



**RULES AND REGULATIONS
OF THE
CIVIL SERVICE COMMISSION
CITY OF DENTON, TEXAS**

**ADOPTED BY THE CIVIL SERVICE COMMISSION
March 25, 2010**

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**FIRE FIGHTER'S AND POLICE OFFICER'S
CIVIL SERVICE COMMISSION
CITY OF DENTON, TEXAS**

ORDER

10-11

BE IT HEREBY KNOWN that on March 25, 2010, the Civil Service Commission of the City of Denton, Texas, met in open session for the purpose of consideration and adoption of proposed amendments to the City of Denton Firefighter's and Police Officer's Civil Service Rules and Regulations. Upon proper motion having been made and seconded, the Commission proceeded to officially adopt the revised Rules and Regulations for Civil Service employees regarding fitness for duty (Section 081).

Therefore it is the ORDER of this Commission that the Rules and Regulations as set forth above be revised and are hereby adopted to be the official rules and regulations for Denton Civil Service employees.

It is the FURTHER ORDER of this Commission that the Director of Civil Service shall immediately cause these Rules and Regulations to be officially recorded and thereafter implemented in accordance with Chapter 143 of the Texas Local Government Code.

It is the FURTHER ORDER of this Commission that these rules and regulations as adopted shall become fully effective immediately upon their being recorded and implemented in compliance with Chapter 143 of the Local Government Code.

SIGNED AND ENTERED this 25th day of March 2010.

BY THE COMMISSION:

DR. DARYHYL RAMSEY, CHAIR

ABRAHAM BENAVIDES, VICE-CHAIR

PEGGY FOX, COMMISSIONER

ATTEST:

CARLA ROMINE, DIRECTOR
CIVIL SERVICE COMMISSION or DESIGNEE

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**The Firefighters' and Police Officers'
Civil Service Rules and Regulations
of the
City of Denton, Texas**

PREAMBLE: Pursuant to Chapter 143 of the Texas Local Government Code, the Fire Fighters' and Police Officers' Civil Service Commission of the City of Denton, Texas does hereby adopt the following rules and regulations for the administration of the civil service system for the City of Denton, Texas (the "City").

**CHAPTER A
GENERAL PROVISIONS**

001. **PURPOSE**

There is hereby established a Fire Fighters' and Police Officers' Civil Service with the adoption of these Local Civil Service Rules and Regulations, in compliance with Chapter 143, as amended, of the Texas Local Government Code.

002. **MUNICIPALITIES COVERED BY CHAPTER (RESERVED)**

003. **DEFINITIONS**

[Subjected to additions or deletions as additional rules are considered for adoption.]

- (1) **APPOINTMENT** - The designation of a person by the **City Manager** to become an employee in a classified civil service position. (*Revised 9/19/02; 11/16/06; 3/25/10; superceded by meet and confer agreement*)

The meet and confer agreements for Police and Fire that was approved by the City Council on September 26, 2006, allow for appointments to be made by the department head. The agreements approved September 22, 2009, continue to allow.

- (2) **BUSINESS DAY** - The day the City is customarily open for normal business, and does not refer to the employee's workday, or holidays observed by the City.
- (3) **CLASSIFICATION** - A position or group of positions that involve similar duties and responsibilities and require similar qualifications.
- (4) **CIVIL SERVICE ANNIVERSARY DATE** - The date a person was most recently hired into a classified civil service position in this city.
- (5) **DAY** - Calendar day, unless otherwise specified.
- (6) **DEMOTION** - The transfer of an employee from a position in one classification to a position in another classification for which the maximum rate of pay is lower.
- (7) **ELIGIBILITY LIST** - **A list of candidates for a classified civil service position who have taken and passed the examination, turned in all paperwork as**

required by the department and/or Civil Service director, and passed and are ranked on the eligibility list in order of the score received, including tie-breakers. *(Revised 6/15/04; 11/16/06; 3/25/10; superceded by meet and confer agreement for Fire and Police)*

In the case of Fire, this list will be called a “Commission List” in compliance with article 4, section 3 of the Fire meet and confer agreement approved by City Council on September 26, 2006. This provision was reapproved in the September 22, 2009, Fire agreement.

In the case of Police, this list will be called a “certification list” and will be created based upon Texas Peace Officer Certifications after passing the written examination. Upon approval of the “certification list” by the Commission, the Civil Service director will certify all the names on the list to the department head which will then make it an “eligibility list” (reference article 2, section 2d).

With the Police meet and confer agreement approved on September 22, 2009, for the rank of Lieutenant, placement on an eligibility list will not be based on a written examination alone. Upon passing the written examination, the candidate’s raw score, plus Records Review score, plus any seniority points will constitute the candidate’s total score and candidates will be ranked on the eligibility list and corresponding certified list according to the candidate’s total score (reference article 3, section 2e).

(8) **MILITARY SERVICE CREDIT** - A person who has served a minimum of 180 days of active duty in the armed forces of the United States of America and who has received a DD-214 that reflects an honorable discharge. Any discharge other than honorable discharge is not creditable for the purpose of this section.

(9) **RAW SCORE** - The numerical grade based upon the questions correctly answered on entrance and promotional examinations unverified and subject to verification by the Commission. *(Revised 11/16/06; 3/25/10; superceded by meet and confer agreement for Police Lieutenant rank)*

With the Police meet and confer agreement approved by the City Council on September 22, 2009, for a promotion to the Lieutenant’s rank, the promotional candidate’s multiple choice score will constitute the candidate’s raw score. A raw score of at least 56 points will be considered a passing grade for the written examination (reference article 3, section 2e).

(10) **VETERAN** - An honorably discharged person who has served for a minimum of 180 days active duty in the armed forces of the United States of America.

- (11) **WORKING DAY** – A “working day” does not equate to a “shift.” In the case of each police officer, for purposes of the accumulation of holiday, vacation, and sick leave, a “working day” shall be considered to be eight (8) hours. *(Revised 12-8-05)*

004. **ELECTION TO ADOPT OR REPEAL CHAPTER (RESERVED)**

005. **STATUS OF EMPLOYEES IF CHAPTER ADOPTED (RESERVED)**

006. **IMPLEMENTATION: COMMISSION**

The Commission shall conduct its meeting in such place as designated in the meeting notice. The Commission shall conduct all meetings in compliance with the provisions of Section 551.07 et. seq. of the Texas Government Code (Open Meetings Law).

Meetings shall be called by the Director of Civil Service at the request of the Chair, or at the written request of any two (2) Commissioners. Notice of meeting of the Commission shall be given by the Director to the members of the Commission at least seventy-two (72) hours preceding the day of the meeting, except in case of emergency or urgent public necessity, in which case two (2) hours notice shall be given in accordance with the provisions the Texas Government Code.

In all matters of procedure not controlled by the provisions of the Texas Local Government Code, chapter 143, the order of business and conduct of meetings shall be in conformity with Robert’s Rules of Order. The Commission may, by majority vote, make rules of procedure for the administration of the Texas Local Government Code.

(A) **RULES AND REGULATIONS**

- (1) The rules of the Civil Service Commission currently in effect are only those contained herein. These rules have been approved by the Commission and shall remain in effect until officially amended, revised or repealed by the Commission.
- (2) Notice of Rules - Immediately upon becoming effective, all rules contained herein shall thereafter be deemed to constitute full and effective prior notice to all civil service employees of prescribed or prohibited conduct as stated in any such rule.
- (3) Amendment to these rules may be made at any meeting of the Commission and such amendments shall become effective on the date of their approval by the Commission and subsequent compliance with the posting and notice requirements of Chapter 143 and of these rules. All rules and amendments shall be printed and made reasonably available for access by all civil service employees.

(B) **ENACTMENT**

- (1) The civil service system of the City 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, discipline and discharge, and conditions of employment.
- (2) These rules completely repeal and replace such earlier rules and regulations as have been adopted by the Civil Service Commission. These rules are made and shall be construed in

accordance with Chapter 143. It is the intent of these rules to cover situations not mentioned in Chapter 143 or which are ambiguous in Chapter 143.

- (3) The scope and construction of the rules hereinafter set forth shall be interpreted and applied within the spirit and intent of Chapter 143. All situations that are not expressly covered by Chapter 143, City ordinances, meet and confer agreement, or these rules and regulations shall be resolved in accordance with the City of Denton Personnel Rules and Regulations, departmental SOPs, or the residual discretionary authority vested in a department head. These rules and regulations shall apply to all of the classified, non-probationary police officers and fire fighters covered under Chapter 143 and specifically certified by the Texas Commission on Law Enforcement Officers Standards and Education and Texas Commission on Fire Protection. For any provision of Chapter 143 that applies to probationary police officers or fire fighters, the corresponding local rule will apply. *(Revised 11/16/06)*
- (4) Responsibility of Civil Service Director - when a specific rule does not address a particular question or issue, it is the responsibility of the Director of the Civil Service Commission to interpret the rules based on circumstances, facts and issues.

