

**ARTICLE I  
FIRE DEPARTMENT HIRING**

**Sec. 1.1. Hiring process and requirements.**

The following outlines the steps in the Fire Department hiring process. Failure to successfully complete any step in the process shall result in automatic disqualification for that hiring cycle.

- A. *Aptitude capacity test:* Applicants must first sit for the written, job-related aptitude capacity test.
  - 1. The test will be held at least once every two years, as called for by the Fire Chief.
    - a. The test shall be publicly advertised, and the application period shall be held open for at least fourteen days.
    - b. The test shall be administered by the Human Resources Department, and at least one member of the Employment Subcommittee shall be available by phone, if necessary.
  - 2. The following must be provided to the Human Resources Department prior to sitting for the test:
    - a. A high school diploma or GED certificate;
    - b. A copy of a valid motor vehicle driver's license; and
    - c. A fully completed job application.
  - 3. 70% is a passing score on the aptitude capacity test.
- B. *Physical fitness test:* If applicants successfully pass the aptitude capacity test, they must take and pass the Candidate Physical Abilities Test (CPAT).
  - 1. The Fire Department shall sponsor the CPAT at least once in connection with each aptitude capacity test.
  - 2. Applicants may alternatively take the CPAT in another jurisdiction, at their own expense, and submit the results from the licensed jurisdiction to the Department. Results must be submitted at least 14 days before oral interviews are scheduled.
- C. *Oral interview:* Applicants who pass the CPAT are eligible to participate in an oral interview.
  - 1. Prior to participating in the oral interview, applicants must provide proof of a valid State of Maine Emergency Medical Technician license.

2. Oral interviews shall be conducted by a panel consisting of one member of the Employment Subcommittee, and the Fire Chief's designees.
- D. Upon successful completion of the application process, applicants shall be part of the eligible applicant pool. The Fire Chief may evaluate eligible applicants based on all information collected in the hiring process and make a conditional job offer to any qualified applicant at his or her discretion. Conditional employees must successfully complete the following requirements, and failure to do so will result in revocation of the conditional job offer.
1. A conditional employee must provide proof of the following:
    - a. Acceptable evidence of age; and
    - b. Acceptable evidence of citizenship or eligibility to work in the United States.
  2. A conditional employee must undergo a full background check, including local, state, and federal criminal history; motor vehicle driving records; and credit history.
  3. A conditional employee must undergo a medical examination. The medical examination shall be performed by a physician specified by the Employment Subcommittee, and shall evaluate whether the conditional employee can perform the essential functions of the job with or without accommodation.
  4. A conditional employee must undergo a job suitability assessment.
    - a. The job suitability assessment shall be performed by a psychologist specified by the Employment Subcommittee.
    - b. The job suitability assessment shall determine whether the applicant can perform the essential functions of the job with or without accommodation.
    - c. The job suitability assessment shall also determine whether the conditional employee has any personality traits, behaviors, or characteristics that might adversely affect his or her performance.
  5. If any disqualification under this section can be corrected, the applicant may be returned to the pool of applicants and be eligible for hire upon furnishing satisfactory evidence that the disqualifying condition has been addressed.
- E. Any applicants who are not initially hired will remain in the applicant pool until they remove themselves from consideration, are removed for cause, or there is a new hiring cycle.

**Sec. 1.2. Disqualifying criminal convictions.**

Members of the Fire Department hold a position of significant public trust, provide medical treatment to ill and injured individuals, routinely work in peoples’ homes and businesses, and interact closely with the public when they are most vulnerable. Therefore, it is of the utmost importance that members of the Department pass criminal background checks to ensure that they do not pose a threat to the Department or to the public.

The following criminal convictions within the timeframes provided shall automatically disqualify an applicant for original hire. The Fire Chief may waive any of these limitations where he or she determines that the applicant does not pose a threat to the Department or to the public.

<b>Conviction (or equivalent)</b>	<b>Disqualification period</b>
Class A, B, or C 1. Crime of violence 2. Crime involving health care fraud 3. Arson 4. Drug related 5. All other 6. Multiple convictions	1. Permanent 2. Permanent 3. Permanent 4. 10 years from discharge of sentence 5. 10 years from discharge of sentence 6. Permanent
Class D or E 1. Operating under the influence 2. Drug related 3. Crime of violence 4. All other 5. Multiple convictions	1. 5 years from discharge of sentence 2. 5 years from discharge of sentence 3. 10 years from discharge of sentence 4. 5 years from discharge of sentence 5. Permanent
Traffic offenses	One year from date of resolution

**Sec. 1.3. Disqualification of applicants by Employment Subcommittee or Fire Chief.**

- A. After notice and an opportunity to be heard, the Employment Subcommittee or Fire Chief may disqualify an applicant or conditional employee for any of the following reasons:
  - 1. The applicant or conditional employee made a false statement of material fact during the hiring process;
  - 2. The applicant or conditional employee cheated or was otherwise dishonest during the hiring process;
  - 3. The applicant or conditional employee is unfit for duty;
  - 4. The applicant or conditional employee has excessively or illegally used alcohol or drugs; or

5. The applicant or conditional employee is otherwise ineligible for appointment.
- B. If an applicant is disqualified during the application process, he or she shall be allowed to continue through the process during the pendency of any appeal, unless the Fire Chief or Employment Subcommittee specifically finds that doing so would be detrimental to the applicant, the public, or the Department. However, no disqualified applicant shall be eligible for a conditional job offer unless and until any appeal is resolved in the applicant's favor.

