


CERTIFICATION PAGE

**Amended Rules and Regulations of the  
Rock Springs Fire Civil Service Commission**

**Sweetwater County, Wyoming**

I certify that the attached is a true and correct copy of the Rock Springs Fire Civil Service Commissions amendments to Chapter II of its Rules and Regulations relating to Classification of Employment, Section 1 and Section 3, Chapter III of its Rules and Regulations relating to Selection and Advancement, Section 1 and Section 2, and Chapter V of its Rules and Regulations relating to Examinations, Sections 1, 3, and 4, Chapter VI of its Rules and Regulations relating to Conduct and Discipline, Section 5. These Rules and Regulations have been adopted in accordance with the Rules and Regulations for the Preparation and Filing of Rules by Local Agencies promulgated by the Wyoming Secretary of State pursuant to the Wyoming Administrative Procedure Act, Wyoming Statute §16-3-104(c). This is an amendment, amending Chapters II, III, V, and VI of those regulations. Prior to adoption, these proposed changes were made available for public inspection on February 16, 2017, and notice mailed to all person requesting notice of the proposed rules. The attached amendments to rules shall be effective immediately upon filing with the County Clerk.

Signed this 12 day of May, 2017.

  
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Charles L. Barnum,  
Chairperson, Rock Springs Fire  
Civil Service Commission



**Fire Civil Service Commission Meeting Minutes:**

April 11, 2017

Location: City Hall downstairs conference room

RE: Public Hearing on Fire Commission Rules and Regulations changes

**Commission Members present:**

Charles Barnum  
Steve Harton  
Meg Torgersen

**Others Present:**

Assistant City Attorney: Richard Beckwith  
Fire Chief: Jim Wamsley  
Fire commission coordinator: Mera Souare  
Fire Captain: Don Erramouspe  
Firefighter: Kevin Hafner  
Firefighter: Kyle McLendon

**Public Hearing to amend Fire Civil Service Rules and Regulations:**

Meeting started at 4:10pm

Mera Souare notified the commission that the clerk's office didn't receive any call or comment about the public hearing or the proposed changes to the rules and regulations.

Rick Beckwith notified the commission that he didn't have a final copy of the rules and regulations with him but will have it ready the next morning at his office for the members of the commission to sign.

The commission chairman Mr. Charles Barnum, called the meeting to order at 4:15pm, he said to give it 15 minutes to see if the public will come for comments.


Then he resumed that the commission reviewed the amendments to the rules and regulations and was satisfied with it and the Fire Chief also reviewed the rules and regulations and was satisfied with it; Chief Wamsley said yes.

Then Mr. Barnum asked who will make a motion to adopt the amended Rules and Regulations.  
Ms. Meg Torgersen made the motion to adopt the amended rules and regulations and Mr. Steve Harton,  
seconded the motion.  
All commission members voted in favor.

No public comment.

Mr. Barnum asked who will make a motion to adjourn the meeting.  
Mr. Harton made the motion to adjourn the meeting, Ms. Torgersen seconded it.  
All commission members voted in favor.

Meeting was adjourned at 4:20pm.

  
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Charlie Barnum  
Chairperson, Rock Springs, Fire  
Civil Service Commission

Date: May 12, 2017

## AUTHORITY

These rules and regulations are promulgated pursuant to the authority granted the Rock Springs Fire Civil Service Commission pursuant to Wyoming Statutes §15-5-101 et. seq. - Civil Service and §16-3-101 et. seq. - Wyoming Administrative Procedure Act.

## CHAPTER I

### GENERAL PROVISIONS

Section 1. Classified Civil Service; Employment Constituting. The Classified civil service shall consist of all positions of employment now existing or hereafter created in or under the fire department of Rock Springs, Wyoming, except the Fire Chief. No appointments to any position of employment, constituting the classified civil service of the fire department, shall be made except according to law and the rules and regulations of the Rock Springs Civil Service Commission.

