

Rules and Regulations
of the
Temple Fire Fighters' and Police Officers'
Civil Service Commission

Revised by the Civil Service Commissioners on April 4, 2016

Rules and Regulations of the Temple Fire Fighters' and Police Officers' Civil Service Commission

GENERAL

SECTION 1. PURPOSE.

- 1.01** The following rules represent a complete revision of the Rules and Regulations of the Temple Fire Fighters' and Police Officers' Civil Service Commission. These rules completely repeal and replace all earlier rules approved by the City of Temple Civil Service Commission.
- 1.02** The purpose of these rules is to provide for the local administration of Civil Service in the police and fire departments, and in particular to:
- a. prescribe rules and regulations for:
 1. hiring personnel into the Temple Civil Service system;
 2. conducting entry level and promotional examinations;
 - b. provide rules and regulations governing disciplinary matters;
 - c. provide procedures governing meetings and hearings by the Commission; and
 - d. provide general information concerning the rights and benefits of Civil Service employees.
- 1.03** Records of the Civil Service Commission shall be governed by the Texas Public Information Act. Those portions of an employee's personnel file and employment record that are deemed not normally subject to public disclosure under the Texas Public Information Act and the legal precedent interpreting same are specifically exempted from the provision of this paragraph.

SECTION 2. APPLICATION OF THESE RULES

- 2.01** These rules are promulgated in accordance with Chapter 143, Tex. Loc. Govt. Code Ann., (hereinafter Chapter 143) and apply to all employees appointed in substantial compliance with Chapter 143 holding a classified position in the police or fire department as shown in the most recently approved classification ordinance approved by the City Council of the City of Temple.
- 2.02** No person shall be discriminated against under these Rules based upon race, sex, creed, religion, color, national origin or any non-disqualifying disability.

SECTION 3. DEFINITIONS.

3.01 All terms, words or phrases contained in these rules shall be interpreted in harmony with the provisions of Chapter 143, and all subsequent amendments thereto. The following specific definitions shall also apply:

- a. *Chief Executive* means the City Manager, who is the officer of the City of Temple with final authority to make appointments to the classified service.
- b. *Civil Service Employee* is any employee in a classified service position.
- c. *Civil Service Rule* shall be liberally defined to include a rule, regulation, general order, standard operating procedure or special order applicable to Civil Service employees, whether from Chapter 143, the City's Administrative Directives, these Rules and Regulations, Personnel Policies and Procedures Manual, City Charter or the appropriate departmental rules, regulations or directives.
- d. *Classification* means the title of an individual position in the classified service and also the process by which the proper title and pay grade for each position is determined.
- e. *Classified Service* means the administrative division of the fire and police department as designated by the ordinance of the City Council, and composed of employees who are appointed in substantial compliance of Chapter 143.
- f. *Commission* means the Fire Fighters' and Police Officers' Civil Service Commission of the City of Temple, Texas.
- g. *Convicted* means when a defendant has plead guilty, no contest (Nolo), or been found guilty in a trial, regardless of whether:
 - 1. the sentence is subsequently probated and the person is discharged from probation;
 - 2. the defendant has received an unadjudicated or deferred adjudication probation for a criminal offense;
 - 3. the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense;
 - 4. the cause has been made the subject of a expunction order; or
 - 5. the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.
- h. *Day* means calendar day unless otherwise specified in the statute.
- i. *Department Head* means the Police Chief or Fire Chief depending on context and usage.

- j. *Director or Deputy Director* means the Director and Deputy Director of the Fire Fighters' and Police Officers' Civil Service appointed by the Commission to act in the capacity of secretary to the Commission. The Director or Deputy Director shall be the administrator of the City of Temple Civil Service System. Herein, the use of *Director* will refer to both the Director and the Deputy Director.
- k. *Fire Fighter* as used in these rules and regulations shall include Cadet, Probationary, Fire Fighter, Driver, Captain, Deputy Chief, and Assistant Chief.
- l. *Police Officer* as used in these rules and regulations shall include Cadet, Probationary, Police Officer, Corporal, Sergeant, Lieutenant, and Deputy Chief.
- m. *He or His*, as used in these rules and regulations, shall be interpreted to mean either masculine or feminine gender.
- n. *Business Day* means Monday through Friday, 8 a.m. until 5:00 p.m. CST, except legal holidays.

SECTIONS 4-5. (RESERVED)

SECTION 6. CIVIL SERVICE COMMISSION.

- 6.01** The Commission consists of three members appointed by the City Manager subject to confirmation by the City Council.
- 6.02** Each member of the Commission holds office for a staggered three-year term and thereafter until a successor is appointed and has qualified. Interim vacancies on the Commission shall be filled for the unexpired term of the member whose position has been vacated.
- 6.03** The Commission may take official action by a majority vote of its members at a properly posted meeting of the Commission at which a quorum of its members are present. A quorum of the Commission shall consist of two members.
- 6.04** Commission meetings will be held in the City Council Chambers at the Municipal Building unless posted for another location in accordance with the Texas Open Meetings Act.
- 6.05** All meetings of the Commission are open to the public except to the extent that executive sessions are allowed under the Texas Open Meetings Act and Chapter 143 of the Local Government Code.
- 6.06** The Commission shall meet at such times as may be required for the proper discharge of their duties. Meetings may be called by the Director, the Chairperson, or any two (2) Commissioners. The Commission shall meet annually in January to elect new officers.

- 6.07** The Director shall be responsible for posting the public notices prior to each meeting. Notice of all meetings of the Commission shall conform to the requirements of the Open Meetings Act, which requires that a written agenda be posted outside the Municipal Building at least seventy-two (72) hours prior to the meeting. The Commission may, if necessary, meet with not less than two (2) hours notice under certain emergency meeting requirements set out in the Open Meetings Act.
- 6.08** 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.
- 6.09** At the request of the Commission, a tour of the Police or Fire Station(s) may be scheduled.
- 6.10** A request for an item to be added to the agenda for a meeting of the Commission will be considered by the Commission or the Director of Civil Service who may respond by informing the employee whether or not the situation or issue is appropriate for consideration by the Commission. If appropriate, the Director of Civil Service will arrange to have the matter placed on the Commission's agenda. The Director of Civil Service will forward to the Commission a copy of all correspondence and responses made, if applicable.
- 6.11** Disciplinary Appeal hearings shall proceed as hereafter set forth in Section 10.16 of these Rules and Regulations.
- 6.12** The Director of Civil Service shall be responsible for preparing the minutes of each meeting, obtaining the Chair's signature on the minutes and distributing the minutes to the Commission for approval. The minutes, other than matters discussed in executive session, shall be kept available for public inspection as governed by the Public Information Act and Chapter 143 of the Local Government Code.
- 6.13** A member of the Civil Service Commission cannot be a relative of a person in a City of Temple classified service position, a Department Head of the Police or Fire Departments, the Director of Civil Service or the Deputy Director of Civil Service, the Chief Executive, or a member of the City Council. Refer to the City of Temple's Nepotism Policy for the definition of a relative.

SECTION 7. (RESERVED)

SECTION 8. ADOPTION AND PUBLICATION OF RULES.

- 8.01** The Commission shall publish and adopt local rules governing the proper conduct of Commission business, appointment to and promotion within the classified service, removal or suspension of a fire fighter or police officer, and other matters pertaining to the local implementation of Chapter 143 of the Local Government Code. These rules

shall remain in effect until amended or repealed by the Commission in the same manner that the original rules were adopted.

- 8.02** The Civil Service Director shall keep copies of these rules and regulations for free distribution to members of the Fire and Police Departments who request copies and for inspection by interested persons.
- 8.03** Newly adopted rules or amendments shall be posted for 7 days after adoption by the Commission.

SECTION 9. (RESERVED)

SECTION 10. COMMISSION APPEAL PROCEDURE.

- 10.01** An employee's notice of appeal and request for hearing shall set forth the employee's basis for appeal in compliance with Chapter 143 of the Local Government Code.
- 10.02** The employee's notice of appeal must be in writing, and delivered in person, or by certified mail, or by e-mail, or by fax, to the Director of Civil Service within ten (10) calendar days after receiving the disciplinary action of the Department Head. An employee may withdraw his request for an appeal at any time, which will terminate the proceedings.
- 10.03** The Director of Civil Service shall arrange the location and accommodations for all hearings and appeals. Any questions regarding the hearing should be coordinated with the Director.
- 10.04** The failure of an employee to attend a scheduled appeal hearing shall not in itself prevent the hearing from proceeding as scheduled nor prevent the Commission from proceeding to take such action as may be appropriate.
- 10.05** Only one representative of each party is allowed to question any particular witness.
- 10.06** Dissatisfaction with a representative shall not constitute grounds for modification of the final ruling.
- 10.07** The Texas Rules of Civil Procedure, the Texas Rules of Criminal Procedure, and all other rules of court regarding what is commonly known as "discovery" shall not apply to any Civil Service proceedings. Mediation and arbitration rules and processes do not apply to any Civil Service hearings.
- 10.08** Parties who request photocopies of documents from the opposing party should be accommodated if such requests are reasonable. A request for documents from the City which are not considered "public information" under the Public Information Act is not a "reasonable" request. Items such as Vehicle Accident Review Board and Workers' Comp Review Board Recommendations, time and attendance records, duty status

forms and other such documents may be provided as long as they are relevant to the employee and the disciplinary action under appeal.

- 10.09** Employees and their representatives may obtain copies of matters contained in the employee's own personnel and departmental files after the employee has signed the appropriate release form(s).
- 10.10** All exhibits of documentary character shall be limited to facts which are relevant and material to the issues involved in the proceedings.
- 10.11** The original exhibit, or a certified copy of each exhibit offered, shall be given to the presiding officer of the Commission. One copy of the exhibit shall be furnished to the opposing counsel or parties. If the exhibit is admitted into evidence, the original or certified copy shall be made a part of the record of the proceeding, but the Commission may grant permission to the admitting party to withdraw the original and substitute a copy of the exhibit, if such action is deemed appropriate and reasonable.

