



**CARROLLTON**  
TEXAS

**FIRE FIGHTERS’**

**AND**

**POLICE OFFICERS’**

**CIVIL SERVICE  
COMMISSION**

**CITY OF CARROLLTON**

**LOCAL RULES AND REGULATIONS**

**FIRE FIGHTERS' AND POLICE OFFICERS'  
CIVIL SERVICE COMMISSION  
CITY OF CARROLLTON  
LOCAL RULES AND REGULATIONS**

**PREAMBLE:**

Pursuant to Chapter 143 of the Texas Local Government Code, the Fire Fighters' and Police Officers' Civil Service Commission of the City of Carrollton, Texas does hereby adopt the following Local Rules and Regulations for the administration of the Civil Service System at the City of Carrollton, Texas. These rules supersede any prior rules and are in effect immediately.

Adopted by unanimous decision by the City of Carrollton Fire Fighters' and Police Officers' Civil Service Commission on \_\_\_\_\_, 2009.

**Civil Service Commission:**

\_\_\_\_\_  
Peter Cross, Chairperson

\_\_\_\_\_  
Max Jordan, Commissioner

\_\_\_\_\_  
Carolyn Carpenter, Commissioner

**POSTED:**

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CHAPTER 1  
ORGANIZATION AND GENERAL PROVISIONS

ENACTMENT

- 1.01 The rules hereinafter set forth are the City of Carrollton Fire Fighters' and Police Officers' Civil Service Rules and Regulations (the "Rules"). These Rules, as they apply to matters following adoption, completely repeal and replace all prior rules and regulations adopted by the Fire Fighters' and Police Officers' Civil Service Commission. These Rules will be in effect for all matters occurring after the effective date of these Rules. All matters occurring prior to the effective date of these Rules will be governed by the rules in effect at that time.
- 1.02 All situations not expressly covered by Chapter 143 or these Rules shall be resolved in accordance with the discretionary authority vested in a department head. These Rules and Regulations shall apply to all of the employees of the Fire and Police Departments covered under Chapter 143 of the Texas Local Government Code.

CIVIL SERVICE COMMISSION

- 1.03 The Commission has the responsibility to adopt, publish, and enforce rules relating to:
- A. The proper conduct of Commission business;
  - B. The proper conduct of examinations for entry level and promotional eligibility;
  - C. The proper conduct of appeals of testing and examination scoring;
  - D. The prescribed cause(s) for the removal, indefinite suspension, or suspension of a civil service employee;
  - E. The procedures for the hearing of disciplinary appeals concerning indefinite suspension, suspensions, promotional pass over or recommended demotions and;
  - F. Such other matters reasonably related to the selection, promotion and discipline of civil service employees.
- 1.04 Regular Business Meetings
- A. Regular meetings of the Commission shall be scheduled routinely for the third Monday of each month as necessary for the transaction of the business of the Commission. The Director of Civil Service shall give proper notice of all meetings of the Commission.
  - B. The Director of Civil Service, Commission Chairperson, or any two of the Commissioners upon giving advance notice to each member and public notice pursuant to subparagraph (C) below may call special meetings of the Commission.
  - C. All meetings of the Commission shall conform to the requirements of the Public Meetings Act.

- D. All agenda items shall be submitted to the Director of Civil Service at least six (6) calendar days prior to the scheduled meeting date.
  - E. The Director of Civil Service shall be responsible for posting the public notices at least 72 hours prior to each meeting.
  - F. The Director of Civil Service may, for good cause, cancel a scheduled Civil Service Meeting by writing canceled across the meeting notices posted in all required posting areas. The Director of Civil Service shall report said cause to the Commission.
  - G. At the request of the Commission, a tour of the Police and/or Fire Station(s) may be scheduled.
- 1.05 Any request for an item to be added to the agenda for a meeting of the Commission will be considered by the Director of Civil Service who shall respond by informing the requestor whether or not the situation or issue is appropriate for consideration by the Commission. If appropriate, the Director of Civil Service will arrange to have the matter placed on the Commission's agenda or other such appropriate arrangements. When a request submitted in writing is determined to be inappropriate for the Commission Agenda, the Civil Service Director will forward all correspondence pertaining to the request to the Commission for their review and consideration.
  - 1.06 Two members of the Commission constitute a quorum sufficient to conduct business meetings and hearings.
  - 1.07 Robert's Rules of Order are to be used as a general guide by the Commission in its regular business and non-disciplinary proceedings. Disciplinary Appeal hearings shall proceed as hereafter set forth in Chapter Nine (9) of these Rules and Regulations.
  - 1.08 The Director of Civil Service shall be responsible for preparing the minutes of each meeting and shall record at least the following:
    - A. the time and place of each meeting of the Commission;
    - B. the names of the Commission members present;
    - C. all official actions of the Commission;
    - D. the official vote by the Commission;
    - E. upon request, a Commission member's dissent with stated reasons; and
    - F. such other matters are deemed appropriate for the record.
  - 1.09 All communications or requests to the Civil Service Commission are to be made in writing through the Office of the Director of Civil Service who shall then forward same to the Commission.
  - 1.10 A member of the Civil Service Commission may tender his/her resignation in writing at any time. A commission member may be removed from office by the City Council for

misconduct in accordance with the provisions of Chapter 143. Upon the occurrence of any of these events, request shall thereafter be made by the Commission or the Director of Civil Service to the City Manger for a replacement of such member.

- 1.11 A member of the Civil Service Commission cannot be related by blood or marriage to any person in a City of Carrollton classified service position, a department head of the Police or Fire Department, the Director of the Civil Service or to the Director's designee, or the Chief Executive.

(Sections 1.12 through 1.13 reserved for Expansion.)

### THE DIRECTOR OF CIVIL SERVICE

- 1.14 The Civil Service Administrator may perform any and all duties listed in the absence of the Civil Service Director or as assigned by the Civil Service Director.
- 1.15 The Director of Civil Service will act as Secretary to the Commission and administer the civil service system. The Director of Civil Service shall take necessary steps to insure the following:
- A. Keep records of local rules including the posting of rules adopted as well as maintaining all rules for free distribution.
  - B. Assist the commission with and during an investigation and report on all matters relating to enforcement and effect of Chapter 143 and any local rules adopted as prescribed under 143.009.
  - C. Collect, provide, and assist with all documentation required for any appeals and/or hearings or requests for hearings brought to the commission as well as maintain the open records attendant to said appeals and/or hearings.
  - D. Maintain the classifications and number of positions of all Fire Fighters and Police Officers and assist in the preparation of ordinances to establish the classifications and/or number of positions for approval by the city council.
  - E. Assist in determining, receive notification, and post dates and location of examination for entry positions and promotional examination for the commission.
  - F. Administer, grade, award seniority points as established by Chapter 143, and maintain security of all civil service examinations for both entry positions and promotional positions.
  - G. Administer the appeal process including the preparation of appeals and attendant documents for the commission to hear and rule upon.
  - H. Posting of all raw scores from entrance and promotional examinations as well as posting of certified entrance and promotional lists in accordance with Chapter 143.

- I. Receive requests for hearing examiners for appeal of disciplinary, demotion, promotional pass over, and suspensions, and request neutral arbitrators in accordance with Chapter 143. The director will attend such hearings and maintain the attendant open records for the commission.
- J. Maintain the personnel file on each Fire Fighter and Police Officer. File will contain the information required by Chapter 143.
- K. Serve as secretary to the commission and perform work incidental to the civil service system as required by the commission.
- L. Any other duties as assigned by the commission.

(Sections 1.16 through 1.22 Reserved for Expansion.)

### RULES AND REGULATIONS

- 1.23 All proposed changes to these Rules shall be made available to the stations and sub-stations for a minimum of seven (7) days before changes are submitted to the Commission.
- 1.24 Suggested amendments to these Rules should be submitted to the Commission for consideration as set forth in these Rules.

### OTHER COMMISSION ORDERS ADOPTED

The following orders/rules are orders/rules adopted by the Commission:

- 1.25 Adoption of the Fire Department Standard Operating Procedures (SOPs); Standard Operating Guidelines (SOGs); EMS Protocols; and Administrative Directives as addendums to local civil service rules.
- 1.26 Adoption of the Police Standard Operating Procedures and Administrative Directives as addendums to local civil service rules.
- 1.27 Adoption of Fire and Police Department Civil Service Rules and Procedures.
- 1.28 Adoption of local rule governing the Police Department sick and vacation leave accrual.

Sick and vacation leave shall be calculated as follows:

Each Police Officer, whether assigned to a shift consisting of eight hours per work day or a shift of a different number of hours per work day, shall accumulate sick leave with pay at the rate of ten hours (or, one and one-fourth full working days based on a working day of eight hours) for each full month employed in a calendar year, so as to total one hundred,



twenty hours (or, fifteen working days based on a working day of eight hours) to the officer's credit each twelve months.

Each Police Officer, whether assigned to a shift consisting of eight hours per work day or a shift of a different number of hours per work day, shall earn vacation leave with pay at the rate of ten hours (or, one and one-fourth full working days based on a working day of eight hours) for each full month employed in a calendar year, so as to total one hundred, twenty hours (or, fifteen working days based on a working day of eight hours) to the officer's credit each twelve months.

It is further ordered that the usage of sick and vacation leave in the Police Department shall be calculated based on the number of hours actually used.

- 1.29 Adoption of local rule for Police Officers and Fire Fighters indicted for a felony or charged with a Class A or Class B misdemeanor.

If a Fire Fighter or Police Officer is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor, and the department head temporarily suspends the Fire Fighter or Police Officer without pay pursuant to Chapter 143, section .056 only, of the Texas Local Government Code, suspension of the Fire Fighter or Police Officer is defined as follows:

- A. all forms of compensation of the Fire Fighter or Police Officer will cease,
- B. the Fire Fighter or Police Officer will cease to be eligible for all City of Carrollton sponsored employee benefits,
- C. all leaves and benefits will cease to accrue for the Fire Fighter or Police Officer and the employee will not be permitted to use any accrued leave balances during the pendency of the temporary suspension.

