

# CONSTITUTION AND BYLAWS OF WHEATON FIRE & RESCUE



*WHEREAS, Wheaton Fire & Rescue of Wheaton Township, Chippewa County, Wisconsin, having been organized on the fourteenth day of April, Two Thousand Twenty, for the purpose of providing a cost-effective means to protect life and property from fire, natural disasters, and other emergencies including personal medical, be it therefore resolved, that we be governed by the following Constitution and Bylaws.*

## CONSTITUTION

### ARTICLE I NAME

Section 1      This organization shall be known and designated as Wheaton Fire & Rescue, hereinafter referred to as “Department.”

### ARTICLE II OBJECTIVE

Section 1      The objective of Wheaton Fire & Rescue shall be the protection and preservation of life and property from, and during, such emergencies as they may occur in the Township of Wheaton, Chippewa County, WI; and other areas covered under Mutual Aid Agreements.

### ARTICLE III MEMBERSHIP

Section 1      Wheaton Fire & Rescue shall consist of not more than forty (40) members

Section 2      Department members shall be accepted, classified, disciplined, and dismissed according to the Department Bylaws and Standard Operating Procedures.

## **ARTICLE IV**

### **ORGANIZATION**

- Section 1      The Department Fire Officers shall consist of:
- Fire Chief
  - Deputy Chief
  - Training & Safety Officer
  - Captains
- Section 2      The Fire Chief shall appoint the Department Fire Officers. The Fire Chief shall review each appointment annually and reserves the right to dismiss or re-appoint the Department Fire Officers as deemed necessary. Vacancies shall be filled at the earliest possible time.
- Section 3      The Fire Chief or designee shall provide to the Wheaton Fire Commission a current roster of Department Members and Department Fire Officers.
- Section 4      The Fire Chief may create additional Department Fire Officer positions as deemed appropriate.

## **ARTICLE V**

### **MEMBER ASSOCIATION**

- Section 1      Department members shall also belong to a private association, independent of the Town of Wheaton.
- Section 2      Hereinafter, “Department meeting” shall mean a meeting of both the Department members and the member association.
- Section 3      Department members may elect business officers.
- a. Business Officers may include, but is not limited to, the following positions:
    - i. President
    - ii. Secretary
    - iii. Treasurer
- Section 4      The Wheaton Fire Commission shall be provided a current roster of Department Business Officers annually upon conclusion of elections, or whenever a vacated office is filled.

**ARTICLE VI**  
**FIRE CHIEF**

- Section 1      The Fire Chief shall be appointed by the Wheaton Fire Commission.
- Section 2      The Fire Chief shall be required to sign an oath of office.
- Section 3      The Fire Chief shall serve a five (5) year term, commencing on July 1st and ending on June 30<sup>th</sup>.
- Section 4      The Fire Chief shall have at least ten (10) years of verifiable fire service experience. No less than three (3) years of this service must be with the Department.
- Section 5      The Wheaton Fire Commission shall develop the process for accepting applications and appointing the Fire Chief.
- Section 6      The incumbent Fire Chief must re-apply for each term, if desired.

**ARTICLE VII**  
**AMENDMENTS TO CONSTITUTION**

- Section 1      No special Department meeting shall be called for the purpose of amending this constitution.
- Section 2      Amendments to this constitution must be proposed in writing, accepted at a regular Department meeting, and will lay on the table for a period of not less than two (2) months.
- Section 3      After the two (2) month period, the Department will distribute to all eligible Department members a ballot to be returned to the Department Secretary within twenty (20) days from date of distribution. All ballots not returned will be considered an abstaining vote. The proposed amendment must receive the consensus in the affirmative of at least two-thirds (2/3) of the eligible Department members in order to move forward.
- Section 4      Results of the vote will be given at the next regular Department meeting. If the consensus is in the affirmative, the amendment will be sent to the Fire Commission for action. A dissenting vote by Department members will kill the amendment.
- Section 5      The Wheaton Fire Commission shall then have sixty (60) days to entertain the proposed amendment.
- Section 6      An affirmative vote on the proposed amendment by the Wheaton Fire Commission shall require the Wheaton Town Board to entertain the amendment at their next monthly meeting. A dissenting vote by the Wheaton Fire Commission on the proposed amendment shall kill the amendment.
- Section 7      An affirmative vote on the proposed amendment by the Wheaton Town Board shall adopt and enact the amendment. A dissenting vote by the Wheaton Town Board on the proposed amendment shall kill the amendment.