Section 2. Commission; Number of Members; Term; Vacancies; Oath. The commission consists of three (3) members who shall be appointed by the Mayor and confirmed by the governing body. Each commissioner shall be a qualified elector of the City and shall serve without compensation for a term of three (3) years and until his successor is appointed and qualified. Of the three (3) commissioners first appointed, one shall be appointed for a one (1) year term, one for a two (2) year term and one for a three (3) year term. Not more than one commissioner may be appointed from the governing body, and no officer or employee in the fire or police department is eligible to appointment or service as a commissioner. In case of a vacancy or disqualification of any commissioner, the Mayor, with the consent of the governing body, may appoint a person to service during the unexpired portion of the term and until a commissioner is appointed and qualified.

Before entering on the duties of their offices, all commissioners shall take and subscribe before the Clerk of the municipality, an oath or affirmation that in no event will they appoint or remove any person because of his political opinions or for any other reason other than that person's fitness or unfitness. The oaths or affirmations shall be on file with the City Clerk.

Section 3. Organization of Commission; Secretary; Offices. The Civil Service Commission shall organize by selecting one of its members as chairman, and shall appoint as secretary another of the officers. The secretary shall keep a record of all meetings of the Civil Service Commission, have custody of the books and records of the Commission. The Mayor and City Council shall provide suitable accommodations and equipment to enable the Commission to attend properly to its business.

Section 4. Rules and Regulations; Printing and Distribution. The Civil Service Commission shall make all necessary rules and regulations to carry out its purposes and for examinations, appointments, and promotions. All such rules and regulations shall conform to Wyoming State Statutes and shall be printed by the Civil Service Commission for distribution. Copies of said Rules and Regulations will be available by contacting the Secretary, Rock Springs Fire Civil Service Commission, 212 D Street, Rock Springs, Wyoming 82901.

Section 5. Annual and Special Reports by the Commission. The Civil Service Commission may make an annual report to the Mayor and City Council in December of each year. The Civil Service Commission shall make as many special reports as the Mayor and Council may request from time to time.

## CHAPTER II

### CLASSIFICATION OF EMPLOYMENT

Section 1. Rank. Each Fire Department member (except the Fire Chief) shall have a designated rank. Rank establishes the chain of command as set forth below. Job descriptions for each classification, Battalion Chief, Captain, Firefighter are attached hereto as an appendix for reference only and shall not be considered a part of these rules and regulations. Job descriptions may be changed at any time, as the good of the department requires, upon the recommendation of the Fire Chief and approval of the Rock Springs Fire Department Civil Service Commission.

Battalion Chief is the highest ranking office under this schedule and shall perform all duties assigned by the Fire Chief. The senior on duty Battalion Chief shall perform the duties of the Fire Chief in the absence of the Fire Chief.

Captain is the next rank below Battalion Chief, and shall perform such duties as assigned by the Fire Chief, and Battalion Chief.

Firefighter is the basic rank of the Fire Department. They shall perform such duties as assigned by the Fire Chief, Battalion Chiefs, and Captains.

Section 2. Seniority. Seniority reflects the period of a member's continuous service with the Rock Springs Fire Department.

Section 3. Probationary Period. All firefighters shall be on probation for one (1) year from the date of initial employment. Unsatisfactory conduct, performance, or service, as determined by the Fire Chief and/or the superiors during this period may result in discharge. This employment shall be on a trial basis. Unsatisfactory conduct, performance or service, as determined by the Fire Chief and/or the probationer's Supervisors, may result in discharge without recourse or hearing. At the end of the probationary period, the firefighter will be required to demonstrate a working knowledge of the topography of the City of Rock Springs, and have obtained a Firefighter level I certification and Firefighter II certification from the State of Wyoming. No firefighter will be eligible for promotion until they successfully complete a one year probationary period and have a minimum of three (3) years of progressive firefighter experience.