END OF CHAPTER ONE

## CHAPTER TWO

### DEFINITIONS

- 2.01 All terms, words and phrases contained in these rules shall be interpreted in accordance with Chapter 143 and other applicable law. The following specific definitions shall also apply:
- A. "Certified Police Officer" means a police officer who is certified as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education.
  - B. "Chief Executive" means the City Manager of the City of Carrollton.
  - C. "Civil Service Rule" shall mean a rule adopted by the Civil Service Commission.
  - D. "Civil Service Employee" is any employee in a classified service position.
  - E. "Classification" means the title of an individual position in the classified service and also the process by which the proper title and pay level for each position is determined.
  - F. "Classified Service" means all positions in the Police Department or the Fire Department covered by the civil service statute.
  - G. "Alternate Police Department Promotional Process" is the promotional process whereby candidates take the written civil service examination, the top ten of which proceed to a panel review that includes a) a writing exercise; and b) an oral presentation and interview with a review panel.
  - H. "Convicted" means when a defendant has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether:
    - 1) the sentence is subsequently probated and the person is discharged from probation;
    - 2) the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense;
    - 3) the cause has been made the subject of an expunction order; or
    - 4) the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence; or
    - 5) the person received deferred adjudication.
  - I. "Date of Appointment" means the date first appointed to a City of Carrollton classified service position in the department
  - J. "Date of Rank" means the day an employee is officially appointed to a specific classification.
  - K. "Day" means calendar day unless otherwise specified in the statute.
  - L. "Department Head" means the Fire Chief or the Police Chief.

- M. "Director" means Civil Service Director or his/her designee.
- N. "Eligibility list" means the list of applicants for a position who have taken the appropriate examination (s), passed, and are ranked on the list in order of the grade received.
- O. "Employee" in this document means a "Civil Service Employee".
- P. "Grade" means the total of the score/raw score and the seniority points or, in the case of entrance examination, the score/raw score and the military service credit given on an examination.
- Q. "Military Service Credit" is applicable to a person who has received an honorable discharge from military service.
- R. "Moral Turpitude" shall include, but is not limited to, violation of any felony, theft, sexual offense, fraud, perjury or other falsification, bribery or corrupt influence, or public indecency offenses.
- S. "Pleading" includes, but is not limited to notice of appeal, request for hearing, request for review of text materials, or any other document submitted by an employee (or his/her authorized representative) for commission action.
- T. "Resignation" means a formal written resignation or failure to show up for work without notice (job abandonment) for three (3) scheduled work shifts.
- U. "Raw Score" means the number of correct answers received on an examination.
- V. "Seniority" means the time accumulated while appointed to any classified service position in the department.
- W. "Test Administrator" shall mean the employee (s) who is designated by the Director to administer entrance and promotional examinations for the departments.

END OF CHAPTER TWO

## CHAPTER THREE

### FIRE DEPARTMENT

#### ENTRANCE EXAMINATIONS AND ORIGINAL APPOINTMENT

##### APPLICATION FOR FIRE DEPARTMENT ENTRANCE EXAMINATIONS

- 3.01 An applicant for the position of Fire Fighter is defined as a person who completes the designated application packet and registration forms in the designated time frame, reports to the Civil Service Entrance Examination site on the posted examination date, and takes and turns in the Civil Service Examination within the declared time allotted for the examination.
- 3.02 Application packets/forms for entrance examinations shall be designed and prepared by the Director of Civil Service in cooperation with the department head.
- 3.03 Minimum Qualifications are:
- A. The person must be at least 18 years of age.
  - B. The person may not be certified as eligible for a beginning position in the fire department if they are 36 years of age or older.
  - C. The person must have successfully completed a minimum of 45 semester hours of courses from an accredited college or university and must have a cumulative GPA of 2.5 or better from all colleges or universities attended.

An applicant who is a current National Registered Paramedic and/or a Texas Department of State Health Services certified paramedic may receive 39 college credit hours. These hours include prior EMT certification.

An applicant who is a National Registered EMT and/or a Texas Department of State Health Services EMT may receive 5 hours of college credit hours.

An applicant who has successfully completed Basic Structural Fire Fighter Certification from the Texas Commission on Fire Protection may receive 23 college credit hours. The person must meet the minimum Standards of the Texas Commission on Fire Protection for Structural Fire Fighting personnel, as specified in the TCFP Standards Manual for Structural Fire Protection Personnel.

- D. The person must be a United States citizen and must be able to read and write English.
- E. The person must meet all legal eligibility requirements necessary for certification by the Texas Commission on Fire Protection and the Texas Department of State Health Services.

- 3.04 The Director of Civil Service shall post in plain view on the City Hall bulletin boards and in the Workforce Services (HR) Department the appropriate notices to timely announce upcoming entry-level examinations, as well as the deadlines for accepting and processing application/registration packets.
- 3.05 During the application/registration process, no application shall knowingly be accepted that does not meet the minimum requirements for the position, or where required documentation has not been provided.
- 3.06 Those persons who desire to have military service credit added to their test scores must provide proof of an honorable discharge by providing their DD214 as required by the application process. The Director of Civil Service shall cause this requirement to be included in all notices for entry-level examinations.
- 3.07 Any false statement knowingly made or in any instrument, which may accompany an application packet or any other document or statement, required to be completed or which is submitted in relation to the application process shall be sufficient cause for the Director of Civil Service to remove the person's name from the eligibility list.

3.08 ENTRANCE EXAMINATION PROCEDURES

- A. CANCELLATION. The Director of Civil Service may cancel and thereafter reschedule an entrance examination for sufficient cause. The Director of Civil Service shall report said cause for cancellation to the Commission.
- B. I.D. VERIFICATION. Identification shall be verified by an official government issued photo I.D.
- C. TESTING: Once testing period begins, no additional candidates shall be admitted into the testing area.
- D. FAILURE TO APPEAR. The application packets or registration forms of persons who failed to appear for the entrance examination shall be voided and shall be disposed of by the Director of Civil Service.
- E. TEST MONITORS. The Director of Civil Service may select a reasonable number of persons employed by the City of Carrollton to assist in the administration, proctoring, and a test administrator for the grading of entrance examinations.
- F. CHEATING. A potential applicant that uses or attempts to use any unfair or deceitful means to pass an entrance examination shall have his/her examination and grading sheet taken by the test monitor. His/Her examination and grading sheet will be taken to the Director of Civil Service or his/her designee for immediate investigation; If it is determined cheating did occur, the potential applicant will be escorted from the examination site and he/she shall not be placed on the eligibility list. If it is determined cheating did not occur the applicant will be scheduled to complete the exam (based on the remaining time they had left when their test was originally taken) and will be placed on the eligibility list.

- G. OTHER DOCUMENTS. The Director of Civil Service is authorized to require any necessary documents, records, or certifications regarding the qualifications or merits for an entry-level position. The Director of Civil Service may require original or certified copies, not uncertified photocopies, of such documents to verify authenticity.

#### ELIGIBILITY LIST FOR ORIGINAL APPOINTMENT

3.09 Eligibility lists for beginning positions in the Fire Department are valid for no more than twelve (12) months or until the list is exhausted whichever comes first.

3.10 In the event of two or more applicants make the identical total final grades, then;

- A. The applicant with Paramedic Certification shall be placed above the other applicant or applicants having an identical total score on the eligibility list.
- B. If a tie still exists, the applicant with Fire Fighter certification shall be placed above the other applicant or applicants having an identical score on the eligibility list.
- C. If a tie still exists, the alphabetical position of the applicant's last name will determine their position on the list.
- D. If, after applying items A, B and C above, applicants are still tied for the same position on the eligibility list, applicants names will be placed on slips of paper, placed in a box and the slips will be drawn for position ranking. (Example: Three applicants are tied for the same place on the eligibility list. Applicant C is drawn first. Applicant C moves ahead of the other two applicants. Applicant A is drawn second and moves to that position leaving Applicant B in third place.)
- E. After all tie breakers have been applied, the eligibility list will be brought to the next available commission meeting to be certified.
- F. An applicant who has reached his/her 36<sup>th</sup> birthday as of the commission meeting to certify the list will be removed from the list and not eligible for commission certification.

3.11 PHYSICAL ABILITY TESTING:

- A. The only applicants considered for the Physical Ability Test (PAT) are those applicants on a certified eligibility list for beginning positions. The PAT is given on a PASS-FAIL scoring basis. An applicant must pass the PAT in order to receive any further consideration for a beginning position as Fire Fighter with the City of Carrollton.
- B. The PAT will be offered to applicants in groups as determined by the Department Head. The applicants passing the PAT will continue in the City of Carrollton Fire Department applicant process for beginning positions. If the needs of the

Department require a second PAT, the second PAT will be offered to the next group, as determined by the Department Head. This process of PAT testing will continue until the needs of the Department are satisfied or the certified eligibility list is exhausted.

- C. The physical performance events are designed to test a potential Fire Fighter's strength, endurance, and physical abilities in a manner, which parallels as closely as possible the physical demands of sustained emergency operations. Applicants for the position of Fire Fighter will be required to complete each event in its entirety on a pass/fail basis. The only criterion for judging will be completion of events within the time standard established for each event. All events will be performed while wearing a 50 pound weighted vest to simulate the weight of fire fighting personal protective clothing and self-contained breathing apparatus. All participants performing the test will wear protective gloves.
- D. Prior to the start of the test, participants will be given a detailed demonstration and explanation of each event. Participants will also be given time to stretch and warm up according to their individual preferences. Once the test begins, there will be no breaks or rest periods other than the five-minute rest period following the completion of the aerial ladder climb. Participants will be required to move at a steady pace between each of the succeeding tasks until the test is completed. *Running is not allowed except during the charged hose advance.* If a participant fails to do the task as instructed, he/she will be required to repeat that portion of the task not properly accomplished. If at any point a task is not successfully completed, the candidate will be so advised by test monitors and will not go on to any further tasks.
- E. A PAT instructional and practice session will be held 1 to 2 weeks prior to the date of the test. Participants will be given demonstrations on techniques that may be used during the test. Participants will also have the opportunity to practice available elements of the test. Attendance at this session is not mandatory but is encouraged.

