chief McGillivray, dated February 1, 2017] and has remained there since. [See: shift schedule, dated February 2018.] The transfer alone in February 2017, continuing to the present, (and during the time Chief McGillivray remained Fire Chief) exceeds the Chief’s own statement/estimated, “10% chance they would end up on the same platoon.”
6. Upon information and belief, from the time that Firefighter James Perry was hired, he worked on the same platoon as Respondent. Sometimes Firefighter James Perry worked at the same station as Respondent, and sometimes they worked in/on the same vehicle. If shown to be true, Respondent was not following the Advisory Opinion, and nothing suggests that Chief McGillivray or Respondent ever went back to the RI Ethics Commission for further guidance, at any time. [“[Respondent] is encouraged to seek further guidance from the Commission as needed.”] All the documents that support these beliefs and allegations are available through the Access to Public Records Act process.

7. Upon information and belief, neither Respondent nor Chief McGillivray ever approached the RI Ethics Commission seeking a modification or clarification of Advisory Opinion 2016-16 when Firefighter James Perry transferred¹ to Respondent's platoon.
8. In addition, because Platoon B, Respondent's Platoon, had a previous "floater" position eliminated, there was increased opportunity for overtime available to members of Platoon B. Thus, Respondent and his brother benefited financially, or likely received additional overtime opportunities, as a direct result of the transfer to Platoon B.
9. The East Greenwich Fire Department fill-in procedures are also attached. These procedures explain how fill-ins are to be handled and, in most cases, the fill-ins are controlled by the ranking officer. [See: East Greenwich Fire Department Fill-In Procedures, dated September 1, 2013.]
10. Respondent is employed with the rank of Lieutenant on Platoon B and as such has a supervisory role give his officer status. He is also required to direct work assignments given his role, rank and position. This would necessarily involve making decisions impacting his brother, Firefighter James Perry.
11. To Complainant's knowledge, there are no procedures which have been adopted to serve as reasonable and sufficient mechanisms to insulate Respondent from the apparent conflicts of interest inherent when his brother, Firefighter James Perry, serves and is serving on the same platoon. This is particularly true as Respondent serves as Lieutenant for that platoon.
12. Based on the foregoing, it would appear that Respondent is violating the RI Code of Ethics given the lack of reasonable and sufficient procedural mechanisms insulating him from the apparent conflicts of interest that exist in serving as a Lieutenant on the same platoon as his brother, Firefighter James Perry.

Attachments:

- Advisory Opinion 2016-16.
- Minutes of the Open Session of the Rhode Island Ethics Commission meeting dated August 16, 2016.
- Bid Transfer notice from Chief McGillivray dated February 1, 2017.
- Shift Schedule, February 2018.
- East Greenwich Fire Department Fill-In Procedures, dated September 1, 2013.

¹ Upon further information and belief, Firefighter James Perry requested the transfer, which request was then approved by Chief McGillivray, in further violation of the terms of the Advisory Opinion 2016-16. This was not a situation where Firefighter James Perry was ordered or directed to Platoon B with Respondent. It was via an affirmative act/request of Firefighter James Perry.



RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2016-26

Approved: August 16, 2016

Re: William C. Perry

QUESTION PRESENTED:

The Petitioner, a Lieutenant in the East Greenwich Fire Department, a municipal employee position, requests an advisory opinion regarding the application of the Code of Ethics to the Fire Department's proposed hiring of the Petitioner's brother as a Probationary Firefighter.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Code of Ethics does not prohibit the Petitioner, a Lieutenant in the East Greenwich Fire Department, a municipal employee position, from serving in that position upon the hiring of his brother as a Probationary Firefighter in the same Fire Department, provided that certain procedures are followed so that the Petitioner is removed from personnel decisions or other matters that particularly affect his family member. As is explained below, we find that the procedures and alternate chain of command proposed by the Petitioner and the Fire Chief effectively insulate the Petitioner from decisions directly affecting his brother.

The Petitioner is a Lieutenant in the East Greenwich Fire Department ("Fire Department"). He represents that the Fire Department is in the process of hiring four Probationary Firefighters and that the Petitioner's brother, James M. Perry, is a top candidate who is likely to be offered one of the positions. Cognizant of the nepotism provisions of the Code of Ethics, the Petitioner represents that he took no part in the Fire Department's evaluation or selection of his brother, and he has proposed an alternate chain of command to insulate himself from conflicts of interest that may arise from his brother's hiring.

The Petitioner states that the Fire Department operates under a four platoon system whereby one of the four platoons is always on duty while the other three are off duty, subject to call back or overtime as needs dictate. The lowest ranked personnel within each platoon are Firefighters, followed by Lieutenants. Currently, the Fire Department has two Captains who provide most of the day-to-day supervision over the Firefighters and Lieutenants of the four platoons, including the assignment of non-emergency "house" duties. Captains report to the Deputy Chief and, ultimately, to the Chief of the Fire Department ("the Chief").

The Petitioner and the Chief both note that, while possible, it is very unlikely that the Petitioner's brother would be assigned to the Petitioner's platoon based on issues of seniority and because, as a Lieutenant, the Petitioner would technically be in a position of authority over his brother according to the Fire Department's chain of command. However, regardless of platoon assignments, the Petitioner represents that he will not take part in any decision-making regarding his brother, including supervising, assigning work, promoting, evaluating or disciplining. Instead, such duties would be

assigned to another Lieutenant, the Captains, the Deputy Chief or the Chief. Both the Chief and the Town Manager have written to the Ethics Commission to confirm that the Fire Department intends to implement this alternate chain of command to insulate the Petitioner from exercising decision-making that may impact his brother.

