



CIVIL SERVICE COMMISSION
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
TUESDAY, MAY 23, 2023 AT 2:00 PM

AGENDA

CALL TO ORDER

AGENDA ITEMS

1. Minutes from the May 5, 2023, Civil Service Commission Meeting
2. Consider and rule upon the appeal for test question #3 of the Police Lieutenant promotional examination administered on May 3, 2023
3. Consider and rule upon the appeal for test question #75 of the Police Lieutenant promotional examination administered on May 3, 2023

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card.

EXECUTIVE SESSION

The Civil Service Commission may conduct a closed session if needed in accordance with Chapter 143.053 of the Texas Local Government Code to deliberate on an appeal of disciplinary suspension; and/or under Sections 551.071 and 551.074 of the Texas Government Code to discuss personnel matters and/or legal issues with a City Attorney on a matter in which the attorney has a duty to confidentially advise the client.

ADJOURNMENT

The Grand Prairie City Hall is accessible to people with disabilities. If you need assistance in participating in this meeting due to a disability as defined under the ADA, please call 972 237 8192 or email Lisa Norris at lnorris@gptx.org at least three (3) business days prior to the scheduled meeting to request an accommodation.

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A, the Civil Service Commission agenda was prepared and posted May 19, 2023.

A handwritten signature in cursive script that reads "Lisa Norris".

Lisa Norris, Human Resources Director



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 05/23/2023

PRESENTER: Lisa Norris, Civil Service Director

TITLE: Minutes from the May 5, 2023, Civil Service Commission Meeting

RECOMMENDED ACTION: Approve

The Civil Service Commission Meeting was held on May 5, 2023, at City Hall in the Council Chambers at 300 W. Main Street, Grand Prairie, Texas, 75050.

Commission Thompson called the meeting to order at 2:03 p.m. with Commissioners Rachel Mendoza and Reg Crump present. Also present were Lisa Norris, Civil Service Director, and Tiffany Bull, Assistant City Attorney.

The first item on the agenda was the approval of the minutes from the Civil Service Commission meeting held on April 28, 2023. Commissioner Mendoza moved to approve the minutes as presented, and Commissioner Crump seconded the motion. The item passed unanimously.

The next item on the agenda was to certify the Fire Driver/Engineer Final Eligibility List resulting from the written examination administered on April 12, 2023. Ms. Norris indicated the list included appeal rulings resulting from the April 28, 2023 Civil Service Commission meeting and the list order remained unchanged. Commissioner Crump moved to certify the list as presented, and Commissioner Mendoza seconded the motion. The item passed unanimously.

The next item on the agenda was to certify the Fire Lieutenant Eligibility List resulting from the written examination administered on April 12, 2023. The list included appeal rulings, including Mr. Rosier's, resulting from the April 28, 2023, Civil Service Commission meeting. Ms. Norris indicated the order of the list changed as shown, with Mr. Rosier moving to number one resulting from an applied tiebreaker, and the next three changing order as well. Commissioner Mendoza moved to certify the list as presented, and Mr. Crump seconded the motion. The item passed unanimously.

The next item on the agenda was to certify the Fire Captain Eligibility List resulting from the written examination administered on April 11, 2023. Ms. Norris again clarified that this list included appeal rulings from the April 28, 2023 meeting as shown, but the order of the list remained unchanged. Commissioner Crump moved to certify the list as presented and Commissioner Mendoza seconded the motion. The item passed unanimously.

The final item on the agenda was to certify the Fire Battalion Chief Eligibility List resulting from the written examination administered on April 11, 2023. Ms. Norris indicated this list included appeal

rulings, including question 36 which was eliminated. This resulted in the rescoring of the raw score with the new point value of 1.01 as shown, times the new number of correct answers. Although Mr. Hromcik lost a point, the order remained unchanged due to the separation in raw scores. Commissioner Mendoza moved to certify the list as presented and Commissioner Crump seconded the motion. The item passed unanimously.

With no other discussion, the meeting was adjourned at 2:09 p.m.