### 3.12 REFUSAL OF A CONDITIONAL JOB OFFER

- A. An eligible individual who has been offered a conditional appointment by the department head and declines the appointment shall be removed from the eligibility list.

END OF CHAPTER THREE

CHAPTER FOUR

POLICE DEPARTMENT

ENTRANCE EXAMINATIONS AND ORIGINAL APPOINTMENT

APPLICATION FOR POLICE DEPARTMENT ENTRANCE EXAMINATIONS

- 4.01 An applicant for the position of Police Officer with the City of Carrollton Police Department is defined as a person who registers for the civil service entrance examination within the designated time frame, reports to the Civil Service Entrance Examination site on the posted examination date, and takes and turns in the Civil Service Examination within the declared time allotted for the examination.
- 4.02 Registration forms/application packets for entrance examination shall be designed and prepared by the Director of Civil Service in cooperation with the department head.
- 4.03 TCLEOSE certification may be required for entrance exams. When a TCLEOSE certified entrance exam is scheduled, the Basic TCLEOSE Peace Officer certification along with all other minimum qualifications listed below must be met.
- 4.04 Minimum Qualifications are:
  - A. Applicants must be a minimum of 21 years old when taking the Civil Service Examination. Applicants who are 45 years of age or older may not be certified (by the Civil Service Commission) for a beginning position in a police department (see 143.023).
  - B. With military service, honorable discharge required
  - C. No conviction of any felony or misdemeanor as defined in the TCLEOSE Rule 217.1
  - D. Good moral character, stable employment record, good credit rating, good driving record, valid driver's license, no history of addiction to drugs, or alcohol. Candidates must meet current police department standards for any past drug usage
  - E. Candidates must also meet one of the following educational requirements:<sup>13</sup>
    - 1) Associates Degree or
    - 2) 90 hours of college credit toward a degree plan from accredited college/university with a 2.0 GPA or betterExceptions apply to: Texas Certified Police Officer or, Active Duty-honorably discharged military or full time Carrollton Police Department personnel

2 years but less than 3 years experience.....45 college hours



3 years experience and over.....30 college hours

Time served for experience in each of the three categories is exclusive and cannot be combined with time from another of the three categories to qualify for a specific reduction of college hours. Times served must be continuous and not have breaks in service. Experience level must be accepted as of the date of the Civil Service Exam.

F. Must be a U.S. Citizen.

4.04 The Director of Civil Service shall post in plain view on the City Hall bulletin boards and in Workforce Services, the appropriate notices to announce upcoming entry-level examinations, as well as the deadlines for accepting and processing registration documents.

4.05 Any false statement knowingly made or in any instrument which may accompany an application or any other document or statement required to be completed or which is submitted in relation to the application process shall be sufficient cause for the Director of Civil Service to remove an applicant from the eligibility list.

4.06 EXAMINATION PROCEDURES

A. CANCELLATION: The Director of Civil Service may cancel and thereafter reschedule an entrance examination for sufficient cause. The Director of Civil Service shall report the cause for cancellation to the Commission.

B. TEST MONITORS: The Director of Civil Service will select a reasonable number of persons employed by the City of Carrollton to assist in the administration, proctoring, and grading of entrance examinations.

C. I.D. VERIFICATION: Identification shall be verified by photo I.D. and no one will be admitted after the actual examination begins.

D. TESTING: Once the testing period begins, no one shall be admitted to the testing area.

E. RE-APPLICATION: Reapplication of candidates who are not appointed to probationary status may be made when the next testing date is announced. A copy of the reapplication standards will be given to all applicants at the time of the written civil service examination. Applicants who have failed three (3) consecutive written entrance examinations or those who have twice failed a Departmental Oral Board may not be considered again until:

1. A substantial change has occurred in the qualifications and/or background.
2. A time limit of at least one calendar year has elapsed from the date of their last civil service entrance examination with the Carrollton Police Department.

The Police Department Personnel Unit will maintain a record of applicants who have unsuccessfully participated in the examination process and track the above information.

- F. FAILURE TO APPEAR: The registration forms of persons who fail to appear for the entrance examination shall be considered void and will be disposed of by the Director of Civil Service.
- G. CHEATING: A potential applicant that uses or attempts to use any unfair or deceitful means to pass an entrance examination shall have his/her examination and grading sheet taken by a Test Monitor. His/her examination and grading sheet will be taken to the Director of Civil Service. If it is determined cheating did occur, the potential applicant will be escorted from the examination site and he/she shall not be placed on the eligibility list.
- H. ELIGIBILITY LIST FOR ORIGINAL APPOINTMENT:
- 1) Each eligibility list for beginning positions will be valid for a period of six months or until the names on the list are exhausted whichever comes first.
  - 2) In the event of two or more applicants making an identical total final grade, then;
    - a) The applicant with the highest raw score on the Civil Service written examination shall be placed above the other applicant or applicants having an identical total score on the eligibility list.
    - b) If a tie still exists, the date in which the applicant registered will be used as the next tiebreaker. Example: An applicant registers on October 1st wins the tiebreaker over an applicant who registered on October 3<sup>rd</sup>.
    - c) If, after applying "a" and "b" above, applicants are still tied for the same position on the eligibility list, the alphabetical position of the applicant's last name will be the final tiebreaker.
    - d) After all tiebreakers have been applied, the eligibility list will be brought to the next available Commission meeting to be certified.
  - 3) PHYSICAL AGILITY TESTING
    - a) The only persons considered for the Physical Agility Test (PAT) are those applicants on the civil service certified examination list. The PAT is given on a PASS-FAIL scoring basis. An applicant must pass the PAT in order to receive any further consideration for a beginning position as a Police Officer with the City of Carrollton.
    - b) The PAT will be offered to applicants at a time and date set by police personnel. The PAT will be offered after the civil service entrance exam. The applicants passing the PAT will continue the City of Carrollton Police Department applicant process for beginning positions. This process of PAT testing will continue until the needs of the department are satisfied or the certified examination list is exhausted.
- I. MILITARY SERVICE CREDIT: Applicants who desire to have the military service credit points added to their passing test scores must provide proof of

an honorable discharge by providing an original DD-214 military form at the examination site. The original DD-214 will be returned to the applicant by the end of the entrance examination procedures (unless the applicant specifies the city can keep the document).

- J. The Police Department Personal History Statement (PHS) is the department's formal application form and will be provided to applicants who pass the entrance examination with a score of 70% or greater. The number of PHS forms given out immediately after the entrance examination will be determined by the Test Administrator
- K. The Personal History Statement (PHS) form shall be completed fully and in detail as described in the instructions and/or as instructed by the Police Department Personnel Officer, or designee. The PHS form shall be returned by the date and time specified with any and all required documents, records, certificates, and other items. Failure to properly submit the PHS form shall be reason to pass over the applicant on the eligibility list.
- L. Approved college hours will be those hours, which count toward a degree from an accredited college as defined by TCLEOSE Rule 211.1 in any discipline.
- M. Any disagreement over the approval of college hours or the appropriateness of a related field for Associates Degree will be settled by the Chief of Police or designee.

#### APPLICANT SELECTION PROCESS

- 4.07 Applicants are processed in order by the certified eligibility list. After the Personal History Statement (PHS) form is accepted, a routine background check is conducted to verify information submitted by the applicant.
- 4.08 Applicants will be required to take a physical agility test on a pass/fail basis. The agility test is based upon the required job skills of a Carrollton Police Officer. The test will be explained to the applicants prior to the test being administered.
- 4.09 Applicants will have a preliminary interview with a background investigator. If an applicant passes a complete background investigation, he/she will be conditionally offered employment. The applicant must pass a physical examination by the city physician, a psychological examination, and polygraph examination. The examinations must determine that the applicant is able to perform the essential functions of the job. If the applicant passes a complete background investigation, he/she will be scheduled for an oral interview board with supervisory personnel. Employment is conditional upon passing all physical, psychological, and polygraph examinations as well as an oral interview board.
- 4.10 Applicants may be passed over on the eligibility list for any one or more of the following reason:
  - A. lack of established minimum qualifications for the position;
  - B. acts showing lack of good moral character;

- C. failure to complete or satisfactorily meet the requirements of any part of the selection process;
- D. unfit mentally or physically to perform the essential job duties of a Police Officer for Carrollton;
- E. has illegally used or sold any illicit substance;
- F. fails to meet the requirements of the City of Carrollton Administrative Directives which cover drugs and alcohol, and driver's license violations;
- G. has an unacceptable driving record as established by Police Department Administrative Directive;
- H. has been found guilty of or admitted to any felony or misdemeanor involving theft, moral turpitude or conduct unbecoming a member of the Police Department;
- I. has been dismissed from public service for misconduct;
- J. has intentionally made false statements or practiced or used any form of deception or fraud during any part of the registration, examination, application, or selection process;
- K. cannot intelligently read, write, and fluently speak the English language;
- L. has a history of unstable work for no valid reason that is acceptable to the Police Chief or designee;
- M. past conduct that would be inconsistent with a Police Officer's job duties.

4.11 PROCEDURE FOR APPOINTMENT AS A POLICE OFFICER

Applicants selected for appointment to a vacant Police Officer position, shall be appointed by the department head. The department head will appoint the applicants in order as they appear on the eligibility list unless there is a valid reason to bypass the applicant as stated above. Appointment of certified names should be handled according to 143.037.

4.12 PROCEDURE FOR RE-APPOINTMENT OF FORMER POLICE OFFICERS

- A. Any sworn member of the Carrollton Police Department who has voluntarily resigned from the department may be reappointed without taking another civil service entrance examination in accordance with all the requirements of this section.
- B. An application for reappointment must be submitted to the Chief of Police within one calendar year of the voluntary resignation date. The application will be in a form designated by the Chief of Police.

