



**City of San Benito, Texas’
Police & Fire Civil Service Commission
Rules and Regulations**



**Adopted by the Civil Service Commission
By Official Action Taken on
July 11, 2013**

TABLE OF CONTENTS

SECTION I. PREAMBLE & PURPOSE	1
RULE 1. INTRODUCTION.....	1
RULE 2. RULE-MAKING AUTHORITY [§143.008, TLGC].....	1
RULE 3. REPEAL AND SUPERCESSION OF PRIOR RULES.....	1
SECTION II. CIVIL SERVICE COMMISSION	2
RULE 4. HOW CONSTITUTED [§143.006, TLGC].....	2
RULE 5. AUTHORITY OF THE COMMISSION	2
RULE 6. OFFICE OF THE COMMISSIONERS.....	3
RULE 7. ADOPTION AND MODIFICATION OF RULES [§143.008, TLGC].....	3
RULE 8. RELATIONSHIP TO OTHER RULES	4
RULE 9. CIVIL SERVICE DIRECTOR: APPOINTMENT & DUTIES [§143.012, TLGC]	5
RULE 10. MEETINGS OF THE COMMISSION [§143.008, TLGC]	6
RULE 11. APPEALS TO THE COMMISSION [§143.010; §143.053; §143.057, TLGC].....	6
SECTION III. ENTRY LEVEL RULES & PROCEDURES.....	8
RULE 12. MINIMUM QUALIFICATIONS FOR ENTRY LEVEL TESTING [§§143.023; 143.025, TLGC]	8
RULE 13. ENTRANCE LEVEL EXAMINATIONS [§143.024, TLGC]	9
RULE 14. ENTRANCE EXAMINATION PROCEDURES [§143.025, TLGC]	10
RULE 15. ENTRY LEVEL ELIGIBILITY LISTS [143.025, TLGC].....	11
RULE 16. PROBATIONARY PERIOD - ENTRY LEVEL [§143.027, TLGC].....	12
RULE 17. CERTIFIED LISTS [§143.036(H), TLGC]	12
SECTION IV. PROMOTIONAL EXAMINATIONS.....	12
RULE 18. ELIGIBILITY FOR PROMOTION [§143.030 AND §143.031, TLGC]	12

RULE 19. PROMOTIONAL EXAMINATIONS [§143.028-032, TLGC]	12
RULE 20. COMPOSITION OF PROMOTIONAL ELIGIBILITY LISTS [§143.033, TLGC]	13
RULE 21. REVIEW OF PROMOTIONAL EXAM & LISTS [§143.034, TLGC].....	14
SECTION V. PHYSICAL AND MENTAL FITNESS REQUIRMENTS	14
RULE 22. PHYSICAL & MENTAL FITNESS REQUIREMENTS [§143.022, TLGC].....	14
SECTION VI. COMPENSATION.....	15
RULE 23. GENERALLY [§143.041 - 047, TLGC].....	15
SECTION VII. PERFORMANCE & CONDUCT.....	15
RULE 24. ADOPTION OF RULES RELATING TO DISCIPLINE [§143.008; §143.051, TLGC].....	15
RULE 25. CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE [§143.051(1), TLGC]	16
RULE 26. VIOLATION OF A MUNICIPAL CHARTER PROVISION [§143.051(2), TLGC].....	16
RULE 27. ACTS OF INCOMPETENCY [§143.051(3), TLGC].....	16
RULE 28. NEGLIGENCE OF DUTY [§143.051(4), TLGC].....	17
RULE 29. DISCOURTESY TO THE PUBLIC OR TO A FELLOW EMPLOYEE WHILE THE FIRE FIGHTER OR POLICE OFFICER IS IN THE LINE OF DUTY [§143.051(5), TLGC].....	17
RULE 30. ACTS SHOWING LACK OF GOOD MORAL CHARACTER [§143.051(6), TLGC].....	17
RULE 31. DRINKING INTOXICANTS WHILE ON DUTY OR INTOXICATION WHILE OFF DUTY [§143.051(7), TLGC]	17
RULE 32. CONDUCT PREJUDICIAL TO GOOD ORDER [§143.051(8), TLGC]	17
RULE 33. REFUSAL OR NEGLIGENCE TO PAY JUST DEBTS [§143.051(9), TLGC].....	18
RULE 34. ABSENCE WITHOUT LEAVE [§143.051(10), TLGC]	18

