



CIVIL SERVICE COMMISSION
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
TUESDAY, AUGUST 22, 2023 AT 4:00 PM

AGENDA

CALL TO ORDER

AGENDA ITEMS

1. Amendment to the City of Grand Prairie Fire Fighters and Police Officers Local Civil Service Rules and Regulations to Modify the Age Qualifications for a Beginning Position in the Police Department

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

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 August 18, 2023.

A handwritten signature in black ink, appearing to read "E. Brown".

Euriah Brown, Human Resources Manager



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 08/22/2023

PRESENTER: Lisa Norris, Civil Service Director

TITLE: Amendment to the City of Grand Prairie Fire Fighters and Police Officers Local Civil Service Rules and Regulations to Modify the Age Qualifications for a Beginning Position in the Police Department

RECOMMENDED ACTION: Approve

The City of Grand Prairie Fire Fighters and Police Officers Local Civil Service Rules and Regulations (“Local Rules”) are presented herein to update provision 4.2 on page 8 relating to the eligibility age limit for Police applicants. Local Rules are occasionally updated to align with changes to Texas law. Texas Local Government Code, Sec. 143.023 will be amended, effective September 1, 2023, to remove the subsection which states "A person who is 45 years of age or older may not be certified for a beginning position in a police department." This provision was adopted as provision 4.2 of the Local Rules. The proposed amendment will delete provision 4.2 to align with state law and renumber accordingly.

This change is minor and is reflected in the attached full redlined version of the Local Rules as presented, a Summary of Proposed Changes to the Local Rules for ease in posting, and a clean version that, once passed, will become in full force and effect following being posted for 7 days.

THE CITY OF GRAND PRAIRIE
FIRE FIGHTERS AND POLICE OFFICERS
LOCAL CIVIL SERVICE RULES AND REGULATIONS

Summary of Changes 08/22/2023 (effective 08/31/2023)

A full set of the redlined rules are posted on Raving Fans intranet, click the “Human Resources” icon, and then select “Local Civil Service Rules” from the menu. These will remain posted for the 7-day period for personnel convenience and review, in addition to this summary, and then removed. This summary is inclusive of content changes but does not reflect grammatical or spacing corrections. The Final Rules will remain posted on Raving Fans until replaced.

Rule Number	Revision
<i>Page 1</i> , Cover page of Rules	<i>Passed by Commission:</i> 04/20/2023 <u>08/22/2023</u>
	<i>Changes Posted:</i> 04/21/2023 <u>08/23/2023</u>
	<i>In full force and effect:</i> 04/29/2023 <u>08/31/2023</u>
<i>Page 8</i> , Age	4.2 — A person who is 45 years of age or older may not be certified for a beginning position in a Police Department.

The rule changes noted in this posting represent changes to the Local Rules passed at the Civil Service Commission meeting on April 20, 2023, and as stated in the last page of the rules by order of the Commission. A full and complete copy of the rules adopted has been posted to the Raving Fans Intranet for viewing and/or print and includes all changes noted herein. The approved rules replace, in its entirety, any prior set of rules.

 Civil Service Director

 Civil Service Commissioner

 Civil Service Commissioner

 Civil Service Commissioner



THE CITY OF GRAND PRAIRIE

FIRE FIGHTERS AND POLICE OFFICERS

LOCAL CIVIL SERVICE RULES AND REGULATIONS

Passed by Commission: ~~04/20~~08/22/2023
Changes Posted: ~~04/21~~08/23/2023
In full force and effect: ~~04/29~~08/31/2023

PREAMBLE:

Pursuant to Chapter 143 of the Texas Local Government Code and City of Grand Prairie Ordinances, the Firefighters’ and Police Officers’ Civil Service Commission of the City of Grand Prairie, Texas does hereby adopt the following Rules and Regulations for the administration of the Civil Service System for the City of Grand Prairie Texas.

CHAPTER ONE

ORGANIZATION AND GENERAL PROVISIONS

ENACTMENT

- 1.1 The Civil Service System of the City of Grand Prairie has been established pursuant to Chapter 143 of the Texas Local Government Code (Chapter 143) for the purpose of developing and enforcing rules regarding the initial selection of employees as well as for their advancement, benefits, and condition of employment.
- 1.2 These rules represent a revision of the City of Grand Prairie Fire Fighters' and Police Officers' Local Civil Service Rules and Regulations (Local Rules). These rules completely repeal and replace all prior rules and regulations adopted by the Civil Service Commission. These rules are made in accordance with Chapter 143 of the Texas Local Government Code, hereinafter referred to as "Chapter 143," and specifically pursuant to Section 143.008 of Chapter 143 and legal precedent interpreting the provisions of Chapter 143.
- 1.3 The scope and construction of these rules hereinafter set forth shall be interpreted and applied within the spirit and intent of Chapter 143 as being necessary and essential to administer said law. It is intended that these rules shall complement said statutes and not conflict with the statutes in any manner. Situations not expressly covered by Chapter 143, Grand Prairie City Ordinances or the Local Rules shall be resolved in accordance with the City of Grand Prairie Human Resources Policies and Procedures; and/or the residual discretionary authority vested in the Civil Service Director, a Department Head, or the City Manager. These Local Rules and Regulations shall apply to all of the employees of the Fire and Police Departments covered under Chapter 143.
- 1.4 As used herein words in the present tense include the future tense when necessary to render the meaning of the word clear in the context in which it is being used; the singular includes the plural, and the plural the singular and words of one gender include the other gender.

CIVIL SERVICE COMMISSION

- 1.5 The City Manager shall appoint and the City Council shall confirm the appointment of the three members of the Civil Service Commission ("Commission"). In January of each year, or as necessary, the members shall elect one member to serve as Chairperson and one to serve as Vice-Chair.
- 1.6 A newly appointed Commissioner shall be sworn in by an attorney in the City Attorney's Office prior to or during their first Civil Service Commission meeting, and prior to taking any action on an item..
- 1.7 Each member of the Commission holds office for a staggered three-year term and thereafter until a successor is appointed. Vacancies which occur prior to completion of the three-year term shall be filled in accordance with provisions of this section for the remaining term of the member whose position has been vacated.
- 1.8 The City Manager can appoint a Commissioner to three consecutive terms; however, a fourth or subsequent appointment of the same Commissioner shall go to the City Council and be confirmed by a two-thirds majority vote in accordance with Section 143.006.
- 1.9 A member of the Civil Service Commission may tender a resignation in writing to the City Manager at any time. A Commission member may be removed from office by the City Council for misconduct in office in accordance with the provisions of Chapter 143, Section 143.007. Upon a vacancy being created on the Commission, the Civil Service Director shall request a replacement by the City Manager.

- 1.10 The City of Grand Prairie City Attorney, or his designee, shall act as Legal Advisor to the Commission, unless representing the Police or Fire Chief or other Civil Service Employee.
- 1.11 The Commission has the responsibility to conduct investigations and inspections on matters within its jurisdiction pursuant to the Local Rules and Chapter 143.
- 1.12 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 or suspension of a Civil Service employee;
 - e. the procedures for the hearing of disciplinary appeals concerning indefinite suspensions, suspensions, promotional pass-overs or recommended involuntary demotions;
 - f. the procedures for hearings as allowed by Chapter 143; and
 - g. such other matters reasonably related to the selection, promotion, discipline, and fitness for duty of Civil Service employees; and
 - h. delegation of duties to the Civil Service Director.

CIVIL SERVICE MEETINGS

- 1.13 Notice and Scheduling of Meetings.
- a. Meetings of the Civil Service Commission shall be scheduled by the Civil Service Director or designee as needed to conduct the business of the Commission.
 - b. Special meetings of the Commission, including meetings to hear disciplinary appeals, may be called by the Commission Chairperson or the other two Commissioners upon giving advance notice to each member and public notice pursuant to subparagraphs below.
 - c. Commission meetings shall conform to the requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code which are open to the public with the time, date, place, and subject matter of the meeting posted at least 72 hours before the scheduled time of the meeting. Notices shall be posted at City Hall and in the office of the Civil Service Director to give the public and all interested parties proper notice. Copies of the meeting notice shall be sent to the Police Chief and Fire Chief for distribution within the Police and Fire Departments.
 - d. The Chairperson of the Civil Service Commission may, if necessary, call a meeting with not less than a two (2) hour notice under certain emergency requirements in accordance with the Texas Open Meetings Act.
 - e. The Commission may convene in Executive Session pursuant to and in compliance with the Texas Open Meetings Act and Section 143.053(d).
 - f. Two members of the Commission shall constitute a quorum sufficient to hear test appeals and conduct business meetings. Three members of the Commission shall constitute a quorum to hear all disciplinary appeals, and matters concerning fitness for duty, involuntary demotions, or promotional pass-overs.
- 1.14 It shall be the responsibility of each individual Commissioner to immediately notify the attorney, appointed to represent the Commission, of any conflicts of interest concerning the case being heard by the Commission.

- 1.15 Appeal hearings shall proceed as set forth in Chapters 10 or 11 of these Local Rules and Regulations, as applicable. Robert's Rules of Order are to be used as a guide by the Commission in its regular business and proceedings with the normal order of business as follows:
- a. Call to order;
 - b. Approval of minutes of previous meetings
 - c. Old business;
 - d. New business;
 - e. Executive Session; and
 - f. Adjournment.
- 1.16 The Director or designee shall be responsible for writing the minutes of each meeting and shall record at least the following information:
- a. the time and place of each meeting;
 - b. the names of the Commission members and attorneys present;
 - c. all official actions of the Commission;
 - d. the official vote by each Commission member; and
 - e. such other matters as deemed appropriate for the record.
- 1.17 The minutes of a meeting are normally to be presented for approval at the next Commission meeting. The approved minutes of each Civil Service Commission meeting shall be forwarded to the City Secretary for distribution to the members of the Grand Prairie City Council. The minutes, other than matters discussed in executive session, and upon approval by the Commission, shall be kept available for public inspection as governed by Chapter 552 of the Texas Government Code, the Texas Public Information Act.
- 1.18 The Commission shall issue its decisions in writing and such rulings shall be binding upon both the Department and the employees, subject to any appeal rights under Chapter 143.

DIRECTOR OF CIVIL SERVICE

- 1.19 The Director of Civil Service shall be appointed by the Civil Service Commission and serve as Secretary to the Commission in accordance with Chapter 143. The Director shall perform all work incidental to the Civil Service system in the City of Grand Prairie including, but not limited to:
- a. serving as Secretary to the Civil Service Commission;
 - b. securing outside test consultants to develop written entrance and promotional exams for the Police and Fire Departments;
 - c. posting lists of reading resources for promotional examinations;
 - d. posting all agendas and notices pursuant to Chapter 143 and the Texas Open Meetings Act, Chapter 551 of the Texas Government Code;
 - e. keeping the records of the Commission;
 - f. coordinating all meetings and all hearings for the Civil Service Hearings and those involving third party hearing examiners; and
 - g. serve as custodian of personnel files for all Civil Service employees.
- 1.20 The Director of Civil Service is authorized to act for the Commission in regard to all administrative matters except those that require official action by the Commission alone including, but not limited to: adoption of Civil Service Rules, classification of positions, consideration of fitness for duty, hearing and rendering decisions regarding involuntary demotions and on appeals of disciplinary actions, promotional exams and promotional passovers. The Commission may ratify the action of the Director at its next meeting, if deemed necessary.
- 1.21 The Director of Civil Service may delegate any and/or all duties to other staff as necessary.

COMMISSION RECORDS

- 1.22 All records of the Commission shall be deemed public information and shall be governed by the Texas Public Information Act, Chapter 551 of the Texas Government Code, unless confidential by other law. The Director shall be deemed the custodian of all Civil Service Commission records.

RULES AND REGULATIONS

- 1.23 The City of Grand Prairie Police Officer's and Fire Fighter's Local Civil Service Rules currently in effect are only those contained herein. These Local Rules have been approved and adopted by the Grand Prairie Civil Service Commission and shall remain in effect until officially amended, revised or eliminated by the Commission.
- 1.24 Amendments to these rules may be made at any meeting of the Civil Service Commission after proper submission and prior notice as set forth in these rules. All rules and amendments shall become effective on the date of approval by the Commission and subsequent compliance with the posting and publication requirements outlined in Chapter 143. All rules and amendments shall be printed and made reasonably available for access to all Civil Service employees.

DURATION OF POSTINGS

- 1.25 Required postings providing notice or informational material concerning a meeting, test, or other event may be removed upon the earlier of the cancellation or conclusion of the meeting, test, or event which is the subject of the notice.
- 1.26 Unless these rules or Chapter 143 provide for a different time period, any list or other document required to be posted by these rules or Chapter 143 may be removed once superseded by an updated or certified list or after seven days, whichever is earlier.

END OF CHAPTER ONE

CHAPTER TWO

DEFINITIONS

- 2.1 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. **Fire Fighter, Police Officer, Commission, Department Head and Director** or "designee": shall be defined as set out in Section 143.003 of Chapter 143, and shall be considered to include both the male and female gender;
 - b. **Local Rules:** means the City of Grand Prairie Fire Fighters and Police Officers Local Civil Service Rules;
 - c. **Business Day:** means Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding official holidays and Saturdays and Sundays.
 - d. **Chapter 143:** means Chapter 143 of the Texas Local Government Code.
 - e. **Military Service Credit:** to obtain military service credit, applicants shall submit a DD-214 with the character of service being defined as "honorable" for the purpose of obtaining military service points on the entrance examination. Applicants with something other than "honorable" noted on the DD214 may still be allowed to take the entrance examination as long as the discharge reason qualifies for licensing under current TCOLE standards; however, they shall not be eligible for military service points/credit on the entrance examination scoring.
 - f. **Conviction or Convicted:** means a person is convicted if he/she has pled guilty, no contest (Nolo contendere), or been found guilty in a trial, regardless of whether:
 - 1) the sentence is subsequently probated, and the person is discharged from probation;
 - 2) the defendant has received an unadjudicated or deferred adjudication probation, pre-trial diversion, or similar deferred disposition, for a criminal offense;
 - 3) the case 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.
 - g. Office of the Civil Service Director and Office of the Civil Service Commission shall be one in the same and is located at the City of Grand Prairie Human Resources Office.

END OF CHAPTER TWO

CHAPTER THREE
CLASSIFICATION OF FIRE FIGHTERS & POLICE OFFICERS

- 3.1 The Commission shall provide for the classification of all fire fighters and police officers in accordance with Section 143.021 of Chapter 143.
- 3.2 The positions in the Fire Department shall be classified as follows:
- a. Fire Fighter
 - b. Driver Engineer
 - c. Fire Lieutenant
 - d. Fire Captain
 - e. Battalion Chief
 - f. Assistant Chief (1 appointed and the remainder tested)
 - g. Fire Chief (appointed)
- 3.3 The positions in the Police Department shall be classified as follows:
- a. Police Officer
 - b. Police Sergeant
 - c. Police Lieutenant
 - d. Deputy Chief
 - e. Assistant Chief (appointed)
 - f. Chief of Police (appointed)
- 3.4 All personnel not filling the above positions shall be considered in the "unclassified" service and shall not be regarded as Civil Service employees under the provisions of Chapter 143 of the Local Government Code. The above class titles shall be descriptive of the work performed by the individual holding the particular classification. In the event any new classification is established either by name or by increase of salary, the same shall be filled by competitive examination in accordance with Chapter 143 and the Local Rules, except for appointed Assistant Chief positions created pursuant to Section 143.014.

END OF CHAPTER THREE

CHAPTER FOUR

ELIGIBILITY FOR BEGINNING POSITION IN THE POLICE DEPARTMENT

Applicants for a beginning position in the **Police Department** shall meet the following minimum standards as defined within this section and in accordance with Chapter 143.

AGE

4.1 A person may not take an entrance examination for a beginning position in the Police Department unless the person is at least 21 years of age.

~~4.2—A person who is 45 years of age or older may not be certified for a beginning position in a Police Department.~~

4.34.2 Applicants who initially qualify to submit an application for an entrance examination, and whose name is subsequently placed on an eligibility list, shall have their names stricken from the list if they have exceeded the maximum age limit, as described in Section 4.2 above, prior to appointment and/or the expiration of the eligibility list, whichever occurs first.

CITIZENSHIP/LANGUAGE

4.44.3 All applicants for the beginning position of **Police Officer** shall be a citizen of the United States and be able to read, write and fluently speak English.

EDUCATION/EXPERIENCE

4.54.4 Applicants shall be eligible for certification from TCOLE (Texas Commission on Law Enforcement) **AND**

- 1) possess a bachelor's degree with at least a 2.0 Grade Point Average (GPA) from a college or university accredited by the United States Department of Education or Council for Higher Education by the time of their hire date with the Police Department, **OR**
- 2) possess at least two (2) years of experience as a regular full-time peace officer for a law enforcement agency, **OR**
- 3) possess at least three (3) years active-duty military experience in accordance with the definition of Military Service Credit listed in Section 2.1(e), with an Honorable Discharge, **OR**
- 4) by the time of hire as a Police Officer for the Grand Prairie Police Department:
 - a. possess at least thirty (30) college semester hours with at least a GPA of 2.0 from a college or university accredited by the United States Department of Education or Council for Higher Education, **AND**
 - b. two years of experience in a Grand Prairie Police Department non-civil service position.

4.65 Military police experience **does not** count as regular full-time peace officer experience.

PRIOR SERVICE (REINSTATEMENT) PROVISIONS FOR THE GRAND PRAIRIE POLICE DEPARTMENT

4.74.6 A police officer shall have successfully completed their probationary period with this department, separated on good terms, and remained eligible for commissioning by the Texas Commission on Law Enforcement (TCOLE) in order to utilize this reinstatement procedure.

4.84.7 The reinstatement application request shall be completed within three (3) years of their resignation date to be considered for reinstatement.

4.94.8 Officers applying for reinstatement shall successfully complete all steps in the Civil Service applicant process, except for the Civil Service entrance examination, in the same manner as any other applicant.

4.104.9 Reinstated Police Officers may be required to attend any training determined necessary, up to and including the entire basic training class, as deemed appropriate by the Chief of Police to bring the officer up to required current standards and training expected of all other officers.

4.114.10 Reinstated officers shall serve a probationary period of twelve months beginning on the date of reappointment. During the probationary period, the reappointed officer is not a full-fledged civil service employee, but rather is employed “at will” and shall be subject to discharge or discipline at the discretion of the Chief of Police with no right of appeal.

4.124.11 Reinstated officers shall be placed in the same step of the pay schedule they held at the time of their employment termination, unless they terminated while at a supervisory rank or continued to work as a peace officer. If the reinstated officer left this department while in a supervisory capacity or continued to work as a peace officer after leaving, his/her re-hire salary shall correspond with his/her total prior service years, but he/she shall be placed in the Police Officer pay schedule and shall not exceed the top pay of police officer rank.

4.134.12 For reinstated officers, their departmental and City seniority starts over based on their rehire date.

- a. Leave accruals begin based as if a new hire on the date of rehire.
- b. Longevity for civil service employees shall comply based on Chapter 141, and shall be based on total time as a *sworn* officer at the City of Grand Prairie, even if a break in service occurred.
- c. Seniority for purposes of shift bids, vacation bids, eligibility to take promotional exams, promotional points, etc. and other provisions related to Chapter 143 shall be calculated on the reinstated employee’s most recent hire date until such time a promotion to a new rank occurs.

POLICE LATERAL ENTRY PROGRAM

4.144.13 The Police Lateral Entry Program is authorized as a form of seniority pay as authorized by an ordinance through the City Council and designed to attract additional qualified applicants who would not require the training time involved with an applicant who lacks previous experience. This additional recruiting tool shall involve compensating lateral entry officers for their experience based on the number of years of their prior experience. The Police Lateral program in effect at the time of hire shall be followed for placement in the pay plan.

4.154.14 Eligibility for Lateral Entry

- a. To be eligible for lateral pay, a lateral entry applicant shall have at least two (2) years continuous service as a paid, full-time certified peace officer in a law enforcement agency, including out-of-state agencies, as approved by the Chief of Police.
- b. The lateral applicant shall have been in a position where they had the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties.
- c. A lateral entry applicant shall not have more than a three (3) year break in service from the time they left the former law enforcement agency and the time they made application with the Grand Prairie Police Department.

4.164.15 Seniority for Lateral Entrants: The Lateral Entry Program is for pay purposes only and actual work experience in another law enforcement agency shall not be considered for promotional eligibility requirements, departmental seniority, leave calculations, transfers or other such accruals/programs which utilize years of service in calculation. Departmental seniority for lateral officers shall begin on their Civil Service hire date with the Grand Prairie Police Department, as such, the term of the lateral officer's probationary period shall have no impact on the calculation of seniority points.

4.174.16 Lateral Entry Applicant Requirements:

- a. Lateral applicants shall successfully complete each step in the Civil Service hiring process in the same manner as any other applicant.
- b. The probationary period for lateral officers shall be twelve months, except that it shall be eighteen months if they are required to attend the Basic Police Academy for initial certification by the Texas Commission on Law Enforcement. During the probationary period, the lateral officer is not a full-fledged civil service employee, but rather is employed "at will" and shall be subject to discharge or discipline at the discretion of the Chief of Police with no right of appeal.

4.184.17 The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

PHYSICAL AND MENTAL REQUIREMENTS FOR POLICE OFFICER APPLICANTS

4.194.18 No applicant shall have a physical or mental health condition which would serve to cause an applicant to be unable to adequately perform the essential functions of the job of police officer, or that would otherwise endanger citizens or other employees while performing such duties.

4.204.19 Applicants for the position of police officer shall successfully complete the current physical and mental fitness test which may be subject to change.

4.214.20 Upon an offer of employment, police applicants shall pass a drug test, a physical exam, and a psychological examination to determine their ability to perform the essential functions of the job. The expense of the tests shall be paid by the City of Grand Prairie.

CAUSES FOR DISQUALIFICATION OF POLICE OFFICER APPLICANTS

4.224.21 The applicant has failed to comply with any of the minimum requirements or qualifications for a beginning position as established by Chapter 143 or the Local Rules.

4.234.22 The applicant has made a false statement in any material fact, withheld information, or practiced or attempted to practice any deception or fraud in the application process.

4.244.23 The applicant is not a citizen of the United States of America.

4.254.24 The applicant has failed to demonstrate an ability to read, write, and fluently speak the English language.

4.264.25 Inability to perform the essential functions of a police officer with or without reasonable accommodation.

- 4.274.26 The applicant fails to complete or satisfactorily meet the employment process requirements of the Police Department, including but not limited to: missed appointments, failure to return necessary paperwork, failure to notify the department of changes in address or telephone numbers, or who otherwise failed to complete the proper application process. Applicants may submit a new application for the next examination.
- 4.284.27 An applicant found to have a conviction, as defined in 2.1(f), of a Class B Misdemeanor under State or Federal Law, to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation, shall result in a ten (10)-year disqualifier.
- 4.294.28 An applicant found to have a conviction, as defined in 2.1(f), of or admission to crimes involving moral turpitude shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency.
- 4.304.29 Conviction of, as defined in 2.1(f), a Class A Misdemeanor or offense involving Family Violence, at or after 17 years of age, or an admission of (other than the specific drug uses listed in Section 4.36) or conviction of a felony, at any age, under State or Federal Law, to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation, shall result in a permanent disqualification.
- 4.314.30 Applicants shall not be considered for employment while charges are pending for any criminal offense, other than Class C traffic offenses.
- 4.324.31 Applicants who fail to pass the written examination or the physical fitness exam. Applicants may submit a new application for the next scheduled examination.
- 4.334.32 Applicants for the position of police officer whose Department of Public Safety motor vehicle records reflect more than two (2) moving traffic violations and/or at-fault accidents within twenty-four (24) months preceding the date of application.
- 4.344.33 Applicants who have a DWI conviction, as defined in 2.1 (f), within ten (10) years preceding the date of application.
- 4.354.34 Applicants who have used illicit substances shall be disqualified as indicated by the following guidelines:
- a. Applicants who are found or have admitted use of any form of marijuana or synthetic marijuana within the last two (2) years;
 - b. Applicants who are found or have admitted use of any form of cocaine, heroin, opium, PCP, LSD, or methamphetamine, except ecstasy, within the last fifteen years (15) years;
 - c. Applicants who are found or have admitted to the use of any form of cocaine, heroin, opium, PCP, LSD, or methamphetamine, including ecstasy, on three or more occasions or who have ever sold or distributed marijuana or any controlled substance are permanently disqualified;
 - d. Applicants who are found or have admitted to using ecstasy on two occasions shall be disqualified for a period of fifteen (15) years from the date of the most recent use. Applicants found to have used ecstasy on one occasion shall be disqualified for a period of five (5) years from the date of the use. Applicants who have used ecstasy and are not automatically disqualified, as outlined above, shall be evaluated on a case-by-case basis with consideration given to the circumstances surrounding the use; or
 - e. Applicants who are found or who admit to abuse of steroids, legally obtained prescription medications, or illegal use of prescription medication of another person. Conduct involving abuse and/or misuse of steroids or prescription medication, including the illegal use of prescription medication of another person, shall be considered on a case-by-case basis with consideration given to circumstances and recency.