- C. The applicant will not be accepted for further processing if he/she voluntarily resigned while under and Internal Affairs Investigation, pending disciplinary action from that investigation, or during any appeal period from that investigation or disciplinary action.
- D. If the application is accepted by the Chief of Police, the applicant will be placed at the top of the current entrance eligibility list. If no entrance eligibility list exists but openings exist for an entry-level position, the applicant may be processed immediately. If no entrance eligibility list exists and no opening exists for an entry-level position, the application will be held until such an opening occurs. If an entrance eligibility list is established prior to any openings, the applicant will be placed at the top of that entrance eligibility list.
- E. If an opening for an entry-level position does not occur within one calendar year after the applicant is accepted by the Chief of Police for processing, the applicant will be rejected and will be eligible to apply through the normal civil service process including, passing a civil service entrance test.
- F. Once eligibility has been established, the applicant will be required to successfully complete all other elements of the current hiring process, including but not limited to, a background investigation, polygraph, oral interview board, and physical examination.
- G. If the applicant successfully completes the hiring process as set forth above, the Chief of Police will submit the name of said applicant for appointment, by the City Manager, to the rank of Police Officer.
- H. The necessary retraining for the applicant shall be determined by the Operations Bureau Assistant Chief.
- I. Any applicant who is rehired under this procedure shall serve a one calendar year probationary period before regaining civil service status. During the one-year probationary period, the applicant is an "at-will" employee who can be disciplined and/or indefinitely suspended without cause. Department seniority for internal assignments will begin with the new hire date. Rehired personnel must serve at least two (2) years with the department immediately before the date the promotional examination is held in order to be eligible to take the examination.
- J. Rehired employees who held the position of Police Officer at the time of their resignation shall be hired at the salary commensurate with their longevity at the time of their resignation.
- K. Rehired employees, who held a position above Police Officer at the time of their resignation, shall be hired at the salary commensurate with their longevity within the step raise plan of a Police Officer rank.

END OF CHAPTER FOUR

## CHAPTER FIVE

### PROBATIONARY PERIOD

- 5.01 All uncertified Fire Fighters shall serve a probationary period of eighteen (18) months beginning on the date of employment as a Fire Fighter. All certified Fire Fighters shall serve a probationary period of one (1) year beginning on the date of employment as a Fire Fighter (see 143.027)
- 5.02 All uncertified Police Officers shall serve a probationary period of eighteen (18) months beginning on the date of employment as a Police Officer. All certified Police Officers shall serve a probationary period of one (1) year beginning on the date of employment as a Police Officer (see 143.027).
- 5.03 During the probationary period, Police Officers and Fire Fighters are employed "at will" and shall be subject to discharge at the discretion of their Department Head, said discharge shall be final and not appealable. The probationary employee is not protected nor covered under civil service law.
- 5.04 Separate from the city exit process, a probationary employee may be afforded an exit interview before the department head.
- 5.05 A probationary employee will be given a public hearing prior to separation from employment only if all of the following four (4) conditions exist:
  - A. The employee is involuntarily separated from employment, and
  - B. Defamatory charges, such as charges that the employee's misconduct amounted to a crime of moral turpitude or sexual misconduct, are made against the employee in connection with termination, and
  - C. The defamatory charges are made public, and
  - D. The employee requests a hearing for the purpose of clearing his/her name.

END OF CHAPTER FIVE

## CHAPTER SIX

### FIRE DEPARTMENT PROMOTIONAL EXAMINATION PROCEDURES

#### TEST POSTING

- 6.01 At least thirty (30) days in advance of any promotional examination the Director shall post in plain view on the City Hall and Workforce Services (HR) bulletin boards a notice of such examination. Said notice shall provide the position, date, location, and time for which the examination is to be held. The Director shall also furnish electronic or hard copies of the notice for posting in the fire stations and Fire Administration.
- 6.02 For all ranks EXCEPT for the rank of Assistant Chief, dates for new promotional eligibility examinations shall be posted as follows:
- A. Upon expiration of the one year eligibility list;
  - B. Upon exhaustion of an eligibility list when open positions still exist, and
  - C. Upon creation of a new position.
- 6.03 EXCEPT for the position of Assistant Chief appointed by the Fire Chief pursuant to Section 143.014 of the TLGC, dates for new promotional examinations for the rank of Assistant Chief shall be posted as soon as possible, but not later than thirty (30) days after an actual vacancy in that rank occurs. No test for this rank will be administered until such time as an actual vacancy occurs or upon official notification of an anticipated vacancy.
- 6.04 Fire Administration shall:
- A. Verify eligibility to take the posted examination.
  - B. Calculate each individual's seniority and time in rank.
  - C. Determine the final number of personnel eligible to take the examination.

#### ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

- 6.05 In any classification, at least two people must be eligible to take a promotion eligibility examination for such an examination to be given to that classification. Where less than two eligible personnel exist in a classification, any promotion eligibility examination pertaining to that class must have its eligibility requirements lowered as set forth in Chapter 143.
- 6.06 Where two or more eligible personnel exist within a classification and at least two (2) people submit an intent to test, but only one person appears to take an exam, that candidate may take the test, but must obtain a written examination score of at least seventy (70) percent to be considered to have passed the examination.

6.07 In the event vacant positions exist in a classification and there is no current promotion eligibility list for that classification, the minimum number of eligible personnel deemed necessary to give a promotion eligibility examination for that class shall be determined by adding one (1) to the number of positions vacant. If there are not enough eligible personnel in the next lower classification, eligibility requirements will be lowered as specified in 143.030 of Chapter 143.

6.08 The two-year eligibility requirement to take a promotional examination shall be determined based upon the date of the examination.

#### 6.09 TEST PREPARATION

A. The Director shall take appropriate steps to insure that all Fire Department promotional eligibility examination test questions are prepared by personnel or organizations that possess a level of expertise that will enable them to prepare test questions of an appropriate nature and level for the position being tested. The organization or individual preparing the test questions shall provide references by book and page numbers for each question submitted in order to facilitate proofing of tests.

B. All test questions shall be based solely on material that is appropriate to the position for which is being tested and from materials approved by the Study Materials Review Committee.

C. Preparation procedures shall insure that there is no duplication of any test in any rank in any three-year period. This shall not be interpreted to preclude the repetition of individual test questions. Each examination shall be prepared based on a random selection from all available test questions.

D. During any given testing year, each rank tested shall have its own individual test, regardless of any duplication in study materials between ranks.

E. All promotional tests to be administered shall be proofread by the Director eliminating duplication of questions, composition errors, ambiguous or unclear wording of questions, incorrect answers, etc.

#### 6.10 TEST ADMINISTRATION

A. The posted testing site shall be of adequate size to allow for sufficient spacing of the number of personnel eligible to participate in the examination. Each candidate should be provided with approximately three feet of clear table space.

B. Site selection shall also take into consideration a location that has as few interruptions or distractions as possible during the testing process.

C. All materials necessary to take the examination shall be brought to the test site by the Director to include:



- 1) Test booklets for all eligible candidates,
  - 2) Sufficient answer sheets,
  - 3) Soft lead pencils, and
  - 4) Blank scratch paper.
- D. No one shall be allowed to enter the test site once instructions have begun. The test is deemed to have begun once the doors are closed and instruction has begun at the designated test time.
- E. The Commission shall have the responsibility of handling special situations (O.J.I.'s etc.) that may affect the administration of a posted promotional examination.
- F. Once a person has entered the examination site and accepted a test booklet and answer sheet, he/she will be considered a valid candidate for promotion and will be included in the posted results of that promotional examination.

#### 6.11 STUDY MATERIALS

- A. In each even numbered year, the Civil Service Commission shall appoint a Study Materials Review Committee. This committee will be appointed in January and will submit recommendations regarding Fire Department study materials list to the Commission by October 1 of the year in which they are appointed. Any recommended changes in the study materials shall be reviewed by the Chief and approved by the Commission. The Commission has the authority to approve changes to the study materials list if needed, however any such changes will be in effect only for tests given ninety 90 days or more after they take effect.
- B. The committee shall consist of the Fire Department Battalion Chief – Training and five Fire Fighters, to include one representative from each Fire Department classification (Fire Fighter through Battalion Chief). These representatives shall be selected from interested personnel who volunteer for service on the Committee. Appointments shall be made by the Civil Service Commission on the advice of the Department Head or his designated representative and shall include regular members plus two alternates who will be available to serve in the event a regular member must be replaced.
- C. During the first week of the December preceding a January in which a Study Materials Review Committee is to be selected, the Battalion Chief – Training will post a memo (electronic or hard copy) in each fire station calling for volunteers to serve on the committee. Fire Fighters desiring to make application to serve shall do so in writing to the Battalion Chief – Training not later than December 31. The Battalion Chief – Training shall make a recommendation of committee members to the Fire Chief for final approval

## 6.12 PROCUREMENT AND MAINTENANCE OF STUDY MATERIALS

- A. Upon receipt of an approved change to the study materials list which includes the addition of new study materials, the Battalion Chief – Training shall take steps to insure that those new materials are placed in all fire stations and the City of Carrollton Workforce Services Department as soon as possible, but not later than ninety (90) days prior to a promotional examination to which those materials pertain.
- B. All study list materials located in Fire Department stations will be inventoried by a shift Captain at each station on the first day of each month. Results of this inventory shall be submitted in writing by the Captain to the Battalion Chief – Training.
- C. Any individual who at any time finds study list materials to be missing from a fire station shall be responsible for notifying his/her immediate supervisor who shall notify the Battalion Chief – Training of the missing materials verbally and in writing immediately upon making such discovery.
- D. As long as the department makes a reasonable effort to obtain a replacement(s), the absence of a study material book or books from a fire station or other location on the posting date of a promotion test, or during the 90 days before a promotion test, shall not constitute grounds to postpone or invalidate a test.

## 6.13 PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

- A. CANCELLATION OF PROMOTIONAL EXAMINATION. The Director, with the approval of the Commission, may cancel and thereafter reschedule a promotional examination for sufficient cause. In the case of an emergency or declared disaster, the Director has the authority to cancel and reschedule the examination, and must, subsequently, notify the Commission of the reasons for cancellation.
- B. VERIFICATION. Upon entering the testing area, each eligible candidate must present photo identification to the Test Administrator. This verification shall be checked against the list provided to the Director to ensure the candidate is eligible to take the test.
- C. CHEATING. Any candidate who uses or attempts to use any unfair or deceitful means to pass an examination shall be informed by the test administrator that the examinee's action shall be reported to the Director for immediate investigation. If the Director determines that the candidate used or attempted to use unfair or deceitful means to pass the examination, such examinee shall be given a grade of "incomplete" on the eligibility list. The examinee's action shall also be reported to the department head who shall determine if disciplinary action is warranted. The examinee may appeal the decision of the Director to the Commission pursuant to Chapter 143.