# BYLAWS

## **ARTICLE I** **MEMBERSHIP**

- Section 1      The following regulations shall not be interpreted as to prohibit membership in the Department to persons because of their race, color, creed, national origin, age, sex, ancestry, sexual orientation, marital status, physical or mental handicap.
- Section 2      Any person may apply to become a member of the Department if they are at least sixteen (16) years of age. All applicants will be subject to a background check conducted by the Town of Wheaton Clerk. The Fire Chief may limit the number of Associate Members and Members under the age of eighteen (18) as to the needs of the Department.
- Section 3      Prospective members will be required to complete an application form and submit it to the Fire Chief or designee. Applicants shall be reviewed by a panel consisting of the Fire Chief and two (2) other Department Officers chosen by the Fire Chief. The Department reserves the right to accept or reject any or all applications.
- Section 4      Upon acceptance, all new members will be classified as Probationary for a minimum of twelve (12) months.
- Section 5      Upon acceptance, each new Probationary member shall receive a copy of the current Constitution, Bylaws, and Standard Operating Procedures of the Department.
- Section 6      New members shall possess general knowledge of procedures, use of equipment, operation of units, and other items as determined by the Fire Chief or designee prior to removal from probationary status.

## **ARTICLE II** **CLASSIFICATION OF MEMBERS**

- Section 1      Members of the Department shall be classified as follows:
- Firefighter
  - EMR
  - Firefighter/EMR
  - Probationary Member
  - Fire Inspector
  - Associate Member
- Section 2      Requirements for, and responsibilities of, each classification will be set forth in Department Standard Operating Procedures.

**ARTICLE III**  
**DUTIES OF MEMBERS**

- Section 1      Members shall obey all reasonable commands of the Fire Chief and Department Officers while on duty, parade, or practice. Any member refusing to obey such commands without cause, may be subject to disciplinary action.
- Section 2      All members shall conduct themselves in a professional manner. No member shall appear at any Department activity in a state of intoxication. Violations of these conditions will subject offender(s) to disciplinary action.
- Section 3      Any member may leave the Department in good standing by giving written notice to the Fire Chief and acquiring a certificate from said, that all gear and equipment issued has been returned to the Department.
- Section 4      All furniture, uniforms, and other property purchased by, or presented to, the Department shall belong to the Department, and all members who leave or are dismissed from the Department shall forfeit their interest in such property. Exceptions to this section must be submitted in writing and approved by the Fire Chief.
- Section 5      Members of the Department shall always act in the best interest of the Department during Department activities. Off-duty members of the Department will always be considered members of the community, first and foremost, and Department members second.

**ARTICLE IV**  
**GREIVANCE PROCEDURES**

- Section 1      Any and all complaints, charges, suspensions, and decisions referred to in this Article shall be submitted in writing.
- Section 2      Department members should make a reasonable effort to resolve tiffs amongst themselves. If this is not possible, the following method of recourse has been established.
- a) Where there exists a tiff between members pertaining to an emergency response function of the Department, the member(s) may request the Fire Chief or designee, to mediate the situation. The decision of the mediator will be final.
  - b) Where there exists a tiff between members pertaining to any other function of the department, the member(s) may request the Department President or designee, to mediate the situation. The decision of the mediator will be final.
  - c) If the Fire Chief and/or President are named in said tiff, the issue shall automatically be heard before the Wheaton Fire Commission. The decision of the Wheaton Fire Commission will be final.

**ARTICLE V**  
**DISCIPLINARY PROCEDURES**

- Section 1 Any and all complaints, charges, suspensions, and decisions referred to in this Article shall be in writing.
- Section 2 Where a violation is deemed serious in nature by a member, they have a right and obligation to bring it to the attention of any Department Fire Officer, to be forwarded to the Fire Chief within twenty-four (24) hours.
- Section 3 Complaints received from the public shall be submitted in writing to any Department Fire Officer to be forwarded to the Fire Chief within twenty-four (24) hours and will follow the procedure in Section 4 of this Article.
- Section 4 Public complaints and reported violations to the Constitution, Bylaws, or Standard Operating Procedures of the Department shall be adjudicated using the following procedure, to be completed within fourteen (14) days of receipt of report by the Fire Chief:
1. The Fire Chief shall make every reasonable effort to collect information, in writing, from all members involved or who may have witnessed the alleged violation.
  2. The Fire Chief shall meet in person with members involved in the alleged violation.
  3. The Fire Chief shall examine the Department Constitution, Bylaws, and Standard Operating Procedures to determine if a violation occurred.
  4. If it is determined that a violation occurred, the Fire Chief shall decide at which disciplinary step to place the member.
    - a. The steps of the progressive disciplinary system shall be:
      - i. Verbal warning, with documentation in personnel file
      - ii. Written warning
      - iii. Suspension
      - iv. Suspension with recommendation for dismissal
      - v. Dismissal from Department
    - b. The step chosen for discipline will depend on a variety of factors that include the severity of the infraction, disciplinary history of the offender, and how the choice will affect other members.
    - c. Certain cases involving the immediate health, safety, and welfare of the public or Department members may result in immediate suspension, pending an investigation as provided in this Section.
  5. If the Fire Chief determines that a violation did not occur, the matter shall be considered closed.