4.364.35 Applicants who do not obtain satisfactory results on the following steps in the hiring process are disqualified for a period of one year from the date of notification letter that the applicant is no longer under consideration:

- a. background investigation
- b. polygraph examination
- c. psychological examination
- d. Chief level review process
- e. Oral Review Board

4.374.36 Applicants who are found to have committed or have admitted to committing a Class A or B misdemeanor which did not result in a conviction, as defined in 2.1(f), shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency.

4.384.37 Applicants who receive positive test results for alcohol, marijuana, or any controlled substance on the pre-employment drug and/or alcohol tests are permanently disqualified.

4.394.38 Applicants who fail to demonstrate their ability to pay just debts may be disqualified. Applicants may be considered on a case-by-case basis with factors such as type and number of debts, reasons for the bad credit, extenuating circumstances, and the potential for the credit related problems to impact the applicant's judgment and integrity.

4.404.39 Applicants for beginning positions in the Police Department have no appeal rights except for physical and/or psychological examinations as provided for in Section 143.022.

- a. An applicant appeal of a physical or psychological examination shall be filed to the Director within 240 hours (10 calendar days) after the rejection notice date.
 - 1) The appellant shall comply with all provisions provided by the Director in regard to completing any additional assessments as allowed under Section 143.022.
 - 2) The Director shall work with assessors and applicant to complete testing and provide a decision at the earliest possible dates.
 - 3) The board of three assessors shall notify the Director of the panel decision, and the Director shall notify the applicant. A Commission meeting is not required.

END OF CHAPTER FOUR

CHAPTER FIVE

ELIGIBILITY FOR BEGINNING POSITION IN THE FIRE DEPARTMENT

Applicants for the beginning position of **Fire Fighter** shall meet the following standards:

AGE

- 5.1 A person shall not take an entrance examination for a beginning position in the Fire Department unless the person is at least 18 years of age. A person shall be 19 years of age at time of hire to be certified as eligible for a beginning position in the Fire Department.
- 5.2 A person shall not be certified as eligible for a beginning position in a Fire Department if the person is 36 years of age or older.
- 5.3 Applicants who initially qualify to submit an application for an entrance examination, and whose name is subsequently placed on an eligibility list, shall have their names stricken from the list if they have exceeded the maximum age limit, as described in Section 5.2 above, prior to appointment or the expiration of the eligibility list, whichever occurs first.

CITIZENSHIP/LANGUAGE

- 5.4 All applicants for the beginning position of **fire fighter** shall be a citizen of the United States by birth or naturalization OR a permanent resident and shall be able to read, write, and fluently speak English.

EDUCATION/EXPERIENCE

- 5.5 Applicants shall, by the time of hire:
 - a. have a High School Diploma or GED,
 - b. possess either a current Texas or National Paramedic certification,
 - c. possess a valid Texas Class B Texas driver's license or be able to obtain one within ninety (90) days of employment, and
 - d. be non-users of nicotine products.
- 5.6 All members of the Fire Department should refrain from the use of all nicotine products at all times, including vapor or e-cigarettes.

PHYSICAL AND MENTAL REQUIREMENTS FOR FIRE FIGHTER APPLICANTS

- 5.7 No applicant shall have a physical or mental health condition which would serve to cause an employee subject to these rules to be unable to adequately perform the essential functions of the job of fire fighter with or without reasonable accommodation, or that would otherwise endanger citizens or other employees while performing such duties.
- 5.8 Applicants for the position of fire fighter shall successfully complete the current Fire Department physical agility test, which may be subject to change.
- 5.9 Upon an offer of employment, fire applicants shall pass a drug test, a post-employment medical exam and a psychological examination to determine their ability to perform the essential functions of the job. The expense of the tests shall be paid by the City of Grand Prairie.

CAUSES FOR DISQUALIFICATION OF FIRE FIGHTER APPLICANTS

- 5.10 The applicant has failed to comply with any of the minimum requirements or qualifications for a beginning position as established by Chapter 143 or the Local Rules.
- 5.11 The applicant has made a false statement in any material fact, withheld information, practiced or attempted to practice any deception or fraud in the application process.
- 5.12 The applicant does not meet the citizenship or language requirements as stated in 5.4.
- 5.13 The applicant has failed to demonstrate an ability to read, write, and fluently speak the English language.
- 5.14 The applicant is unable to perform the essential functions of a fire fighter.
- 5.15 The applicant failed to complete or satisfactorily meet the employment process requirements of the Grand Prairie Fire Department, including but not limited to, missed appointments, failed to return necessary paperwork, failed to notify the department of changes in address or telephone numbers, or who otherwise failed to complete the proper application process. Applicants shall submit a new application for the next examination.
- 5.16 Applicants have a conviction, as defined in 2.1(f), of a Class A Misdemeanor or felony under State or Federal Law to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation. The conviction of a Class A misdemeanor is a permanent disqualifier. The admission of (except the use of illicit substances described in 5.23) or the conviction of a felony is a permanent disqualifier.
- 5.17 The applicant was convicted, as defined in 2.1(f), of or admitted to a Class B Misdemeanor or crimes of moral turpitude. These shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency and may result in disqualification.
- 5.18 The applicant was found to have committed or admitted to committing a Class A Misdemeanor which did not result in a conviction, as defined in 2.1(f). These shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency and may result in disqualification.
- 5.19 The applicant is a registered “sex offender.” This shall be a permanent disqualifier.
- 5.20 Applicants with charges pending for any criminal offense, other than a Class C traffic offense, shall not be considered for employment.
- 5.21 The applicant failed to pass the written examination, physical agility, or the oral review board. Applicants may submit a new application for the next entrance examination.
- 5.22 Applicant’s Department of Public Safety motor vehicle record reflects:
 - a. a DWI conviction, as defined in 2.1(f), within three years preceding the date of application;
 - b. more than two (2) moving traffic violations and/or accidents within twenty-four (24) months preceding the date of application; or
 - c. a currently suspended driver’s license

- 5.23 Applicants who have used illicit substances shall be disqualified as indicated by the following guidelines:
- a. When they are found or have admitted use of methamphetamines, speed, crank, crack (or any other form of cocaine), steroids or any other controlled substance without a prescription within the last five years (5) years.
 - b. When they are found or have admitted to the use of methamphetamines, speed, crank, crack, (or any other form of cocaine) on more than three occasions;
 - c. Applicants who have ever used heroin (or any heroin-based substances), opium or PCP, who have ever intentionally used LSD, or who have ever illegally sold or distributed marijuana or any other controlled substance are **permanently** disqualified.
 - d. Applicants who are found or who admit to using marijuana shall be considered on a case-by-case basis with consideration given to the circumstances, frequency, recency, and legality.
 - e. Applicants who are found or who admit to abuse of legally obtained prescription medications, **or** illegal use of prescription medication of another person. Conduct involving abuse and/or misuse of prescription medication, including illegal use of prescription medication of another person, shall be considered on a case-by-case basis with consideration given to circumstances and recency.
- 5.24 Applicants who do not obtain satisfactory results on the following steps in the hiring process are disqualified for a period of two years from the date of the notification letter that the applicant is no longer under consideration:
- a. background investigation
 - b. polygraph examination
 - c. psychological examination
 - d. interview with the Fire Chief
- 5.25 Applicants who receive positive test results for alcohol, marijuana, or any controlled substance on the pre-employment drug and/or alcohol tests are **permanently** disqualified.
- 5.26 Applicants who have been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct shall be considered on a case-by-case basis.
- 5.27 Applicants for beginning positions in the Fire Department have no appeal rights except for physical and/or psychological examinations as provided for in Chapter 143.022. Should an appeal occur, the board of three assessors shall notify the Director of the panel decision, and the Director shall notify the applicant. A Commission meeting is not required before the Director notifies the applicant of the results of the panel's decision.

END OF CHAPTER FIVE

CHAPTER SIX

ENTRANCE EXAMINATIONS AND APPOINTMENTS

APPLICATIONS FOR ENTRANCE EXAMINATIONS

- 6.1 The Civil Service Director shall be responsible for posting the Notice of Examination in plain view on a bulletin board in the lobby of City Hall and in the office of the Director at least ten (10) days prior to the examination in accordance with Section 143.024 of the Texas Local Government Code.
- 6.2 The Civil Service Director or designee shall be responsible for accepting applications and setting application deadlines.
- a. In addition to the application or pre-registration deadlines established by the Director for Police Officer Entrance exams, on-site applications may be accepted on the date of the Police Officer entrance exam, prior to its administration. Applicants who register by the pre-registration deadline and are eligible for a beginning position in the Police Department will be guaranteed the ability to test. On-site applications will be accepted on a first come, first serve basis. Acceptance of on-site applications may be discontinued by the Civil Service Director or designee at any time on the date of the test in order to ensure sufficient room and testing materials or equipment are available for all registered applicants.
- 6.3 The Civil Service Director or designee(s) shall review completed applications to determine if each applicant meets the minimum requirements for the beginning position of police officer or fire fighter; and to notify applicants who do not meet the minimum requirements.
- 6.4 Applicants who pass the written examination with a score of 70 or above, and who have been honorably discharged from the United States Armed Forces, are eligible to receive an additional five (5) points added to their examination grade in accordance with Section 143.025 provided that:
- a. The DD-214 with the appropriately required sections is submitted prior to the administration of the test; and
- b. the DD-214 specifically declares the character of service being “honorable” or an honorable discharge certificate signed by the President of the United States.
- c. Credit shall not be awarded to any applicant whose character of service includes any language other than the word “honorable.”
- d. Issues relating to electronic submission of DD-214 documents may be addressed by Human Resources as reasonable and consistent with protocols and in concurrence with the respective Chief.
- e. Notwithstanding 6.7, documentation described under 6.4 shall be accepted at the test site prior to the administration of the test.
- 6.5 Applicants for the position of police officer shall not be required to submit any documents prior to the test date, other than the DD-214 requirements stated above in 6.4 to obtain military point credit on the entrance exam. The following documents will be required following the entrance exam and during the background process, in order to be eligible for hire:
- a. a copy of their birth certificate and, if applicable;
- b. transcripts reflecting degrees, diplomas or hours received;
- c. any other documents requested by the Police Department to establish proof of qualifications, licensure, or eligibility for hire.

- 6.6 Applicants for the position of fire fighter shall not be required to submit any documents prior to the test date, other than the DD-214 requirements stated above in 6.4 to obtain military point credit on the entrance exam, but must submit the following documents (as a minimum) during the background process in order to be eligible for hire:
- a. a copy of their birth certificate, **and**
 - b. a copy of their High School diploma or GED; **and**
 - 1) a Texas Paramedic certification; **or**
 - 2) a National Paramedic certification
- 6.7 Documents required to be submitted for police officer or fire fighter examinations shall not be accepted at the test site unless special arrangements have been made with the Civil Service Director, or designee, prior to the examination date.
- 6.8 Applicants for the position of fire fighter, who are either a natural-born or legally adopted child of a fire fighter, who previously suffered a line-of-duty death, while covered by this chapter, shall be ranked at the top of any eligibility list in which applicant receives a minimum passing grade on the written exam, in accordance with Section 143.025(j) of the Local Government Code, provided that:
- a. the applicant applies for “survivor status” at the time they applied to take the written entrance examination and indicates such request on the approved application form;
 - 1) the applicant shall provide proof of the line of duty death of their parent by submitting verification by the Fire Marshall of the State of Texas, the National Fallen Firefighters Foundation, or the United States Fire Administration; and
 - 2) documentation verifying that at the time of the parent’s death, that the decedent was a fire fighter who was appointed and covered by Chapter 143 of the Texas Local Government Code, or its predecessor, Article 1269m, Vernon’s Revised Texas Statutes;
 - b. the applicant shall also provide proof of their relationship with the deceased fire fighter by providing either a copy of his/her birth certificate or a court adoption order which states that the applicant is the natural born or adopted son or daughter of the deceased fire fighter; and
 - c. the applicant child of the deceased fire fighter shall satisfy all the requirements for eligibility for a beginning position as a fire fighter in accordance with this chapter and as adopted by the Grand Prairie Fire Fighter’s and Police Officer’s Civil Service Commission.
- 6.9 The actual conduct of every examination shall be under the direction of the Director of Civil Service who shall be responsible to the Civil Service Commission. The Director shall have the authority to designate an assistant to administer tests or examinations. Exams shall be conducted on an “as needed basis.”
- 6.10 Applicants for beginning positions in the Police or Fire Department shall achieve a passing score of 70 on the written examination.

ENTRANCE EXAMINATION PROCEDURES

- 6.11 **Cancellation:** The Director of Civil Service may cancel and thereafter reschedule any entrance examination for sufficient cause.
- 6.12 **I.D. Verification:** All applicants shall be required to provide a driver's license or other form of photo identification and check in prior to entering the test site. No applicant shall be admitted to the test site once the test begins.

- 6.13 Failure to Appear: The applications of persons who failed to appear for the entrance examination shall be voided by the Director of Civil Service. A new application form shall be required for subsequent tests.
- 6.14 Nicotine Use: Use of any nicotine product, including e- or vapor-cigarettes, is strictly prohibited in any testing facility at all times.
- 6.15 Rest Rooms: Once the test has begun, applicants shall only be allowed to leave their seats prior to turning in their test to use the restroom or attend to a medical need. Applicants shall be escorted by a test monitor while out of their seat and only one applicant shall be permitted in the restroom at a time. Restroom access during the exam is not guaranteed as there will be limited staff available to escort applicants. Materials and electronic devices shall not be allowed to be taken to the restroom. Applicants shall be advised of this policy and given a sufficient amount of time to use the rest room prior to beginning the test. Applicants who may have a special medical need shall provide a doctor's note and shall be accompanied to the rest room by a test monitor.
- 6.16 Test Monitors: The Director shall appoint a test administrator and select a reasonable number of persons employed by the City of Grand Prairie to assist in the administration, proctoring, and grading of entrance examinations.
- 6.17 Cheating: Any examinee 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 Commission and to the Department Head. The test administrator shall later make a report to the Commission for its determination. If the Commission determines that the examinee used or attempted to use unfair or deceitful means to pass the examination, such examinee shall not be placed on the eligibility list by the Commission.
- 6.18 Inappropriate Behavior: Any applicant who engages in inappropriate behavior prior to ordering the examination shall be warned by the examiner. If the behavior persists or the applicant disrupts the examination process, the applicant may be removed from the examination. A report shall be submitted to the Commission of any such action.

ELIGIBILITY LISTS AND APPOINTMENT

- 6.19 Applicants who: (1) are entitled to military service credit, and (2) made a passing score of seventy (70) percent or above on the written exam, shall receive an additional five points added to their raw test score in accordance with 143.025(f) of the Local Government Code. In no case shall an applicant receive the military credit if the raw score on the written exam is below seventy (70) percent or if the appropriate documentation was not submitted prior to the test date.
- 6.20 The eligibility list shall be comprised of the final exam scores which includes the raw test score and five additional points allowed for military service credit where applicable. The eligibility list shall begin with the highest final score descending in order to the lowest final score.
- 6.21 Applicants who are either natural born or legally adopted children of a fire fighter, who previously suffered a line of duty death while serving under Chapter 143 of the Local Government Code, and who have complied with the requirements in Section 6.8 of these Local Rules, shall be placed at the top of the eligibility list in accordance with Section 143.025(j) of the Local Government Code.
- 6.22 Tie Breakers: In the event that two or more applicants make identical final scores on the entrance examination, the tie shall be broken by:
- a. the highest raw score (score before adding military service credit),
 - b. Seat number given upon entering the test facility, in numerical order by order of entry, with the

lowest number given being the tie breaker.

- 6.23 The name of any applicant who has been offered an appointment by the Department Head, and declines the appointment, shall be deemed ineligible and stricken from the eligibility list unless the applicant specifically requests, in writing, to remain under consideration. In order to remain under consideration, the reason for declining appointment shall be of a temporary nature such as a physical ailment, emergency situation, or for any other good cause acceptable to the Department Head.
- 6.24 Applicants who have been given a conditional offer of employment by the Department Head, and are subsequently called to active military duty, shall be assigned a position number, and appointed to that position upon return from active military duty, providing that the applicant is able to pass the post-offer psychological and physical examinations prior to final appointment.
- 6.25 Applicants who have been given a conditional offer of employment by the Department Head, and who subsequently fail to obtain satisfactory results of the post-offer psychological or physical exams, shall be notified of the appeal procedure afforded them by Section 143.022 of the Local Government Code. Applicants who appeal shall complete their evaluations by the board of three physicians, psychiatrists, or psychologists (Board) as appropriate, within thirty (30) days unless one or more members of the appropriate Board notifies the Civil Service Director, in writing, that they are unable to schedule such evaluation within 30 days. Without such notification from the Board, failure to complete the board evaluation within thirty (30) days shall result in the conditional offer of employment being withdrawn.
- 6.26 Each person on an eligibility list shall immediately notify the Civil Service Director of any address change. Official notification or correspondence sent to a person's last known address, or provided e-mail address, shall be considered sufficient notification to the applicant for purposes of administering the hiring process.
- 6.27 The eligibility lists for beginning positions in the Police and Fire Departments shall be in effect for a period of one (1) year from the date of the entrance examination, or until the names of all applicants on the list have been referred to the appropriate department, whichever comes first.
- a. Eligibility lists for beginning positions are not required to be posted but shall be maintained by the Civil Service Director and made available upon request.

TRAINING ACADEMY

- 6.28 All applicants certified as eligible and accepted for employment as a fire fighter or a police officer shall be required to attend and successfully complete the training academy requirements in their respective department prior to becoming a fire fighter or police officer. Applicants already certified as police officers by the Texas Commission on Law Enforcement (TCOLE) or as fire fighters by the Texas Fire Commission, prior to appointment, may not be required to complete the training academy at the discretion of the respective Chief.

PROBATIONARY PERIOD

- 6.29 All newly appointed fire fighters who are currently TCFP certified and newly appointed police officers who are currently TCOLE certified, and who are not required to attend a basic training academy for initial certification, shall serve a probationary period of one (1) year beginning on the first day of employment with the respective department.
- 6.30 Newly appointed fire fighters and police officers who are not currently certified, and who are required to attend a basic training academy for initial certification, shall serve a probationary period of eighteen (18) months beginning on the first day of employment with the respective department.

- 6.31 During the probationary period, newly appointed fire fighters and police officers are not full-fledged civil service employees, but rather employed "at will" and shall be subject to discharge or discipline at the discretion of the Department Head with no right of appeal.

END OF CHAPTER SIX

CHAPTER SEVEN
DUTY ASSIGNMENTS

- 7.1 The Department Head (Chief) of the Fire or Police Department shall have the discretion to make assignments of duty within the classifications in the respective departments. Duty assignments shall not be subject to review by the Commission. Changes in duty assignments shall always be at the sole discretion of the Department Head.

END OF CHAPTER SEVEN

CHAPTER EIGHT
TEMPORARY DUTIES IN HIGHER CLASSIFICATION

- 8.1 The Fire Chief or the Police Chief may (but is not required to) designate some person from the next lower classification to fill a position in a higher classification temporarily in accordance with Chapter 143.
- 8.2 A person who has been designated by the Police or Fire Chief to temporarily perform in a higher classification shall be paid at the base rate of the higher position, but shall continue to receive longevity, stability, education pay, and certification pay, if applicable, based on the employee's own regular pay rate.
- 8.3 The temporary performance of the duties in a higher classification by a person who has not been promoted in accordance with the provisions of Chapter 143, shall never be construed to promote such person. Except for Assistant Chief's appointed pursuant to Section 143.014, all vacancies shall be filled by appointment from an eligibility list in accordance with Chapter 143 and the Grand Prairie Local Civil Service Rules.

END OF CHAPTER EIGHT

CHAPTER NINE
PHYSICAL AND MENTAL REQUIREMENTS

- 9.1 Every member of the Fire Department and Police Department shall continually remain in such physical and mental condition as to be capable of rendering safe and efficient service and performance of duties for the City of Grand Prairie.
- 9.2 All fire fighters and police officers shall be required to submit to a psychological or physical examination where there exists some reasonable basis to believe that the individual's mental or physical fitness for duty is an issue. Determination of the fire fighters' or police officers' mental and/or physical fitness for duty shall be subject to Commission review and hearing as provided by the provisions of Chapter 143, Section 143.081.

END OF CHAPTER NINE

CHAPTER TEN

PROMOTIONAL PROCEDURES

ELIGIBILITY OF PROMOTIONAL EXAMINATION

- 10.1 A fire fighter shall meet the requirements as set forth in Sections 143.028 and 143.030 of the Local Government Code to be eligible to take a promotional examination.
- 10.2 A police officer shall meet the requirements as set forth in Sections 143.028 and 143.031 of the Local Government Code to be eligible to take a promotional examination.
- 10.3 The two-year eligibility requirement to take a promotional examination shall be based upon the date of examination.
- 10.4 If no personnel pass the written promotional examination or alternate promotional system, where applicable, and an eligibility list cannot be established, the length of service requirement to take the promotional examination shall be lowered as set forth in Sections 143.030 or 143.031 (as applicable). The Civil Service Director is authorized to repost the notice of examination with the lower service requirement without calling a meeting of the Commission for approval.
- 10.5 Eligibility for promotional examinations shall be in accordance with Section 143.028 of the Local Government Code.
 - a. Single Vacancy: It shall take a minimum of three (3) applicants to constitute a competitive examination. If there are less than three names on the sign-up list at the close of the deadline, or less than three candidates present at the test site, the examination shall be rescheduled with a minimum of a thirty (30) day notice.
 - b. Multiple Vacancies: If there is more than one (1) vacancy for which the promotional examination is being given, it shall take the following number of candidates to constitute a competitive examination: (and so on in the same sequence).

Number of Vacancies	Number of Candidates
1	3
2	4
3	5
4	6

PROCEDURES FOR APPLYING FOR PROMOTIONAL EXAMINATIONS

- 10.6 Posting the notice of promotional examinations and study materials for the promotional examinations shall be in accordance with Chapter 143 and the Local Rules. Sources for written test questions shall be at the discretion of the Fire Chief and Chief of Police and approved by the Commission.
 - a. Reading lists for each Fire and Police promotional examination shall be posted before the 90th day prior to the date of that promotional exam. Reading lists shall be posted in the Public Safety Building and office of the Civil Service Director. Copies may be distributed to Police and Fire stations as a courtesy.

- 10.7 At least thirty (30) calendar days in advance of any promotional examination, the Director shall post a notice of examination in plain view on a bulletin board in the lobby of City Hall, in Human Resources, and at the Public Safety Building. Said notice shall provide the position for which the examination is to be held and the date, time, and place thereof. Copies of such notice shall also be circulated by the Department Head for posting in the various stations or sub-stations in the Department.
- 10.8 Application for promotional examinations shall be made by the applicant in accordance with the advertised method and deadlines, including electronic registration, indicated by the Civil Service director when notice of the exam is given. Application deadlines shall be no later than 5:00 p.m. at least ten business (10) days prior to the date of examination. Applicants who fail to apply by the posted deadline shall not be eligible to take the promotional examination.

PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

- 10.9 Cancellation of Promotional Examination: The Director may cancel and thereafter reschedule a promotional examination for sufficient cause (i.e., insufficient number of applicants, etc.), without Civil Service Commission approval.
- 10.10 Failure to Appear: An applicant who signed up to take the written examination and fails to appear for said examination shall not be eligible for the promotion for which the test was held.
- 10.11 Identification Verification: Prior to the examination, all applicants shall provide a driver's license or department identification with a photograph for identification purposes. Applicants without proof of identification shall not be admitted to the examination.
- 10.12 Nicotine Use: All nicotine, e-cigarette and/or vapor cigarette products shall be prohibited at all times in the testing room.
- 10.13 Cheating: Any examinee 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 Commission as well as to the Department Head. The test administrator shall later make a report to the Commission for its determination. If the Commission determines, after a hearing, that the examinee used, or attempted to use, unfair or deceitful means to pass the examination, such examinee shall be removed from the eligibility list by the Commission. The Department Head shall also determine if further disciplinary action is warranted.
- 10.14 Restrooms: Once the test has begun applicants shall only be allowed to leave their seats to use the restroom or attend to a medical need and shall be escorted by a proctor. No materials or electronic devices may be taken with them to the restroom, other than for personal or medical needs. Applicants shall be advised of this policy and given a sufficient amount of time to use the restroom prior to beginning the test.
- 10.15 Test Monitors: The Director shall appoint a test administrator and select a reasonable number of persons employed by the City of Grand Prairie to assist in the administration, proctoring, and grading of promotional exams.

TEST VENDORS:

- 10.16 Test vendors shall prepare exam questions in which no more than 25% of the questions are repeated, within the same rank, within the prior twelve months.