Hearing Procedures

- 10.12** The presiding officer of the Commission will call the hearing to order at the scheduled time and place.
- 10.13** All parties shall come to the hearing prepared and ready to proceed so as to minimize any disruption of the hearing process. All parties shall bring at least six (6) copies of all documents or exhibits to be considered by the Commission at the hearing, unless there is an extenuating circumstance which requires consideration of a document or exhibit in the interest of justice.
- 10.14** All disciplinary appeal proceedings shall be public hearings except the deliberations of the Commission, which may be conducted in executive session.
- 10.15** The Director shall maintain a clear and accurate record of the proceedings.
- 10.16** Unless otherwise specified, the hearing shall be conducted under the following format:
 - a. Call to order
 - b. Statement of purpose of the hearing
 - c. Swearing in of witnesses
 - d. Opening statement by City
 - e. Opening statement of Officer
 - f. City's witnesses
 - 1. Direct examination by City
 - 2. Cross examination by Officer
 - g. Officer's witnesses
 - 1. Direct examination by Officer
 - 2. Cross examination by City

- h. Closing Argument
 - 1. City's initial closing argument
 - 2. Officer's closing argument
 - 3. City's final closing argument
- i. Deliberation by Commission in executive session
- j. Announcement of decision in open session
 - 1. Decide three issues
 - a) are the material facts alleged true?
 - b) do the facts, if true, constitute a violation?
 - c) does the proposed punishment fit the violation?
 - 2. Public vote of decision

SECTION 11. DECISIONS AND RECORDS

11.01 Each concurring Commission Member shall sign a decision issued by the Commission.

11.02 Each rule, opinion, directive, decision, or order issued by the Commission must be written and constitutes a public record that the Commission shall retain on file.

SECTION 12. DIRECTOR

12.01 The Director shall perform work incidental to the Civil Service system as required by the Commission.

12.02 The Director will act as Secretary to the Commission.

12.03 The Director will prepare and recommend rules and regulations for the administration of Chapter 143 of the Local Government Code which shall become effective after approval by the Civil Service Commission.

12.04 The Director shall administer Civil Service Rules and Regulations and maintain all Civil Service records.

SECTION 13. APPOINTMENT AND REMOVAL OF DEPARTMENT HEAD

13.01 The City Manager shall appoint the Police Chief and Fire Chief, subject to confirmation by the City Council.

SECTION 14. DEPARTMENT RULES

14.01 The Police Chief and the Fire Chief shall each adopt and promulgate written rules, regulations, guidelines, policies and directives pertaining to the operation of their respective departments. A department rule, regulation, guideline, policy or directive promulgated by the Police Chief or Fire Chief may not conflict with these rules or Chapter 143 of the Local Government Code.

14.02 Department rules, regulations, guidelines, policies and directives shall become part of the official records of the Commission, and shall be retained in the Director's office. Copies of department rules, regulations, guidelines, policies and directives (and amendments thereto) shall be distributed to each member of the Commission, the Director, and the City Attorney. Copies of Police Department rules shall be made readily available to all members of the Police Department at the Police Station. Copies of Fire Department rules shall be made readily available to all members of the Fire Department at the Central Fire Station and at each branch fire station.

SECTION 15-20. (RESERVED)

SECTION 21. CLASSIFICATION; EXAMINATION REQUIREMENT

21.01 The Commission may, from time to time, make recommendations to the City Council on the proper number and types of classifications in the Fire and Police Departments. The City Council has final responsibility for establishing (by ordinance) the classifications and number of positions in each classification in the Fire and Police Departments. The Commission shall provide for the classification of all fire fighters and police officers in accordance with the classification ordinance promulgated by the City Council.

- a. The Civil Service Commission establishes the following classifications in the Fire Department:

Probationary Status

Cadet

An employee not certified in this state shall start in this classification. Upon successful completion of the requirements for certification by the Texas Commission on Fire Protection (TCFP) and the EMT National Registry, the Cadet shall automatically advance to the Probationary position.

Probationary

Only TCFP and Nationally Registered EMT certified personnel in this state shall occupy this classification until the end of their probationary status. Upon successful completion of all aspects of the Probationary position, the Probationary employee shall automatically advance to the Fire Fighter position.

Civil Service Protected or Affected Position:

Fire Fighter

Once the Fire Chief has certified that the employee has completed their probationary status, employee shall move to firefighter.

Driver

A tested position

Captain

A tested position

From the rank of Captain, the Fire Chief shall assign the position of Training Officer and Fire Marshall

Deputy Fire Chief

A tested position

Assistant Fire Chief

As provided for in TXLGC 143.014

Fire Chief

As provided for in TXLGC 143.013

- b. The Civil Service Commission establishes the following classifications in the Police Department:

Probationary Status

Cadet

An employee not certified in this state shall start in this classification. Upon successful completion of the requirements for certification by the Texas Commission of Law Enforcement (TCOLE), the Cadet shall automatically advance to the Probationary position.

Probationary

Only TCOLE certified personnel in this state shall occupy this classification until the end of their probationary status. Upon successful completion of all aspects of the Probationary position, the Probationary employee shall automatically advance to the Police Officer position.

Civil Service Protected or Affected Position:

Police Officer

Once the Police Chief has certified that the employee has completed their probationary status, employee shall move to police officer.

Corporal

A tested position

Sergeant

A tested position

Lieutenant

A tested position

Deputy Chief

As provided for in TXLGC 143.014

Police Chief

As provided for in TXLGC 143.013

21.02 The Police Chief and Fire Chief shall develop job descriptions for each position in each classification in their respective departments. The descriptions shall be interpreted in light of the following principles:

- a. The job descriptions are descriptive only and are not restrictive. They shall indicate the kinds of positions that should be allocated to each classification as determined by their duties, responsibilities and qualification requirements. The use of a particular expression or restriction as to duties, qualification requirements or other attributes shall not be held to exclude others not mentioned if such others are similar as to kind and quality.
- b. Titles, as far as possible, are intended to be suggestive of the kind of work performed by the incumbent of the position and indicative of the rank.
- c. Any description of duties should be construed as a general description of the kind of work performed by the incumbent of a position that is properly allocated to the classification and not as describing or limiting what the duties of any position may be.
- d. The examples of work shall be construed as typical tasks only, illustrative of the duties as outlined by the general statement. Examples are not intended to be exhaustive or exclusive, and the fact that the actual tasks performed by the incumbent of a position do not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties. Any one example of a typical task taken without relation to the general statement of duties and all other parts of the job descriptions shall not be construed as determining the responsibilities of a particular position.

SECTION 22. PHYSICAL REQUIREMENTS AND EXAMINATIONS.

22.01 Each applicant shall be required to take a work fitness examination and shall be required to submit to such tests as are reasonably necessary and proper to determine the physical fitness of the applicant to perform the essential functions required of the position sought. Applicants who are not capable of performing the essential job functions, with or without reasonable accommodation, will not be appointed. Applicants must meet all of the physical requirements contained in this section.

Physical Requirements for Police Officer Applicants.

22.02 Vision. All applicants must meet the following vision standards which are based on recommended vision standards for police officers, Sheedy, et. al., Journal of American Optometric Association, Vol. 54, No. 10, October 1983 (Revised 1985):

a. **Visual Acuity** Corrected (with spectacles or contact lenses)

Standard - 20/40 binocular (both eyes open)

Screening referral - less than 20/100 (binocular) or 20/100 (either eye alone) must be referred for confirmation that candidate meets binocular vision standards

b. **Visual Acuity** Uncorrected (without spectacles or contact lenses)

Standard - 20/100 binocular (without correction)

Screening failure – Worse than 20/100 binocular

Screening referral - 20/200 or worse with either eye alone must be referred for confirmation that candidate meets binocular vision standard

c. **Binocular Vision**

Standard - clear, comfortable binocular vision with good stereopsis at all normal working distances and viewing angles with correction.

Screening referral - stereo acuity poorer than 80 on Titmus test or equivalent; or distance phoria equal to or exceeding 5 eso or 5xo; or near phoria equal to or exceeding 6 eso or 10 exo.

d. **Color Vision**

Standard - normal or anomalous trichromacy (no filters may be used)

Screening referral - failure on a series of pseudo isochromatic plates

e. **Visual Fields**

Standard - normal visual fields

Screening failure - failure to meet perimetry standard

Screening referral - failure on a field screener

f. **Pathology**

Standard - no pathological conditions which impair or would eventually impair visual performance

Screening referral - failure on ophthalmoscopic examination

22.03 Hearing. Applicants must have normal hearing of 25 dbS or less at 500 Hz, 1000 Hz, 2000 Hz, and 3000 Hz, as defined by the American National Standard Institute (ANSI, 1969).

22.04 Work Fitness Testing. Applicants must pass the following:

The agility course is 580 yards from start to finish and is timed. While performing the activities, the applicant will be evaluated by trained members of the Temple Police Department. The following skills will be used while maneuvering through this course:

- Running on various terrains (flat, hard, smooth, even, uneven, up hill, and down hill)
- Pushing objects
- Pulling objects
- Climbing over objects
- Lifting objects
- Striking a dummy – palm heel and knee strike
- Memorizing information
- Identifying subjects
- Using fine dexterity – shooting (simunitions), handcuffing

The Applicant Physical Agility Course is designed to evaluate the applicant's ability to **follow directions, memorize information, and function under stressful conditions.** The passing time is 4 minutes and 45 seconds (4.45). **Engaging the wrong target during the threat identification shooting portion is an automatic failure.**

Course Detail

Applicants will wear a police duty belt with a radio, handcuffs, and an inert training gun inside a holster. The applicant begins by sitting in a vehicle. While in the vehicle, the applicant will be given the clothing description of two suspects and told to begin the exercise. The applicant will exit the vehicle and run down the road. The applicant will repeat the suspect description over the radio as he or she is running. The applicant will turn into the range, push open the gate, and run to the dummy. The applicant will then drag the dummy 20 feet, from one cone to the other. Next, the applicant will run to the designated cones and slalom (weave) through them. Then, the applicant will jump over the 4 foot barrier, run through two concrete cylinders, run down to the designated area, and then run up and over the berm.

Once over the berm, the applicant will deliver three palm heel strikes and two knee strikes to the dummy. Next, the applicant will put on eye and ear protection and run down the sidewalk to the 25 yard line, turn right and go to the middle room of the structure on the sidewalk. The applicant will pick up a pistol loaded with simunitions, enter the room and locate the two suspect targets given to the applicant at the staging area. The applicant will engage each target with two shots in the torso. The applicant will then place the weapon on the table and leave the room. The applicant will follow the sidewalk taking the designated route to the end of the course. At the end, the applicant will handcuff and double lock the suspect utilizing the method demonstrated to them prior to the test. Time will stop at this point. **Passing time is 4.45 minutes.**

Conditions of Employment for Police Officers.

22.05 Physical Fitness Test. As a condition of employment, all officers hired after November 18, 1996, shall take and pass an annual physical fitness test (Task Performance

Review) during the department's annual physical fitness testing. This test will be as outlined below. Officers hired prior to November 18, 1996, must take the annual physical fitness test but they **will not** have to pass the test as a condition of employment. If an officer is on an approved leave or medical limitation during the time of the annual Task Performance Review, the officer will have thirty (30) days to complete the testing (or at a time that is convenient to the department at its sole discretion) when released back to full duty.