The Code of Ethics provides that a public official or employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any employment or transaction which is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if the official or employee has reason to believe or expect that he or any family member, among others, will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. Section 36-14-7(a). Also, a public official or employee may not use his public position to obtain financial gain, other than that provided by law, for himself or any member of his immediate family. Section 36-14-5(d).

Commission Regulation 36-14-5004 contains specific regulations aimed at curbing nepotism. Pursuant to Commission Regulation 36-14-5004(b)(1), a public official may not participate in any matter as part of his public duties if "any person within his or her family" is a participant or party, or if there is reason to believe that a family member will be financially impacted or will obtain an employment advantage. Furthermore, a public official may not participate in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within his or her family, nor may he delegate such tasks to a subordinate. Commission Regulation 36-14-5004(b)(2)(A) & (B). The phrase "any person within his or her family" expressly includes "brother." See Commission Regulation 36-14-5004(a)(2).

The Commission has issued numerous advisory opinions, both before and after the enactment of Commission Regulation 5004 in 2007, applying the provisions of the Code of Ethics to analogous questions presented by fire department personnel. In those opinions, the Commission took the position that a public official or employee serving in a supervisory capacity will satisfy the conflict of interest and nepotism provisions of the Code of Ethics by recusing from participation in matters directly affecting his or her family member.

In Advisory Opinion 2010-40, the Commission opined that the Chief of the Manville Fire Department, whose son was employed as a firefighter in the department, would not violate the Code of Ethics if he adhered to a proposed alternate chain of command. In particular, the Chief represented that he would recuse from the supervisory chain of command in matters involving his son, and that the Chairman of the Board of Fire Wardens had agreed to become his son's designated supervisor regarding all administrative matters such as the scheduling of work shifts and disciplinary actions. Similarly, in Advisory Opinion 2009-26, the Commission opined that the Code of Ethics did not prohibit the Deputy Chief of the Valley Falls Fire Department from serving in that position while his nephew simultaneously served as a firefighter within the same department since the recusal procedures and alternate chain of command structure proposed by the Deputy Chief, whereby the Fire Chief replaced him as next in line in the chain of command, and in the Fire Chief's absence, the Chairman of the Board of Fire Commissioners became the Fire Chief's designee for purposes of any supervisory action, were reasonable and sufficient to insulate him from apparent conflicts of interest. See also A.O. 2007-29 (opining that the son of the Chief of the East Greenwich Police Department could be employed as a community service officer in the Department since the procedures and alternate chain of command fashioned by the Town effectively insulate the Petitioner from decisions directly affecting his son); A.O. 2005-19 (opining that the Code of Ethics would not prohibit the Chief of Cranston Police Department from continuing in that position notwithstanding that his brother

served in the department, given that an alternate chain of command had been established wherein the Mayor would replace the Chief as the final decision-maker on matters concerning the Chief's brother). Compare A.O. 2008-54 (opining that the son of the Fire Chief was prohibited from being employed by the Fire District, notwithstanding that the Fire Chief would not take part in the selection process, since no alternative chain of command was proposed or existed to insulate the Fire Chief from apparent conflicts of interest).

Similarly, in the instant matter it is our opinion that the chain of command outlined by the Petitioner and the Fire Chief, which requires the Petitioner to recuse from any decisions that may financially impact his brother (including, but not limited to, supervision, evaluation, work assignment, promotion, transfer and discipline) are reasonable and sufficient to insulate the Petitioner from apparent conflicts of interest. As we have noted in prior advisory opinions, during discrete emergency situations, such as fighting fires where incident-specific supervision of his brother may be unavoidable, the Commission finds that a violation of the Code of Ethics will not exist. The Petitioner is strongly cautioned, however, to remain vigilant in identifying and avoiding additional conflicts of interest that may arise in non-emergency situations. The Petitioner is encouraged to seek further guidance from the Commission as needed. Finally, when recusing, the Petitioner must complete a statement of conflict of interest and comply with the provisions of section 36-14-6.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.

Code Citations:

