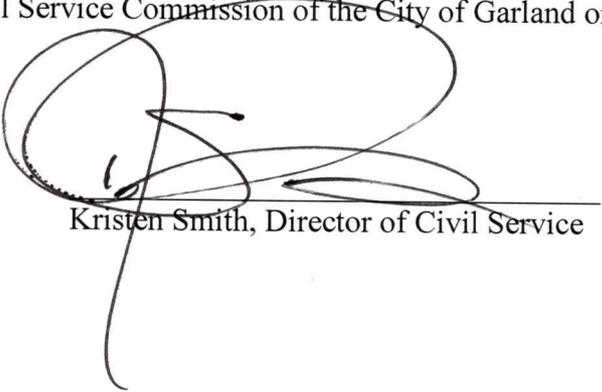


**CITY OF GARLAND, TEXAS  
FIREFIGHTERS' AND POLICE OFFICERS'  
CIVIL SERVICE COMMISSION  
RULES AND REGULATIONS**

Effective February 4, 2020

ADOPTED AND APPROVED by the Civil Service Commission of the City of Garland on the  
4<sup>th</sup> day of February 2020.

  
\_\_\_\_\_  
Marisol Trevizo, Commission Chair

  
\_\_\_\_\_  
Kristen Smith, Director of Civil Service

## Table of Contents

LR 143.001	PURPOSE	6
LR 143.002	MUNICIPALITIES COVERED BY CHAPTER	6
LR 143.003	DEFINITIONS	6
LR 143.004	ELECTION TO ADOPT OR REPEAL CHAPTER	8
LR 143.005	STATUS OF EMPLOYEES IF CHAPTER ADOPTED	8
LR 143.0051	STATUS OF EMPLOYEES IN CERTAIN FIRE DEPARTMENTS	8
LR 143.0052	FEE FOR EMERGENCY MEDICAL SERVICES	8
LR 143.006	IMPLEMENTATION: COMMISSION	8
LR 143.007	REMOVAL OF A COMMISSION MEMBER	11
LR 143.008	ADOPTION AND PUBLICATION OF RULES	11
LR 143.009	COMMISSION INVESTIGATIONS AND INSPECTIONS	12
LR 143.010	COMMISSION APPEAL PROCEDURE	12
LR 143.011	DECISIONS AND RECORDS	21
LR 143.012	DIRECTOR	22
LR 143.013	APPOINTMENT AND REMOVAL OF DEPARTMENT HEAD	22
LR 143.014	APPOINTMENT AND REMOVAL OF PERSON CLASSIFIED IMMEDIATELY BELOW DEPARTMENT HEAD	22
LR 143.015	APPEAL OF COMMISSION DECISION TO DISTRICT COURT	22
LR 143.016	PENALTY FOR VIOLATION OF CHAPTER	22
LR 143.021	CLASSIFICATION, EXAMINATION REQUIREMENT	22
LR 143.022	PHYSICAL HEALTH, FITNESS AND MENTAL HEALTH STANDARDS AND EXAMINATIONS	23
LR 143.023	ELIGIBILITY FOR BEGINNING POSITION	23
LR 143.024	ENTRANCE EXAMINATION NOTICE	25
LR 143.025	ENTRANCE EXAMINATIONS	25
LR 143.0251	REAPPOINTMENT AFTER RESIGNATION	28
LR 143.026	PROCEDURE FOR FILLING BEGINNING POSITIONS	29
LR 143.027	PROBATIONARY PERIOD	30
LR 143.028	ELIGIBILITY FOR PROMOTION	30
LR 143.029	PROMOTIONAL EXAMINATION NOTICE	30

LR 143.030	ELIGIBILITY FOR FIRE DEPARTMENT PROMOTIONAL EXAMINATION	30
LR 143.031	ELIGIBILITY FOR POLICE DEPARTMENT PROMOTIONAL EXAMINATION	30
LR 143.032	PROMOTIONAL EXAMINATION PROCEDURE	31
LR 143.033	PROMOTIONAL EXAMINATION GRADES	31
LR 143.034	REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION	32
LR 143.035	ALTERNATE PROMOTIONAL SYSTEM IN POLICE DEPARTMENT	34
LR 143.036	PROCEDURE FOR MAKING PROMOTIONAL APPOINTMENTS	34
LR 143.037	RECORD OF CERTIFICATION AND APPOINTMENT	34
LR 143.038	TEMPORARY DUTIES IN HIGHER CLASSIFICATION	34
LR 143.041	SALARY	35
LR 143.042	ASSIGNMENT PAY	35
LR 143.043	FIELD TRAINING OFFICER ASSIGNMENT PAY	35
LR 143.044	CERTIFICATION, EDUCATIONAL INCENTIVE, AND FITNESS INCENTIVE PAY	35
LR 143.045	ACCUMULATION AND PAYMENT OF SICK LEAVE	35
LR 143.046	VACATIONS	35
LR 143.047	SHIFT DIFFERENTIAL PAY	35
LR 143.051	CAUSE FOR REMOVAL OR SUSPENSION	35
LR 143.052	DISCIPLINARY SUSPENSIONS	36
LR 143.053	APPEAL OF DISCIPLINARY SUSPENSIONS	36
LR 143.054	DEMOTIONS	37
LR 143.055	UNCOMPENSATED DUTY OF POLICE OFFICERS	37
LR 143.056	PROCEDURES AFTER FELONY INDICTMENT OR MISDEMEANOR COMPLAINT	37
LR 143.057	HEARING EXAMINERS	37
LR 143.071	LEAVES OF ABSENCE: RESTRICTIONS PROHIBITED	37
LR 143.072	MILITARY LEAVE OF ABSENCE	37
LR 143.073	LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE	37
LR 143.074	REAPPOINTMENT AFTER RECOVERY FROM DISABILITY	37
LR 143.075	MILITARY LEAVE TIME ACCOUNTS	37

LR 143.081	DETERMINATION OF PHYSICAL AND MENTAL ILLNESS	38
LR 143.082	EFFICIENCY REPORTS	38
LR 143.083	EMERGENCY APPOINTMENT OF TEMPORARY FIREFIGHTERS AND POLICE OFFICERS	38
LR 143.084	CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIREFIGHTERS AND POLICE OFFICERS	38
LR 143.085	FORCE REDUCTION AND REINSTATEMENT	38
LR 143.086	POLITICAL ACTIVITIES	38
LR 143.087	STRIKE PROHIBITION	38
LR 143.088	UNLAWFUL RESIGNATION OR RETIREMENT	38
LR 143.089	PERSONNEL FILE	38
LR 143.090	RELEASE OF PHOTOGRAPHS	38

**MISCELLANEOUS LOCAL RULE PROVISIONS (MLR) 39**

MLR-001	DUTY ASSIGNMENTS	39
MLR-002	SAVINGS CLAUSE	39
MLR-003	COMMUNICATIONS	39
MLR -004	USING OFFICIAL AUTHORITY	39
MLR-005	NOTICE OF RULES	39
MLR-006	COOPERATION OF EMPLOYEES	39
MLR-007	EMPLOYEES TO ABIDE BY PROVISIONS OF RULES	39
MLR-008	RESIGNATION	40

## CITY OF GARLAND CIVIL SERVICE RULES AND REGULATIONS

### LR 143.001 PURPOSE

The purpose of Chapter 143 of the Local Government Code is to secure efficient Fire and Police Departments composed of capable personnel, free from political influence, and with permanent tenure as public servants. The members of the Firefighter's and Police Officers' Civil Service Commission shall administer this chapter in accordance with this purpose.