To achieve promotion to a higher rank, a member shall serve a one (1) year promotional probation. If, at the end of this period, it is determined by the Fire Chief that the member's conduct, service aptitude, and performance at the promotional rank is satisfactory, he shall be promoted. If at any time during the probation or at the conclusion of probation, the Fire Chief has determined the member's conduct, service aptitude or performance is not satisfactory, he shall return to performing the duties of the rank he held prior to and during the probation, and shall be paid in accordance with what he received prior to probation, subject to any changes made with the salary structure.

## CHAPTER III

### SELECTION AND ADVANCEMENT

#### Section 1. Recruitment

The Rock Springs Fire Civil Service Commission may direct the City of Rock Springs Department of Human Resources to use such means as they deem appropriate to advertise positions and recruit applicants.

Section 2. Selection and Advancement Criteria. A Firefighter must meet the following requirements:

- a. Be a citizen of the United States, and after employment, reside within the City of Rock Springs as provided by city ordinance;
- b. Have the ability to speak, read and write the English language readily and understandably;
- c. Be of good character and reputation;
- d. Be of good health with average intelligence and general knowledge;
- e. Not have been convicted of any felony;
- f. Be financially responsible;
- g. Have at least a high school or equivalent education;
- h. In the opinion of a physician, approved by the Civil Service Commission, have no serious physical defects that will prevent strenuous physical activity, have uncorrected distance vision at least 20/200 in each eye, correctable to at least 20/30 in each eye, visual field or peripheral vision at least 120 degrees uncorrected in each eye, have no hearing deficiency, and have adequate thumbs and fingers sufficient to handle charged fire lines, and be of correct and orderly deportment;
- i. The candidate will have reached his nineteenth (19) birthday by the time of employment, and will not have reached his thirty-third (33) birthday subject to the provisions of Wyoming Statutes §15-5-107 and §15-5-122(a).

## CHAPTER IV

### PROMOTIONS

Section 1. Promotions. Promotions to the rank of Captain, and Battalion Chief shall be on the basis of merit, experience and good record. A member selected for promotion shall be a competent person, having the requisite training and experience for the promotional rank, and;

- a. Be capable of strenuous physical activity;
- b. Have ability to command and lead commensurate with the rank sought;
- c. Have a good service record;
- d. Have a working knowledge of firefighting and emergency medical principals, procedures, practices, departmental rules, regulations and policies.

## CHAPTER V

### EXAMINATIONS

Section 1. Examinations. Examinations shall be afforded only to those applicants and members who file applications. Such applications shall be completed on the form and in the manner prescribed by the Civil Service Commission and may be administered by the City of Rock Springs Human Resources Department, under the supervision of the Commission. Notice of contemplated examinations shall be posted on departmental bulletin boards no less than thirty (30) days prior to the date of the examination.

Section 2. The Examination for the Rank of Firefighter Shall Include:

- a. A written examination and may include an oral examination administered by the Civil Service Commission to determine if the applicant meets the basic levels of intelligence, mental ability and knowledge required of a firefighter. Failure to achieve a degree of seventy-five percent (75%) proficiency will disqualify the applicant.
- b. An examination conducted by the Civil Service Commission or such other persons as the Commission may designate, designed to assess the applicant's capacity for performing the strenuous physical activity necessary for the performance of fire duty. Failure to achieve a satisfactory rating as determined by the Commission in each event shall disqualify the applicant for the rank of firefighter.
- c. After a conditional offer of employment, a medical examination, paid by the Fire Department, shall be conducted by a medical doctor approved by the Civil Service Commission. A report must be submitted by the doctor directly to the Fire Chief, prior to employment. The applicant must be free of any serious health problems which would prevent him or her from performing the normal and necessary duties of a firefighter.
- d. An examination and investigation of the reputation, character, habits, criminal record, service record and personal history in order to determine if the applicant possesses the basic personal qualifications for the rank of firefighter. Such examination and investigation shall be conducted under the direction of the Civil Service Commission. Failure to furnish any information concerning himself or herself, requested by the Civil Service Commission or the Rock Springs Fire Department, or any willful misrepresentation made by the applicant to the Civil Service Commission, may disqualify him or her for the position or may constitute cause for discharge from employment.