RULE 35. SHIRKING DUTY OR COWARDICE AT FIRES [§143.051(11), TLGC].....	18
RULE 36. VIOLATION OF ANY APPLICABLE FIRE OR POLICE DEPARTMENT RULE OR SPECIAL ORDER [§143.051(12), TLGC]	18
SECTION VIII. DISCIPLINE, DEMOTION AND BYPASS	18
RULE 37. GENERALLY [§143.010; §143.053, TLGC].....	18
RULE 38. DISCIPLINARY APPEALS TO THE COMMISSION [§143.053, TLGC].....	19
RULE 39. THIRD PARTY HEARING EXAMINER PROCEEDINGS [§143.057, TLGC].....	19
RULE 40. HEARING PROCEDURES GENERALLY	20
RULE 41. RULINGS ON EVIDENCE	21
RULE 42. MEDIATION AND SETTLEMENT	22
SECTION IX. FITNESS FOR DUTY ISSUES.....	22
RULE 43. FITNESS FOR DUTY ISSUES [§143.081, TLGC]	22
RULE 44. FITNESS FOR DUTY PROVIDER LISTS.....	23
SECTION X. CIVIL SERVICE PERSONNEL FILES	23
RULE 45. PERSONNEL FILES [§143.089, TLGC]	23
RULE 46. REQUESTS FOR DISCLOSURE OF FILES [§143.089, TLGC].....	23
SECTION XI. MISCELLANEOUS.....	24
RULE 47. REAPPOINTMENT AFTER RESIGNATION: POLICE OFFICERS [§143.0251, TLGC]	24
SECTION XII. DEFINITIONS	25

**SECTION I.
PREAMBLE & PURPOSE**

RULE 1. INTRODUCTION

- A. The following Rules and Regulations are hereby adopted by the City of San Benito's Police & Fire Civil Service Commission (the "Civil Service Commission" or "Commission") pursuant to the statutory authority provided for by the Texas Legislature in Chapter 143, Texas Local Gov't Code ("TLGC").
- B. It is the intention of the Commission to exercise its rule-making authority to the fullest extent allowed by law, but also within the confines imposed by law. To that end, these Rules shall at all times be interpreted and applied in a manner that keeps the operation of the Civil Service Commission within the authority authorized by law.
- C. The civil service provisions currently codified in Chapters 141, 142, and 143 of the Texas Local Gov't Code, as well as any other statutory provisions not specifically referenced herein, continue to apply and are hereby incorporated by reference to these Rules, even if not specifically mentioned in these Rules.
- D. In addition, the specific provision of any applicable collective bargaining labor agreement which is intended to supersede specific provisions of the civil service statutes or these Rules shall be interpreted and implemented by the Commission as to the fullest extent required by §174.006, TLGC.

RULE 2. RULE-MAKING AUTHORITY [§143.008, TLGC]

- A. The Commission's specific rule-making authority is derived from the delegation of authority contained in §143.008(a-b), TLGC, subject to the restrictions outlined therein.
- B. The Commission also hereby adopts rules that prescribe cause for removal or suspension of a fire fighter or police officer, as per §143.008(c), TLGC and the ground specified in §143.051, TLGC.
- C. The Commission also hereby reserves the authority to adopt any further and additional rules as provided for in Chapter 143, TLGC, such as, for example, a discretionary grant of rule-making authority in connection with the reappointment of an officer after resignation. See §143.0251, TLGC.

RULE 3. REPEAL AND SUPERCESSION OF PRIOR RULES

- A. The Civil Service Rules and Regulations previously adopted by this Commission, as amended from time to time, are hereby vacated in their entirety, and are hereby replaced by these updated Rules and Regulations, as specified herein.

- B. The predecessor Rules and Regulations, as amended, shall continue in force and effect only to the extent that they supply the rule of decision to any case or controversy pending before the Commission at the time of the adoption of these Rules.

**SECTION II.
CIVIL SERVICE COMMISSION**

RULE 4. HOW CONSTITUTED [§143.006, TLGC]

- A. The Civil Service Commission shall be constituted in accordance with the requirements of Chapter 143, TLGC, and its members shall be appointed by the City Manager and confirmed by the City's governing body.
- B. Members shall meet the minimum eligibility criteria required by law, as contained in Chapter 143, TLGC.
- C. The incumbent Civil Service Commissioners in place at the adoption of these Rules shall continue in office for their respective terms.
- D. All terms shall be for a period of three (3 years); provided, however, that if the staggering of terms be necessary to continuity of experience on the Commission, the City Manager may, upon a vacancy, adjust appointments to assure that the terms of office remain staggered.
- E. The Commissioners, once named, shall elect a Chair and Vice-Chair amongst themselves. Thereafter, elections for the position of Chair and Vice-Chair shall be held on an annual basis, unless a vacancy occurs, at which time a new election may occur.
- F. Should a vacancy in office occur, the vacancy shall be filled by the City Manager, with the concurrence of the City's governing body to fulfill the term that was vacated.
- G. The Chairperson of the Commission shall serve as the primary point of contact with Director for purposes of facilitating the business of the Commission, including but not limited to administrative matters such the establishment of an agenda, the scheduling of a meeting, and other such administrative matters.

RULE 5. AUTHORITY OF THE COMMISSION

- A. The authority of the Civil Service Commission shall be coextensive with the statutory authority provided by law, and shall specifically encompass the following subject matter areas:
 - 1. The proper conduct of all Commission business meetings;
 - 2. The proper implementation and oversight of examinations for entry level and promotional eligibility;

3. The proper implementation and oversight of any appeals of testing and examination scoring
4. The proper oversight over the qualifications for civil service positions created and authorized by the City's governing body, including fitness for duty;
5. The proper conduct of and procedures for appeals concerning suspensions without pay, indefinite suspensions, demotions, promotional pass-overs or by-passes; and any other matters over which the Commission is given jurisdiction by law.
6. Any other matters authorized by law and these Rules as to which the Commission has jurisdiction to take action.