POLICE DEPARTMENT ALTERNATE PROMOTIONAL SYSTEM

- 10.17 In accordance with Section 143.035 of the Local Government Code, the Grand Prairie Police Department voted on the following Alternate Promotional System which was adopted by the Grand Prairie Fire Fighters and Police Officer's Civil Service Commission on November 1, 2013.
- 10.18 For the purposes of all scoring in this promotional section, any decimals calculated on scoring sections shall be carried out and truncated at two decimal places, (without rounding) as needed to clarify scores.
- 10.19 The promotional examination for the positions of Police Sergeant and Police Lieutenant will include a series of the following five (5) selection criteria, each weighted to its overall value in the promotional process as more fully described herein:
- a. Written Examination
 - b. Seniority Points
 - c. Certification Points
 - d. Anonymous Written Exercise
 - e. Assessment Panel
- 10.20 The promotional examination for the position of Deputy Chief will include a series of the following four (4) selection criteria, each weighted to its overall value in the promotional process as more fully described herein:
- a. Written Examination
 - b. Seniority Points
 - c. Anonymous Written Exercise
 - d. Assessment Panel
- 10.21 Each promotional candidate must have served continuously for a period of two years immediately before the examination date in the classification that is immediately below, in salary, to the classification for which the examination is being held in accordance with Section 143.031.
- 10.22 The selection criteria for the Police Sergeant, Police Lieutenant and Deputy Chief promotional examinations shall be assigned the following values, to total a maximum of 100 points. Appointed Assistant Chief positions are at the discretion of the Chief of Police and not tested under this provision.
- a. **Written Examination: (40 Points)** Source materials for the Written Examination will be posted on an annual basis and are at the discretion of the Chief of Police. The examination shall consist of 100 multiple-choice questions. Those who score 70 points or above shall be considered to have passed the Examination and will advance in the promotional process. The number of correct answers will be multiplied by .40 to arrive at the weighted score. (Example: a perfect score of 100 X .40 = 40 points.) Test points may be carried out to 2 decimal places (dependent upon results from appeal outcomes).
 - b. **Seniority Points: (10 Points)** Promotional candidates will be granted one (1) point for every year of continuous service with the Grand Prairie Police Department as a Civil Service police employee, not to exceed ten (10) points for ten (10) years of service. Seniority points will only be awarded to those candidates who successfully pass the Written Examination.

c. **Certification Points: (5 Points)**

- 1) Police Sergeant and Police Lieutenant promotional candidates will be granted three (3) points for TCOLE Advanced Certification; or five (5) points for TCOLE Master Peace Officer Certification. These TCOLE proficiency certificates represent a legislatively mandated combination of college education, training hours and years of law enforcement experience. Certification Points will only be awarded to those candidates who successfully pass the Written Examination.
- 2) Deputy Chief promotional candidates do not receive certification points for their Alternate Promotional System.

d. **Anonymous Written Exercise: (15 Points)** Promotional candidates who successfully pass the Written Examination may proceed to the Anonymous Written Exercise. The Anonymous Written Exercise will consist of a written response to questions, a scenario, or a management issue (as determined by the Chief of Police) directly related to the rank tested for.

- 1) All candidates will respond to the same questions, scenario, or management issue.
- 2) Candidates will have access to a computer with a word processing program as they develop their written response.
- 3) Candidates will be given equal time to develop their written response. The amount of time provided to complete this exercise is at the discretion of the Chief of Police.
- 4) Written responses will be rated independently by each member of the Assessment Panel (as described in item 5 of this section) prior to convening as a panel. Anonymous Written Exercises will be assigned a number prior to being delivered to members of the Assessment Panel so that the identity of the candidate will be unknown to members of the panel as they are being scored. Scores will be based on the following dimensions for a maximum of 100 points (15 weighted points):
 - a) Written Communication Skills: Expresses ideas and information effectively in writing. *One (1) to twenty-five (25) points.*
 - 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; demonstrates the ability to make sound decisions and understands liability issues. *One (1) to forty (40) points*
 - c) 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. *One (1) to thirty-five (35) points.*
- 5) When all Anonymous Written Exercises have been rated by members of the Assessment Panel the independent scores will be given to the Director of Civil Service or his/her designee.
- 6) The high and low score for each Anonymous Written Exercise will be stricken and the remaining three scores will be averaged. The final averaged score on the Anonymous Written Exercise will be multiplied by .15 to arrive at the weighted score. (Example: a perfect score of 100 X .15 = 15 points.) The average weighted score may be carried out to two (2) decimal places based on weighted score.

- e. **Assessment Panel: (30 Points for Police Sergeant and Police Lieutenant; 35 Points for Deputy Chief)** A panel of five (5) will be chosen to assess the candidates. All panelists will be of equal or higher rank for the position being tested.
- 1) Prior to the promotional examination, the Chief of Police will solicit interest from Police Sergeants, Police Lieutenants, and Executive Rank Officers (Deputy Chief or Assistant Chief) to participate on the panel.
 - 2) Two panelists will be from area police departments outside the Grand Prairie Police Department and will be selected by the Director of Civil Service based on input and recommendations from the Chief of Police.
 - 3) Promotional candidates who pass the Written Examination will be required to elect the three internal panelists immediately following the written examination. The panelists must be current members of the Grand Prairie Police Department. Promotional candidates will be provided the list of persons interested in participating on the panel and then will elect the three internal panelists by simple majority vote for each panel position as indicated below.
 - a) For the promotional examination for Police Sergeant, the candidates will vote for one Sergeant, one Lieutenant, and one Executive Rank Officer (Deputy Chief or Assistant Chief).
 - b) For the promotional examination for Police Lieutenant, the candidates will vote for two Lieutenants and one Executive Rank Officer (Deputy Chief or Assistant Chief).
 - c) For the promotional examination for Deputy Chief, the internal panelists will consist of the three existing Executive Rank Officers (Chief and two Assistant Chiefs). If there are more than three Executive Rank Officers, the candidates will vote for three Executive Rank Officers.
 - 4) In the event of a tie, the panelist with the most seniority in rank will be selected.
 - 5) Should one of the panelists (internal or external) be unable to serve due to sudden illness or family emergency an alternate may be appointed by the Chief of Police. This appointment may be of any rank depending upon availability and staffing due to the short notice.
 - 6) Prior to convening as a panel each member of the Assessment Panel shall be given a packet for each candidate that will include the following:
 - a) A copy of the previously scored Written Exercise
 - b) Annual Evaluations for the past three years (including employee comments and/or requests for further review),
 - c) Yearly Attendance Records (YAR) for the past three years;
 - d) Disciplinary actions (suspensions) of the last three years (written reprimands and pre-discipline notices are not disciplinary actions and are not subject to review);
 - e) The candidate's TCOLE training record as maintained by the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS). The TCLEDDS record includes education information, a record of certifications, licenses and TCOLE approved training courses completed.
 - 7) Candidates will be assigned a time to report to the Assessment Panel. Time will be assigned by random drawing. In accordance with Civil Service rules, the Civil Service Director or his/her designee will be present as a proctor during the Assessment Panel.

- 8) The Assessment Panel for Police Sergeant and Police Lieutenant will include the following areas:
- a) Oral biography of the candidate including professional experience.
 - b) Questions relating to the candidate's response in the Written Exercise.
 - c) Answers to a series of questions from the panelists. (The same general questions will be asked of each candidate, but individual questions may be asked depending on the answers given by the candidate.)
- 9) The Assessment Panel for Police Deputy Chief will include the following areas:
- a) Oral biography of the candidate including professional experience.
 - b) Questions relating to the candidate's response in the Written Exercise.
 - c) Answers to a series of questions from the panelists. (The same general questions will be asked of each candidate, but individual questions may be asked depending on the answers given by the candidate.)
 - d) Oral presentation on a subject predetermined by the Chief of Police. The Deputy Chief candidates will be given 45 minutes to prepare the presentation and 10 minutes to present to the panel. Candidates will have equal access to computer programs and needed materials.
- 10) The Assessment Panel members will independently rate each candidate on the following dimensions for a maximum of 100 points (30 weighted points for Police Sergeant and Police Lieutenant; 35 weighted points for Deputy Chief).
- a) Verbal Communication Skills: Orally expresses ideas and information effectively, clearly articulates thoughts and observations; demonstrates confidence and competence through speech; understands verbal instructions and is willing to ask for clarification if misunderstood. *One (1) to twenty (20) points.*
 - b) Personal Interaction Skills: Ability to demonstrate sensitivity, empathy, concern, and welfare for others; tactfulness and diplomacy; consideration for the feelings and needs of others. *One (1) to fifteen (15) points.*
 - c) 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; demonstrates the ability to make sound decisions and understands liability issues. *One (1) to fifteen (15) points.*
 - d) 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. *One (1) to fifteen (15) points.*
 - e) 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. *One (1) to fifteen (15) points.*
 - f) Commitment: Demonstrates a commitment to the community, the department and to the profession of policing. Assessors may consider commendations, attendance history, training, certification, education, and disciplinary actions as measure of commitment. *One (1) to twenty (20) points.*
- 11) The high and low score will be stricken, and the remaining three scores will be averaged. The final averaged score on the Assessment Panel exercise will be multiplied by .3 to arrive at the weighted score. (Example: a perfect score of 100 X .3 = 30 points.) The final averaged score may be carried out to two (2) decimal places.

10.23 For both the Anonymous Written Exercise and Assessment Panel, the panelist's name will not be attached to the score sheets submitted.

10.24 The final rankings will be compiled and posted within 24 hours of receiving final scores from each assessor. Final rankings will include the following scores:

a. Police Sergeant and Police Lieutenant:

Written Examination:	40 Points
Seniority Points:	10 Points
Certification Points:	5 Points
Anonymous Written Exercise:	15 Points
<u>Assessment Panel:</u>	<u>30 Points</u>
TOTAL	100 Points

b. Police Deputy Chief:

Written Examination:	40 Points
Seniority Points:	10 Points
Anonymous Written Exercise:	15 Points
<u>Assessment Panel:</u>	<u>35 Points</u>
TOTAL	100 Points

10.25 Tie breakers will be:

- Highest Raw Test Score (Written Examination)
- Level of Certification (as approved by TCOLE)
- Seniority in Rank
- Date of Certification
- High Score on Entrance Examination

10.26 The appeal process for the Written Examination is set out in Chapter 143. This appeal will be carried out prior to the panel exercises. During the five (5) day appeal period, each candidate will be able to review the material by making an appointment with the appropriate personnel.

10.27 In accordance with Civil Service rules, since the candidates have extensive opportunities to exhibit multiple dimensions and/or skills in the Assessment Panel and Anonymous Written Exercises, appeals are not practical and therefore the Anonymous Written Exercise and the Assessment Panel portions of the Alternate Promotional System are not subject to the above-described appeal process.

PROMOTIONAL ELIGIBILITY LISTS

10.28 The promotional eligibility list shall consist of a listing by name, in order by last name first, then first name of those persons who took the examination with their corresponding total final scores beginning with the highest total score in descending order to the lowest total score.

10.29 Final scores for all ranks in the fire department shall be computed by combining the number of correct points on the written exam and the number of allowable points for seniority (maximum of 10 points).

- Seniority points: Promotional candidates will be granted one (1) point for every year of continuous service from the most recent hire date with the Grand Prairie Fire Department as a Civil Service employee, not to exceed ten (10) points for (10) years of service. Seniority does not include any prior periods of employment and will only be awarded to candidates who successfully pass the Written Examination with a minimum score of 70 points.

10.30 Final scores for the ranks of sergeant, lieutenant, and deputy chief in the police department shall be computed by combining the weighted scores on the written exam, the anonymous written exercise, and assessment panel, plus the number of allowable seniority and certification points as defined in the Alternate Promotional System under this Chapter of the Local Rules.

FIRE DEPARTMENT TIE-BREAKING PROCEDURES

10.31 In the event that two or more examinees in the Fire Department make identical total scores, the following procedures shall be used to break the tie and to determine placement on the final eligibility list for promotion:

- a. Highest Raw Test Score: If two or more candidates make identical total scores on any Fire promotional exam, the tie shall be broken by the highest raw score on the written test.
- b. Level of Certification: If there are still identical scores, the tie breaker shall be the level of certification as approved by The Texas Commission on Fire Protection, Chapter 423, Standards for Structure Fire Protection Personnel. The certifications for the Fire department are Basic 423.3, Intermediate 423.5, Advanced 423.7 and Master Fire Fighter 423.9.
- c. Seniority in Rank: If the identical scores still exist the tie shall be broken by the person who has the most seniority in the position immediately below the position for which the examination was given.
- d. Date of Certification: If there are still identical scores, the tie breaker shall be the date the candidate received his/her certification level.
- e. High Score on Entrance Examination: If there are still identical scores, the tie shall be broken by the person who received the highest score on the entrance examination. In the event that the final entrance exam scores cannot be determined, the Civil Service Commission shall designate the tiebreaker.

POSTING OF EXAMINATION RESULTS & ELIGIBILITY LISTS

10.32 The results of each promotional examination shall be posted on a bulletin board located in City Hall, in the office of the Civil Service Director, and in the Police or Fire Administration buildings within twenty-four (24) hours after the examination and for the duration noted in 1.25 and 1.26 of these Local Rules.

10.33 Each promotional eligibility list shall remain in existence for one year after the date on which the written examination is given unless otherwise exhausted. At the expiration of the one-year period, or after the current list is exhausted, a new promotional examination may be held in accordance with Chapter 143 and these Local Rules.

REVIEW AND APPEAL OF EXAMINATION RESULTS

10.34 Upon request, each fire or police promotional candidate may examine the source materials used for the examination, his/her written examination and the answers. If dissatisfied, the applicant may appeal any test question within five (5) business days to the Commission in accordance with Chapter 143. The appeal period shall begin at 8:00 a.m. the next business day after the date of the examination and end at 5:00 p.m. on the fifth day.

10.35 The promotional candidates may not remove or copy any question used in the examination.

- 10.36 The review of the examination results shall be done in the presence of a staff member appointed by the Civil Service Director.
- 10.37 The Civil Service Director shall make appropriate arrangements for the Commission to hear and determine all such appeals concerning the examination.
- 10.38 Appeal Guidelines: In reviewing appeals concerning the correctness or incorrectness of an answer to a question on the examination, the Commission shall use the following guidelines to make a determination:
- a. Promotional Test Question Appeal hearings shall be held in accordance with the following provisions:
 - 1) “Test Takers” as used herein shall refer to those individuals who participated in the specific classification test, which is the subject of the appeal hearing, and “Test Maker” shall refer to the person or company who created the test which is the subject of the appeal hearing.
 - 2) Only Test Takers, representatives of Test Maker, and representatives of the City can present comments for consideration by the Commission during the appeal. Test Takers are only permitted to provide commentary, without demonstrative materials or handouts, at the hearing. Test Takers are not permitted to have a representative speak on their behalf at the hearing.
 - 3) The format of the test appeal process to the Commission shall be:
 - a) The question being appealed is called for hearing
 - b) The Civil Service Director may brief the Commission on the question being appealed, grounds for appeal, and feedback from Test Maker.
 - c) Test Takers, Test Maker, and City Representatives wishing to speak provide commentary after being recognized by the meeting chair.
 - d) Commission closes the hearing and opens deliberation.
 - e) Commission votes to uphold or deny the appeal and amend the answer key, as appropriate, in accordance with 10.40 below.
 - 4) Test Takers will be allowed an opportunity to provide commentary to the commission with regard to each question appealed.
 - a) The Commission is not required to allow Test Takers the opportunity to speak more than once with regard to each question which is appealed.
 - b) Each Test Taker will be limited to a **total** of ten (10) minutes, per question appealed, to present any commentary to the Commission. Time responding to Commission inquiries will not be counted toward the speaker’s time.
 - 5) If a question being appealed is the same question as one being appealed on another promotional exam as part of the same agenda, the Commission will call the questions for hearing at the same time to ensure fairness and consistency.
 - 6) The items which can be offered as evidence for consideration of the Commission are the source material for the question being appealed, the appeal documents timely filed with the Civil Service Director, position statements from Test Takers who support or oppose the appellant’s position which were filed with the Civil Service Director during the appeal period, the Test Maker’s written response to the appeals, and commentary provided at the hearing. A full copy of the source material for the question being appealed shall be available at the hearing.

- 7) All individuals in attendance will be respectful and refrain from speaking unless they have been recognized to speak by the Presiding Chair.
- a) Any commentary made by an individual not recognized by the Presiding Chair shall NOT be considered by the Commission when deciding the appeal.
 - b) Employees disrupting the hearing due to a failure to follow the rules of decorum reflects negatively on the City and the department to which the employee is assigned.
- b. Appeals shall be upheld in the following instances:
- 1) the keyed answer is clearly incorrect;
 - 2) other answers are equally correct; and/or
 - 3) a typographical error occurred in the question or answer which significantly alters the meaning of the question.
- c. Appeals shall be denied in the following instances:
- 1) evidence is produced that other sources may support a different answer;
 - 2) the answer indicated by the examination publisher as correct remains the best available answer;
 - 3) the reference page number which corresponds to the page in the text is incorrect.
- 10.39 When the Civil Service Commission upholds an appeal that results in a question or questions being thrown out, the score shall be computed by using a formula so that the remaining number of questions shall total a maximum of 100 points in accordance with Section 143.033.
- 10.40 A promotional examination question appealed to the Commission shall be sustained, overruled, or eliminated by a Ruling issued by the Commission.
- a. **Sustain the answer key** (test scores shall remain as reported)
A Ruling which rejects the appeal presented to the Commission shall require the Director to accept the answer as given on the answer key, while grading the promotional examinations of all eligible candidates.
 - b. **Overrule the answer key** (the Commission shall designate the answer(s) to be accepted)
A Ruling which upholds the appeal of a promotional examination question but does not eliminate the test question, shall require the Director to accept one or more answers, as directed in the Ruling, while grading the promotional examination of all eligible candidates. The Commission is not required to keep the originally keyed answer as one of the acceptable answers.
 - c. **Eliminate the test question** (the test question shall not be included)
A Ruling which rejects the test question related to the appeal of a promotional examination question shall require the Director to disregard the question and its answer while grading the promotional examination of all eligible candidates.
 - d. **Formula for calculating scores after appeals**
The formula for calculating the promotional test scores shall be as follows:

$$(100) / (\text{total number of test questions used}) = \text{point value of each question; truncated to the 2}^{\text{nd}} \text{ decimal place}$$

$$(\text{\# of total test questions}) - (\text{\# of wrong questions}) = \text{\# of correct questions}$$

$$(\text{\# of correct questions}) \times (\text{value of each question}) = \text{score}$$

ACTIVE MILITARY DUTY – PROMOTIONAL EXAMS

- 10.41 Employees who are called to active military duty shall be required to sign an affidavit prior to being deployed stating whether or not they intend to take any promotional examination administered during their active duty.
- 10.42 Employees indicating intent to test shall affirm that he/she shall not engage in any form of communications with any other employee, regarding the promotional exam or any portion of the testing process, at any time prior to the determination and/or posting of their final scores.
- 10.43 If the employee signifies intent to take promotional exams, he/she shall provide the Civil Service Director with a valid e-mail address, fax number or contact method during active duty, and shall notify the Director of any changes in his/her contact information in order to be notified of scheduled exams.
- 10.44 Employees shall be notified of scheduled promotional exams via the current contact information provided by the employee. The employee shall fax or e-mail confirmation to take the test within 10 days of receipt of the Notice of Exam. If military operations prevent an employee from meeting this deadline, the employee shall submit written confirmation as soon as possible, to take the test along with a statement from his/her commanding officer verifying military operations prevented a response during the 10-day period.
- 10.45 The employee shall make arrangements with a *military exam coordinator*, his/her JAG (military attorney), or if unavailable, the commanding officer - to proctor the promotional exam and shall provide the name of that individual and contact information along with a valid fax number, if available, to the Civil Service Director/designee. Once designated, the same person shall be used throughout the examination process as noted herein.
- 10.46 The Civil Service Director/designee shall coordinate the administration and scoring of the exam with the employee's military exam coordinator.
- 10.47 Test packets containing the written examination, answer sheet, answer key, an affidavit and test instructions shall be provided to the military exam coordinator at least twenty-four (24) hours prior to the scheduled exam date. If possible, the written examination for the active-duty personnel should be administered on, or as close to, the same day and time as the scheduled exam at the City.
- 10.48 All exam materials (exam, answer sheet and answer key) shall be returned to the Director immediately following the scoring of the exam.
- 10.49 The candidates for Fire promotional examinations shall be provided their score and placement on the eligibility list via fax, e-mail, or other method as available.
- 10.50 Additional Requirements for employees taking promotional exams in the Police Department who are subject to the Alternate Promotional System:
- a. In addition to the items described in Section 10.47, there shall be a separate packet included containing a ballot with a list of names in the Grand Prairie Police Department who are eligible to participate as assessors in the Alternate Promotional Process. Also contained in the separate packet shall be an anonymous writing exercise that was prepared by the Chief of Police and that is identical to the anonymous writing exercise taken by other candidates who passed the written examination.

- b. If the candidate makes a score of 70 or above on the written examination, the military exam coordinator shall have the candidate select three assessors from the ballot provided in the separate test packet; and have the candidate complete the anonymous writing exercise in accordance with the test administration instructions provided. If the candidate does not score a 70 or above on the written exam, the second test packet should not be opened or administered.
- c. In accordance with Section 10.48 above, all exam materials, including the additional testing packet containing the ballot and anonymous writing exercise shall be returned to the Director immediately following completion of all exercises. **If the candidate did not pass the written examination with a score of 70 or above, the second packet shall be returned to the Civil Service Director unopened.**
- d. If the employee wishes to review and/or appeal any question, the Civil Service Director shall coordinate transmission of the exam, a copy of the employee's answer sheet, the scoring sheet and appeal forms to the military exam coordinator who shall oversee the review process. Any appeals filed shall be submitted within the appeal deadline and sent via fax or e-mail to the Civil Service Director who shall forward the appeal to the Civil Service Commission for hearing. All materials used in review and/or appeal process are to be filed with the Civil Service Director within five (5) business days.
- e. Eligible police promotional candidates who passed the written examination with 70 or above shall be required to participate in the Assessor Panel Interviews within 30 days from the date the employee returns to duty in the Police Department. Every attempt shall be made by the Civil Service Director to convene the same assessor panel as the one who interviewed the other candidates in the assessment process for the same exam. The final score to be placed on the eligibility list shall be in accordance with the rules noted in the Alternate Promotional System section under this Chapter of the Local Rules.
- f. Once the employee has completed the Assessor Panel Interviews, final scores shall be computed, and the employee's name shall be added to the eligibility list in rank order according to the score. In the event that the employee's final score results in a promotion, it shall be retroactive to the date the employee would have otherwise been promoted if he/she had not been on military leave. In the event there are no current vacancies in that rank, the last employee who was promoted from the current eligibility list shall be bumped back to his/her previous rank with a preferential right to the next vacant position in that rank, regardless of the existence of an eligibility list.

FILLING VACANCIES CREATED BY EMPLOYEES ON ACTIVE MILITARY DUTY

- 10.51 In accordance with Section 143.072, when a vacancy in rank occurs in the Police or Fire Department, as a result of an employee who was called to active military duty, the Department Head shall fill the person's position in the department in accordance with Chapter 143 in one of two ways at the discretion of the Department:
- a. to fill the vacancy by promotion from an eligibility list, either existing or by giving an exam if there is no current eligibility list in accordance with Section 143.032 or;
 - b. appoint a person from the next lower classification to temporarily fill a position in a higher classification. The employee designated to temporarily fill the position shall receive the base pay rate of the higher position, plus the person's own longevity or seniority pay, educational incentive pay, and certification pay in accordance with Section 143.038.

- 10.52 Upon termination of active military service, a fire fighter or a police officer shall be reinstated to the position that the person held in the department at the time the leave of absence was granted, if eligible in accordance with Section 143.072. If that reinstatement causes the person's replacement to be returned to a lower position in grade or compensation, the replaced person has a preferential right to a subsequent promotion to the same or similar position from which the person was demoted.
- 10.53 When a vacancy to replace an employee on military leave is filled in accordance with this chapter of the Local Rules, and there are one or more additional vacancies resulting from employees terminating employment prior to the time that the employee on military leave returns to duty, the replacement for the employee on military leave has a preferential right to the next vacancy and shall automatically move into the vacated position regardless of any existing eligibility list. The next eligible candidate on the list shall then be considered for promotion to replace the employee on military leave with the same preferential right to the next vacant position. The same process would be followed for any additional vacancies that occur before the employee on military leave returns to duty.
- 10.54 In accordance with Section 143.038, the duties that are temporarily performed in a higher classification by an employee who has not been promoted as prescribed by Chapter 143 shall not be construed as a promotion and employees performing those duties shall not have any preferential right to the next vacancy.

PROMOTIONAL APPOINTMENTS

- 10.55 Prior to appointment, all promotional candidates shall be subject to a background check consisting of criminal history and driving records and shall be subject to a medical examination and drug screen in accordance with City Policy.
- 10.56 In accordance with Section 143.036(f), the department head shall appoint the eligible promotional candidate having the highest grade on the eligibility list unless the Department Head has a valid reason for not appointing the person. If the department head has a valid reason for not appointing the eligible promotional candidate having the highest grade, the department head shall personally discuss the reason with the person being bypassed before appointing another person and shall file the reason in writing with the Commission, with a copy being provided to the candidate who is bypassed.
- 10.57 On application of the bypassed eligible promotional candidate, the reason the department head did not appoint that person is subject to review by the commission or, on the written request of the person being bypassed, by an independent third-party hearing examiner under Section 143.057. Such an appeal shall be filed with the Commission within ten days (240 hours) of receiving notice of the bypass from the department head.

END OF CHAPTER 10

CHAPTER ELEVEN

DISCIPLINARY APPEALS

GENERAL PROVISIONS

- 11.1 These rules shall apply to and govern all appeals of temporary and indefinite suspensions, recommended involuntary demotions, and promotional bypasses pursuant to Chapter 143 of the Texas Local Government Code.
- 11.2 Disciplinary actions involving Civil Service employees shall be made in compliance with Chapter 143, these Local Rules, the City's Human Resources Policies and Procedures Manual and the standard operating procedures of the employee's department.
- 11.3 Promotional bypasses and appeals thereof shall be made in accordance with Section 143.036.