Section 3. The Examination for the Rank of Battalion Chief, or Captain Shall Include:

a. After receiving notice of a vacancy or the existence of an opening, and if an eligibility list has expired or is depleted of eligible applicants for the positions of Captain or Battalion Chief, the Rock Springs Fire Civil Service Commission shall approve the written examination which may be administered by the City of Rock Springs Human Resources Department, under the supervision of the Commission. The written test shall assist in measuring the intelligence, mental ability and knowledge possessed by the applicant, and required for the rank for which application is made. A written and/or oral/practical examination administered by the Civil Service Commission, or its designee (witnessed by the Civil Service Commission) to determine if the applicant possesses the minimum amount of intelligence, mental ability, and knowledge required of the rank for which application is made. Failure to achieve the degree of 75% or more proficiency shall disqualify the applicant.

b. If an assessment center is used, the Civil Service Commission will approve the assessment center process. If the assessment center is used, that fact must be made a part of the advertisement for the testing process.

c. The Civil Service Commission may require an updated background examination performed pursuant to Section 2.d above.

Section 4. Value or Weight of the Examination. The Civil Service Commission shall determine the value and weight to be given to each portion of the examination prior to administering the examination. All applicants shall be notified of the value and weight of each portion of the examination at the time testing is announced. Different value and weight determinations may be used by the Commission depending upon the rank being sought or applied for.

Section 5. Eligibility Registers. Promotion examinations may be held to meet or to anticipate the needs of the Fire Department. No eligibility register shall be effective for any position unless the previous eligibility register for that position is expired or the register is depleted of eligible applicants. All registers will be kept for two (2) years.

Section 6. Certifications. Certifications shall be made by the Civil Service Commission only from the eligibility registers in accordance with state law. If an applicant or officer is unable to accept a rank for which he has been qualified, his name will return to the roster from which it came, and his score on that roster shall remain the same.

Section 7. Re-Employment. Re-employment after a reduction in force must be in accordance with state law.

Section 8. Temporary Employment. An individual may be temporarily employed in accordance with state law.

Section 9. Employment Roster. A roster of Fire Department employees shall be kept by the Civil Service Commission showing the name, residence, position, date of employment, compensation and duties of each person in service. The Fire Chief shall furnish the reports necessary for the maintenance of the employee roster. The date of



initial employment is the date on which an employee entered service and thereafter remained in continuous service or employment.

## CHAPTER VI

### CONDUCT AND DISCIPLINE

Section 1. Responsibility for Discipline. Basic responsibility for discipline is vested in the Fire Chief of the department and not in either the Civil Service Commission or the City Council. In cases where the appointing power does not assume responsibility for exercise of this power the Commission in the public interest may investigate and recommend appropriate action.

Section 2. Discharge, Reduction, in Classification of Compensation. Discharge from the department or reduction in rank or compensation may be made for any reason, not religious or political, which will promote efficiency of service of the fire department. Written notice specifying the grounds for action shall be filed with the Civil Service Commission. Any discharge, reduction in rank or compensation must be made in a manner consistent with Wyoming law.

Section 3. Uniform Penalties. In making demotions or removals, or imposing penalties for delinquency or misconduct, all efforts should be made to insure that discipline is applied with reasonable consistency within a department and that any disciplinary action taken is not only appropriate to the offense committed, but takes into account the individual employee's past record, pattern of behavior, attitude, his motives and reasons for committing the offense and all other attendant circumstances.

Section 4. Misconduct. Among other grounds as determined by the (Chief or Commission) the following shall be grounds for a charge of misconduct:

- a. Violation of the laws of the United States or America, State of Wyoming, or the ordinances of the City of Rock Springs.
- b. The commission of any crime relating to public morals and decency.
- c. Failure to properly observe the rules and regulations of the Civil Service Commission, and the rules and regulations of the fire department.
- d. Reprehensible conduct tending to bring discredit upon the Rock Springs Fire Department.