RULE 6. OFFICE OF THE COMMISSIONERS

- A. In the discharge of their duties, members of the Civil Service Commission act as a body and not as individuals. An individual Commissioner speaking or acting outside of a duly constituted and posted meeting does not speak for the Commission as a whole.
- B. The general, but not required, order of business hearings shall be handled in accordance with a duly posted agenda posted in compliance with the Texas Open Meetings Act.
- C. Resignation from Office - A member of the Commission may tender his or her resignation in writing at any time to the City Manager, at which time the City Manager may treat the office as vacant and take the necessary and appropriate steps to fill the vacancy.
- D. Forfeiture of Office. If a Civil Service Commission member is absent without excuse for three (3) consecutive meetings (whether regular or special) during a twelve (12) month period without good cause, then the absent Commissioner shall be deemed to have resigned and vacated the position on the Commission.
 1. Upon the occurrence of any of these events, the Director, or any of the remaining Commissioners shall thereafter advise the City Manager and the City Manager shall fill the vacancy in the manner prescribed by law.

RULE 7. ADOPTION AND MODIFICATION OF RULES [§143.008, TLGC]

- A. The Commission may, by majority vote, modify and amend these Rules to provide guidelines for the operations of the civil service system and this Commission.
- B. Modification and adoption of these Rules shall be implemented in accordance with the minimum requirements imposed by law, specifically:

1. Adopted Rules shall be adopted by a majority vote of the Commission;
 2. Adopted Rules will be reduced to writing;
 3. A copy of the Rules shall be provided to the City Manager for the City of San Benito and to the Mayor of the City;
 4. A copy of the adopted Rules will be provided to the department heads for the fire and the police department or their equivalent;
 5. A copy of the adopted Rules will be posted for a minimum period of seven (7) days in a conspicuous place in the central station of the fire and police department;
 6. A copy of the adopted Rules shall be mailed or otherwise delivered to each station of the fire and police department.
- C. It shall be the responsibility of the Director to keep copies of all Rules for free distribution to members of the police and fire department who request copies, and for inspection by any interested person.

RULE 8. RELATIONSHIP TO OTHER RULES

- A. Classification Structure. With respect to the classified ranks to be recognized by the Commission, those ranks established by City's governing body are hereby acknowledged as the rank structure within each respective department.
- B. Determinations relating to the number of classified positions to be created and budgeted remain within the exclusive authority of the City's governing body.
1. Vacancies created by the creation and funding of any new positions shall be filled pursuant to civil service law and procedure.
- C. With respect to the interpretation, application, or administration of personnel matters, the rights, duties, obligations, of civil service employees shall be determined by reference to the following authorities in the order listed:
1. Any applicable provision of a labor agreement and/or a meet and confer agreement negotiated with the duly recognized bargaining agent for the fire fighters and/or the police law enforcement personnel in the City;
 2. Chapter 143, TLGC, and any applicable interpretations by the courts or by the Attorney General;
 3. These Civil Service Rules & Regulations, as applicable;
 4. Any respective departmental rules, regulations, and directives, as applicable; and.
 5. The City's civilian Personnel Policy Manual, if applicable.
- D. Due regard shall also be given to the City's practices and procedures relating to personnel management decisions.

- E. The Commission reserves the final authority to interpret and apply the applicable rules to the matters before the Commission, subject only to any judicial review authorized by law.

RULE 9. CIVIL SERVICE DIRECTOR: APPOINTMENT & DUTIES [§143.012, TLGC]

- A. APPOINTMENT - The Commission shall appoint a director who shall be responsible for implementing these rules and handling the day to day administration of the civil service system in the City of San Benito.
 - 1. The City's governing body shall determine the salary, if any, to be paid the Director.
- B. DUTIES - The Director or designee shall also act as secretary to the Commission and as chief examiner of tests. The Director's duties include but are not limited to the following subject matter areas:
 - 1. Serves as the Secretary to the Commission;
 - 2. Serves as the chief test examiner for the Commission and supervisor of all examinations, including the preparation, scheduling, scoring and security thereof;
 - 3. Recruitment and examination of applicants;
 - 4. Sets agenda for Commission meetings; assembles agenda packets; and transmits agenda packets to Commission as requested.
 - 5. Acts as liaison and provides staff support to the Commission;
 - 6. Makes initial determinations as to whether grievances and appeals and or requests are appropriately brought before Commission in a reasonable and timely fashion;
 - 7. Calls, schedules, reschedules, and cancels meetings of the Civil Service Commission as necessary;
 - 8. Acts as records custodian as provided by Chapter 143, TLGC;
 - 9. Acts on behalf of Civil Service Commission for actions and issues not specifically addressed in Chapter 143, TLGC or these rules;
 - 10. Responsibility for preparation of the minutes of each meeting and presentation for approval at a subsequent Commission meetings;
 - 11. Such other functions as may be deemed reasonably necessary from time to time by the Commission and in furtherance of the efficient and effective administration of the civil service system for the City and its covered employees.