(C) THE CITY COUNCIL

- (1) The City Council of the City is the elected legislative body that provides policy and guidance for the operations of the City, including the civil service system.
- (2) These rules are enacted by the Civil Service Commission pursuant to the statutorily delegated authority of Chapter 143. These rules were not acted upon in any official manner by the City Council. Therefore, these rules do not constitute any form of “policy” nor any other official act of the City Council.

(D) CIVIL SERVICE COMMISSION

- (1) **APPOINTMENTS** - The City Manager shall appoint and the City Council shall confirm the appointment of the three members of the Civil Service Commission who meet the required statutory qualifications. The members shall elect one member to serve as chair and one to serve as vice-chair each January. *(Revised 6/15/04)*
- (2) **CHAIR AND VICE-CHAIR REPLACEMENT** - When vacancies of members of the Commission occurs, the replacement of chair and vice-chair will be handled as follows: 1) in the event of a vacancy in the chair position, the vice-chair will assume the role of chair and an interim election will be held to elect a new vice-chair: 2) in the event of vacancy in the vice-chair position, an interim election will be held to fill that office.
- (3) **TERM OF OFFICE** - Each member of the Commission holds office for a staggered three-year term and thereafter until a successor is appointed and confirmed. Interim vacancies on the Commission shall be filled by appointment of the City Manager and confirmed by the City Council for the unexpired term of the member whose position has been vacated. Commissioners are permitted to serve terms as defined in Chapter 143. The term of a Commissioner does not include appointments to serve an un-expired term of a previous Commission member. *(Revised 9/19/02; 04/20/06)*

- (4) **RESPONSIBILITIES** - The Commission, acting in compliance with Chapter 143, has the authority to adopt, publish and enforce rules relating to:
- (a) The proper conduct of Commission business meetings;
 - (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 or causes for the removal or suspension of a civil service employee;
 - (e) The procedures for the hearing of disciplinary appeals concerning suspensions without pay, indefinite suspensions, promotional passovers or recommended demotions; and
 - (f) Such other matters reasonably related to the selection, promotion and discipline of civil service employees, not otherwise vested in the discretionary or managerial authority of the City Council, City Manager, Director of Civil Service, Fire Chief or Police Chief.
- (5) **RULE OF CONDUCT** - In the discharge of their duties, members of the Civil Service Commission act as a Committee of the whole and not as individuals. An individual Commission member has no legal or moral right to speak for the Commission unless specially authorized to do so by action of the Commission.
- (6) **MEETINGS**
- (a) Regular meetings of the Commission shall be routinely held at a time and a place designated by the Commission. Meetings may be rescheduled or postponed when such action is deemed necessary. The Director of Civil Service may call, schedule, reschedule or cancel meetings of the Civil Service Commission.
 - (b) The business meetings of the Commission are open to the public and the time, date, and place of the meetings shall be posted in accordance with Chapter 143 and applicable State law. Special meetings of the Commission may be called by the Chairperson or both of the other Commission members upon giving reasonable advance notice to each Commission member and the other parties necessary for the meeting. All agenda items shall be submitted in a manner prescribed by the Director. The agenda shall be posted on the bulletin board at City Hall at least 72 hours prior to any meeting. *(Revised 6/15/04)*

The Director shall have discretion not to place on the agenda any item over which he/she believes the Commission lacks jurisdiction. Only such topics as are listed on the agenda may be acted upon. *(Revised 6/15/04)*
 - (c) Meetings of the Commission may be closed from time to time in conformance with the provisions of applicable State law.
- (7) **QUORUM** - Two members of the Commission constitute a quorum sufficient to conduct business meetings and hearings.
- (8) **CONDUCT OF BUSINESS MEETINGS** - The Commission may set reasonable rules and procedures for proper and efficient conduct of business. The Chairperson shall conduct meetings in an orderly and timely fashion. The normal order of business at non-

disciplinary or non-appeal hearings shall be generally:

- (a) call to order
- (b) approval of minutes
- (c) action items
- (d) miscellaneous matters from the Director of Civil Service as long as the meeting notice is specific enough to comply with the Texas Open Meetings Act. *(Revised 04/20/06)*
- (e) Future business- Commission members may suggest items for future agendas. *(Revised 6/15/04)*
- (f) adjourn

The order of business may be altered at any time by agreement of Commission members present at the meeting.

- (9) **MINUTES** - The Director of Civil Service or designee shall prepare the minutes of each meeting. The minutes of a meeting are to be presented for approval at a subsequent meeting of the Commission. *(Revised 6/15/04)* The minutes, other than matters discussed in executive session, upon approval by the Commission, shall be kept open for public inspection as governed by applicable State law. A Commission member may record in the minutes an approval of, or objection to any act of the Commissioners together with the Commissioner's reasons. Copies of the minutes and records may be obtained from the Director for the standard fee charged by the City for similar official record duplication. The minutes of the Commission shall be signed by the Chairperson, or in the Chairperson's absence, the Vice-chairperson.
- (10) **COMMUNICATIONS** - All communications or requests to the Commission are to be made in writing through the office of the Director of Civil Service.

007. **REMOVAL OF COMMISSION MEMBER**

REMOVAL FROM OFFICE - A member of the Commission may tender his or her resignation in writing at any time. A Commission member may be removed from office by the City Council for misconduct in office or otherwise in accordance with Chapter 143 of the Texas Local Government Code.

If a Civil Service Commission member is absent three (3) meetings during a twelve (12) month period without good and reasonable cause, then the absent member may be automatically deemed to have submitted a resignation and if accepted by the City Manager, the position shall be deemed vacant without further action. Upon the occurrence of any of these events, a request shall thereafter be made by the Director to the City Manager for a replacement of such member.

008. **ADOPTION AND PUBLICATION OF RULES**

LOCAL RULES

- (A) These rules supersede all other rules pertaining to fire fighters and police officers in the City of Denton except Chapter 143 of the Texas Local Government Code or meet and confer agreements, where applicable. If any section, subsection, paragraph, sentence, clause, phrase or word contained in these rules shall be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portion of these rules. *(Revised 04/20/06)*

DEPARTMENT RULES

(B) The Chief of the Police Department and the Chief of the Fire Department may each adopt and promulgate written rules, regulations and personnel policies pertaining to the operation of their respective departments. No such departmental rule shall be in conflict with the provisions of these civil service rules. Copies of all departmental rules, or amendments thereto, shall be readily available to each member of the Commission, the Director, and the City Attorney. Copies of all Police Department rules shall be made readily available to all members of the Police Department. Copies of all Fire Department rules shall be made readily available to all members of the Fire Department at all Fire Stations. *(Revised 6/15/04)*

009. COMMISSION INVESTIGATIONS AND INSPECTIONS (RESERVED)

010. COMMISSION APPEAL PROCEDURE

(A) In appeals to the Commission the “rules of evidence” will not be observed.

(B) The Commission shall base its decisions on “substantial evidence.”

Substantial evidence is evidence in which “a reasonable mind would accept as adequate to support a particular conclusion” and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

Under the substantial evidence rule, as applied in administrative proceedings, all evidence is competent and may be considered, regardless of its source and nature, if it is the kind of evidence that “a reasonable mind would accept as adequate to support a particular conclusion.”

(C) Appeals having jurisdiction before the Commission:

- (1) Disciplinary suspensions of one to 15 days and indefinite suspensions,
- (2) Demotions,
- (3) Promotional passovers, and
- (4) Written promotional examinations

011. DECISIONS AND RECORDS

Access to records of employees in the classified service including, employment applications, background investigation records and reports, examinations and answer sheets shall be governed by the Texas Local Government Code and the Texas Government Code.

012. DIRECTOR

(A) **APPOINTMENT** – When vacancies arise in the Director position, the Commission shall appoint a director who shall be responsible for implementing these rules and administering the civil service system. *(Revised 04/20/06)*

(B) **DUTIES** - The Director or designee shall also act as secretary to the Commission and as the supervisor of tests and test appeals. The Director’s duties include but are not limited to: *(Revised 4/20/06)*

- (1) Serves as Secretary to the Commission;
- (2) Serves as supervisor of all examinations, including the preparation, scheduling, scoring and security thereof;

- (3) Coordination of recruitment and examination of applicants;
- (4) Sets agenda for Commission meetings;
- (5) Acts as liaison and provides staff support to Commission;
- (6) Determines whether any matter is appropriately brought before Commission in a reasonable and timely fashion;
- (7) Calls, schedules, reschedules, and cancels meetings of the Civil Service Commission;
- (8) Acts as records custodian as provided by Chapter 143;
- (9) Acts on behalf of Civil Service Commission for actions and issues not specifically addressed in Chapter 143 or these rules;
- (10) Recodifies Civil Service Commission rules as necessary in a professional and timely fashion;
- (11) Establishes and monitors procedures for the discipline and termination of civil service employees; and
- (12) Performs such other functions as may be deemed reasonably necessary in regard to the efficient and effective administration of the civil service system of the City.