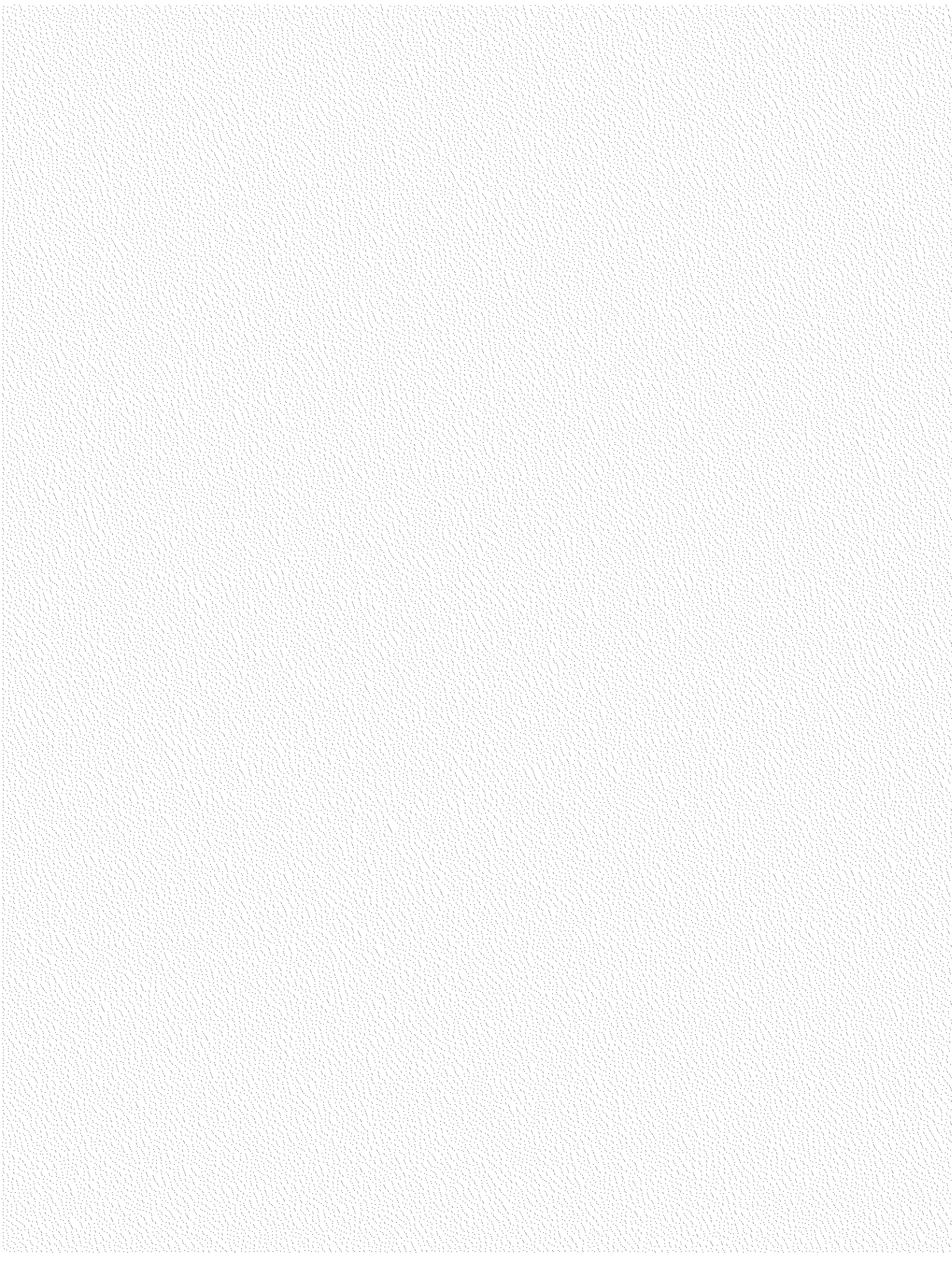
36-14-5(a)
36-14-5(d)
36-14-6
36-14-7(a)
Commission Regulation 36-14-5004

Related Advisory Opinions:

2010-40
2009-26
2008-54
2007-29
2006-39
2005-19

Keywords:

Family: public employment
Family: supervision
Nepotism



**MINUTES OF THE OPEN SESSION
OF THE RHODE ISLAND ETHICS COMMISSION**

August 16, 2016

The Rhode Island Ethics Commission held its 10th meeting of 2016 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, August 16, 2016, pursuant to the notice published at the Commission offices, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

Ross Cheit, Chair

Robert A. Salk, Secretary

M. Therese Antone

Frederick K. Butler*

Timothy Murphy

Marisa A. Quinn

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorney Teresa Giusti; and Commission Investigators Steven T. Cross and Peter J. Mancini.

At 9:00 a.m., the Chair opened the meeting. The first order of business was:

Approval of minutes of the Open Session held on July 19, 2016.

Upon motion made by Commissioner Antone and duly seconded by Commissioner Murphy, it was unanimously

VOTED: To approve minutes of the Open Session held on July 19, 2016.

AYES: Robert A. Salk; Timothy Murphy; Marisa A. Quinn; and Ross Cheit.

ABSTENTIONS: Marisa A. Quinn.

*Commissioner Butler arrived at 9:02 a.m.

The next order of business was:

Advisory Opinions.

The advisory opinions were based on a draft advisory opinion prepared by Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date.

The first advisory opinion was that of:

William C. Perry, a Lieutenant in the East Greenwich Fire Department, requests an advisory opinion regarding the application of the Code of Ethics to the Fire Department's proposed hiring of the Petitioner's brother as a Probationary Firefighter.

Staff Attorney Gramitt presented the Commission Staff recommendation. The Chief of the East Greenwich Fire Department, Russell G. McGillivray, and Deputy Chief Michael Sullivan were present for the Petitioner. Chair Cheit inquired ~~why it would be highly unlikely for the Petitioner and his brother to be in the same platoon.~~ Chief McGillivray replied that there are thirty-six (36) positions in the Department, half officers and half firefighters. ~~He estimated that there might be a 10% chance that they would end up in the same platoon.~~ He stated that there are four (4) officers per shift, plus two (2) house captains, allowing the schedule to be modified so that the Petitioner is never supervising his brother. In response to Commissioner Murphy, ~~Chief McGillivray clarified that the Petitioner is an officer on Engine 1 and his brother would be in a different platoon.~~ In further response, he explained that the Town is doing lateral transfers for four (4) positions and all twenty (20) applicants are from other municipal fire departments. He represented that the Petitioner's brother is an officer in the Coventry Fire Department. Commissioner Murphy inquired if it gave him an advantage in the selection process to have a brother in the Department. Chief McGillivray stated that the Deputy Chief and three (3) other members formed the selection committee, along with the Town's Human Resource Director.