Commissioner, Oliver Thompson

Commissioner, Reg Crump

Commissioner, Rachel Mendoza

Civil Service Director, Lisa Norris



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/23/2023

PRESENTER: Lisa Norris, Civil Service Director

TITLE: Consider and rule upon the appeal for test question #3 of the Police Lieutenant promotional examination administered on May 3, 2023

APPELLANT: Justin Ross

RECOMMENDED ACTION: Uphold or Deny the appeal and Modify the answer key if appropriate

QUESTION:

3. Which action is an example of transactional policing?
- A. Offering a reward for information from a witness or tipster
 - B. Speaking to the community at a town hall meeting
 - C. Providing police service outside of normal duty at a special event (e.g., parade, marathon, concert)
 - D. Issuing a verbal or written warning instead of a citation during a traffic stop

Keyed Answer: A

RESOURCE:

Start with Why: How Great Leaders Inspire Everyone to Take Action, Portfolio, Illustrated Edition, 2011; Part I, Page 31

ALLOCATION OF ANSWERS:

A-4; B-1; C-0; D-2

GROUNDS OF APPEAL:

The question is not from the selected text and should be eliminated.

RELIEF SOUGHT:

Uphold the appeal and eliminate the question.

VENDOR RESPONSE:

The appellant believes that the test question does not come from any of the source materials used for the exam. However, the material does come from the source Start with Why and on page 31 it states, "For transactions that occur an average of once, carrots and sticks are the best way to elicit

the desired behavior. When the police offer a reward they are not looking to nurture a relationship with the witness or tipster; it is just a single transaction.”

The source clearly supports the key, response option A, as the correct answer.

APPEAL - PROMOTIONAL EXAMINATION QUESTION

Name: Ross, JustinDate: 5/5/23

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection." Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 5/3/23 Rank: LIT Question#: 3 Source: UNKNOWN/Start With Why Page# unknown

General reason for objection: (Check one of the following and explain fully below)

- The keyed answer is not correct. Another answer is correct and should be allowed instead. My answer is ____.
- Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- The question is faulty - there is no correct answer. The question should be eliminated.
- Other: the question is not from the selected texts

Reasons(s) supporting your appeal:

This question is not from either of the three tested books but especially not Start With Why.

None of the texts indices list the term transactional Policing.

This term is not listed in the texts and is beyond the scope of the reading list.

As such, I humbly request the question be removed.

Continue on back of this form if needed.

their service “better than similar offers,” and instead settled with good. Given that most people were not going to become repeat customers, there weren’t going to be any head-to-head comparisons made to the other services. All they needed to do was drive a purchase decision and offer a pleasant enough experience that people would recommend it to a friend. Any more was unnecessary. Once the owners of mygoldenvelope.com realized they didn’t need to invest in the things that build loyalty if all they wanted to do was drive transactions, their business became vastly more efficient and more profitable.

For transactions that occur an average of once, carrots and sticks are the best way to elicit the desired behavior. When the police offer a reward they are not looking to nurture a relationship with the witness or tipster; it is just a single transaction. When you lose your kitten and offer a reward to get it back, you don’t need to have a lasting relationship with the person returning it; you just want your cat back.

Manipulations are a perfectly valid strategy for driving a transaction, or for any behavior that is only required once or on rare occasions. The rewards the police use are designed to incentivize witnesses to come forward to provide tips or evidence that may lead to an arrest. And, like any promotion, the manipulation will work if the incentive feels high enough to mitigate the risk.

In any circumstance in which a person or organization wants more than a single transaction, however, if there is a hope for a loyal, lasting relationship, manipulations do not help. Does a politician want your vote, for example, or does he or she want a lifetime of support and loyalty from you? (Judging by how elections are run these days, it seems all they want is to win elections. Ads discrediting opponents, a focus on single issues, and an uncomfortable reliance on fear or aspirational desires are all indicators. Those tactics win elections, but they do not seed loyalties among the voters.)

The American car industry learned the hard way the high cost of relying on manipulations to build a business when loyalty what they really needed to nurture. While manipulations may



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/23/2023

PRESENTER: Lisa Norris, Civil Service Director

TITLE: Consider and rule upon the appeal for test question #75 of the Police Lieutenant promotional examination administered on May 3, 2023

APPELLANT: Justin Ross

RECOMMENDED ACTION: Uphold or Deny the appeal and Modify the answer key if appropriate

QUESTION:

75. There is no fixed formula for drawing the line between a curtilage and an open field. The United States Supreme Court has identified four factors that are relevant to this inquiry; one of the factors is
- A. The presence of a man-made object
 - B. The size of the area
 - C. How long the property has been owned by the individual
 - D. Whether it is used for family purposes

Keyed Answer: **D**

RESOURCE:

Constitutional Law, Routledge, 15th Edition, 2018; Chapter 4, Page 229

ALLOCATION OF ANSWERS:

A-0; B-2; C-0; **D-5**

GROUND OF APPEAL:

Another answer is also correct, in addition to the keyed answer. Both answers should be allowed.