- C. The Director is hereby specifically delegated the administrative discretion to post such notices as may be necessary announcing the administration of a test for purposes of compliance with §143.024 and/or §143.029, TLGC whenever the Director determines that a new certified list is required or necessary to carry out the functions of the civil service system.

RULE 10. MEETINGS OF THE COMMISSION [§143.008, TLGC]

- A. The members of the Commission shall, at a date, hour, and place set by the Commission, hold such meetings as may be required in the proper discharge of their duties.
- B. Quorum - Two members of the Commission constitute a quorum sufficient to conduct business meetings and hearings that fall within the statutory authority of the Commission and these Rules.
- C. Conduct of Business - The Commission may set reasonable rules and procedures for proper and efficient conduct of business. The Chairperson shall be responsible for conducting meetings generally in accordance with Robert's Rules of Order.
- D. The Director of Civil Service may call, schedule, reschedule or cancel meetings of the Civil Service Commission. All agenda items shall be prepared in a manner consistent with the City's practices for preparation of agendas.
- E. The following office-holders are authorized to request placement of agenda items on a Commission agenda:
 - 1. The Civil Service Director;
 - 2. Any of the Civil Service Commissioners;
 - 3. The Fire Chief or the Police Chief;
 - 4. The City Manager.
- F. Requests for agenda items by any other person must be directed to, and sponsored by a person authorized to place items on an agenda.
- G. All meetings of the Commission shall generally be open to the public and to representatives of the press, except to the extent that closed meetings or executive session are either allowed, or mandated under the Texas Open Meetings Act.
- H. Texas Open Meeting Act Compliance. It is the responsibility of the Director to assure that the posting of any duly constituted agenda is in compliance with any applicable law.

RULE 11. APPEALS TO THE COMMISSION [§143.010; §143.053; §143.057, TLGC]

- A. The Commission shall exercise its authority to review the actions and decisions related to civil service matters within the authority for such review granted by Chapter 143, TLGC.

- B.** An appeal from an action for which an appeal or review is provided for by Chapter 143, TLGC may be perfected by filing a written appeal with the Commission, by filing the written appeal with the Director or to the Director's office staff.
- C.** Any appeal authorized by law and these Rules must be filed within ten (10) days of the date the action being complained about occurred, as per the requirements of §143.010, TLGC.

 - 1. It shall be the responsibility of the Director to file-stamp, or otherwise prominently note the exact date and time that an appeal document is tendered to the Director personally or to the Director's office staff.
 - 2. An appeal shall not be considered filed until it is received by the Director.
- D.** As per the requirements of §143.010(b), TLGC an appeal document must be in writing and provide the following minimum information:

 - 1. The factual incident or basis for the appeal;
 - 2. A request for a Commission hearing;
 - 3. A statement denying the truth of the charges as made;
 - 4. A statement taking exception to the legal sufficiency of the charge
 - 5. A statement alleging that the recommended action does not fit the offense or alleged offense,
 - 6. Or a combination of these statements, as applicable.
 - 7. If the affected employee elects to appeal to an independent hearing examiner, the affected employee must also submit as part of the appeal notice specified above, a written request stating the person's decision to appeal to an independent third party hearing examiner [See §143.057(b), TLGC).
- E.** Any hearing over an appeal taken under these Rules shall be conducted in accordance with the minimum statutory requirements contained in Chapter 143, TLGC and these Rules.
- F.** Decisions from appeals shall be reduced to writing, and approved, in accordance with the minimum requirements imposed by law. See §143.010 and §143.011, TLGC.
- G.** Appearances before the Commission. An appealing employee may be represented by legal counsel, or by a union or association representative during the course of any proceedings before the Commission; provided that the following minimum requirements are met:

 - 1. The employee and the representative must provide in the appeal paperwork the identity of the primary person responsible for handling the

appeal, who typically would be a single person, either an attorney of record or a union representative.

2. The employee and the representative must also provide to the Director reliable contact information in the form of current phone numbers and/or email addresses, to facilitate communications with the employee or the representative for purposes of scheduling hearings, transmission of rulings and orders, and other matters related to the administration of the matter at hand;
3. To maintain order, an appealing employee may have only one designated representative, who shall be noted of record as the representative or legal counsel. Ad hoc representations from the audience at a hearing on behalf of an appealing employee will not be recognized.

SECTION III. ENTRY LEVEL RULES & PROCEDURES

RULE 12. MINIMUM QUALIFICATIONS FOR ENTRY LEVEL TESTING [§§143.023; 143.025, TLGC]

- A. As required by statute, specifically §143.023, TLGC, the following minimum qualifications for any examination for an entry level civil service position shall apply and be strictly enforced.
- B. Fire Department Age Parameters:
 1. Must be a minimum age of eighteen (18) years of age to take the entry level examination;
 2. A person who is thirty-six (36) years of age or older may not be certified for a beginning position in the fire department.
- C. Police Department Age Parameters:
 1. Must be a minimum age of twenty-one (21) years of age to take the entry level examination.
 2. A person who is forty-five (45) years of age or older may not be certified for a beginning position in the police department.
- D. Must be able to satisfy all legal requirements imposed by the applicable state agency, and any future amendments, to wit:
 1. The Texas Commission on Fire Protection (TCFP) for fire fighters; or,
 2. The Commission on Law Enforcement Officers Standards & Education (TCLEOSE) for police officers.

