
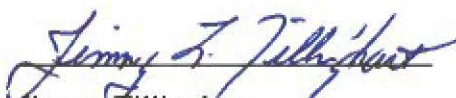


CITY OF LUBBOCK CIVIL SERVICE
COMMISSION RULES AND REGULATIONS

ADOPTED BY CIVIL SERVICE COMMISSION

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RULE 1 GENERAL PROVISIONS

Section 1.01 Repeal of Prior Rules

The rules hereinafter set forth represent a complete revision of the original City of Lubbock Civil Service Rules as well as those subsequently issued. These rules completely repeal and replace such earlier rules adopted by the Civil Service Commission and the Lubbock City Council. These rules are promulgated in accordance with the provisions of the Municipal Civil Service Law (Chapter 143 of the Local Government Code) and according to Chapter 2 of the Lubbock Code of Ordinances.

Section 1.02 Scope of the Rules

The scope and construction of the rules hereinafter set forth are adopted in accordance with Section 143.008, "A commission shall adopt rules necessary for the proper conduct of commission business". All situations not covered by State Civil Service Law, by City Ordinance or by these Rules shall be resolved in accordance with the City of Lubbock Personnel Policies and Procedures governing non-civil service employees.

Section 1.03 Definitions

All terms, words, or phrases contained in these rules shall be interpreted in accordance with the definitions contained in Chapter 143, and other applicable law. The term "Civil Service Ordinances" shall mean the ordinances codified in Chapter 2 of the Code of Ordinances of the City of Lubbock. The following specific definitions shall also apply:

- a) "Firefighter", "Police Officer", "Commission", "Civil Service Director", - see Chapter 143. "Firefighter" and "Police Officer" as referred to in Chapter 143 shall be considered to include both male and female.
- b) Unless preceded by the term, "the rank of" in these rules the terms "police officer", and "firefighter", shall refer to all members of the Fire or Police Departments subject to the provisions of Chapter 143.
- c) "Civil Service Position" - any Classified Position in the Lubbock Fire Rescue or Police Department upon completion of any required probationary period provided for in Chapter 143 and these Rules.
- d) "Classified Position" - employees of Lubbock Fire Rescue or the Police Department as defined under firefighter and police officer in Chapter 143 and reflected on the list of Classified Positions in these Rules and adopted by Budget Ordinance annually.
- e) "Demotion" - whether voluntary or involuntary is a transfer of an employee from a position in one classification to a position in another classification in accordance

with the classification and pay program, for which the maximum rate of base pay is lower. A pay program that reduces salaries for all classifications or all salaries for a single classification is not a demotion.

- f) "Director" means Director of Civil Service.
- g) "Prior Military Service" - military service, whether on active duty, guard, or reserve, that meets the definition for that particular branch.
- h) "Salary" - the designated rate of pay for a classification exclusive of longevity pay, education incentive pay, assignment pay or any other specially authorized additions to salary.

Section 1.04 Non-Discrimination

No person shall be discriminated against based upon race, sex, creed, religion, color, national origin or any non-disqualifying handicap.

RULE 2 CIVIL SERVICE COMMISSION

Section 2.01 Regular Meetings

The Commission shall meet once a month at a regularly scheduled meeting. The day of that month will be determined by the Commission. All agenda items shall be submitted to the Director of Civil Service prior to the scheduled meeting date. Items requested to be placed on the agenda should be requested of the Director at least five (5) working days in advance of the meeting date.

Section 2.02 Special Meetings

Special meetings shall be scheduled by the Director of Civil Service at the direction of the Chair or at the written request of any two Commissioners. These meetings will be posted as in Section 2.04.

Section 2.03 Open Meetings

Regular and special meetings of the Commission shall comply with the Texas Open Meetings Act.

Section 2.04 Notice of Meetings

Announcements and agenda of meetings shall be posted on the open meeting board at the Citizens Tower at least 72 hours prior to a scheduled meeting. The announcement shall contain date, time and place where the meeting will be held. Such posting shall conform to the requirements of the Texas Open Meetings Act. The Director of Civil Service shall be responsible for posting the public notices prior to each meeting and also providing this posting to the Chiefs of Police and Fire for distribution to various shifts or stations.

The Director of Civil Service may for good cause cancel a scheduled Civil Service meeting by writing "Canceled" across the meeting notices posted in all required posting areas. The Director of Civil Service shall report said cause to the Commission.

Section 2.05 Procedures of Commission

The Commission may, by majority vote, adopt amendments by minute action for the administration of these rules. Such amendments, as so identified by the Commission, shall be published within 60 days of adoption.

Section 2.06 Minutes

The minutes of the Commission shall record the following matters in summary form:

- a) adoption of minutes of the prior meeting;
- b) names placed on or removed from eligibility lists;

- c) appeal from dismissal, demotion or suspension and the action taken on those matters by the Commission;
- d) rules and procedures adopted by the Commission;
- e) any other significant actions taken or reports received by the Commission.

The minutes of the Commission shall be signed by the Chair, Commission Members present and the Director.

Section 2.07 Records

Records of the Commission shall be governed by the Texas Public Information Act, with regard to information that is protected and information which is public.

Section 2.08 Classification and Seniority Lists

Classification and Seniority Lists required under Chapter 143 shall identify and include all employees in Classified Positions, their grades, titles, dates of hire, and dates of most recent promotion. Said lists shall be published and made available at least annually. The Classified Positions in the Fire Rescue and Police Department shall be as follows:

Fire:	Police:
Probationary Firefighter (Non-Classified)	Probationary Police Officer (Non-Classified)
Firefighter	Police Officer
Equipment Operator	Corporal
Lieutenant	Sergeant
Captain	Lieutenant
Battalion Chief	Deputy Chief/Captain
Division Chief	Assistant Police Chief
Deputy Chief	

Section 2.09 Committee of the Whole

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 specifically authorized to do so by action of the Commission.

Section 2.10 Quorum

Two members of the Commission constitute a quorum sufficient to conduct a business meeting and hearing. However, to avoid a deadlock on matters of importance, all three members should be present.

Section 2.11 Nepotism

Individuals are ineligible to serve on the Civil Service Commission if they are related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to any person employed in a probationary or Classified Position of the Lubbock Fire Rescue or Police Department; a Chief of the Police or Fire Rescue Department; the Director of Civil Service or a Director's designee; the City Manager; a City Council Member; or the City Mayor.

Section 2.12 Conflict of Interest

If a commissioner has a direct personal or pecuniary interest on any question or appeal before the commission, the commissioner must make the fact known to the other commissioners and interested parties, and must abstain from participation on the matter at issue or from hearing an appeal under consideration, if the commissioner believes that he or she cannot disregard the relationship or interest so that the same will not affect the deliberations of the commissioner or the commissioner's assessment of the credibility of a witness or the weight to be given to the witness's testimony.

For example, if a commissioner is related to an interested party or witness, or has a financial relationship with an appellant or witness, or if a witness is also a potential witness in a litigation in which the commissioner is participating, the fact must be disclosed to the commission and interested parties.

RULE 3 ORIGINAL APPOINTMENT AND ENTRANCE EXAMINATIONS

Section 3.01 Applications for Entrance Exams

Application forms for entrance examinations shall be designed and prepared by the Director in cooperation with the Chiefs of the Departments. The application packets must conform to the requirements of Chapter 143, the Civil Service Local Rules and any applicable employment laws. The applications shall enable the Director to determine whether an applicant meets the minimum qualifications for the position, and to provide the Chiefs with additional information needed in determining suitability of applicants for entry level positions.

The selection process for Police Officers or Firefighters consists of several steps. The purpose of the process is to produce a pool of candidates who are qualified to become Probationary Police Officer or Probationary Firefighter.

- a) In order to qualify for the position of Probationary Police Officer with the Police Department, an applicant shall:
 - 1) Be at least 20 1/2 years of age (20 years and 6 months) on the day of the entrance examination.
 - 2) Be a high school graduate or possess a G.E.D. certificate.
 - 3) Be of good moral character as confirmed by a thorough, comprehensive background investigation.
 - 4) Be fingerprinted and subjected to a search of records and fingerprint files to disclose any criminal record.
 - 5) Not be on probation for a criminal offense above the grade of Class C misdemeanor.
 - 6) Not have been convicted of a Class A misdemeanor or any felony.
 - 7) Not have been convicted of a Class B misdemeanor or its equivalent within the last one hundred twenty (120) months.
 - 8) Not be under indictment for a felony, Class A misdemeanor, or Class B misdemeanor offense.
 - 9) Not have ever executed at any time a confession to a felony offense, if that confession is admissible as evidence in any criminal proceeding in any state or federal court.