- D. The actual conduct of every examination shall be under the direction of the designated test administrator.
- E. Candidates are prohibited from contacting the examination contractor and/or any person involved in the construction, administration or scoring of the written exam until the list has been certified by the commission.
- F. Test administration for those personnel on active military duty, at the time of a promotional exam will be handled in accordance with Chapter 143.

#### 6.14 PROMOTIONAL ELIGIBILITY LISTS

- A. The promotional eligibility list shall consist of a listing of those people who took and passed the examination with a raw score of seventy (70) percent or better with their corresponding final grade. A Fire Department employee's final grade shall be computed by combining the number of points received for correct answers (score) plus the number of points allowable for seniority. Seniority points awarded for service will be applied only to scores with a grade of 70 or more.
- B. A maximum limit of ten (10) seniority points will be allowed, one point for each full year of completed service in the Department pursuant to Chapter 143.
- C. The raw score results of each examination for promotion shall be posted on the bulletin boards in City Hall within twenty-four (24) hours after the examination. Copies of the posting shall be provided to the Fire Department for posting in the respective stations.
- D. Each promotional eligibility list shall remain in existence for twelve (12) months after the date on which the written examination is given unless the list is exhausted. At the expiration of the twelve (12) month period, or after the current list is exhausted, a new promotional examination may be held.

#### 6.15 TIE-BREAKING PROCEDURE

In the event of identical grades on Fire Department promotional eligibility lists, the following tiebreakers will be used to determine final promotion eligibility list standing:

- A. The first tiebreaker shall be highest raw score achieved.
- B. The second tiebreaker shall be the highest level of certification from the Texas Commission on Fire Protection's Structure Fire Personnel Certification (Basic, Intermediate, Advanced or Master) as determined from the individual's personnel records on file at Fire Administration on the date of written exam.
- C. The third tiebreaker shall be time in rank.

- D. In the event a tie still exists after fire certification level and time in rank, the tie shall be broken by date of hire and, if necessary, by the order of hire on that date.

### POST-TEST REVIEW OF QUESTIONS

- 6.16 Each eligible promotional candidate is entitled to examine the source materials, his/her examination, and his/her answers together with the grading information in accordance with the following procedures:
  - A. At the time the promotion eligibility examination is administered, the Director shall designate a time and place during which the reviewing may take place. The reviewing process shall commence on the first business day following the date of the examination. Promotional candidates will be allowed five (5) business days to review their exam and file an appeal.
  - B. The Director shall obtain copies of all source materials and have them available at the review site. Personnel reviewing their tests will not be allowed to bring into the reviewing area their own source materials.
  - C. Those wishing to review their tests may do so at any time during the normal business hours. Once in the reviewing area, they will be provided with a copy of the test, their graded answer sheet, and appeal forms.
  - D. Test questions may not be copied or removed from the review area.

### APPEAL OF EXAMINATION RESULTS

- 6.17 After post-test review, if dissatisfied, a candidate may appeal within five (5) business days. The Commission defines dissatisfaction as follows: a) dissatisfaction with the stated correct answer or source material if answered differently; or b) dissatisfaction with the manner in which the test was graded and the mathematical calculations to determine the test scores.
- 6.18 The appeal of any test conducted by the Civil Service Commission shall be submitted to the commission through the Director.
- 6.19 The appeal shall be submitted in writing on an Appeal Form provided by the Director of Civil Service and shall include the following information:
  - A. The date and type of test being appealed (i.e. apparatus operator, captain, etc.),
  - B. The reason for the appeal, including a complete and thorough justification for the appeal, and
  - C. The specific action desired on the part of the Commission (i.e. delete question, change answer, invalidate entire test, etc.).

- 6.20 Once appeals are received, the Director shall have prepared a written response for each appeal filed within the required period. The written response(s) for each question appealed shall include:
- A. Question number,
  - B. Question and answer as they appeared on the test,
  - C. Correct answer as shown on the scoring key,
  - D. Copy of the page (s) from which the question was taken as well as those being referenced by the person appealing to support the appeal,
  - E. Appellant(s) name(s), and
  - F. Appellant (s) reason for appeal and desired action,
  - G. Test preparer and staff response to the appeal, including recommended action.
- 6.21 This information shall be delivered to each Commissioner at least 72 hours in advance of the scheduled commission meeting. This information will also be made available for inspection by the appellant(s) at least one (1) business day in advance of the scheduled commission meeting.
- 6.22 The appeal shall be heard at the next meeting of the Civil Service Commission. At that meeting, testimony, discussion, and/or questioning on the appeal may be held but shall be limited to issues involved in the written appeal.
- 6.23 During the appeal hearing, the following rules will apply:
- A. Appealed question(s) will be considered in numerical order.
  - B. The Director or Administrator will read the test question and answer as written.
  - C. Each appellant shall be given an opportunity to present reasons for appeal. The appellant may designate someone else to present comments and may withdraw any appeal as he/she wishes.
  - D. The appellant will be allowed to make a brief presentation. A maximum time of five (5) minutes is allowed to present their appeal.
  - E. The test preparer and Staff will have a maximum of five (5) minutes to present their recommendation.
  - F. Others wishing to speak on the appeal will have a maximum of three (3) minutes each.
  - G. Only one person will be allowed to speak at a time, and only one turn speaking per person.

- H. The appellant (s) will have a maximum of three (3) minutes each to rebut arguments against their appeal.
- I. After the presentations in A-H above, have been heard, the Commission may ask clarifying questions. The Commission will direct their questions to a specific individual and then allow others an opportunity to speak on the question it asked offering differing opinions. The Commission will then make a decision on the examination based only on information presented and/or resources provided (prior knowledge or experience are not to be used).
- J. The Commission will then consider the next question being appealed, and so forth, until the Commission has rendered a decision on each of the examination questions.
- K. The Commission will vote on its decision on each question. The Commission will decide on one of the following alternatives for each appealed examination question:
  - 1) keep the same answer (answer stands);
  - 2) change the answer to a different answer;
  - 3) allow more than one correct answer; or
  - 4) delete the question.
- L. A majority of the Commission agreeing on a decision will determine the final decision on that question.
- M. After the Commission announces its decisions on each examination question, the Director will re-score all answer sheets as needed. After the examination is re-scored seniority points will then be added; a new eligibility list will be typed and delivered to the Commission for certification. The corrected eligibility list shall have the same effective date as the original list.
- N. The Director will post the certified list as required by law and will provide copies to the departments for posting in each station.

## PROMOTIONAL STATUS

- 6.24 Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted. Among other things, all promotions are subject to the following:
  - A. A vacancy occurring in the classification during the one year existence of the eligibility list.
  - B. A prior review by the Department Head for determination of a promotional bypass.

END OF CHAPTER SIX

## CHAPTER SEVEN

### POLICE DEPARTMENT PROMOTIONAL EXAMINATION PROCEDURES

#### TEST POSTING

- 7.01 At least thirty-one (31) days in advance of any promotional examination, the Director shall post in plain view on the City Hall and the Police Department bulletin boards a notice of such an examination. Said notice shall provide the position, date, location, and time for which the examination is to be held.
- 7.02 For all ranks EXCEPT Assistant Chief, the dates for new promotional examinations shall be selected in collaboration with the department head and posted by the Civil Service Director when:
- A. A position becomes vacant, or
  - B. A new position is created, or
  - C. At the discretion of the Chief of Police.
- 7.03 The rank of Assistant Chief is appointed by the Chief of Police.
- 7.04 All personnel eligible as of the date of the examination who desire to take that examination must provide written notice of the intent to test to the Civil Service Director within the ten (10) days before the examination. "Notice of Intent to Test" forms shall be made available by the Director and available in each police station.
- 7.05 The Director shall:
- A. Verify eligibility to take the posted examination.
  - B. Calculate each individual's seniority and time in rank.
  - C. Determine the final number of eligible personnel to take the examination.

#### ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

- 7.06 In any classification, at least two people must be eligible to take a promotional eligibility examination in order that an examination to be given to that classification. Where less than two eligible personnel exist in a classification, any promotion eligibility examination pertaining to that class must have its eligibility requirements lowered as set forth in Chapter 143.
- 7.07 Where two or more eligible personnel exist within a classification, but only one person presents himself to take the examination, that individual may take the test. The alternate promotional portion of the testing process will be waived if only one individual takes the promotional written examination.

- 7.08 In the event that vacant positions exist in a classification and there is no current promotion eligibility list for that classification, the minimum number of eligible personnel deemed necessary to give a promotion eligibility examination for that class shall be determined by adding one (1) to the number of positions vacant. If no eligibility list is in place when a vacancy in a classification occurs, there must be at least one person more than the number of positions vacant eligible to test in order for the examination to be deemed competitive. If there are not enough eligible personnel in the next lower classification, eligibility requirements will be lowered as specified in Chapter 143.
- 7.09 The two year eligibility requirements to take a promotional examination shall be determined based upon the date of the examination.
- 7.10 For the purposes of these procedures set forth in Chapter 7, the term “grade “ shall be defined as the total number of correct answers on the written test added to the number of seniority points and expressed as a percentage on a one-hundred (100) percent scale.

#### TEST PREPARATION

- 7.11 The Director of Civil Service shall take appropriate steps to insure that all police department promotional eligibility written examination test questions are prepared by personnel or organizations that possess a level of expertise that will enable them to prepare test questions of an appropriate nature and level for the position being tested. The organization or individual preparing the written test shall provide references by book and page number for each question submitted in order to facilitate proofing of tests.
- 7.12 During any given test year, each rank tested shall have its own individual test, regardless of any duplication in study materials between ranks.
- 7.13 All written promotional examinations to be administered shall be proofread by someone appointed by the Chief of Police. To eliminate duplication of questions, composition errors, ambiguous or unclear wording of questions, incorrect answers, etc.

#### STUDY MATERIALS

- 7.14 Written examination study materials will be designated by the vendor contracted to provide the promotional examination.