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**ARTICLE II  
FIRE DEPARTMENT PROMOTIONS**

**Sec. 2.1. Minimum requirements to be placed on ranked, certified promotional list**

Promotions to the ranks of Lieutenant and Captain in the Fire Department shall be made from respective ranked certified promotional lists. In order to be placed on a ranked certified promotional list, promotional candidates must successfully complete all of the requirements set forth in this section. Failure to do so will automatically disqualify the candidate from the ranked certified promotional list for that promotional cycle.

A. *Assessment Center Exam*

1. A candidate for promotion must successfully complete the assessment center exam.
  - a. The assessment center exam shall be held at least once per year, unless the Fire Chief and the Fire Union agree in writing that no exam is necessary due to a lack of vacancies.
  - b. The exam shall be administered by an independent third-party, and shall be scored.
  - c. The minimum passing score shall be 70%.
  - d. Once placed on a ranked, certified promotional list, candidates must take and pass the assessment center exam each year in order to remain on the ranked certified promotional list.
2. Prior to sitting for the assessment center exam, applicants must successfully complete the following:
  - a. Time in Service: Each candidate for promotion must have the minimum time in service, as required by § 2-59.4 of the City of Portland Code of Ordinances, prior to placement on the ranked certified promotional list. A candidate's time in service shall be certified by the Human Resources Department.
  - b. Training: A candidate for promotion must successfully complete any required trainings and obtain any necessary certifications, as established by the Fire Department. The required trainings and certifications shall be related to the candidate's ability to successfully perform the duties of the rank to which he or she is seeking promotion. Trainings must be completed prior to sitting for the assessment center exam, and completion shall be verified by the Fire Chief or his designee.

- c. Departmental Officer Candidate Program: A candidate for promotion must successfully complete the officer candidate program established by the Fire Department. The Officer Candidate Program must be successfully completed prior to sitting for the assessment center exam, unless otherwise agreed in writing by the Fire Chief.
  
- B. *Oral interview*: A candidate for promotion must pass an oral interview, which shall be scored out of 25 points. A passing score on the oral interview shall be 15 points.
  
- C. *Job suitability assessment*: A candidate for promotion must have a current, satisfactory job suitability assessment in order to be placed and maintained on a ranked certified promotional list. An assessment completed within the previous three years shall be considered sufficient to meet these requirements, however, the Fire Chief may require a candidate to undergo a new assessment at any time and in his or her sole discretion.
  - 1. The job suitability assessment shall be performed by a psychologist specified by the Employment Subcommittee.
  - 2. The job suitability assessment shall determine whether the candidate for promotion can perform the essential functions of the promotional position with or without accommodation.
  - 3. The job suitability assessment shall also determine whether the promotional candidate has any personality traits, behaviors, or characteristics that might adversely affect his or her performance.

**Sec. 2.2. Order of candidates on ranked certified promotional list.**

- A. Candidates shall be placed on the ranked certified promotional list in order of their score, with the highest scoring individual ranking first on the list.
  
- B. Scores shall be calculated by adding the numerical value of the assessment center exam score, the oral interview score, and seniority points. Scores shall not be weighted.
  
- C. Applicants shall receive one-half of a point for each year of service with the Portland Fire Department, with a maximum accumulation of ten points.

**Sec. 2.3. Offers of promotion.**

The Fire Chief must appoint candidates in their order of ranking unless one of the following occurs:

- A. The candidate lacks the particular skill set or certifications for the vacant position based on the position job description. If this occurs, the candidate will remain on the ranked certified promotional list in his or her original ranking;

- B. The candidate refuses the promotion. If a candidate refuses the promotion, then he or she will be placed at the bottom of the ranked certified promotional list; or
- C. After notice and opportunity to be heard, the Fire Chief or the Employment Subcommittee disqualifies the candidate for cause and removes him or her from the ranked certified promotional list. The Fire Chief or Employment Subcommittee must provide notice of any decision in writing.

**Sec. 2.4. Validity of ranked certified promotional list.**

- A. Each ranked certified promotional list shall be valid so long as the following conditions are met:
  - 1. No more than two years has passed since the creation of the list;
  - 2. The list has at least twice the number of names as there are vacancies; and
  - 3. The list has at least three names.
- B. A list that would otherwise be invalidated pursuant to subsection A above, may nonetheless be used for promotions where the Fire Chief and the City Manager both request in writing that it be used, and the Employment Subcommittee determines that 1) the process to obtain a new list would result in delay that would impair the ability of the Fire Department to meet its staffing needs in a cost-effective manner, or 2) the process to obtain a new list is not likely to result in additional names on the ranked certified promotional list.