SCOPE OF MATTERS SUBJECT TO APPEAL

- 11.4 Matters subject to appeal are limited to:
- a. definite suspensions (temporary),
 - b. indefinite suspensions,
 - c. recommended involuntary demotions, or
 - d. promotional by-passes.
- 11.5 Matters not subject to appeal include:
- a. Employee dissatisfaction resulting from a transfer or reassignment of duties. Duty assignments and transfers are at the exclusive discretion of the Police and Fire Chiefs.
 - b. Employee dissatisfaction resulting from a discretionary policy decision or policy matters.
 - c. Employees who voluntarily resign or retire from the Civil Service and thereby forfeit all rights to the disciplinary appeal processes.
 - d. An employee who has voluntarily accepted an agreement in writing, which is intended to resolve the issue of any form of disciplinary action imposed by the Department Head, thereby forfeits all rights in the disciplinary appeal process for such specific disciplinary action.
 - e. Reprimands or counselings issued, or as delegated, by the Department Head.
- 11.6 Other matters not listed herein may attempt to be resolved through the City of Grand Prairie Grievance Policies and Procedures.

CAUSES FOR REMOVAL OR SUSPENSION

- 11.7 The tenure of every Civil Service employee is subject to good behavior, and any such employee may be disciplined, suspended or indefinitely suspended from Civil Service employment for any actions or omission involving one or more of the following grounds:
- a. The conviction of the employee of a felony or other crime involving moral turpitude;
 - b. Violation of a provision of the Municipal Charter of the City of Grand Prairie, Texas;
 - c. Acts of incompetence;
 - d. Neglect of duty (dereliction of duty);
 - e. Discourtesy by an employee to the public or a fellow employee while in the line of duty;
 - f. Acts showing a lack of good moral character;
 - g. Ingesting 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 authorized leave;
 - k. Shirking duty, or cowardice at fires;
 - l. Violation of an applicable fire or police department rule, directive, general or special order, or the Human Resources Policies and Procedures.
- 11.8 A Department Head may proceed with appropriate disciplinary action arising from any particular factual event(s) and/or misconduct which would constitute "cause", only when the employee's misconduct is related to those matters set forth in Section 143.051 and Section 11.7 above.
- 11.9 The term "cause" shall also mean "employee misconduct" and shall necessarily include any action or omission that violates an applicable provision of Chapter 143, an applicable rule or regulation duly adopted by the Civil Service Commission of Grand Prairie, a City of Grand Prairie Human Resources Policies and Procedures, or a fire or police department rule, directive, general or special order.
- 11.10 For disciplinary action purposes, a determination of what constitutes cause is generally made by deciding what a reasonable person, who is mindful of the responsibilities and needs of their department; and of the standards of justice and fair dealing prevalent in the City of Grand Prairie, should have done (or should not have done) under similar circumstances.
- 11.11 Prior to imposing any particular level of suspension on any employee, the Department Head must issue a Notice of Complaint to the employee.
- 11.12 A Civil Service employee may be disciplined by the Department Head by an order in writing submitted in compliance with Chapter 143 stating at least the following:
- a. the specific rule violation under Chapter 143, the Local Rules, City of Grand Human Resources Policies and Procedures, or other applicable rule, directive, general or special order of the department;
 - b. a description of the operative factual events giving rise to the alleged violation;
 - 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.
- 11.13 The written order of the Department Head imposing a disciplinary action shall be filed with the Commission within one-hundred-twenty (120) hours after the disciplinary action is imposed. A copy thereof shall also be delivered to the employee in accordance with Chapter 143, Section 143.052(c).

RECOMMENDATIONS FOR INVOLUNTARY DEMOTION

- 11.14 The public hearing of the recommended involuntary demotion should follow the same hearing procedures as set forth herein for suspensions or as expressly provided otherwise in Chapter 143.

WORKING OFF SUSPENDED TIME

- 11.15 The provisions of this section shall apply solely to a suspension, which is agreed to by the employee and the employee waives his/her appeal to the Commission, to a Hearing Examiner, or to a court of competent jurisdiction.
- a. A classified employee who is suspended less than 5 calendar days, upon the employee's request and at the Chief of Police or Fire Chief's discretion, as applicable, may forfeit vacation designated by said Chief for a period of time equal to the suspension. The employee shall be required to work on the forfeited vacation day(s).

- b. The employee shall have his/her vacation balance deducted in an amount equal to the suspension.
- c. To request Working Off Suspended Time, the suspended employee shall make a written request to the appropriate Chief prior to a formal suspension being issued or within 120 hours after receiving the notice of suspension.
- d. Failure to make a written request to the appropriate Chief within the allotted time shall result in an employee not being eligible for the provision of this Section.

PROMOTIONAL BYPASS PROCEDURE

- 11.16 Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted.
- 11.17 If the department head has a valid reason for not appointing the eligible promotional candidate having the highest grade on the eligibility list, he/she shall personally discuss the reason with the person being bypassed before appointing another person.
- 11.18 When bypassing a promotional candidate, the department head shall file the reason in writing with the Commission and shall provide the person being bypassed with a copy of the written notice. The written notice must contain the right to appeal to a third-party hearing examiner in accordance with Section 143.057(a).
- 11.19 After the employee has been bypassed (passed over) for promotion in accordance with Section 143.036, the bypassed person may apply for a review by the Commission of the reason for the bypass, or, on the written request of the person bypassed, by an independent third-party hearing examiner under Section 143.057.
- 11.20 In accordance with Section 143.057, an independent third party's fees and expenses are shared equally by the appealing fire fighter or police officer and by the department. The costs of a witness are paid by the party who calls the witness.
- 11.21 If a person is bypassed, the person's name is returned to its place on the eligibility list and shall be resubmitted to the department head if another vacancy occurs. If the department head refuses three times to appoint a person, files the reasons for the refusal in writing with the Commission, and the Commission does not set aside the refusals, the person's name shall be removed from the eligibility list in accordance with Section 143.036.

PROCEDURES FOR APPEAL TO THE COMMISSION OR TO A HEARING EXAMINER

- 11.22 The employee's notice of appeal must be filed in writing in the Director's office within ten (10) calendar days (240 hours) after receiving the suspension, recommended involuntary demotion or bypass notice from the Department Head. An employee may withdraw his/her request for an appeal at any time thereafter, which shall terminate the proceedings.
- 11.23 In accordance with Sections 143.010 and 143.057, the employee's notice of appeal and request for hearing shall include:
 - a. the basis for appeal,
 - b. a request for a Commission hearing or a request to appeal to an independent third party hearing examiner
 - c. either a statement denying the truth of the charge as made; a statement taking exception to the legal sufficiency of the charge, a statement alleging that the recommended action does not fit the offense or alleged offense, or a combination of these statements.
 - d. All other procedures as set forth in Sections 143.010 and 143.057 shall be followed.

TIME PERIOD AND METHOD FOR FILING DOCUMENTS WITH THE DIRECTOR

- 11.24 Except as otherwise provided by Chapter 143, if a fire fighter or police officer wants to appeal to the Commission, or to a Third-Party Hearing Examiner, from an action which an appeal or a review is provided by Chapter 143, the fire fighter or police officer need only file a written appeal with the Commission within ten days (240 hours) after the date that the action occurred.
- 11.25 Failure on the part of an employee to file an appeal of a suspension, recommended involuntary demotion, or bypass notice with the Office of the Civil Service Director within the ten (10) day (240 hour) period in accordance with Section 143.010 shall result in no appeal of the matter being heard.
- 11.26 Fire fighters or police officers who file notices of appeal or other matters may do so by facsimile transmission (FAX), by hand delivery or regular or certified mail to the Office of the Civil Service Director. In all cases, it shall be the employee's responsibility to maintain the appropriate form of proof of timely fax, service, or other delivery to and receipt by the Office of the Civil Service Director.

OPTIONS FOR APPEAL HEARINGS

- 11.27 At any time after filing an original notice of appeal to a third-party hearing examiner, but prior to either party having incurred third party hearing examiner expenses, an employee may withdraw the original request and submit the appeal to a hearing before the Civil Service Commission. The election shall be made in writing and filed with the Director's office and can in no way be used to manipulate the thirty (30) day hearing deadline imposed on the Commission decisions by Chapter 143.
- 11.28 At any time after filing the Notice of Appeal, the parties may mutually agree to withdraw the appeal from an independent third-party hearing examiner and submit the appeal for a hearing before the Commission. The mutual agreement shall be made in writing and filed with the Director's office.
- 11.29 Upon receipt of the list of seven (7) qualified neutral hearing examiners from AAA or FMCS, the appealing employee (or representative) shall make the first strike from the list, and the City's representative shall make the second strike. The parties shall alternatively strike the remaining names until only one remains.

COORDINATION OF DISCIPLINARY HEARINGS & APPEALS BY THE DIRECTOR

- 11.30 The location and accommodations for all hearings and appeals shall be arranged by the Civil Service Director.
- 11.31 If an employee files an appeal to the Commission, the Commission shall hold a hearing and render a decision in writing within thirty (30) days after the date it receives notice of appeal. The employee and the City may agree to extend the thirty (30) day period. If additional postponements are requested, the party requesting the postponement (and/or his legal representative) shall appear before the Commission to justify the extension of time.
- 11.32 All subsequent matters raised by either party regarding attendance, scheduling, requests for subpoenas, request for continuances, etc., shall be coordinated through the Director.
- a. All such information shall be provided to the Director who shall then provide copies of the same to the opposing party or representative and coordinate the appropriate response or action to be taken. In a hearing coordinated by an outside agency, that agency shall also provide coordination services between the parties and the hearing examiner in conjunction with the Director's office.

EXPENSE AND COSTS

- 11.33 If appealed to a third-party hearing examiner, the hearing Examiner's fees and expenses shall be shared equally by the employee and the Department.
- 11.34 The hearing examiner and/or Commission and both parties in an appeal shall determine a reasonable process at the time of the hearing to minimize unnecessary and extensive waiting by witnesses prior to being called in to testify, especially in the case of on duty officers or firefighters which could impact staffing.
- 11.35 The party who calls the witness, excluding applicable fire fighters or police officers noted in 11.40 below, shall pay the costs for those witnesses, including salary and any overtime.
- 11.36 The City shall pay a fire fighter or police officer for an appearance as a witness *if* the appearance in the administrative, criminal, or civil proceeding:
- a. Is required;
 - b. Is made on time off; and
 - c. Is made by the fire fighter or police officer in the capacity of a fire fighter or police officer.
- 11.37 State law governing the doctrine of "mitigation of damages" shall be applicable in computing any reimbursements or offset for an award of back pay to be made to an employee as a result of a disciplinary action being modified or reduced.
- 11.38 The cost to copy personnel records and files shall be at the rates established by city ordinance.

FAILURE TO ATTEND SCHEDULED HEARINGS

- 11.39 The failure of a party to attend a scheduled appeal hearing, or to file a request for a continuation of the hearing to a later date within ten (10) days prior to the scheduled hearing date, 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. In the case of extraordinary circumstance, either party may request and be granted a continuance.

EMPLOYEE AND DEPARTMENT REPRESENTATIVES

- 11.40 The hearing process shall recognize the right of employees as well as the Department to be represented by one or more persons throughout the processing of a disciplinary appeal. However, only one representative shall be allowed to speak or otherwise present evidence on behalf of either party throughout the questioning of a particular witness.
- 11.41 Employee and Department representatives shall make reasonable effort to resolve all issues as smoothly and expeditiously as possible by keeping presentations brief and to the point.

PRE-HEARING PROCESS

- 11.42 These rules apply to appeal hearings before the Civil Service Commission and third-party hearing examiners. 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 civil service proceedings.

- 11.43 Parties who request photocopies of documents from the opposing party shall be accommodated if such requests are reasonable. Items from departmental policies, rules and procedures manuals may be photocopied. Items such as Accident/Injury Review Board recommendations, time and attendance records, duty status forms and other such documents may also be provided so long as they are relevant to the employee and the disciplinary action under appeal.
- 11.44 Employees and their representatives may obtain copies of matters contained in the employee's own civil service personnel file pursuant to Chapter 143.089(a). The employee or representative may obtain copies of matters contained in his or her departmental file only after the commission or hearing examiner has determined that the sought-after documents are relevant and has signed an agreed protective order.
- 11.45 Before requesting a subpoena duces tecum for the production of documentary material, a party shall first make a request for the materials directly to the other party and provide a reasonable time for a response.
- a. If the request is refused or otherwise not produced, then a request may be made to the Commission or to the Hearing Examiner (through the AAA) to issue a subpoena duces tecum.
 - b. Requests for subpoenas shall be submitted at least ten (10) days prior to the scheduled hearing date in order to be timely processed.
 - c. For appeals to be held by the Commission, the Chairman of the Civil Service Commission shall be authorized to sign subpoenas without calling a Civil Service Commission meeting to consider the requests.
 - d. In the event that the Chairman is unavailable, he/she may review the subpoena request with the Civil Service Director and grant the Director permission to sign the subpoena in his/her absence.
 - e. Objections to subpoenas and subpoena duces tecum shall be processed according to the provisions of Chapter 143 in advance of the hearing.
- 11.46 Prior to the hearing, the parties shall make an effort to agree on joint exhibits to be submitted, to stipulate to facts not in dispute and to frame the issues to be decided.
- 11.47 No later than three (3) business days prior to the hearing date, the parties shall provide opposing counsel and the Chairman of the Commission or Hearing Examiner, as appropriate, with a witness list and an exhibit list. Exceptions to this provision shall be approved by the Chairman of the Civil Service Commission or Hearing Examiner, as appropriate.
- 11.48 All requests for subpoenas shall be coordinated through the Director's office with copies of same being provided to the opposing party.
- a. The Director shall send requests for subpoenas to the American Arbitration Association if the appeal is before a third-party hearing examiner.
 - b. Requests for subpoenas shall be filed with the Commission or the AAA or FMCS at least (10) days prior to the scheduled hearing date in order to be processed in time.
 - c. The request to receive documentation from the city files via the use of a subpoena shall not be an absolute right and shall be limited only to documents which are relevant to the employee's disciplinary appeal.
 - d. Compliance and/or consequences for non-compliance with subpoenas issued on behalf of the appellant is the sole responsibility of the employee.

CIVIL SERVICE COMMISSION HEARING PROCEDURES

- 11.49 At the scheduled time and place, the hearing shall be called to order by the Chairman of the Commission.

- 11.50 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) sets of bound and indexed copies of all exhibits and documents to be considered by the Commission or offered into evidence at the hearing.
- 11.51 All hearings and meetings of the Civil Service Commission shall be open to the public except the deliberations of the Commission, which may be conducted in executive session.
- 11.52 A record or minutes of the proceedings, capable of clear and accurate reproduction or transcription, shall be made and maintained by the Director.
- 11.53 After being called to order, but prior to the beginning of testimony or evidence, consideration shall be made as to any pre-hearing motions, requests or jurisdictional matters raised by either party. The participants shall also seek to obtain as many stipulations as possible as to non-contested or non-material matters. The Commission may "carry" such pre-hearing motions until the hearing is completed and all factual evidence has been presented before making its final ruling thereto.
- 11.54 Both parties shall be allowed to make brief opening statements.
- 11.55 The hearing shall then proceed to develop the evidence and testimony as to those contested matters.
- a. The City shall be first in the presentation of evidence and testimony.
 - b. The responding party shall have the opportunity to respond with its own evidence, witnesses and/or testimony.
 - c. Thereafter, the party with the burden of proof may come forward with rebuttal evidence or testimony as may be necessary.
 - d. Presentations by both parties shall be as brief and closely related to the issue(s) as much as is possible.
 - e. Throughout the proceedings, Commission members may also ask questions as needed in order to aid their consideration of the testimony or evidence.
- 11.56 Witnesses shall be sworn, and their testimony taken under oath or affirmation. Witnesses are subject to reasonable and relevant cross-examination by the opposing party.
- 11.57 Upon request by either party, the hearing process may utilize what is commonly known as "Invoking the Rule" concerning oral testimony. This means that all persons who are expected to testify at the hearing, other than the parties and their representatives, shall not be allowed to observe or listen to any of the proceedings except when they are actually testifying as a witness. "The Rule" may be used to ensure one witness' testimony is not influenced by another's testimony. While under "the Rule", potential witnesses shall not discuss any aspect of the appeal or hearing except with the attorneys or the representative involved. Invoking "the Rule" is not mandatory and may be waived in whole or in part by agreement.
- 11.58 The Commission shall exercise reasonable control over the hearing process, 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 the needless consumption of time and expense; and
 - d. protect the witnesses and employees from harassment or undue embarrassment.
- 11.59 The Commission shall have the discretion to control the length of time of any particular session as well as the amount of time provided for recesses, breaks, lunch hours, etc.

- 11.60 All hearings shall remain professional, respectful, and business-like, focusing upon resolution of factual matters, and shall not be a time for accusations, threats, speeches or arguments. The Commission shall have the discretion to recess any meeting when they deem the conduct to have become unprofessional, disrespectful and/or non-productive and where the purpose of the meeting is unable to be accomplished.
- 11.61 After the close of the presentation of evidence and testimony, both parties shall be given an opportunity to make closing summations.
- 11.62 Thereafter, the Commission may adjourn to executive session for deliberation, in accordance with Section 143.053. The Commission shall reconvene in open session and shall, upon motion and second duly made, vote in open session as to whether the charges are "True." If the charges are found to be "True," then the Commission shall vote in open session to uphold or modify the discipline. Thereafter, a written order containing same shall be prepared and signed by the Commissioners with copies forwarded to all parties within thirty (30) days after the conclusion of the hearing.

RULES OF EVIDENCE

- 11.63 Technical rules of evidence shall not apply nor control the conduct of hearings. The Texas Rules of Court and the Texas Rules of Evidence shall not apply nor govern any aspect of these proceedings.
- 11.64 The scope of evidence to be considered at a disciplinary hearing shall be generally limited to matters relevant to the statement of charges as set forth in the Department's written statement, the employee's notice of appeal, as well as the employee's previous employment record with the department.
- 11.65 Either party may offer such relevant evidence as he/she may desire to aid in the determination of material disputed issues.
- 11.66 It shall be the province of the Commission to ultimately determine:
- a. the admissibility of any particular evidence or testimony;
 - b. the relevance of any particular evidence or testimony;
 - c. the credibility of any particular evidence or testimony; and
 - d. the materiality or "weight" to be given to any particular evidence or testimony.
- 11.67 Subject to limited exceptions for compelling reasons shown by a party, the Commission may refuse to hear or consider any testimony or item of evidence if a party has deliberately withheld previously known and duly requested evidence from the other party until the hearing, and the said evidence should have been previously produced in accordance with these rules.
- 11.68 The Commission shall refuse to hear any testimony or consider any evidence if the hearing has been closed.
- 11.69 The Commission may receive and consider the evidence of witnesses by affidavit and assign same such weight as it deems proper after consideration of objections, if any, made to its admission.
- 11.70 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.
- 11.71 All evidence and testimony shall be presented and received into the record while in open session.
- 11.72 A party is required to establish its factual assertions via a "preponderance of the evidence". A "preponderance of the evidence" means the greater weight and degree of credible testimony or evidence admitted into the record.

- 11.73 It shall be recognized that prior to imposing any form of discipline, the Department Head may use lesser forms of disciplinary or corrective action. However, the 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 derogate a previously unblemished record.
- 11.74 During the hearing, the Commission shall provide the employee every reasonable opportunity to produce objective evidence and/or testimony to develop:
- a. that the employee did not commit the misconduct as alleged, i.e., "the facts are not true;" or
 - b. that even if the employee committed the acts as alleged, that such activity does not constitute actionable misconduct; or
 - c. that even if the employee committed actionable misconduct, that the degree of discipline imposed is too harsh or severe, i.e., the disciplinary action imposed was "unreasonable, arbitrary or capricious"; or
 - d. a combination of any of these matters which would justify or compel modification of the Department Head's action.
- 11.75 An employee's mere disagreement or difference of opinion in regard to the Department Head's actions or reasoning shall not constitute grounds to overturn nor modify the disciplinary action.
- 11.76 If the Commission finds that one valid charge of misconduct is 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.

FINDINGS AND ORDERS OF THE COMMISSION

- 11.77 As a result of the evidence and testimony presented at the hearing, the Commission shall make a just and fair resolution of the matter via a vote in public session, which may be reduced to a written statement finding the truth of the specific charge(s) against the employee, or a written statement finding that the specific charge(s) against the employee are "not true." This issue shall be addressed in all final orders, regardless of the subsequent issues addressed in the same final order.
- 11.78 In the event that the specific charge(s) of misconduct against the employee are found to be not true, then the final order and ruling shall be to promptly restore the employee to the employee's prior rank without penalty. In accordance with Local Rule 7.1, the matter of duty assignments shall remain with the respective department head and may not be appealed.
- 11.79 In the event that one or more of the specific charges of misconduct against the employee are found to be "true", then the final order and ruling shall clearly state whether the employee is:
- a. permanently dismissed (indefinitely suspended) from the fire or police department; or
 - b. temporarily suspended from the department and shall then set forth the definite time period and conditions of suspension which shall be imposed.
- 11.80 The final ruling on a disciplinary appeal shall also include such other matters so as to finally and clearly resolve the issues under consideration, particularly to resolve questions concerning:
- a. the employee's resulting employment status,
 - b. back pay and benefits,
 - c. mitigation of damages, and
 - d. whether the documents relating to the disciplinary action should be modified or removed from the employee's personnel file according to Section 143.089(a).

- 11.81 If modifying the disciplinary action of the department, the final order shall clearly explain in writing the factors and rationale for doing so. If affirming the disciplinary action of the department, it shall be presumed that it is based on the same reasons and facts as presented by the department unless otherwise indicated.
- 11.82 The Commission shall not make "contingency" rulings.
- 11.83 If appropriate, the Commission's ruling may enter a finding that the employee's appeal was frivolous and/or not brought in good faith.
- 11.84 State law governing the doctrine of "mitigation of damages" shall also apply as an off set and credit in determining the appropriate amount of back pay and benefits to be recovered by the employee in the event a suspension is reduced.
- 11.85 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.

APPEALS TO INDEPENDENT THIRD PARY HEARING EXAMINERS

- 11.86 The Director shall coordinate with the parties and the agency sponsoring the Hearing Examiner as to all matters regarding scheduling, place of hearing, accommodations, etc.
- 11.87 The rule making power and authority of the Civil Service Commission is in no way conferred upon or delegated to any Hearing Examiner, either by implication or otherwise.
- 11.88 In all cases, the employee filing the appeal shall be the first to strike a name from the list of possible hearing examiners in the event there is no agreement on a single hearing examiner.

END OF CHAPTER ELEVEN

CHAPTER TWELVE
LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE

- 12.1 Police officers and fire fighters shall be provided with a leave of absence for an illness or injury related to the person's line of duty in accordance with Section 143.073.
- 12.2 Police officers and fire fighters shall provide the Chief with a valid address and/or telephone number where they can be reached while on illness or injury leave of absence.
- 12.3 Police officers and Fire fighters shall report in as required by the Chief while on illness or injury leave of absence. Police officers and Fire fighters shall use illness or injury leave to recuperate and not to be involved in other employment or self-employment or activities that may hinder recuperation.

END OF CHAPTER TWELVE

CHAPTER THIRTEEN

ACCUMULATION OF LEAVE

SICK LEAVE

- 13.1 A Fire fighter or Police officer who normally averages a 40-hour work week, 80-hour pay periods, are allowed sick leave with pay accumulated at the rate of 4.615 hours per paycheck for a total of fifteen (15) working days credit or 120 hours, each twelve (12) months.
- 13.2 In the case of a fire fighter who normally averages fifty-six (56) hour work week, for purposes of the accumulation of sick leave, a “working day” shall be considered to be twelve (12) hours, so that such fire fighter shall earn 180 hours of sick leave with pay each year.
- 13.3 Fire fighters or police officers who use sick leave shall be charged with the actual number of hours on sick leave. If absent for one full day the number of hours used shall be the number of hours the employee is scheduled to work on that day regardless of the type of shift.

VACATION

- 13.4 Fire fighters working a 40-hour week shall accrue ninety-six (96) hours for a total of 12 days per year for the first year of service. At the end of the first-year fire fighters shall accrue 120 hours for a total of 15 days per year until they have completed 15 years of service. At the beginning of the 16th year of service, these employees shall accrue at rate of 160 hours for a total of 20 days of vacation per year.
- 13.5 Fire fighters working 24-hour shifts shall accrue vacation at the rate of six (6) twenty-four hour shifts the first year of service. At the end of the first year, the fire fighters shall accrue at the rate 7.5 shifts per year (180 hours) until they have completed 15 years of service. At the beginning of the 16th year of service, these employees shall accrue leave at the rate of ten (10) shifts (240 hours) per year.
- 13.6 For the purposes of accumulation of vacation leave for police officers, a “working day” shall be considered to be eight (8) hours, regardless of the type of shift worked so that police officers shall accrue a total of ninety-six hours (96) for a total of 12 days per year for the first year of service. At the end of the first year of service, accruals shall be at the rate of 120 hours for a total of 15 days until they have completed 15 years of service. At the beginning of the 16th year of service, these employees shall accrue leave at the rate of 160 hours for a total of 20 days of vacation per year.
- 13.7 Fire fighters or police officers who use vacation shall be charged with the actual number of hours on vacation. If absent for one full day the number of hours used shall be the number of hours the employee is scheduled to work on that day regardless of the type of shift.