- 10) Possess a valid driver's license not in jeopardy of suspension, and be covered by a current, valid motor vehicle liability insurance policy issued by a company licensed to do business in the State of Texas. No applicant shall have a driver's license suspension within the last two (2) years immediately prior to application, convictions for more than two (2) moving violations in the twelve (12) months immediately prior to application, or convictions for more than five (5) moving violations in the twenty-four (24) months immediately prior to application. A valid Texas driver's license shall be required at the time of appointment.
- 11) Be a citizen of the United States or a veteran with permanent legal resident status, honorably discharged with two years of service.
- 12) Provide proof of any and all prior military service, (*i.e.*, DD Form 214 Service 2, DD Form 214 Member 4, or DD Form 214 Service 7).
- 13) Individuals who apply for employment while on terminal leave from the military must submit a letter from their commanding officer indicating the anticipated date of discharge and the anticipated character of the discharge. Once discharged after terminal leave, the individual must provide proof of their discharge, (*i.e.*, DD Form 214 Service 2, DD Form 214 Member 4, or DD Form 214 Service 7). All discharges after a period of terminal leave will be evaluated in accordance with Section 3.07 (m). Individuals who would not be qualified based on Section 3.07 (m), or who are no longer qualified, based on an investigation into their discharge after terminal leave, shall be terminated immediately.
- 14) Possess uncorrected visual acuity of 20/100 or better in each eye with both eyes correctable, with eye-glasses, to at least 20/20 binocular vision, or 20/200 or better vision correctable to at least 20/20 binocular vision with contact lenses; and the ability to distinguish between the basic color groups.
- 15) Not have had a license by the Texas Commission on Law Enforcement (TCOLE) denied by final order or revoked, or have a voluntary surrender of license currently in effect.
- 16) Be in good credit standing after having a complete credit report evaluation with financial data being provided from applicable credit agencies.
- 17) Be examined by a licensed physician and be declared in writing to be physically sound and free from any defect which may adversely affect performance of duty.

- 18) Business necessity requires that past drug usage may be grounds for rejection for employment. This information will be verified and evaluated on an individual basis. An employer, such as a law enforcement agency, may impose a qualification standard that excludes individuals with a history of illegal use of drugs.
 - 19) Be examined by a licensed psychologist and be declared, in writing by the psychologist, to be in satisfactory psychological and emotional health to be a police officer.
- b) In order to qualify for the position of Probationary Firefighter with the Fire Rescue Department, all applicants shall:
- 1) Be at least eighteen (18) years old at the time of the written examination; and not have reached his/her thirty-sixth (36) birthday at the time of hire.
 - 2) Be a high school graduate or possess a G.E.D. Certificate.
 - 3) Be of good moral character as confirmed by a thorough, comprehensive background investigation.
 - 4) Be fingerprinted and subjected to a search of records and fingerprint files to disclose any criminal record.
 - 5) Not be on probation for a criminal offense above the grade of Class C misdemeanor.
 - 6) Not have been convicted of a Class A misdemeanor offense or its equivalent within the last sixty (60) months.
 - 7) Not have been convicted of a Class B misdemeanor or its equivalent within the last sixty (60) months.
 - 8) Not have been convicted of the offense of driving while intoxicated or driving under the influence of drugs within the last sixty (60) months.
 - 9) Not be under indictment for a felony offense, or convicted at any time of a felony offense or misdemeanor family violence.
 - 10) Not have executed at any time a confession to a felony offense, if that confession is admissible as evidence in any criminal proceeding in any state or federal court.
 - 11) Possess a valid driver's license that is not in jeopardy of suspension, and be covered by a current, valid motor vehicle liability insurance policy

issued by a company licensed to do business in the State of Texas. No applicant shall have a driver's license suspension within the last two (2) years immediately prior to application, convictions for more than two (2) moving violations in the twelve (12) months immediately prior to application, or convictions for more than five (5) moving violations in the twenty-four (24) months immediately prior to application. A valid Texas driver's license shall be required at the time of appointment.

- 12) Be a citizen of the United States or a veteran with permanent legal resident status, honorably discharged with two years of service.
 - 13) Provide proof of any and all prior military service, (i.e., DD Form 214 Service 2, DD Form 214 Member 4, or DD form 214 Service 7).
 - 14) Possess with glasses or contacts: uncorrected visual acuity of 20/100 and minimum corrected binocular visual acuity of 20/30. Successful long term soft contact wearers will not be required to meet uncorrected visual acuity standards. For peripheral vision, visual field performance without correction shall be 140 degrees in the horizontal meridian of each eye. Must be able to discriminate between red, green and yellow.
 - 15) Not have had a license by the Texas Commission on Fire Protection denied by final order or revoked, or have a voluntary surrender of license currently in effect.
 - 16) Good credit standing after having a complete credit report evaluation with financial data being provided from applicable credit agencies.
 - 17) Be declared in writing to be physically sound and free from any defect, which may adversely affect performance of duty.
- c) After the application has been reviewed to determine if the applicant meets the minimum legal and documentation qualifications for the position, each applicant for the Fire Department will be provided with a receipt, (either in person or by electronic mail).
 - d) After the deadline for acceptance of applications, the Director, or his/her designee, shall review completed applications to determine if each applicant meets the minimum legal and documentation qualifications for the position. In cases where qualifications and documentation are not met, the Director or his/her designee shall notify the applicant that their application has been rejected and inform them of the reason.
 - e) Applicable minimum qualifications shall be those that comply with the statutory requirements of Chapter 143, Federal Regulations, and the appropriate State Certification agency.

Section 3.02 Reappointment after Resignation

A police officer who voluntarily resigns, except as provided in Section 6.02, from the Police Department is not required to retake the entrance examination. However, the former police officer must meet the qualifications listed in Section 3.01, other than the age requirements, and complete all other phases of the recruitment process; and therefore, can only be reappointed by order of the Chief. Any individual in this circumstance shall be placed on the appropriate eligibility list by action of the Commission and thereafter reviewed for suitability. If reappointed, the police officer shall regain seniority for prior years of service with the department.

Section 3.03 Lateral Entry Program

The Police Department's Lateral Entry Program is authorized as a form of seniority pay and designed to attract qualified applicants with law enforcement experience who require less training time than applicants without previous experience. This additional recruiting tool shall involve compensating lateral entry officers for their experience based on the number of years of their prior experience. The Lateral Entry Program in effect at the time of hire shall be followed for placement in the pay plan.

Eligibility for Lateral Entry

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

Lateral entry applicants must successfully complete each step in the Civil Service hiring process in the same manner as any other applicant.

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

The probationary period for lateral entry officers shall be governed by Section 3.11 of these rules.

Compensation for lateral entry officers shall be determined based on the number of whole years of service as an authorized sworn officer in their previous law enforcement agency or agencies on

the date of their Civil Service Entrance Examination with the department. Lateral entry officers with at least two (2) years of qualified service shall be credited with their total number of whole years of service. They shall be placed in the step of the Police Officer pay schedule commensurate with their qualified years of experience, not exceeding the top pay of the Police Officer rank.

Seniority for Lateral Entrants: The Lateral Entry Program is for pay purposes only and actual work experience in another law enforcement agency shall not be considered for promotional eligibility requirements, departmental seniority, leave calculations, transfers or other such accruals/programs which utilize years of service in calculation. Departmental seniority for lateral officers shall begin on their Civil Service hire date with the Lubbock Police Department.

The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Lateral Entry Program and the Chief's decision shall be final and non-appealable to the Civil Service Commission or a third party hearing examiner as authorized by Chapter 143 of the Texas Local Government Code.

Section 3.04 Entrance Test Administration Procedures

The procedures for administering entrance exams include:

- a) Smoking shall be prohibited at all times in the testing area.
- b) Roll Call - Roll shall be taken with appropriate identification and no applicant shall be admitted once test instructions start. Applicants shall be provided a copy of the test instructions sheet to read along with the test proctor.
- c) Honorable Discharge Credit - Those persons who desire to have discharge credit added to their test scores must provide proof of an honorable discharge prior to the deadline for acceptance of applications (*i.e.*, DD Form 214 Service 2, DD Form 214 Member 4, or DD Form 214 Service 7). Any discharge by whatever name known that includes any language other than "Honorable Discharge" is not creditable for the purposes of this section.
- d) Failure to Appear - The applications of persons who fail to appear for the Entrance Examination shall be voided and shall be disposed of by the Director of Civil Service.
- e) Cancellation of Entrance Examination - The Commission may cancel a scheduled Entrance Examination for sufficient cause.
- f) Cheating - Any person taking an Entrance Examination who uses or attempts to use any unfair or deceitful means to pass such examination shall be informed by the test proctor and the test proctor shall remove the examinee from the test area and void the answer sheet. The test proctor shall report his/her action to the Commission.

- g) Test Monitors - The Director of Civil Service may select a reasonable number of persons employed by the City of Lubbock or an agency of the State of Texas to assist in the administration, proctoring and grading of Entrance Examinations.
- h) Personal History Statements - Applicants shall be provided or given access to a Personal History form to be completed and returned at a time designated by the Chief of the respective department. Failure to complete and return this form at the prescribed time shall constitute being deemed unsuitable for appointment as described in subsequent suitability criteria.

Section 3.05 Publishing Eligibility Lists

Tentative eligibility lists will be published and posted within one calendar week after the completion of the entrance examination. These lists will include all tiebreakers, the raw score percentage, any applicable military credit, and the final score of the applicants. The eligibility list will rank order the applicants after the ties have been broken and must be filed with the Civil Service Commission. The eligibility list for Firefighters will expire one (1) year after the date of the entrance exam. The eligibility list for Police Officers will expire six (6) months after the date of the entrance exam.