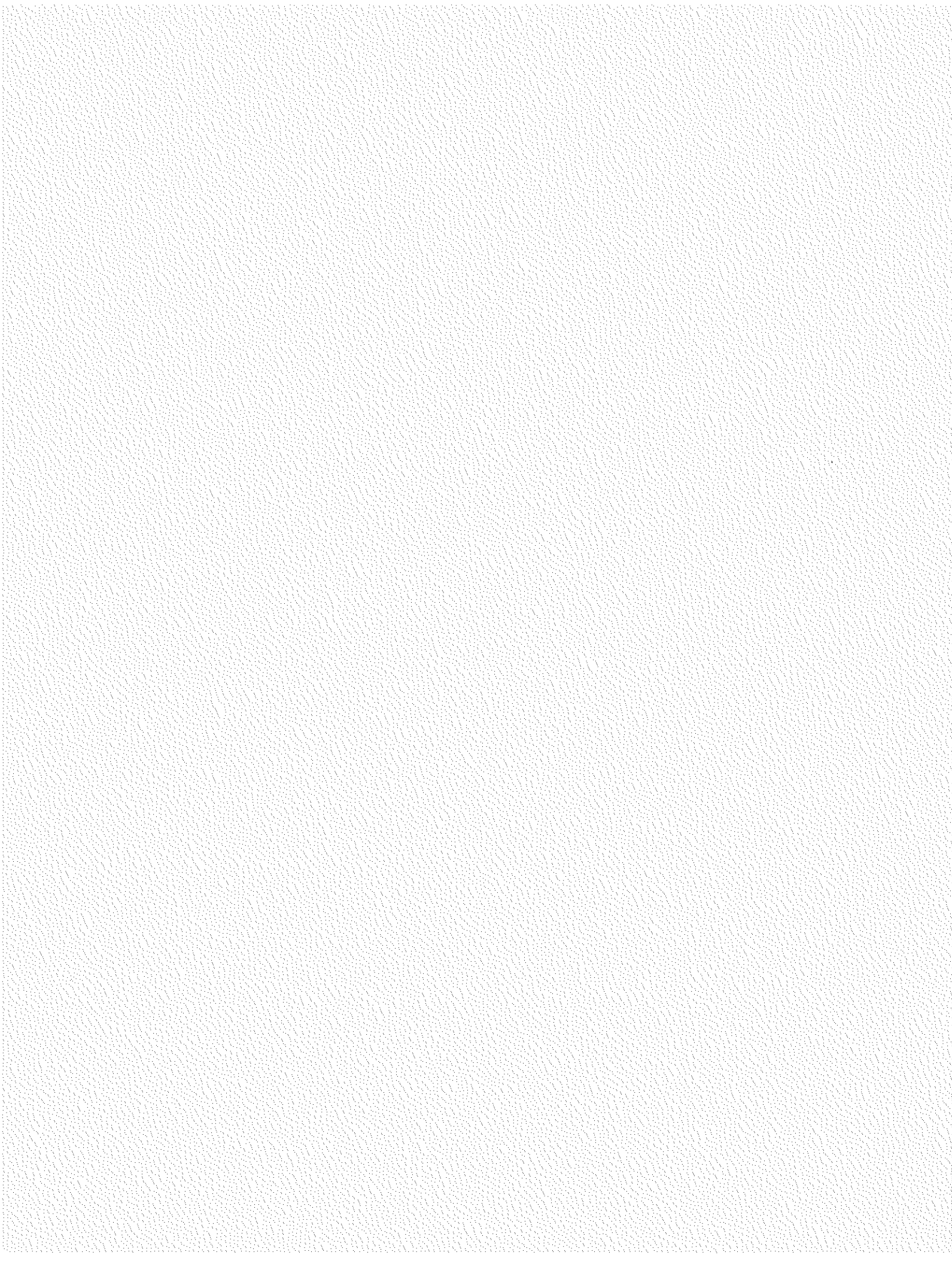
Upon motion made by Commissioner Quinn and duly seconded by Commissioner Murphy, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to William C. Perry, a Lieutenant in the East Greenwich Fire Department.

The next advisory opinion was that of:

Mary Meagher, a member of the Jamestown Town Council, requests an advisory opinion regarding whether she may participate in discussion and voting relative to a proposed ordinance that would require residential landlords in Jamestown to file an emergency contact form with the Town Clerk, given that the Petitioner owns a rental property that would be subject to the proposed ordinance.

Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was



EAST GREENWICH FIRE DEPARTMENT

284 MAIN STREET

EAST GREENWICH, RHODE ISLAND 02818

TELEPHONE: 886-8686 • FAX: 886-8692



OFFICE OF CHIEF OF DEPARTMENT

To: All Members

From: Chief McGillivray

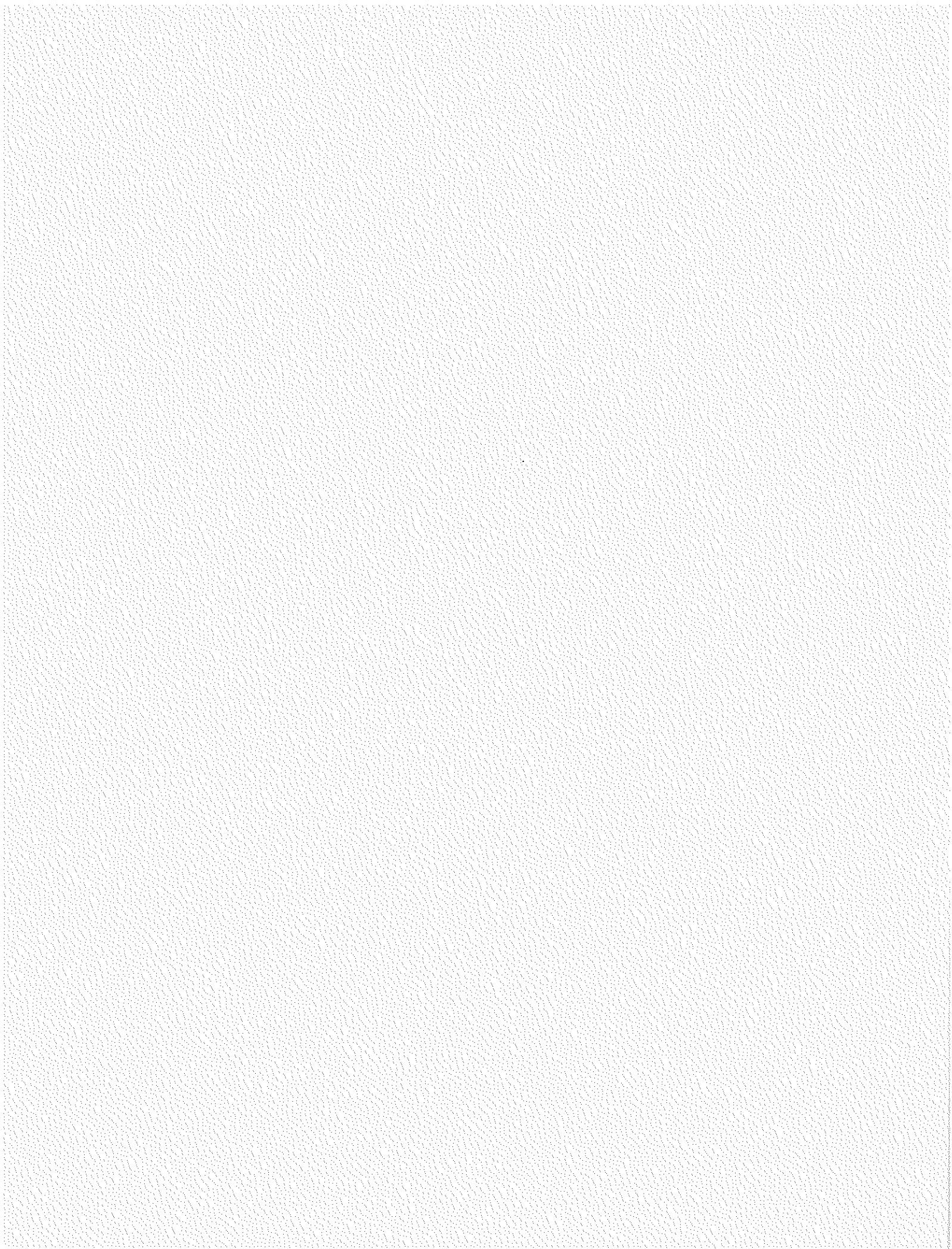
Re: Bid transfers

Date: February 1, 2017

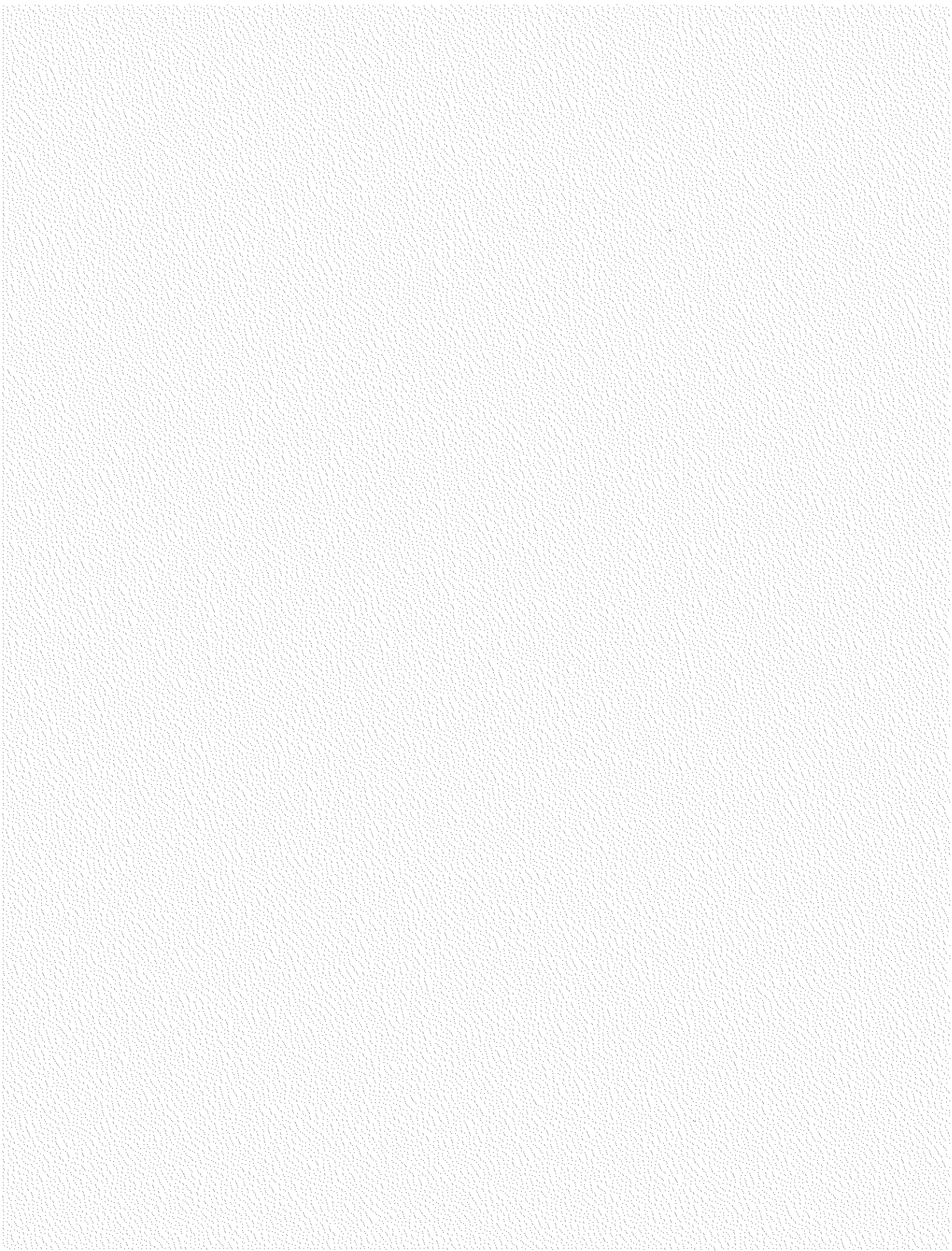
All bid transfers are effective as indicated below:

- 1. Probationary Firefighter David Lavalley is assigned "D" Platoon Engine 2 Driver effective February 10, 2017. Last shift on "B" Platoon is February 7, 2017**
- 2. Probationary Firefighter James Perry is assigned "B" Platoon Rescue 2 Driver effective February 6, 2017. Last shift on "A" Platoon is February 4, 2017.**
- 3. Firefighter Anthony DeLuca is assigned "A" Platoon Rescue 2 Driver effective February 5, 2017. Last shift on "D" Platoon is February 3, 2017.**

Cc:
Local 3328
Station 1
Station 2



A	B	C	D 2/2018
Richardson	W. Perry	Mears	Hall
O'Donnell	Colombier	King	Marsh
Archambault	Snowling	Andrade	Stabile
Bailey	Gardner	Jone	Babcock
Preston	Howard	Szerlag	Lang
Montville	Beaudreau	Porcell	Warner
Campbell	Crote	Forte	LeVallee
Monaghan	Grady	Greene	Metzla
Deluca	J. Perry	McKeon	Gorman



East Greenwich Fire Department


Fill-In Procedures

The following guidelines have been agreed upon between the EGFFA, Local 3328 and the East Greenwich Fire Department. These procedures will be utilized for filling any vacancies, which occur for any reason on the four platoon system. These procedures will follow a rank for rank and position for position type of system when filling vacancies.

This update shall go into effect September 1, 2013

Adopted this 27th Day of August 2013

East Greenwich Fire Department

By: 
Russell McGillivray, Acting Chief

East Greenwich Firefighters Association

By: 
William Perry, President

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Revised 08/27/2013

General Rules

Any discrepancies or questions relative to the Fill-in Procedures shall be brought to a member of the **EXECUTIVE BOARD**. The Local and the Chief of the Department shall handle discrepancies or amendments. **The following Fill-In Procedures are not open to individual interpretation.**