Incumbent officers hired after November 18, 1996, who fail the Task Performance Review at a time when successful completion is a condition of employment shall be subject to the following action:

1. No more than three remedial tests may be taken in a given test cycle.
2. The first remedial test must be taken within 30 days from the initial test.
3. The second remedial test must be taken within 60 days from the first remedial test.
4. The third remedial test must be taken within 90 days from the second remedial test.

All officers in the Police Department are subject to Section 143.081 of the Local Government Code and Section 81 of these rules.

The agility course is 580 yards from start to finish and is timed. While performing the activities, the officer will be evaluated by trained members of the Temple Police Department. The following skills will be used while maneuvering through this course:

- Running on various terrains (flat, hard, smooth, even, uneven, up hill, and down hill)
- Pushing objects
- Pulling objects
- Climbing over objects
- Lifting objects
- Striking a dummy – palm heel and knee strike
- Memorizing information
- Identifying subjects
- Using fine dexterity – shooting, handcuffing

The Physical Agility Course is designed to evaluate the officer's ability to **follow directions, memorize information, and function under stressful conditions**. The passing time is 4 minutes and 45 seconds (4.45). **Engaging the wrong target during the threat identification shooting portion is an automatic failure.**

Course Detail

Officers will wear a police duty belt with a radio, handcuffs, and their duty weapon inside a holster. The officer begins by sitting in a vehicle. While in the vehicle, the officer will

be given the clothing description of two suspects and told to begin the exercise. The officer will exit the vehicle and run down the road. The officer will repeat the suspect description over the radio as he or she is running. The officer will turn into the range, push open the gate, and run to the dummy. The officer will then drag the dummy 20 feet, from one cone to the other. Next, the officer will run to the designated cones and slalom (weave) through them. Then, the officer will jump over the 4 foot barrier, run through two concrete cylinders, run down to the designated area, and then run up and over the berm.

Once over the berm, the officer will deliver three palm heel strikes and two knee strikes to the dummy. Next, the officer will put on eye and ear protection and run down the sidewalk to the 25 yard line, turn right and go to the middle room of the structure on the sidewalk. The officer will remove their loaded pistol from its holster, enter the room and locate the two suspect targets given to the officer at the staging area. The officer will engage each target with two shots in the torso. The officer will then reholster the weapon and leave the room. The officer will follow the sidewalk taking the designated route to the end of the course. At the end, the officer will handcuff and double lock the suspect. Time will stop at this point. **Passing time is 4.45 minutes.**

22.06 Deleted.

22.07 Tobacco Products. As a condition of employment, all officers hired after November 18, 1996, shall not use any tobacco products at any time while employed by the City of Temple, both on or off-duty. Officers who use tobacco products will be subject to discipline, up to and including termination, for violating this policy.

Physical Requirements for Fire Fighter Applicants

22.08 Fire fighter applicants must meet the medical requirements for fire fighters set out in the current NFPA 1582, *Standard on Medical Requirements for Fire Fighters*, adopted by the National Fire Protection Association. NFPA 1582 is adopted in its entirety including appendices thereto, except for Section 2-4 thereof, which is not adopted at this time.

22.09 Physical Assessment Test (PAT). Testing will be conducted at a designated location by the Fire Chief or his designee with a Human Resources Department representative present. Applicants will wear athletic clothing and shoes, a weighted vest with 50 lbs of weight distributed to simulate firefighting gear and SCBA a provided helmet and a provided pair of gloves. To be considered for employment, applicants must pass all parts of the fitness testing in a continuous manner in the maximum allowable time of five minutes and 29 seconds (5:29) or less

Station #1

Hose Drag

Applicant will drag a simulated charged hoseline for a distance of ninety (90) feet. The simulator will consist of ten (10) feet of uncharged hoseline linked to a weighted sled box. The box will contain approximately ninety-five (95) pounds of weight to simulate

the weight of three (3) sections of charged 1 ¾-inch hoseline and the associated force/weight of friction on an asphalt surface (a total pull force of 65 pounds). Applicant will drag the simulator for ninety (90) feet until both feet cross over the target line.

Station #2

After completing Station #1, the proctor will lead applicant to a marked square measuring five (5) feet by five (5) feet. The proctor will place the end of a fifty (50) foot section of uncharged hoseline just inside the marked square. Applicant will reel in the same simulator that the applicant dragged in Station #1. Applicant must remain inside the marked square at all times. The exercise will end once all fifty (50) feet of hoseline has been reeled in and the leading edge of the sled box crosses over the front edge of the marked box. Applicant may use any method to reel the hoseline in as long as the applicant remains inside the marked square throughout the exercise and does not become entangled in the hoseline.

The applicant will proceed directly to Station #3 –

Ladder Heal

Applicant will raise a twenty-four (24) foot extension ladder by ‘walking it up’ using a hand-over-hand technique. Applicant will then lower the ladder in the reverse manner. Applicant will secure the ladder to the ground using a pivot system that will keep the base of the ladder in place. Applicant will secure the upper portion of the ladder using a belay system that will control the ladder from falling should the applicant lose control. Applicant must ‘walk’ the ladder all the way to a vertical position and all the way back down to the ground using the rungs of the ladder. Applicant must not drop the ladder or grasp the rails of the ladder at any time during the exercise.

The applicant will proceed directly to Station #4 –

Forcible Entry

This activity simulates forcible entry scenarios on the fireground such as penetrating a locked door. Applicant will use a ten (10) pound sledge hammer to strike a ‘sled target’ located three (3) feet off of the ground. Applicant will strike the target the number of times necessary to move the sled a distance of twelve (12) inches. Applicant must remain on the designated platform at all times while completing this station.

The applicant will proceed directly to Station #5 –

Equipment Carry

Applicant will dismount a simulated gas-powered positive pressure ventilation (PPV) fan weighing approximately forty-five (45) pounds from a mounting platform; carry the fan to a cone marking fifty (50) feet, circle the cone, walk fifty (50) feet back to the mounting platform and remount the fan onto the platform. The fan must be carried at all times

while the applicant is moving, but may be set down at any time to allow the applicant to rest. The fan must be completely remounted within the compartment to complete this station.

The applicant will proceed directly to Station #6 –

Stair Climb

Applicant will climb up and back down a set of stairs equivalent to a two (2) conventional flights of stairs, or stories. Applicant will carry a 'high-rise pack' containing two (2) sections of bundled 1 ¾-inch hoseline weighing approximately forty-two (42) pounds. The stair prop consists of a platform supported by two (2) sets of four (4) stairs with railings on both sides that may be used for support.

Applicant will be required to complete seven (7) repetitions in order to complete this station. A single repetition involves climbing up the four (4) stairs and then climbing down the other side of the simulator. The hosepack may be carried in any manner that is comfortable but must be carried, not dragged, at all times. No skipping of stairs will be allowed. Should a stair be skipped, the proctor will require the applicant to go back and step on the skipped stair to complete the repetition.

The applicant will proceed directly to Station #7

Dummy Drag

Applicant will drag a human form dummy weighing, with clothing, one hundred sixty-five (165) pounds, (weight of dummy and clothing). Applicant will drag the dummy twenty-five (25) feet, circle a weighted barrel, and the return twenty-five (25) feet to cross the starting point, for a total distance of fifty (50) feet. In order to complete this station, both the applicant and the dummy must completely cross the finish line.

Applicant will drag the dummy by using the pull harness attached to the dummy ONLY. Dragging the dummy by any limb, lifting under the dummy's arms, holding onto the dummy's clothing, or carrying the dummy are not acceptable methods of completing this station.

The applicant will proceed directly to Station #8

Breach and Pull

Applicant will demonstrate the physical ability to breach and pull a ceiling with a pike pole by performing breach and pull motions using a ceiling simulator. Applicant will position a pike pole in a target diamond on the breach portion of the simulator and, pushing against sixty (60) pounds of resistance, completely open the breach-side hatch door. Applicant will perform three (3) consecutive push repetitions.

Applicant will then hook the pike pole into a metal ring on the simulator and pull with eighty (80) pounds of force to pull the hatch door completely down. Applicant will perform five (5) consecutive pull repetitions.

One set of three (3) push repetitions followed by five (5) pull repetitions will constitute one (1) push/pull cycle. Applicant will complete four (4) push/pull cycles. The proctor will count out your repetitions and provide instructions to ensure compliance. This station involves a highly specific simulator. It is recommended that applicants closely observe the operation of this simulator prior to beginning the test.

SCORING

The PAT is a timed test. Any candidate that completes the course in **5 minutes and 29 seconds** (5:29) or less will pass this stage of the selection process. There is no advantage in seeking to complete the test in a time significantly lower than the allotted time.

Conditions of Employment for Fire Fighters.

22.10 Essential Job Functions Test. As a condition of employment, all fire fighters hired after November 18, 1996, shall take and pass the annual physical assessment test (PAT) (outlined below) during the month the Fire Department designates as the month for the testing. Fire fighters hired prior to November 18, 1996, must take the annual job function test but they **will not** have to pass the test as condition of employment. If a firefighter is on an approved leave or medical limitation during the time of the annual Physical Assessment Test, the firefighter will have thirty days to complete the testing (or at a time that is convenient to the department at its sole discretion) when released back to full duty.

Station #1

Hose Drag

Fire fighter will drag a simulated charged hoseline for a distance of ninety (90) feet. The simulator will consist of ten (10) feet of uncharged hoseline linked to a weighted sled box. The box will contain approximately ninety-five (95) pounds of weight to simulate the weight of three (3) sections of charged 1 ¾-inch hoseline and the associated force/weight of friction on an asphalt surface (a total pull force of 65 pounds). Fire fighter will drag the simulator for ninety (90) feet until both feet cross over the target line.

Station #2

After completing Station #1, the proctor will lead fire fighter to a marked square measuring five (5) feet by five (5) feet. The proctor will place the end of a fifty (50) foot section of uncharged hoseline just inside the marked square. Fire fighter will reel in the same simulator that the applicant dragged in Station #1. Fire fighter must remain inside the marked square at all times. The exercise will end once all fifty (50) feet of hoseline

has been reeled in and the leading edge of the sled box crosses over the front edge of the marked box. Fire fighter may use any method to reel the hoseline in as long as the applicant remains inside the marked square throughout the exercise and does not become entangled in the hoseline.

The fire fighter will proceed directly to Station #3 –

Ladder Heal

Fire fighter will raise a twenty-four (24) foot extension ladder by 'walking it up' using a hand-over-hand technique. Fire fighter will then lower the ladder in the reverse manner. Fire fighter will secure the ladder to the ground using a pivot system that will keep the base of the ladder in place. Fire fighter will secure the upper portion of the ladder using a belay system that will control the ladder from falling should the applicant lose control. Fire fighter must 'walk' the ladder all the way to a vertical position and all the way back down to the ground using the rungs of the ladder. Fire fighter must not drop the ladder or grasp the rails of the ladder at any time during the exercise.