### LR 143.002 MUNICIPALITIES COVERED BY CHAPTER

Pursuant to Chapter 143 of the Texas Local Government Code, the Firefighters' and Police Officers' Civil Service Commission of the City of Garland, Texas does hereby adopt the following rules and regulations for the administration of the civil service system for the City of Garland, Texas (hereinafter referred to as the "City").

### LR 143.003 DEFINITIONS

All terms, words and phrases contained in these rules shall be interpreted in accordance with Chapter 143 and other applicable law.

#### A. DEFINITIONS

1. APPOINTMENT. Means the designation of a person by the City Manager to become an employee in a position.
2. BUSINESS DAY. Means the days which the City is customarily open for normal business, and does not refer to the employee's work day.
3. CHAPTER 143. Means Chapter 143 of the Texas Local Government Code.
4. CITY. Means the City of Garland, Texas.
5. CLASS. Means a position or group of positions that involve similar duties and responsibilities and require similar qualifications.
6. CIVIL SERVICE ANNIVERSARY DATE. Means the date a person was hired into a civil service position.
7. COMMISSION. Means the City of Garland Civil Service Commission.
8. DAY. Means calendar day, unless otherwise specified.
9. DEMOTION. Means the transfer of an employee from a position in one class to a position in another class for which the maximum rate

of pay is lower, or a reduction in pay without such transfer unless such reduction is part of a general plan to reduce salaries for that class of employment, unless promoted or removed from a position under section 143.014 of the Local Government Code.

10. DIRECTOR. Means the Director of the City of Garland Civil Service Commission.
  11. DEPARTMENT HEAD. Means the Police Chief or Fire Chief and includes any interim or acting Police Chief or Fire Chief.
  12. ELIGIBILITY LIST. Means the list of applicants for a position who have taken the examination and passed, ranked on the list in order of the score received.
  13. FIRE CHIEF. Means the Department Head of the Garland Fire Department or any acting Department Head or Interim Department Head.
  14. MILITARY SERVICE CREDIT. Means a person who has served a minimum of 180 days of active duty in the armed forces of the United States of America and who has received an honorable discharge. Any discharge by whatever name other than "honorable discharge" shall not be recognized for purposes of the points referred to in Section 143.025(e) of Chapter 143.
  15. POLICE CHIEF. Means the Department Head of the Garland Police Department or any acting Department Head or Interim Department Head.
  16. PROMOTION. Means a classified position being filled in substantial compliance with Local Government Code sections 143.028 through 143.037.
  17. RAW SCORE. Means the numerical grade based upon the questions correctly answered on entrance and promotional examinations unverified and subject to verification by the Commission.
  18. VETERAN. Means an honorably discharged person who has served for a minimum of 180 days active duty in the armed forces of the United States of America.
- B. COMPUTING TIME. In computing any period of time prescribed or allowed by these rules, the date of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday, or official City holiday, in which event

the period runs until the end of the next day which is not a Saturday, Sunday, or official City holiday.

**LR 143.004 ELECTION TO ADOPT OR REPEAL CHAPTER**

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

**LR 143.005 STATUS OF EMPLOYEES IF CHAPTER ADOPTED**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.0051 STATUS OF EMPLOYEES IN CERTAIN FIRE DEPARTMENTS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.0052 FEE FOR EMERGENCY MEDICAL SERVICES**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.006 IMPLEMENTATION: COMMISSION**

- A. APPOINTMENTS. The City Manager shall appoint and the City Council shall confirm the appointment of the three members of the Civil Service Commission (the "Commission"). The members shall elect one member to serve as chair and one to serve as vice-chair.
- B. TERM OF OFFICE. 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 by appointment of the City Manager and confirmed by the City Council for the unexpired term of the member whose position has been vacated. Commission Members shall continue unless removed from office for cause (under Section 143.007), or by tendering their resignation.
- C. RESPONSIBILITIES. The Commission, acting in compliance with Chapter 143, has the responsibility to adopt, publish and enforce rules relating to:
  - 1. The proper conduct of Commission business meetings;

2. The proper conduct of examinations for entry level and promotional eligibility;
3. The proper conduct of appeals of testing and examination scoring;
4. The prescribed cause or causes for the removal or suspension of a civil service employee;
5. The proper conduct of disciplinary appeals concerning indefinite suspensions, suspensions, promotional passovers or recommended demotions; and
6. Such other matters reasonably related to the selection, promotion and discipline of civil service employees.

D. MEETINGS.

1. Regular meetings of the Commission shall be routinely held at a time and a place designated by the Commission. Meetings may be rescheduled or postponed when such action is deemed necessary by the Commission.
2. Special meetings of the Commission may be called by the Chair or the two other Commission members upon giving reasonable advance notice to each Commission member and the parties otherwise necessary for the meeting. Agenda items may be requested by the Director of Civil Service or a member of the Commission. All agenda items shall be submitted in writing to the Director at least seven (7) days prior to the scheduled meeting date.
3. Meetings of the Commission are open to the public in conformance with the provisions of the Texas Open Meetings Act or Chapter 143. However, meetings of the Commission may be closed from time to time in conformance with the provisions of the Texas Open Meetings Act or Chapter 143.

E. QUORUM. Two (2) members of the Commission constitute a quorum sufficient to conduct business meetings and hearings. In the event of a disciplinary action appeal, the appellant may request a continuance of the hearing pursuant to Section 143.053(b) in the event that all three (3) members of the Commission are not present. The commission shall grant the continuance to postpone the hearing for a definite period.

F. RULES OF ORDER. Robert's Rules of Order shall be used as a guide by the Commission in its parliamentary proceedings. Disciplinary and appeal hearings shall be conducted in accordance with Chapter 11 of these rules. The normal order of business at a non-disciplinary or non-appeal hearing shall generally be:

1. call to order
2. adoption of agenda
3. approval of minutes
4. unfinished business
5. communications for consideration
6. consideration of reports
7. new business
8. report of the Director
9. adjourn

G. MINUTES. The Secretary of the Commission shall be responsible for posting the Public notice prior to each business meeting. The Secretary shall prepare the minutes of each meeting and shall record, as applicable, the following:

1. the time and place of each meeting of the Commission;
2. the names of the Commission members present;
3. all official actions of the Commission;
4. the official vote by each Commission member;
5. upon request, a Commission member's dissent with stated reasons;
6. such other matters as are deemed appropriate for the record;
7. all names placed on an eligibility list;
8. all appointments;
9. appeals from dismissal, demotion or suspension with the action of the Commission thereon;
10. all leaves of absence;
11. reinstatements;
12. replacement of names on and removal of names from an eligibility list;

13. changes in the classification plan;
14. approval of and changes in examination procedures;
15. subjects and weights of examinations;
16. appointment of special examiners; and
17. any other action or report directed to be recorded by the Commission. The minutes of a meeting are to be presented for approval at the next regular meeting of the Commission. The minutes, other than matters discussed in executive session, upon approval by the Commission, shall be kept open for public inspection as governed by the Texas Open Records Act. A Commission member may record in the minutes an approval of, or objection from, any act of the Commission together with the Commissioner's reasons. Copies of the minutes and records may be obtained from the Director for the standard fee charged by the City for similar official record duplication. The minutes of the Commission shall be signed by the Chairman, or in his absence, the Vice Chairman, together with the Director.