- A. Any changes in policy or revisions within this fill in book shall be authorized and signed by both a representative of the Department and the Local. Any note left in this book without being authorized will be ignored and removed.
- B. It shall be the responsibility of the Senior Officer assigned to Station 1, or his designee, to ensure that all career positions on the four-platoon system within the Department are properly staffed during their tour of duty, and to fill any career positions on the four-platoon system reported as being open for succeeding shifts.
- C. When an unexpected opening is reported for any reason the Senior Officer assigned to Station 1, or his designee, will fill the open position, if necessary, by calling personnel off the appropriate list.
- D. When an opening occurs in any position on the four platoon system, the fill in book must be checked to determine if that shift is full or short. If the shift is full (9) then no overtime is created and the floater is utilized to fill the opening. If the floater needs to change stations, an attempt shall be made to notify the floater using the number provided on the overtime fill in list. The floater shall be notified at the time that the calling would be done. (i.e. at 1700 the night before a day shift or at 1400 for a night shift) If the shift is short (8 or less), you must determine if the overtime need is for a Firefighter or an Officer.
- E. At the time of the calling, when a firefighter is out for a full tour, for whatever reason, the floater fills the bid position for the full tour. Later, if any other firefighter positions become open for that tour, they are filled on a position for position basis and the floater does not move.
- F. At the time of the calling, when an Officer is out for a shift or the full tour, for whatever reason, the Firefighter on shift appearing highest on the Acting Lieutenants List (or if none the Senior Firefighter) will Act as the Rescue Officer and the Rescuer Officer will move to the Engine. The floater fills the open bid position of the firefighter who is acting. Later, if any other Officer positions become open for that shift or for that tour, they are filled on a position by position basis.