The fire fighter will proceed directly to Station #4 –

Forcible Entry

This activity simulates forcible entry scenarios on the fireground such as penetrating a locked door. Fire fighter will use a ten (10) pound sledge hammer to strike a 'sled target' located three (3) feet off of the ground. Fire fighter will strike the target the number of times necessary to move the sled a distance of twelve (12) inches. Fire fighter must remain on the designated platform at all times while completing this station.

The fire fighter will proceed directly to Station #5 –

Equipment Carry

Fire fighter will dismount a simulated gas-powered positive pressure ventilation (PPV) fan weighing approximately forty-five (45) pounds from a mounting platform; carry the fan to a cone marking fifty (50) feet, circle the cone, walk fifty (50) feet back to the mounting platform and remount the fan onto the platform. The fan must be carried at all times while the fire fighter is moving, but may be set down at any time to allow the applicant to rest. The fan must be completely remounted within the compartment to complete this station.

The fire fighter will proceed directly to Station #6 –

Stair Climb

Fire fighter will climb up and back down a set of stairs equivalent to a two (2) conventional flights of stairs, or stories. Fire fighter will carry a 'high-rise pack' containing two (2) sections of bundled 1 ¾-inch hoseline weighing approximately forty-

two (42) pounds. The stair prop consists of a platform supported by two (2) sets of four (4) stairs with railings on both sides that may be used for support.

Fire fighter will be required to complete seven (7) repetitions in order to complete this station. A single repetition involves climbing up the four (4) stairs and then climbing down the other side of the simulator. The hosepack may be carried in any manner that is comfortable but must be carried, not dragged, at all times. No skipping of stairs will be allowed. Should a stair be skipped, the proctor will require the applicant to go back and step on the skipped stair to complete the repetition.

The fire fighter will proceed directly to Station #7

Dummy Drag

Fire fighter will drag a human form dummy weighing, with clothing, one hundred sixty-five (165) pounds, (weight of dummy and clothing). Fire fighter will drag the dummy twenty-five (25) feet, circle a weighted barrel, and the return twenty-five (25) feet to cross the starting point, for a total distance of fifty (50) feet. In order to complete this station, both the applicant and the dummy must completely cross the finish line.

Fire fighter will drag the dummy by using the pull harness attached to the dummy ONLY. Dragging the dummy by any limb, lifting under the dummy's arms, holding onto the dummy's clothing, or carrying the dummy are not acceptable methods of completing this station.

The fire fighter will proceed directly to Station #8

Breach and Pull

Fire fighter will demonstrate the physical ability to breach and pull a ceiling with a pike pole by performing breach and pull motions using a ceiling simulator. Fire fighter will position a pike pole in a target diamond on the breach portion of the simulator and, pushing against sixty (60) pounds of resistance, completely open the breach-side hatch door. Fire fighter will perform three (3) consecutive push repetitions.

Fire fighter will then hook the pike pole into a metal ring on the simulator and pull with eighty (80) pounds of force to pull the hatch door completely down. Fire fighter will perform five (5) consecutive pull repetitions.

One set of three (3) push repetitions followed by five (5) pull repetitions will constitute one (1) push/pull cycle. Fire fighter will complete four (4) push/pull cycles. The proctor will count out your repetitions and provide instructions to ensure compliance. This station involves a highly specific simulator. It is recommended that applicants closely observe the operation of this simulator prior to beginning the test.

Fire fighters hired after November 18, 1996, who do not pass all portions of this testing shall be given remedial counseling and training for three months and then retested. Fire fighters must pass all parts of the second fitness test. Fire fighters who do not pass all parts of the second test shall be subject to discipline, up to and including termination.

All officers in the Fire Department are subject to Section 143.081 of the Local Government Code and Section 81 of these rules.

22.11 Deleted

22.12 Tobacco Products. As a condition of employment, all fire fighters hired after November 18, 1996, shall not use any tobacco products at any time while employed by the City of Temple, both on or off-duty. Fire fighters who use tobacco products will be subject to discipline, up to and including termination, for violating this policy.

SECTION 23. ELIGIBILITY FOR BEGINNING POSITIONS.

23.01 Eligibility requirements for Police Officers. The City will consider for appointment to any entry level position in the Temple Police Department only individuals meeting the following minimum requirements:

- a. achieve a minimum passing score on a written examination;
- b. pass the work fitness test;
- c. pass a background investigation (conducted and evaluated in accordance with the general guidelines recognized by the Texas Commission on Law Enforcement or other reputable background investigation authorities);
- d. pass an oral interview (conducted and evaluated in accordance with the general guidelines as contained in the "Oral Interview Procedure Manual," written and promulgated by the Texas Commission on Law Enforcement or other reputable interview technique authorities);
- e. pass a polygraph examination which includes questions concerning but not limited to, work history, criminal activity, credit history, and drug or alcohol usage;
- f. successfully complete a conditional (post-job offer) work fitness medical examination (a physician must be able to certify that the applicant is free of drug dependency or illegal drug usage);
- g. successfully complete a conditional (post-job offer) psychological test as required by the Commission on Law Enforcement Standards and be certified by a licensed psychologist or psychiatrist to be in satisfactory psychological and emotional health;

- h. be at least twenty-one (21) years of age at the time the applicant presents himself/herself to TCOLE for the State licensing exam or has not reached his or her forty-fifth (45th) birthday at the time the applicant is certified as eligible for a beginning position (an applicant is certified as eligible when the applicant passes the written exam and the physical assessment/agility testing);
 - 1. An applicant, twenty (20) years of age, may be considered for a vacant position if the applicant meets the following criteria:
 - a) will turn twenty-one (21) years of age by academy graduation date; and
 - b) successfully completes all phases of the selection process; and
 - c) approval of the Chief of Police; or
- i. if an applicant for an entry level Police Officer position is younger than twenty (20) years of age, but is at least eighteen (18) years of age at the time the written examination is given, the applicant must have:
 - 1. completed at least sixty (60) semester hours of study at an accredited college or university with an overall “C” average or better for all courses taken;
 - 2. received an honorable discharge from one of the armed forces of the United States after at least two years of active duty service and completed thirty (30) semester hours of study at an accredited college or university with an overall “C” average or better for all courses taken; or
 - 3. received an Associate Degree from an accredited college or university with an overall “C” average or better for all courses taken.
- j. 1. be a graduate of an accredited high school; OR have an equivalency certificate issued by the Texas Education Agency (or the equivalent agency in another state or District of Columbia); AND
 - 2. have 12 hours of higher education with at least a 2.0 grade point average.
- k. an honorable discharge from the Armed Forces of the United States after a minimum of 24 months of active duty and be eligible for re-enlistment.
- l. have a valid driver’s license issued by the State of Texas;
- m. be able to proficiently read, write, and fluently speak the English language;
- n. be of good moral character; and
- o. meet all requirements of the Texas Commission on Law Enforcement for licensing of peace officers;

23.02 Eligibility requirements for entry level Fire Fighter positions. The City will consider for appointment to an entry level position in the Temple Fire Department only individuals meeting the following minimum requirements:

- a. achieve a minimum passing score on the written examination;
- b. pass the physical assessment test;
- c. successfully pass a background investigation;
- d. successfully complete an oral interview with an oral interview board consisting of Fire Department personnel as designated by the Fire Chief.
- e. submit to and pass a psychological examination;
- f. successfully complete a conditional (post-job offer) work fitness medical examination (a physician must be able to certify that the applicant is free of drug dependency or illegal drug usage);
- g. be at least eighteen (18) years of age, but not have attained the age of thirty-six (36) years at the time the Civil Service Director certifies the applicant as eligible for a beginning position (an applicant is certified as eligible when the applicant passes the written examination and the essential job functions); and
- h. be a graduate of an accredited high school or have the equivalency certificate certified by the Texas Education Agency; and
- i. pass a polygraph examination which includes questions concerning but not limited to, work history, criminal activity, credit history, and drug or alcohol usage.

23.03 CAUSES FOR DISQUALIFICATION. The City of Temple may reject an applicant for the Police Department or the Fire Department, if the applicant:

- a. is not a citizen of the United States of America;
- b. cannot proficiently read, write, or fluently speak the English language;
- c. is found to lack any of the qualifications set forth in the published notice inviting application to the departments or fails to meet the minimum qualification for the position established in these rules;
- d. makes or knowingly attempts to make a false statement in any material fact in his application, examination, or appointment;
- e. is found to have an unacceptable personal history, financial history, educational performance, unemployment, military service (if applicable), general reputation,

interpersonal skills, ability to read, legibly and correctly write and/or fluently speak English or any combination of some or all of the following areas: 1) failure to pay just debts; 2) excessive indebtedness; 3) unstable employment; 4) educational suspensions; 5) military disciplinary actions; 6) problems relating to others; 7) poor interpersonal relationships; 8) lack of dependability; or 9) unacceptable conversational, writing or reading skills.

- f. fails to cooperate fully in the employment process by such acts as failure to complete the Personal History Statement in accordance with the instructions, missing appointments, failing to return necessary paperwork, failing to notify the Civil Service Director, Police Department or Fire 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.
- g. unable to comply with all applicable City of Temple policies which set forth requirements for applicants seeking employment with the City.
- h. unwilling to sign the "Condition of Employment" form maintained by the Director.
- i. **Unsatisfactory prior service.**
 - 1. employees who are indefinitely suspended, or who resign while not in good standing (employees who resign during a suspension, or who resign to avoid, or in lieu of, a suspension or investigation are deemed not to be in good standing).

23.04 AUTOMATIC DISQUALIFICATION. The conditions, circumstances or history described in this subsection will result in the automatic disqualification of an applicant.

a. Felonies.

- 1. evidence of the commission of a felony offense within ten (10) years of the entrance exam;
- 2. conviction of any felony offense;
- 3. ever been or currently on court ordered community supervision or probation for any criminal offense classified as a felony under the Texas Penal code; or
- 4. currently under indictment for any criminal offense.

b. Misdemeanors.

- 1. conviction or pending charge for any Class B misdemeanor within ten (10) years prior to the date of the entrance exam; or
- 2. currently on court ordered community supervision or probation for a Class B misdemeanor or having been on court ordered community supervision

- or probation for a Class B misdemeanor within ten (10) years prior to the date of the entrance exam; or
- conviction of a Class A misdemeanor; or
 - currently, or ever been, on court ordered community supervision or probation for any criminal offense classified as a Class A misdemeanor under the Texas Penal Code; or
 - conviction or pending charge involving moral turpitude below a Class B misdemeanor in the five (5) years prior to the taking of the entrance exam, including:

Class C Misdemeanors

Disorderly conduct (exposing, peeping) PC§39.02
Theft by public servant PC§31.03
Theft under \$50.00

EXCEPTION:

The Chief of Police may elect, as outlined in TCOLE Rule 217.1(a)(6)(B), to make application to TCOLE requesting an applicant waiver.

c. Offenses involving driving while intoxicated or under the influence of alcoholic beverage or other intoxicant.