#### **LR 143.007 REMOVAL OF A COMMISSION MEMBER**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

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

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

#### **LR 143.008 ADOPTION AND PUBLICATION OF RULES**

- A. The civil service system of the City has been established pursuant to Chapter 143 of the Texas Local Government Code ("Chapter 143") for the purpose of developing and enforcing rules regarding the initial selection of employees as well as for their advancement, benefits, and conditions of employment.
- B. These rules completely repeal and replace such earlier rules and regulations as have been adopted by the Civil Service Commission. These rules are made and shall be construed in accordance with Chapter 143.

- C. The scope and construction of the rules hereinafter set forth shall be interpreted and applied within the spirit and intent of Chapter 143. All situations which are not expressly covered by Chapter 143, City ordinances or these rules and regulations shall be resolved in accordance with the City of Garland Personnel Rules and Regulations or the residual discretionary authority vested in a Department Head. These rules and regulations shall apply to all of the employees of those departments covered under Chapter 143.
- D. The rules of the civil service system currently in effect are only those contained herein. These rules have been approved by the Commission and shall remain in effect until officially amended, revised or repealed by the Commission.
- E. The Commission may consider suggestions for the conduct of Commission business from any person. Such input shall be submitted in writing, filed with the Director and shall include a clear statement as to what action is recommended. The Commission shall promptly receive the input from the Director and shall then proceed to take appropriate action or consideration of the suggestions.
- F. Amendment to these rules may be made at any meeting of the Commission and such amendments shall become effective on the date of their approval by the Commission and subsequent compliance with the posting and notice requirements of Chapter 143 and of these rules. All rules and amendments shall be printed and made reasonably available for access by all civil service employees.

#### **LR 143.009 COMMISSION INVESTIGATIONS AND INSPECTIONS**

After any investigation made by the Commission pursuant to Section 143.009 of Chapter 143, the Commission shall issue its ruling in writing and such ruling shall be binding upon both the Department and the employee, subject to any appeal rights under Chapter 143.

#### **LR 143.010 COMMISSION APPEAL PROCEDURE**

The following procedures shall govern disciplinary action appeals to the Garland Civil Service Commission only. Appeals to an independent third-party hearing examiner should be perfected in accordance with the provisions of Chapter 143.

##### **I. PRE-HEARING**

##### **A. Appeal Process**

1. Disciplinary Actions - The head of the Police Department or the head of the Fire Department may suspend an employee under his/her supervision or jurisdiction either temporarily or indefinitely or may request the imposition or an involuntary demotion to a lower rank.
2. Notice of Appeal - In order for an employee to appeal to the Civil Service Commission an action for which an appeal or review is provided in Chapter 143 of the Local Government Code, the

employee must file a written appeal to the Commission in accordance with the requirements of Section 143.010 within ten (10) days of the action complained of. Filing an appeal with the Commission is accomplished by delivering the appeal to the Director of the Firefighters' and Police Officers' Civil Service Commission, whose office is located at 200 N. Fifth Street, 2nd Floor, Human Resources Department, Garland, Texas 75040.

B. Preparing for the Hearing

1. Setting the Hearing - If the Director of Civil Service determines that the employee's written notice of appeal has been filed in a timely manner and in accordance with the requirements of Chapter 143.010, the Director shall forward the notice to the Commission. The Commission shall then hold a hearing and render a decision in writing within thirty (30) calendar days after the date that the appeal is filed. The date for the hearing may be determined by utilizing either of the following procedures:
  - a. The Director of Civil Service may poll the Commission members by telephone and obtain a consensus on the date the hearing can be held; or
  - b. The Commission may choose to set the date for the hearing at its next regularly scheduled Civil Service Commission meeting.
  
2. Postponement of the Hearing - The employee and the Commission may mutually agree to postpone the hearing for a definite period of time. Should either party desire to request a postponement, the request must:
  - a. Be made in writing to the Commission setting forth the specific reasons why the postponement is requested; and
  - b. Be submitted to the Director of Civil Service for delivery to the Commission at least five (5) calendar days prior, absent exigent circumstances, to the scheduled hearing date.
  - c. State whether the Department Head opposes the request for postponement.
  - d. Though the Commission may grant a bearing on a request for postponement, it is not required to do so, unless the Department Head opposes the postponement. The Director of Civil Service may poll the Commission in person or by telephone on any request for postponement and shall

communicate its decision to the employee, or the employee's representative.

- e. A subsequent postponement requested by the employee will not be permitted unless the Commission determines:
  - 1. that good cause exists for the postponement
  - 2. that the postponement will not prejudice the Department Head, and
  - 3. that the failure to grant a postponement will prejudice the employee.
- 3. Notice of the Hearing Date - Notice of the hearing shall be posted publicly in the manner required for posting public meetings under Chapter 551 of the Texas Open Meetings Act and, in addition, notice of the hearing shall be given to the employee or his designee, in writing, by the Director of the Civil Service Commission, as well as to the members of the Commission and appropriate City administrative and legal authorities.
- 4. Failure to Attend Hearing - When an employee or his designated representative has been properly notified of the date, time and location of a hearing, and the employee or his designated representative does not appear, this failure to attend shall not prevent the Commission from proceeding to consider the merits of the appeal and announcing its decision should it determine to do so.
- 5. Representation - In all hearings, appeals, and reviews where the Commission is performing an adjudicatory function, the employee shall have the right to be represented by counsel or by any person of the employee's choosing. However, only one representative shall be allowed to speak or present evidence on behalf of the employee throughout the questioning of a particular witness. The Department Head shall also have the right to be represented by counsel provided by the office of the City Attorney or its designated representative.
- 6. Subpoenas - The Commission has the power and the right to issue subpoenas and subpoenas duces tecum for any materials it considers pertinent to the hearing.
  - a. Documentary Requests - Before requesting a subpoena duces tecum for the production of documentary information from the other party, a party shall first make a request for the materials directly to the other party and provide a reasonable time for response. Photocopies of documents from the opposing party should be accommodated if reasonable,

including requests for copies of specific sections of the Garland Police Department General Order Manual, the Directives of the Garland Fire Department and the City of Garland Directives Manual. If the request is refused or the documents not produced, then a subpoena may be issued in the manner described below.

- b. Requesting a Subpoena - Requests by either party to the hearing to have materials or witnesses subpoenaed by the Commission must be made in writing to the Director of the Civil Service Commission at least ten (10) calendar days before the date of the hearing. If the Commission does not subpoena the requested materials or witnesses at least three (3) days prior to the hearing date, a written report shall be made stating the reason it will not issue the requested subpoenas, and this report shall be read into the public records of the Commission at the hearing.
- c. Commission Subpoenas - The Commission may issue subpoenas on its own behalf at any time prior to or during the hearing with the approval of a majority of the Commissioners.

## II. THE HEARING

### A. General Procedural Rules

- 1. Commencement - Hearings may be convened at the time deemed appropriate by the members of the Commission.
- 2. Recesses/Adjournments - Hearings may be recessed or adjourned at any time upon request of a party or a member of the Commission with the approval of a majority of the Commission. The recess or adjournment shall be for the duration designated by the Commission, but shall not extend beyond that necessary for the Commission to conclude the appeal within the time required by Section 143.053 of the Texas Local Government Code.
- 3. Rules of Court not Applicable - No formal Texas rule of civil or criminal evidence or procedure, or any other court procedural rule is applicable to civil service appeals. Neither do mediation or arbitration procedures apply to civil service hearings.
- 4. Oaths - All testimony or statements of any kind shall be presented under oath. The oath may be administered by the presiding officer of the Commission or a certified court reporter. Attorneys who wish to give testimony shall also be required to take the oath.