Section 3.06 Eligibility Lists for Original Appointments

Creation of the Eligibility List for Appointment includes the following criteria:

- a) "Minimum Passing Grade" - The minimum passing grade on the entrance examination shall be 70%. This minimum passing grade must be achieved before any additional credits are added to the applicant's final score.

The point value on entrance exams with less than/greater than 100 questions will be carried to two decimal places with rounding of the second decimal place value.

- b) "Examination Grade Calculation" – The final score shall be the sum of the percentage of the raw score and any additional credits, carried to two decimal places with rounding of the second decimal place value.
- c) "Raw Score Percentage" – The raw score shall be equal to the total number of questions the applicant scored correctly as a percentage value of the number of questions on the exam.
- d) "Honorable Discharge Credit" - The minimum passing grade shall be 70%. Five points for honorable discharge credit shall be added only to the applicants Examination Grade calculation which meets or exceeds the minimum passing grade. In no case shall such points be added to an applicant's score to qualify for the minimum passing grade.

- 1) "Honorable Discharge Credit Recipient" - For the purpose of this section, a person who has received, and can provide proof of, an "Honorable Discharge" from service in the armed forces of the United States, shall receive honorable discharge credit, (*i.e.*, DD Form 214 Service 2, DD Form 214 Member 4, or DD Form 214 Service 7). Any discharge, by whatever name known, that includes any language other than "Honorable Discharge" is not acceptable for the purpose of this section.
- e) Tie-Breaking Procedure – For fire applicants, in the event that two or more applicants make identical total Examination Grades under the above sections, then the order of their rank on the eligibility list shall be based upon the Examination Grade of said applicants. Should there still be a tie score, then the order of said applicants shall be decided first by applicants that have a current and valid Texas Department of State Health Services (DSHS) paramedic certification, second by applicants that have a current Texas Commission on Fire Protection (TCFP) Basic Structure Firefighter or higher certification, third by applicants that have a current DSHS EMT Basic or Advanced EMT Certification, and the final shall be the date and time of application submission, with the earliest date and time prevailing. Should there still be a tie, then the order of said applicants shall be determined by the ninth digit of each of the tied applicants' social security numbers (and progressing to the first digit and digits in order thereafter, as necessary), with the lower digit among the two respective digits compared prevailing.

For police applicants, in the event that two or more applicants make identical examination grade calculations under the above sections, then the order of said applicants shall be decided by the date and time of application, with the earliest date and time prevailing. Should there still be a tie, then the order of said applicants shall be determined by the ninth digit of each of the tied applicants' social security numbers (and progressing to the first digit and digits in order thereafter, as necessary), with the lower digit among the two respective digits compared prevailing.

- f) Establishing the Entrance Eligibility Lists – Upon successful completion of the written tests and attainment of a passing score, the applicant's total final score will be computed by using the raw score percentage on the written examination plus "Honorable Discharge Credit".
- g) An exception to 3.05 d) in accordance with Chapter 143.025 (j) shall be that each applicant who is either a natural-born or adopted child of a firefighter who previously suffered a line-of-duty death while covered by Chapter 143.025 shall be ranked at the top of any eligibility list in which said applicant receives a minimum passing grade on that respective eligibility exam.
 - 1) The applicant must provide at the time they apply to take the written eligibility examination:
 - the name of the deceased firefighter/parent on his or her application;

- birth certificate or adoption certificate;
 - letter from parent's employing City confirming line-of-duty death; and
 - any other information the Director may need to verify eligibility.
- 2) The deceased firefighter's applicant child must otherwise satisfy all of the requirements for eligibility for a Probationary Firefighter position in a fire department.

Section 3.07 Overview of Hiring Process

The Civil Service Commission will make the determination of suitability after receiving recommendations from the Department Heads per the requirement of Chapter 143 of the Local Government Code and the Local Rules adopted by the Commission. Differing recommendations may be based on physical ability assessments, departmental interview panels, an interview by Chiefs, and background investigation. The Commission shall consider recommendations and all suitability documentation in an open meeting of the Commission and determine who is suitable for employment.

For each vacancy, the Director will certify to the Chiefs the names of the three persons having the highest position on the suitability list. The Chief shall make a conditional offer of employment to the candidate having the highest position unless there is a valid reason why the person having the second or third highest grade should be given the conditional offer. Should the Chief not appoint the person having the highest position on the list, he/she must notify that person according to the provision of Local Government Code Section 143.026. The candidate receiving the conditional offer of employment shall successfully complete the medical, psychological or psychiatric evaluations, and polygraph evaluation as required by law or certification requirements. If the candidate does not pass the medical, psychological, or psychiatric evaluation, the candidate shall have 72 hours after notification of failure to request another medical, psychological, or psychiatric evaluation by a board of three physicians, psychologists, or psychiatrists (as appropriate) appointed by the Civil Service Commission. The candidate must pay for the board examination. The board's decision is final as to the physical/medical, mental, or psychological requirements under Local Government Code Section 143.022.

The Chief will comply with all federal and state laws in making any appointment. In addition, the Chief will appoint the person having the highest position on the list unless there is a valid reason why that person should not be appointed. Should the Chief not appoint the person having the highest position, he/she shall give notice to the candidate as required by Local Government Code Section 143.026.

Nothing in Local Government Code Chapter 143 provides for a candidate to be heard before the Civil Service Commission in connection with this process. Furthermore, nothing in these rules should be interpreted to accord any such hearing to employment candidates.

Section 3.08 Determination of Suitability of an Applicant

The Chiefs will use the following criteria in determining a recommendation to the Civil Service Commission as to the suitability of an applicant for an original appointment, from the permanent eligibility list. Failure in one or more of the following areas may result in the applicant being deemed unsuitable for appointment.

- a) **Credit History** - Any applicant who has a credit history which demonstrates a lack of commitment to pay just debts. Factors which will be considered include the type and number of debts, reasons for any record of bad credit, extenuating circumstances, and any potential for the credit related problems impacting the applicant's judgment and integrity. A poor credit history alone will not disqualify an applicant, however the circumstances surrounding the financial situation which demonstrates lack of commitment to responsibly address the situation shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- b) **Criminal Conduct** - Primary concern should be with the nature of the criminal conduct, evidence of rehabilitation, and the effect such conduct may have on the effectiveness of the City. The facts and circumstances of the behavior should be considered in all decisions (even where the record has been expunged or a pardon granted - Exception: Presidential or gubernatorial pardon granted on the basis of the person's innocence). Persons under indictment or formal criminal charges may not be considered for employment until a disposition is made of the pending charges. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- c) **Dishonesty** - Includes an act indicating deliberate disregard for the rights of others (generally through lies, fraud, or deceit) for the benefit of the applicant or other persons (i.e. offer or acceptance of a bribe; falsification of records; willful disregard for the truth; theft; issues relating to material falsification; etc.). Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- d) **Infamous or Notoriously Disgraceful Conduct** - Conduct so bizarre or so clearly aberrant that the conduct itself evidences depravity (i.e. incest, bestiality, self-mutilation). The occurrence, particularly if recent, is normally unsuitable. (The occurrence of conduct not recent may also be sufficient cause for a finding of unsuitability if there is evidence of continuing orientation toward such behavior.) The conduct may or may not include notoriety, but generally would involve potential for notoriety and public censure if it became known after employment of the person with the City. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- e) **Driving History** - Inability to satisfy applicable driver's license requirements; any drivers' licensing suspension occurring within the last two (2) year period immediately prior to application; convictions for more than two (2) moving

violations within the last twelve (12) month period immediately prior to application; convictions for more than five (5) moving violations within the twenty-four (24) month period immediately prior to application will result in the applicant being deemed unsuitable by the Civil Service Commission.

- f) **Abuse Of Narcotics, Drugs or Other Controlled Substances** - Current or recent use or possession would ordinarily be unsuitable. Any pattern is also a finding of unsuitability unless there is a clear, lengthy break since the last occurrence. Sale, while not abuse, may fit into a pattern of drug related behavior in addition to being criminal conduct. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- g) **Habitual Use of Intoxicating Beverages to Excess** - Current, continuing abuse would ordinarily be unsuitable. Abuse may manifest itself in poor employment records, debts, domestic difficulties, convictions, or other manifestations. A clear, lengthy break in a pattern of abuse and strong evidence that the abuse will not occur again is required before the conduct can be considered suitable. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- h) **Intentional False Statement or Deception or Fraud in Examination or Appointment**

Any applicant that has intentionally made a false statement in any material fact, intentionally withheld information, practiced or attempted to practice any fraud or deception in the application process, examination, interview, or appointment shall be found unsuitable for appointment. Any false statement knowingly made by any applicant or made at his/her request or with his/her knowledge, in any instrument which may accompany his/her application or any other document required to be completed during the selection process, shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- i) **Reasonable Doubt of Loyalty to The United States** - Traitorous or disloyal acts are unsuitable. Knowing membership in, with specific intent to further the aims of, an organization which unlawfully advocates or practices acts of violence to prevent others from exercising their rights under the Constitution or law, or which seeks to overthrow or alter our form of government by unlawful or unconstitutional means is unsuitable. Peaceful protest in and of itself is not unsuitable. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- j) **Fails to Cooperate Fully in the Employment Process** - Any applicant who fails to cooperate fully in the employment process by such acts as missing appointments, failing to return necessary paperwork, failing to notify the department of current telephone numbers or addresses, failing to cooperate in the background check required of each applicant, or otherwise failing to complete the

employment process shall be deemed unsuitable by the Civil Service Commission.