- E. In addition to the minimum statutory requirements, the Commission hereby further adopts the following requirements which are in the best interest of the civil service system:
 - 1. Must have a high school diploma or a GED equivalent;
 - 2. Must be able to read and write the English language fluently;
 - 3. Must be of a good moral character:
 - a. A record of a felony conviction from a state or federal court shall automatically disqualify an applicant.
 - b. A record of misdemeanor conviction from a state or federal court may disqualify an applicant depending on the nature of the underlying conviction.
 - c. A record of any arrests by state or federal authorities, even if such arrest did not result in a conviction may be sufficient to disqualify an applicant depending on the nature of the arrests.
 - 4. Must be physically and mentally fit, as required by Chapter 143, TLGC, and the minimum standards established by each respective department.
- F. Personal History Statements - Applicants are required to provide a personal history statement as part of the application process. The personal history statement shall be completed and returned as part of the application process.
 - 1. Failure to return this form at the prescribed time shall constitute reason for removal from the eligibility list.
- G. An applicant who is disqualified under any of the foregoing provisions does not have a right of appeal to the Commission and the department head's and/or the City Manager's decision shall be final.

RULE 13. ENTRANCE LEVEL EXAMINATIONS [§143.024, TLGC]

- A. Application for entrance level civil service employment shall be made to the Director of Civil Service on the appropriate application forms established by the Director.
- B. Test applicants must confirm eligibility to test by affirming on the sign-up form to be provided the minimum requirements contained in the test notice posted by the Director. The Director may deny testing to an applicant that cannot or does not demonstrate compliance with the minimum requirements for testing specified in these Rules. False or untruthful answers to the sign-up form for applicants are grounds for disqualification even if the applicant scores a passing grade on the test.
- C. The Director may, because of the small number of applicants for any position, or because of any other good and sufficient reason, postpone an examination to a later date.

- D. Examination materials shall be selected with the intention that the examination will fully and fairly test the qualified applicants as to their relative suitability to discharge the duties of the entry level position for which the test is being conducted.
- E. The actual conduct of every examination shall be under the direction of the Director of Civil Service who shall be responsible to the Commission. The Director shall have the authority to designate an assistant to administer tests or examinations.
- F. No individual shall deceive or obstruct any person in respect to his/her right of examination under the provision of these rules and the Texas Local Government Code; or falsely mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion. Applicants shall not deceive the Commission for the purpose of improving their chances for appointment or promotion.
- G. Any person found to be cheating on an examination, or otherwise deceiving the Commission for purposes of improving his or her position on the eligibility list, shall be removed from further consideration and dropped from the eligibility list.

RULE 14. ENTRANCE EXAMINATION PROCEDURES [§143.025, TLGC]

- A. Check In - All applicants shall check in and provide proof of identity with a valid Driver's License 15 minutes prior to the start of the examination. Failure to timely register or appear will result in a candidate's disqualification or exclusion from testing.
- B. Failure to Appear – An applicant who fails to timely appear for the entrance examination shall be deemed to have withdrawn their application from consideration.
- C. Smoking. Smoking shall be prohibited at all times in the testing area.
- D. Cancellation of entrance examination - The Director may cancel a scheduled entrance examination for good cause.
- E. Cheating - Any person taking an entrance examination who uses or attempts to use any unfair or deceitful means to answer questions on such an examination shall be informed by the test administrator and the test administrator shall void that person's exam and remove them from the testing site.
 - 1. Talking during the examination period will be treated as cheating. The test administrator shall report the action to the Director of Civil Service or designee for appropriate action.
- F. Test Monitors - The Director of Civil Service may select a reasonable number of persons employed by the City to assist in the administration, proctoring, an/or grading of an entrance examination.

RULE 15. ENTRY LEVEL ELIGIBILITY LISTS [143.025, TLGC]

- A.** The Director is responsible for tabulating, composing, and ranking the entry level eligibility lists to be presented to the Commission for certification.
- B.** Military Service Credit – Military service credit of five (5) points added to a passing test score of 70% or better, will be provided to those persons who provide a DD214 showing a minimum of 180 total days of active military service at the time of application and by the specified application deadline. Any discharge status other than honorable does not entitle an applicant to this military service credit. [143.025(f), TLGC]
- C.** Existing Certification Credits. Applicants with a passing grade on an entry level examination for the fire or police department respectively who provide certified copies of the following certifications will be entitled to have an additional credit of five (5) points to their raw exam score upon demonstration that the applicant holds one or more of the following certifications and is in good standing:
 - 1.** For law enforcement applicants a TCLEOSE certification in good standing;
 - 2.** For fire department applicants a:
 - a.** Texas Commission on Fire Protection (TCFP) certification in good standing; and/or;
 - b.** A National Registry or a Texas Department of State Health Services, for EMT certification in good standing.
- D.** It shall be the responsibility of each person approved to be on an entry level eligibility list to maintain with the Director a current address and any other relevant contact information.
 - 1.** Notices mailed by regular U.S. Mail, postage prepaid, to an applicant's last noted physical address on an application shall be considered sufficient for official notification purposes.
- E.** Each eligibility list for a beginning position shall be kept in effect for a period of twelve (12) months from the date of the examination, unless exhausted, as per the requirements of §143.035(h), TLGC.
- F.** There is no right of appeal by any individual entry level applicant with respect to the composition of the entry level eligibility lists submitted by the Director for certification; provided, however, that the Commission retains its independent authority to review and supervise the administrative work of the Director in carrying out the functions of the civil service system.
- G.** The names of applicants contained in a certified list shall be forwarded for consideration upon a request by the City Manager and/or the department head, following statutory procedures.