5. Exclusion of Witnesses - If requested by either party, the procedure commonly known as "Invoking the rule" is to be followed wherein witnesses shall be excluded from the hearing during the testimony of other witnesses and instructed not to discuss their testimony or the case with other witnesses after the rule is invoked. Specific instructions are to be given by the Commission that the case is not to be discussed by witnesses except with the respective attorney for each side. Violation of these instructions by a witness will result in the automatic exclusion of any testimony given by that witness and the exclusion of any witness who has violated the rule from giving testimony.
6. Cross-Examination of Witnesses - All witnesses shall be subject to cross-examination. The scope of any redirect examination permitted by the Commission shall be limited to matters addressed in cross-examination. If the Commission permits redirect examination, the Commission shall permit re-cross-examination on matters addressed in the redirect examination.
7. Order of Parties Presenting Case - Unless otherwise specified, the hearing shall be conducted in accordance with the following format:
  - a. Convene Hearing - Call to Order;
  - b. Statement of Purpose of Hearing;
  - c. Presentation of Opening Arguments (optional);
    - i. Employee
    - ii. City
  - d. Presentation of Evidence and Testimony;
    - i. Employee
    - ii. City
  - e. Closing Arguments (optional);
    - i. Employee
    - ii. City
  - f. Deliberation by Commission;
  - g. Vote and Announcement of Decision;

h. Closing of the Hearing

B. Record of the Hearing

1. Recording - The Director of Civil Service or his designee shall either make an electronic recording of the hearing or arrange for the attendance of a certified court reporter.
  - a. If the Director of Civil Service elects not to have a certified court reporter at the hearing, he shall notify the parties, in writing, at least ten (10) days prior to the hearing, that a court reporter will not be provided and that the hearing will be electronically recorded. Thereafter, either party may arrange for a certified court reporter to be present to transcribe the hearing. The cost of the reporter shall be the sole responsibility of the party retaining the reporter.
  - b. Should a party arrange for a court reporter to attend and transcribe the hearing, under paragraph (a), the party shall notify the Director of Civil Service, in writing, at least five (5) days prior to the date of the hearing so that arrangements can be made to accommodate the reporter.
2. Transcripts - If a hearing is transcribed by a court reporter engaged or appointed by the Commission, and a copy of the transcript or testimony is ordered by the Commission, the testimony shall be transcribed and the original filed with the papers of the hearing.

C. Evidence of Parties

1. Admissibility - Evidence will be admitted if it is of that quality which responsible persons are accustomed to rely on in the conduct of serious affairs. It is intended that needful and proper evidence shall be produced conveniently, inexpensively, and in a timely fashion, while preserving the substantial rights of the parties to the proceeding. Technical rules of legal and court procedure do not apply. The presiding officer of the Commission shall rule on the admissibility of evidence. If any other members of the Commission so requests, the presiding officer shall consult with the other members on any ruling made or before making a ruling. A majority vote of the Commission members present will resolve any dispute regarding the admissibility of evidence.
2. Stipulation - Evidence may be stipulated by agreement of all parties in interest appearing at the hearing.
3. Pertinence - All evidence and testimony presented at the hearing shall be strictly confined and limited to only the issues to be decided.

In the event that any party pursues a line of questioning of a witness that is clearly irrelevant, incompetent, or immaterial, the presiding officer of the Commission shall promptly terminate that line of questioning. If any other member of the Commission so requests, the presiding officer shall consult with the other members on any ruling made or before making a ruling. A majority vote of the Commission members present will resolve any dispute regarding the pertinence of evidence.

4. Clarification - Commission members may request clarifications regarding any evidence or testimony presented, if such is deemed necessary.
5. Limiting Number of Witnesses - The presiding officer of the Commission may limit the number of witnesses appearing at the hearing when the testimony to be presented will merely be cumulative.
6. Objections and Exceptions - Formal exception to a ruling of the presiding officer of the Commission is not necessary. It is sufficient if the party at the time the ruling is made or sought makes known to the presiding officer the action desired. Support or denial of objections by the presiding officer will be based on the nature of the objection and the relevance of the material being presented to the issues being decided.
7. Instructions on Conduct - The presiding officer of the Commission may instruct the parties, counsel, or their witnesses regarding their conduct or behavior during the hearing if such action is deemed necessary in order to maintain order and proper decorum. Threats or acts of violence, abuse, or conduct disruptive or detrimental to the proceeding shall not be allowed.
8. Costs and Expenses - All costs or expenses associated with the presentation of witnesses or evidence shall be incurred by the party presenting the witnesses or evidence.

C. Exhibits

1. Requirements for Exhibits - Exhibits of documentary character shall be of a size which does not unduly encumber the files and records of the Commission. Except for maps and drawings, the size of the pages of each exhibit shall be 8 1/2 inches by 11 inches and shall be clearly numbered. (When no other alternative is available, exhibits which are no more than 8 1/2 inches by 14 inches will be accepted). All exhibits shall be limited to facts which are relevant and material to the issues involved in the proceeding.

2. Introduction of Exhibits - 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 a 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.
3. Excluding Exhibits - In the event an exhibit has been identified, objected to, and excluded from consideration as evidence in the proceeding, the presiding officer of the Commission shall determine whether the party offering the exhibit desires to withdraw the exhibit. If so, the presiding officer shall permit the withdrawal of the exhibit. If the excluded exhibit is not withdrawn, it shall be given an exhibit number for identification purposes and shall be included in the record only as a means of preserving the exception, together with the ruling thereon.
4. Abstracts of Documents - When documents are numerous, lengthy, or cumbersome, as in the case of books, transcripts, ledgers, etc., the presiding officer of the Commission may elect to receive in evidence only those documents which are typical and representative. The presiding officer may require the abstracting of relevant information from the documents and the presentation of the abstracts in the form of an exhibit. However, before making this requirement, the presiding officer shall see that the parties in interest are given the right, upon request, to examine the documents from which the abstracts were made.
5. Exhibits Offered After Hearing Is Closed - Unless specifically authorized by the Commission, a party may not file an exhibit as part of the proceeding after the hearing has been closed. The presiding officer of the Commission shall provide the opportunity for interested parties to view any authorized exhibit filed after the hearing has closed.

E. Arguments and Briefs

1. Oral Arguments - Oral arguments may be allowed by the Commission upon request by a party, but a reasonable time limit shall be established by the Commission for such arguments, with equal time being given to each side.
2. Briefs - Prior to the closing of the hearing and upon request of the parties in interest, the Commission may authorize the presentation of briefs.

F. Concluding the Hearing

1. Closing The Hearing - At the conclusion of testimony and the presentation of evidence and other oral arguments at the hearing, the hearing shall be ordered closed. The Commission may then elect to close the record or keep it open for the submission of briefs or exhibits as previously stipulated.
2. Postponed Decision - In conformity with the Texas open meeting law, the Commission and its members, in the event a decision is postponed for the submission of briefs, or otherwise, will only discuss and examine the matter under consideration in open session, at a called meeting, after posting notice of such meeting as required by State law.
3. Deliberating the Decision - The Commission may confer and deliberate the decision in private, closed session, for as long as is deemed necessary, but may not consider any evidence not presented at the hearing.
4. Presenting the Decision - After the hearing is concluded, the Commission shall present its decision concerning the appeal in public. The decision shall be voted on in public and read into the record of the proceedings by the presiding officer of the Commission. The decision shall specifically state the Commission's findings regarding the truth of the charge(s) against the employee and the remedy, if any, agreed upon. A written statement of the Commission's findings shall be signed by each of the Commissioners present at the hearing and this statement shall become a part of the permanent record of the proceedings.
5. Remedies - The Commission may uphold, modify, or nullify the disciplinary action taken by the head of the Police or Fire Department concerning the affected employee.
  - a. If a decision is made which involves a modification of a disciplinary action, the Commission may elect to:
    - i. Change an indefinite suspension to a temporary suspension of specified duration, a demotion, or a written reprimand;
    - ii. Change the period of a temporary suspension to a lesser period, a demotion, or a written reprimand;
    - iii. Change a demotion to a temporary suspension or a written reprimand.