#### PROCUREMENT AND MAINTENANCE OF STUDY MATERIALS

- 7.15 The Chief of Police or his/her designee shall take steps to insure that new study materials of a reasonable quantity are available not later than ninety (90) days prior to a promotional examination to which those materials pertain. The materials will be maintained in the Administrative offices of the Police Department. Note: The



Director's office receives a copy of the study materials provided by the Police Department for test review purposes during the appeal process only.

7.16 Personnel may check out the available study material, one book at a time, for a specific period as designated by the Chief of Police.

7.17 PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

A. Police Department Promotional examinations will be conducted according to the alternative promotional process in Section 8.24 and following.

B. CANCELLATION OF PROMOTIONAL EXAMINATION. They may cancel any part of the alternate promotion process and thereafter reschedule for sufficient cause. Such action will be reported to the Commission the next business day.

C. VERIFICATION. At the beginning of the written promotion examination, attendance shall be verified using a photo ID. No person shall be able to enter the examination area once the testing has begun.

D. SMOKING. Smoking shall be prohibited at all times in the testing room or within the testing facility.

E. CHEATING. Any candidate who uses or attempts to use any unfair or deceitful means to pass an examination shall be informed by the test administrator that the candidate's action shall be reported to the Chief of Police for immediate investigation. If an investigation determines that the candidate used or attempted to use unfair or deceitful means to pass the examination, it will be sufficient grounds to bypass a candidate on the eligibility list and said candidate will be subject to additional disciplinary action.

F. The actual conduct of every examination shall be under the direction of the designated test administrator.

G. Candidates are prohibited from contacting the examination contractor and /or any person involved in the construction, administration, or scoring of the written exam and/or any exercises until the promotion list has been certified by the commission.

H. Test administration for those on active military duty at the time of a promotional exam will be handled in accordance with 143.

TEST ADMINISTRATION

7.18 Site selection for all parts of the alternate promotional process shall take into consideration a location that has few interruptions or distractions as possible during the testing process.

7.19 All materials necessary to take the written examination shall be brought to the test site by the test administrator, which may include:

- A. Test booklets for all eligible personnel,
- B. Sufficient answer sheets,
- C. Soft lead pencils, and
- D. Other materials as appropriate.

7.20 Once a person has entered the test site and accepted testing materials or instructions, he/she will be considered a valid applicant for promotion and will be included in the posted results of that promotional examination.

## ALTERNATE POLICE DEPARTMENT PROMOTIONAL PROCESS

### 7.21 THE WRITTEN EXAMINATION

- A. The first portion of the promotional process will be a written examination, which will consist of cognitive skills multiple-choice questions and will include at least 100 but not more than 200 questions. Examination questions may be proofread by persons appointed by the Chief of Police. Individual answer sheets will be identified by the officer's badge number. The officer's name will not appear on the answer sheet.
- B. A seniority point is equal to one point for each full year of continuous service as a classified Police Officer in the Carrollton Police Department immediately preceding the examination. In no instance will the number of seniority points exceed ten (10).
- C. The final score for the written exam portion of the promotion process will be determined by adding the total number of correct answers to the seniority points and converting the total to a one-hundred (100) percent scale.
- D. The test will be designed by an entity or person outside the Carrollton Police Department.
- E. The final scores for the written exam will be taken to the Civil Service Commission to be certified following any appeals.

### 7.22 THE PANEL EXERCISE

- A. The second portion of the promotional process will include an interview panel and a written exercise. This portion of the process will be administered at the earliest reasonable date after any appeals of the written examination are resolved.
- B. The candidates who have the top ten scores for the written portion of the promotional process will continue to the panel exercises. Only candidates who are tied for the tenth place on the list will be allowed to continue to the panel exercise. Any other ties in the top ten positions are considered as individual places.
- C. At a meeting prior to the panel exercises, the candidates will be required

to meet for the purpose of selecting the interview panel. The candidates will be provided with a list of potential panelists. The names of the potential panelists from the Carrollton Police Department will be provided to the candidates based on the panelist willingness to participate, and no scheduling conflicts with the test date. The panelists will be selected by the candidates by a simple majority vote for each panel position. In the event of a tie, the panelist with the most seniority with the Carrollton Police Department will be selected.

- D. The panelists from other area police departments will be requested through the office of the Chief of that department. The panelists will be selected by their respective departments. The names of the potential panelists will be submitted to the candidates for final selection. In the event of a tie, the panelist with the most seniority in law enforcement will be selected.
- E. There will be at least three outside potential panelists and at least five Carrollton Police Department potential panelists given to the candidates for selection but there may be more names if available. Attendance by the candidates at this session will be mandatory.
- F. In the event that a selected panelist cannot serve on the panel due to an emergency, the Carrollton Police Department member may be replaced by the Chief of Police from the potential panelist list that was submitted to the candidates. The panelist from another area department will be replaced by the Chief of that department.
- G. The interview panel will be composed of the following personnel:
  - 1) For a Sergeant's test:
    - a. Assistant Chief – Carrollton Police Department
    - b. Lieutenant – Carrollton Police Department
    - c. Sergeant – Carrollton Police Department
    - d. 2 Supervisory/Command officers from other area police departments
  - 2) For a Lieutenant's test:
    - a. Assistant Chief – Carrollton Police Department
    - b. Lieutenant – Carrollton Police Department
    - c. Assistant Chief or Lieutenant – Carrollton Police Dept.
    - d. Two Command officers from other area police departments
- H. Candidates will be assigned a time to report for the panel exercises to minimize the amount of time each candidate would be waiting. Assigned times will be provided during the meeting to select the panelists. Times will be assigned by a drawing.

- I. The panel interview will be composed of the following areas:
  - 1) Oral Biography of the candidate including professional experience.
  - 2) Answer questions relating to the written response.
  - 3) Answer a series of questions from the panelist. (The same general questions will be asked of each candidate, but individual questions may be asked depending on the answer given by the candidate.)
- J. The panel members will have access to the candidate's personnel file (which contains evaluations).
- K. The interview panelists will rate each candidate on several dimensions using a scale of 1 to 10, wherein 1 equals low demonstration of the dimension by the candidate and 10 equals high demonstration of the dimension by the candidate. Scoring of promotional panel exercise scores is converted to a 100% scale.
- L. Each panel member will rate the writing exercise and the panel exercise independently. The high score and the low score will be discarded and the other three will be averaged for the final score on these two exercises.

#### 7.23 THE WRITTEN EXERCISE

- A. A writing exercise will be conducted prior to the interview. The writing exercise will consist of practical application scenarios, which will require the candidate to respond in writing. All the written response documents will be coded. The panel members will score the written documents without knowing the author. After the written exercise has been scored, the names will be placed on the response in order for the candidate to be able to discuss their written response with the panel members during the panel interview.
- B. The conduct of the writing exercise will require at least two practical application scenarios. Each Scenario will be allocated at least one hour of response time with a total of no more than two hours for the first two scenarios. In the event there are more than two practical application scenarios for a writing exercise each additional question will be allocated an additional hour for candidate response.
- C. Candidates will be given the written exercise on the day they meet to select the panelist. They will each prepare their responses without assistance before they leave. The candidates' written responses will be given to the panel members prior to the interviews. The panel members will score all of the responses at that time.

#### 7.24 DIMENSIONS THAT MAY BE EVALUATED

- A. Written Communication Skills: Expresses ideas and information effectively in writing (includes accurate use of grammar, spelling, and punctuation).

- B. Analytical Ability: Recognizes pertinent issues and problems; understands the origin, nature and important elements of a situation; identifies alternative choices and solutions for handling a situation or problem; understands liability issues.
- C. Verbal Communication Skills: Orally expresses ideas and information effectively, clearly articulates thoughts and observations; demonstrates confidence and competence through speech.
- D. Judgment: Identifies appropriate conclusions and prioritizes alternatives based upon available information.
- E. Adaptability and Flexibility Skills: Ability to adjust, adapt and change according to current information and circumstances; responds appropriately to fluid situations as incoming information changes; develops alternative responses when confronted with new information.
- F. Personal Interaction Skills: Ability to demonstrate sensitivity, empathy, concern, and welfare for others; tactfulness and diplomacy; consideration for the feelings and needs of others.
- G. Listening Skills: Attentive to verbal information being presented; ability to ascertain pertinent issues through listening to verbal presentations; understands verbal instructions and willing to ask for clarification if misunderstood.
- H. Objectivity: Demonstrates fairness and impartiality; is open to receiving new information and ideas; states personal views and facts without distortions by prejudice, unfounded stereotypes or personal biases.

## 7.25 FINAL RANKINGS

- A. The final rankings will include the following scores:
  - 1) 40% of the written test and seniority points score
  - 2) 20% of the written exercise score
  - 3) 40% of the panel interview score
- B. The final rankings will be compiled and posted as soon as possible after the final candidate completes the panel exercises.
- C. The tie breakers will be:
  - 1) Highest raw score on the written test (prior to addition of seniority points)

- 2) Highest raw score on the panel interview
  - 3) Highest raw score on the written exercise
- D. The final ranking scores will then be certified by the Civil Service Commission following any appeals.

#### EXAMINATION APPEAL PROCEDURES FOR WRITTEN TEST

- 7.26 An officer who took the written examination may review written promotional examination questions and answers, the grading of same and the source material for the examination. After post-test review, if dissatisfied, a candidate may appeal by filing a written request with the Director within five (5) business days after the date the examination scores are posted.
- 7.27 The appeal shall be submitted in writing on an Appeal Form provided by and maintained by the Director of Civil Service and shall include the following information:
- A. The date of the test and rank tested,
  - B. The reason for the appeal shall include complete and thorough justification for the appeal. And,
  - C. The specific action desired on the part of the Commission (i.e. delete question, change answer, add additional correct answer, invalidate entire test, etc.).
- 7.28 Once appeals are received, the Director shall have prepared a written response for each appeal filed within the required time frame. The written response(s) for each question appealed shall include:
- A. Question number,
  - B. Question and answers as they appeared on the test,
  - C. Correct answer as shown on the scoring key,
  - D. Copy of the page(s) from which the question was taken and those pages being referenced by the person appealing to support the appeal,
  - E. Appellant(s) Name(s), and
  - F. Test preparer and/or staff response to the appeal, including recommended action.
- 7.29 This information shall be delivered to each Commissioner at least seventy-two (72) hours in advance of the scheduled commission meeting. A copy of this information will also be made available for inspection by the appellant (s) at least one (1) business day in advance of the scheduled commission meeting.