END OF CHAPTER THIRTEEN

SAVINGS CLAUSE

The provisions of these rules and regulations are declared to be severable. If any rule, section, sentence, clause, phrase, or word of the Local Rules shall for any reason be held 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 words, but they shall remain in effect, it being The Commission's intent that the Local Rules shall stand notwithstanding the invalidity of any subpart.

END OF CIVIL SERVICE RULES



**ORDER OF THE GRAND PRAIRIE
CIVIL SERVICE COMMISSION**

On this, the 20th day of April 2023, the Grand Prairie Civil Service Commission considered the adoption of the revised City of Grand Prairie Fire Fighters and Police Offices Local Civil Service Rules and Regulations in accordance with Section 143.008 of the Texas Local Government Code. After having adequate time for review of these revised rules and regulations, the Commission hereby **ORDERS, ADJUDGES, AND DECREES** that these rules shall be adopted and become effective after a summary identifying changes has been posted for a period of seven (7) days in accordance with Section 143.008 of the Local Government Code. A full set of the redlined rules shall be posted on Raving Fans for this 7-day period as well for viewing by any interested employee.

These rules completely replace any rules in place prior to this set of adopted rules.

Civil Service Director

Civil Service Commissioner

Civil Service Commissioner

Civil Service Commissioner



THE CITY OF GRAND PRAIRIE

FIRE FIGHTERS AND POLICE OFFICERS

LOCAL CIVIL SERVICE RULES AND REGULATIONS

Passed by Commission: 08/22/2023
Changes Posted: 08/23/2023
In full force and effect: 08/31/2023

PREAMBLE:

Pursuant to Chapter 143 of the Texas Local Government Code and City of Grand Prairie Ordinances, the Firefighters’ and Police Officers’ Civil Service Commission of the City of Grand Prairie, Texas does hereby adopt the following Rules and Regulations for the administration of the Civil Service System for the City of Grand Prairie Texas.

CHAPTER ONE

ORGANIZATION AND GENERAL PROVISIONS

ENACTMENT

- 1.1 The Civil Service System of the City of Grand Prairie has been established pursuant to Chapter 143 of the Texas Local Government Code (Chapter 143) for the purpose of developing and enforcing rules regarding the initial selection of employees as well as for their advancement, benefits, and condition of employment.
- 1.2 These rules represent a revision of the City of Grand Prairie Fire Fighters' and Police Officers' Local Civil Service Rules and Regulations (Local Rules). These rules completely repeal and replace all prior rules and regulations adopted by the Civil Service Commission. These rules are made in accordance with Chapter 143 of the Texas Local Government Code, hereinafter referred to as "Chapter 143," and specifically pursuant to Section 143.008 of Chapter 143 and legal precedent interpreting the provisions of Chapter 143.
- 1.3 The scope and construction of these rules hereinafter set forth shall be interpreted and applied within the spirit and intent of Chapter 143 as being necessary and essential to administer said law. It is intended that these rules shall complement said statutes and not conflict with the statutes in any manner. Situations not expressly covered by Chapter 143, Grand Prairie City Ordinances or the Local Rules shall be resolved in accordance with the City of Grand Prairie Human Resources Policies and Procedures; and/or the residual discretionary authority vested in the Civil Service Director, a Department Head, or the City Manager. These Local Rules and Regulations shall apply to all of the employees of the Fire and Police Departments covered under Chapter 143.
- 1.4 As used herein words in the present tense include the future tense when necessary to render the meaning of the word clear in the context in which it is being used; the singular includes the plural, and the plural the singular and words of one gender include the other gender.

CIVIL SERVICE COMMISSION

- 1.5 The City Manager shall appoint and the City Council shall confirm the appointment of the three members of the Civil Service Commission ("Commission"). In January of each year, or as necessary, the members shall elect one member to serve as Chairperson and one to serve as Vice-Chair.
- 1.6 A newly appointed Commissioner shall be sworn in by an attorney in the City Attorney's Office prior to or during their first Civil Service Commission meeting, and prior to taking any action on an item..
- 1.7 Each member of the Commission holds office for a staggered three-year term and thereafter until a successor is appointed. Vacancies which occur prior to completion of the three-year term shall be filled in accordance with provisions of this section for the remaining term of the member whose position has been vacated.
- 1.8 The City Manager can appoint a Commissioner to three consecutive terms; however, a fourth or subsequent appointment of the same Commissioner shall go to the City Council and be confirmed by a two-thirds majority vote in accordance with Section 143.006.
- 1.9 A member of the Civil Service Commission may tender a resignation in writing to the City Manager at any time. A Commission member may be removed from office by the City Council for misconduct in office in accordance with the provisions of Chapter 143, Section 143.007. Upon a vacancy being created on the Commission, the Civil Service Director shall request a replacement by the City Manager.

- 1.10 The City of Grand Prairie City Attorney, or his designee, shall act as Legal Advisor to the Commission, unless representing the Police or Fire Chief or other Civil Service Employee.
- 1.11 The Commission has the responsibility to conduct investigations and inspections on matters within its jurisdiction pursuant to the Local Rules and Chapter 143.
- 1.12 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 or suspension of a Civil Service employee;
 - e. the procedures for the hearing of disciplinary appeals concerning indefinite suspensions, suspensions, promotional pass-overs or recommended involuntary demotions;
 - f. the procedures for hearings as allowed by Chapter 143; and
 - g. such other matters reasonably related to the selection, promotion, discipline, and fitness for duty of Civil Service employees; and
 - h. delegation of duties to the Civil Service Director.

CIVIL SERVICE MEETINGS

- 1.13 Notice and Scheduling of Meetings.
 - a. Meetings of the Civil Service Commission shall be scheduled by the Civil Service Director or designee as needed to conduct the business of the Commission.
 - b. Special meetings of the Commission, including meetings to hear disciplinary appeals, may be called by the Commission Chairperson or the other two Commissioners upon giving advance notice to each member and public notice pursuant to subparagraphs below.
 - c. Commission meetings shall conform to the requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code which are open to the public with the time, date, place, and subject matter of the meeting posted at least 72 hours before the scheduled time of the meeting. Notices shall be posted at City Hall and in the office of the Civil Service Director to give the public and all interested parties proper notice. Copies of the meeting notice shall be sent to the Police Chief and Fire Chief for distribution within the Police and Fire Departments.
 - d. The Chairperson of the Civil Service Commission may, if necessary, call a meeting with not less than a two (2) hour notice under certain emergency requirements in accordance with the Texas Open Meetings Act.
 - e. The Commission may convene in Executive Session pursuant to and in compliance with the Texas Open Meetings Act and Section 143.053(d).
 - f. Two members of the Commission shall constitute a quorum sufficient to hear test appeals and conduct business meetings. Three members of the Commission shall constitute a quorum to hear all disciplinary appeals, and matters concerning fitness for duty, involuntary demotions, or promotional pass-overs.
- 1.14 It shall be the responsibility of each individual Commissioner to immediately notify the attorney, appointed to represent the Commission, of any conflicts of interest concerning the case being heard by the Commission.

- 1.15 Appeal hearings shall proceed as set forth in Chapters 10 or 11 of these Local Rules and Regulations, as applicable. Robert's Rules of Order are to be used as a guide by the Commission in its regular business and proceedings with the normal order of business as follows:
 - a. Call to order;
 - b. Approval of minutes of previous meetings
 - c. Old business;
 - d. New business;
 - e. Executive Session; and
 - f. Adjournment.
- 1.16 The Director or designee shall be responsible for writing the minutes of each meeting and shall record at least the following information:
 - a. the time and place of each meeting;
 - b. the names of the Commission members and attorneys present;
 - c. all official actions of the Commission;
 - d. the official vote by each Commission member; and
 - e. such other matters as deemed appropriate for the record.
- 1.17 The minutes of a meeting are normally to be presented for approval at the next Commission meeting. The approved minutes of each Civil Service Commission meeting shall be forwarded to the City Secretary for distribution to the members of the Grand Prairie City Council. The minutes, other than matters discussed in executive session, and upon approval by the Commission, shall be kept available for public inspection as governed by Chapter 552 of the Texas Government Code, the Texas Public Information Act.
- 1.18 The Commission shall issue its decisions in writing and such rulings shall be binding upon both the Department and the employees, subject to any appeal rights under Chapter 143.

DIRECTOR OF CIVIL SERVICE

- 1.19 The Director of Civil Service shall be appointed by the Civil Service Commission and serve as Secretary to the Commission in accordance with Chapter 143. The Director shall perform all work incidental to the Civil Service system in the City of Grand Prairie including, but not limited to:
 - a. serving as Secretary to the Civil Service Commission;
 - b. securing outside test consultants to develop written entrance and promotional exams for the Police and Fire Departments;
 - c. posting lists of reading resources for promotional examinations;
 - d. posting all agendas and notices pursuant to Chapter 143 and the Texas Open Meetings Act, Chapter 551 of the Texas Government Code;
 - e. keeping the records of the Commission;
 - f. coordinating all meetings and all hearings for the Civil Service Hearings and those involving third party hearing examiners; and
 - g. serve as custodian of personnel files for all Civil Service employees.
- 1.20 The Director of Civil Service is authorized to act for the Commission in regard to all administrative matters except those that require official action by the Commission alone including, but not limited to: adoption of Civil Service Rules, classification of positions, consideration of fitness for duty, hearing and rendering decisions regarding involuntary demotions and on appeals of disciplinary actions, promotional exams and promotional passovers. The Commission may ratify the action of the Director at its next meeting, if deemed necessary.
- 1.21 The Director of Civil Service may delegate any and/or all duties to other staff as necessary.

COMMISSION RECORDS

- 1.22 All records of the Commission shall be deemed public information and shall be governed by the Texas Public Information Act, Chapter 551 of the Texas Government Code, unless confidential by other law. The Director shall be deemed the custodian of all Civil Service Commission records.

RULES AND REGULATIONS

- 1.23 The City of Grand Prairie Police Officer's and Fire Fighter's Local Civil Service Rules currently in effect are only those contained herein. These Local Rules have been approved and adopted by the Grand Prairie Civil Service Commission and shall remain in effect until officially amended, revised or eliminated by the Commission.
- 1.24 Amendments to these rules may be made at any meeting of the Civil Service Commission after proper submission and prior notice as set forth in these rules. All rules and amendments shall become effective on the date of approval by the Commission and subsequent compliance with the posting and publication requirements outlined in Chapter 143. All rules and amendments shall be printed and made reasonably available for access to all Civil Service employees.

DURATION OF POSTINGS

- 1.25 Required postings providing notice or informational material concerning a meeting, test, or other event may be removed upon the earlier of the cancellation or conclusion of the meeting, test, or event which is the subject of the notice.
- 1.26 Unless these rules or Chapter 143 provide for a different time period, any list or other document required to be posted by these rules or Chapter 143 may be removed once superseded by an updated or certified list or after seven days, whichever is earlier.

END OF CHAPTER ONE

CHAPTER TWO

DEFINITIONS

- 2.1 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. **Fire Fighter, Police Officer, Commission, Department Head and Director** or "designee": shall be defined as set out in Section 143.003 of Chapter 143, and shall be considered to include both the male and female gender;
 - b. **Local Rules:** means the City of Grand Prairie Fire Fighters and Police Officers Local Civil Service Rules;
 - c. **Business Day:** means Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding official holidays and Saturdays and Sundays.
 - d. **Chapter 143:** means Chapter 143 of the Texas Local Government Code.
 - e. **Military Service Credit:** to obtain military service credit, applicants shall submit a DD-214 with the character of service being defined as "honorable" for the purpose of obtaining military service points on the entrance examination. Applicants with something other than "honorable" noted on the DD214 may still be allowed to take the entrance examination as long as the discharge reason qualifies for licensing under current TCOLE standards; however, they shall not be eligible for military service points/credit on the entrance examination scoring.
 - f. **Conviction or Convicted:** means a person is convicted if he/she has pled guilty, no contest (Nolo contendere), or been found guilty in a trial, regardless of whether:
 - 1) the sentence is subsequently probated, and the person is discharged from probation;
 - 2) the defendant has received an unadjudicated or deferred adjudication probation, pre-trial diversion, or similar deferred disposition, for a criminal offense;
 - 3) the case 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.
 - g. Office of the Civil Service Director and Office of the Civil Service Commission shall be one in the same and is located at the City of Grand Prairie Human Resources Office.

END OF CHAPTER TWO

CHAPTER THREE
CLASSIFICATION OF FIRE FIGHTERS & POLICE OFFICERS

- 3.1 The Commission shall provide for the classification of all fire fighters and police officers in accordance with Section 143.021 of Chapter 143.
- 3.2 The positions in the Fire Department shall be classified as follows:
- a. Fire Fighter
 - b. Driver Engineer
 - c. Fire Lieutenant
 - d. Fire Captain
 - e. Battalion Chief
 - f. Assistant Chief (1 appointed and the remainder tested)
 - g. Fire Chief (appointed)
- 3.3 The positions in the Police Department shall be classified as follows:
- a. Police Officer
 - b. Police Sergeant
 - c. Police Lieutenant
 - d. Deputy Chief
 - e. Assistant Chief (appointed)
 - f. Chief of Police (appointed)
- 3.4 All personnel not filling the above positions shall be considered in the "unclassified" service and shall not be regarded as Civil Service employees under the provisions of Chapter 143 of the Local Government Code. The above class titles shall be descriptive of the work performed by the individual holding the particular classification. In the event any new classification is established either by name or by increase of salary, the same shall be filled by competitive examination in accordance with Chapter 143 and the Local Rules, except for appointed Assistant Chief positions created pursuant to Section 143.014.

END OF CHAPTER THREE

CHAPTER FOUR

ELIGIBILITY FOR BEGINNING POSITION IN THE POLICE DEPARTMENT

Applicants for a beginning position in the **Police Department** shall meet the following minimum standards as defined within this section and in accordance with Chapter 143.

AGE

- 4.1 A person may not take an entrance examination for a beginning position in the Police Department unless the person is at least 21 years of age.
- 4.2 Applicants who initially qualify to submit an application for an entrance examination, and whose name is subsequently placed on an eligibility list, shall have their names stricken from the list if they have exceeded the maximum age limit, as described in Section 4.2 above, prior to appointment and/or the expiration of the eligibility list, whichever occurs first.

CITIZENSHIP/LANGUAGE

- 4.3 All applicants for the beginning position of **Police Officer** shall be a citizen of the United States and be able to read, write and fluently speak English.

EDUCATION/EXPERIENCE

- 4.4 Applicants shall be eligible for certification from TCOLE (Texas Commission on Law Enforcement) **AND**
 - 1) possess a bachelor's degree with at least a 2.0 Grade Point Average (GPA) from a college or university accredited by the United States Department of Education or Council for Higher Education by the time of their hire date with the Police Department, **OR**
 - 2) possess at least two (2) years of experience as a regular full-time peace officer for a law enforcement agency, **OR**
 - 3) possess at least three (3) years active-duty military experience in accordance with the definition of Military Service Credit listed in Section 2.1(e), with an Honorable Discharge, **OR**
 - 4) by the time of hire as a Police Officer for the Grand Prairie Police Department:
 - a. possess at least thirty (30) college semester hours with at least a GPA of 2.0 from a college or university accredited by the United States Department of Education or Council for Higher Education, **AND**
 - b. two years of experience in a Grand Prairie Police Department non-civil service position.
- 4.5 Military police experience **does not** count as regular full-time peace officer experience.

PRIOR SERVICE (REINSTATEMENT) PROVISIONS FOR THE GRAND PRAIRIE POLICE DEPARTMENT

- 4.6 A police officer shall have successfully completed their probationary period with this department, separated on good terms, and remained eligible for commissioning by the Texas Commission on Law Enforcement (TCOLE) in order to utilize this reinstatement procedure.
- 4.7 The reinstatement application request shall be completed within three (3) years of their resignation date to be considered for reinstatement.

- 4.8 Officers applying for reinstatement shall successfully complete all steps in the Civil Service applicant process, except for the Civil Service entrance examination, in the same manner as any other applicant.
- 4.9 Reinstated Police Officers may be required to attend any training determined necessary, up to and including the entire basic training class, as deemed appropriate by the Chief of Police to bring the officer up to required current standards and training expected of all other officers.
- 4.10 Reinstated officers shall serve a probationary period of twelve months beginning on the date of reappointment. During the probationary period, the reappointed officer is not a full-fledged civil service employee, but rather is employed “at will” and shall be subject to discharge or discipline at the discretion of the Chief of Police with no right of appeal.
- 4.11 Reinstated officers shall be placed in the same step of the pay schedule they held at the time of their employment termination, unless they terminated while at a supervisory rank or continued to work as a peace officer. If the reinstated officer left this department while in a supervisory capacity or continued to work as a peace officer after leaving, his/her re-hire salary shall correspond with his/her total prior service years, but he/she shall be placed in the Police Officer pay schedule and shall not exceed the top pay of police officer rank.
- 4.12 For reinstated officers, their departmental and City seniority starts over based on their rehire date.
- Leave accruals begin based as if a new hire on the date of rehire.
 - Longevity for civil service employees shall comply based on Chapter 141, and shall be based on total time as a *sworn* officer at the City of Grand Prairie, even if a break in service occurred.
 - Seniority for purposes of shift bids, vacation bids, eligibility to take promotional exams, promotional points, etc. and other provisions related to Chapter 143 shall be calculated on the reinstated employee’s most recent hire date until such time a promotion to a new rank occurs.

POLICE LATERAL ENTRY PROGRAM

- 4.13 The Police Lateral Entry Program is authorized as a form of seniority pay as authorized by an ordinance through the City Council and designed to attract additional qualified applicants who would not require the training time involved with an applicant who lacks previous experience. This additional recruiting tool shall involve compensating lateral entry officers for their experience based on the number of years of their prior experience. The Police Lateral program in effect at the time of hire shall be followed for placement in the pay plan.
- 4.14 **Eligibility for Lateral Entry**
- To be eligible for lateral pay, a lateral entry applicant shall have at least two (2) years continuous service as a paid, full-time certified peace officer in a law enforcement agency, including out-of-state agencies, as approved by the Chief of Police.
 - The lateral applicant shall have been in a position where they had the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties.
 - A lateral entry applicant shall not have more than a three (3) year break in service from the time they left the former law enforcement agency and the time they made application with the Grand Prairie Police Department.

- 4.15 **Seniority for Lateral Entrants:** The Lateral Entry Program is for pay purposes only and actual work experience in another law enforcement agency shall not be considered for promotional eligibility requirements, departmental seniority, leave calculations, transfers or other such accruals/programs which utilize years of service in calculation. Departmental seniority for lateral officers shall begin on their Civil Service hire date with the Grand Prairie Police Department, as such, the term of the lateral officer's probationary period shall have no impact on the calculation of seniority points.
- 4.16 **Lateral Entry Applicant Requirements:**
- a. Lateral applicants shall successfully complete each step in the Civil Service hiring process in the same manner as any other applicant.
 - b. The probationary period for lateral officers shall be twelve months, except that it shall be eighteen months if they are required to attend the Basic Police Academy for initial certification by the Texas Commission on Law Enforcement. During the probationary period, the lateral officer is not a full-fledged civil service employee, but rather is employed "at will" and shall be subject to discharge or discipline at the discretion of the Chief of Police with no right of appeal.
- 4.17 The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

PHYSICAL AND MENTAL REQUIREMENTS FOR POLICE OFFICER APPLICANTS

- 4.18 No applicant shall have a physical or mental health condition which would serve to cause an applicant to be unable to adequately perform the essential functions of the job of police officer, or that would otherwise endanger citizens or other employees while performing such duties.
- 4.19 Applicants for the position of police officer shall successfully complete the current physical and mental fitness test which may be subject to change.
- 4.20 Upon an offer of employment, police applicants shall pass a drug test, a physical exam, and a psychological examination to determine their ability to perform the essential functions of the job. The expense of the tests shall be paid by the City of Grand Prairie.

CAUSES FOR DISQUALIFICATION OF POLICE OFFICER APPLICANTS

- 4.21 The applicant has failed to comply with any of the minimum requirements or qualifications for a beginning position as established by Chapter 143 or the Local Rules.
- 4.22 The applicant has made a false statement in any material fact, withheld information, or practiced or attempted to practice any deception or fraud in the application process.
- 4.23 The applicant is not a citizen of the United States of America.
- 4.24 The applicant has failed to demonstrate an ability to read, write, and fluently speak the English language.
- 4.25 Inability to perform the essential functions of a police officer with or without reasonable accommodation.

- 4.26 The applicant fails to complete or satisfactorily meet the employment process requirements of the Police Department, including but not limited to: missed appointments, failure to return necessary paperwork, failure to notify the department of changes in address or telephone numbers, or who otherwise failed to complete the proper application process. Applicants may submit a new application for the next examination.
- 4.27 An applicant found to have a conviction, as defined in 2.1(f), of a Class B Misdemeanor under State or Federal Law, to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation, shall result in a ten (10)-year disqualifier.
- 4.28 An applicant found to have a conviction, as defined in 2.1(f), of or admission to crimes involving moral turpitude shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency.
- 4.29 Conviction of, as defined in 2.1(f), a Class A Misdemeanor or offense involving Family Violence, at or after 17 years of age, or an admission of (other than the specific drug uses listed in Section 4.36) or conviction of a felony, at any age, under State or Federal Law, to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation, shall result in a permanent disqualification.
- 4.30 Applicants shall not be considered for employment while charges are pending for any criminal offense, other than Class C traffic offenses.
- 4.31 Applicants who fail to pass the written examination or the physical fitness exam. Applicants may submit a new application for the next scheduled examination.
- 4.32 Applicants for the position of police officer whose Department of Public Safety motor vehicle records reflect more than two (2) moving traffic violations and/or at-fault accidents within twenty-four (24) months preceding the date of application.
- 4.33 Applicants who have a DWI conviction, as defined in 2.1 (f), within ten (10) years preceding the date of application.
- 4.34 Applicants who have used illicit substances shall be disqualified as indicated by the following guidelines:
- a. Applicants who are found or have admitted use of any form of marijuana or synthetic marijuana within the last two (2) years;
 - b. Applicants who are found or have admitted use of any form of cocaine, heroin, opium, PCP, LSD, or methamphetamine, except ecstasy, within the last fifteen years (15) years;
 - c. Applicants who are found or have admitted to the use of any form of cocaine, heroin, opium, PCP, LSD, or methamphetamine, including ecstasy, on three or more occasions or who have ever sold or distributed marijuana or any controlled substance are permanently disqualified;
 - d. Applicants who are found or have admitted to using ecstasy on two occasions shall be disqualified for a period of fifteen (15) years from the date of the most recent use. Applicants found to have used ecstasy on one occasion shall be disqualified for a period of five (5) years from the date of the use. Applicants who have used ecstasy and are not automatically disqualified, as outlined above, shall be evaluated on a case-by-case basis with consideration given to the circumstances surrounding the use; or
 - e. Applicants who are found or who admit to abuse of steroids, legally obtained prescription medications, or illegal use of prescription medication of another person. Conduct involving abuse and/or misuse of steroids or prescription medication, including the illegal use of prescription medication of another person, shall be considered on a case-by-case basis with consideration given to circumstances and recency.

- 4.35 Applicants who do not obtain satisfactory results on the following steps in the hiring process are disqualified for a period of one year from the date of notification letter that the applicant is no longer under consideration:
- a. background investigation
 - b. polygraph examination
 - c. psychological examination
 - d. Chief level review process
 - e. Oral Review Board
- 4.36 Applicants who are found to have committed or have admitted to committing a Class A or B misdemeanor which did not result in a conviction, as defined in 2.1(f), shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency.
- 4.37 Applicants who receive positive test results for alcohol, marijuana, or any controlled substance on the pre-employment drug and/or alcohol tests are permanently disqualified.
- 4.38 Applicants who fail to demonstrate their ability to pay just debts may be disqualified. Applicants may be considered on a case-by-case basis with factors such as type and number of debts, reasons for the bad credit, extenuating circumstances, and the potential for the credit related problems to impact the applicant's judgment and integrity.
- 4.39 Applicants for beginning positions in the Police Department have no appeal rights except for physical and/or psychological examinations as provided for in Section 143.022.
- a. An applicant appeal of a physical or psychological examination shall be filed to the Director within 240 hours (10 calendar days) after the rejection notice date.
 - 1) The appellant shall comply with all provisions provided by the Director in regard to completing any additional assessments as allowed under Section 143.022.
 - 2) The Director shall work with assessors and applicant to complete testing and provide a decision at the earliest possible dates.
 - 3) The board of three assessors shall notify the Director of the panel decision, and the Director shall notify the applicant. A Commission meeting is not required.