- b. If a decision is made which involves a reinstatement, the Commission shall determine the effective date of such reinstatement, and the amount of back pay due the employee, if any.
6. Mitigation - It is the duty of the employee to mitigate damages, if any, and failure to do so will be considered in determining what back pay, if any is due. In appeals, where a decision of reinstatement with back pay is made, evidence on the issue or mitigation shall be heard separately after the reinstatement decision has been reached and rendered.
7. Substantial Evidence Rule - When this rule is applicable, Commission decisions regarding the issues must reflect that some evidence was presented during the hearing which supports the achievement of those decisions.
8. Majority Rule - Commission decisions regarding the issues addressed do not have to be based on unanimous agreement but they must reflect the majority position.

### III. POST-HEARING

#### A. Documentation

1. Records - On behalf of the Commission, the Director of Civil Service shall maintain a permanent, public record of all hearing proceedings and copies of such records shall be made available at reasonable cost.
2. Exhibits - All documents submitted to and accepted by the Commission as official exhibits in the hearing shall be retained by the Director of Civil Service on behalf of the Commission for as long as the Commission deems appropriate.

#### B. Discussion of Decision

1. Commission - Discussion of the hearing or the decision by the members of the Commission is at the discretion of the individual members.
2. Parties - Discussion of the hearing or the decision by members of the parties to the hearing is at the discretion of those individuals.

### **LR 143.011 DECISIONS AND RECORDS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.012 DIRECTOR**

The Commission shall appoint a Director who shall be responsible for implementing these rules and administering the civil service system. The Director or the Director's designated representative shall also act as secretary to the Commission on matters incidental to the civil service system, including, but not limited to:

1. Development of employment applications and processes;
2. Supervision of all examinations, including the preparation, scheduling, scoring and security of materials;
3. Coordination of the recruitment and examination of applicants; and
4. Other such matters as may be deemed reasonably necessary with regard to the efficient and effective administration of the civil service system of the City of Garland.
5. Procedures for the discipline and termination of civil service employees.

**LR 143.013 APPOINTMENT AND REMOVAL OF DEPARTMENT HEAD**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.014 APPOINTMENT AND REMOVAL OF PERSON CLASSIFIED IMMEDIATELY BELOW DEPARTMENT HEAD**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.015 APPEAL OF COMMISSION DECISION TO DISTRICT COURT**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.016 PENALTY FOR VIOLATION OF CHAPTER**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.021 CLASSIFICATION, EXAMINATION REQUIREMENT**

CLASSIFIED SERVICE. The civil service positions in the Fire and Police Departments are classified on a basis of similarity in duties and responsibilities as follows:

A. FIRE DEPARTMENT:

1. Firefighter

2. Fire Driver
3. Fire Lieutenant
4. Fire Captain
5. Battalion Chief
6. Assistant Fire Chief

B. POLICE DEPARTMENT:

1. Police Officer
2. Police Supervisor
3. Police Captain
4. Assistant Chief

All civil service personnel shall receive the salary specified and set forth in the current City budget. Only employees of the City authorized by this section shall be classified under civil service in either the Fire or Police Departments.

**LR 143.022 PHYSICAL HEALTH, FITNESS AND MENTAL HEALTH STANDARDS AND EXAMINATIONS**

- A. Every member of the Fire Department and Police Department shall continually remain in such physical and mental condition as to be capable of rendering safe, effective, and efficient service to the City and performance of the duties prescribed by the Department Head of the department concerned.
- B. Subject to review by the Commission, the Department Head of each respective department shall prescribe the physical and mental requirements to be met and maintained within their respective departments. All civil service employees shall be required to pass a physical or psychological examination when so ordered by the Department Head of the respective department.
- C. A candidate for original appointment or a promotion must undergo a physical examination by a medical doctor selected by the City, the Commission, or the Department Head, to determine that the candidate is physically sound and free from any disability which might adversely affect the candidate's performance of duty.
- D. The Department Head shall investigate each applicant to determine the applicant's qualifications for employment before requesting the director to certify applicants for the City Manager's approval.

**LR 143.023 ELIGIBILITY FOR BEGINNING POSITION**

- A. **APPLICANTS.** Any person shall be considered for appointment to a vacancy in the classified service who has timely filed an official City application for employment in accordance with the requirements of the public announcement concerning the vacancy and these rules, and whose application has not been rejected by the Director for cause in accordance with these rules and established City Directives. An applicant for an original position in the Fire or Police Department shall be considered eligible to take the written civil service entrance examination if the applicant meets the following requirements:
- B. **APPLICATION.** The official City application shall be completed fully and in detail, and timely filed in accordance with the requirements of the public announcement posted concerning the vacancy and these rules.
- C. **CERTIFICATION.** Applicants must be able to meet the certification requirements of the Texas Commission on Law Enforcement Officers' Standards and Education, or the Texas Commission on Fire Protection, as applicable.
- D. **MINIMUM EDUCATION.**
1. Police Applicants - must have either a high school diploma or GED and either:
    - a. Associate's degree or completion of a minimum of 60 hours college credit from an accredited college or university, with a minimum of a 2.0 GPA, or
    - b. Minimum two (2) years of active duty in the United States military service with an honorable discharge, or
    - c. Minimum two (2) years of service as a commissioned, full time, paid peace officer (reserve peace officer status shall not be considered when determining an applicant's satisfaction of the two year prior service requirement).
  2. Fire Applicants - must have a high school diploma or G.E.D.
- E. **CITIZENSHIP.** All applicants for Police appointment must be United States citizens.
- F. **DISQUALIFICATION OF APPLICANTS.** The Director shall disqualify any applicant not meeting the requirements of the law and of these rules. The following shall also be causes for rejection:
1. Any false statement in any application material or an attempt to practice any deception or fraud in any interview, application, examination, or appointment.

2. Failure to meet any of the minimum qualifications set forth in the published notice of examination inviting application for the position.
3. Has failed to complete or satisfactorily meet the employment process requirement of the respective department, including missed appointments, failure to timely return necessary paperwork, failure to timely notify department of changes in address or telephone numbers, or who otherwise failed comply with or complete the application process.
4. Has exercised poor judgment skills after reaching the age of 17, demonstrating either immaturity or poor judgment in job-related, ethical, or personal decisions which may have an adverse impact on the person's standing as a civil service employee.
5. Has an unstable work history, including but not limited to instances of job abandonment, termination, disciplinary or attendance issues, or other indications of deficiencies in work ethics.
6. Does not meet all requirements necessary for future licensing or certification as required by the Texas Commission on Law Enforcement or the Texas Commission on Fire Protection, and/or State Department of Health Services.

#### **LR 143.024 ENTRANCE EXAMINATION NOTICE**

Notice of examinations and publication of eligibility lists shall be done in accordance with Chapter 143.