- 7.30 The appeal shall be heard at the next meeting of the Civil Service Commission. At that meeting, testimony, discussion, and/or questioning on the appeal may be held but shall be limited to issues involved in the written appeal.
- 7.31 During the appeal hearing, the following rules will apply:
- A. Appealed question(s) will be considered in numerical order.
  - B. The Director or Administrator will read the test question and answer as written.
  - C. Each appellant shall be given an opportunity to present reasons for appeal. The appellant may designate someone else to present comments and may withdraw any appeal as he/she wishes.
  - D. The appellant will be allowed to make a brief presentation. A maximum time of five (5) minutes is allowed to present their appeal.
  - E. The test preparer and Staff will have a maximum of five (5) minutes to present their recommendation.
  - F. Others wishing to speak on the appeal will have a maximum of three (3) minutes each.
  - G. Only one person will be allowed to speak at a time, and only one turn speaking per person.
  - H. The appellant (s) will have a maximum of three (3) minutes each to rebut arguments against their appeal.
  - I. After the presentations in A-H above, have been heard, the Commission may ask clarifying questions. The Commission will direct their questions to a specific individual and then allow others an opportunity to speak on the question it asked offering differing opinions. The Commission will then make a decision on the examination based only on information presented and/or resources provided (prior knowledge or experience are not to be used).
  - J. The Commission will then consider the next question being appealed, and so forth, until the Commission has rendered a decision on each of the examination questions.
  - K. The Commission will vote on its decision on each question. The Commission will decide on one of the following alternatives for each appealed examination question:
    - a. keep the same answer (answer stands);
    - b. change the answer to a different answer;
    - c. allow more than one correct answer; or
    - d. delete the question.

- L. A majority of the Commission agreeing on a decision will determine the final decision on that question.
- M. After the Commission announces its decisions on ALL examination questions, the Director will re-score all answer sheets as needed. After the examination is re-scored seniority points will then be added; a new eligibility list will be typed and delivered to the Commission for certification. The corrected eligibility list shall have the same effective date as the original list.
- N. The Director will post the certified list as required by law and will provide copies to the departments for posting in each station.

#### 7.32 APPEAL OF ALTERNATE PROMOTIONAL SYSTEM PANEL EXERCISES

- A. Since the candidates have extensive opportunities to exhibit multiple dimensions and/or skills in the panel exercises, it would not be practical to file appeals on individual questions or problems. However, a candidate may appeal the panel exercises as a whole to the Civil Service Commission. Appeals must be filed within five (5) business days after the final rankings are posted at the Police Department. Appeals must be filed with the Director. During the 5-day appeal period, each candidate will be able to review his/her own test materials by making an appointment with the appropriate department personnel. The review will be limited to the panel interview materials, the writing exercise, and the panel score sheets.
- B. A ruling affecting any part of this procedure by the Civil Service Commission, or a court of law, will not affect the remaining sections of this procedure. Procedures for the Alternate Promotion System will be established by the Carrollton Police Department Alternate Promotional System Manual.

#### PROMOTION ELIGIBILITY LISTS

- 7.33 The final promotion eligibility list shall consist of a listing of those persons who took the examination listed in Rank Order as determined in alternative promotional procedure beginning with the highest ranking individual descending in order to the lowest ranking individual.
  - A. Eligible candidates who test must complete the entire process to be eligible for promotion.
- 7.34 Placement of candidates on the Police promotional eligibility list is determined from the final rank score from the promotional system, which is comprised of components included in the Carrollton Police Department Alternate Promotional System Manual. The pre-certified list will be posted by 5:00 PM (1700 hours) of next business day following the conclusion of the final segment of the alternate promotional system.



- 7.35 The promotion eligibility list will remain in effect for (twelve) 12 months from the date the alternate promotional testing is completed (the completion of the alternate promotional testing system is defined as the date the Civil Service Commission certifies the promotion eligibility test) or until the list is exhausted, whichever comes first.

#### PROMOTIONAL STATUS

- 7.36 Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted. Among other things, all promotions are subject to the following:
- A. A vacancy occurring in the classification during the one year existence of the eligibility list;
  - B. Prior review by the department head for determination of a promotional bypass.

END OF CHAPTER SEVEN

CHAPTER EIGHT  
DISCIPLINARY ACTIONS

EMPLOYEE MISCONDUCT

8.01 Cause for Removal or Suspension (see 143.051) – A commission rule prescribing cause for removal or suspension of a Fire Fighter or Police Officer is not valid unless it involves one or more of the following grounds:

- A. Conviction of a felony or other crime involving moral turpitude;
- B. Violation(s) of a municipal charter provision;
- C. Acts of incompetency;
- D. Neglect of duty
- E. Discourtesy to the public or to a fellow employee(s) while in the line of duty;
- F. Acts showing lack of good moral character;
- G. Drinking intoxicants while on duty or intoxication while off duty;
- H. Conduct prejudicial to good order;
- I. Refusal or neglect to pay just debts;
- J. Absence without leave;
- K. Shirking duty or cowardice at fires, if applicable; or
- L. Violation(s) of the rules and regulations, Standard Operating Procedures, Tactical Guidelines (SOGs), and/or Administrative Directives of the Fire Department, the Police Department (or Special Orders as applicable), or the ordinances of the City of Carrollton.

DOCUMENTATION OF DISCIPLINARY ACTION

8.02 A civil service employee may be disciplined by the department head by a written order submitted in compliance with Chapter 143 stating at least the following:

- A. The specific civil service rule(s) or regulation(s) violated;
- B. A description of the operative factual event (s) giving rise to the alleged violation of civil service rules;
- C. The disciplinary action to be imposed;
- D. The effective dates;

- E. The rights of the employee to appeal the disciplinary action; and
- F. Such other matters deemed relevant to the action or as required by law.

- 8.03 The department head may not suspend an employee based upon an act that occurred more than 180 days preceding the date of suspension by the department head, except as may be provided for in certain criminal investigations as per Chapter 143.
- 8.04 The written order of the department head imposing a disciplinary action shall be filed with the Director of Civil Service within 120 hours after the disciplinary action is imposed. A copy thereof shall be delivered to the employee in accordance with Chapter 143.052c.
- 8.05 Employee dissatisfaction resulting from a transfer, assignment, or reassignment of duties, in and of itself, shall not constitute grounds for disciplinary appeal procedures.
- 8.06 Employee dissatisfaction resulting from a discretionary policy decision or policy matters, in and of itself, shall not constitute grounds for disciplinary appeal procedures.
- 8.07 A civil service employee who has voluntarily resigned or retired from civil service thereby forfeits all rights to the disciplinary appeal processes, unless the appeal or request for hearing was timely filed prior to retirement or resignation.

#### INVOLUNTARY DEMOTIONS

- 8.08 If the Commission determines that cause does exist for a requested demotion, and the employee has received appropriate written notice the appeal of the demotion will be conducted according to the same hearing procedures as set forth herein for all other disciplinary actions and as provided in applicable state law.

END OF CHAPTER EIGHT

## CHAPTER NINE

### DISCIPLINARY APPEALS

- 9.01 An employee who chooses to appeal must do so in writing and the appeal must be hand delivered to the Civil Service Director within 10 days of the disciplinary action. The appeal may be withdrawn at any time, which will terminate the proceedings.
- 9.02 All pleadings and briefs shall be written in a clear and legible form and shall be delivered to the Director or hearing examiner through the appropriate organization.
- 9.03 The location and accommodation for all hearings and appeals shall be arranged by the Director. Any question regarding the hearing should be coordinated with the Director.
- 9.04 The Civil Service Commission has the power and the right to issue subpoenas for any materials or witnesses considered pertinent to the hearing as set forth in the state civil service law.
- A. The affected Fire Fighter or Police Officer may request the commission to subpoena any books, records, documents, papers, accounts, or witnesses that the Fire Fighter or Police Officer considers pertinent to the case. The Fire Fighter or Police Officer must make the request before the 10<sup>th</sup> day before the date the commission hearing will be held. If the commission does not subpoena the material, the commission shall, before the third day before the date the hearing will be held, make a written report to the Fire Fighter or Police Officer stating the reason it will not subpoena the requested material. This report shall be read into the public record of the commission hearing.
  - B. The Commission may issue subpoenas on its own behalf at any time prior to or during the hearing given the approval of the majority of the Commissioners.
- 9.05 The failure of an appealing employee to attend a scheduled appeal hearing shall not in itself prevent the hearing from proceeding as scheduled nor prevent the Commission from proceeding to take such action as may be appropriate.
- 9.06 Only one representative of each party is allowed to question any particular witness.
- 9.07 Dissatisfaction with a representative shall not constitute grounds for modification of the final ruling.
- 9.08 All parties appearing before the Commission shall become familiar with and follow these rules and regulations at all times during the disciplinary appeal process.

## EXCHANGE OF DOCUMENTATION AND IDENTITY OF WITNESSES

- 9.09 The Texas Rules of Civil Procedure, the Texas Rules of Criminal Procedure, and all other rules of court regarding what is commonly known as “discovery” shall not apply to any civil service proceedings.
- 9.10 The parties are encouraged to co-operate prior to the beginning of the scheduled hearing so as to avoid the necessity of use of subpoenas.
- 9.11 All evidence shall be limited to facts, which are relevant, and material to the issues involved in the proceeding.
- 9.12 The original exhibit or a certified copy of each exhibit offered shall be given to the presiding officer of the Commission. One copy of the exhibit shall be furnished to the opposing counsel or parties. If the exhibit is admitted into evidence, the original or certified copy shall be made a part of the record of the proceeding, but the Commission may grant permission to the admitting party to withdraw the original and substitute a copy of the exhibit, if such action is deemed appropriate and reasonable.