- k) **Statutory Disqualification** - Each police officer applicant must meet the qualifications for certification as required by TCOLE. Each firefighter applicant must meet the qualifications for certification as required by the Texas Commission on Fire Protection Personnel Standards and Education (TCFP). Failure in this area would result in being deemed unsuitable by the Civil Service Commission.
- l) **Delinquency or Misconduct in Prior Employment** - The delinquency or misconduct need not necessarily have resulted in dismissal from employment in order to be considered. If dismissal resulted, primary emphasis should be placed on the act or conduct which prompted the dismissal rather than on the mere fact of dismissal. The fact that an applicant has an employment history which demonstrates instability as evidenced by short terms of employment over the applicant's history, unreliability, or inability to perform duty; or the fact that an applicant has been involuntarily terminated from employment, or has resigned in lieu of involuntary termination for inefficiency, delinquency, or misconduct within five (5) years of the date of application, shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- m) **Prior Military Service** - Any applicant with prior military service must provide proof of their service, (*i.e.*, DD Form 214 Service 2, DD Form 214 Member 4, or DD Form 214 Service 7). Prior military service will be evaluated using the following guidelines:
 - 1) Applicants who possess an Honorable Discharge will be eligible for further consideration. Applicants who received a discharge that is classified as General under Other than Honorable Conditions, Dishonorable, or Bad Conduct shall be rejected and deemed unsuitable by the Civil Service Commission.
 - 2) Applicants who received a discharge that is not classified as Honorable, General Under Other than Honorable Conditions, Dishonorable, or Bad Conduct will be evaluated on a case-by-case basis. All disciplinary action shall be thoroughly investigated and an evaluation of military performance shall be made in order to determine whether the applicant is eligible for further consideration. If upon further inspection, the applicant is disqualified due to their prior military service, the applicant shall be deemed unsuitable by the Civil Service Commission.
- n) **Language Skills** - Each applicant must be able to read and write English, as provided in Section 143.023 (f) of the Texas Local Government Code. Failure in this area will result in being deemed unsuitable by the Civil Service Commission.

- o) **Interpersonal Skills** - Any applicant which has demonstrated inadequate interpersonal skills with past supervisors, subordinates, co-workers, peers, or members of the public, etc. as evidenced by inability to take direction from supervisors, inability to accept constructive criticism, fights, arguments, heated disagreements, confrontations, difficulty in understanding the needs of others, inability to empathize bias or prejudice in dealing with specific ethnic or socioeconomic groups, shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- p) **Public Image** - Each applicant must demonstrate the ability to adopt reasonable grooming standards consistent with contemporary community standards and expectations to include cleanliness and neatness, to take pride in his/her personal appearance and professional bearing, to work to stay in good physical condition, and to maintain his/her uniform and equipment in acceptable condition. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- q) **Initiative** - Each applicant must provide demonstrated efforts of initiative as evidenced by self-growth (i.e. reading seminars, formal education, etc.), positive self-initiated changes in previous employment for growth purposes, persistence in striving to obtain personal objectives, and the making of suggestions for improved efficiency or productivity. Failure in this area shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- r) **Adaptability** - Each applicant must demonstrate: the ability to adapt to the formal rule structure (i.e. dress code, living requirements, etc.), the ability to adapt to the gruesome aspects of the job, the ability to react quickly to emergency situations, motivation to be a firefighter or police officer, and realistic job expectations. Failure in this area will result in the applicant being deemed unsuitable by the Civil Service Commission.
- s) **Situational Reasoning** - Each applicant must demonstrate ability to "think on his feet", ability to prioritize in decision-making, ability to take decisive actions, and ability to balance judgment with common sense. Failure in this area would result in the applicant being deemed unsuitable by the Civil Service Commission.

Section 3.09 Additional Requirements for Firefighter Applicants

Applicants for the position of Probationary Firefighter will also be required to successfully meet the following criteria in order to be deemed suitable for appointment:

- a) **Physical Ability Assessment** - The department shall conduct a physical ability assessment of the applicant. Minimum physical qualifications for probationary firefighter shall be determined by validation studies designated by the Human Resources Department. An applicant failing to reach a minimum passing score on the physical ability assessment shall be deemed unsuitable by the Civil Service Commission.

b) **Background Investigation** - All applicants will complete a Personal History Statement, and a thorough background investigation will be conducted by the department. The background investigation will focus on the areas covered in the Determination of Suitability process, Section 3.07 of these rules. All information will be confirmed. Any omission or falsification, or any evidence of a failure in one or more of the criteria areas for determination of suitability as set forth at Section 3.07 of these rules, shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.

c) **Interview Board** - Applicants will be interviewed by an interview board. The interview board will be appointed by the Fire Chief and will be composed of five (5) Members. The interview board shall make a recommendation as to the suitability of applicants to the Fire Chief, based on the criteria for determination of suitability set forth in Section 3.07 of these rules.

The Human Resources Department will assist the Fire Department in developing the questions and process that will be used to determine suitability. The questions and process will be constructed to elicit information directly related to the criteria for determining suitability set forth in Section 3.07 of these rules. Applicants interviewed as part of a group of applicants participating together in the appointment process shall be asked substantially the same interview questions by the same interview board; however, questions may be asked to follow up on responses given to such questions, so long as the follow up questions are constructed to elicit information directly related to the criteria for determining suitability set forth in Section 3.07 of these rules. The same scoring criteria and method shall be utilized to score and to determine suitability for each applicant interviewed as part of a group of applicants participating together in the appointment process.

- 1) The following guidelines will be used to rate each applicant in the interview board process. An applicant will be considered to have failed the interview board in any of the following circumstances: two or more raters fail the applicant in two identical criteria for determination of suitability;
- 2) A majority of raters fail the applicant in any single criteria for determination of suitability; or
- 3) An overall score equal to less than 70% passing.

d) **Chief Interview** - The Chief shall consider each applicant for interview. Interviews will focus on the criteria for determination of suitability outlined in Section 3.07 of these rules. The Chief will make a recommendation of suitable or unsuitable to the Civil Service Commission. Failure to commit to the conditions of employment by execution of a written statement of

"Firefighter Condition of Employment" as set forth in Addendum A shall render the applicant unsuitable by the Civil Service Commission.

- e) **Medical Examination** - All applicants will be required to undergo and successfully pass a thorough medical examination provided by the City of Lubbock. This examination will include testing for drug dependency or illegal drug use. This physical will be based on criteria listed in Section 5.01 of these rules and any additional requirements listed in the National Fire Protection Association Standard 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments. Any applicant who fails the Medical Examination shall have 72 hours after notification of failure to request another evaluation by a board of three physicians appointed by the Civil Service Commission. The board's decision is final.

Section 3.10 Additional Requirements for Police Officer Applicants

Applicants for the position of Probationary Police Officer will also be required to successfully meet the following criteria in order to be deemed suitable for appointment.

- a) **Physical Ability Assessment** - The department shall conduct a physical ability assessment of the applicant. Minimum physical qualifications for probationary police officer shall be determined by validation studies designated by the Human Resources Department. An applicant failing to reach a minimum passing score on the physical ability assessment shall be deemed unsuitable by the Civil Service Commission.
- b) **Background Investigation** - All applicants will complete a Personal History Statement, and a thorough background investigation will be conducted by the department. The background investigation will focus on the areas covered in the Determination of Suitability process, Section 3.07 of these rules. All information will be confirmed. Any omission or falsification, or any evidence of a failure in one or more of the criteria areas for determination of suitability as set forth at Section 3.07 of these rules, shall be sufficient cause for the applicant to be deemed unsuitable by the Civil Service Commission.
- c) **Interview Board** - Applicants will be interviewed by an interview board. The Interview board will be appointed by the Chief and will be composed of five (5) members or such other number of members as determined by the Chief, but in no event shall the number be less than three. The interview board shall make a recommendation as to the suitability of an applicant to the Chief, based on the criteria for determination of suitability outlined in Section 3.07 of these rules.

The interview questions will be constructed to elicit information directly related to the criteria for determining suitability set forth in Section 3.07 of these rules. Applicants interviewed as part of a group of applicants participating together in the appointment process shall be asked substantially

the same interview questions by the same interview panel; however, questions may be asked to follow up on responses given to such questions, so long as the follow up questions are constructed to elicit information directly related to the criteria for determining suitability set forth in Section 3.07 of these rules. The same scoring criteria and method shall be utilized to score and to determine suitability for each applicant interviewed as part of a group of applicants participating together in the appointment process.

The qualifications set forth in TCOLE, Oral Interview Procedure Manual, will be used to rate each applicant in the interview process and to determine applicant scores and whether the applicant has passed or failed the interview board.