- H. As the certified list is exhausted, the Director shall be responsible for making the necessary arrangements to solicit new applications, schedule a test, and constitute a new certified list for entry level positions.

RULE 16. PROBATIONARY PERIOD - ENTRY LEVEL [§143.027, TLGC]

- A. All entry level employees hired with existing fire and/or law enforcement certification, respectively and who are in good standing with the Texas Commission on Fire Protection or the Texas Commission on Law Enforcement Officer's Standards & Education, shall serve a probationary period of one (1) calendar year from the date of hire as firefighter or police officer; provided, however, a person required to attend a basic training academy shall have the probationary period extended by six (6) months.
- B. No appeal rights
- C. No pay out for vacation or sick leave

RULE 17. CERTIFIED LISTS [§143.036(h), TLGC]

- A. The Director shall provide an eligibility list after the examination that shall remain in effect for a period of one (1) calendar year from the date of the examination or until all names on the list have been exhausted, whichever event occurs first, as per the requirements of §143.036(h), TLGC.

**SECTION IV.
PROMOTIONAL EXAMINATIONS**

RULE 18. ELIGIBILITY FOR PROMOTION [§143.030 AND §143.031, TLGC]

- A. No entry level fire fighter or an entry level law enforcement officer is eligible for testing or promotion to the next higher rank unless the employee has first satisfied the minimum time in grade requirement required by statute or as otherwise provided for in an applicable provision of a labor agreement.
- B. The minimum time in grade requirement shall be two (2) years of service in the classification immediately below, in base salary, the classification for which a promotional examination is held, or as otherwise provided for in an applicable provision of a labor agreement.
- C. Provided, however, that the Commission may nonetheless open an examination to persons in the next lower rank, as per the provisions of §143.030 and §143.031, TLGC, as amended), if there are an inadequate number of applicants to test for the position in the rank immediately below the rank for which a test is being held.

RULE 19. PROMOTIONAL EXAMINATIONS [§143.028-032, TLGC]

- A. Examination materials shall be selected with the intention that the examination will fully and fairly test the qualified applicants as to their relative suitability to discharge the duties of the position for which the test is being conducted.
- B. To satisfy the “reasonably available” requirement contained in §143.032(d)(2), TLGC, the department shall make available a minimum of two (2) sets of source materials at a location designated by the department head for those qualified employees who may sign up for a particular test.
- C. In the event that fewer than two (2) eligible persons sign up to take a promotional examination, the Civil Service Director, in the interest of expediency, is hereby authorized to open the examination to persons in the eligible rank with less than two years experience in that rank.
- D. If after opening up the test eligibility to persons within a rank with less than two years, and there are still fewer than two (2) persons who sign up for the examination, the Civil Service Director must bring the matter to the Commission to determine whether the examination should be opened up to persons in the next lower rank who have held that rank for at least two (2) years, or below, as per the statutory authorization of §143.030, TLGC.
- E. The Civil Service Director may administer the examination if fewer than two (2) persons actually appear to take that examination.

RULE 20. COMPOSITION OF PROMOTIONAL ELIGIBILITY LISTS [§143.033, TLGC]

- A. The Director is responsible for tabulating, composing, and presenting the promotional lists to the Commission for certification.
- B. In addition to the test grade, the Director shall apply the appropriate seniority points required by law in tabulating and ranking a list for certification.
 - 1. Note: Unless a specific labor contract provisions provides otherwise, the appropriate application of seniority points for purposes of calculating a passing score as between the fire department and the police department shall be calculated in accordance with the provisions of §143.033(c), TLGC, as amended.
- C. In the event of a tie in an examination grade, the tie shall be broken by reference to the following criteria in the order listed:
 - 1. Raw score on the examination itself;
 - 2. Seniority within the rank currently being held;
 - 3. Seniority within the department as a civil service employee;
 - 4. Seniority within the City as an employee of the City.

- D. It is the responsibility of the Director to post the proposed list to be certified by the Commission in a conspicuous place in the central offices of the police and fire department and to document the date and time of such posting.
- E. Certified lists shall be kept in effect for a period of twelve (12) months from the date of the examination.
 - 1. A copy of each respective certified list shall be forwarded to the department head after approval by the Commission and upon request.
- F. As the certified list is exhausted, the Director shall be responsible for consulting with the department head and making the necessary arrangements, if such be necessary, to schedule a test and constitute a new certified list, to fulfill the needs of each respective department.