- Section 5 If the offender wishes to appeal the decision of the Fire Chief from Section 4, they may appeal in writing to the Wheaton Fire Commission within five (5) days from date of decision. This section is available when the offender is placed at steps i, ii, or iii of the progressive disciplinary system.
- Section 6 The Wheaton Fire Commission shall have exclusive authority to dismiss members after due process set forth in Section 4 of this Article.
- Section 7 When the Fire Chief places the offender on step iv, recommending the offender for dismissal from the Department, the offender shall have the right to a hearing before the Wheaton Fire Commission within thirty (30) days from date of decision.
1. The offender and the Fire Chief will be allowed to call, question, and cross-examine witnesses.
  2. The Wheaton Fire Commission shall have three (3) business days to render a decision in writing to both parties, which shall be considered final.
- Section 8 Where the allegation involves the Fire Chief, the accusers shall proceed directly to the Wheaton Fire Commission. An investigation using the procedure provided in Section 4 shall be completed within fourteen (14) days by the Wheaton Fire Commission.
1. The offender(s) shall have the right to appeal the decision of the Wheaton Fire Commission to the Wheaton Town Board within five (5) days of the decision.
    - a. The Wheaton Town Board shall hold a hearing within thirty (30) days of the appeal.
    - b. The offender(s) and the Wheaton Fire Commission will be allowed to call, question, and cross-examine witnesses.
  2. The Wheaton Town Board shall have three (3) business days to render a decision in writing to all parties, which shall be considered final.



**ARTICLE VI**  
**DUTIES OF THE FIRE CHIEF**

- Section 1      The Fire Chief shall have full power and control of the Department when on duty, parade, and practice.
- Section 2      The Fire Chief shall be afforded all police powers as provided in Wis. § 213.095.
- Section 3      The Fire Chief shall have full authority to sign documents on behalf of the Department.
- Section 4      The Fire Chief shall develop the Department Standard Operating Procedures, incorporating input from Department Officers and members.
- Section 5      The Fire Chief shall administer the day-to-day tasks required to effectively operate the Department.
- Section 6      The Fire Chief shall ensure the Department is compliant with Wis. Adm. Code. SPS 314.
- Section 7      The Fire Chief may appoint a Department EMS Director.
- Section 8      The Fire Chief may appoint a Department Fire Inspector.

**ARTICLE VII**  
**DUTIES OF THE DEPUTY CHIEF**

- Section 1      The Deputy Chief shall assist the Fire Chief in the discharge of their duties, and in the absence of the Fire Chief, perform the duties of the Fire Chief.

**ARTICLE VIII**  
**DUTIES OF TRAINING & SAFETY OFFICER**

- Section 1      The Training & Safety Officer shall report directly to the Fire Chief.
- Section 2      The Training & Safety Officer shall plan and lead Department training sessions.
- Section 3      The Training & Safety Officer shall serve as Incident Safety Officer on any incident scene where they are present.
- Section 4      The Training & Safety Officer shall maintain a record of all Department personnel injuries, close calls, and near misses on incident scenes or other department activities. A report of such shall be given at each monthly Department meeting
- Section 5      The Training & Safety Officer shall serve as the liaison between the Department and Wisconsin Technical College System Emergency Services Training.
- Section 6      The Training & Safety Officer shall serve as the Department Health and Safety Officer, as required by WI SPS 330.03.

**ARTICLE IX**  
**DUTIES OF CAPTAINS**

- Section 1      The Captains shall directly supervise Department members as assigned by the Fire Chief.
- Section 2      The Captains shall report directly to the Fire Chief.
- Section 3      The Captains shall assist the Fire Chief, Deputy Chief, and Training & Safety Officer in the discharge of their duties.

**ARTICLE X**  
**GENERAL PROVISIONS**

- Section 1      The Department shall develop and maintain a comprehensive set of Standard Operating Procedures. These procedures shall clearly spell out what is expected and required of personnel during emergency responses and non-emergency activities. They shall also serve as a mechanism to communicate legal and administrative requirements, organizational policies, and strategic plans to the members.

**ARTICLE XI**  
**AMENDMENTS**

- Section 1      No special Department meeting shall be called for the purpose of amending these bylaws.
- Section 2      Amendments to these bylaws may be proposed by any Department member.
- Section 3      Amendments to these bylaws must be submitted in writing and accepted at a regular Department meeting.
- Section 4      The proposed amendment(s) to these bylaws shall lay on the table until the next regular Department meeting, when it may be acted upon and approved by a two-thirds (2/3) majority vote of members present.
- Section 5      An affirmative vote on the proposed amendment by the Department shall forward the amendment to the Wheaton Fire Commission for action at their next meeting. A dissenting vote by the Department shall kill the amendment.
- Section 6      An affirmative vote on the proposed amendment by the Wheaton Fire Commission shall adopt and enact the amendment. A dissenting vote by the Wheaton Fire Commission on the proposed amendment shall kill the amendment.

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The above written Constitution and Bylaws of Wheaton Fire & Rescue are hereby approved on this \_\_\_\_\_ day  
of May 27<sup>th</sup> 2020

WHEATON FIRE COMMISSION

X Edwin J. [Signature]

The above written Constitution and Bylaws of Wheaton Fire & Rescue are hereby adopted and enacted on this  
14<sup>th</sup> day of July 2020

WHEATON TOWN BOARD

X Mark Blushenski, Chair

X Scott Peters, Clerk

AMENDMENT HISTORY: