

MONTCLAIR FIRE DEPARTMENT HIRING STANDARDS

BEHAVIORAL STANDARDS FOR APPLICANTS FOR EMPLOYMENT/FAIR EMPLOYMENT:

The purpose of a pre-employment background investigation shall be to promptly, efficiently, and fairly identify those applicants who are unfit for public service or whose prior conduct is contradictory to, or incompatible with, the law enforcement mission. No selection standard of the department shall be in conflict with, or contrary to, the spirit or letter of fair employment laws of the State of California or the laws of the United States. The City of Montclair and the Montclair Fire Department declare themselves to be an equal opportunity employer.

FELONY CONVICTION DISQUALIFICATION:

Any person who has ever been convicted of any offense declared by law to be a felony in this or any other state shall not be eligible for employment with the department.

MISDEMEANOR CONVICTION DISQUALIFICATION:

Any person who has been convicted within the past three years of any criminal offense declared by law to be a misdemeanor in this or any other state may not be eligible for employment with the department.

Any person still on probation (**supervised or unsupervised**) for any criminal conviction shall not be eligible for employment with the department.

Any Person convicted of any of the following misdemeanor offenses may not be eligible for employment with the department:

1. Larceny/theft
2. Assault / battery
3. Indecent exposure
4. Annoying children
5. Perjury
6. Resisting arrest
7. Filing a false police report
8. Impersonating a firefighter
9. Domestic violence
10. Fraud
11. Driving under the influence-alcohol / narcotics
12. Arson or fire related crimes

Any person whose conviction has been set aside pursuant to Penal Code Section 1203.4(a) or 1000.4 shall be considered to have been convicted within the meaning of this section.

Any person whose juvenile records have been and remain sealed or expunged pursuant to Penal Code Section 851.7 or 851.8 shall be deemed never to have been convicted within the meaning of this section.

CRIMINAL CONDUCT:

Applicants for employment with the department whose prior conduct includes involvement in criminal conduct, as specified, may not be eligible for employment with this department. "Involvement in criminal conduct" specifically includes acts which may have gone undetected, unreported, and/or unprosecuted including:

- a. As an adult, any act which would constitute a felony offense in this state committed within the past seven years.
- b. Any act which would constitute a misdemeanor offense in this state committed at any time prior to or after application for employment with this department.
- c. Any act, as specified, committed at any time prior to or following application for employment with the department, including:

1. Forcible rape
2. Robbery
3. Possession of a controlled substance for sale
4. Assault with a deadly weapon
5. Lewd acts with a child
6. Perjury
7. Homicide
8. Grand larceny/grand theft auto
9. Theft of public funds
10. Assault under the color of authority
11. Any offense declared by law to constitute a "hate crime"
12. Embezzlement
13. Sexual assault
14. Burglary
15. Arson
16. Identity theft
17. Child/elder/spousal abuse

MOTOR VEHICLE OPERATION (POSITION SPECIFIC):

Applicants for employment with the department who, based on Department of Motor Vehicle records, display a propensity for any of the following may be disqualified from consideration for employment:

1. Driving under the Influence-alcohol/narcotics
2. At-fault traffic accidents
3. Moving or non-moving violations of the California Vehicle Code

CRIMINAL CONDUCT/LATERAL ENTRY:

Applicants for employment with the department who are presently employed by any fire agency shall be required to sign a disclosure statement authorizing the department to reveal to their present employer any admissions of criminal conduct which occurred, or which may have occurred, during their employment for that agency. Upon written demand of the department head of any such agency, and consistent with this order, the department shall fully cooperate with any official investigation initiated by that applicant's present employer concerning any such admissions of criminal activity.

CRIMINAL CONDUCT/OUTSTANDING ARREST WARRANTS:

Any person who has an outstanding warrant for his/her arrest shall not be eligible for employment with the department.

GROSS MISCONDUCT:

Any person who, as an adult, has been previously dismissed from any employment or discharged from the Armed Forces of the United States for proven gross misconduct shall not be eligible for employment with the department. "Gross misconduct" shall include, but not be limited to:

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| 1. Embezzlement | 6. Desertion |
| 2. Willful disobedience of a lawful order | 7. Assault under color of authority |
| 3. Sexual harassment | 8. Battery against any coworker or supervisor |
| 4. False statements to superior officers | 9. Terrorist threats against any coworker or supervisor |
| 5. Filing false official reports | 10. Involving fire / explosives |

DISHONORABLE/LESS THAN HONORABLE DISCHARGE FROM THE MILITARY SERVICE:

Any person who has been dishonorably or less than honorably discharged from the Armed Forces of the United States shall not be eligible for employment with the department.

USERS OF ILLEGAL DRUGS/CURRENT:

Any person who is a current user of illegal drugs shall not be eligible for employment with the department. "Current" user of illegal drugs shall mean any person who has illegally used any controlled substance (as defined in Schedules 1 through 4 of the Uniform Controlled Substance Act) within one year of application. All applicants for employment with the department shall undergo a chemical test designed to reveal the presence of illegal drugs.

USERS OF ILLEGAL DRUGS/PRIOR:

Any person who has previously and unlawfully ingested any controlled substance classified as a hallucinogenic or other controlled substance (as defined in Schedules 1 through 4 of the Uniform Controlled Substance Act) shall not be eligible for employment with the department.

Any person who has, within the past three to five years, and as an adult, illegally possessed any controlled substance (as defined in Schedules 1 through 4 of the Uniformed Controlled Substance Act), excluding the simple possession of an ounce or less of marijuana, may not be eligible for employment with the department.

FALSE STATEMENT(S) ON APPLICATION:

Any applicant for employment with the department who makes any knowing and deliberate false statement or omission of material fact on any application document for the department shall not be eligible for employment. False statements include deliberately non-responsive answers and knowing evasions of any type. Knowing and deliberate false statements or omissions of material facts discovered on any application document at any time following employment with the department shall be immediately investigated, and where proven, shall be grounds for dismissal.

FRAUDULENT APPLICATION DOCUMENT(S):

Any applicant for employment with the department who knowingly offers any altered or fraudulent document(s) in connection with his/her application for employment with this department shall not be eligible for employment. Where such altered or fraudulent document(s) are discovered subsequent to employment with the department, such shall be immediately investigated, and where proven, shall be grounds for dismissal.

INVOLUNTARY SEPARATION FROM EMPLOYMENT:

Any applicant for employment with the department who, as an adult, has been dismissed from employment "for cause" two or more times shall not be eligible for employment.

DELINQUENCY ON FINANCIAL OBLIGATIONS/CHILD OR SPOUSAL SUPPORT:

Any applicant for employment with the department who is presently delinquent or in the arrears for any court-ordered child or spousal support payments shall not be eligible for employment.

DELINQUENCY ON FINANCIAL OBLIGATIONS/COLLECTIONS:

Any applicant for employment with the department who is presently in collections for any valid credit obligation may not be eligible for employment.

TOTALITY OF CIRCUMSTANCES:

The City of Montclair will strive to consider the "totality of circumstances" when reviewing an applicant's background and suitability for public service. The final decision for employment or disqualification rests with the Director of Public Safety / Chief of Police.