013. **APPOINTMENT AND REMOVAL OF DEPARTMENT HEAD (RESERVED)**

014. **APPOINTMENT AND REMOVAL OF PERSON CLASSIFIED IMMEDIATELY BELOW DEPARTMENT HEAD**

If the position(s) are approved by the City Council by resolution or ordinance, the Chief of the Police Department and Chief of the Fire Department is hereby authorized to appoint each person occupying an authorized position in the classification immediately below that of department head as allowed by State law. *(Revised 6/15/04; 11/10/06; 3/25/10; superceded by meet and confer agreement)*

With the Police meet and confer agreement approved by the City Council on September 26, 2006, all positions above Lieutenant may be filled by appointment by the Department head (reference article 4). The agreement approved on September 22, 2009 continues to allow.

With the Fire meet and confer agreement approved by the City Council on September 26, 2006, the positions of Fire Marshal and Emergency Management Program Manager shall be appointed by the Department head and shall not be filled by promotional examination. A person appointed under this section serves at the pleasure of the Department head (reference article 2, section 5a). Note: these appointments are in addition to the appointment authorized by Chapter 143. The agreement approved on September 22, 2009 continues to allow.

015. **APPEAL OF COMMISSION DECISION TO DISTRICT COURT (RESERVED)**

016. **PENALTY FOR VIOLATION OF CHAPTER (RESERVED)**

017.-020.(RESERVED)

CHAPTER B
CLASSIFICATION AND APPOINTMENT

021. **CLASSIFICATION; EXAMINATION REQUIREMENT**

The civil service positions in the Fire and Police Departments are classified on a basis of similarity in duties and responsibilities as shown in the list of positions referenced and published in the pay plans for the respective department in the City of Denton personnel manuals and the City's budget, adopted annually by City Council.

Only employees of the City authorized by this section shall be classified under civil service in either the Fire or Police Departments. These positions should be filled by examination as provided in Chapter 143, unless an alternative is outlined in the meet and confer agreement. All civil service personnel shall receive the salary specified and set forth in the current City budget. *(Revised 11/16/06)*

022. **PHYSICAL REQUIREMENTS AND EXAMINATIONS**

(A) GENERAL REQUIREMENTS

Each applicant for entry level and promotional positions shall be required to submit to such physical and mental tests as are reasonably necessary and proper to determine the physical and mental ability of the applicant to perform the essential functions required for the position sought. Applicants who are not capable of performing the essential job functions with reasonable accommodation or no accommodation will not be appointed.

(B) ENTRY LEVEL APPEALS

If a candidate is not appointed due to failure to successfully pass the medical or psychological examination, the candidate's appeal must be received by the Civil Service Commission, Director of Civil Service or designee, in writing, within ten business days of initial receipt of notification of rejection.

Additionally, the Fire or Police Recruit is required to take a new medical or psychological exam, whichever one the candidate is appealing, at his/her own expense. *(Revised 9/19/02)*

023. **ELIGIBILITY FOR BEGINNING POSITION**

Employment standards for fire fighters and police officers are provided in the city's and department's Policies and Procedures. Entry level employment not prescribed by State laws, may be waived by the Chief of the Police Department or Chief of the Fire Department with the concurrence of the Director of Civil Service and consent of the City Manager. Such waiver must be shown to be in the best interest of the Police Department or Fire Department and shall not substantially lower the high standards sought by the City.

(A) ELIGIBILITY REQUIREMENTS FOR ENTRY LEVEL POLICE OFFICERS The Chief of the Police Department shall establish written standards for entry-level requirements. Persons eligible for an entry-level position in the Denton Police Department shall meet all of the requirements as stated in the Denton Police Recruit Hiring Standards. *(Revised 9/19/02)*

(B) CAUSE FOR REJECTION FOR POLICE OFFICER

The Chief of the Police Department shall establish written standards for the rejection of applicants.

(C) **ELIGIBILITY REQUIREMENTS FOR FIRE FIGHTERS.**

The Chief of the Fire Department shall establish written standards for entry-level requirements. Persons eligible for an entry-level position in the Denton Fire Department shall meet all of the minimum requirements as stated in the Denton Fire Department Rules and Regulations. *(Revised 9/19/02)* The Chief is specifically empowered to include statutory certifiability (either as a fire fighter, paramedic or both) as a mandatory hiring criterion within those written standards. *(Revised 10/28/05)*

(D) **CAUSE FOR REJECTION FOR FIRE FIGHTERS**

The Chief of the Fire Department shall establish written standards for the rejection of applicants.

024. **ENTRANCE EXAMINATION NOTICE (RESERVED)**

025. **ENTRANCE EXAMINATIONS**

Application for employment shall be made to the Director of Civil Service or designee on the appropriate application forms. Upon request to the Director of Civil Service or designee, accommodations will be provided to applicants in accordance with the Americans with Disabilities Act. The Director shall set forth the requirements and timelines for receipt of the notification.

Any person shall be permitted to take the entry-level examination so long as the applicant has not been rejected by the Director for cause in accordance with the provisions of these rules.

The Director may, because of the small number of applicants for any position, or because of any other good and sufficient reason, postpone an examination to a later date. Any examination may be cancelled by the Director should its occurrence become unnecessary because of a change in the personnel requirements of the classified service.

The Director shall provide an eligibility list after the examination that shall remain in effect for the number of months specified by the Position Opportunity Announcement or until all names have been referred to the appropriate department, whichever event occurs first. *(Revised 6/15/04)*

(A) **EXAMINATIONS**

All examinations shall be of such nature that they will test the relative suitability and ability of the persons examined to discharge the duties of the particular position to which they seek appointment.

The actual conduct of every examination shall be under the direction of the Director of Civil Service who shall be responsible to the Commission. The Director shall have the authority to designate an assistant to administer tests or examinations. No individual shall deceive or obstruct any person in respect to his/her right of examination under the provision of these rules and the Texas Local Government Code; or falsely mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion. Applicants shall not deceive the Commission for the purpose of improving their chances for appointment or promotion. Any person found to be cheating on an examination, or otherwise deceiving the Commission for purposes of improving his or her chances for appointment, shall be removed from further consideration and dropped from the eligibility list.

Only persons with a passing raw score will be ranked on the eligibility list.

An applicant for the position of fire fighter or police officer wishing to receive military service credit must provide to the Director of Civil Service or designee, prior to the start of the examination, a complete and unaltered copy of his/her DD Form 214 that shows: *(Revised 9/19/02; 11/16/06)*

- 1) 180 total days of active military service in the Armed Forces of the United States, and
- 2) an honorable discharge in order to receive military service credit of five (5) points in addition to his/her passing score on the written examination. Any discharge other than honorable discharge. is not creditable for the purpose of this section. (Reference Section A, #8 - Definitions).

Whenever two (2) or more applicants for entrance positions attain the same grade, the tie shall be broken in the manner prescribed by the respective department prior to the posting of the certified eligibility list:

- (1) **POLICE RECRUIT** - These criteria are ranked in order of importance.
 - (a) Prior law enforcement experience plus certification in the State of Texas.
 - (b) Certification in the State of Texas.
 - (c) Certification in another state.
 - (d) Possess a graduate degree. *(Revised 04/20/06)*
 - (e) Possess a Bachelor's degree. *(Revised 04/20/06)*
 - (f) Possess an Associate's degree. *(Revised 04/20/06)*
 - (g) Current enrollment in a Texas certified Police Academy.
 - (h) Experience as a Texas Police Reserve Officer.
 - (i) Military Police experience.
 - (j) Reserve Police experience.
 - (k) Bilingual. *(Revised 04/20/06)*
 - (l) Applicant with the earliest registration date. *(Revised 6/15/04)*
- (2) **FIRE RECRUIT** - These criteria are ranked in order of importance.
 - (a) Certified or certifiable by the Texas Commission on Fire Protection. Burden of proof is with the applicant.
 - (b) Certified or licensed as an Emergency Medical Technician-Paramedic (EMT-P) by the Texas Department of Health.
 - (c) Certified as an Emergency Medical Technician (EMT-Basic) by the Texas Department of Health or National Registry.
 - (d) Raw score *(Revised 1/19/06)*
 - (e) Possess a Bachelor's degree.
 - (f) Possess an Associates degree.
 - (g) Bilingual
 - (h) Applicant with the earliest registration date. *(Revised 6/15/04)*

(B) ENTRANCE EXAMINATION ADMINISTRATION PROCEDURES

- (1) Smoking shall be prohibited at all times in the testing area.