## HEARING PROCEDURES

- 9.13 At the scheduled time and place, the hearing shall be called to order.
- 9.14 All parties shall come to the hearing prepared and ready to proceed so as to minimize any disruption of the hearing process. All parties shall bring at least six (6) copies of all documents or exhibits to be considered by the Commission at the hearing, unless there is an extenuating circumstance that requires consideration of a document or exhibit in the interest of justice.
- 9.15 All disciplinary appeal proceedings shall be public hearings except the deliberations of the Commission, which may be conducted in closed session.
- 9.16 A clear and accurate record of the proceeding shall be maintained by the Director.
- 9.17 Unless otherwise specified, the hearing shall be conducted according to the following format:
  - A. Call to Order
  - B. Statement of Purpose of the Hearing
  - C. Resolution of Pre-Trial Issues
  - D. Presentation of Opening Arguments
    - 1) City
    - 2) Employee
  - E. Presentation of Evidence and Testimony
    - 1) City

- 2) Employee
  - F. Presentation of Closing Arguments
    - 1) City
    - 2) Employee
    - 3) City
  - G. Deliberation
  - H. Presentation of the Decision
  - I. Closing the Hearing
- 9.18 Either party may arrange for a Certified Shorthand Reporter to report the proceedings of the hearing. The cost of such reporting shall be the sole responsibility of the party securing the services of the reporter. Should such services be desired, the Director shall be informed, in writing, at least five (5) calendar days prior to the scheduled hearing date of the arrangements that have been made so that planning for facilities accommodations can be handled.
- 9.19 If a hearing is recorded by a reporter engaged or appointed by the Commission, and a copy of the transcript or testimony is ordered by the Commission, the testimony shall be transcribed and the original transcript filed with the papers of the proceeding. Copies of the transcript of testimony of any hearing thus reported may be purchased at cost from the Director.
- 9.20 The participants shall also seek to obtain as many stipulations as possible as to non-contested or non-material matters.
- 9.21 Each party will be allowed to make brief opening statements.
- 9.22 Witness's testimony shall be taken under oath or affirmation. Witnesses are subject to reasonable and relevant cross-examination by the opposing party or the Commission.
- 9.23 If requested by either party, the procedure of "invoking the rule" is to be followed and witnesses are to be excluded from the hearing during the testimony of other witnesses.
- 9.24 The Commission shall exercise reasonable control over the questioning of witnesses and the presentation of evidence so as to:
- A. make an effective ascertainment of the truth;
  - B. keep such presentations relevant to the issues to be determined;
  - C. avoid wasting time and expense; and
  - D. protect the witnesses and employees from undue harassment or embarrassment.

- 9.25 The Commission shall control the hearing in such a manner as to maintain a business-like atmosphere and focus upon the resolution of factual matters. The presiding officer of the Commission may instruct the parties, counsel, or their witnesses regarding their conduct or behavior during the hearing if such action is deemed necessary in order to maintain order and proper decorum. Threats or acts of violence, abuse, or conduct disruptive or detrimental to the proceeding shall not be allowed.
- 9.26 The Commission shall have the discretion to control the length of time of any particular session as well as to provide for recesses, breaks, lunch hours, etc.
- 9.27 After the close of the presentation of evidence and testimony, both parties shall be given an opportunity to make brief closing summations.
- 9.28 After closing summations, the Commission may recess to executive session for deliberation of the issues. The commission shall reconvene in open session and shall make and announce its findings and rulings.

(Sections 9.29 through 9.30 Reserved for Expansion)

#### RULES OF EVIDENCE

- 9.31 Evidence will be admitted if it is of that quality upon which responsible persons are accustomed to relying in the conduct of serious or business affairs. Technical rules of legal and court procedure, including the rules of civil and criminal evidence, do not apply. The presiding officer of the Commission shall rule on the admissibility of evidence. If any other member of the Commission so requests, the presiding officer shall consult with other members on any ruling. A majority vote of the Commission members present will resolve any dispute regarding the admissibility of evidence.
- 9.32 All evidence and testimony presented at the hearing shall be confined and limited to the issues to be decided. In the event that a party pursues a line of questioning of a witness that is clearly irrelevant, incompetent, or immaterial, the presiding officer of the Commission shall promptly terminate that line of questioning. If any other member of the Commission so requests, the presiding officer shall consult with the other members present on any ruling. A majority vote will resolve any dispute regarding the pertinence or relevance of evidence.
- 9.33 Commission members may request clarification of any evidence or testimony presented, if such deemed necessary.
- 9.34 It shall be the province of the Commission to ultimately determine:
- A. Admissibility and/or consideration of any particular evidence or testimony;
  - B. Relevance of any particular evidence of testimony;
  - C. Credibility of any particular evidence or testimony; and
  - D. Materiality or “weight” to be given to any particular evidence of testimony.

- 9.35 The Commission may receive and consider the evidence of witnesses by affidavit and assign same such weight as it deems proper.
- 9.36 The presiding officer of the Commission may limit the evidence which is repetitive.
- 9.37 On-site inspections shall be discouraged and may be conducted only if the evidence to be considered cannot be otherwise presented via stipulations, photographs, videotapes, maps, diagrams, etc.
- 9.38 All evidence and testimony shall be presented and received into the record while in open session.

(Section 9.39 through 9.40 Reserved for Expansion.)

#### ISSUES TO BE DETERMINED IN DISCIPLINARY APPEALS

- 9.41 Failure to utilize “progressive discipline” shall not in itself be grounds to overturn or otherwise modify a department head’s decision to proceed directly to the appropriate level of discipline if the employee’s misconduct warrants such disciplinary action or indefinite suspension. Progressive discipline need not always apply and the seriousness of a single offense may negate a previously unblemished record.
- 9.42 The hearing shall provide both parties a reasonable opportunity to produce evidence and/or testimony to determine:
  - A. whether the employee committed the misconduct as alleged; and/or
  - B. the legal sufficiency of the alleged misconduct; and/or
  - C. whether the disciplinary action at issue fits the alleged misconduct; and/or
  - D. a combination of any of these matters
- 9.43 If the hearing establishes one valid charge of misconduct supported by evidence sufficient to establish its truth, that charge shall be sustained even if other charges in the letter of disciplinary action are not supported by the evidence at the hearing.

(Sections 9.44 through 9.45 Reserved for Expansion)

#### FINDINGS AND ORDERS OF THE COMMISSION

- 9.46 Based on the evidence presented at the hearing, the Commission shall make a just and fair resolution of the matter via a written order stating the Commission’s findings regarding the specific charge(s) against the employee.
- 9.47 In the event that no charge of misconduct is found to be true, then the final order and ruling shall be to promptly restore the employee to the employee’s proper position or status without penalty.



- 9.48 In the event that any of the specific charges of misconduct against the employee is found to be “true”, then the final order and ruling shall clearly state the appropriate level of discipline.
- 9.49 The final ruling and order of the Commission may be made by the majority vote of two of the three Commissioners.
- 9.50 A copy of the Department’s disciplinary action, a copy of the employee’s request for appeal, the record of the proceedings, a copy of the exhibits submitted together with a copy of the final decision shall be filed in the Commission record. These records may be cited as reference material in subsequent determinations by the Commission.

(Sections 9.51 through 9.52 Reserved for Expansion.)

#### APPEALS TO INDEPENDENT THIRD PARTY HEARING EXAMINERS

- 9.53 If appealed to a Hearing Examiner, the Hearing Examiner’s fees and expenses are shared equally by the employee and the Department. The costs of a witness are paid by the party who calls the witness.
- 9.54 The Director shall forward to the Hearing Examiner the following selected material:
- A. A copy of the Department’s statement of disciplinary charges as filed with the Commission;
  - B. A copy of the employee’s notice of appeal as filed with the Commission;
  - C. A copy of these Rules and Regulations as duly adopted by the Commission and;
  - D. A copy of the applicable sections of the City of Carrollton Administrative Directives manual and Standard Operating Procedures that are cited in the letter of charges.
- 9.55 The Director or Attorney representing the City shall thereafter coordinate with the agency sponsoring the Hearing Examiner as to all matters regarding scheduling, place of hearing, accommodations, etc.
- 9.56 The rule-making power and authority of the Civil Service Commission is in no way conferred upon and/or delegated to any Hearing Examiner, either by implication or otherwise.
- 9.57 In every disciplinary appeal conducted under Chapter 143, the Hearing Examiner shall have the “same duties and powers” as the Commission.
- 9.58 The Director shall maintain a clear and accurate record of the hearing.
- 9.59 If a Hearing Examiner has been initially selected but thereafter objected to or asked to be recused by a party, both parties may mutually agree to excuse the Hearing

Examiner and thereafter request a new list of qualified and neutral Hearing Examiners and start the selection process over again.

END OF CHAPTER NINE

CHAPTER TEN  
PROMOTIONAL PASSOVERS

FIRE DEPARTMENT PROMOTIONAL PASSOVER PROCEDURES

10.01 If a Fire Fighter or possessing the highest grade on a promotion eligibility list is passed over for promotion:

- A. The Fire Fighter or so bypassed shall have ten (10) days to appeal that action to the Commission or to an independent third party hearing examiner.

10.02 Rejection of a position by a Fire Fighter or shall be handled in the following manner:

- A. A Fire Fighter or rejecting an opportunity for promotion to a staff position shall remain on the promotional eligibility list in his/her original position and will be eligible for openings based solely on that position.
- B. If the Fire Fighter or rejecting the position is the sole person on the promotion eligibility list, the list shall be considered to be exhausted and a new examination shall be posted.
- C. If all Fire Fighters or on a given promotion eligibility list reject a position, all shall be considered to be removed from the promotion list, the list shall be considered to be exhausted, and a new examination shall be posted.

END OF CHAPTER TEN

CHAPTER ELEVEN

SAVINGS CLAUSE

11.01 The provisions of these Rules and Regulations are declared to be severable. If any rule, section, sentence, clause, phrase or word of these rules shall for any reason be held to be invalid or unconstitutional by a Court of proper jurisdiction, such decision shall not affect the validity of the remaining rules, sections, sentences, clauses, phrases and shall stand notwithstanding the invalidity of any subpart.

END OF CHAPTER ELEVEN

END OF LOCAL RULES AND REGULATIONS