#### **LR 143.025 ENTRANCE EXAMINATIONS**

##### **A. APPLICATIONS FOR ENTRANCE EXAMINATIONS:**

1. Applications for entrance examinations shall be prepared by the Director in cooperation with the Department Head. Applications shall be designed to enable the Director to determine whether an applicant meets the minimum qualifications for a beginning position.
2. The Director shall provide official Police or Fire employment applications and make them available without charge to persons wishing to make application.
3. The Director shall receive applications filed no later than the application deadline set forth in the job posting.

4. The Director shall review completed applications to determine if each applicant meets the minimum qualifications for the position. It shall be the duty of the Director, to notify each candidate whether or not they qualify to take the examination. In cases where qualifications are not met, the Director shall notify the candidate that his application has been rejected and the reason it was rejected.
- B. EXAMINATIONS FOR INITIAL APPOINTMENT. Examinations for initial appointment to original positions in the Fire and Police Departments shall be designed to test the familiarity of applicants with the English language, their aptitude to be trained, or both and to ensure that applicants meet all requirements set by the appropriate state certification board.
- C. POSTPONEMENT OR CANCELLATION OF EXAMINATION. The Director may, because of the small number of applicants or because of any other good and sufficient reasons, postpone an examination to a later date. Any examination may be cancelled by the Director because of a change in the personnel requirements of the classified service.
- D. I.D. VERIFICATION. Applicant shall provide proof of I.D. satisfactory to the Director as a condition of taking the examination for beginning positions. Applicants unable to present acceptable identification shall not be permitted to take the examination. No applicant shall be admitted to the examination area after the time stated on the examination notice posted for the examination.
- E. MILITARY SERVICE CREDIT. Those persons who desire to have military service credit added to their test scores must provide proof of an honorable discharge prior to the deadline for acceptance of applications.
- F. FAILURE TO APPEAR. The applications of persons who failed to appear for the examination shall be disposed of by the Director as specified by law.
- G. IDENTITY OF APPLICANT. In order that the identity of each applicant taking the written examination shall not be known to the examiner, or any other person, each applicant shall be identified by a number until the completion of the written examination and the grading of papers.
- H. ABUSES AND FRAUDS. No person shall falsely mark, grade, estimate, or report upon the examination or standing of any person examined hereunder, or aid in so doing, or furnish to any person or employee, except in the answer to inquiries of the Commission, any special information for the purpose of either raising or lowering the rating of any person or employee. No applicant shall deceive or attempt to deceive the Commission for the purpose of improving the applicant's chances for appointment.

Any applicant in any examination who uses or attempts to use unfair or deceitful means to pass an examination shall be dismissed from the examination by the Director and shall be reported to the Commission.

- I. IDENTICAL WRITTEN ENTRANCE EXAMINATION SCORES. In the event that two or more applicants make identical total scores:
1. The applicant with the highest raw score (“raw score” means the numerical grade based upon the questions correctly answered on the examination, unverified and subject to verification by the Commission) on the written examination shall be placed above the other applicant or applicants having an identical total score on the eligibility list.
  2. If the raw score and the total score on the written Police entrance test are identical then the applicants shall be ranked by order of the highest randomly computer generated number assigned to each applicant before the examination is administered.
  3. If the raw score and the total score on the written Fire entrance test are identical, then the applicant shall be ranked by the following order:
    - a. Applicants possessing active Texas Commission on Fire Protection Certification **AND** a Paramedic Certification
    - b. Applicants possessing an active Paramedic Certification
    - c. Applicants possessing an active Texas Commission on Fire Protection Certification
    - d. Randomly generated number

J. ELIGIBILITY LIST FOR ORIGINAL APPOINTMENT.

1. The eligibility list for entrance level appointments shall be comprised of the total examination scores beginning with the highest passing score and descending in order to the lowest passing score. Applicants who have satisfied the prior requirements for documentation entitling them to additional points for military service credit must make at least the minimum passing score of 70 before the additional points are added to comprise a total exam score for purposes of ranking on the eligibility list.
2. Each applicant who provides appropriate documentation, as required under this section, establishing that he is either a natural-born or adopted child of a firefighter who previous suffered a line-of-duty death while covered by this chapter, and scoring at least 70 points on the entrance examination, shall be ranked at the top of any Fire Department entrance exam eligibility list. If more than one applicant is ranked at the top of the list, in accordance with this

provision, the qualifying applicant(s) will be ranked according to section (I3) above.

3. Appropriate documentation for applicant eligibility list ranking under Chapter 143.025(j) shall include a certified copy of birth certificate or adoption record of applicant, death certificate of parent suffering line-of-duty death, and certified documentation from parent's employer verifying line-of-duty death as well as employer coverage by Chapter 143 at the time of death.
4. PREPARATION OF ELIGIBILITY LISTS. Not more than twenty-four (24) hours after the conclusion of an entrance or promotional examination, the Director shall prepare a list of the names of all applicants or employees participating in the examination, presented in order from the highest score to the lowest score. The list shall be presented to the Commission at its next regularly scheduled meeting. The Commission shall then approve the list as the eligibility list for the position for which the examination was given. The list shall be in effect from the date that the examination was given, and all appointments to an applicable position shall be made from that list for a period of one (1) year from the date examination was given, unless exhausted. At the expiration of the one (1) year period from the date the examination was given, a new examination may be given and a new eligibility list prepared.

#### **LR 143.0251 REAPPOINTMENT AFTER RESIGNATION**

- A. Any former City of Garland police officer who has completed the probationary period and who is eligible for reinstatement under applicable state law may, within three (3) years from the date of resigning in good standing from employment with the Police Department, be reinstated to the position of police officer upon approval by, and at the discretion of the Department Head after meeting the following conditions:
  1. Fulfill all requirements for the Texas Commission on Law Enforcement Standards and Education certification.
  2. Be recommended for reinstatement by an interview board consisting of five (5) supervisory officers; and
- B. The following shall apply to all rehired personnel:
  1. Rehired personnel must serve two (2) continuous years with the department immediately prior to any promotional examination in order to be eligible to take the examination.
  2. After one (1) year of continuous employment, a rehired employee may be granted seniority with the department from the employee's

original employment date, less the time not actually employed by the Department.

3. All rehired employees who held the position of police officer at the time of employment termination, shall be rehired at the same salary rate they held at the time of termination.
4. All rehired employees who held a position above police officer at the time of employment termination, shall be rehired as a police officer and at a salary that corresponds to the applicant's total prior service.
5. All rehired employees shall be on probation for twelve (12) months and shall not be eligible for full civil service rights, nor be eligible for a merit increase or educational incentive compensation until after the probationary period has been successfully completed.

**LR 143.026 PROCEDURE FOR FILLING BEGINNING POSITIONS**

- A. DECLINING APPOINTMENT. The name of any eligible person who has been offered an appointment by the Department Head and who declines the appointment shall be stricken from the eligibility list unless the person only temporarily declined to accept appointment for reasons of temporary inability, physical or otherwise, or other good cause acceptable to the Department Head. The person shall state such reasons in writing and shall present those reasons to the Department Head, who shall forward them to the Commission along with the Department Head's recommendation. The Commission may allow the person to remain on the eligibility list for consideration at some future date during the effective period of that eligibility list.
- B. LATERAL ENTRY.
  - a. Applicants eligible for lateral entry consideration must meet all civil service hiring requirements. Personnel hired as Police Officers by the Police Department will be compensated for prior Police experience under the following guidelines:
    1. In order to be eligible for consideration for compensation for prior police service there can be no more than three years break in service from the time the person left the prior police agency and the time he makes application with this department.
    2. Those who qualify will be given credit for each full year of service with their prior agency or agencies. This will be based on records provided by the applicant and verified with the police agency as well as the state or federal agency responsible for commissioning the officer. The applicant will be eligible to be placed into the salary step which corresponds to the applicant's total prior service.

