

Fauquier County Department of Fire Rescue

OPERATING PROCEDURE

No. 601

Procedural Complaint

Effective Date: March 1, 2009

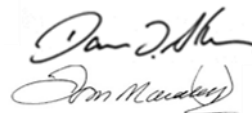
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Revision Date: February 2, 2018

Forms:

Approved By: Darren L. Stevens, Fire Rescue Chief

Approved By: Tom Marable, President VFRA



PURPOSE

To resolve operational disputes between two or more parties.

SCOPE

This regulation pertains to all members of Fauquier County Fire, Rescue and Emergency Management (operational and administrative) and the members the Fauquier County Volunteer Fire and Rescue Association and its associated departments.

I. POLICY

In the past, many issues have arisen involving two or more volunteer companies and/or career staff. These disputes have taken various avenues of resolution ranging from area Chiefs, to County Administration to County Board of Supervisors. This has raised the question as to the appropriate guidelines or chain of command in dealing with serious concerns. When members of the 9 departments forming the Volunteer Fire & Rescue Association or any member of DFREM identifies an issue or problem, the initial chain of command starts with the involved parties and should be followed through the operational supervisors to that department's Chief. In the case where the Chief(s) and/or supervisors cannot resolve the problem among themselves, a written request for review should be directed to either the Association Vice President or the Chief of DFREM.

II. PROCEDURAL COMPLAINT PROCESS

A. Department Head(s) Hearing

1. An employee or member must identify the issue in writing within twenty (20) calendar days of the incident or within twenty (20) days following the time when the member/employee reasonably should have gained knowledge of the event.
2. Once the written request for review is received by either the DFREM Chief or FCVFRA Vice-President, a written response must be presented to the complainant within twenty (20) calendar days.

Desire to Serve

Ability to Perform

Courage to Act

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B. Formal Panel

1. If the complainant is not satisfied with, and does not accept, the proposed resolution from the Department Head(s) or if they fail to respond within the required time frame, the complainant may advance to Step 2 of this procedure.
2. The complainant must request a formal panel hearing within ten (10) calendar days of receiving the Department Head(s) response. This must be done in writing to either the Chief of DFREM or the FCVFRA Vice-President.
3. The Department Head(s) then must empanel a group and set a hearing date. The panel must communicate in writing their findings and recommended resolution within ten (10) calendar days.

C. County Administrator/FCVFRA President

1. If the complainant is not satisfied with, and does not accept, the proposed resolution from the Formal Panel or if they fail to respond within the required time frame, the complainant may advance to Step 3 of this procedure.
2. The complainant must request a County Administrator/FCVFRA review within ten (10) calendar days of receiving the Formal Panel's response.
3. The County Administrator/FCVFRA President must meet and review the previous actions of the Formal Panel. At their discretion they may call witnesses or request further documentation.

D. The findings of the County Administrator/FCVFRA must be communicated to all parties involved within ten (10) calendar days of their review. The written findings and recommendations are considered final and binding, subject to existing policies, procedures and law.

III. TIMELINES, DEADLINES AND HOURS FOR HOLDING HEARINGS

- A. Time intervals specified above may be extended by mutual consent of the parties involved.
- B. When a deadline falls on Saturday, Sunday or a County holiday the next normal working day shall be considered the last calendar day.
- C. As far as practical, all hearings shall be held at a time most convenient to the parties involved.

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IV. PARTICIPANTS IN THE PROCESS

- A. The complainant at his/her option, may have present a representative of their choice. If the complainant is represented by legal counsel, all parties involved, including the county have the option of legal representation.
- B. County employees who are necessary participants shall not lose pay for time lost or charged leave for time away from work because of attendance at any hearing/panel. If the hearing or panel is outside of employees scheduled work hours they will be compensated.

V. RECORDING DEVICES

- A. The use of a recording device or a court reporter is not permitted at the Step 1 hearing.
- B. Only the Step 2 Formal Panel may be recorded.
- C. If the Step 2 Panel is recorded it is the responsibility of the Panel’s Hearing Officer to make the recording. There shall be no other recording permitted.
- D. The recording will be for the purpose of review, if necessary, during Step 3 of this process.

VI. HEARING/PANEL PROTOCOL

- A. Hearings and panels are not intended to be conducted like proceedings in court and rules of evidence do not necessarily apply.
- B. At the request of either party each step of this process shall be private.
- C. The hearing officer or panel shall determine the propriety of and the weight to be given the evidence submitted.
- D. Both the complainant and the opposing party have the right to call witnesses. All witnesses including the complainant shall be subject to examination and cross examination.
- E. Witnesses may only be present when actually giving testimony.

VII. EXPENSES

- A. Each party shall bear the cost and expenses, if any, of his/her legal counsel or representatives.