- G. If there is a Vacancy on a shift (a bid position without a career firefighter assigned to it) and no other full tour openings (vacation, IOD) exist, the Floater fills that vacancy for the tour. If any other openings occur during that tour, they are filled from the appropriate list and the floater does not move. At the time of the weekly calling, if there is a shift vacancy and a full tour opening(s), or if there are multiple full tour openings, the Floater will have the choice of which position to fill for the full tour.
- H. If, during the daily calling, multiple firefighters are out on a shift for any reason, and the floater is not already committed to filling a position, then the floater will be called once to decide which position he will fill. (Use the number provided on the overtime fill in list to reach the floater.) The remaining opening, if necessary, will be filled off the Firefighter's list.
- I. When an Officer and a Firefighter are out on a shift for any reason, and two positions are open, the floater fills the Firefighter's bid position and an Officer will be called off the appropriate list to fill the Officer's Position.
- J. If the overtime opening is for an Officer's position, you shall attempt to fill using the Officer's list. If all the Officer's refuse, then proceed to the Acting Lieutenants list. If all Acting Lieutenants refuse, then proceed to the Firefighters' list before ordering an Officer to fill the vacancy. If there are not enough Officer's to order in, the Acting Lieutenant appearing furthest back on the Firefighter's Order Back List shall be ordered in.
- K. When an opening is created for an Engine Officer, the Rescue Officer, providing that he has more rank seniority than the Officer filling in, may elect to fill the spot on the Engine, or stay in his bid position on the Rescue. **In the event both Officers are on Overtime, the Senior Officer on Overtime shall decide riding assignments for those positions for that particular shift.** (If it is an Acting Lt. filling in, the shift Rescue Officer shall move to the Engine and the Acting Lt. shall be the Rescue Officer. If an Officer is filling in Swap for another Officer, that Officer fills that spot and **Cannot Be Bumped** by a Senior Officer or Senior Firefighter. **(SWAP IS SPOT FOR SPOT AS AGREED TO BY THE MEMBERSHIP.)**
- L. If two Acting Lieutenants are working at a Station, the one appearing highest on the eligibility list decides riding assignments.
- M. In the event there's a question regarding who receives out of rank pay, the Acting Lieutenants' list will be consulted first, followed by the Firefighter's Seniority List.
- N. Nothing contained in this procedure shall preclude members from an on-shift swap, as long as there is a mutual agreement between the members and approval from the Officers on the involved apparatus. If one of the members involved in an on shift swap calls out, for any reason and their position needs to be filled, the position filled is their bid spot, not the spot to which they had swapped.

- O. Where there is a discrepancy between this document and the Current Collective Bargaining Agreement, the language in the Collective Bargaining Agreement shall prevail.
- P. Any overtime shift that is Less Than 8 Hours will be filled off the Partial Overtime List. Any Overtime positions that are longer than 8 hours will be filled off of the Regular Overtime List.

UTILIZATION OF LISTS

While utilizing the proper list, start with the name in the left and uppermost blank square. Calls for filling unexpected vacancies shall commence between 1400-1600 hours if the vacancy is for that night and 1700-1900 hours if the vacancy is for the next day. When calling to fill vacancies for whatever reason, go down the appropriate list only once. When filling known vacancies (vacation time, long term IOD, etc..) the Senior Officer assigned to Station One, or his designee, shall attempt to fill these known vacancies on Saturday mornings between the hours of 0900-1200. This calling shall be for known vacancies occurring on the following Monday thru Sunday. If unable to complete the calling the Senior Officer assigned to Station One, or his designee, shall attempt to fill these vacancies on the following Sunday morning between the hours of 0900-1200.

- a. If after calling on Saturday morning for a known vacancy on that Saturday night and unable to get the necessary fill-in, the Officer shall attempt one more time to fill that vacancy after 1400 hours that day before ordering someone to stay off the appropriate order back list.
- b. If after calling on Saturday morning for a known vacancy on the following Sunday morning and unable to get the necessary fill-in, the Officer shall attempt to fill that vacancy on Saturday evening between the hours of 1700 and 1900 before an order back situation exists.
- c. When ordering personnel to work, they shall only be ordered prior to the start of the shift needed to be filled, not days before the shift.
- d. In the event the shift being filled is Less Than 8 Hours, the appropriate Partial Overtime List will be utilized in the same manner consistent with the fill- in procedures in this document.
- e. If a call back is for an unknown duration, the Partial Overtime List shall be utilized.

NOTIFICATION RULES

- a. Members assigned to the four-platoon system shall be notified of openings/vacancies by (1) one form of communication, either Phone, Cell Phone, Pager, or Verbal. They may designate the Officer or his designee to change which number to notify them by for the purpose of filling vacancies. **It is the responsibility of the member to ensure that the number utilized at any given time is the number by which they wish to be notified.**
- b. Whether contacted via phone, pager, cell phone, or verbally, each member assigned to the four-platoon system shall be given **five (5) minutes** to respond to a call for overtime. If the person you are calling is not home, you will either leave a message on their answering machine or with whomever answers the phone, still giving them (5) minutes to return the call.
- c. The member may designate someone to accept the shift on his or her behalf. However, the responsibility to report for the vacancy solely falls on the member.