- d) **Chief Interview** - The Chief shall consider each applicant for interview. Interviews will focus on the criteria for a determination of suitability outlined in Section 3.07 of these rules. The Chief will make a recommendation of suitable or unsuitable to the Civil Service Commission.
- e) **Medical Examination** - All applicants will be required to undergo and successfully pass a thorough medical examination provided by the City of Lubbock. This examination will include testing for drug dependency or illegal drug use. This physical will be based on the criteria listed in Section 5.01 of these rules. Any applicant that fails the Medical Examination shall have 72 hours after notification of failure to request another evaluation by a board of three physicians appointed by the Civil Service Commission. The candidate must pay for the board examination. The board's decision is final.
- f) **Polygraph Examination** - All applicants will be required to undergo a polygraph examination conducted by the department. The examination shall focus on one or more criteria for determination of suitability outlined in Section 3.07 of these rules.
- g) **Psychological Examination** - All applicants will be required to be examined by a licensed psychologist or psychiatrist and be declared in writing by that professional to be in satisfactory psychological and emotional health as required by TCOLE Rule 217.1 pursuant to Texas Occupations Code Section 1701.306. If the candidate does not pass the psychological or psychiatric evaluation, the candidate shall have 72 hours after notification of failure to request another psychological or psychiatric evaluation by a board of three (3) psychologists or psychiatrists appointed by the Civil Service Commission. The candidate must pay for the board examination. The board's decision is final as to the psychological or psychiatric requirements under Local Government Code Section 143.022. Any applicant who fails the psychological exam will be disqualified.

Section 3.11 Beginning of Probationary Period

The probationary period for all firefighters, police officers, and academy trainees shall be eighteen (18) months and begins on the first day of employment with the department as a Probationary Police Officer or Probationary Firefighter unless the employee is already certified by TCOLE or TCFP as defined in Section 3.01. In this case, the probationary period shall be twelve (12) months.

- a) During the probationary period, Probationary Police Officers and Probationary Firefighters are employed "at will" and shall be subject to discharge at the discretion of their Chief, which discharge shall be final and unappeasable to the Commission.
- b) Probationary employees shall only have such rights as designated by the City of Lubbock Employee Policy Manual for probationary employees and departmental rules and regulations. Probationary employees shall not be entitled to:
 - 1) Appeal of specific charges filed against them;
 - 2) A hearing before the Civil Service Commission or a Third Party Hearing Examiner;
 - 3) Appeal to district court in accordance with rights afforded to Civil Service employees pursuant to Chapter 143.
- c) A probationary employee may be afforded an exit interview before the Chief. The probationary employee is not protected or covered under civil service.

RULE 4 PROMOTIONAL EXAMINATIONS

Section 4.01 Frequency of Promotional Examinations

The Commission shall cause promotional examinations to be given as often as required to fill vacancies. As soon as the Chief of Fire or Police of the department anticipates a vacancy, he/she shall advise the Director. In those cases where it is not possible to anticipate a vacancy, such as a death or resignation of an incumbent, the Chief shall advise the Director as soon as the vacancy occurs. When the Commission is notified of a vacancy or an anticipated vacancy, it shall proceed to conduct a promotional examination.

Section 4.02 Notice of Promotional Examinations

Notice of a promotional examination shall be posted by the Commission not less than 31 days prior to the date set for the promotional examination. Each eligible promotional candidate shall be sent written notice of intent to hold a promotional examination.

Section 4.03 Content of Promotional Examination Notices

Notices for promotional examinations shall contain the following information:

- a) Classification to be tested for and its salary.
- b) Date, time and place of examination.
- c) Eligibility requirements required to take the examination.
- d) Dates during which the "Intent to Take Examination" forms can be filed.
- e) Place where "Intent to Take Examination" forms can be picked up and returned.

Section 4.04 Intent to Take Examination

Each eligible applicant will be sent a notice (email) indicating the date and time for a promotional examination. Applicants will be required to electronically apply and register verifying that they are sitting for the examination. A receipt/email will be sent to each applicant verifying that they have applied/registered. Candidates serving on active military duty not within reasonable geographic proximity (Texas or bordering the state of Texas, shall be sent a separate notice (email) to hold a promotional examination and shall respond indicating their intent to sit for the examination. These candidates should also indicate the date and location they will be able to take the test and will be provided a receipt/email verifying the date and location.

Section 4.05 Eligibility for Police Corporal or Fire Equipment Operator

In computing the time-in-grade requirements for the positions of Police Corporal or Fire Equipment Operator, a Police Officer's or Firefighter's probationary service shall not be included. Police Officers who are rehired under Section 3.02 and 143.0251 must have served in the next lower position two (2) years immediately before the examination (143.028b). In accordance with Chapter 143.028 if a person is recalled on active military duty for not more than 60 months, the two-year service requirements do not apply and the person is entitled to have time spent on active military duty considered as duty in the respective fire or police department.

Section 4.06 Posting of Source Material

A list of source materials for which the questions shall be taken shall be posted at least 91 days before the date of the examination. Each source shall be cited in standard bibliographical form, identifying the exact book, pamphlet, statute or any other referenced material. Any chapters or similar major subdivisions of a source which are not considered appropriate for testing for the grade involved may be noted on the source material list. No question shall be taken from deleted chapters or subdivisions.

Section 4.07 Insufficient Number Eligible to Take Promotional Examinations

Whenever a promotional examination is scheduled and fewer than two (2) eligible members register in the required time, or fewer than two (2) eligible members appear to take the examination, it shall be deemed that an insufficient number of interested members exist in the eligible classification to take the examination, and the Commission may cancel such examination and reschedule said examination after opening eligibility to persons with less than two years' service or persons in the next eligible classification as provided by law.

Section 4.08 Conducting Promotional Examinations

At the beginning of the promotional examination, roll shall be taken from the "Intent to Take Examination" forms. Any person who has not filed such form shall not be permitted to take the examination. At the posted examination time, all examinees shall be provided with a copy of the test instructions to read along with the test proctor. Such instructions shall also state the time and location where examinations, materials and answer sheets may be reviewed following the examination. No applicant shall be admitted to the examination area after the instructions procedure has started.

All materials necessary to take the examination shall be brought to the test site by the Director of Civil Service or designee to include:

- a) Paper or electronic test materials for all eligible applicants
- b) Sufficient answer sheets
- c) Soft lead pencils
- d) Blank scratch paper
- e) Instruction sheets
- f) Review of promotional exam instructions

Section 4.08 a) does not apply to a promotional candidate on active military duty outside a reasonable geographic proximity, (states not bordering the state of Texas), as outlined in Section 4.04.

All test materials will be forwarded to a designated officer or delegate in charge of testing or matters related. An Affidavit will be required of said officer in order to swear or affirm that no study materials or assistance was given to the promotional candidate.

Section 4.09 Post Examination Procedures

Individuals taking the examination will watch the scoring process and will sign the scoring sheet. The confirmed score will be final. For five (5) business days immediately following the day of the test, persons who took the test shall be allowed to view their examination, answer sheet, instruction sheet and the source materials from which the test questions were taken. In order to ensure fairness to all and maintain the integrity and security of the tests, the following procedures shall be used:

- a) Source materials and test folders containing the examination, answer sheet, instruction sheet and scratch paper for each individual tested shall be available for their examination at the test review location.
- b) Each individual shall be allowed to examine his/her own examination, answer sheet, verify the number of questions missed and fully examine each question missed.
- c) An individual who desires to protest a question may submit the appeal in writing on an Appeal Form provided by the Director within the five (5) business days immediately following the day of the test. All other appeals regarding the grading of examinations, including the calculation of seniority points and the application of tie breaking procedures, shall be filed within five (5) business days of the action giving rise to the appeal (*i.e.*, formal action by the Commission.)
- d) The Appeal Form (Addendum B) shall include the following information:
 - 1) The date, examination, and question being appealed.
 - 2) The basis for the appeal and request for a commission hearing.

- 3) The specific action desired from the Commission (i.e. delete or change the question or answer, recalculate seniority points, apply or re-apply the tie breaking procedure, etc.)
- e) A written notice, including candidate's appeal form will be sent to the candidate's department for distribution to all candidates who took the exam. Individuals who have taken the examination in question, who desire to appear before the Commission either in support of the accepted answer for a protested question, to join in the protest of the answer, or to otherwise address the Commission regarding an appeal shall be permitted to express their basis for the proper answer, or other arguments regarding the appeal. This rule does not exclude responses from other individuals or City officials responsible for administering the examination or duly identified representatives of examination candidates.
- f) After the review period, the Director of Civil Service shall prepare (for the Commission) a hearing packet containing:
 - 1) Appeal Response Form (Addendum B)
 - 2) Question and answers as they appeared on the test
 - 3) Correct answer as shown on the scoring key
 - 4) Copy of the Source Material page(s) from which the question was pulled or those being referenced by the person appealing to support the appeal.
 - 5) Examination vendor's response to the appeal, including recommended action
- g) This information packet shall be provided to each Commissioner at the scheduled Commission meeting. The appeal shall be heard at the next meeting of the Civil Service Commission. At that meeting, testimony, discussion, and/or questioning on the appeal shall be held but shall be limited to issues involved in the written appeal or other items listed on the agenda.
- h) During the appeal hearing, the following rules will apply:
 - 1) Appealed question(s) will be considered in numerical order.
 - 2) Each appellant shall be given an opportunity to present reasons for appeal. The appellant may designate a representative to present comments.
 - 3) The Chair will first ask each appellant if he/she still wishes to appeal. The appellant will then be allowed to make a brief presentation. The Commission may limit the time for each appellant to speak on each question as long as all Commissioners agree to such limitation.
 - 4) After each appellant has spoken on the question, the Commission may ask questions of the appellant. The Chair will then allow others an opportunity to speak on the question offering differing opinions, if they

so desire. The Commission will then make a decision on that question once all discussion has ended.