RULE 21. REVIEW OF PROMOTIONAL EXAM & LISTS [§143.034, TLGC]

- A. Review and, if necessary, an appeal of a promotional examination grade, and its effect, if any, on a certified list, shall be handled in accordance with the provisions of §143.034, TLGC.
- B. The five (5) day period specified in §143.034, TLGC shall run from the date that the Director posts the list that the Director is proposing to place before the Commission for certification.
- C. The Director shall make the examination scoring for a particular candidate available to that candidate for review and inspection, but the Director shall not release any materials to the candidate or any other person.
- D. Any challenges to examination questions, and the scoring thereof, must be brought within the time period specified herein.

**SECTION V.
PHYSICAL AND MENTAL FITNESS REQUIREMENTS**

RULE 22. PHYSICAL & MENTAL FITNESS REQUIREMENTS [§143.022, TLGC]

- A. Each civil service department shall set physical requirements for applicants for beginning and promotional positions in the classified service. Each respective department shall file its requirements with the Director, and those requirements shall be deemed to have been incorporated into these Rules as the requirements of the Commission. The requirements for each recognized rank shall be the same for all applicants. The age requirements are set by these Rules.
- B. Each applicant for a beginning or a promotional position is required to take an appropriate physical examination as a condition to entry level employment or for a promotion. In addition, entry level applicants must also undergo a mental and/or psychological examination to determine fitness to hold the entry level position.

- C. Each respective department shall establish by administrative directive a minimum standard of physical and mental fitness requirements for entry level positions, a copy of which shall be filed with the Civil Service Director. By filing with the Director, the minimum fitness requirements expected of all entry level applicants shall be deemed to be incorporated into these Rules. The Commission reserves the authority to review the minimum fitness requirements under a duly posted agenda item.
- D. Any physical or mental examination shall be administered by a physician, psychiatrist, or psychologist, as appropriate, selected by the City's Personnel Department, and such selection shall be also deemed to have been made under the authority of the Civil Service Commission and these Rules.
- E. Failure to satisfy the fitness for physical and mental requirements shall disqualify the applicant for the position.
- F. If an applicant is rejected by a physician, psychiatrist, or psychologist, as appropriate, the applicant may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the Commission; provided however that the applicant must pay for the board examination. The board's decision shall be final.
- G. There shall be no other appeal to the Civil Service Commission by entry level applicants from a disqualification attributed to a failure or an inability to satisfy the fitness for duty requirements established under these Rules.

SECTION VI. COMPENSATION

RULE 23. GENERALLY [§143.041 - 047, TLGC]

- A. Salary and pay for each classification and rank shall be established by the City's governing body through the budget process and/or through an appropriate labor agreement.
- B. All other pay and benefits identified in the relevant statutory provisions shall be established by the City's governing body and or through an appropriate labor agreement.

SECTION VII. PERFORMANCE & CONDUCT

RULE 24. ADOPTION OF RULES RELATING TO DISCIPLINE [§143.008; §143.051, TLGC]

- A. Pursuant to the mandatory requirement contained in §143.008(c), TLGC, the Commission hereby adopts rules that prescribe cause for removal or suspension of a fire fighter or police officer.
- B. The rules adopted herein which prescribe cause for removal or suspension of a fire fighter or police officer fall within one or more of the following subject matter areas specified by §143.051, TLGC, specifically:
 - 1. Conviction of a felony or other crime involving moral turpitude;
 - 2. Violation of a municipal charter provision;
 - 3. Acts of incompetency;
 - 4. Neglect of duty;
 - 5. Discourtesy to the public or to a fellow employee while the fire fighter or police officer is in the line of duty;
 - 6. Acts showing lack of good moral character;
 - 7. Drinking intoxicants while on duty or intoxication while off duty
 - 8. Conduct prejudicial to good order;
 - 9. Refusal or neglect to pay just debts;
 - 10. Absence without leave;
 - 11. Shirking duty or cowardice at fires, if applicable; or
 - 12. Violation of any applicable fire/police department rule or special order.
- C. Rules, directive, and special orders of a department head do not require Commission review or approval to be valid and binding since the statute imposes no such obligation.

RULE 25. CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE [§143.051(1), TLGC]

- A. A civil servant's conviction of a felony or other crime involving moral turpitude is grounds for disciplinary action.

RULE 26. VIOLATION OF A MUNICIPAL CHARTER PROVISION [§143.051(2), TLGC]

- A. A civil servant's violation of any one or more provision of the City Charter is grounds for disciplinary action.

RULE 27. ACTS OF INCOMPETENCY [§143.051(3), TLGC]

- A. A civil servant is expected to fulfill the functions of his or her rank and position competently. Acts of incompetency is grounds for disciplinary action.

RULE 28. NEGLECT OF DUTY [§143.051(4), TLGC]

- A. A civil servant is expected to know and understand the functions of his or her rank and position and shall not neglect the duties of his or her rank and position. A neglect of duty is grounds for disciplinary action.
- B. Shirking duty or showing cowardice in response to a public safety incident that requires a civil servant to carry out his or her duties to protect the public is prohibited. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 29. DISCOURTESY TO THE PUBLIC OR TO A FELLOW EMPLOYEE WHILE THE FIRE FIGHTER OR POLICE OFFICER IS IN THE LINE OF DUTY [§143.051(5), TLGC]

- A. A civil servant is expected to exercise his or her rank and position with courtesy to the public, as well as to fellow employees.
- B. This expectation applies to not only fellow employees, but to supervisory employees, as well as subordinate employees.