ACTUAL CALLING PROCEDURES

- a. In the event the Officer is unable to contact the next member on the list after (5) five minutes, the letter "U" shall be placed in the blank square next to their name on the appropriate list.
- b. In the event you contact the member and they refuse the shift the Officer shall place an "R" in the blank square next to their name on the appropriate list.
- c. In the event the member is unable to fill the vacancy for any reason (i.e.: their shift, already working, etc...) an "X" shall be placed next to their name and the next person on the list shall be called.

- d. In the event the member accepts the vacancy being filled, the Officer shall immediately place the date of the vacancy being filled in the blank square next to their name on the appropriate list.
- e. If after the shift is accepted, the member turns it back in for any reason that member shall be penalized by having a (TI) placed next to their name on the appropriate list. The only exception is in the event a member becomes injured on duty, he will not be penalized for time in which he cannot work.
- f. In the event a member of the four-platoon system is ordered to fill a vacancy, this shall be done off the appropriate order back list and noted in the day log by the Officer assigned to Station One. It shall be the responsibility of the Senior Officer or Acting Officer assigned to Station 1 to ensure that the day log is correct for all assigned personnel to their shift on that particular day and that all log entries reflect the type of time each member is working.

DISPATCH POLICY

(Policy For Working Collateral Dispatch)

- 1. Sign up for shifts shall take place on the second Tuesday of the month regardless of whether or not there is a local meeting.
 - a. If there is a meeting the bids shall take place immediately after the meeting at the same location.
 - b. If there is no meeting that month, the bid shall take place at Station 1 at 1715 hrs.
 - c. If you are not at the meeting to bid on shifts, personnel may pick from whatever shifts are left over from the bid without regard to seniority.
 - d. Bidding on shifts shall be done by seniority by those in attendance at the bid. If you are not at the bid, you may pick from whatever is left after the bid takes place.
 - e. If you are unable to attend the bid, you may contact Lt. Beaudreau via email to let him know what shifts you are interested in. This will not be an every month occurrence. This shall be done only in the case of unavoidable circumstances. If Lt. Beaudreau cannot be in attendance the list will be in Fire Alarm in time for the bid.
 - f. If you do email your shifts, they must be sent by 1200 hrs the day of the bid at the latest.

EGFD DISPATCH POLICY

Policies for Working Dispatch

1. All Qualified EGFD personnel currently on the dispatch / dispatch order back list will sign up for shifts on the second Tuesday of each month (Union Meeting) at Station 1, 17:15 hrs, and be held open for a 1 week period.
 - a. The selection of shifts shall be picked based on date-of-hire seniority.
 - b. If you are unable to attend the meeting, contact Lt. Beaudreau via email at sbeaud2238@gmail.com to notify him of your requested choices. All email requests must be sent by 12:00 hrs on the day of the scheduled selection meeting. If Lt. Beaudreau is not in attendance at the selection meeting, the dispatch selection list will be available in Fire Alarm prior to the meeting.
 - c. If a Qualified EGFD member currently on the dispatch / dispatch order back list is unable to either attend or email, they may pick from whatever shifts are available after the initial selection without regard to seniority.
2. Per Diem Dispatchers shall choose shifts starting on the third Tuesday of the month at Station 1, 17:15 hrs and continue for a one week period. After that time period, any shifts left open may be taken by any Qualified EGFD personnel.
3. Per Dem Dispatchers work hours shall be limited to a maximum of 28 hours per week.
4. Per Diem Dispatchers shall be allowed to substitute for any member at any time as a **DISPATCHER ONLY**. All substitutions/changes shall be recorded in the Dispatch Log.
5. Per Diem Dispatchers shall meet the training requirements as set forth by the EGFD.
6. Ordering back for a night dispatch shift shall take place at 15:00 hrs and at 21:00 hrs for the following days shift. All Qualified EGFD personnel and Per Diems shall be called prior to ordering back a dispatcher.
 - a. If a member is ordered back, a minimum of 3 hours must be worked to receive credit for an order back.
7. Under no circumstances will a Per Diem Dispatcher be ordered back!
8. Qualified EGFD personnel who wish to be added or removed from the dispatch list may only do so in the months of October and April at the union meeting. The only exception to this policy is adding a newly hired firefighter.

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EGFD DISPATCH POLICY

9. Once you sign up for a shift, you are responsible for it. The only exception to this will be if you are placed on Injured on Duty (IOD) status. In this case, the vacated shifts will be filled:
1. Current Qualified EGFD personnel on the Dispatch/Order back list
 2. Per Diem Dispatchers
 3. Any other Qualified EGFD personnel
10. House Duties for the Dispatcher shall be:
- a. Dispatch area
 - b. 1st floor restroom
11. Uniforms
- a. All Qualified EGFD personnel will wear the current duty uniform when on Dispatch duty.
 - b. All Per-Diem Dispatchers will wear navy-blue uniform pants and the issued blue "East Greenwich" Polo style shirt or sweat shirt when on duty. Only East Greenwich attire may be worn while on duty.



Union President



Chief of Department

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