Section 5. Incompetency. Among other factors as determined by the (Chief or Commission) the following shall be grounds for a charge of incompetency:

- a. Failure or inability to meet or maintain the physical requirements set forth in the job description.
- b. Habitual neglect of personal appearance while on duty.

- c. Cowardice or indolence.

Section 6. Failure to Perform Duty. Among other factors as determined by the (Chief or Commission) the following shall be grounds for a charge of failure in the performance of duty.

- a. Failure in the performance of those duties that are required under the law to be performed by the person in charge.
- b. Neglect of duty.
- c. Conduct subversive of good order and discipline of the department where employed.
- d. Leaving post of duty when not regularly relieved.

Section 7. Failure to Observe Department Rules. Among other factors as determined by the (Chief or Commission) the following shall be grounds for a charge of failure to observe properly the rules of the department:

- a. Disobedience of the orders of a superior officer.
- b. Disobedience of the general or special orders, rules and regulations of the department.

## CHAPTER VII

### DISCIPLINARY ACTION

Section 1. Suspensions. The Chief of a department may at any time suspend any member of his department without pay for violations of the disciplinary rules, misconduct, or other grounds under Chapter 6.

Any member of the department, who is the subject of disciplinary action of any nature whatsoever, shall be given an opportunity for hearing before the Chief prior to the distribution of any disciplinary action.

Section 2. Other Disciplinary Action. A member of the department who is accused of misconduct, incompetency, failure to perform his or her duties, or failure to observe the rules of the fire department, may be subject to discharge, demotion or unpaid suspension as determined by the Fire Chief. Any member of a fire department who has received notice from the Fire Chief that the Fire Chief has proposed discipline of discharge, demotion or unpaid suspension shall be afforded a hearing before the Rock Springs Fire Civil Service Commission, upon timely petition for a hearing.

Section 3. Form of Disciplinary Order. Disciplinary orders must be in writing signed by the Chief or his designee, and may be in letter form, properly dated, on the stationary of the fire department, addressed to the person against whom the disciplinary action is taken, and must advise him of the disciplinary action taken and the effective date.

Section 4. Service of Disciplinary Order. The disciplinary order must be served by a person over 21 years of age in the following manner:

a. By personal service of the original order upon the person against whom the action is taken; or

b. When such person is not at his usual place of residence or cannot be found within the corporate limits of the City of Rock Springs, then by leaving the order at his residence between the hours of 6 a.m. and 9 p.m. with a person of suitable age and discretion or;

c. If such person has no residence within the corporate limits of the City of Rock Springs, or his residence is not known or there is no person of suitable age with whom the order can be left, then by depositing the order in the post office addressed to the person against whom the action is taken at his last known residence, postage prepaid, and by posting a copy of the order on the bulletin board in the department where person was last employed.

Section 5. Endorsement on Order. The person serving the order shall endorse thereon the date of service, the manner of service, and shall sign his name thereto. The Fire Chief shall forthwith transmit to the secretary of the Commission a true and correct copy of the order together with the endorsement of service thereon.

Section 6. Petition for Hearing. Upon discharge, or reduction of classification, or compensation, a member, or officer may, within fifteen (15) days after notice of such action, petition the Civil Service Commission for a hearing in accordance with law to determine if the reason therefore is sufficient. Said hearing shall be held not more than twenty (20) days after the filing of the petition with the Commission, unless a later date is mutually agreed upon, and a ruling shall be made thereon not more than three (3) days after the termination of the hearing. In its determination, the Civil Service Commission may affirm or reverse the discharge or reduction in classification or compensation.

Section 7. Hearings. All hearings to come before the Commission pursuant to these regulations, shall be conducted in conformity with the requirements set forth in the Wyoming Administrative Procedures Act for Contested Cases.

## CHAPTER VIII

### PROCEDURAL RULES FOR CONDUCTING HEARINGS

Section 1. Scope. These rules are promulgated to provide a fair and orderly procedure for hearings on firefighter's petitions.

Section 2. Limitations of Authority. The Rock Springs Civil Service Commission must comply with all laws when reviewing a petition.