- (2) Check In – All applicants shall be checked in and no applicant shall be admitted after the time designated on the Position Opportunity Announcement. *(Revised 9/19/02; 04/20/06)*
- (3) Military Service Credit - Those persons who desire to have military service credit added to a test score of 70% or better, must provide a DD214 with a minimum of 180 total days of active military service prior to the start the examination. Any discharge other than honorable discharge is not creditable for the purpose of this section. *(Revised 9/19/02)*
- (4) Failure to Appear - Any registrations on file of persons who fail to appear for the entrance examination shall be voided and shall be disposed of by the Director of Civil Service.
- (5) Cancellation of entrance examination - The Director may cancel a scheduled entrance examination for sufficient cause.
- (6) Cheating - Any person taking an entrance examination who uses or attempts to use any unfair or deceitful means to answer questions on such an examination shall be informed by the test administrator, and the test administrator shall void that person's exam and remove them from the testing site. The test administrator shall report the action to the Director of Civil Service or designee.
- (7) Test Monitors - The Director of Civil Service may select a reasonable number of persons employed by the City of Denton or an agency of the State of Texas to assist in the administration, proctoring and grading of an entrance examination.
- (8) Application and Personal History Statements - Candidates shall be given an application and personal history statement to be completed and returned at a time designated by the Chief or designee of the respective department. Failure to return these forms at the prescribed time shall make a candidate ineligible to continue in the hiring process. *(Revised 6/15/04; 04/20/06)*
- (9) Upon request, accommodations will be provided to applicants in accordance with the American with Disabilities Act. Applicants who need special arrangements must submit a request in writing to the Civil Service Director or designee at a time to be determined by the Civil Service Director or designee. *(Revised 9/19/02)*

(C) **ELIGIBILITY LISTS**

Each person on an eligibility list shall notify the Director of Civil Service or designee of any change in address. Notices sent to a person's last known address shall be considered sufficient notification.

(D) **CHILD OF A DECEASED FIREFIGHTER WHO SUFFERED A LINE OF DUTY DEATH**

The applicant is responsible for collecting and delivering to the department head information requested for verification of the hiring preference as outlined in 143.025(j) in the manner set forth in the departmental SOPs. *(Revised 04/20/06)*

0251. **REAPPOINTMENT AFTER RESIGNATION**

A police officer who voluntarily resigns from the Denton Police Department, and who desires to return, within 5 years, to service with the Denton Police Department, may be reappointed to the rank of police officer without taking another departmental entrance examination in accordance with the following: *(Revised 6/15/04)*

1. The person shall complete a Denton Police Department Hiring Packet and send that to the Civil Service Director through the Department of Human Resources. *(Revised 6/15/04)*
2. The Director of Civil Service shall immediately forward the hiring packet to the Police Department for processing in the same manner as other applicants who have taken an entrance examination. *(Revised 6/15/04)*
3. The Chief of the Police Department may choose to process the former officer or not, within the Chief's discretion. Prior to recommending reappointment of a former police officer, the Chief of the Police Department will review past performance records of the officer, conduct a background investigation, and require any other portion of the employment process he/she deems appropriate. *(Revised 6/15/04)*
4. If the Chief does process for appointment one or more former officers who are not on the current eligibility list and finds that reappointment of the person would be in the best interest of the Denton Police Department, the Chief shall forward those persons' names to the Director of Civil Service for appointment to a vacant entry-level position by the Chief Executive Officer prior to the selection of any entry-level candidates under 143.026. In case there is more than one former officer forwarded to the Director of Civil Service for reappointment, the Chief may specify order of placement on the list. *(Revised 6/15/04; 04/20/06)*
5. If the person is reappointed in accordance with this process, the person shall receive previously accrued seniority, but only for purposes of promotional examinations. *(Revised 6/15/04)*

026. **PROCEDURE FOR FILLING BEGINNING POSITIONS**

Upon certification of a "certification list" for Police and the "Commission list" for Fire, procedures for filling a beginning position in the Police department shall be made in accordance article 2 of the Police meet and confer agreement. Procedures for filling a beginning position in the Fire department shall be made in accordance with article 4 of the Fire meet and confer agreement. *(Revised 11/16/06; 3/25/10)*

027. **PROBATIONARY PERIOD**

The Commission hereby extends the probationary period by six (6) months for a total of eighteen (18) months for all persons appointed to a beginning position in the Police and Fire departments as provided by Chapter 143.027 (a). *(Revised 1/19/06; 11/16/06; 3/25/10; superceded by meet and confer agreement)*

The meet and confer agreements approved by City Council on September 26, 2006 and September 22, 2009, include the following provisions:

A. Police - A person appointed to a beginning position in the Police Department must serve a

probationary period of 18 months beginning on that person's date of employment as a police officer, or academy trainee (reference article 2, section 5).

B. Fire - Unless already certified as both a firefighter by the Texas Commission on Fire Protection and a paramedic by the Texas Department of State Health Services, a person appointed to a beginning position in the Department must serve a probationary period of up to 18 months beginning on that person's date of employment as a firefighter, or trainee. A person appointed to a beginning position in the Department who is certified as both a firefighter and a paramedic shall serve a probationary period of 12 months (reference article 4, section 9).

028. **ELIGIBILITY FOR PROMOTION (RESERVED)**

029. **PROMOTIONAL EXAMINATION NOTICE (RESERVED)**

030. **ELIGIBILITY FOR FIRE DEPARTMENT PROMOTIONAL EXAMINATION**

The length of service for determining the eligibility for taking a promotional examination shall include the probationary period in the Fire Department. *(Revised 10/23/00)*

With the Fire meet and confer agreement approved by the City Council on September 22, 2009, prerequisites to take the written examination are outlined in article 5, section 4 for the position of Driver. Prerequisites are allowed for the positions of Captain and Battalion Chief *(Revised 3/25/10)*.

031. **ELIGIBILITY FOR POLICE DEPARTMENT PROMOTIONAL EXAMINATION**

The length of service for determining the eligibility for taking a promotional examination shall include the probationary period in the Police Department. *(Revised 11/14/00)*

With the Police meet and confer agreement approved by the City Council on September 26, 2006, an Officer is not eligible for promotion to Sergeant rank unless the Officer has served in the department in the next lower rank for at least three years immediately before the examination date (reference article 3, section 1). *(Revised 11/16/06; 3/25/10)* The agreement approved on September 22, 2009 continues to allow.

032. **PROMOTIONAL EXAMINATION PROCEDURE**

All examinations shall be structured to test an applicant's relative capacity to discharge the duties of the particular position.

The actual conduct of every examination shall be under the direction of the Director of Civil Service, who shall be responsible to the Commission. The Director shall have the authority to designate a designee to administer tests and/or examinations.

No individual shall deceive or obstruct any person in respect of his/her right of examination under the provision of these rules and the Civil Service Statue; or falsely mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion.

No promotional candidate shall deceive the Commission for the purpose of improving his/her chances for appointment or promotion. Any person acting in this manner will be disqualified from further consideration for the position sought, and the department Chief may take additional disciplinary

action.

Employees shall complete an official "Notice of Intent to Test" form for each promotional examination, as prescribed by the Director of Civil Service or designee, in order to take a promotional examination. Failure to submit a completed form in the manner prescribed in the Position Opportunity Announcement, and failure to file the form with the Director of Civil Service or designee within the time limits prescribed will render the employee ineligible to take the examination. *(Revised 9/19/02; 1/10)*

With the Police meet and confer agreement approved by Council on September 22, 2009, eligible personnel intending to take the Lieutenant examination must also submit a Records Evaluation book to the Chief or his/her designee in the manner prescribed by the position opportunity announcement (reference article 3, section 2c). *(Revised 3/25/10)*

The Director may, for good and sufficient reasons, postpone an examination to a later date.

(A) PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

- (1) Smoking shall be prohibited at all times in the testing area.
- (2) Check In - Applicants shall be checked in and no applicant shall be admitted after the time designated on the Position Opportunity Announcement. *(Revised 04/20/06)*
- (3) Failure to Appear - Any registrations on file for persons who fail to appear for the examination shall be voided and shall be disposed of by the Director of Civil Service. *(Revised 6/15/04; 04/20/06)*
- (4) Cancellation of Examination-The Director may cancel a scheduled examination for sufficient cause.
- (5) Cheating - Any person taking an examination who uses or attempts to use any unfair or deceitful means to answer questions on such examination shall be informed by the test administrator, and the test administrator shall void that person's exam and remove him/her from the testing site. *(Revised 04/20/06)*

The test administrator shall report the action to the Director of Civil Service or designee. Any person acting in this manner will be disqualified from further consideration for the position sought, and the department Chief may take disciplinary action. *(Revised 6/15/04)*

- (6) Test Monitors - The Director of Civil Service or designee may select a reasonable number of persons employed by the City of Denton or an agency of the State of Texas to assist in the administration, proctoring and grading of an examination.