3. Officers entering employment with the department who are eligible for lateral entry and who are otherwise eligible for educational or advanced certification compensation will not receive such compensation until they have successfully completed probation and meet all other department guidelines concerning certification or educational compensation.
- C. FRAUDULENT STATEMENTS. Any false statement knowingly made by any applicant or made at the applicant's request or with the applicant's knowledge in any document which may accompany an application or any other document required to be submitted during the selection process shall be sufficient cause for the Director to remove the applicant's name from the eligibility list.

**LR 143.027 PROBATIONARY PERIOD**

- A. The probationary period for any person appointed to a beginning position in the Fire or Police Department who does not have a certification or license by the Texas Commission on Fire Protection or the Texas Commission on Law Enforcement shall be 18 months.
- B. During the probationary period, probationary employees shall be subject to discharge without cause by their Department Head, which discharge shall be final and not appealable to the Commission. Probationary employees shall not be entitled to a hearing before the Commission, to appeal to district court, or to any other hearing or appeal afforded to non-probationary civil service employees.
- C. Refer to applicable section(s) of City Directives for leave accrual and availability timelines regarding usage for civil service employees.

**LR 143.028 ELIGIBILITY FOR PROMOTION**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.029 PROMOTIONAL EXAMINATION NOTICE**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.030 ELIGIBILITY FOR FIRE DEPARTMENT PROMOTIONAL EXAMINATION**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.031 ELIGIBILITY FOR POLICE DEPARTMENT PROMOTIONAL EXAMINATION**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.032 PROMOTIONAL EXAMINATION PROCEDURE**

- A. I.D. VERIFICATION. At the beginning of the promotional examination, a roll call may be taken from the sign-up list. Any person who has not signed up or who does not present, upon request, a City identification card, a Texas driver's license, or other acceptable photo identification shall not be permitted to take the examination.
- B. TEST SECURITY. Any examinee using or attempting to use any unfair or deceitful means to pass or increase his test score on an examination shall be reported to the Commission as well as to the appropriate Department Head. The examiner shall make a written report to the Commission for its determination. If the Commission determines that the examinee used or attempted to use unfair or deceitful means to pass or increase his test score, such examinee shall be removed from the eligibility list.
- C. LATE ARRIVAL. Exam entry time will be established on notice of examination. No applicant shall be admitted to the examination area after the test has started.
- D. ELECTRONIC DEVICES. No electronic devices will be allowed beyond the test site entrance. Discovery of any such devices will subject the examinee to disciplinary action under subsection "B" of this section, or as otherwise permitted by law or these rules.
- E. DISRUPTIVE BEHAVIOR. Any examinee who engages in inappropriate or distracting behavior prior to or during an examination shall be warned by the examiner. If the behavior persists or the examinee disrupts the examination process, the examinee may be removed from the exam. A report shall be submitted to the Commission upon any such action.
- F. REASONABLE ACCOMMODATION. Upon request, a qualified individual with a disability shall be afforded reasonable accommodation from the provisions of this section in accordance with the Americans with Disabilities Act or other applicable law. Any such request for accommodation must be submitted in writing to the Director of Civil Service at least **ten (10)** days prior to the examination, and approved by the Director of Civil Service.

**LR 143.033 PROMOTIONAL EXAMINATION GRADES**

- A. SENIORITY POINTS. The final grade for purposes of the promotional eligibility list shall be computed by combining the number of points for correct answers plus total seniority points. A maximum limit of ten (10) seniority points may be added to the score, one point for each complete year of service to the City.

1. For the purpose of calculating seniority points, a “year” shall be defined as one complete twelve (12) month period as a civil service employee in that department, including current and prior service.
2. For Fire, seniority points shall only be added to promotional written examination grades if the candidate passes the examination with a raw score of greater than or equal to 70 points.
3. For Police, the final score (combined raw score and seniority points) shall be considered in determining passing grade and placement on eligibility list for police promotional positions.

B. IDENTICAL PROMOTIONAL WRITTEN EXAMINATION SCORES. In the event that two (2) or more employees make identical total scores, the employee with the highest raw score on the written examination shall be placed above the employee or employees having an identical score on the eligibility list. If the raw score and the total score on the written test are identical, then the employee with the earliest date of appointment to the employee's current position (in eligibility list order) shall be placed higher on the eligibility list. If a tie still exists, then the employee with the earliest date of appointment to the department (in eligibility list order) shall be placed higher on the eligibility list. ("Date of Appointment" means the date of initial or first appointment to a beginning position in the classified service). If a tie still exists then the employee who ranked highest on the original entrance eligibility list shall be placed higher.

Police Promotional Exams Identical Scores Ranking:

1. Continuous time in current rank
2. Highest total score on the eligibility list from which current appointment was made
3. Academy rank

Fire Promotional Exams Identical Scores Ranking:

1. Continuous time in current rank
2. Rank order on the eligibility list from which current appointment was made

**LR 143.034 REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION**

A. Each eligible promotional candidate will be provided up to one hour immediately following the examination to review the examination questions and keyed answers. In addition candidates may, by appointment with the Director or his designee, review the examination during the five (5) business days following the examination. Appointments are limited to 30 minutes and candidates are limited to two (2) appointments during the five (5) business day period. The Director may establish additional time and procedures for the review as announced at the

examination. If dissatisfied, the candidate may appeal, within five (5) business days of the examination, to the Civil Service Commission for review. Filing an appeal with the Commission is accomplished by delivering the written appeal to the Director of the Firefighters' and Police Officers' Civil Service Commission, whose office is located at 200 N. Fifth Street, 2nd Floor, Human Resources Department, Garland, Texas 75040.

- B. The Commission shall use the following procedure in determining how the meeting will proceed for Commission consideration of appeals and testimony.
1. Review and discuss proposed appeal procedure
    - a. Any employee who participated in a promotional examination may file a written appeal of the results of the promotional examination in which the employee participated. All appeals must be in writing and specify the question, the answer and the reference material upon which the appeal is based. The text of questions along with the answer(s) being appealed will be provided to the Department Head for dissemination to those who took the exam following posting of notice of public meeting.
  2. Review and discuss excerpts from Section 143 of the Local Government Code and Local Civil Service Rules
  3. The Commission shall consider only the following factors in support of an appeal:
    - a. whether the answer which is approved ("keyed") for the question is clearly incorrect;
    - b. whether there exists other answers provided to the question which are clearly equal to the approved answer; or
    - c. whether a typographical, copying, or other error significantly alters the meaning of the question or answer and which invalidates the approved answer.
- C. The following factors will not support an appeal and include, but are not limited to:
1. evidence that other reference materials or sources support an answer which is different than the approved answer;
  2. evidence that there exists another answer which is accurate in certain limited circumstances, but which is not accurate generally; or

3. evidence that the reference page number is incorrectly stated. (A page number is given only to assist in locating the basis for the approved answer.)
- D. Review exam instructions
  - E. Review each appeal
    1. Commission shall determine appeal conformance with these rules
    2. Review question being appealed
    3. Review appeal document
    4. Review source material
    5. Receive comments and evidence from exam candidate(s) making an appeal
    6. Receive comments and evidence from exam candidate(s) supporting and rebutting appeal
    7. Commission may establish time limits and number of presentations
  - F. Commission shall deliberate and vote on appeal in open session
  - G. Commission shall instruct the Director on any exam scoring adjustments if applicable
  - H. If applicable, the exam scoring as adjusted by the Commission will apply to all examinations scored during that exam period
  - I. The decision by the Commission of any appeal of a promotional examination is final and may not be appealed further, except as permitted by Chapter 143.