- 5) The Commission will then consider the next question being appealed, and so forth, until the Commission has rendered a decision on each of the appealed questions.
- 6) After discussing each question, the Commission will vote on their decision on each question. The Commission will decide on one of the following alternatives for each appealed question:
 - a) keep the same answer as on the original key (answer stands);
 - b) change the correct answer;
 - c) delete the question.
- 7) A majority of the Commission agreeing on a decision will determine the final decision on that question.
- 8) After announcing their decisions on each question, the Director of Civil Service will re-score all answer sheets and establish a new tentative eligibility list during the hearing. The new tentative eligibility list shall have the same effective date as the original tentative eligibility list. If a question is deleted, the total number of test questions will be reduced and the new tentative eligibility list will be based on the remaining number of questions. For example, if two questions are deleted, this reduces the total number of questions on the test to 98. The value of remaining questions will be changed to equal a total of 100 points. Seniority points will then be added to the final raw score percentage. The new tentative eligibility list will be approved by the Civil Service Commission and posted within 24 hours.

Section 4.10 Source Materials

The following guidelines regarding Source Material are to be adhered to:

- a) Beginning with the effective date of these procedures, the Chief shall appoint Source Materials Review Committees for both Fire and Police Departments. These committees will be appointed annually and will submit recommendations regarding source materials lists to the Chief. The Chief will submit the final source material list. The Commission in a public meeting will approve all source material lists submitted by the Chiefs. Once so approved, they shall go into effect immediately and will remain in effect until altered by further actions of the Commission. Any list that is changed will note a revision date.
- b) The Commission shall provide for posting of Source Material lists ninety-one (91) days prior to any test date as per 143.029(a).

Section 4.11 Procurement and Maintenance of Source Materials

In order to protect the integrity and fairness of the testing process:

- a) The Chief shall take steps to insure that new source materials are made available to all interested candidates as soon as possible, but not later than ninety-one (91) days prior to a promotional examination to which those materials pertain.
- b) Source material shall be of reasonably current publication and be made reasonably available to each member of the fire or police department.
- c) Any individual who at any time finds source lists materials to be missing shall be responsible for notifying his/her respective Chief of the missing materials verbally and in writing immediately upon making such discovery.

Section 4.12 Cheating on Examinations

Any examinee that uses or attempts to use any unfair or deceitful means to pass an examination shall be informed by the test proctor witnessing the act that the examinee's actions shall be reported to the Commission. The test proctor shall later make the report to the Commission for its determination. If the Commission determines after a hearing that the charges of cheating are true, such examinee shall be removed from the eligibility list by the Commission, and will be subject to disciplinary action by the Chief.

Section 4.13 Frauds and Abuses

No person shall deceive or obstruct any person in respect to his/her rights of examination under the provisions of these rules or falsely mark, grade, estimate or report the examination or standing of any person examined thereunder, or aid in so doing or furnish to any person except in answer to inquiries of the Commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment. No applicant shall deceive the Commission for the purpose of improving his/her chances for appointment. The Commission shall take appropriate action to maintain or reinstate the integrity of the examination and its results. Such action may include removing an offending person's name from the eligibility list or voiding the entire results of an examination.

Section 4.14 Eligibility Lists

- a) **"Minimum Passing Grade"** - The minimum passing grade on promotional exams shall be 70%. All individuals taking fire promotional exams before any additional credits are added to the applicant's final raw percentage score must achieve this minimum passing grade. Individuals taking the police promotional exams may receive seniority credit if the credit plus the final raw percentage score of the grade is greater than 70%.

The point value on promotional exams with less than / greater than 100 questions will be carried to five decimals with rounding of the fifth decimal point.

- b) **Definitions** - For the purposes of this section, the following term shall have the meaning as indicated: "Seniority" - Each civil service employee in the Police Department or Fire Rescue is entitled to receive one point for each year of service plus a fraction of the year up to test date in that department, with a maximum of 10 points.

In the Police Department, a Classified Position begins when the individual advances to Probationary Police Officer in Pay Plan Grade Entry Level 1B and is TCOLE Certified. Time-off for disciplinary suspension does not constitute a loss of seniority time, nor does it constitute a break in service. It does mean all years of service as an officer or firefighter with the City of Lubbock whether interrupted, or uninterrupted and not merely the last continuous period of service. Seniority points shall be figured to five decimal places.

- c) **Ranking of Persons on Eligibility List** - Unless a different procedure is adopted under an alternate promotional system as provided by Section 143.025, the grade that must be placed on the eligibility list for each police officer or firefighter shall be computed by adding the applicant's points for seniority to the applicant's grade on the written examination, but for a firefighter applicant only if the applicant scores a passing grade on the written examination.
- d) **Posting of Eligibility List** - The Director shall post the tentative promotional eligibility list within 24 hours after the conclusion of the test. Each eligibility list remains in existence for one year after the date on which the exam is given. If a candidate serving on active military duty takes a promotional examination outside the presence of other candidates and passes the examination, the candidate's name shall be included in the eligibility list of names of promotional candidates who took and passed the examination nearest in time to the time at which the candidate on active military duty took the examination.
- e) **Tie-Breaking Procedure** - In the event two or more examinees make identical total final scores under the above section, then their order on the eligibility list shall be based upon their examination final exam raw score percentage only. In the event the examinees are still tied, their order on the eligibility list shall be based upon whomever has the greatest length of time in their present grade or classification. In the event the examinees are still tied, their order shall be decided by their rank on the preceding eligibility list from which they were promoted or their original entrance exam. In the event that their rank ties with another officer's test rank then seniority will be the determining factor.
- f) **Removal from Eligibility List** - A person occupying a position on a current eligibility list shall be removed from the eligibility list by the Commission

whenever he/she 1) terminates from a Classified Position or 2) voluntarily requests that he/she be removed, or 3) declines an offered promotion three times, or the head of the department passes over such person and such bypass is not challenged or is upheld by the Commission, or any combination of the two for three times, with written reasons filed thereafter by the head of the department with the Commission and not set aside.

- g) **Exhaustion of Eligibility List** - If all candidates on a given promotional eligibility list reject a position, all shall be considered to be removed from the promotional list, the list shall be considered to be exhausted and a new examination shall be posted. New examinations posted following the exhaustion of a promotional eligibility list due to rejection of a position may be dropped to the next lower classification as specified in Chapter 143.

Section 4.15 Selection Process – Declination of Promotion

Any individual offered a promotion as the next eligible candidate from a Fire or Police Eligibility List may decline such promotion for reasons, which seem to the candidate to be necessary and appropriate. Those reasons shall be furnished in writing to the head of the appropriate department for his/her consideration and retention in file. If a candidate verbally turns down a position but does not sign submit a signed letter it will also be valid.

Section 4.16 Promotional Bypass

If an eligibility list for a position to be filled exists on the date the vacancy occurs, the Director, on request by the Chief of the department, shall certify to the Chief the names of the three (3) persons having the highest positions on that eligibility list. The Commission shall certify the names within ten (10) days after the date the Commission is notified of the vacancy.

Unless the Chief has a valid reason for not appointing the person, the Chief shall appoint the eligible promotional candidate having the highest grade on the eligibility list. If the Chief has a valid reason for not appointing the eligible promotional candidate having the highest grade, the chief shall personally discuss the reason with the person being bypassed before appointing another person. The Chief shall also file the reason in writing with the Commission.

If the person is bypassed, the person's name is returned to its place on the eligibility list and shall be resubmitted to the Chief if a vacancy occurs.

If the Chief refuses three (3) times to appoint a person, files the reasons for the refusals in writing with the Commission, and the Commission does not set aside the refusals, the person's name shall be removed from the eligibility list.

Appeals from a bypass, conducted pursuant to this section, shall be in accordance with the provisions of Sections 143.036 of the Local Government Code.