(B) POLICE LIEUTENANT PROMOTIONAL PROCESS

In accordance with the Police meet and confer agreement approved by City Council on September 22, 2009, a maximum of eighty (80) points of a Lieutenant promotional candidate's score will be based on the multiple choice score of the written examination, and a maximum of twenty (20) points will be based on the Records Review as outlined in article 3, section 2 of the meet and confer agreement. Grading will be conducted in accordance with article 3. *(Revised 11/16/06; 3/25/10)*

(C) TESTING FOR PROMOTIONAL CANDIDATES IN THE ARMED FORCES

(Revised 04/20/06)

- (1) Any employee who wishes to be notified of promotional testing opportunities for which he/she is qualified while serving in the armed forces must leave contact information with the department head or his/her designee prior to leaving. The department head or his/her designee will then be responsible for sending notice to a qualified candidate of such promotional tests. Notification should happen as soon as possible. Once the notice is sent, the department head or his/her designee has fulfilled his/her obligation. Receipt of the notice by the employee is not the responsibility of the department head or his/her designee.
- (2) Every effort will be made to conduct promotional examinations simultaneously. If this is not possible, every effort will be made for the remote test taker to test after the other candidates.
- (3) If, in the event the department head believes the security of the test has been compromised, the department head at his or her sole discretion, may administer a substitute test in compliance with 143.032 (A).

033. **PROMOTIONAL EXAMINATION GRADES** *(Revised 9/19/02)*

(A) SENIORITY POINTS

All candidates must receive a raw score of 70 or better to receive seniority points. *(Revised 04/20/06)*

(B) TIE BREAKERS

- (1) **POLICE** - Whenever two (2) or more candidates obtain identical total final scores, the following procedures will be used to break the tie and determine placement on the final eligibility list for promotion:
 - (a) **Highest Test Score** – If two (2) or more person’s tie on total final scores, the persons shall be ranked in the order according to which person had the highest examination raw score prior to the addition of seniority points and after the Commission’s determination of appeals, if any.
 - (b) **Seniority In Rank** – If there are still ties, the persons shall be ranked in the order according to which person has the most seniority in the position immediately below the position for which the examination was given.
 - (c) **Date of Commission** - If there are still ties, the persons shall be ranked in the order according to which person has the most seniority with the department as a commissioned police officer.
 - (d) **Placement on Entry Level Eligibility List** – If there are still ties, the persons shall be ranked in the order according to how those persons placed on their entry-level eligibility list.
- (2) **FIRE** – Whenever two (2) or more candidates obtain identical total final scores, the following procedures will be used to break the tie and determine placement on the final eligibility list for promotion:
 - (a) **Highest Test Score** – If two (2) or more person’s tie on total final scores, the persons shall be ranked in the order according to which person had the highest examination raw score prior to the addition of seniority points and after the

- Commission's determination of appeals, if any.
- (b) **Seniority In Rank** – If there are still ties, the persons shall be ranked in the order according to which person has the most seniority in the position immediately below the position for which the examination was given.
 - (c) **Date of Commission** - If there are still ties, the persons shall be ranked in the order according to which person has the most seniority with the department as a commissioned firefighter.
 - (d) **Placement on Entry Level Eligibility List** – If there are still ties, the persons shall be ranked in the order according to how those persons placed on their entry-level eligibility list. *(Revised 11/14/00)*

034. **REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION**

- (a) Upon completion of grading, each promotional candidate by himself or herself may review his/her examination and answers, the examination grading, and the source material for the examination in the presence of a monitor(s) designated by the Civil Service Director. The notice of the appeal needs to be filed with the Civil Service Director or Designee in writing, and must include the basis for the appeal. If the appeal does not include the basis, it will not be considered by the Commission. *(Revised 6/15/04)*

The period of review of test materials begins after promotional examination grades are posted and is limited to the time prior to the date when an appeal must be filed.

The Civil Service Commission shall receive a copy of each appeal submitted, the appealed question(s) with answer and explanation, and such other material deemed appropriate by the Commission or Director. *(Revised 6/15/04; 04/20/06)* The appeal information shall not reveal the name of the appellant, prior to the regularly scheduled Civil Service Commission meeting. *(Revised 9/19/02) (Revised 11/16/06; 3/25/10; superceded by meet and confer agreement for Police Lieutenant rank)*

With the Police meet and confer agreement approved by the City Council on September 22, 2009, the Police Lieutenant exam will consist of multiple choice questions worth 80 points and a Records Review worth a total of 20 points. A promotional candidate may appeal the multiple choice portion of the written examination but may not appeal or dispute the Records Review component before an administrative or judicial body (reference article 3, sections 2(c), 2(d) and 2 (g)).

Promotional examination **multiple choice** questions appealed to the Civil Service Commission will be sustained, overruled, or thrown out by a ruling issued by the Civil Service Commission. *(Revised 9/20/01; 11/16/06; 3/25/10)*

- (1) **Sustain the answer key** (test scores will remain as keyed)

A ruling which rejects the appeal presented to the commission will require the Director of Civil Service or designee to accept the answer as given on the answer key, while grading the promotional examinations of all eligible candidates.

- (2) **Overrule the answer key** (the commission will designate another answer(s) to be accepted)

A ruling which accepts one or more answers related to the appeal of a promotional examination question will require the Director of Civil Service or designee to accept a different answer(s), as directed in the ruling, while grading the promotional examination of all eligible candidates. *(Revised 04/20/06)*

- (3) **Throw out the test question** (the test question will not be included)

A ruling which rejects the test question related to the appeal of a promotional examination question will require the Director of Civil Service or designee to disregard the question and its' answer while grading the promotional examination of all eligible candidates. This will result in the recalculation of the point value for each question. *(Revised 04/20/06)*

Formula for calculating scores after appeals:

The formula for calculating the promotional test scores will be as follows:

$100 - \text{total number of questions thrown out by the Commission} = \# \text{ of question used}$
(Revised 6/15/04)

$(100) / (\# \text{ of questions used}) = \text{point value of each question}$

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

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

- (b). **During the appeal hearing, the following rules will apply:**

- Appealed questions will be considered in numerical order
- Each appellant will be given an opportunity to present reasons for appeal. The Chairman will first ask each appellant if he/she still wishes to appeal. The appellant will then be allowed to make a brief presentation.
- After each appellant has spoken on the question, the Commission may ask questions of the appellant, Civil Service Director or designee.
- The Department will have an opportunity to respond to the appealed questions.
- After the department representative has responded, the Commission may ask questions of the department representative, Civil Service Director or designee.
- The Chairman will allow other test takers an opportunity to speak in opposition of the appealed questions. The total time allotment for **ALL** test takers will be a maximum of (2) minutes combined (i.e. each person does not get up to 2 minutes each.)
- After all statements have been heard, the Commission will discuss and make a final ruling on the appealed question(s). *(Revised 6/15/04)*

035. **ALTERNATE PROMOTIONAL SYSTEM IN POLICE DEPARTMENT**

The Director shall provide for absentee balloting in an alternate promotional system in a Police Department.

036. **PROCEDURE FOR MAKING PROMOTIONAL APPOINTMENTS**
Promotional appointments for the ranks of Police Lieutenant and above shall be made in accordance with article 3 of the Police meet and confer agreement.
- Promotional appointments for Fire shall be made in accordance with article 5 of the Fire meet and confer agreement. *(Revised 11/16/06; 3/25/10)*
037. **RECORD OF CERTIFICATION AND APPOINTMENT**
The record of certification shall be filed in the Civil Service Director's file as defined in subsection .089 (a). *(Revised 6/15/04)*
038. **TEMPORARY DUTIES IN HIGHER CLASSIFICATION**
The Fire and Police department Chiefs may prescribe methods for selecting and making temporary appointments to higher classifications.
- 039.-040.(RESERVED)

CHAPTER C
COMPENSATION

041. **SALARY (RESERVED)**

042. **ASSIGNMENT PAY**

The Chief of a department may prescribe rules for determining whether and which individual fire fighter or police officer is eligible for assignment pay as prescribed under Chapter 143.

043. **FIELD TRAINING OFFICER ASSIGNMENT PAY (RESERVED)**

044. **CERTIFICATION, EDUCATIONAL INCENTIVE, AND FITNESS INCENTIVE PAY (RESERVED)**

045. **ACCUMULATION AND PAYMENT OF SICK LEAVE AND OTHER BENEFITS**

A police officer or fire fighter who is indefinitely suspended must exhaust all appeal rights before the City is obligated to pay any accumulated sick leave as prescribed under Chapter 143. The City will not authorize withdrawals from the Texas Municipal Retirement System (TMRS) or Fire Pension System unless the police officer or fire fighter submits a written resignation and terminates employment with the City of Denton. *(Revised 04/20/06)*

046. **VACATIONS**

A police officer or fire fighter who is indefinitely suspended must exhaust all appeal rights before the City is obligated to pay any accumulated vacation pay as prescribed by City policy, unless the police officer or fire fighter submits a written resignation and terminates employment with the City of Denton. *(Revised 6/15/04; 04/20/06)*

047. **SHIFT DIFFERENTIAL PAY (RESERVED)**

048.-050. **(RESERVED)**

CHAPTER D
DISCIPLINARY ACTION

051. **CAUSE FOR REMOVAL OR SUSPENSION**

The following are declared to be grounds for removal or suspension of any employee from his/her civil service position in the City of Denton: *(Revised 6/15/04)*

- (A) Indictment, deferred adjudication, or conviction of a felony, Class A or B misdemeanor, or other crime involving moral turpitude or violation of laws/ordinances of the United States, State of Texas or City of Denton;
- (B) Violation of the provisions of the Charter of the City of Denton;
- (C) Acts of incompetence;
- (D) Neglect of duty;
- (E) Discourtesy to the public or to fellow employees;
- (F) Acts showing a lack of good moral character;
- (G) Drinking intoxicants while on duty or intoxication while off duty; *(Revised 9/19/02)*
- (H) Conduct prejudicial to good order;
- (I) Insubordination;
- (J) Refusal or neglect to pay City taxes;
- (K) Refusal or neglect to pay other just debts;
- (L) Absence without leave;
- (M) Shirking of duties;
- (N) Cowardice;
- (O) Violation of any of the rules and regulations of the Fire Department or Police department; of special orders, as applicable; of these rules and regulations; or of any of the City Personnel rules and regulations.