END OF CHAPTER FOUR

CHAPTER FIVE

ELIGIBILITY FOR BEGINNING POSITION IN THE FIRE DEPARTMENT

Applicants for the beginning position of **Fire Fighter** shall meet the following standards:

AGE

- 5.1 A person shall not take an entrance examination for a beginning position in the Fire Department unless the person is at least 18 years of age. A person shall be 19 years of age at time of hire to be certified as eligible for a beginning position in the Fire Department.
- 5.2 A person shall not be certified as eligible for a beginning position in a Fire Department if the person is 36 years of age or older.
- 5.3 Applicants who initially qualify to submit an application for an entrance examination, and whose name is subsequently placed on an eligibility list, shall have their names stricken from the list if they have exceeded the maximum age limit, as described in Section 5.2 above, prior to appointment or the expiration of the eligibility list, whichever occurs first.

CITIZENSHIP/LANGUAGE

- 5.4 All applicants for the beginning position of **fire fighter** shall be a citizen of the United States by birth or naturalization OR a permanent resident and shall be able to read, write, and fluently speak English.

EDUCATION/EXPERIENCE

- 5.5 Applicants shall, by the time of hire:
 - a. have a High School Diploma or GED,
 - b. possess either a current Texas or National Paramedic certification,
 - c. possess a valid Texas Class B Texas driver's license or be able to obtain one within ninety (90) days of employment, and
 - d. be non-users of nicotine products.
- 5.6 All members of the Fire Department should refrain from the use of all nicotine products at all times, including vapor or e-cigarettes.

PHYSICAL AND MENTAL REQUIREMENTS FOR FIRE FIGHTER APPLICANTS

- 5.7 No applicant shall have a physical or mental health condition which would serve to cause an employee subject to these rules to be unable to adequately perform the essential functions of the job of fire fighter with or without reasonable accommodation, or that would otherwise endanger citizens or other employees while performing such duties.
- 5.8 Applicants for the position of fire fighter shall successfully complete the current Fire Department physical agility test, which may be subject to change.
- 5.9 Upon an offer of employment, fire applicants shall pass a drug test, a post-employment medical exam and a psychological examination to determine their ability to perform the essential functions of the job. The expense of the tests shall be paid by the City of Grand Prairie.

CAUSES FOR DISQUALIFICATION OF FIRE FIGHTER APPLICANTS

- 5.10 The applicant has failed to comply with any of the minimum requirements or qualifications for a beginning position as established by Chapter 143 or the Local Rules.
- 5.11 The applicant has made a false statement in any material fact, withheld information, practiced or attempted to practice any deception or fraud in the application process.
- 5.12 The applicant does not meet the citizenship or language requirements as stated in 5.4.
- 5.13 The applicant has failed to demonstrate an ability to read, write, and fluently speak the English language.
- 5.14 The applicant is unable to perform the essential functions of a fire fighter.
- 5.15 The applicant failed to complete or satisfactorily meet the employment process requirements of the Grand Prairie Fire Department, including but not limited to, missed appointments, failed to return necessary paperwork, failed to notify the department of changes in address or telephone numbers, or who otherwise failed to complete the proper application process. Applicants shall submit a new application for the next examination.
- 5.16 Applicants have a conviction, as defined in 2.1(f), of a Class A Misdemeanor or felony under State or Federal Law to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation. The conviction of a Class A misdemeanor is a permanent disqualifier. The admission of (except the use of illicit substances described in 5.23) or the conviction of a felony is a permanent disqualifier.
- 5.17 The applicant was convicted, as defined in 2.1(f), of or admitted to a Class B Misdemeanor or crimes of moral turpitude. These shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency and may result in disqualification.
- 5.18 The applicant was found to have committed or admitted to committing a Class A Misdemeanor which did not result in a conviction, as defined in 2.1(f). These shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency and may result in disqualification.
- 5.19 The applicant is a registered “sex offender.” This shall be a permanent disqualifier.
- 5.20 Applicants with charges pending for any criminal offense, other than a Class C traffic offense, shall not be considered for employment.
- 5.21 The applicant failed to pass the written examination, physical agility, or the oral review board. Applicants may submit a new application for the next entrance examination.
- 5.22 Applicant’s Department of Public Safety motor vehicle record reflects:
- a. a DWI conviction, as defined in 2.1(f), within three years preceding the date of application;
 - b. more than two (2) moving traffic violations and/or accidents within twenty-four (24) months preceding the date of application; or
 - c. a currently suspended driver’s license

- 5.23 Applicants who have used illicit substances shall be disqualified as indicated by the following guidelines:
- a. When they are found or have admitted use of methamphetamines, speed, crank, crack (or any other form of cocaine), steroids or any other controlled substance without a prescription within the last five years (5) years.
 - b. When they are found or have admitted to the use of methamphetamines, speed, crank, crack, (or any other form of cocaine) on more than three occasions;
 - c. Applicants who have ever used heroin (or any heroin-based substances), opium or PCP, who have ever intentionally used LSD, or who have ever illegally sold or distributed marijuana or any other controlled substance are **permanently** disqualified.
 - d. Applicants who are found or who admit to using marijuana shall be considered on a case-by-case basis with consideration given to the circumstances, frequency, recency, and legality.
 - e. Applicants who are found or who admit to abuse of legally obtained prescription medications, **or** illegal use of prescription medication of another person. Conduct involving abuse and/or misuse of prescription medication, including illegal use of prescription medication of another person, shall be considered on a case-by-case basis with consideration given to circumstances and recency.
- 5.24 Applicants who do not obtain satisfactory results on the following steps in the hiring process are disqualified for a period of two years from the date of the notification letter that the applicant is no longer under consideration:
- a. background investigation
 - b. polygraph examination
 - c. psychological examination
 - d. interview with the Fire Chief
- 5.25 Applicants who receive positive test results for alcohol, marijuana, or any controlled substance on the pre-employment drug and/or alcohol tests are **permanently** disqualified.
- 5.26 Applicants who have been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct shall be considered on a case-by-case basis.
- 5.27 Applicants for beginning positions in the Fire Department have no appeal rights except for physical and/or psychological examinations as provided for in Chapter 143.022. Should an appeal occur, the board of three assessors shall notify the Director of the panel decision, and the Director shall notify the applicant. A Commission meeting is not required before the Director notifies the applicant of the results of the panel's decision.

END OF CHAPTER FIVE

CHAPTER SIX

ENTRANCE EXAMINATIONS AND APPOINTMENTS

APPLICATIONS FOR ENTRANCE EXAMINATIONS

- 6.1 The Civil Service Director shall be responsible for posting the Notice of Examination in plain view on a bulletin board in the lobby of City Hall and in the office of the Director at least ten (10) days prior to the examination in accordance with Section 143.024 of the Texas Local Government Code.
- 6.2 The Civil Service Director or designee shall be responsible for accepting applications and setting application deadlines.
- a. In addition to the application or pre-registration deadlines established by the Director for Police Officer Entrance exams, on-site applications may be accepted on the date of the Police Officer entrance exam, prior to its administration. Applicants who register by the pre-registration deadline and are eligible for a beginning position in the Police Department will be guaranteed the ability to test. On-site applications will be accepted on a first come, first serve basis. Acceptance of on-site applications may be discontinued by the Civil Service Director or designee at any time on the date of the test in order to ensure sufficient room and testing materials or equipment are available for all registered applicants.
- 6.3 The Civil Service Director or designee(s) shall review completed applications to determine if each applicant meets the minimum requirements for the beginning position of police officer or fire fighter; and to notify applicants who do not meet the minimum requirements.
- 6.4 Applicants who pass the written examination with a score of 70 or above, and who have been honorably discharged from the United States Armed Forces, are eligible to receive an additional five (5) points added to their examination grade in accordance with Section 143.025 provided that:
- a. The DD-214 with the appropriately required sections is submitted prior to the administration of the test; and
- b. the DD-214 specifically declares the character of service being “honorable” or an honorable discharge certificate signed by the President of the United States.
- c. Credit shall not be awarded to any applicant whose character of service includes any language other than the word “honorable.”
- d. Issues relating to electronic submission of DD-214 documents may be addressed by Human Resources as reasonable and consistent with protocols and in concurrence with the respective Chief.
- e. Notwithstanding 6.7, documentation described under 6.4 shall be accepted at the test site prior to the administration of the test.
- 6.5 Applicants for the position of police officer shall not be required to submit any documents prior to the test date, other than the DD-214 requirements stated above in 6.4 to obtain military point credit on the entrance exam. The following documents will be required following the entrance exam and during the background process, in order to be eligible for hire:
- a. a copy of their birth certificate and, if applicable;
- b. transcripts reflecting degrees, diplomas or hours received;
- c. any other documents requested by the Police Department to establish proof of qualifications, licensure, or eligibility for hire.

- 6.6 Applicants for the position of fire fighter shall not be required to submit any documents prior to the test date, other than the DD-214 requirements stated above in 6.4 to obtain military point credit on the entrance exam, but must submit the following documents (as a minimum) during the background process in order to be eligible for hire:
- a. a copy of their birth certificate, **and**
 - b. a copy of their High School diploma or GED; **and**
 - 1) a Texas Paramedic certification; **or**
 - 2) a National Paramedic certification
- 6.7 Documents required to be submitted for police officer or fire fighter examinations shall not be accepted at the test site unless special arrangements have been made with the Civil Service Director, or designee, prior to the examination date.
- 6.8 Applicants for the position of fire fighter, who are either a natural-born or legally adopted child of a fire fighter, who previously suffered a line-of-duty death, while covered by this chapter, shall be ranked at the top of any eligibility list in which applicant receives a minimum passing grade on the written exam, in accordance with Section 143.025(j) of the Local Government Code, provided that:
- a. the applicant applies for “survivor status” at the time they applied to take the written entrance examination and indicates such request on the approved application form;
 - 1) the applicant shall provide proof of the line of duty death of their parent by submitting verification by the Fire Marshall of the State of Texas, the National Fallen Firefighters Foundation, or the United States Fire Administration; and
 - 2) documentation verifying that at the time of the parent’s death, that the decedent was a fire fighter who was appointed and covered by Chapter 143 of the Texas Local Government Code, or its predecessor, Article 1269m, Vernon’s Revised Texas Statutes;
 - b. the applicant shall also provide proof of their relationship with the deceased fire fighter by providing either a copy of his/her birth certificate or a court adoption order which states that the applicant is the natural born or adopted son or daughter of the deceased fire fighter; and
 - c. the applicant child of the deceased fire fighter shall satisfy all the requirements for eligibility for a beginning position as a fire fighter in accordance with this chapter and as adopted by the Grand Prairie Fire Fighter’s and Police Officer’s Civil Service Commission.
- 6.9 The actual conduct of every examination shall be under the direction of the Director of Civil Service who shall be responsible to the Civil Service Commission. The Director shall have the authority to designate an assistant to administer tests or examinations. Exams shall be conducted on an “as needed basis.”
- 6.10 Applicants for beginning positions in the Police or Fire Department shall achieve a passing score of 70 on the written examination.

ENTRANCE EXAMINATION PROCEDURES

- 6.11 **Cancellation:** The Director of Civil Service may cancel and thereafter reschedule any entrance examination for sufficient cause.
- 6.12 **I.D. Verification:** All applicants shall be required to provide a driver's license or other form of photo identification and check in prior to entering the test site. No applicant shall be admitted to the test site once the test begins.

- 6.13 Failure to Appear: The applications of persons who failed to appear for the entrance examination shall be voided by the Director of Civil Service. A new application form shall be required for subsequent tests.
- 6.14 Nicotine Use: Use of any nicotine product, including e- or vapor-cigarettes, is strictly prohibited in any testing facility at all times.
- 6.15 Rest Rooms: Once the test has begun, applicants shall only be allowed to leave their seats prior to turning in their test to use the restroom or attend to a medical need. Applicants shall be escorted by a test monitor while out of their seat and only one applicant shall be permitted in the restroom at a time. Restroom access during the exam is not guaranteed as there will be limited staff available to escort applicants. Materials and electronic devices shall not be allowed to be taken to the restroom. Applicants shall be advised of this policy and given a sufficient amount of time to use the rest room prior to beginning the test. Applicants who may have a special medical need shall provide a doctor's note and shall be accompanied to the rest room by a test monitor.
- 6.16 Test Monitors: The Director shall appoint a test administrator and select a reasonable number of persons employed by the City of Grand Prairie to assist in the administration, proctoring, and grading of entrance examinations.
- 6.17 Cheating: Any examinee 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 Commission and to the Department Head. The test administrator shall later make a report to the Commission for its determination. If the Commission determines that the examinee used or attempted to use unfair or deceitful means to pass the examination, such examinee shall not be placed on the eligibility list by the Commission.
- 6.18 Inappropriate Behavior: Any applicant who engages in inappropriate behavior prior to ordering the examination shall be warned by the examiner. If the behavior persists or the applicant disrupts the examination process, the applicant may be removed from the examination. A report shall be submitted to the Commission of any such action.

ELIGIBILITY LISTS AND APPOINTMENT

- 6.19 Applicants who: (1) are entitled to military service credit, and (2) made a passing score of seventy (70) percent or above on the written exam, shall receive an additional five points added to their raw test score in accordance with 143.025(f) of the Local Government Code. In no case shall an applicant receive the military credit if the raw score on the written exam is below seventy (70) percent or if the appropriate documentation was not submitted prior to the test date.
- 6.20 The eligibility list shall be comprised of the final exam scores which includes the raw test score and five additional points allowed for military service credit where applicable. The eligibility list shall begin with the highest final score descending in order to the lowest final score.
- 6.21 Applicants who are either natural born or legally adopted children of a fire fighter, who previously suffered a line of duty death while serving under Chapter 143 of the Local Government Code, and who have complied with the requirements in Section 6.8 of these Local Rules, shall be placed at the top of the eligibility list in accordance with Section 143.025(j) of the Local Government Code.
- 6.22 Tie Breakers: In the event that two or more applicants make identical final scores on the entrance examination, the tie shall be broken by:
- a. the highest raw score (score before adding military service credit),
 - b. Seat number given upon entering the test facility, in numerical order by order of entry, with the

lowest number given being the tie breaker.

- 6.23 The name of any applicant who has been offered an appointment by the Department Head, and declines the appointment, shall be deemed ineligible and stricken from the eligibility list unless the applicant specifically requests, in writing, to remain under consideration. In order to remain under consideration, the reason for declining appointment shall be of a temporary nature such as a physical ailment, emergency situation, or for any other good cause acceptable to the Department Head.
- 6.24 Applicants who have been given a conditional offer of employment by the Department Head, and are subsequently called to active military duty, shall be assigned a position number, and appointed to that position upon return from active military duty, providing that the applicant is able to pass the post-offer psychological and physical examinations prior to final appointment.
- 6.25 Applicants who have been given a conditional offer of employment by the Department Head, and who subsequently fail to obtain satisfactory results of the post-offer psychological or physical exams, shall be notified of the appeal procedure afforded them by Section 143.022 of the Local Government Code. Applicants who appeal shall complete their evaluations by the board of three physicians, psychiatrists, or psychologists (Board) as appropriate, within thirty (30) days unless one or more members of the appropriate Board notifies the Civil Service Director, in writing, that they are unable to schedule such evaluation within 30 days. Without such notification from the Board, failure to complete the board evaluation within thirty (30) days shall result in the conditional offer of employment being withdrawn.
- 6.26 Each person on an eligibility list shall immediately notify the Civil Service Director of any address change. Official notification or correspondence sent to a person's last known address, or provided e-mail address, shall be considered sufficient notification to the applicant for purposes of administering the hiring process.
- 6.27 The eligibility lists for beginning positions in the Police and Fire Departments shall be in effect for a period of one (1) year from the date of the entrance examination, or until the names of all applicants on the list have been referred to the appropriate department, whichever comes first.
- a. Eligibility lists for beginning positions are not required to be posted but shall be maintained by the Civil Service Director and made available upon request.

TRAINING ACADEMY

- 6.28 All applicants certified as eligible and accepted for employment as a fire fighter or a police officer shall be required to attend and successfully complete the training academy requirements in their respective department prior to becoming a fire fighter or police officer. Applicants already certified as police officers by the Texas Commission on Law Enforcement (TCOLE) or as fire fighters by the Texas Fire Commission, prior to appointment, may not be required to complete the training academy at the discretion of the respective Chief.

PROBATIONARY PERIOD

- 6.29 All newly appointed fire fighters who are currently TCFP certified and newly appointed police officers who are currently TCOLE certified, and who are not required to attend a basic training academy for initial certification, shall serve a probationary period of one (1) year beginning on the first day of employment with the respective department.
- 6.30 Newly appointed fire fighters and police officers who are not currently certified, and who are required to attend a basic training academy for initial certification, shall serve a probationary period of eighteen (18) months beginning on the first day of employment with the respective department.

- 6.31 During the probationary period, newly appointed fire fighters and police officers are not full-fledged civil service employees, but rather employed "at will" and shall be subject to discharge or discipline at the discretion of the Department Head with no right of appeal.

END OF CHAPTER SIX

CHAPTER SEVEN
DUTY ASSIGNMENTS

- 7.1 The Department Head (Chief) of the Fire or Police Department shall have the discretion to make assignments of duty within the classifications in the respective departments. Duty assignments shall not be subject to review by the Commission. Changes in duty assignments shall always be at the sole discretion of the Department Head.

END OF CHAPTER SEVEN

CHAPTER EIGHT
TEMPORARY DUTIES IN HIGHER CLASSIFICATION

- 8.1 The Fire Chief or the Police Chief may (but is not required to) designate some person from the next lower classification to fill a position in a higher classification temporarily in accordance with Chapter 143.
- 8.2 A person who has been designated by the Police or Fire Chief to temporarily perform in a higher classification shall be paid at the base rate of the higher position, but shall continue to receive longevity, stability, education pay, and certification pay, if applicable, based on the employee's own regular pay rate.
- 8.3 The temporary performance of the duties in a higher classification by a person who has not been promoted in accordance with the provisions of Chapter 143, shall never be construed to promote such person. Except for Assistant Chief's appointed pursuant to Section 143.014, all vacancies shall be filled by appointment from an eligibility list in accordance with Chapter 143 and the Grand Prairie Local Civil Service Rules.

END OF CHAPTER EIGHT

CHAPTER NINE
PHYSICAL AND MENTAL REQUIREMENTS

- 9.1 Every member of the Fire Department and Police Department shall continually remain in such physical and mental condition as to be capable of rendering safe and efficient service and performance of duties for the City of Grand Prairie.
- 9.2 All fire fighters and police officers shall be required to submit to a psychological or physical examination where there exists some reasonable basis to believe that the individual's mental or physical fitness for duty is an issue. Determination of the fire fighters' or police officers' mental and/or physical fitness for duty shall be subject to Commission review and hearing as provided by the provisions of Chapter 143, Section 143.081.

END OF CHAPTER NINE

CHAPTER TEN

PROMOTIONAL PROCEDURES

ELIGIBILITY OF PROMOTIONAL EXAMINATION

- 10.1 A fire fighter shall meet the requirements as set forth in Sections 143.028 and 143.030 of the Local Government Code to be eligible to take a promotional examination.
- 10.2 A police officer shall meet the requirements as set forth in Sections 143.028 and 143.031 of the Local Government Code to be eligible to take a promotional examination.
- 10.3 The two-year eligibility requirement to take a promotional examination shall be based upon the date of examination.
- 10.4 If no personnel pass the written promotional examination or alternate promotional system, where applicable, and an eligibility list cannot be established, the length of service requirement to take the promotional examination shall be lowered as set forth in Sections 143.030 or 143.031 (as applicable). The Civil Service Director is authorized to repost the notice of examination with the lower service requirement without calling a meeting of the Commission for approval.
- 10.5 Eligibility for promotional examinations shall be in accordance with Section 143.028 of the Local Government Code.
 - a. Single Vacancy: It shall take a minimum of three (3) applicants to constitute a competitive examination. If there are less than three names on the sign-up list at the close of the deadline, or less than three candidates present at the test site, the examination shall be rescheduled with a minimum of a thirty (30) day notice.
 - b. Multiple Vacancies: If there is more than one (1) vacancy for which the promotional examination is being given, it shall take the following number of candidates to constitute a competitive examination: (and so on in the same sequence).

Number of Vacancies	Number of Candidates
1	3
2	4
3	5
4	6

PROCEDURES FOR APPLYING FOR PROMOTIONAL EXAMINATIONS

- 10.6 Posting the notice of promotional examinations and study materials for the promotional examinations shall be in accordance with Chapter 143 and the Local Rules. Sources for written test questions shall be at the discretion of the Fire Chief and Chief of Police and approved by the Commission.
 - a. Reading lists for each Fire and Police promotional examination shall be posted before the 90th day prior to the date of that promotional exam. Reading lists shall be posted in the Public Safety Building and office of the Civil Service Director. Copies may be distributed to Police and Fire stations as a courtesy.

- 10.7 At least thirty (30) calendar days in advance of any promotional examination, the Director shall post a notice of examination in plain view on a bulletin board in the lobby of City Hall, in Human Resources, and at the Public Safety Building. Said notice shall provide the position for which the examination is to be held and the date, time, and place thereof. Copies of such notice shall also be circulated by the Department Head for posting in the various stations or sub-stations in the Department.
- 10.8 Application for promotional examinations shall be made by the applicant in accordance with the advertised method and deadlines, including electronic registration, indicated by the Civil Service director when notice of the exam is given. Application deadlines shall be no later than 5:00 p.m. at least ten business (10) days prior to the date of examination. Applicants who fail to apply by the posted deadline shall not be eligible to take the promotional examination.

PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

- 10.9 Cancellation of Promotional Examination: The Director may cancel and thereafter reschedule a promotional examination for sufficient cause (i.e., insufficient number of applicants, etc.), without Civil Service Commission approval.
- 10.10 Failure to Appear: An applicant who signed up to take the written examination and fails to appear for said examination shall not be eligible for the promotion for which the test was held.
- 10.11 Identification Verification: Prior to the examination, all applicants shall provide a driver's license or department identification with a photograph for identification purposes. Applicants without proof of identification shall not be admitted to the examination.
- 10.12 Nicotine Use: All nicotine, e-cigarette and/or vapor cigarette products shall be prohibited at all times in the testing room.
- 10.13 Cheating: Any examinee 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 Commission as well as to the Department Head. The test administrator shall later make a report to the Commission for its determination. If the Commission determines, after a hearing, that the examinee used, or attempted to use, unfair or deceitful means to pass the examination, such examinee shall be removed from the eligibility list by the Commission. The Department Head shall also determine if further disciplinary action is warranted.
- 10.14 Restrooms: Once the test has begun applicants shall only be allowed to leave their seats to use the restroom or attend to a medical need and shall be escorted by a proctor. No materials or electronic devices may be taken with them to the restroom, other than for personal or medical needs. Applicants shall be advised of this policy and given a sufficient amount of time to use the restroom prior to beginning the test.
- 10.15 Test Monitors: The Director shall appoint a test administrator and select a reasonable number of persons employed by the City of Grand Prairie to assist in the administration, proctoring, and grading of promotional exams.

TEST VENDORS:

- 10.16 Test vendors shall prepare exam questions in which no more than 25% of the questions are repeated, within the same rank, within the prior twelve months.

POLICE DEPARTMENT ALTERNATE PROMOTIONAL SYSTEM

- 10.17 In accordance with Section 143.035 of the Local Government Code, the Grand Prairie Police Department voted on the following Alternate Promotional System which was adopted by the Grand Prairie Fire Fighters and Police Officer's Civil Service Commission on November 1, 2013.
- 10.18 For the purposes of all scoring in this promotional section, any decimals calculated on scoring sections shall be carried out and truncated at two decimal places, (without rounding) as needed to clarify scores.
- 10.19 The promotional examination for the positions of Police Sergeant and Police Lieutenant will include a series of the following five (5) selection criteria, each weighted to its overall value in the promotional process as more fully described herein:
- a. Written Examination
 - b. Seniority Points
 - c. Certification Points
 - d. Anonymous Written Exercise
 - e. Assessment Panel
- 10.20 The promotional examination for the position of Deputy Chief will include a series of the following four (4) selection criteria, each weighted to its overall value in the promotional process as more fully described herein:
- a. Written Examination
 - b. Seniority Points
 - c. Anonymous Written Exercise
 - d. Assessment Panel
- 10.21 Each promotional candidate must have served continuously for a period of two years immediately before the examination date in the classification that is immediately below, in salary, to the classification for which the examination is being held in accordance with Section 143.031.
- 10.22 The selection criteria for the Police Sergeant, Police Lieutenant and Deputy Chief promotional examinations shall be assigned the following values, to total a maximum of 100 points. Appointed Assistant Chief positions are at the discretion of the Chief of Police and not tested under this provision.
- a. **Written Examination: (40 Points)** Source materials for the Written Examination will be posted on an annual basis and are at the discretion of the Chief of Police. The examination shall consist of 100 multiple-choice questions. Those who score 70 points or above shall be considered to have passed the Examination and will advance in the promotional process. The number of correct answers will be multiplied by .40 to arrive at the weighted score. (Example: a perfect score of 100 X .40 = 40 points.) Test points may be carried out to 2 decimal places (dependent upon results from appeal outcomes).
 - b. **Seniority Points: (10 Points)** Promotional candidates will be granted one (1) point for every year of continuous service with the Grand Prairie Police Department as a Civil Service police employee, not to exceed ten (10) points for ten (10) years of service. Seniority points will only be awarded to those candidates who successfully pass the Written Examination.

c. **Certification Points: (5 Points)**

- 1) Police Sergeant and Police Lieutenant promotional candidates will be granted three (3) points for TCOLE Advanced Certification; or five (5) points for TCOLE Master Peace Officer Certification. These TCOLE proficiency certificates represent a legislatively mandated combination of college education, training hours and years of law enforcement experience. Certification Points will only be awarded to those candidates who successfully pass the Written Examination.
- 2) Deputy Chief promotional candidates do not receive certification points for their Alternate Promotional System.

d. **Anonymous Written Exercise: (15 Points)** Promotional candidates who successfully pass the Written Examination may proceed to the Anonymous Written Exercise. The Anonymous Written Exercise will consist of a written response to questions, a scenario, or a management issue (as determined by the Chief of Police) directly related to the rank tested for.