- having a conviction, probation or court ordered community supervision for a Class B DUI (DWI or DUID) within ten (10) years prior to the date of the entrance exam;
- ever having been convicted, placed on probation or court ordered community supervision for a DUI (DWI or DUID) that is a Class A misdemeanor or greater; or
- being charged with, on probation/parole, court ordered community supervision or under indictment for DUI on the date of the test or prior to being offered a position.

d. Probation or parole status.

- current probation or parole status for any criminal offense on the date of the entrance exam or prior to being offered a position;
- conviction of a crime and subsequently placed on probation (including deferred adjudication) on the date of the entrance exam or prior to being offered a position; or
- having been pardoned for the offense, unless the pardon is expressly granted for subsequent proof of innocence.

e. Use of narcotics or controlled substance.

- within the five (5) years preceding the date of the written exam, having illegally used any controlled substance or dangerous drug that would be

classified as a misdemeanor violation under the Texas Penal Code, e.g. marijuana under 4 oz., improper use of any prescription drug; or

a) **Exception:** at least two (2) years preceding the date of the written exam, a **one time “experimentation use”** of any illegal controlled substance or dangerous drug classified as a misdemeanor under the Texas Penal Code; or

2. within the ten (10) years preceding the date of the written exam, having used any controlled substance or dangerous drug that would be classified as a Felony violation under the Texas Penal Code, e.g. cocaine, ecstasy, etc; or

a) **Exception:** at least five (5) years preceding the date of the written exam, a **one time “experimentation use”** of any illegal controlled substance or dangerous drug classified as a Felony under the Texas Penal Code; or

3. conviction of any Class B misdemeanor within ten (10) years of the entrance exam; or

4. currently on court ordered community supervision or probation for any Class B misdemeanor or having been on court order community supervision or probation for any Class B misdemeanor within ten (10) years of the entrance exam; or

5. convicted for any Class A misdemeanor; or

6. ever have been or currently on court ordered community supervision or probation for any criminal offense classified as a Class A misdemeanor under the Texas Penal Code; or

7. having ever illegally furnished any controlled substance to another, e.g., selling, delivering, or giving.

f. Military history.

1. discharge from military service with any discharge less than honorable or an honorable discharge with any condition or conditions that are less than honorable.

g. Theft.

1. conviction of, pleading “no contest” to, or receiving deferred adjudication for a theft offense that would result in an offense no greater than a Class C misdemeanor, committed within five (5) years prior to the date of the

entrance exam, will in result in disqualification for a five (5) year period from the date of the offense; or

h. Driving record.

1. evidence of four (4) or more traffic citations for moving violations within the five (5) years preceding employment, three (3) or more moving violations within the two (2) years preceding employment, two (2) or more moving violations within the preceding twelve (12) month period resulting in conviction. Evidence of traffic violations includes, but is not limited to: convictions, “no contest” pleas, dismissal for defensive driving purposes, receiving deferred adjudication and any current charges; or
2. evidence of two (2) or more traffic accidents where he/she has been determined to be at fault within the preceding three (3) years; or
3. evidence of conviction of or experienced some combination of moving traffic violations or at fault accidents of three (3) or more within the preceding three (3) years; or
4. during the five (5) year period preceding employment a driver’s license suspension or revocation for any reason, except a one time violation of any one of the sections listed below, will result in the disqualification from testing for a period of five (5) years from the last day of the suspension or revocation periods. A **one time violation** of any **one** of the sections listed below will result in a two (2) year disqualification from the last day of the suspension or revocation period.
 - a) Texas Alcoholic Beverage Code Section 106.02 (Purchase by Minor)
 - b) Texas Alcoholic Beverage Code Section 106.025 (Attempt to Purchase by Minor)
 - c) Texas Alcoholic Beverage Code Section 106.04 (Consumption by Minor)
 - d) Texas Alcoholic Beverage Code Section 106.05 (Possession by Minor)
 - e) Texas Alcoholic Beverage Code Section 106.07 (Misrepresent Age by Minor)
 - f) Texas Health and Safety Code Section 161.252 (Tobacco Violations by Minor)
 - g) Texas Penal Code 49.02 (Public Intoxication by Minor)
 - h) Driver Surcharge Violation for No Insurance Violation
 - i) Driver Surcharge Violation for No Driver’s License Violation
 - j) Failure to Appear on a Citation Violation

i. Failure to file application and necessary paperwork.

1. fails to make application in the manner prescribed in the notice of examination or fails to file the application with the Director within the time limits prescribed in the notice of examination; or
2. fails to return the background information packet to the Director within the time limits set by the Director.
 - a) conviction or pending charges involving domestic violence.
 - b) is found to be in arrears in court ordered child support obligations.
 - c) prior disqualification for employment by the Temple Police Department.
 - 1) applicant was disqualified for employment by the department at least two (2) times during the previous twenty-four (24) months.
 - 2) applicant not eligible for employment consideration by the department for three (3) years from the date of the last disqualification.
 - d) **Fails to meet any of the minimum requirements expressed in these rules or the regulation of the Texas Commission on Law Enforcement or the Texas Commission on Fire Protection.**

SECTION 24. (RESERVED)

SECTION 25. ENTRANCE EXAMINATIONS.

25.01 The Director shall keep all eligibility lists for applicants for original positions in the Police Department and Fire Department in effect for one (1) year. The Director shall provide in the eligibility list announcement that the list shall remain in effect for the time specified by these rules or until all names have been referred to the appropriate department, whichever event occurs sooner.

25.02 Any person shall be considered for appointment to a vacancy in the classified service who has filed an application with the Director in the manner specified in these rules, and upon the form furnished by the Director, and whose application has not been rejected by the Director for cause in accordance with the provisions of these rules. The applicant shall make the application in his own handwriting or in type written form, and shall certify the correctness of the facts.

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

- 25.04** No letter of recommendation or endorsements, other than those required by the rules, shall be considered in rating any competitor, unless called for in connection with the examination.
- 25.05** An additional five points shall be added to the examination grade of an applicant who served in the United States armed forces for not less than one year on active duty, received an honorable discharge, and who made a passing grade on the examination.
- 25.06** To be eligible to take the exam, the applicant's registration form and other required forms must be received by the Human Resources Department by the closing time and date set by the Director.
- 25.07** The certified eligibility list in the Police Department will be established by using the applicant's total score plus the five points for "honorable discharge" after the applicant has passed the physical assessment/agility (essential job functions) testing and B-PAD (if applicable). The certified eligibility list in the Fire Department will be established by using the applicant's total score plus the five points for "honorable discharge."
- 25.08** In the event that two or more applicants make identical total final grades, the order of their rank on the eligibility list shall be determined using the following procedures:
2. raw score on the written test.
 3. date registration form is turned into the Human Resources Department, with the earliest date of receipt taking priority.
 4. the time the registration form is turned into the Human Resources Department, with the earliest time of day taking priority.
 5. The Director shall place the names of the applicants involved in the tie into a container and draw out as many names as are necessary to break the tie. The names drawn out shall be placed on the eligibility list in the order that they are drawn out.
- 25.09** Any person requesting an accommodation under the Americans with Disability Act in taking the entrance exam must request the accommodation in writing and present the documentation to the Director of Civil Service at least three weeks prior to the closing date for application.
- 25.10** The applicant requesting the accommodation must present documentation of a specific disability which would negatively impact applicant's performance on the exam. The documentation must be on the letterhead stationery from the medical or educational professional who is familiar with the individual's disability. The documentation must be dated within the three (3) years preceding the date of the entrance exam.
- 25.11** Applicants with disabilities are entitled to, and have the responsibility to meet, the same deadlines for application and submission of documentation established for non-disabled individuals.

25.12 The City of Temple will offer reasonable accommodations for the written entrance exam for those persons with documented disabilities.

25.13 Requests for accommodations on the written examination will be reviewed on a case by case basis.

Entrance Examination Administration Procedures.

25.14 The use of tobacco products shall be prohibited at all times in the testing area.

25.15 The test monitors shall verify each applicant's identification by viewing a photo I.D. of the applicant.

25.16 No applicant shall be admitted once the test begins.

25.17 Proof of honorable discharge from military service must be provided to the Director no later than the start of the written test. Any discharge other than "honorable discharge" is not creditable for the purpose of this section. A copy of a DD214 stating "honorable discharge" is the only acceptable proof of "honorable discharge." The copy of the DD214 will become the property of the City of Temple and will not be returned to the applicant or used at a later date for proof of "honorable discharge" if the applicant files another application to take the test again.

25.18 The test administrator may select a reasonable number of persons employed by the City to assist in the administration, monitoring, and grading of an entrance examination.

25.19 All examinations shall be administered in the presence of all other applicants for such positions. An applicant may not take the examination unless at least one other applicant takes the examination.

25.20 Any person taking an entrance examination who uses, or attempts to use, an unfair or deceitful means to pass an examination shall have his examination voided.

25.21 No examinee shall be readmitted to the examination after he/she has withdrawn or left the place of examination without consent of the examiner.

25.22 All original papers, applications, examination paper and questions, certificates, etc., are the property of the Commission and will not be returned to the applicant or copied for the applicant.

25.23 The test administrator shall bring all materials necessary for the applicant to take the examination to the testing site.

25.24 The examinee is prohibited from bringing any workbooks, papers, calculators or other such items to the testing site.

SECTION 26. PROCEDURE FOR FILLING BEGINNING POSITIONS.

26.01 When an opening exists in the department, the Chief of the Department shall request the appropriate number of applicants to fill the vacant position(s) in the department. The Director will send the City Manager, or designee, the names of the three (3) persons having the highest position on the eligibility list if one vacancy exists. If more than one vacancy exists, the Director will send the names of three (3) persons for each vacancy.

26.02 Applicants, who are selected to be appointed to fill a vacant position in the Police Department or the Fire Department, shall be appointed by the City Manager, or designee, in the order as they appear on the eligibility list unless there is a valid reason to pass over the applicant.