052. **DISCIPLINARY SUSPENSIONS**

(A) **GENERAL PROVISIONS**

- (1) Purpose. These rules shall apply to and govern all disciplinary actions and disciplinary appeals of the Denton civil service fire fighters and police officers pursuant to Chapter 143 of the Texas Local Government Code. *(Revised 6/15/04)* The primary purpose of the following chapter is to ensure that disciplinary action is imposed as fairly and equitably

as is reasonably possible, with the intention of correcting deficient performance and securing substantial compliance with the working rules and regulations of the Civil Service departments.

- (2) All disciplinary actions and appeals concerning civil service employees shall be made in compliance with Chapter 143, meet and confer agreements, these rules and regulations, the City's Personnel Rules and Regulations manual as well as the rules and regulations of the employee's department. *(Revised 11/16/06)*
- (3) The term "cause" shall also mean "employee misconduct" and shall necessarily include any act or omission that violates:
 - (a) An applicable provision of Chapter 143, Texas Local Government Code; or
 - (a) An applicable rule or regulation duly adopted by the Civil Service Commission of Denton.
- (4) 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 Chapter 143.
- (5) For disciplinary action purposes, a determination of what constitutes "just cause" is generally made by comparison to what a reasonable person, who is mindful of the habits and customs of his/her department, who is also mindful of the responsibilities and needs of his/her department and who is also mindful of the standards of justice and fair dealing prevalent in the City of Denton, should have done (or should have not done) under similar circumstances.

(B) DOCUMENTATION OF DISCIPLINARY ACTION

- (1) An employee with Civil Service status 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 civil service rule(s) or regulation(s) allegedly violated;
 - (b) A description of the operative factual events giving rise to the alleged violation of civil service rules;
 - (c) The disciplinary action to be imposed;
 - (d) The effective dates;
 - (e) The rights of the employee to appeal the disciplinary action; and
 - (f) Such other matters deemed relevant to the action or as required by law.
- (2) The department head may not suspend an employee based upon an act that occurred more than 180 days in the past, except as may be provided for in certain criminal investigations as per Chapter 143. *(Revised 11/16/06; 3/25/10; superceded by meet and confer agreement)*

With the Police meet and confer agreement approved by the City Council on September 26, 2006, in the original written statement and charges and in any disciplinary hearing conducted under the meet and confer agreement or Chapter 143, the Department head has 240 days from the date the act (not related to criminal activity) occurred to discover the act. The Department head shall have 180 days from the date of discovery, as set forth in the preceding sentence, to investigate and take disciplinary action for the act

(not related to criminal activity) (reference article 5, section 1). The agreement approved on September 22, 2009 continues to allow.

With the Fire meet and confer agreement approved by the City Council on September 26, 2006, in the original written statement and charges and in any disciplinary hearing conducted under the meet and confer agreement or Chapter 143, the Department head shall have 180 days to investigate and take disciplinary action from the date the Department head discovers an act, provided that the Department Head may not complain of or take disciplinary action for an act (not related to criminal activity) that occurred more than one year before the date of disciplinary action (reference article 8, section 2). The agreement approved on September 22, 2009 continues to allow.

- (3) The department head shall file a written statement with the Director of the Civil Service and the Commission within 120 hours after the disciplinary action is imposed giving the reason for a suspension. *(Revised 6/15/0; 3/25/10; superceded by meet and confer agreement) 4)* A copy thereof shall also be served on the employee in accordance with Chapter 143.

With the Police and Fire meet and confer agreements approved by the City Council on September 22, 2009, the written statement does not have to be filed with the Commission unless the officer appeals the written statement to the Commission (reference article 8, section 1 of the Fire agreement and article 5, section 3 of the Police agreement).

053. **APPEAL OF DISCIPLINARY SUSPENSION**

(A) **SCOPE OF MATTERS SUBJECT TO APPEAL**

- (1) It shall be the duty of the Civil Service departments and also of all employees to use every effort to resolve conflict within the department concerned and to minimize resorting to the appeal processes. No matter what the conflict, management and the employee(s) concerned shall make good faith attempts peacefully to resolve the conflict prior to beginning each subsequent step of the appeal process.
- (2) If an employee is in doubt as to whether a situation or issue may be appealed to the Commission, the employee is encouraged to file a timely request for appeal or hearing so as not to inadvertently waive the issue. After considering the request, the Commission responds by informing the employee whether the situation or issue is appropriate for consideration by the Commission. If it is to be considered, the Commission will arrange to have the matter placed on the Commission's agenda.
- (3) Employee dissatisfaction resulting from a transfer or reassignment of duties, in and of itself, shall not constitute grounds for disciplinary appeal procedures.
- (4) Employee dissatisfaction resulting from a discretionary policy decision or policy matters, in and of itself, shall not constitute grounds for disciplinary appeal procedures.
- (5) An employee who has voluntarily resigned or retired from his/her Civil Service position thereby forfeits all rights to the disciplinary appeal processes, unless a timely appeal or request for hearing was filed prior to retirement or resignation.

- (6) An employee may voluntarily enter a written agreement that expressly evidences his/her intent finally to resolve the issue(s) of any type of disciplinary action imposed. The agreement shall also include a statement that the employee waives all rights to further proceedings in the disciplinary appeal processes.

(B) ORIGINAL NOTICE OF APPEAL

- (1) The employee's notice of appeal must be filed in writing, by 5 p.m. in the Civil Service Director's office within ten (10) calendar days after receiving the notice of disciplinary action from the department head. An employee may withdraw his/her request for an appeal at any time thereafter, terminating the appeals process.
- (2) The employee's notice of appeal and request for hearing shall set forth the employee's basis for appeal in compliance with Chapter 143.

(C) FAILURE TO TIMELY FILE AN APPEAL

There will be no right to an appeal hearing in a situation where an employee fails to file a notice of appeal of a disciplinary action with the Director or Director's designee within the ten (10) day period allowed in Chapter 143. This shall result in an appeal in the matter not being established.

(D) OPTIONS FOR DISCIPLINARY HEARINGS

- (1) If an employee appeals a disciplinary action to the Commission, the Commission shall hold a hearing and render a decision in writing within thirty (30) days after the date it receives the notice of appeal. The employee and the Commission may agree to extend the thirty (30) day period and postpone the hearing or the deadline for the final ruling.
- (2) At any time after filing the original notice of appeal but before either party has incurred third party hearing examiner expenses, an employee may withdraw the original request for the independent third party hearing examiner and submit the appeal to a hearing before the Commission. The election must be made in writing and filed with the Director's office. However, this election may not be used to manipulate the thirty (30) day hearing deadline imposed on Commission decisions by Chapter 143.
- (3) At any time after filing of the notice of appeal, the parties may mutually agree to withdraw the appeal from an independent third party hearing examiner and submit the appeal to a hearing before the Commission. The mutual agreement must be made in writing and filed with the Director's office.

(E) DIRECTOR TO COORDINATE ALL MATTERS

- (1) The location and accommodations for all hearings and appeals shall be arranged by the Director of Civil Service.
- (2) All subsequent matters raised by either party regarding attendance, scheduling, requests for subpoenas, request for continuance, etc., shall be coordinated through the Director. All such information shall be provided to the Director who shall then provide copies of same to the opposing party or representative and also 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.

(F) EXPENSE AND COSTS

- (1) If appealed to a Hearing Examiner, the employee and the Police or Fire Department shares the Hearing Examiner's fees and expenses equally. The party who calls the witness pays the costs of a witness.
- (2) The appropriate amount as well as payment of all costs and expenses may be determined and collected by the Director of Civil Service. An employee may receive an estimate of anticipated costs upon written request to the Director. *(Revised 9/19/02)*
- (3) When applicable, the State law governing the doctrine of "mitigation of damages" will be applied in computing reimbursements or the offset for an award of back pay.

(G) FAILURE TO ATTEND SCHEDULED HEARING

The failure of a party to attend a scheduled appeal hearing, or to file a timely request for a continuation of the hearing to a later 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.