RULE 5 FIREFIGHTER AND POLICE OFFICER PHYSICAL AND EDUCATIONAL REQUIREMENTS FOR APPOINTMENT

Section 5.01 Medical and Physical Requirements

The medical and physical requirements for the position of Firefighter and Police Officer are defined as follows:

- a) Physical Capabilities - All applicants are required, prior to employment, to pass a medical/physical examination performed by a physician selected by the Commission. The purpose of such examination is to ensure the applicants medical fitness to consistently perform the following physical components:
 - 1) Police Officer: There are, at a minimum, seven (7) physical ability areas that are frequent and critical to the adequate performance of the position of police officer. The applicant must be of a physical condition to adequately perform in these areas. These areas are:
 - a) Climbing - Requires the ability to climb stairs, ladders and over fences and walls.
 - b) Pushing - Requires the ability to push such objects as a vehicle, with or without assistance.
 - c) Dragging/Pulling - Requires the ability to drag/pull objects or an unconscious, semi-conscious or passive resisting person.
 - d) Lifting/Carrying - Requires the ability to lift or carry an object such as a spare tire, small television or stereo set, or assist in lifting an unconscious or disabled person.
 - e) Running - requires the ability to maneuver, while running, around obstacles such as vehicles and trees or shrubs and maintain balance while negotiating rough terrain and uneven surfaces such as ditches, curbs and walkways.
 - f) Jumping - Requires the ability to jump obstacles such as narrow ditches, small shrubs and fences.
 - g) Crawling - Requires the ability to crawl through confined spaces such as storm drains, attics and crawl spaces that are typical in building searches.
 - 2) Firefighter - There are several physical ability areas that are frequent and critical to the adequate performance of the position of firefighter. The applicant must be of physical condition to adequately perform in these areas. These areas are:

- a) Climbing - Requires the ability to mount and dismount various pieces of fire equipment while wearing full complement of firefighting safety equipment such as self-contained breathing apparatus (which weighs approximately forty-five pounds), boots, gloves, pants, coat, and helmet.
 - b) Requires the ability to climb and descend stairs, fences, walls and ladders ranging from eight feet to 100 feet.
 - c) Dragging/Pulling - Requires the ability to drag/pull a variety of fire hoses ranging from 30 pounds to several hundred pounds; requires the ability to drag/pull heavy, bulky items such as personal household items and commonly used fire tools and equipment; requires the ability to drag/pull an unconscious or semi-conscious person to safety.
 - d) Lifting/Carrying - Requires the ability to lift/carry, with assistance, fire department tools, equipment and hoses, or assist in lifting or carrying an unconscious or disabled person.
 - e) Forcible Entry - Requires the ability to use heavy sharp or blunt objects to make a safe passage through roofs or doors.
- b) Physical Examination - The physical examination shall include a thorough medical examination to determine whether applicants are physically sound and free from any defect, which may adversely affect the performance of the duties of the position for which they are being considered. The physician may administer tests and examinations including a back x-ray, chest x-rays, laboratory tests or other tests and examination as are deemed necessary and proper. The examination shall include, but not be limited to the following requirements:
- 1) Medical History: Applicants are required to provide, at the physician's request, a full and accurate medical history. Falsification of such information shall result in rejection.
 - 2) Vision
 - a) Police Officers - Police officer candidates shall possess uncorrected visual acuity of 20/100 or better in each eye with both eyes correctable, with eye glasses, to at least 20/20 binocular vision, or 20/200 or better vision correctable to at least 20/20 binocular vision with contact lenses.
 - Color Perception - Ability to discriminate between the basic color groups.
 - b) Firefighters - With Glasses or Contacts: minimum uncorrected binocular visual acuity of 20/100 and minimum corrected binocular visual acuity of 20/30. Successful long-term soft contact wearers will not be required to meet uncorrected visual acuity standards.

Peripheral Vision: minimum uncorrected peripheral vision of 140 degrees in the horizontal median in each eye.

Color Perception: Must be able to discriminate between red, green and yellow.

3) Hearing

a) Police Officers - Police officer candidates shall be able to pass a "forced whisper" test.

b) Firefighters - All applicants shall be able to hear sounds within the normal hearing range as defined by NFPA 1582.

4) Cardiovascular system - Resting Blood Pressure shall not have a consistent reading above 140/90 mm Hg. An elevated reading above 140/90 mm Hg requires no more than five repeated tests separated by a few minutes to determine reliability. The rhythm of the heart shall be strong and regular.

5) Muscular and Skeletal System - The development of the muscular and skeletal frame and the condition of the joints shall be free from any defect or injury, which may adversely affect the performance of the duties of the position for which they are being considered. The applicant shall be free from chronic strains and spasms.

6) Motor Skills - Applicants shall have normal eye-hand coordination and shall possess the manual dexterity to operate small tools or equipment.

7) Contagious Diseases - Applicants shall be free from contagious diseases which would prevent or limit their performance of the duties for which they are being considered or which would present a health problem for employees of the department.

8) Applicants shall be free from chronic diseases that prevent the performance of duties of the position for which they are being considered.

9) Respiratory System - Applicants shall be free from chronic infections and respiratory ailments, which would prevent the performance of the duties for which they are being considered.

c) Other Requirements - The above physical requirements are not exclusive.

Section 5.02 Educational Requirements

All applicants for Probationary Police Officer or Probationary Firefighter shall be a high school graduate or possess a G.E.D. certificate. All Civil Service Fire applicants shall be required to have at least a high school diploma or a G.E.D. certificate at the time of application.

Section 5.03 Returning Employees

Any persons desiring to return to a Classified Position from any physical or medical condition, shall submit a report from his/her personal physician stating that the employee has recovered from his/her temporary disability to the extent necessary to resume his/her duties. If the Commission or the head of the department questions the report, the procedure found in Chapter 143.081 shall be followed.

RULE 6 DISCIPLINARY PROCEDURES

Section 6.01 Grounds for Temporary Suspension or Indefinite Suspension

A classified police officer or firefighter may be permanently removed from employment or temporarily suspended for one or more of the following grounds:

- a) Conviction of a felony or other crime involving moral turpitude.
- b) Any violation of the provisions of the Charter of the City of Lubbock.
- c) Any action of incompetence within the scope of employment.
- d) Neglect of duty.
- e) Discourtesy by employee to the public or to fellow employees while employee is in the line of duty.
- f) Any act of employee showing a lack of good moral character.
- g) Drinking of intoxicants while on duty, or intoxication while off duty.
- h) Conduct prejudicial to good order.
- i) Refusal or neglect to pay just debts. The mere filing of bankruptcy does not necessarily prove refusal or neglect.
- j) Absence without leave.
- k) Shirking duty or cowardice at fires.
- l) Violation of any of the rules or special orders of the Fire or Police Departments.

Section 6.02 Resignation While Disciplinary Action Pending

Any police officer or firefighter who resigns after notice that he/she is under investigation for any ground enumerated in Chapter of the Texas Local Government Code or the Commission Local Rules or who resigns during a period of temporary or indefinite suspension, shall not be eligible for re-employment in any classified position in the fire or police departments.

Section 6.03 Scope of Matters Subject to Appeal

Disciplinary actions other than reprimands or counseling letters may be appealed to the Civil Service Commission. Disciplinary actions include bypass on promotional exams for disciplinary reasons. Counseling and Reprimand letters fall under the provisions of the Employee Policy Manual.

An employee who has voluntarily resigned or retired from the Civil Service forfeits all rights to the disciplinary appeal processes, unless the appeal or request for hearing was timely filed prior to retirement or resignation.

An employee who has voluntarily accepted an agreement in writing which expressly evidences the intent to finally resolve the issue(s) of any form of disciplinary action or promotional bypass imposed shall also include a statement to the effect that the employee waives all rights to further proceedings in the disciplinary appeal processes for such specific disciplinary action.

Section 6.04 Procedure for Appeal

It shall be the duty of the City of Lubbock Civil Service 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 to peacefully resolve the conflict prior to beginning each subsequent step of the appeal process.

Should an employee desire to appeal a disciplinary action the appeal request will then be considered by the Commission in a public meeting.

The employee's notice of appeal must be filed in writing in the Director's office within ten (10) calendar days after the employee receives a copy of the Chiefs' written statement of disciplinary action. An employee may withdraw his/her appeal by written statement to that effect, delivered to the Director's office at any time thereafter. The statement of withdrawal of the appeal shall operate as a waiver of any and all rights of appeal.

The employee's notice of appeal and request for hearing shall set forth the employee's basis for appeal in compliance with Chapter 143.010.

Section 6.05 Failure to Timely File an Appeal

Failure on the part of an employee to file an appeal of a disciplinary action with the office of the Director within the ten (10) calendar day period allowed in Chapter 143 constitutes a waiver of any and all right to appeal.

Section 6.06 Commission Disciplinary Hearings

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 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.

Section 6.07 Director to Coordinate all Matters

The location and accommodations for all hearings and appeals shall be arranged by the Director of Civil Service.

All subsequent matters raised by either party regarding attendance, scheduling, requests for subpoenas, request for continuances, etc., and shall be coordinated through the Director. The Director is authorized to reset such matters upon agreement by all parties, not including the Commission.

Section 6.08 Failure to Attend Scheduled Appeal Hearing

The failure of a party to attend a scheduled appeal hearing before the Commission or to timely file a 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.

Section 6.09 Employee and Department Representatives

The appeal hearing process shall recognize the right of employees as well as the Department to be represented by one or more persons throughout the processing of a disciplinary appeal. However, only one representative shall be allowed to speak or otherwise present evidence on behalf of either party throughout the questioning of a particular witness.

Employee and Department representatives shall use their best efforts to help resolve all proceedings smoothly, expediently, and as fairly as possible to all concerned.