**LR 143.035 ALTERNATE PROMOTIONAL SYSTEM IN POLICE DEPARTMENT**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.036 PROCEDURE FOR MAKING PROMOTIONAL APPOINTMENTS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.037 RECORD OF CERTIFICATION AND APPOINTMENT**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.038 TEMPORARY DUTIES IN HIGHER CLASSIFICATION**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.041 SALARY**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.042 ASSIGNMENT PAY**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.043 FIELD TRAINING OFFICER ASSIGNMENT PAY**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.044 CERTIFICATION, EDUCATIONAL INCENTIVE, AND FITNESS INCENTIVE PAY**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.045 ACCUMULATION AND PAYMENT OF SICK LEAVE**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.046 VACATIONS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.047 SHIFT DIFFERENTIAL PAY**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.051 CAUSE FOR REMOVAL OR SUSPENSION**

The following are declared to be grounds for disciplinary suspension or removal of an employee from the classified service of the City, and no suspension or removal of an employee in the classified service shall be valid unless it involves one or more of the following grounds:

- A. conviction of a felony or other crime involving moral turpitude;
- B. violation of a provision of the municipal charter of the City of Garland, Texas;
- C. acts of incompetency;
- D. neglect of duty;
- E. discourtesy to the public or to a fellow employee while the firefighter or police officer is in the line of duty;

- F. acts showing lack of good moral character;
- G. drinking intoxicants while on duty or intoxication while off duty;
- H. conduct prejudicial to good order;
- I. refusal or neglect to pay just debts;
- J. absence without leave;
- K. shirking duty or cowardice at fires, or;
- L. violation of an applicable fire or police department rule or special order.

**LR 143.052 DISCIPLINARY SUSPENSIONS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.053 APPEAL OF DISCIPLINARY SUSPENSIONS**

- A. Where to File Appeal

Any appeal of a disciplinary action, whether to the Commission or a third party hearing examiner, must be filed with the Director of Civil Service Commission, Garland City Hall, 200 N. Fifth Street, Garland, Texas 75040.

- B. Option of Appeal to Hearing Examiner or Commission

A firefighter or police officer may appeal an indefinite suspension, a suspension, a promotional passover or a recommended demotion to either the Commission or to a third party hearing examiner in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

- C. Option to Change Forum for Appeal

At any time after filing a timely appeal which complies with the statutory requirements for appeal to a hearing examiner, but before either party has incurred third party hearing examiner expenses, an employee may unilaterally withdraw the request for appeal to a hearing examiner and submit the appeal to the Commission. An employee may appeal to the Civil Service Commission a disciplinary action for which an appeal or review is provided in Chapter 143 of the Local Government Code by filing a written appeal to the Commission in accordance with the requirements of Section 143.010 within ten (10) days of the action that is the subject of the complaint. Such appeal must be delivered to the Director of the City of Garland Civil Service Commission within the ten (10) days required by Section 143.010 and must comply with the requirements of Section

143.010. After the parties have incurred third party hearing examiner expenses, the appeal may only be withdrawn from the hearing examiner by mutual agreement in writing. The mutual agreement must be filed with the office of the Director.

D. Deadline Extended for Commission Decision

When an appeal has been withdrawn from a hearing examiner and submitted to the Commission, the thirty (30) day deadline for the Commission to render a decision on the appeal begins to run on the day following receipt of the election to appeal to the Commission.

**LR 143.054 DEMOTIONS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.055 UNCOMPENSATED DUTY OF POLICE OFFICERS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.056 PROCEDURES AFTER FELONY INDICTMENT OR MISDEMEANOR COMPLAINT**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.057 HEARING EXAMINERS**

A hearing examiner appointed under Section 143.057 has the powers and authority of the Commission in conducting a hearing and shall conduct the hearing in accordance with these rules.

**LR 143.071 LEAVES OF ABSENCE: RESTRICTIONS PROHIBITED**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.072 MILITARY LEAVE OF ABSENCE**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.073 LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.074 REAPPOINTMENT AFTER RECOVERY FROM DISABILITY**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.075 MILITARY LEAVE TIME ACCOUNTS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.081 DETERMINATION OF PHYSICAL AND MENTAL ILLNESS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.082 EFFICIENCY REPORTS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.083 EMERGENCY APPOINTMENT OF TEMPORARY FIREFIGHTERS AND POLICE OFFICERS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.084 CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIREFIGHTERS AND POLICE OFFICERS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.085 FORCE REDUCTION AND REINSTATEMENT**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.086 POLITICAL ACTIVITIES**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.087 STRIKE PROHIBITION**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.088 UNLAWFUL RESIGNATION OR RETIREMENT**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.089 PERSONNEL FILE**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

**LR 143.090 RELEASE OF PHOTOGRAPHS**

Refer to applicable section(s) of Chapter 143 of Local Government Code.

## **MISCELLANEOUS LOCAL RULE PROVISIONS (MLR)**

### **MLR-001 DUTY ASSIGNMENTS**

The Department Head shall have the discretion to make assignments of duty within the classifications in their respective departments. Such duty assignments are not appropriate matters for appeal or review under Chapter 143, and shall not be subject to review by the Commission as a matter for appeal or review. Changes in any duty assignment shall always be within the sole discretion of the Department Head.

### **MLR-002 SAVINGS CLAUSE**

Should any provision of these rules or the application of any provision to any person or circumstances be held invalid, that invalidity shall not affect any other provision or application, and to this end the provisions of these rules are declared to be severable.

### **MLR-003 COMMUNICATIONS**

All communications or requests to the Commission are to be made in writing through the office of the Director who shall thereafter proceed to present same for consideration by the Commission. A summary of the request, and the action, if any, of the Commission regarding same, shall be made in the official minutes of the Commission.

### **MLR-004 USING OFFICIAL AUTHORITY**

No civil service employee shall use the employee's official authority or influence to coerce the political action of any person or organization. No person shall dismiss, or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of or in any manner change the official rank or compensation of any person because of the person's political opinions, race, color, sex, religion, national origin, disability, age, or veterans status or because of the person's giving or refusing to give any contributions, money, or other thing of value to any entity or person for any purpose.

### **MLR-005 NOTICE OF RULES**

Immediately upon becoming effective, all rules contained herein shall thereafter be deemed to constitute full and effective prior notice to all civil service employees of prescribed or prohibited conduct as stated in any such rule.

### **MLR-006 COOPERATION OF EMPLOYEES**

All employees shall afford the Commission full support and cooperation in conducting the activities of the Commission specified in Chapter 143 and these rules.

### **MLR-007 EMPLOYEES TO ABIDE BY PROVISIONS OF RULES**

It shall be the duty of all employees to be knowledgeable of, conform to, and comply with the provisions of these rules.

**MLR-008 RESIGNATION**

Any employee wishing to leave the service in good standing shall notify the department in writing of the employee's intent to resign. The resignation shall show the date the resignation is effective. The resignation shall be deemed accepted upon acceptance by the Department Head. No resignation may be withdrawn after it has been accepted by the Department Head and filed with the Commission.