- 1) All candidates will respond to the same questions, scenario, or management issue.
- 2) Candidates will have access to a computer with a word processing program as they develop their written response.
- 3) Candidates will be given equal time to develop their written response. The amount of time provided to complete this exercise is at the discretion of the Chief of Police.
- 4) Written responses will be rated independently by each member of the Assessment Panel (as described in item 5 of this section) prior to convening as a panel. Anonymous Written Exercises will be assigned a number prior to being delivered to members of the Assessment Panel so that the identity of the candidate will be unknown to members of the panel as they are being scored. Scores will be based on the following dimensions for a maximum of 100 points (15 weighted points):
 - a) Written Communication Skills: Expresses ideas and information effectively in writing. *One (1) to twenty-five (25) points.*
 - 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; demonstrates the ability to make sound decisions and understands liability issues. *One (1) to forty (40) points*
 - c) 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. *One (1) to thirty-five (35) points.*
- 5) When all Anonymous Written Exercises have been rated by members of the Assessment Panel the independent scores will be given to the Director of Civil Service or his/her designee.
- 6) The high and low score for each Anonymous Written Exercise will be stricken and the remaining three scores will be averaged. The final averaged score on the Anonymous Written Exercise will be multiplied by .15 to arrive at the weighted score. (Example: a perfect score of 100 X .15 = 15 points.) The average weighted score may be carried out to two (2) decimal places based on weighted score.

- e. **Assessment Panel: (30 Points for Police Sergeant and Police Lieutenant; 35 Points for Deputy Chief)** A panel of five (5) will be chosen to assess the candidates. All panelists will be of equal or higher rank for the position being tested.
- 1) Prior to the promotional examination, the Chief of Police will solicit interest from Police Sergeants, Police Lieutenants, and Executive Rank Officers (Deputy Chief or Assistant Chief) to participate on the panel.
 - 2) Two panelists will be from area police departments outside the Grand Prairie Police Department and will be selected by the Director of Civil Service based on input and recommendations from the Chief of Police.
 - 3) Promotional candidates who pass the Written Examination will be required to elect the three internal panelists immediately following the written examination. The panelists must be current members of the Grand Prairie Police Department. Promotional candidates will be provided the list of persons interested in participating on the panel and then will elect the three internal panelists by simple majority vote for each panel position as indicated below.
 - a) For the promotional examination for Police Sergeant, the candidates will vote for one Sergeant, one Lieutenant, and one Executive Rank Officer (Deputy Chief or Assistant Chief).
 - b) For the promotional examination for Police Lieutenant, the candidates will vote for two Lieutenants and one Executive Rank Officer (Deputy Chief or Assistant Chief).
 - c) For the promotional examination for Deputy Chief, the internal panelists will consist of the three existing Executive Rank Officers (Chief and two Assistant Chiefs). If there are more than three Executive Rank Officers, the candidates will vote for three Executive Rank Officers.
 - 4) In the event of a tie, the panelist with the most seniority in rank will be selected.
 - 5) Should one of the panelists (internal or external) be unable to serve due to sudden illness or family emergency an alternate may be appointed by the Chief of Police. This appointment may be of any rank depending upon availability and staffing due to the short notice.
 - 6) Prior to convening as a panel each member of the Assessment Panel shall be given a packet for each candidate that will include the following:
 - a) A copy of the previously scored Written Exercise
 - b) Annual Evaluations for the past three years (including employee comments and/or requests for further review),
 - c) Yearly Attendance Records (YAR) for the past three years;
 - d) Disciplinary actions (suspensions) of the last three years (written reprimands and pre-discipline notices are not disciplinary actions and are not subject to review);
 - e) The candidate's TCOLE training record as maintained by the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS). The TCLEDDS record includes education information, a record of certifications, licenses and TCOLE approved training courses completed.
 - 7) Candidates will be assigned a time to report to the Assessment Panel. Time will be assigned by random drawing. In accordance with Civil Service rules, the Civil Service Director or his/her designee will be present as a proctor during the Assessment Panel.

- 8) The Assessment Panel for Police Sergeant and Police Lieutenant will include the following areas:
- Oral biography of the candidate including professional experience.
 - Questions relating to the candidate's response in the Written Exercise.
 - Answers to a series of questions from the panelists. (The same general questions will be asked of each candidate, but individual questions may be asked depending on the answers given by the candidate.)
- 9) The Assessment Panel for Police Deputy Chief will include the following areas:
- Oral biography of the candidate including professional experience.
 - Questions relating to the candidate's response in the Written Exercise.
 - Answers to a series of questions from the panelists. (The same general questions will be asked of each candidate, but individual questions may be asked depending on the answers given by the candidate.)
 - Oral presentation on a subject predetermined by the Chief of Police. The Deputy Chief candidates will be given 45 minutes to prepare the presentation and 10 minutes to present to the panel. Candidates will have equal access to computer programs and needed materials.
- 10) The Assessment Panel members will independently rate each candidate on the following dimensions for a maximum of 100 points (30 weighted points for Police Sergeant and Police Lieutenant; 35 weighted points for Deputy Chief).
- Verbal Communication Skills: Orally expresses ideas and information effectively, clearly articulates thoughts and observations; demonstrates confidence and competence through speech; understands verbal instructions and is willing to ask for clarification if misunderstood. *One (1) to twenty (20) points.*
 - Personal Interaction Skills: Ability to demonstrate sensitivity, empathy, concern, and welfare for others; tactfulness and diplomacy; consideration for the feelings and needs of others. *One (1) to fifteen (15) points.*
 - 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; demonstrates the ability to make sound decisions and understands liability issues. *One (1) to fifteen (15) points.*
 - 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. *One (1) to fifteen (15) points.*
 - 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. *One (1) to fifteen (15) points.*
 - Commitment: Demonstrates a commitment to the community, the department and to the profession of policing. Assessors may consider commendations, attendance history, training, certification, education, and disciplinary actions as measure of commitment. *One (1) to twenty (20) points.*
- 11) The high and low score will be stricken, and the remaining three scores will be averaged. The final averaged score on the Assessment Panel exercise will be multiplied by .3 to arrive at the weighted score. (Example: a perfect score of 100 X .3 = 30 points.) The final averaged score may be carried out to two (2) decimal places.

10.23 For both the Anonymous Written Exercise and Assessment Panel, the panelist's name will not be attached to the score sheets submitted.

10.24 The final rankings will be compiled and posted within 24 hours of receiving final scores from each assessor. Final rankings will include the following scores:

a. Police Sergeant and Police Lieutenant:

Written Examination:	40 Points
Seniority Points:	10 Points
Certification Points:	5 Points
Anonymous Written Exercise:	15 Points
<u>Assessment Panel:</u>	<u>30 Points</u>
TOTAL	100 Points

b. Police Deputy Chief:

Written Examination:	40 Points
Seniority Points:	10 Points
Anonymous Written Exercise:	15 Points
<u>Assessment Panel:</u>	<u>35 Points</u>
TOTAL	100 Points

10.25 Tie breakers will be:

- a. Highest Raw Test Score (Written Examination)
- b. Level of Certification (as approved by TCOLE)
- c. Seniority in Rank
- d. Date of Certification
- e. High Score on Entrance Examination

10.26 The appeal process for the Written Examination is set out in Chapter 143. This appeal will be carried out prior to the panel exercises. During the five (5) day appeal period, each candidate will be able to review the material by making an appointment with the appropriate personnel.

10.27 In accordance with Civil Service rules, since the candidates have extensive opportunities to exhibit multiple dimensions and/or skills in the Assessment Panel and Anonymous Written Exercises, appeals are not practical and therefore the Anonymous Written Exercise and the Assessment Panel portions of the Alternate Promotional System are not subject to the above-described appeal process.

PROMOTIONAL ELIGIBILITY LISTS

10.28 The promotional eligibility list shall consist of a listing by name, in order by last name first, then first name of those persons who took the examination with their corresponding total final scores beginning with the highest total score in descending order to the lowest total score.

10.29 Final scores for all ranks in the fire department shall be computed by combining the number of correct points on the written exam and the number of allowable points for seniority (maximum of 10 points).

- a. Seniority points: Promotional candidates will be granted one (1) point for every year of continuous service from the most recent hire date with the Grand Prairie Fire Department as a Civil Service employee, not to exceed ten (10) points for (10) years of service. Seniority does not include any prior periods of employment and will only be awarded to candidates who successfully pass the Written Examination with a minimum score of 70 points.

- 10.30 Final scores for the ranks of sergeant, lieutenant, and deputy chief in the police department shall be computed by combining the weighted scores on the written exam, the anonymous written exercise, and assessment panel, plus the number of allowable seniority and certification points as defined in the Alternate Promotional System under this Chapter of the Local Rules.

FIRE DEPARTMENT TIE-BREAKING PROCEDURES

- 10.31 In the event that two or more examinees in the Fire Department make identical total scores, the following procedures shall be used to break the tie and to determine placement on the final eligibility list for promotion:
- a. Highest Raw Test Score: If two or more candidates make identical total scores on any Fire promotional exam, the tie shall be broken by the highest raw score on the written test.
 - b. Level of Certification: If there are still identical scores, the tie breaker shall be the level of certification as approved by The Texas Commission on Fire Protection, Chapter 423, Standards for Structure Fire Protection Personnel. The certifications for the Fire department are Basic 423.3, Intermediate 423.5, Advanced 423.7 and Master Fire Fighter 423.9.
 - c. Seniority in Rank: If the identical scores still exist the tie shall be broken by the person who has the most seniority in the position immediately below the position for which the examination was given.
 - d. Date of Certification: If there are still identical scores, the tie breaker shall be the date the candidate received his/her certification level.
 - e. High Score on Entrance Examination: If there are still identical scores, the tie shall be broken by the person who received the highest score on the entrance examination. In the event that the final entrance exam scores cannot be determined, the Civil Service Commission shall designate the tiebreaker.

POSTING OF EXAMINATION RESULTS & ELIGIBILITY LISTS

- 10.32 The results of each promotional examination shall be posted on a bulletin board located in City Hall, in the office of the Civil Service Director, and in the Police or Fire Administration buildings within twenty-four (24) hours after the examination and for the duration noted in 1.25 and 1.26 of these Local Rules.
- 10.33 Each promotional eligibility list shall remain in existence for one year after the date on which the written examination is given unless otherwise exhausted. At the expiration of the one-year period, or after the current list is exhausted, a new promotional examination may be held in accordance with Chapter 143 and these Local Rules.

REVIEW AND APPEAL OF EXAMINATION RESULTS

- 10.34 Upon request, each fire or police promotional candidate may examine the source materials used for the examination, his/her written examination and the answers. If dissatisfied, the applicant may appeal any test question within five (5) business days to the Commission in accordance with Chapter 143. The appeal period shall begin at 8:00 a.m. the next business day after the date of the examination and end at 5:00 p.m. on the fifth day.
- 10.35 The promotional candidates may not remove or copy any question used in the examination.

- 10.36 The review of the examination results shall be done in the presence of a staff member appointed by the Civil Service Director.
- 10.37 The Civil Service Director shall make appropriate arrangements for the Commission to hear and determine all such appeals concerning the examination.
- 10.38 Appeal Guidelines: In reviewing appeals concerning the correctness or incorrectness of an answer to a question on the examination, the Commission shall use the following guidelines to make a determination:
- a. Promotional Test Question Appeal hearings shall be held in accordance with the following provisions:
 - 1) “Test Takers” as used herein shall refer to those individuals who participated in the specific classification test, which is the subject of the appeal hearing, and “Test Maker” shall refer to the person or company who created the test which is the subject of the appeal hearing.
 - 2) Only Test Takers, representatives of Test Maker, and representatives of the City can present comments for consideration by the Commission during the appeal. Test Takers are only permitted to provide commentary, without demonstrative materials or handouts, at the hearing. Test Takers are not permitted to have a representative speak on their behalf at the hearing.
 - 3) The format of the test appeal process to the Commission shall be:
 - a) The question being appealed is called for hearing
 - b) The Civil Service Director may brief the Commission on the question being appealed, grounds for appeal, and feedback from Test Maker.
 - c) Test Takers, Test Maker, and City Representatives wishing to speak provide commentary after being recognized by the meeting chair.
 - d) Commission closes the hearing and opens deliberation.
 - e) Commission votes to uphold or deny the appeal and amend the answer key, as appropriate, in accordance with 10.40 below.
 - 4) Test Takers will be allowed an opportunity to provide commentary to the commission with regard to each question appealed.
 - a) The Commission is not required to allow Test Takers the opportunity to speak more than once with regard to each question which is appealed.
 - b) Each Test Taker will be limited to a **total** of ten (10) minutes, per question appealed, to present any commentary to the Commission. Time responding to Commission inquiries will not be counted toward the speaker’s time.
 - 5) If a question being appealed is the same question as one being appealed on another promotional exam as part of the same agenda, the Commission will call the questions for hearing at the same time to ensure fairness and consistency.
 - 6) The items which can be offered as evidence for consideration of the Commission are the source material for the question being appealed, the appeal documents timely filed with the Civil Service Director, position statements from Test Takers who support or oppose the appellant’s position which were filed with the Civil Service Director during the appeal period, the Test Maker’s written response to the appeals, and commentary provided at the hearing. A full copy of the source material for the question being appealed shall be available at the hearing.

- 7) All individuals in attendance will be respectful and refrain from speaking unless they have been recognized to speak by the Presiding Chair.
- a) Any commentary made by an individual not recognized by the Presiding Chair shall NOT be considered by the Commission when deciding the appeal.
 - b) Employees disrupting the hearing due to a failure to follow the rules of decorum reflects negatively on the City and the department to which the employee is assigned.
- b. Appeals shall be upheld in the following instances:
- 1) the keyed answer is clearly incorrect;
 - 2) other answers are equally correct; and/or
 - 3) a typographical error occurred in the question or answer which significantly alters the meaning of the question.
- c. Appeals shall be denied in the following instances:
- 1) evidence is produced that other sources may support a different answer;
 - 2) the answer indicated by the examination publisher as correct remains the best available answer;
 - 3) the reference page number which corresponds to the page in the text is incorrect.
- 10.39 When the Civil Service Commission upholds an appeal that results in a question or questions being thrown out, the score shall be computed by using a formula so that the remaining number of questions shall total a maximum of 100 points in accordance with Section 143.033.
- 10.40 A promotional examination question appealed to the Commission shall be sustained, overruled, or eliminated by a Ruling issued by the Commission.
- a. **Sustain the answer key** (test scores shall remain as reported)
A Ruling which rejects the appeal presented to the Commission shall require the Director to accept the answer as given on the answer key, while grading the promotional examinations of all eligible candidates.
 - b. **Overrule the answer key** (the Commission shall designate the answer(s) to be accepted)
A Ruling which upholds the appeal of a promotional examination question but does not eliminate the test question, shall require the Director to accept one or more answers, as directed in the Ruling, while grading the promotional examination of all eligible candidates. The Commission is not required to keep the originally keyed answer as one of the acceptable answers.
 - c. **Eliminate the test question** (the test question shall not be included)
A Ruling which rejects the test question related to the appeal of a promotional examination question shall require the Director to disregard the question and its answer while grading the promotional examination of all eligible candidates.
 - d. **Formula for calculating scores after appeals**
The formula for calculating the promotional test scores shall be as follows:

$$(100) / (\text{total number of test questions used}) = \text{point value of each question; truncated to the 2}^{\text{nd}} \text{ decimal place}$$

$$(\text{\# of total test questions}) - (\text{\# of wrong questions}) = \text{\# of correct questions}$$

$$(\text{\# of correct questions}) \times (\text{value of each question}) = \text{score}$$

ACTIVE MILITARY DUTY – PROMOTIONAL EXAMS

- 10.41 Employees who are called to active military duty shall be required to sign an affidavit prior to being deployed stating whether or not they intend to take any promotional examination administered during their active duty.
- 10.42 Employees indicating intent to test shall affirm that he/she shall not engage in any form of communications with any other employee, regarding the promotional exam or any portion of the testing process, at any time prior to the determination and/or posting of their final scores.
- 10.43 If the employee signifies intent to take promotional exams, he/she shall provide the Civil Service Director with a valid e-mail address, fax number or contact method during active duty, and shall notify the Director of any changes in his/her contact information in order to be notified of scheduled exams.
- 10.44 Employees shall be notified of scheduled promotional exams via the current contact information provided by the employee. The employee shall fax or e-mail confirmation to take the test within 10 days of receipt of the Notice of Exam. If military operations prevent an employee from meeting this deadline, the employee shall submit written confirmation as soon as possible, to take the test along with a statement from his/her commanding officer verifying military operations prevented a response during the 10-day period.
- 10.45 The employee shall make arrangements with a *military exam coordinator*, his/her JAG (military attorney), or if unavailable, the commanding officer - to proctor the promotional exam and shall provide the name of that individual and contact information along with a valid fax number, if available, to the Civil Service Director/designee. Once designated, the same person shall be used throughout the examination process as noted herein.
- 10.46 The Civil Service Director/designee shall coordinate the administration and scoring of the exam with the employee's military exam coordinator.
- 10.47 Test packets containing the written examination, answer sheet, answer key, an affidavit and test instructions shall be provided to the military exam coordinator at least twenty-four (24) hours prior to the scheduled exam date. If possible, the written examination for the active-duty personnel should be administered on, or as close to, the same day and time as the scheduled exam at the City.
- 10.48 All exam materials (exam, answer sheet and answer key) shall be returned to the Director immediately following the scoring of the exam.
- 10.49 The candidates for Fire promotional examinations shall be provided their score and placement on the eligibility list via fax, e-mail, or other method as available.
- 10.50 Additional Requirements for employees taking promotional exams in the Police Department who are subject to the Alternate Promotional System:
- a. In addition to the items described in Section 10.47, there shall be a separate packet included containing a ballot with a list of names in the Grand Prairie Police Department who are eligible to participate as assessors in the Alternate Promotional Process. Also contained in the separate packet shall be an anonymous writing exercise that was prepared by the Chief of Police and that is identical to the anonymous writing exercise taken by other candidates who passed the written examination.

- b. If the candidate makes a score of 70 or above on the written examination, the military exam coordinator shall have the candidate select three assessors from the ballot provided in the separate test packet; and have the candidate complete the anonymous writing exercise in accordance with the test administration instructions provided. If the candidate does not score a 70 or above on the written exam, the second test packet should not be opened or administered.
- c. In accordance with Section 10.48 above, all exam materials, including the additional testing packet containing the ballot and anonymous writing exercise shall be returned to the Director immediately following completion of all exercises. **If the candidate did not pass the written examination with a score of 70 or above, the second packet shall be returned to the Civil Service Director unopened.**
- d. If the employee wishes to review and/or appeal any question, the Civil Service Director shall coordinate transmission of the exam, a copy of the employee's answer sheet, the scoring sheet and appeal forms to the military exam coordinator who shall oversee the review process. Any appeals filed shall be submitted within the appeal deadline and sent via fax or e-mail to the Civil Service Director who shall forward the appeal to the Civil Service Commission for hearing. All materials used in review and/or appeal process are to be filed with the Civil Service Director within five (5) business days.
- e. Eligible police promotional candidates who passed the written examination with 70 or above shall be required to participate in the Assessor Panel Interviews within 30 days from the date the employee returns to duty in the Police Department. Every attempt shall be made by the Civil Service Director to convene the same assessor panel as the one who interviewed the other candidates in the assessment process for the same exam. The final score to be placed on the eligibility list shall be in accordance with the rules noted in the Alternate Promotional System section under this Chapter of the Local Rules.
- f. Once the employee has completed the Assessor Panel Interviews, final scores shall be computed, and the employee's name shall be added to the eligibility list in rank order according to the score. In the event that the employee's final score results in a promotion, it shall be retroactive to the date the employee would have otherwise been promoted if he/she had not been on military leave. In the event there are no current vacancies in that rank, the last employee who was promoted from the current eligibility list shall be bumped back to his/her previous rank with a preferential right to the next vacant position in that rank, regardless of the existence of an eligibility list.

FILLING VACANCIES CREATED BY EMPLOYEES ON ACTIVE MILITARY DUTY

- 10.51 In accordance with Section 143.072, when a vacancy in rank occurs in the Police or Fire Department, as a result of an employee who was called to active military duty, the Department Head shall fill the person's position in the department in accordance with Chapter 143 in one of two ways at the discretion of the Department:
- a. to fill the vacancy by promotion from an eligibility list, either existing or by giving an exam if there is no current eligibility list in accordance with Section 143.032 or;
 - b. appoint a person from the next lower classification to temporarily fill a position in a higher classification. The employee designated to temporarily fill the position shall receive the base pay rate of the higher position, plus the person's own longevity or seniority pay, educational incentive pay, and certification pay in accordance with Section 143.038.

- 10.52 Upon termination of active military service, a fire fighter or a police officer shall be reinstated to the position that the person held in the department at the time the leave of absence was granted, if eligible in accordance with Section 143.072. If that reinstatement causes the person's replacement to be returned to a lower position in grade or compensation, the replaced person has a preferential right to a subsequent promotion to the same or similar position from which the person was demoted.
- 10.53 When a vacancy to replace an employee on military leave is filled in accordance with this chapter of the Local Rules, and there are one or more additional vacancies resulting from employees terminating employment prior to the time that the employee on military leave returns to duty, the replacement for the employee on military leave has a preferential right to the next vacancy and shall automatically move into the vacated position regardless of any existing eligibility list. The next eligible candidate on the list shall then be considered for promotion to replace the employee on military leave with the same preferential right to the next vacant position. The same process would be followed for any additional vacancies that occur before the employee on military leave returns to duty.
- 10.54 In accordance with Section 143.038, the duties that are temporarily performed in a higher classification by an employee who has not been promoted as prescribed by Chapter 143 shall not be construed as a promotion and employees performing those duties shall not have any preferential right to the next vacancy.

PROMOTIONAL APPOINTMENTS

- 10.55 Prior to appointment, all promotional candidates shall be subject to a background check consisting of criminal history and driving records and shall be subject to a medical examination and drug screen in accordance with City Policy.
- 10.56 In accordance with Section 143.036(f), the department head shall appoint the eligible promotional candidate having the highest grade on the eligibility list unless the Department Head has a valid reason for not appointing the person. If the department head has a valid reason for not appointing the eligible promotional candidate having the highest grade, the department head shall personally discuss the reason with the person being bypassed before appointing another person and shall file the reason in writing with the Commission, with a copy being provided to the candidate who is bypassed.
- 10.57 On application of the bypassed eligible promotional candidate, the reason the department head did not appoint that person is subject to review by the commission or, on the written request of the person being bypassed, by an independent third-party hearing examiner under Section 143.057. Such an appeal shall be filed with the Commission within ten days (240 hours) of receiving notice of the bypass from the department head.

END OF CHAPTER 10

CHAPTER ELEVEN

DISCIPLINARY APPEALS

GENERAL PROVISIONS

- 11.1 These rules shall apply to and govern all appeals of temporary and indefinite suspensions, recommended involuntary demotions, and promotional bypasses pursuant to Chapter 143 of the Texas Local Government Code.
- 11.2 Disciplinary actions involving Civil Service employees shall be made in compliance with Chapter 143, these Local Rules, the City's Human Resources Policies and Procedures Manual and the standard operating procedures of the employee's department.
- 11.3 Promotional bypasses and appeals thereof shall be made in accordance with Section 143.036.

SCOPE OF MATTERS SUBJECT TO APPEAL

- 11.4 Matters subject to appeal are limited to:
- a. definite suspensions (temporary),
 - b. indefinite suspensions,
 - c. recommended involuntary demotions, or
 - d. promotional by-passes.
- 11.5 Matters not subject to appeal include:
- a. Employee dissatisfaction resulting from a transfer or reassignment of duties. Duty assignments and transfers are at the exclusive discretion of the Police and Fire Chiefs.
 - b. Employee dissatisfaction resulting from a discretionary policy decision or policy matters.
 - c. Employees who voluntarily resign or retire from the Civil Service and thereby forfeit all rights to the disciplinary appeal processes.
 - d. An employee who has voluntarily accepted an agreement in writing, which is intended to resolve the issue of any form of disciplinary action imposed by the Department Head, thereby forfeits all rights in the disciplinary appeal process for such specific disciplinary action.
 - e. Reprimands or counselings issued, or as delegated, by the Department Head.
- 11.6 Other matters not listed herein may attempt to be resolved through the City of Grand Prairie Grievance Policies and Procedures.