Section 3. Definitions. The following words, when used in these rules, shall have these meanings:

a. Commission - The Rock Springs Fire Civil Service Commission.

b. Petitioner - A Rock Springs firefighter or officer who has filed a petition asking the Commission to review a decision of the fire chief as to the firefighter's or officer's discharge, reduction in classification or reduction in pay.

Section 4. Docket. A docket containing the hearings on petitions shall be maintained by the Commission

Section 5. Form of the Petition. The petition shall be dated and signed by the petitioner. The petition shall contain the decision the officer wants reviewed and a short summary of the petitioner's reason for petitioning the Commission. It shall also contain the petitioner's mailing address for purposes of receiving any notices pursuant to his or her petition.

Section 6. Processing of Petition.

a. Upon receipt of any petition filed pursuant to these rules, the Chairman of the Commission shall record the date the petition was filed.

b. As soon as practicable after receiving the petition, the Commission shall fix a date, time and place for the hearing of the appeal by the Commission. Such date shall be not more than twenty (20) days after the petition is filed unless the petitioner and the Chief agree on a later date.

c. The Chairman of the Commission shall provide written notice of the time and place of the hearing to each petitioner at least ten (10) days prior to the date of the hearing. Written notice shall be accomplished by either causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the petitioner at the address shown on the Petition.

Section 7. Conduct of Hearing - Preliminary Matters.

a. Scope. Only those matters or issues specifically raised by the petitioner shall be considered in the hearing of the appeal.

b. Record.

1. The entire proceedings shall be recorded by either tape recording or other means of permanent recording determined to be appropriate by the Commission.

2. The proceedings shall also be reported by a stenographic reporter if requested and paid for by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Commission, but shall in no event be greater than the cost involved.

c. Continuances. The Commission may grant continuances for good cause shown.

- d. Oaths - Certification. The Chairman or any commissioner, may administer oaths and affirmations and may certify to official acts.
- e. Reasonable Dispatch. The Commission shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties and/or their representatives.
- f. Subpoenas. The Chairman may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the Commission or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.
- g. Discovery. Discovery shall be available to any party in accordance with W.S. §16-3-107(g).
- h. Default. Upon failure to appear at a hearing, a default judgment shall be entered against either party who fails to appear without good reason to do so.

Section 8. Conduct of the Hearing.

- a. The chairman, shall announce the Commission is open to transact business and call by docket number and title the case to be heard.
- b. The Fire Chief shall first be provided an opportunity to call and examine witnesses, and to introduce documentary and physical evidence.
- c. The Petitioner shall be provided an opportunity to present evidence in the same manner as the Fire Chief.
- d. The parties may: cross-examine opposing witnesses on any matter relevant to the issues presented, impeach any witness regardless of which party first called the witness to testify, rebut the evidence offered by the other party, and be represented by any attorney licensed to practice law in Wyoming.
- e. Evidence.
  - 1. Hearings need not be conducted according to technical rules relating to evidence and witnesses.
  - 2. Oral evidence shall be taken only on oath or affirmation.
  - 3. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to

support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
5. Irrelevant and unduly repetitious evidence shall be excluded.

f. Privilege. The Commission shall give effect to any rule of privilege which is recognized by Wyoming law.

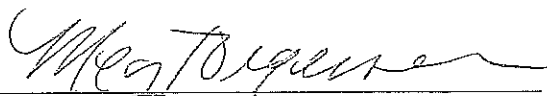
g. Official Notice.


1. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the City or rules and regulations of the Commission.
2. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
3. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Commission.


Section 9. Form of Decision.

The decision shall be in writing and shall contain findings of fact and conclusions of law. It shall also contain a determination of the issues presented and the requirements to be complied with. A copy of the decision shall be delivered to the Petitioner personally or sent by certified mail, postage prepaid, return receipt requested. The Fire Chief shall be provided a duplicate copy of the decision. The effective date of the decision shall be as stated therein.

ADOPTED AND APPROVED this 12 day of May, 2017.

  
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Commissioner

  
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Commissioner

  
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Commissioner