

**Cape Elizabeth Fire-Rescue Department  
Department Manual**

**2.4 PROHIBITED CONDUCT**

**2.4.1 Criminal Conduct** - Violation and/or a conviction of any law of the United States or of any state and/or local jurisdiction, shall be prima facie evidence of a violation of this section.

**2.4.2 Conduct Unbecoming a Member** - Conduct unbecoming a member including that which brings the Department into disrepute or reflects discredit upon a member as such, or upon any member as an associate of the Department is prohibited. The Chief of Department will consider the relative community impact, or potential community impact of the conduct in determining punishment.

**2.4.3 Neglect of Duty** - No member shall be absent from assigned duty without leave or fail to take suitable and appropriate action when any incident requires an action or response within the boundaries of their jurisdiction, training, and areas of responsibility.

**2.4.4 Insubordination** - No member shall fail or deliberately refuse to obey a lawful order issued by a superior officer or member.

**2.4.5 Discrimination** – No member will discriminate against any person because of race, religion, skin color, national origin, age, sex, physical attribute, sexual orientation or the presence of a medical condition or handicap

**2.4.6 Discourtesy** - No member shall be discourteous, rude, or insolent to any member of the public, co-worker, superior or subordinate. All members shall be civil and tactful in the performance of their duties and shall exercise temperance, patience, and control, even in the face of extreme provocation.

**2.4.7 Use of Intoxicating Beverages and Drugs** - No member shall use intoxicating beverages while in uniform or on duty. Appearing for duty, or being on duty, while under the influence of alcohol, illicit substances or drugs to any degree whatsoever, or with an odor of intoxicants on the breath is strictly prohibited.

**2.4.8 Improper Associations** - Voluntarily maintaining, establishing a relationship, or being knowingly present with persons engaged in unlawful activity, except in the discharge of official duty, is prohibited.

**2.4.9 Improper Influences** - Seeking the influence or intervention of any person outside the Department for the purposes of personal preferment, advantage, transfers, or advancement is prohibited.

**2.4.10 Recommending Private Services** - Recommending or suggesting in any manner, the employment or purchase of any particular professional or commercial service or product including, but not limited to: lawyers, undertakers, towing services, or burglar alarm companies, except in the transaction of personal business is prohibited.

**2.4.11 Personal Business** - No member shall conduct personal business while on duty except with authorization of the Chief of Department.

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**2.4.12 Departmental Letterhead and Official Communications** - Use of any departmental letterhead or other official communications media for private correspondence or sending official correspondence out of the Department without the permission of the Chief of Department is a violation of these Rules and Regulations.

**2.4.13 Department Mailing Address** - No member may use the Fire-Rescue Department or any other municipal building as a mailing address for private purposes (as for the purpose of a motor vehicle license or registration) without expressed permission of the Chief of Department. Personnel may use the Department address as the Public Address for their EMS license through Maine EMS.

**2.4.14 Smoking** - No member shall use any form of tobacco products while representing the Town of Cape Elizabeth, on-duty, and/or on Town property. All members shall subscribe to departmental smoking policies.

**2.4.15 Notices** - Altering, defacing, or removing any posted notice of the Department is prohibited. No notice shall be posted on the Department bulletin board without the permission of the Chief of Department.

**2.4.16 Reporting Loss or Damage** - In the event that departmental property is lost or found bearing evidence of damage which has not been reported, the last person using the property may be charged with failure to report and may be disciplined and held responsible for damages.

**2.4.17 Incompetence** - All members shall maintain sufficient competency to perform their prescribed duties and shall assume the responsibilities of their position. Incompetence may be demonstrated by the following:

**2.4.17.1** A lack of knowledge of the application of appropriate emergency responder techniques;

**2.4.17.2** An unwillingness or inability to perform assigned tasks.

**2.4.17.3** A failure to conform to work standards established for the member's rank, grade, or position;

**2.4.17.4** Repeated infractions of any code(s) of the Fire Manual.

**2.4.18 Dissemination of Information** - Members and employees shall treat the official business of the Department as confidential and shall conform to the following guidelines:

**2.4.18.1** Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.

**2.4.18.2** A member shall not remove or copy records or reports from any fire station except in accordance with established departmental procedures.

**2.4.18.3** A member shall not divulge the identity of a person receiving medical aid and/or transport to a healthcare facility except as authorized by proper authority in performance of department duties.

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**2.4.18.4** A member or employee shall not release to the press or news media, information concerning departmental policy or the evidentiary aspects of any investigation without the report first having been approved by the Duty Officer, and then only within the guidelines of the Freedom of Information Law and policies of the Department. All members shall consult with the Duty Officer when in doubt.

**2.4.19 Feigning Illness** - No member shall feign illness or injury; falsely report him/herself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his/her health.

**2.4.20 Use of Phones** - Use of departmental phones for private toll calls without permission of the Chief of Department is prohibited. All toll calls will be accounted for.

**2.4.21 Tampering with Evidence** - No member or employee of the Department shall fabricate, withhold, destroy or tamper with any evidence of any kind so as to alter its appearance or evidentiary value. Such conduct is also a criminal violation of law and may subject the member to termination and/or criminal prosecution.

**2.4.22 Testifying in Civil Cases** - A member or employee of the Department shall not testify in any civil case in court unless legally subpoenaed to do so, or unless the member shall have received permission or order from the Chief of Department. When summonsed to testify, the member shall notify the Chief of Department.

**2.4.23 Bedrooms** – Bedrooms are for the sole purpose of rest for on-duty personnel. No visitors or unassigned personnel are to be in the bedrooms, without permission of the duty officer.

**2.4.24 Sleeping** – Sleeping is permitted by on-duty personnel assigned to a station between the hours of 2100 and 0600. All personnel must wake on notification of alarm or call and notify the dispatch center of response to the call by radio within two (2) minutes of the initial dispatch. Apparatus should be on the road within three (3) minutes of initial dispatch. All sleeping is to occur in a designated sleeping areas. Only one person may be in a bed at a time.

**2.4.24.1 Additional Staffing** – Generally on duty staff will have their own quarters. In the event of additional coverage, multiple personnel may sleep in the same room, at the direction of the Duty Officer.

**2.4.25 Sleepwear** – Personnel must wear appropriate bottoms and tops while sleeping. When in public areas of the station, regardless of time of day members will be in uniform if on duty or civilian clothing if at the station for other reasons.