The function of the representatives shall be to articulate the best interests of the employee or the Department represented and to make same pertinent to the issue(s) being considered. Dissatisfaction with a representative shall not constitute grounds for modification of the final ruling.

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.

Any problems or concerns regarding the manner in which the opposing party or their representative is handling a particular disciplinary appeal should be brought to the attention of the Director. The difficulty will be expeditiously addressed.

Section 6.10 Exchange of Documentation and Identity of Witnesses

Documents and witnesses shall be presented and heard according to the discretion and rules of the Civil Service Commission and Chapter 143 of the Local Government Code.

Parties who request photocopies of documents from the opposing party should be accommodated if such requests are reasonable.

Employees and their representatives may obtain copies of matters contained in the employee's own personnel file as maintained by the Director of Civil Service after the employee has signed the appropriate release form(s).

All requests for subpoenas to compel the attendance of a witness shall be coordinated through the Director's office. Requests to the Commission for subpoenas shall be filed with the Director

at least ten (10) calendar days prior to the scheduled hearing date in order to be processed in time. The Director may issue subpoenas on behalf of the Commission.

Section 6.11 Commission Hearing Procedures

At the scheduled time and place, the hearing shall be called to order.

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.

All disciplinary appeal proceedings shall be public hearings.

A record of the proceedings, capable of clear and accurate reproduction or transcription, shall be made and maintained by the Director.

After being called to order but prior to the beginning of testimony or evidence, consideration shall be made as to any 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 motions until the hearing is completed and all factual evidence has been presented before making its final ruling thereto.

Both parties may be allowed to make brief opening statements.

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 Chief and which forms the basis of the disciplinary action imposed on the employee.

The hearing shall then proceed to develop the evidence and testimony as to those contested matters. The City shall go first in the presentation of evidence and testimony. After which, the responding party shall have the opportunity to respond with its own evidence, witnesses or testimony. Thereafter, the City may come forward with rebuttal evidence or testimony as may be necessary. Presentations by both parties shall be as brief and closely related to the issue(s) as much as is possible. Throughout the proceedings, Commission members may also ask their own questions as needed in order to aid their consideration of the testimony or evidence.

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.

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.

The Commission shall exercise reasonable control over the questioning of witnesses and the presentation of evidence so as to:

- a) make an effective ascertainment of the truth;
- b) keep such presentations relevant to the issues to be determined;
- c) avoid the needless consumption of time and expense; and
- d) Protect the witnesses and employees from harassment or undue embarrassment.

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 shall provide the employee reasonable opportunity to produce objective evidence and/or testimony to develop:

- a) that the employee did not commit the misconduct as alleged, i.e., "the facts are not true"; or
- b) that even if the employee committed the acts as alleged, that such activity does not constitute actionable misconduct; or
- c) that even if the employee committed actionable misconduct, that the degree of discipline imposed is too harsh or severe, i.e. the disciplinary action imposed was "unreasonable, arbitrary or capricious"; or
- d) A combination of any of these matters which would justify or compel modification of the Chief's action.

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.

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.

After the close of the presentation of evidence and testimony, both parties shall be given an opportunity to make closing summations.

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. After which, a written order containing same shall be prepared and signed by the Commissioners.

Section 6.12 Rules of Evidence

Technical rules of evidence shall not apply nor control the conduct of any civil service hearing.

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.

Either party may offer such relevant evidence as desired to aid in the determination of material disputed issues.

It shall be the province of the Commission to ultimately determine:

- a) the in-admissibility or non-consideration of any particular evidence or 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.

The Commission shall refuse to hear or consider any testimony or item of evidence if the hearing has been closed.

By agreement of all parties the Commission may receive and consider the evidence of witnesses by affidavit when such witnesses are otherwise unable to attend. The Commission may assign same such weight as it deems proper. When witnesses are not available for the Commission meeting, copies of such affidavits shall be given to the opposing party prior to the hearing.

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.

All evidence and testimony shall be presented and received into the record while in open session.

Section 6.13 Issues to be Determined in Disciplinary Appeals

The determinative issues to be considered and determined by the disciplinary action appeal process shall be:

- a) the truth of the charge
- b) the legal sufficiency of the charge (Refer to 143.051)
- c) the suitability of the recommended action.

The Department is required to establish its factual assertions by a "preponderance of the evidence". A "preponderance of the evidence" means the greater weight and degree of credible testimony or evidence admitted into the record.

Section 6.14 Findings and Orders of the Commission

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, finding that the specific charge(s) against the employee are not true, and/or violates the civil service rules. This issue shall be addressed in the final order.

In the event that the specific charge(s) of misconduct against the employee are found to be "not true", or did not violate civil service rules, then the final order and ruling shall be to promptly restore the employee to the employee's proper position or status without penalty.

In the event that specific charges of misconduct against the employee are found to be "true", and violate a Civil Service Rule, then the final order and ruling shall clearly state whether the employee is:

- a) indefinitely suspended from the fire or police department; or
- b) Temporarily suspended from the department, and shall then set forth the definite time period of suspension which shall be imposed.

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; and
- c) whether the documents relating to the disciplinary action should be modified or removed from the employee's personnel file per 143.089(c).

If the Commission finds that the period of disciplinary suspension should be reduced, 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 for same reasons and facts as presented by the Department unless otherwise indicated.

When necessary, the Commission may consider matters involving questions of applying Chapter 143 to facts or events which may arise during the disciplinary appeal process and which 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 dispute issue(s) and proceed to determine only the factual merits of the disciplinary action properly before the Commission.

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. 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's records. These records may be cited as reference material in subsequent determinations by the Commission.

Section 6.15 Involuntary Demotions

The Chief shall set forth in writing a request that the Commission demote an employee. The Commission shall meet to determine whether probable cause exists for the demotion. If the Commission agrees, the Commission shall give notice to the employee as per Section 143.054 and conduct an open hearing.

Section 6.16 Appeal to a Third Party Hearing Examiner

If an appeal is made to a Third Party Hearing Examiner, the examiner must follow Local Rules pursuant to Section 143.057(f).

RULE 7 CHANGES AND AMENDMENTS

Section 7.01 Procedure for Change

In addition to the requirements specified in Civil Service Law, it is hereby stipulated that any changes in the rules may be proposed and tentatively adopted at any regular or special meeting of the Commission, but no change shall be finally adopted except at a regular or special meeting open to the public, and held not sooner than seven (7) days after the date on which the proposal was first considered, and except by majority vote of the Commission. A written notice of the meeting shall be sent to each Commission member in advance of such final consideration, and shall include a copy of any change previously proposed and to be considered at such meeting.

Section 7.02 Biennial Review

The Commission shall review the local rules at least every other year beginning in 1999 and consider any amendments, deletions, or new rules needed at each review.

RULE 8 SAVINGS CLAUSE

Section 8.01 Savings Clause

The provisions of these rules are declared severable. If any rule, section, sentence, clause, phrase, or word of these rules shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, sections, sentences, clauses, phrases, and words of these rules, but they shall remain in effect.

Addendum A

Firefighter Condition of Employment

I, _____ for the sole consideration of being considered for the position of Firefighter, with City of Lubbock Fire Rescue, acknowledge and affirm the following.

- 1) I understand that the City of Lubbock Fire Rescue Rules and Regulations applies to all members and states in pertinent part:
- 2) As a condition of continued employment, a Firefighter hired after July 9, 1997 shall:

Successfully complete the annual physical fitness evaluation as prescribed by the Fire Chief.

Gain and/or maintain certifications as required by the Texas Commission on Fire Protection.

Gain and /or maintain medical certifications, as specified by the Fire Chief.

- 3) I understand and agree that I am subject to the Lubbock Fire Rescue Rules and Regulations. I understand and agree that I will be required to successfully complete the annual physical fitness evaluation throughout my career with Lubbock Fire Rescue. I further understand and agree that I will be required to gain and maintain all certifications, as required by the Texas Commission on Fire Protection. I further understand and agree that, when required by the Fire Chief, I will gain and maintain any required medical certifications. I understand and agree that failure on my part to comply with any of the above provisions of the Lubbock Fire Rescue Rules and Regulations, during my employment with Lubbock Fire Rescue will constitute grounds for dismissal from Lubbock Fire Rescue.

Of my own free will, and in full consideration and acknowledgment of the foregoing, I request to be considered for the position of Firefighter with City of Lubbock Fire Rescue and agree to comply with the City of Lubbock Fire Rescue Rules and Regulations. Printed

Name

Signature

Date

Sworn and subscribed before me, a Notary Public, in the County of Lubbock, and for the State of Texas, on this, the _____ day of _____, 20__

Notary Signature _____

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Addendum B

PROMOTIONAL TEST QUESTION APPEAL FORM

(Complete one for each question appealed)

(Local Rules Section 4.09)

Question # _____ Position sought: _____

Answer Should Be: (Circle One)

A B C D E OTHER

How I believe the Commission should rule on this question:

_____ Change to the "Correct" answer

_____ Delete the Question

Use this section to explain the basis of your appeal. Continue on the back or attach a
Separate sheet if necessary.

Print Name: _____

Rank: _____

Signature: _____

Date: _____

Revised 09-01-23