RELIEF SOUGHT:

Uphold the appeal and override the key to accept both "B" and "D" as correct.

VENDOR RESPONSE:

The appellant believes that response options B and D should be considered correct answers. The appellant states that size is the most fundamental question for open fields vs. curtilage. However, the question asks about the four relevant factors that were identified by the Supreme Court.

The information for this test question come straight from the source on page 229 where it states, “There is no fixed formula for drawing the line between the curtilage and an ‘open field.’ The Supreme Court has identified four factors that are relevant to this inquiry: (1) the proximity to the home, (2) whether the area is included within an enclosure surrounding the home, (3) whether it is used for family purposes, and (4) the steps taken by residents to shield the area from view by passersby.”

The source clearly supports the key, response option D, as the correct answer.

APPEAL - PROMOTIONAL EXAMINATION QUESTION

Name: Ross, Justin

Date: 5/5/23

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection." Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 5/3/23 Rank: LT Question#: 75 Source: Constitutional Law Page# 227

General reason for objection: (Check one of the following and explain fully below)

- The keyed answer is not correct. Another answer is correct and should be allowed instead. My answer is _____.
- Another answer, b, is also correct, in addition to the keyed answer. Both answers should be allowed.
- The question is faulty - there is no correct answer. The question should be eliminated.
- Other: _____

Reasons(s) supporting your appeal:

The paragraph in question provides the ~~minimum~~ ^{Maximum} distance for curtilage is rarely more than 150 ft.

The hallmark of US v. Dunn is proximity to the home. Size is the de facto measure for curtilage, even according to the last sentence of the paragraph in question.

Since size is the most fundamental question for open fields v. Curtilage, I humbly request both B and D be viewed as permissible options.

Continue on back of this form if needed.

from outside the property may be viewed by law enforcement officials without violating the Fourth Amendment. Consequently, police need a search warrant to enter the curtilage in search of evidence, although they have the same right as visitors, deliverymen, and other members of the public to enter, using the regular access route, when they come on legitimate business.²⁹⁵

The rest of the land is classified as an open field and carries no Fourth Amendment protection. The phrase "open field" is misleading because the area need not be open or a field in any literal sense; it can be a thickly wooded area, a condominium parking lot, or even a lake.²⁹⁶ Police do not need any Fourth Amendment justification to enter an open field, even though their presence constitutes a trespass under property law.²⁹⁷

There is no fixed formula for drawing the line between the curtilage and an "open field." The Supreme Court has identified four factors that are relevant to this inquiry: (1) the proximity to the home, (2) whether the area is included within an enclosure surrounding the home, (3) whether it is used for family purposes, and (4) the steps taken by the residents to shield the area from view by passersby.²⁹⁸ No single factor is determinative, but they each inform a court's decision as to whether the outlying area is "so intimately tied to the home itself that it should be placed under the home's 'umbrella' of Fourth Amendment protection."²⁹⁹ While there is no fixed distance at which the curtilage ends, the Supreme Court has indicated that it would be rare for the curtilage to extend more than 150 feet beyond the home.³⁰⁰

The curtilage concept does not apply to business establishments, but the grounds surrounding a business may receive analogous protection when special precautions are taken by the occupants to protect their privacy by putting up tall fences with locked gates.³⁰¹

D. Analysis of "A Final 'Tail'"

Officer Goodfellow violated the Fourth Amendment when he entered Mrs. Metzger's curtilage in search of evidence. The more difficult question is determining the curtilage's boundaries. Mrs. Metzger's garage was within the curtilage both because of its proximity to her home and because garages are commonly used for domestic purposes, even though hers was being used partly for business. Consequently, Goodfellow performed a search when he walked up to her garage, shined a flashlight to look inside, and retrieved a shoe box full of pet collars from a garbage can just outside. The fact that the shoe box had been placed in a garbage can did not destroy Fourth Amendment protection because until a garbage can is placed outside the curtilage for collection, the contents are not yet abandoned.³⁰² The garbage can is just another container that is being used for a domestic purpose.

The pet collars found near the barn stand on a different footing because the barn was situated in an "open field." The reason the land around the barn was an open field was its substantial distance from Mrs. Metzger's house, its dilapidated condition, which suggested that the barn was not being put to domestic use, and the fact that it was actually being used for business.³⁰³ Had the barn been closer to the home and for domestic purposes, the characterization would have been more difficult.