26.03 Reasons for passing over an applicant may include, but are not limited to, the following:

- a. does not meet minimum qualifications for the position;
- b. acts showing lack of good moral character;
- c. failure to complete or satisfactorily meet the requirements of any part of the selection process;
- d. unfit mentally or physically to perform the essential job duties for a police officer or fire fighter with the City of Temple;
- e. has illegally used or sold any illicit substance;
- f. fails to meet the requirements of the City of Temple Drug and Alcohol Policy;
- g. fails to meet the requirements of the City of Temple Licensing Criteria to Obtain/ Maintain City Vehicle Driving Privileges Policy;
- h. has been found guilty of, or admitted to, any felony or misdemeanor involving theft, moral turpitude or conduct unbecoming a member of the Police Department or Fire Department;
- i. has been dismissed from public service for misconduct or resigned in lieu of termination;
- j. has intentionally made false statements, or practiced, or used any form of deception or fraud during any part of the registration, examination, application, or selection process;
- k. cannot proficiently read, write and speak the English language;
- l. cannot orally communicate in a professional and intelligent manner;
- m. has a history of unstable work for no valid reason that is acceptable to the Police Chief or the Fire Chief, whichever is applicable;
- n. past conduct that would be inconsistent with a police officer's or fire fighter's job duties; or
- o. department is able to demonstrate a hardship and may pass over an uncertified applicant for a certified applicant.

SECTION 27. PROBATIONARY PERIOD.

27.01 Police Officer applicants who are already licensed/certified as a Police Officer by the Texas Commission on Law Enforcement **and** Fire Fighter applicants who are already

licensed/certified as a Fire Fighter by the Texas Commission on Fire Protection shall serve a one (1) year probationary period from the date of employment with the department. If a probationary officer or firefighter is on an approved leave for longer than fourteen (14) days, the officer's or firefighter's probationary period will freeze at that point and will resume at the point left off, when the employee returns to duty.

27.02 Police Officer applicants who must attend a police academy to obtain license/certification by the Texas Commission on Law Enforcement **and** Fire Fighter applicants who must attend a fire academy to obtain license/certification by the Texas Commission on Fire Protection shall serve an eighteen (18) month probationary period from the date of employment with the department. If a probationary officer or firefighter is on an approved leave for longer than fourteen (14) days, the officer's or firefighter's probationary period will freeze at that point and will resume at the point left off, when the employee returns to duty.

27.03 Probationary employees shall not be entitled to:

- a. specific charges filed against them before they can be terminated;
- b. a hearing before the Civil Service Commission or a Third Party Hearing Examiner;
- c. appeal to district court in accordance with rights afforded to Civil Service employees pursuant to Chapter 143 of the Local Government Code.

27.04 A probationary employee is not protected or covered under Civil Service and is subject to peremptory discharge under the City of Temple Personnel Policies and Procedures and departmental rules and regulations and City Charter.

27.05 Deleted.

SECTION 28. ELIGIBILITY FOR PROMOTION.

28.01 A fire fighter must meet the requirements as set forth in Chapter 143.028 and 143.030 of the Local Government Code to be eligible to take a promotional examination.

28.02 A police officer must meet the requirements as set forth in Chapter 143.028 and 143.031 of the Local Government Code to be eligible to take a promotional examination.

28.03 In any classification, at least one more person than the number of vacancies at the time of test registration must be eligible to take a promotion eligibility examination for that classification.

28.04 When less than one more eligible person than the number of vacancies at the time of test registration exists in a classification in the Fire Department, the

eligibility requirements must be lowered as set forth in Chapter 143.030 of the Local Government Code.

- 28.05** When less than one more eligible person than the number of vacancies at the time of test registration exist in a classification in the Police Department, the eligibility requirements must be lowered as set forth in Chapter 143.031 of the Local Government Code.
- 28.06** When three or more eligible personnel exist within a classification, but less than one more person than the number of vacancies at the time of test registration makes application to take a promotion eligibility examination or presents themselves to take the exam, the eligibility requirements to take the promotional examination must be lowered as set forth in Chapter 143.030 or 143.031 (as applicable) of the Local Government Code.
- 28.07** When no personnel pass the written promotional examination and alternate promotional system (where applicable), and an eligibility list cannot be established, the eligibility requirements to take the promotional examination must be lowered as set forth in Chapter 143.030 or 143.031 (as applicable) of the Local Government Code.
- 28.08** The two-year eligibility requirement to take a promotional examination shall be determined based upon the posted date of the examination.
- 28.09** All personnel eligible as of the date of a posted exam, and who desire to take the examination, shall make application with the Director of Civil Service by the closing date set by the Director. Application shall be made in writing on a form provided by the Director.

SECTION 29. PROMOTIONAL EXAMINATION NOTICE.

- 29.01** Posting and notice of promotional examinations and study materials of the promotional examinations shall be in accordance with Chapter 143 of the Local Government Code and these rules.
- 29.02** If less than one more eligible person than the number of vacancies at the time of test registration make application or present himself/herself to take a posted examination, then the test shall be re-posted with amended requirements lowering eligibility to persons with less than two years service in that position. If there is still an insufficient number, the Commission may open the examination to persons with at least two years service in the second lower classification as set forth in Chapter 143.030 of the Local Government Code.
- 29.03** The Commission may, because of the small number of applicants for any position, or because of any other good and sufficient reason postpone an examination to a later date.

29.04 Any examination may be canceled by the Commission should its holding become unnecessary because of a change in the personnel requirements of the classified service.

SECTION 30. ELIGIBILITY FOR FIRE DEPARTMENT PROMOTIONAL EXAMINATION.

30.01 A fire fighter must meet the requirements set forth in Chapter 143.028 and 143.030 of the Local Government Code to be eligible to take a promotional examination.

SECTION 31. ELIGIBILITY FOR POLICE DEPARTMENT PROMOTIONAL EXAMINATION.

31.01 A police officer must meet the requirements set forth in Chapter 143.028 and 143.031 of the Local Government Code to be eligible to take a promotional examination.

SECTION 32. PROMOTIONAL EXAMINATION PROCEDURES.

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

32.02 All test questions shall be based solely on material that is appropriate to the position that is being tested and from material selected by the Police Chief and Fire Chief.

32.03 The Director of Civil Service shall select the testing site, selecting a location that will have as few interruptions or distractions as possible during the testing process.

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

- a. test booklets
- b. answer sheets
- c. soft lead pencils
- d. blank scratch paper

32.05 The examinee is not allowed to bring any books, papers, calculators or other items to the testing site.

32.06 No examinee shall be allowed to enter the test site after the posted time.

32.07 Once a person has entered the examination site and accepted the test booklet and answer sheet, he/she will be considered a valid applicant for promotion and will be included in the posted results of that promotional examination.

- 32.08** The use of tobacco products shall be prohibited at all times in the testing room or within the testing facility.
- 32.09** Any examinee who uses, or attempts to use, any unfair or deceitful means to pass an examination shall be informed by the test monitor that the candidate's action shall be reported to the Chief for immediate investigation. If an investigation determines that the examinee used or attempted to use unfair or deceitful means to pass the examination, it will be sufficient grounds to bypass an examinee on the eligibility list. The Department Head shall determine if disciplinary action is warranted.
- 32.10** Any person requesting an accommodation under the Americans with Disability Act in taking the promotional exam must request the accommodation in writing and present the documentation to the Director of Civil Service at least three weeks prior to the closing date for application.
- 32.11** The employee requesting the accommodation must present documentation of a specific disability which would negatively impact the employee's performance on the exam. The documentation must be on the letterhead stationery from the medical or educational professional who is familiar with the individual's disability. The documentation must be dated within the three years preceding the date of the entrance exam.
- 32.12** Employees with disabilities are entitled to, and have the responsibility to meet, the same deadlines for application and submission of documentation established for nondisabled individuals.
- 32.13** The City of Temple will offer reasonable accommodations for the written promotional exam for those persons with documented disabilities.
- 32.14** Requests for accommodations on the written examination will be reviewed on a case by case basis.
- 32.15** Promotional Examination Procedures for Personnel on Active Military Duty:
- a. Promotional candidates, who are eligible to take a promotional examination, and who are serving on active military duty, are eligible to take a separate promotional examination. An examination, that is or is not identical to the examination administered to other eligible candidates, may be administered outside the presence of other candidates.
 - b. The Director is authorized to coordinate all testing under this subsection and may exercise discretion necessary to ensure the secrecy of the examination and to assure proper administrative procedures are followed.
 - c. Before the 90th day before the date a promotional examination is held, a notice listing the sources from which the examination questions will be taken shall be sent to each active duty military promotional candidate. The notice shall be sent to the

active duty military promotional candidate's last known address including last known e-mail address.

- d. The department shall provide the active duty military promotional candidate with copies of the necessary source material.
- e. Before the 30th day before the date a promotional examination is held, a notice of the examination shall be sent to the active duty military promotional candidate's last known address including last known e-mail address.
- f. Promotional candidates must notify the Director at least 25 days in advance of the examination of their desire to have the examination administered off-site.
- g. It shall be the active duty military promotional candidate's responsibility to work with the Director to schedule the administration of the examination.
- h. At no time will the administration of a promotional examination being given to a promotional candidate serving on active military duty unnecessarily interfere with ongoing military efforts.
- i. If the candidate serving on active military duty takes and passes a promotional examination, the candidate's name shall be included on the promotional eligibility list created nearest in time to the time at which the candidate on active military duty took the examination.
- j. Candidates serving on active military duty, who take the promotional examination outside of Temple, shall be eligible to examine the candidate's examination and answers, the examination grading, and the source material for the examination and to file an appeal of the examination as provided in Section 143.034 of Chapter 143 of the Texas Local Government Code and these rules. The Director shall coordinate all matters related to the review of the examination and the filing of the appeal, and may extend the time limit for appeal upon a showing of exigent circumstances.
- k. All employees covered by Chapter 143, who are called to active military duty, must notify the Director of Civil Service of their mailing address and/or their e-mail addresses. The Director shall use his or her best efforts to inform the employees serving on active military duty of upcoming promotional examinations.
- l. In the Police Department, where the alternate promotional system is utilized, the active duty military promotional candidate who passes the written examination shall take the assessment center (or other Commission approved test) upon return to service with the Temple Police Department. If an assessment center is utilized, it shall be convened using the same exercises as the assessment center used by the non-deployed candidates on the current promotional list, and will, as closely as possible, utilize the same assessors.

SECTION 33. PROMOTIONAL EXAMINATION GRADES.

- 33.01** The grading of each promotional examination shall begin when one eligible examinee completes the examination. The examinations shall be graded at the examination location and in the presence of any examinee who wants to remain during the grading.
- 33.02** Scores on the written promotional examinations shall be based upon a maximum of one hundred (100) points and shall be determined entirely by the correctness of each examinee's answers to the questions. Those persons receiving seventy (70) points or more shall be determined to have passed the examination.
- 33.03** Each examinee is entitled to receive one point for each year of seniority as a classified officer in his department, with a maximum of ten (10) points. Seniority points will be calculated for whole years of service and not for partial years of service.
- 33.04** The Director shall establish an eligibility list from persons passing the promotional testing. The eligibility list shall be established with names listed in order from the high score to the lowest.
- 33.05** The total final grade of each person on the eligibility list shall be computed, for all persons making at least a minimum passing score on all promotional testing, by adding the examination raw score to any seniority points for years of service.
- 33.06** Tie total scores on promotional examinations shall be broken with the following procedures:
- a. The person with the highest raw score on the written examination will be placed ahead of the others with the same total score.
 - b. If application of item one still results in a tie, the person with the most time in grade shall be placed ahead of the others with the same total score.
 - c. If application of items one and two still results in a tie, the person with the most seniority in the department shall be placed ahead of the others with the same total score.
 - d. If application of items one, two and three still result in a tie, the employees will draw straws for placement on the eligibility list. The person drawing the longer straw will be placed ahead of the one with the shorter straw. Drawing to be conducted in the presence of the Civil Service Director.