CAUSES FOR REMOVAL OR SUSPENSION

- 11.7 The tenure of every Civil Service employee is subject to good behavior, and any such employee may be disciplined, suspended or indefinitely suspended from Civil Service employment for any actions or omission involving one or more of the following grounds:
- a. The conviction of the employee of a felony or other crime involving moral turpitude;
 - b. Violation of a provision of the Municipal Charter of the City of Grand Prairie, Texas;
 - c. Acts of incompetence;
 - d. Neglect of duty (dereliction of duty);
 - e. Discourtesy by an employee to the public or a fellow employee while in the line of duty;
 - f. Acts showing a lack of good moral character;
 - g. Ingesting 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 authorized leave;
 - k. Shirking duty, or cowardice at fires;
 - l. Violation of an applicable fire or police department rule, directive, general or special order, or the Human Resources Policies and Procedures.
- 11.8 A Department Head may proceed with appropriate disciplinary action arising from any particular factual event(s) and/or misconduct which would constitute "cause", only when the employee's misconduct is related to those matters set forth in Section 143.051 and Section 11.7 above.
- 11.9 The term "cause" shall also mean "employee misconduct" and shall necessarily include any action or omission that violates an applicable provision of Chapter 143, an applicable rule or regulation duly adopted by the Civil Service Commission of Grand Prairie, a City of Grand Prairie Human Resources Policies and Procedures, or a fire or police department rule, directive, general or special order.
- 11.10 For disciplinary action purposes, a determination of what constitutes cause is generally made by deciding what a reasonable person, who is mindful of the responsibilities and needs of their department; and of the standards of justice and fair dealing prevalent in the City of Grand Prairie, should have done (or should not have done) under similar circumstances.
- 11.11 Prior to imposing any particular level of suspension on any employee, the Department Head must issue a Notice of Complaint to the employee.
- 11.12 A Civil Service employee may be disciplined by the Department Head by an order in writing submitted in compliance with Chapter 143 stating at least the following:
- a. the specific rule violation under Chapter 143, the Local Rules, City of Grand Human Resources Policies and Procedures, or other applicable rule, directive, general or special order of the department;
 - b. a description of the operative factual events giving rise to the alleged violation;
 - 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.
- 11.13 The written order of the Department Head imposing a disciplinary action shall be filed with the Commission within one-hundred-twenty (120) hours after the disciplinary action is imposed. A copy thereof shall also be delivered to the employee in accordance with Chapter 143, Section 143.052(c).

RECOMMENDATIONS FOR INVOLUNTARY DEMOTION

- 11.14 The public hearing of the recommended involuntary demotion should follow the same hearing procedures as set forth herein for suspensions or as expressly provided otherwise in Chapter 143.

WORKING OFF SUSPENDED TIME

- 11.15 The provisions of this section shall apply solely to a suspension, which is agreed to by the employee and the employee waives his/her appeal to the Commission, to a Hearing Examiner, or to a court of competent jurisdiction.
- a. A classified employee who is suspended less than 5 calendar days, upon the employee's request and at the Chief of Police or Fire Chief's discretion, as applicable, may forfeit vacation designated by said Chief for a period of time equal to the suspension. The employee shall be required to work on the forfeited vacation day(s).

- b. The employee shall have his/her vacation balance deducted in an amount equal to the suspension.
- c. To request Working Off Suspended Time, the suspended employee shall make a written request to the appropriate Chief prior to a formal suspension being issued or within 120 hours after receiving the notice of suspension.
- d. Failure to make a written request to the appropriate Chief within the allotted time shall result in an employee not being eligible for the provision of this Section.

PROMOTIONAL BYPASS PROCEDURE

- 11.16 Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted.
- 11.17 If the department head has a valid reason for not appointing the eligible promotional candidate having the highest grade on the eligibility list, he/she shall personally discuss the reason with the person being bypassed before appointing another person.
- 11.18 When bypassing a promotional candidate, the department head shall file the reason in writing with the Commission and shall provide the person being bypassed with a copy of the written notice. The written notice must contain the right to appeal to a third-party hearing examiner in accordance with Section 143.057(a).
- 11.19 After the employee has been bypassed (passed over) for promotion in accordance with Section 143.036, the bypassed person may apply for a review by the Commission of the reason for the bypass, or, on the written request of the person bypassed, by an independent third-party hearing examiner under Section 143.057.
- 11.20 In accordance with Section 143.057, an independent third party's fees and expenses are shared equally by the appealing fire fighter or police officer and by the department. The costs of a witness are paid by the party who calls the witness.
- 11.21 If a person is bypassed, the person's name is returned to its place on the eligibility list and shall be resubmitted to the department head if another vacancy occurs. If the department head refuses three times to appoint a person, files the reasons for the refusal in writing with the Commission, and the Commission does not set aside the refusals, the person's name shall be removed from the eligibility list in accordance with Section 143.036.

PROCEDURES FOR APPEAL TO THE COMMISSION OR TO A HEARING EXAMINER

- 11.22 The employee's notice of appeal must be filed in writing in the Director's office within ten (10) calendar days (240 hours) after receiving the suspension, recommended involuntary demotion or bypass notice from the Department Head. An employee may withdraw his/her request for an appeal at any time thereafter, which shall terminate the proceedings.
- 11.23 In accordance with Sections 143.010 and 143.057, the employee's notice of appeal and request for hearing shall include:
 - a. the basis for appeal,
 - b. a request for a Commission hearing or a request to appeal to an independent third party hearing examiner
 - c. either a statement denying the truth of the charge as made; a statement taking exception to the legal sufficiency of the charge, a statement alleging that the recommended action does not fit the offense or alleged offense, or a combination of these statements.
 - d. All other procedures as set forth in Sections 143.010 and 143.057 shall be followed.

TIME PERIOD AND METHOD FOR FILING DOCUMENTS WITH THE DIRECTOR

- 11.24 Except as otherwise provided by Chapter 143, if a fire fighter or police officer wants to appeal to the Commission, or to a Third-Party Hearing Examiner, from an action which an appeal or a review is provided by Chapter 143, the fire fighter or police officer need only file a written appeal with the Commission within ten days (240 hours) after the date that the action occurred.
- 11.25 Failure on the part of an employee to file an appeal of a suspension, recommended involuntary demotion, or bypass notice with the Office of the Civil Service Director within the ten (10) day (240 hour) period in accordance with Section 143.010 shall result in no appeal of the matter being heard.
- 11.26 Fire fighters or police officers who file notices of appeal or other matters may do so by facsimile transmission (FAX), by hand delivery or regular or certified mail to the Office of the Civil Service Director. In all cases, it shall be the employee's responsibility to maintain the appropriate form of proof of timely fax, service, or other delivery to and receipt by the Office of the Civil Service Director.

OPTIONS FOR APPEAL HEARINGS

- 11.27 At any time after filing an original notice of appeal to a third-party hearing examiner, but prior to either party having incurred third party hearing examiner expenses, an employee may withdraw the original request and submit the appeal to a hearing before the Civil Service Commission. The election shall be made in writing and filed with the Director's office and can in no way be used to manipulate the thirty (30) day hearing deadline imposed on the Commission decisions by Chapter 143.
- 11.28 At any time after filing the Notice of Appeal, the parties may mutually agree to withdraw the appeal from an independent third-party hearing examiner and submit the appeal for a hearing before the Commission. The mutual agreement shall be made in writing and filed with the Director's office.
- 11.29 Upon receipt of the list of seven (7) qualified neutral hearing examiners from AAA or FMCS, the appealing employee (or representative) shall make the first strike from the list, and the City's representative shall make the second strike. The parties shall alternatively strike the remaining names until only one remains.

COORDINATION OF DISCIPLINARY HEARINGS & APPEALS BY THE DIRECTOR

- 11.30 The location and accommodations for all hearings and appeals shall be arranged by the Civil Service Director.
- 11.31 If an employee files an appeal to the Commission, the Commission shall hold a hearing and render a decision in writing within thirty (30) days after the date it receives notice of appeal. The employee and the City may agree to extend the thirty (30) day period. If additional postponements are requested, the party requesting the postponement (and/or his legal representative) shall appear before the Commission to justify the extension of time.
- 11.32 All subsequent matters raised by either party regarding attendance, scheduling, requests for subpoenas, request for continuances, etc., shall be coordinated through the Director.
- a. All such information shall be provided to the Director who shall then provide copies of the same to the opposing party or representative and coordinate the appropriate response or action to be taken. In a hearing coordinated by an outside agency, that agency shall also provide coordination services between the parties and the hearing examiner in conjunction with the Director's office.

EXPENSE AND COSTS

- 11.33 If appealed to a third-party hearing examiner, the hearing Examiner's fees and expenses shall be shared equally by the employee and the Department.
- 11.34 The hearing examiner and/or Commission and both parties in an appeal shall determine a reasonable process at the time of the hearing to minimize unnecessary and extensive waiting by witnesses prior to being called in to testify, especially in the case of on duty officers or firefighters which could impact staffing.
- 11.35 The party who calls the witness, excluding applicable fire fighters or police officers noted in 11.40 below, shall pay the costs for those witnesses, including salary and any overtime.
- 11.36 The City shall pay a fire fighter or police officer for an appearance as a witness *if* the appearance in the administrative, criminal, or civil proceeding:
- a. Is required;
 - b. Is made on time off; and
 - c. Is made by the fire fighter or police officer in the capacity of a fire fighter or police officer.
- 11.37 State law governing the doctrine of "mitigation of damages" shall be applicable in computing any reimbursements or offset for an award of back pay to be made to an employee as a result of a disciplinary action being modified or reduced.
- 11.38 The cost to copy personnel records and files shall be at the rates established by city ordinance.

FAILURE TO ATTEND SCHEDULED HEARINGS

- 11.39 The failure of a party to attend a scheduled appeal hearing, or to file a request for a continuation of the hearing to a later date within ten (10) days prior to the scheduled hearing date, 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. In the case of extraordinary circumstance, either party may request and be granted a continuance.

EMPLOYEE AND DEPARTMENT REPRESENTATIVES

- 11.40 The hearing process shall recognize the right of employees as well as the Department to be represented by one or more persons throughout the processing of a disciplinary appeal. However, only one representative shall be allowed to speak or otherwise present evidence on behalf of either party throughout the questioning of a particular witness.
- 11.41 Employee and Department representatives shall make reasonable effort to resolve all issues as smoothly and expeditiously as possible by keeping presentations brief and to the point.

PRE-HEARING PROCESS

- 11.42 These rules apply to appeal hearings before the Civil Service Commission and third-party hearing examiners. 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 civil service proceedings.

- 11.43 Parties who request photocopies of documents from the opposing party shall be accommodated if such requests are reasonable. Items from departmental policies, rules and procedures manuals may be photocopied. Items such as Accident/Injury Review Board recommendations, time and attendance records, duty status forms and other such documents may also be provided so long as they are relevant to the employee and the disciplinary action under appeal.
- 11.44 Employees and their representatives may obtain copies of matters contained in the employee's own civil service personnel file pursuant to Chapter 143.089(a). The employee or representative may obtain copies of matters contained in his or her departmental file only after the commission or hearing examiner has determined that the sought-after documents are relevant and has signed an agreed protective order.
- 11.45 Before requesting a subpoena duces tecum for the production of documentary material, a party shall first make a request for the materials directly to the other party and provide a reasonable time for a response.
- a. If the request is refused or otherwise not produced, then a request may be made to the Commission or to the Hearing Examiner (through the AAA) to issue a subpoena duces tecum.
 - b. Requests for subpoenas shall be submitted at least ten (10) days prior to the scheduled hearing date in order to be timely processed.
 - c. For appeals to be held by the Commission, the Chairman of the Civil Service Commission shall be authorized to sign subpoenas without calling a Civil Service Commission meeting to consider the requests.
 - d. In the event that the Chairman is unavailable, he/she may review the subpoena request with the Civil Service Director and grant the Director permission to sign the subpoena in his/her absence.
 - e. Objections to subpoenas and subpoena duces tecum shall be processed according to the provisions of Chapter 143 in advance of the hearing.
- 11.46 Prior to the hearing, the parties shall make an effort to agree on joint exhibits to be submitted, to stipulate to facts not in dispute and to frame the issues to be decided.
- 11.47 No later than three (3) business days prior to the hearing date, the parties shall provide opposing counsel and the Chairman of the Commission or Hearing Examiner, as appropriate, with a witness list and an exhibit list. Exceptions to this provision shall be approved by the Chairman of the Civil Service Commission or Hearing Examiner, as appropriate.
- 11.48 All requests for subpoenas shall be coordinated through the Director's office with copies of same being provided to the opposing party.
- a. The Director shall send requests for subpoenas to the American Arbitration Association if the appeal is before a third-party hearing examiner.
 - b. Requests for subpoenas shall be filed with the Commission or the AAA or FMCS at least (10) days prior to the scheduled hearing date in order to be processed in time.
 - c. The request to receive documentation from the city files via the use of a subpoena shall not be an absolute right and shall be limited only to documents which are relevant to the employee's disciplinary appeal.
 - d. Compliance and/or consequences for non-compliance with subpoenas issued on behalf of the appellant is the sole responsibility of the employee.

CIVIL SERVICE COMMISSION HEARING PROCEDURES

- 11.49 At the scheduled time and place, the hearing shall be called to order by the Chairman of the Commission.

- 11.50 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) sets of bound and indexed copies of all exhibits and documents to be considered by the Commission or offered into evidence at the hearing.
- 11.51 All hearings and meetings of the Civil Service Commission shall be open to the public except the deliberations of the Commission, which may be conducted in executive session.
- 11.52 A record or minutes of the proceedings, capable of clear and accurate reproduction or transcription, shall be made and maintained by the Director.
- 11.53 After being called to order, but prior to the beginning of testimony or evidence, consideration shall be made as to any pre-hearing motions, requests or jurisdictional matters raised by either party. The participants shall also seek to obtain as many stipulations as possible as to non-contested or non-material matters. The Commission may "carry" such pre-hearing motions until the hearing is completed and all factual evidence has been presented before making its final ruling thereto.
- 11.54 Both parties shall be allowed to make brief opening statements.
- 11.55 The hearing shall then proceed to develop the evidence and testimony as to those contested matters.
- a. The City shall be first in the presentation of evidence and testimony.
 - b. The responding party shall have the opportunity to respond with its own evidence, witnesses and/or testimony.
 - c. Thereafter, the party with the burden of proof may come forward with rebuttal evidence or testimony as may be necessary.
 - d. Presentations by both parties shall be as brief and closely related to the issue(s) as much as is possible.
 - e. Throughout the proceedings, Commission members may also ask questions as needed in order to aid their consideration of the testimony or evidence.
- 11.56 Witnesses shall be sworn, and their testimony taken under oath or affirmation. Witnesses are subject to reasonable and relevant cross-examination by the opposing party.
- 11.57 Upon request by either party, the hearing process may utilize what is commonly known as "Invoking the Rule" concerning oral testimony. This means that all persons who are expected to testify at the hearing, other than the parties and their representatives, shall not be allowed to observe or listen to any of the proceedings except when they are actually testifying as a witness. "The Rule" may be used to ensure one witness' testimony is not influenced by another's testimony. While under "the Rule", potential witnesses shall not discuss any aspect of the appeal or hearing except with the attorneys or the representative involved. Invoking "the Rule" is not mandatory and may be waived in whole or in part by agreement.
- 11.58 The Commission shall exercise reasonable control over the hearing process, 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 the needless consumption of time and expense; and
 - d. protect the witnesses and employees from harassment or undue embarrassment.
- 11.59 The Commission shall have the discretion to control the length of time of any particular session as well as the amount of time provided for recesses, breaks, lunch hours, etc.

- 11.60 All hearings shall remain professional, respectful, and business-like, focusing upon resolution of factual matters, and shall not be a time for accusations, threats, speeches or arguments. The Commission shall have the discretion to recess any meeting when they deem the conduct to have become unprofessional, disrespectful and/or non-productive and where the purpose of the meeting is unable to be accomplished.
- 11.61 After the close of the presentation of evidence and testimony, both parties shall be given an opportunity to make closing summations.
- 11.62 Thereafter, the Commission may adjourn to executive session for deliberation, in accordance with Section 143.053. The Commission shall reconvene in open session and shall, upon motion and second duly made, vote in open session as to whether the charges are "True." If the charges are found to be "True," then the Commission shall vote in open session to uphold or modify the discipline. Thereafter, a written order containing same shall be prepared and signed by the Commissioners with copies forwarded to all parties within thirty (30) days after the conclusion of the hearing.

RULES OF EVIDENCE

- 11.63 Technical rules of evidence shall not apply nor control the conduct of hearings. The Texas Rules of Court and the Texas Rules of Evidence shall not apply nor govern any aspect of these proceedings.
- 11.64 The scope of evidence to be considered at a disciplinary hearing shall be generally limited to matters relevant to the statement of charges as set forth in the Department's written statement, the employee's notice of appeal, as well as the employee's previous employment record with the department.
- 11.65 Either party may offer such relevant evidence as he/she may desire to aid in the determination of material disputed issues.
- 11.66 It shall be the province of the Commission to ultimately determine:
- a. the admissibility of any particular evidence or testimony;
 - b. the relevance of any particular evidence or testimony;
 - c. the credibility of any particular evidence or testimony; and
 - d. the materiality or "weight" to be given to any particular evidence or testimony.
- 11.67 Subject to limited exceptions for compelling reasons shown by a party, the Commission may refuse to hear or consider any testimony or item of evidence if a party has deliberately withheld previously known and duly requested evidence from the other party until the hearing, and the said evidence should have been previously produced in accordance with these rules.
- 11.68 The Commission shall refuse to hear any testimony or consider any evidence if the hearing has been closed.
- 11.69 The Commission may receive and consider the evidence of witnesses by affidavit and assign same such weight as it deems proper after consideration of objections, if any, made to its admission.
- 11.70 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.
- 11.71 All evidence and testimony shall be presented and received into the record while in open session.
- 11.72 A party is required to establish its factual assertions via a "preponderance of the evidence". A "preponderance of the evidence" means the greater weight and degree of credible testimony or evidence admitted into the record.

- 11.73 It shall be recognized that prior to imposing any form of discipline, the Department Head may use lesser forms of disciplinary or corrective action. However, the 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 derogate a previously unblemished record.
- 11.74 During the hearing, the Commission shall provide the employee every reasonable opportunity to produce objective evidence and/or testimony to develop:
- a. that the employee did not commit the misconduct as alleged, i.e., "the facts are not true;" or
 - b. that even if the employee committed the acts as alleged, that such activity does not constitute actionable misconduct; or
 - c. that even if the employee committed actionable misconduct, that the degree of discipline imposed is too harsh or severe, i.e., the disciplinary action imposed was "unreasonable, arbitrary or capricious"; or
 - d. a combination of any of these matters which would justify or compel modification of the Department Head's action.
- 11.75 An employee's mere disagreement or difference of opinion in regard to the Department Head's actions or reasoning shall not constitute grounds to overturn nor modify the disciplinary action.
- 11.76 If the Commission finds that one valid charge of misconduct is 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.

FINDINGS AND ORDERS OF THE COMMISSION

- 11.77 As a result of the evidence and testimony presented at the hearing, the Commission shall make a just and fair resolution of the matter via a vote in public session, which may be reduced to a written statement finding the truth of the specific charge(s) against the employee, or a written statement finding that the specific charge(s) against the employee are "not true." This issue shall be addressed in all final orders, regardless of the subsequent issues addressed in the same final order.
- 11.78 In the event that the specific charge(s) of misconduct against the employee are found to be not true, then the final order and ruling shall be to promptly restore the employee to the employee's prior rank without penalty. In accordance with Local Rule 7.1, the matter of duty assignments shall remain with the respective department head and may not be appealed.
- 11.79 In the event that one or more of the specific charges of misconduct against the employee are found to be "true", then the final order and ruling shall clearly state whether the employee is:
- a. permanently dismissed (indefinitely suspended) from the fire or police department; or
 - b. temporarily suspended from the department and shall then set forth the definite time period and conditions of suspension which shall be imposed.
- 11.80 The final ruling on a disciplinary appeal shall also include such other matters so as to finally and clearly resolve the issues under consideration, particularly to resolve questions concerning:
- a. the employee's resulting employment status,
 - b. back pay and benefits,
 - c. mitigation of damages, and
 - d. whether the documents relating to the disciplinary action should be modified or removed from the employee's personnel file according to Section 143.089(a).

- 11.81 If modifying the disciplinary action of the department, the final order shall clearly explain in writing the factors and rationale for doing so. If affirming the disciplinary action of the department, it shall be presumed that it is based on the same reasons and facts as presented by the department unless otherwise indicated.
- 11.82 The Commission shall not make "contingency" rulings.
- 11.83 If appropriate, the Commission's ruling may enter a finding that the employee's appeal was frivolous and/or not brought in good faith.
- 11.84 State law governing the doctrine of "mitigation of damages" shall also apply as an off set and credit in determining the appropriate amount of back pay and benefits to be recovered by the employee in the event a suspension is reduced.
- 11.85 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.

APPEALS TO INDEPENDENT THIRD PARY HEARING EXAMINERS

- 11.86 The Director shall coordinate with the parties and the agency sponsoring the Hearing Examiner as to all matters regarding scheduling, place of hearing, accommodations, etc.
- 11.87 The rule making power and authority of the Civil Service Commission is in no way conferred upon or delegated to any Hearing Examiner, either by implication or otherwise.
- 11.88 In all cases, the employee filing the appeal shall be the first to strike a name from the list of possible hearing examiners in the event there is no agreement on a single hearing examiner.

END OF CHAPTER ELEVEN

CHAPTER TWELVE
LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE

- 12.1 Police officers and fire fighters shall be provided with a leave of absence for an illness or injury related to the person's line of duty in accordance with Section 143.073.
- 12.2 Police officers and fire fighters shall provide the Chief with a valid address and/or telephone number where they can be reached while on illness or injury leave of absence.
- 12.3 Police officers and Fire fighters shall report in as required by the Chief while on illness or injury leave of absence. Police officers and Fire fighters shall use illness or injury leave to recuperate and not to be involved in other employment or self-employment or activities that may hinder recuperation.

END OF CHAPTER TWELVE

CHAPTER THIRTEEN

ACCUMULATION OF LEAVE

SICK LEAVE

- 13.1 A Fire fighter or Police officer who normally averages a 40-hour work week, 80-hour pay periods, are allowed sick leave with pay accumulated at the rate of 4.615 hours per paycheck for a total of fifteen (15) working days credit or 120 hours, each twelve (12) months.
- 13.2 In the case of a fire fighter who normally averages fifty-six (56) hour work week, for purposes of the accumulation of sick leave, a “working day” shall be considered to be twelve (12) hours, so that such fire fighter shall earn 180 hours of sick leave with pay each year.
- 13.3 Fire fighters or police officers who use sick leave shall be charged with the actual number of hours on sick leave. If absent for one full day the number of hours used shall be the number of hours the employee is scheduled to work on that day regardless of the type of shift.

VACATION

- 13.4 Fire fighters working a 40-hour week shall accrue ninety-six (96) hours for a total of 12 days per year for the first year of service. At the end of the first-year fire fighters shall accrue 120 hours for a total of 15 days per year until they have completed 15 years of service. At the beginning of the 16th year of service, these employees shall accrue at rate of 160 hours for a total of 20 days of vacation per year.
- 13.5 Fire fighters working 24-hour shifts shall accrue vacation at the rate of six (6) twenty-four hour shifts the first year of service. At the end of the first year, the fire fighters shall accrue at the rate 7.5 shifts per year (180 hours) until they have completed 15 years of service. At the beginning of the 16th year of service, these employees shall accrue leave at the rate of ten (10) shifts (240 hours) per year.
- 13.6 For the purposes of accumulation of vacation leave for police officers, a “working day” shall be considered to be eight (8) hours, regardless of the type of shift worked so that police officers shall accrue a total of ninety-six hours (96) for a total of 12 days per year for the first year of service. At the end of the first year of service, accruals shall be at the rate of 120 hours for a total of 15 days until they have completed 15 years of service. At the beginning of the 16th year of service, these employees shall accrue leave at the rate of 160 hours for a total of 20 days of vacation per year.
- 13.7 Fire fighters or police officers who use vacation shall be charged with the actual number of hours on vacation. If absent for one full day the number of hours used shall be the number of hours the employee is scheduled to work on that day regardless of the type of shift.

END OF CHAPTER THIRTEEN

SAVINGS CLAUSE

The provisions of these rules and regulations are declared to be severable. If any rule, section, sentence, clause, phrase, or word of the Local Rules shall for any reason be held 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 words, but they shall remain in effect, it being The Commission's intent that the Local Rules shall stand notwithstanding the invalidity of any subpart.

END OF CIVIL SERVICE RULES



**ORDER OF THE GRAND PRAIRIE
CIVIL SERVICE COMMISSION**

On this, the 20th day of April 2023, the Grand Prairie Civil Service Commission considered the adoption of the revised City of Grand Prairie Fire Fighters and Police Offices Local Civil Service Rules and Regulations in accordance with Section 143.008 of the Texas Local Government Code. After having adequate time for review of these revised rules and regulations, the Commission hereby **ORDERS, ADJUDGES, AND DECREES** that these rules shall be adopted and become effective after a summary identifying changes has been posted for a period of seven (7) days in accordance with Section 143.008 of the Local Government Code. A full set of the redlined rules shall be posted on Raving Fans for this 7-day period as well for viewing by any interested employee.

These rules completely replace any rules in place prior to this set of adopted rules.

Civil Service Director

Civil Service Commissioner

Civil Service Commissioner

Civil Service Commissioner