(H) EMPLOYEE AND DEPARTMENT REPRESENTATIVES

- (1) The hearing process shall recognize the right of employees as well as the department to be represented by one or more persons throughout the proceedings 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.
- (2) Employee and department representatives shall use their best efforts to conclude all proceedings smoothly, expeditiously, and as fairly as possible to all concerned.
- (3) The function of the representatives shall be to articulate the best interests of the employee or the department represented and to make their presentations pertinent to the issue(s) being considered. Dissatisfaction with a representative shall not constitute grounds for modification of the final ruling.
- (4) All representatives or employees who represent themselves shall become familiar with and follow these rules and regulations at all times during the disciplinary appeal process.
- (5) Any problems or concerns regarding the manner in which the opposing party or his/hers representative is handling a particular disciplinary appeal should be brought to the attention of Director of Civil Service. The difficulty will be expeditiously addressed.

(I) EXCHANGE OF DOCUMENTATION AND IDENTITY OF WITNESSES

- (1) The Texas Rules of Civil Procedure, the Texas Rules of Criminal Procedure, and all other rules of court regarding what is commonly known as "discovery" shall not apply to any civil service proceedings. Mediation and arbitration rules and processes do not apply to any civil service hearings.

- (2) Parties who request photocopies of documents from the opposing party should be accommodated if such requests are reasonable. Items from departmental policies, and rules and regulations manual may be photocopied. Items such as Accident 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.
- (3) Employees and their representatives may obtain copies of matters contained in the employee's own personnel and departmental files after the employee has signed the appropriate release form(s).
- (4) Before requesting a subpoena duces tecum for the production of documentation material, a party shall first make a request for the materials directly to the other party and allow a reasonable time for a response. If the request is refused or otherwise not produced, then a request may be made to the Commission to issue the subpoena duces tecum. Requests for subpoenas shall be completed at least ten (10) days prior to the scheduled hearing date in order to be processed in a timely manner.
- (5) All requests for subpoenas to compel the attendance of a witness shall be coordinated through the Director's office. Requests for subpoenas shall be completed at least ten (10) days prior to the scheduled hearing date in order to be processed in a timely manner. The Director may issue subpoenas on behalf of the Commission.

(J) **FORMAT OF APPEAL HEARINGS**

The format for an appeals hearing before the Commission will be as follows:

- (1) The City's (department's) case:
 - (a) Direct testimony of witness
 - (b) Cross-examination of witness
 - (c) Redirect
 - (d) Additional questions, if any, by Commission
- (2) Employee's response:
 - (a) Direct testimony of witness
 - (b) Cross—examination of witness
 - (c) Redirect
 - (d) Additional questions, if any, by Commission
- (3) Rebuttal by City Department, if any:
 - (a) Direct testimony of witness
 - (b) Cross-examination of witness
 - (c) Redirect
 - (d) Additional questions, if any, by Commission
- (4) Short argument, summary by City
- (5) Short argument, summary by employee

- (6) Short argument by City
- (7) Consideration by Commission of facts
- (8) Decision

(K) **HEARING PROCEDURES**

- (1) At the scheduled time and place, the hearing shall be called to order.
- (2) All parties shall come to the hearing prepared and ready to proceed so as to minimize any disruption of the hearing process. All parties shall bring at least six (6) copies of all documents or exhibits to be considered by the Commission at the hearing.
- (3) All disciplinary appeal proceedings shall be public hearings. The Commission may close a hearing at the request of the employee or of the department head if the subject matter would invade the privacy of the appellant, or any other employee or would compromise any ongoing investigation. The Commission may also close the meeting for any purpose authorized in the Texas Government Code.
- (4) A record of the proceedings, capable of clear and accurate reproduction or transcription, shall be made and maintained by the Director in compliance with State law. *(Revised 6/15/04)*
- (5) 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 as submitted 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.
- (6) Both parties may be allowed to make brief opening statements.
- (7) Unless waived by the participants, the hearing shall then proceed with the reading into the record the statement of charges and specifications as well as factual summary of the operative events as filed with the Commission by the department head and which forms the basis of the disciplinary action imposed on the employee.
- (8) The hearing shall then proceed to develop the evidence and testimony as to those contested matters.
- (9) The party with the burden of proof shall go first in the presentation of evidence and testimony. Thereafter, the responding party shall have the opportunity to respond with his/her own evidence, witnesses or testimony. Thereafter, the party with the burden of proof may come forward with rebuttal evidence or testimony as may be necessary. Presentations by both parties shall be as brief and as closely related to the issue(s) as much as is possible. Throughout the proceedings, Commission members may also ask questions as needed in order to aid their consideration of the testimony or evidence.

- (10) Witnesses may be sworn and their testimony taken under oath or affirmation. Witnesses are subject to reasonable and relevant cross-examination by the opposing party.
- (11) Upon request by either party, the hearing process may utilize what is commonly known as “the Rule” concerning oral testimony, meaning that all persons who shall be 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.
- (12) The Chairperson ‘shall exercise reasonable control over the questioning of witnesses and the presentation of evidence so as to:
 - (a) effectively ascertain 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.
- (13) The parties and their respective representatives shall cooperate in keeping all presentations as brief and to the point as possible. Long drawn-out sessions shall be discouraged. The Commission may establish time limits for presentation of each side of the case.
- (14) All hearings must remain business-like and focus upon resolution of factual matters. Hearings shall not be a time for accusations, threats, speeches or arguments. The Commission shall have the discretion to adjourn any meeting, which deteriorates into a “shouting match” or where fruitful dialogue ceases.
- (15) 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.
- (16) After the close of the presentation of evidence and testimony, both parties shall be given an opportunity to make closing summations.
- (17) Before adjourning, the Commission may adjourn to executive session for deliberation. Thereafter, the Commission shall reconvene in open session and shall, upon motion and second, make its decision. Thereafter, a written order containing it shall be prepared and signed by the Commissioners.

(L) **RULES OF EVIDENCE**

- (1) Technical rules of evidence shall not apply nor control the conduct of any civil service hearing. The Texas Rules of Court, and the Texas Rules of Evidence shall not apply nor govern any aspect of any civil service proceeding.
- (2) 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.

- (3) Either party may offer such relevant evidence as he/she may desire to aid in the determination of material disputed issues.
- (4) It shall be the province of the Commission to ultimately determine:
 - (a) The non-admissibility or non-consideration of any particular evidence of testimony;
 - (b) The relevance or non—relevance of any particular evidence or testimony;
 - (c) The credibility, or lack thereof, of any particular evidence or testimony; and
 - (d) The materiality or “weight” to be given to any particular evidence or testimony.
- (5) 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) 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 as per these rules; or
 - (b) The hearing has been closed.
- (6) 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.
- (7) 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.
- (8) All evidence and testimony shall be presented and received into the record while in open session.

(M) ISSUES TO BE DETERMINED IN DISCIPLINARY APPEALS

- (1) Generally, the determinative issues to be considered and determined by the disciplinary action appeal process shall be:
 - (a) Did “cause” exist to support the imposing of some form of disciplinary action as to the employee?
 - (b) Did the employee receive reasonable or appropriate “due process” in the department’s disciplinary process?
 - (c) Was the degree of disciplinary action imposed by the department “reasonable” under the circumstances? and
 - (d) Has the hearing process developed matters that justify or compel modification of the department head’s disciplinary action?
- (2) A party is required to establish its factual evidence by substantial evidence as outlined in Chapter 143 - Commission Appeal procedure.
- (3) 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 including indefinite suspension. Progressive discipline, need not always apply and the seriousness of a single offense may negate a previously unblemished record.

- (4) The hearing 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 would justify or compel modification of the department head's action.
- (5) An employee's mere disagreement or difference in opinion in regard to the Department's actions or reasoning shall not constitute grounds to overturn nor modify the disciplinary action.
- (6) If the hearing establishes one valid charge of misconduct supported by evidence sufficient to establish its truth, that charge shall be sustained even if the evidence at the hearing does not support other charges in the letter of disciplinary action.

(N) FINDINGS AND ORDERS OF THE COMMISSION

- (1) 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 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.
- (2) 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 promptly to restore the employee to the employee's proper position or status without penalty.
- (3) In the event that 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 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.
- (4) The final written ruling on all disciplinary appeals 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 other employment 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 per Chapter 143.
- (5) 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 to be for the same reasons and facts as presented by the department unless otherwise indicated.
- (6) When necessary, the Commission may consider matters involving questions of applying Chapter 143 to facts or events that may arise during the disciplinary appeal process and that are outside the scope of the department's statement of charges or the employee's notice of appeal. The Commission shall do so only after obtaining an agreement from the parties as to precisely what issue(s) is to be decided. If no such agreement can be reached, then the Commission shall use its best efforts to avoid the disputed issue(s) and proceed to determine only the factual merits of the disciplinary action properly before the Commission.
- (7) The final ruling and order of the Commission may be made by the majority vote of two of the three Commissioners present. If only two Commissioners are present, the final ruling and order must be made in agreement by both Commissioners present.
- (8) 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. The Commission may cite these records as reference material in subsequent determinations.