SECTION 34. REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION.

- 34.01** The employee will have five (5) business days following the exam date to review and file an appeal. The five (5) business day review period begins on the first business day following the exam date. The employee may review their test one time per day during the five (5) business day period.

- 34.02** Employees wishing to review their tests may do so in the Human Resources Department during normal business days and hours. Once in the reviewing area, the employee will be provided with a copy of the test and his graded answer sheet.
- 34.03** Employees are prohibited from copying any question or any part of the exam.
- 34.04** If an appeal is filed, it must be submitted to the Commission through the Director of Civil Service not later than five (5) business days following the date of the test. Saturdays, Sundays, and legal holidays are excluded in determining the five day period.
- 34.05** The appeal must be in writing, and delivered in person, or by certified mail, or by e-mail, or by fax, and must include the following information:
- a. The date and type of test being appealed (i.e., driver, captain, etc.)
 - b. The reason for the appeal, including a complete and thorough justification for the appeal.
 - c. The specific action desired on the part of the Commission (i.e. delete question, change answer, invalidate entire test, etc.)
- 34.06** If an employee appeals a question(s) on a promotional examination under this rule, the Director shall prepare a written notice of the hearing and notify all parties concerned as to the time, date, and place of the hearing.
- 34.07** Once appeals are received, the Director of Civil Service shall prepare a written response for each appeal filed, to include:
- a. Question number
 - b. Question and answers as they appear on the test
 - c. Correct answer as shown on scoring key
 - d. Copy of the page(s) from the source material from which the question was pulled
 - e. Appellant(s) name(s)
 - f. Appellant(s) written reason for appeal
 - g. Director's response, if any, including recommended action
- 34.08** This information shall be mailed, e-mailed, faxed or hand delivered to each Commissioner at least 48 hours in advance of the scheduled hearing. A copy of this information will also be sent to the Department Head and to each appellant through the Department Head (only information pertaining to the question being appealed by an appellant will be sent to the appellant).
- 34.09** During the appeal hearing, the following rules will apply:
- a. Appealed questions will be considered in numerical order.
 - b. Each appellant will be given an opportunity to present reasons for appeal. The appellant may designate someone else to present comments.

- c. 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 will limit the time for each appellant to speak on each question (normally four minutes).
- d. After each appellant has spoken on the question, the Commission may ask questions of the appellant or the Director. The Chair will allow others an opportunity to speak on the question, offering differing opinion. The Commission will not make a decision on a question until all appealed questions have been discussed.
- e. The Commission will then consider the next question being appealed, and so forth, until all appealed questions have been considered.
- f. After all questions have been considered, the Chair will announce that the Commission will go into closed session to discuss each question.
- g. After discussing each question in closed session, the Commission will reconvene in open session to vote on their decision on each question. The Commission will decide on one of the following alternatives for each appealed question:
 - 1. keep the same answer as on the original answer key;
 - 2. change the correct answer;
 - 3. allow more than one correct answer; or
 - 4. delete the question.
- h. The Commission will indicate their decision for each question on a form provided by the Director, and each Commissioner who agrees with that decision, will sign the form. A majority of the Commission agreeing on a decision will determine the final decision on that question.
- i. After announcing their decisions on each question, if necessary, the Director will re-score all answer sheets and post a new eligibility list after the hearing. The amended eligibility list will have the same effective date as the original list. If a question is deleted, the total number of test questions will be reduced and the new 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. If questions are deleted, the value of remaining questions will be changed to equal a total of 100 points. All answer sheets will be re-graded to show the total number of correct answers out of 98. Seniority points will then be added, and a new eligibility list will be posted.

SECTION 35. ALTERNATE PROMOTIONAL SYSTEM IN POLICE DEPARTMENT.

- 35.01** If adopted by a majority vote of the sworn police officers in the department and on recommendation of the Chief, the Commission shall adopt an alternate promotional system in accordance with Chapter 143.035 of the Local Government Code.
- 35.02** All officers who pass the written exam will be eligible to participate in the assessment center. Assessors shall be impartial and independent from the City of Temple and its employees.
- 35.03** Assessment center exercises may include, but will not be limited to:
- a. written exercises
 - b. a performance test of problem-solving and interpersonal skills with a focus on supervising and managing subordinates
 - c. oral presentation
 - d. oral interview
- 35.04** Each candidate will receive a numerical score based exclusively on his performance in the assessment center. The score will be based on 100 possible points. Candidates must receive a passing score of seventy (70) points or more on the assessment center exercises.
- 35.05** The eligibility list will be established using the following procedures to arrive at a final score:
- a. Forty (40) percent of the written exam score will be added to sixty (60) percent of the assessment center score.
 - b. One point for each year of seniority as a classified officer in the department, with a maximum of ten (10) points, will be added to the established sum of the written exam and assessment center score.
 - c. Participants will be placed on the eligibility list in the order of the final score, with the person having the highest final score being number one, the person having the second highest final score being number two and so forth.
- 35.06** Tie final scores shall be broken with the following procedures:
- a. The person with the highest assessment center score will be placed ahead of the others with the same final score.
 - b. If application item one still results in a tie, the person with the most time in grade shall be placed ahead of the others with the same final score.
 - c. If application of item one and two still results in a tie, the person with the most seniority in the department shall be placed ahead of the others with the same final score.

- d. If application of item one, two, and three still results in a tie, the person with the highest score on the written exam will be placed ahead of the others with the same final score.
- e. If application of item one, two, three and four still results in a tie, the employees will draw straws for placement on the eligibility list. The person drawing the longer straw will be placed above the one with the shorter straw. Drawing to be conducted in the presence of the Civil Service Director.

35.07 The Director of Civil Service will certify the eligibility list and post the list in the lobby of the Municipal Building and at the Police Department as soon as possible after the assessment center exercises are completed.

35.08 A candidate may appeal any assessment center exercise to the Civil Service Commission. Individual exercise questions or problems cannot be appealed. Appeals of the assessment center exercises must be filed within five (5) business days after the day the eligibility list is posted at the Police Department.

35.09 The Director of Civil Service will notify all candidates affected by an appeal so they may attend and defend their own positions at any subsequent hearing on the appeal.

35.10 The eligibility list for promotion under the alternate promotional system will be in effect one year from the date the final score eligibility list is established.

SECTION 36. PROCEDURES FOR MAKING PROMOTIONAL APPOINTMENTS.

36.01 Promotions in the classified service of the Police Department and the Fire Department will be made in accordance with Chapter 143.036 of the Local Government Code.

36.02 Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted. Among other things, all promotions are subject to:

- a. a vacancy in the classification during the one year existence of the eligibility list;
- b. an authorized position in the city budget;
- c. prior review by the Department Head for determination of a promotional bypass action in accordance with Chapter 143 of the Local Government Code.

SECTIONS 37-40. (RESERVED)

SECTION 41. SALARY

41.01 Police applicants with a minimum of one (1) year full-time prior service as a police officer and possess a TCOLE license and/or has taken and passed the TCOLE state licensing exam will be placed in the current pay grade on the Temple Police Department compensation plan commensurate with that service based on criteria established by the Civil Service Commission.

- 41.02** Upon successful completion of the Probationary classification, applicants with prior municipal police service in a city with a population of 30,000 or more (see 41.10) will receive one credit year for each full year of police service, not to exceed ten (10) credit years.
- 41.03** Upon successful completion of the Probationary classification, applicants with prior field deputy service with a county sheriff's office with a population of 175,000 or more (see 41.10) will receive one credit year for each full year of field deputy service, not to exceed ten (10) credit years.
- 41.04** Upon successful completion of the Probationary classification, applicants with prior municipal police service in a city with a population of less than 30,000 (see 41.10) will receive one credit year for each two (2) full years of prior police service, not to exceed five (5) credit years.
- 41.05** Upon successful completion of the Probationary classification, applicants with prior field deputy service with a county sheriff's office with a population of less than 175,000 (see 41.10) will receive one credit year for each two (2) full years of prior field deputy service, not to exceed five (5) credit years.
- 41.06** Upon successful completion of the Probationary classification, applicants with prior field service experience with any TCOLE certified organization other than a municipal police organization or a county sheriff's office will receive one credit year for each two (2) full years of prior field service, not to exceed five (5) credit years.
- 41.07** The "credited time" will **NOT** count as time served in the Temple Police Department for any purpose(s) except determining the starting pay grade. For example, it will not count towards any benefits, assignment, promotions, longevity or retirement.
- 41.08** Applicants who receive prior service credit will remain in the assigned starting pay grade until they have the required years of actual service **with** the Temple Police Department to advance to the next pay grade.
- 41.09** Prior service will be calculated on **full years of service** with an entity. Partial years of service with different entities will not be added together to make a full year.
- 41.10** The City will use the latest official census figures from the U.S. Census Bureau at the time the applicant is hired to determine city and county populations.

SECTIONS 42-43. (RESERVED)

SECTION 44. CERTIFICATION AND EDUCATIONAL INCENTIVE PAY.

- 44.01** Police officers and fire fighters who have completed their probationary period are afforded the opportunity to qualify for certification and educational incentive pay with the exception of EMT Basic, EMT Intermediate, Paramedic, Intermediate Fire, Intermediate

Police, Advanced Fire, Advanced Police, Master Police, and Master Fire which are payable from the inception of employment with the City of Temple. Additionally, shift differential pay shall be available to probationary employees in the Police Department.