054. **DEMOTIONS**

The Commission's consideration of a department head's recommendation for demotion does not require a formal hearing. If the Commission determines that probable cause exists for a recommended demotion, the Director's letter to the police officer or fire fighter will include the hearing examiner option under Chapter 143.

After the Commission has determined that probable cause exist for a requested demotion, and has provided the employee with written notice as per Chapter 143, thereafter the action for appeal of the demotion or suspension may be conducted according to the same hearing procedures as set forth herein for all other disciplinary actions or as expressly provided otherwise in Chapter 143. *(Revised 6/15/04)*

055. **UNCOMPENSATED DUTY OF POLICE OFFICERS (RESERVED)**

056. **PROCEDURES AFTER FELONY INDICTMENT OR MISDEMEANOR COMPLAINT**

Conviction or deferred adjudication of a felony shall result in the fire fighter or police officer being terminated from his or her position. No hearing before the Civil Service Commission or Independent Hearing Examiner will be provided.

057. **HEARING EXAMINERS**

(A) **APPEALS TO INDEPENDENT THIRD PARTY HEARING**

- (1) Only disciplinary actions concerning an indefinite suspension, a suspension, a

promotional passover or a recommended demotion are appealable to Hearing Examiners.

- (2) The Director shall thereafter coordinate with the parties and the agency sponsoring the Hearing Examiner as to all matters regarding scheduling, place of hearing, accommodations, etc.
- (3) The rule-making power and authority of the Civil Service Commission is in no way conferred upon and/or delegated to any Hearing Examiner, either by implication or otherwise.
- (4) In every disciplinary appeal conducted under Chapter 143, the Hearing Examiner shall have the “same duties and powers” as would the Commission, including the right to issue subpoenas to compel the attendance of a witness.
- (5) A disciplinary proceeding conducted by a Hearing Examiner instead of the Commission shall not be conducted or resolved via arbitration or arbitration processes. An employee’s election of appeal to a Hearing Examiner shall not constitute a right or an agreement to submit the appeal to arbitration or arbitration processes.
- (6) The Hearing Examiner is to conduct a hearing fairly, objectively and impartially under the provisions of Chapter 143 and these Rules and Regulations. The Hearing Examiner is to render a fair and just decision based solely on the evidence presented in the hearing. The scope of evidence to be considered at the hearing shall be generally limited to matters closely relevant to the charges of misconduct as set forth in the department’s written statement and the employee’s notice of appeal as filed with the Commission as well as the appealing party’s previous work record with the department. It shall be the province of the Commission (or Hearing Examiner) to:
 - (a) Resolve any factual (not legal) conflicts or ambiguities, which may exist;
 - (b) Determine whether the department’s disciplinary action is free from the taint of any personal animosity; and
 - (c) Determine whether the disciplinary action is reasonably supported by facts, which had occurred prior to the time the disciplinary action was imposed.

The Hearing Examiner’s final deliberations shall primarily focus on the overall reasonableness of the department’s action as well as its substantial compliance with Chapter 143, these rules and regulations and the general orders and standard operating procedures of the department.

- (7) All hearings conducted by Hearing Examiners shall also be recorded so as to be capable of clear and accurate reproduction or transcription. The Director will coordinate with the Hearing Examiner for use of City equipment for this purpose or will coordinate the hiring of a court reporter. *(Revised 6/15/04)*
- (8) After the close of evidence and testimony a Hearing Examiner may deliberate and thereafter enter the ruling either in the same manner as the Commission or as per Chapter 143.

- (9) If a situation arises pertaining to the administration process of selecting a Hearing Examiner, or meeting notices, or request for rescheduling, refusal, conflict or interest, etc., and the situation is not provided for Chapter 143 or in these Rules and Regulations, then the parties and the Director shall attempt to mutually resolve the situation by agreement. If the matter is not one capable of being reasonably resolved by agreement then the Director may refer the matter to the administrative processes of the entity sponsoring the Hearing Examiner to resolve the situation within their own processes.
- (10) If a Hearing Examiner has been initially selected but is thereafter objected to or is asked to be excused by a party, both parties may mutually agree to excuse the Hearing Examiner and thereafter request a new list of qualified and neutral Hearing Examiners and start the selection process over again. If no such agreement can be reached, then both parties shall prepare a written statement including their requests and reasoning therefore which shall be submitted to the Director. The Director shall then transmit it to the agency sponsoring the Hearing Examiner, which shall then resolve the dispute according to its own administrative processes. The response shall either excuse the Hearing Examiner or thereafter provide a new list or it shall provide a written statement of reasons why the Hearing Examiner was not excused.

058.-070. **(RESERVED)**

CHAPTER E
LEAVES

071. **LEAVES OR ABSENCE: RESTRICTION PROHIBITED (RESERVED)**

072. **MILITARY LEAVE OF ABSENCE**

This section provides for military leave of absence for employees who voluntarily join the service, not those who are recalled to active military duty. *(Revised 6/15/04)*

073. **LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE**

If receiving full pay, the police officer or fire fighter must sign over any worker's compensation or other wage replacement benefit checks to the City.

074. **REAPPOINTMENT AFTER RECOVERY FROM DISABILITY (RESERVED)**

075. **MILITARY LEAVE TIME ACCOUNTS (RESERVED)**

076.-080.(RESERVED)

CHAPTER F
MISCELLANEOUS PROVISIONS

081. **DETERMINATION OF PHYSICAL AND MENTAL FITNESS** *(Revised 12/11/08)*

Every member of the Fire Department and Police Department must continually remain in such physical and mental condition as to be capable of rendering safe and efficient service to the City and performance of the duties and essential functions of the appropriate department. Fitness for duty will be based on requirements outlined in the employee's job description, departmental SOPs, and the meet and confer contract, as applicable.

All fire fighters and police officers shall be required to submit to a psychological or physical examination when a question arises as to whether the employee is sufficiently physically or mentally fit to continue his/her duties.

- (A) If a question arises about the employee's fitness for duty, the Department Head shall require sufficient proof of fitness for duty. The employee will have ten (10) business days to submit proof of his/her fitness for duty. The Department Head shall have the sole discretion to determine the sufficiency of proof and the appropriate course of action to meet the department's needs. The Department Head shall put his/her determination in writing and provide a copy to the employee within ten (10) business days of receiving documents provided by the employee or within thirty (30) calendar days after the Department Head has requested proof of fitness in writing, whichever is later.

If the employee can not submit a report from his/her personal physical, psychiatrist, or psychologist within the ten (10) business day requirement, the employee must request an extension of the timeline in writing to the Department Head. This extension must be submitted within the original ten (10) day timeframe and must include the reason an extension is needed and an alternate date by which the information can be provided.

The Department Head shall review the request and make a determination as to whether or not to grant the extension. If the Department Head has concerns with the request and has a reasonable belief that the request is without merit, then he/she shall forward the request to the Civil Service Director or his/her designee for review. The Civil Service Director or his/her designee, after conferring with the Department Head and the Legal Department, shall make a determination. A determination must be made within ten (10) business days, and in the event an extension is not granted, written justification must be provided to the employee.

If an extension is not granted, then, the question of the employee's fitness for duty will be determined pursuant to Chapter 143.081 (c) – (e).

- (B) If the employee does not agree with the Department Head's decision, he/she may exercise his/her rights under Chapter 143.081(b) by submitting a report from his/her personal physician, psychiatrist, or psychologist, as appropriate, within ten (10) business days from the Department Head's written determination. This report should be sent to the Commission through the Director's office.

Determination of the fire fighters' or police officers' mental and/or physical fitness for duty shall not be subject to appeal to the Commission or Hearing Examiner. The findings of the medical panel as

outlined in Chapter 143 shall be determinative and final. Medical information will be dealt with in accordance with applicable state and federal law(s).

082. **EFFICIENCY REPORTS**

The Chief of the Police department or Chief of the Fire department of each respective department may establish procedures and rules for performance evaluations for positions in the department.

083. **EMERGENCY APPOINTMENT OF TEMPORARY FIRE FIGHTERS AND POLICE OFFICERS (RESERVED)**

084. **CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIRE FIGHTERS AND POLICE OFFICERS (RESERVED)**

085. **FORCE REDUCTION AND REINSTATEMENT LIST (RESERVED)**

086. **POLITICAL ACTIVITIES**

No classified or probationary fire fighter or police officer shall continue to be employed by the City after becoming a candidate for nomination or election to the Denton City Council. Formal or informal announcement of such candidacy shall be deemed an automatic, non-appealable resignation. No appeal for such a resignation shall be forwarded to the Civil Service Commission.

087. **STRIKE PROHIBITION (RESERVED)**

088. **UNLAWFUL RESIGNATION OR RETIREMENT (RESERVED)**

089. **PERSONNEL FILE**

Any record of oral counseling or written reprimands will be maintained in the Fire or Police department as defined in subsection (g). *(Revised 6/15/04)*

090.-100.(RESERVED)