- 44.02** Fire fighters who meet the requirements for certification set by the Texas Commission on Fire Protection are eligible for certification pay as set by the City Council. Fire fighters who meet the requirements for certification as an Emergency Medical Technician or Paramedic set by the Texas Department of State Health Services are eligible for certification pay as set by the City Council.
- 44.03** Police officers who meet the requirements for certification set by the Texas Commission on Law Enforcement are eligible for certification pay as set by the City Council.
- 44.04** Certification pay will begin on the first pay period after the Human Resources Department has received the proper certification records and a Personnel Action Form signed by the Department Head.
- 44.05** To the extent that funds have been appropriated by the City Council for educational incentive pay, police officers and fire fighters can receive educational incentive pay for either college degrees or college semester hours without a degree.
- 44.06** To receive educational incentive pay for college semester hours without a college degree, fire fighters and police officers must have a minimum of thirty (30) semester hours and must receive a letter grade of "C-" or above for successfully completing courses at an accredited college or university.
- 44.07** Educational incentive pay will begin on the first pay period after the Human Resources Department has received the original college transcript and a Personnel Action Form signed by the Department Head. A certified transcript will be required for all education pay including pay for degrees. If seeking pay for a degree, the certified transcript must clearly show that a degree was received.
- 44.08** If an employee is unable to work due to a line of duty injury, and the employee's certification lapses, the employee's certification pay will continue. The employee will have thirty (30) days following release to full duty to regain certification or certification pay will cease.

SECTIONS 45-50. (RESERVED)

SECTION 51. CAUSE FOR REMOVAL OR SUSPENSION.

- 51.01** The primary purpose of this section is to ensure that disciplinary action is imposed as fairly and equitably as is reasonably possible, with the intention of correcting deficient performance and securing substantial compliance with the working rules and regulations of the Civil Service departments.

51.02 Any employee of the classified service may be disciplined, suspended or indefinitely suspended if he/she commits, or conspires to commit, the following acts and/or omissions;

- a. conviction of a felony or other crime involving moral turpitude;
- b. violation of any provision of the Charter of the City of Temple;
- c. acts of incompetency;
- d. neglect of duty, which includes but is not limited to the violation of the following rules:
 1. While on duty as a police officer or a fire fighter, an employee's primary obligation is the performance of his job duties. Employees are expressly prohibited from engaging in any other activity or being employed in any other business during his working hours with the City. Employees are expressly prohibited from engaging in any other activity or being employed in any other business which might conflict or interfere with his job-related obligations.
 2. All employees shall remain alert, observant, and occupied with the department's business while on duty and will not conduct themselves in a manner that would merit criticism for inattentiveness or waste of time.
 3. All employees shall furnish the department a telephone number or means of contact by which they may be located in the event of an emergency. All employees shall keep the department informed as to their current residence addresses and telephone numbers. Post Office boxes alone are not acceptable. In case of an address or telephone number change, the employee shall report such change to the department within 24 hours.
 4. Improper or negligent handling or willful damage to City property shall subject an employee to disciplinary action. Any employee who has lost or destroyed any equipment issued to him/her by the department, may be required to make restitution if the loss or damage is the result of negligence on the part of the employee. Each employee shall properly report the need of repairs to any City owned property used by him/her to the City employee officially charged with the maintenance of such property. No employee shall alter, repair, or in any way change, or remove any parts or accessories to any City owned property without permission of the supervisor. "City owned property" includes, but is not limited to, buildings and office equipment, machines, clothes, firearms, communication equipment, and motor vehicles.
 5. All employees shall conduct themselves so as to bring no discredit upon their departments. No employee shall engage in any form of gambling (as defined in the Texas Penal Code) while on duty or in uniform.
 6. Employees shall immediately report any violation of the Civil Service Rules to an appropriate City authority.

- e. Discourtesy to the public, or to a fellow employee while in the line of duty or off-duty, in accordance with department policies, procedures or directives. In this respect, no employee shall unnecessarily cause injury towards any person.
- f. Acts showing lack of good moral character, including, but not limited to:
 - 1. soliciting special privileges, using his position or City property for personal gain or private privileges;
 - 2. accepting, agreeing to accept, or solicitation of anything of value, bestowed or promised in exchange for special privileges or personal gain by the donor or other person;
 - 3. a supervisor placing himself/herself under substantial obligation, financial or otherwise, to a subordinate;
 - 4. violation of any state or federal statute;
 - 5. entry of plea of guilty or no contest, or a judicial admission, to a felony or crime of moral turpitude.
- g. Drinking intoxicants, or intoxication, while on duty, arriving to work while under the influence of alcohol (consuming alcohol within 4 hours of reporting to work), or intoxication while off duty, as well as any violation of the City of Temple Drug and Alcohol Policy. Exemptions to this may only be allowed under circumstances indicated in Police Department policies and regulations.
- h. Conduct prejudicial to good order, which shall include but is not limited to:
 - 1. while on duty, not wearing the uniform or insignia of rank or not carrying such equipment as required by the Chiefs of the respective departments;
 - 2. wearing a police officer or fire fighter uniform, or any part of the uniform, while off duty, except with the express permission of his respective Chief or commanding officer;
 - 3. allowing another person to use his uniform, equipment, or credentials;
 - 4. violation of departmental policy pertaining to dress code and personal appearance;
 - 5. willful disobedience of any lawful order addressed to the police officer or fire fighter by a supervisor; or
 - 6. the known willful issuance by a supervisor of any order which violates any law, ordinance or departmental rule.
- i. Refusal or neglect to pay just debts.
- j. Absence without leave.
- k. Shirking duty or cowardice at fires, if applicable; or

- I. Violation of any applicable Fire or Police Department rule or special order, the City of Temple Personnel Policies and Procedures Manual, City Charter, or of any ordinance of the City of Temple.

SECTION 52. DISCIPLINARY SUSPENSIONS.

- 52.01** The Police Chief or the Fire Chief may suspend a police officer or fire fighter under the Department Head's supervision or jurisdiction for the violation of a Civil Service rule in accordance with Chapter 143 of the Local Government Code.
- 52.02** Employee dissatisfaction resulting from a transfer, assignment, or reassignment of duties, in and of itself, shall not constitute grounds for disciplinary appeal procedures.
- 52.03** Employee dissatisfaction resulting from a discretionary policy decision or policy matters, in and of itself, shall not constitute grounds for disciplinary appeal procedures.
- 52.04** A Civil Service employee who has voluntarily resigned or retired from Civil Service thereby forfeits all rights to the disciplinary appeal processes, unless the appeal or request for hearing was timely filed prior to retirement or resignation.
- 52.05** The Department Head can select what days the employee is suspended. The days do not have to be consecutive days.
- 52.06** The Department Head can withdraw the suspended employee's right to work off duty. Hardship cases may be requested and decided by the Department Head on a case-by-case basis.

SECTION 53. APPEAL OF DISCIPLINARY SUSPENSION.

- 53.01** The Commission hereby adopts the procedures set out in this section for hearing appeals of disciplinary suspensions. It is the intention of the Commission that hearings be conducted in an informal manner. The Commission will generally hear testimony without regard to the form of a question or response. Upon objection of either the Department or the appealing officer, or on its own initiative, the Commission reserves the right to limit a particular form of questioning or response, where the Commission determines that such a limitation is in the interest of justice or fair play.
- 53.02** The format for hearings shall generally be as outlined in Section 10.16.

SECTIONS 54-56 (RESERVED)

SECTION 57. HEARING EXAMINERS.

57.01 The Hearing Examiner must conduct the hearing in the same manner as the Civil Service Commission. The Hearing Examiner cannot modify the rules or the procedures of an appeal hearing.

SECTIONS 58-72 (RESERVED)

SECTION 73. LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE.

73.01 A police officer or fire fighter who retires, or is separated from service, as a direct or proximate result of a personal injury or illness sustained in the line of duty shall retain the same level of health care insurance benefits as the officer received while on active duty for a period not to exceed one (1) year commensurate with his or her injury or illness as allowed in Chapter 143.073 of the Local Government Code.

73.02 The City of Temple Workers' Compensation Review Board will review "line of duty" injuries and illnesses, and make recommendations to the City Manager for approval by the City Council for continuation of health insurance coverage beyond the one (1) year required under Chapter 143.073 of the Local Government Code.

SECTION 74. (RESERVED)

SECTION 75. MILITARY LEAVE TIME ACCOUNTS

75.01 The City of Temple will maintain separate military leave time accounts for the Police Department and the Fire Department.

75.02 The military leave account shall benefit a fire fighter or police officer who:

- a. is a member of the Texas National Guard or the armed forces reserves of the United States.
- b. was called to active federal military duty while serving as a fire fighter or police officer for the City of Temple;
- c. has served on active duty for a period of 3 continuous months or longer; and

75.03 A fire fighter or police officer may donate any amount of accumulated vacation, holiday, sick, or compensatory leave time to the military leave time account in that fire fighter's or police officer's department to help provide salary continuation for fire fighters or police officers who qualify as eligible beneficiaries of the account under 75.02.

75.04 A fire fighter or police officer who wishes to donate time to an account under this section must authorize the donation in writing on the form provided by the Fire or Police Department and approved by the City.

75.05 The City shall distribute the leave time donated to a military leave time account among all fire fighters or police officers who are eligible beneficiaries of that account.

75.06 The City shall credit and debit the applicable military leave time account on an hourly basis regardless of the cash value of the time donated or used.

75.07 A fire fighter or police officer who qualifies under 74.02 can use donated military leave time in the number of hours that will provide the difference in his military salary and his City salary when comparing base salary he/she was receiving at the City to the base pay he/she receives on military duty.

75.08 A fire fighter or police officer who qualifies as an eligible beneficiary of the account under 75.02 will only receive continuation pay if there are hours in the military leave time account.

SECTIONS 76-80 (RESERVED)

SECTION 81. FITNESS FOR DUTY.

81.01 Submission of a report ordered pursuant to Local Government Code, Chapter 143, Section 143.081.

Where a fire fighter or police officer has been ordered to submit to an examination to determine fitness for duty pursuant to Section 143.081 of the Local Government Code, Chapter 143, the following rules apply:

- a. the fire fighter or police officer shall submit the report or have his/her physician, psychiatrist, or psychologist submit the report ordered, within a reasonable time, but not later than 14 calendar days from the date the order is given;
- b. the report is deemed received by the Civil Service Commission, as required under Section 143.081(b), when filed with the Director of Civil Service; and
- c. upon receipt of the report by the Director, the report shall be forwarded to the Commission.

81.02 Questioning the Report:

Where the fire fighter, police officer, Commission, or Department Head questions the report, pursuant to Section 143.081(c) of the Local Government Code, the following shall apply:

- a. the challenge must be in writing and be delivered to the Director of Civil Service in person, by certified mail, by e-mail, or by fax;
- b. a letter, memo, or affidavit, challenging the report, is deemed received when filed with the Director not later than 10 calendar days from the day the report is received by the Director; the report may not be challenged after this time.

81.03 Disagreement with the Report:

Where the fire fighter, police officer, Commission, or Department Head disagrees with the report, pursuant to Section 143.081(d) of the Local Government Code, the following shall apply:

- a. the challenge must be in writing and be delivered to the Director of Civil Service in person, by certified mail, by e-mail, or by fax;
- b. a letter, memo, or affidavit, challenging the report, is deemed received when filed with the Director not later than 10 calendar days from the day the report is received by the Director; the report may not be challenged after this time.