RULE 30. ACTS SHOWING LACK OF GOOD MORAL CHARACTER [§143.051(6), TLGC]

- A. A civil servant is expected to refrain from engaging in any actions, whether on-duty, or off-duty, that exhibit or reveal a lack of good moral character on the part of the civil servant. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 31. DRINKING INTOXICANTS WHILE ON DUTY OR INTOXICATION WHILE OFF DUTY [§143.051(7), TLGC]

- A. A civil servant is expected to refrain from drinking intoxicants while on duty.
- B. A civil servant is also prohibited from reporting to work under the influence of any intoxicants.
- C. A civil servant is also prohibited from being intoxicated off-duty if such intoxication bears negatively on the civil servant's ability to report to work or if it bears negatively on the department.
- D. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 32. CONDUCT PREJUDICIAL TO GOOD ORDER [§143.051(8), TLGC]

- A. A civil servant is expected to refrain from engaging in any actions, whether on-duty, or off-duty, that would qualify as conduct prejudicial to good order. Failure

to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 33. REFUSAL OR NEGLECT TO PAY JUST DEBTS [§143.051(9), TLGC]

- A. A civil servant is expected to refrain from refusing or neglecting to pay just debts. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 34. ABSENCE WITHOUT LEAVE [§143.051(10), TLGC]

- A. A civil servant is expected to refrain from being absent from duty without leave. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 35. SHIRKING DUTY OR COWARDICE AT FIRES [§143.051(11), TLGC]

- A. A civil servant is expected to refrain from shirking duty or from showing cowardice at fires, as such duty is defined by the rank and position held by the civil servant.

RULE 36. VIOLATION OF ANY APPLICABLE FIRE OR POLICE DEPARTMENT RULE OR SPECIAL ORDER [§143.051(12), TLGC]

- A. A civil servant shall not violate any applicable fire or police department rule or special order.
- B. The Commission hereby adopts by reference the rules and regulations of each respective department as its own for purposes of enforcement of such rules and special orders.
- C. A civil servant who violates a rule or special order of his or her respective department may be subject to disciplinary action.

**SECTION VIII.
DISCIPLINE, DEMOTION AND BYPASS**

RULE 37. GENERALLY [§143.010; §143.053, TLGC]

- A. Appeals to the Civil Service Commission. Disciplinary appeals to the Civil Service Commission shall be scheduled and coordinated by the Director for hearing and decision within thirty (30) days after it received the notice of appeal as per the requirements of §143.053(b), TLGC.
- B. Procedural Requirements. In connection with the filing of an appeal to the Commission as to any action by a department head that is appealable, the appeal

paperwork must be personally signed by the affected employee, or by the affected employee's attorney.

- C. Extensions of Deadlines. The appealing employee and the department head, may agree, subject to the Commission's approval, to postpone a hearing for a definite period. A written agreement between the affected employee and the department head (or their representatives) filed with and approved by the Director shall serve as the basis for an extension for a definite period and have standing approval of the Commission as per these Rules.

RULE 38. DISCIPLINARY APPEALS TO THE COMMISSION [§143.053, TLGC]

- A. The location and accommodations for all hearings and appeals to be heard by the Civil Service Commission shall be coordinated by or through the Director of Civil Service within the deadlines required by law.
- B. The Director shall be responsible for calling any special meetings that may be necessary to take up pre-hearing issues, motions, requests for discovery, and any other issues preceding an actual hearing on the merits of a disciplinary appeal.

RULE 39. THIRD PARTY HEARING EXAMINER PROCEEDINGS [§143.057, TLGC]

- A. Disciplinary appeals requesting a third party hearing examiner shall be administratively handled and coordinated by the Director within the time frames, and under the procedures set out in Chapter 143, TLGC.
- B. To properly elect an independent 3rd party hearing examiner under the statute, the grievant must timely and properly perfect such an appeal in accordance with the requirements of §143.057, TLGC.
- C. If the parties do not submit a notice of an agreed selection of a hearing examiner within the time period specified in §143.057, TLGC, the Director may assume that no agreement has been reached between the parties and shall then proceed to request a list of neutrals from the American Arbitration Association in accordance with the requirements of the statute.
- D. Except for the requirement that a decision on a disciplinary appeal take place within thirty (30) days of timely appeal, the authority of a 3rd party independent hearing shall be in lieu of, but otherwise equivalent to, that of the Commission.
- E. In a proceeding before a 3rd party hearing examiner, the rules of procedure and the rulings on evidence shall be those established by the hearing examiner directly or those of the organization under which the hearing examiner has been selected.
- F. Hearing Record and Award of Third Party Examiner Proceedings. The hearing record and award or decision of a third party hearing examiner shall be filed with the Director and maintained as a part of the Civil Service Commission's records for the affected employee.

RULE 40. HEARING PROCEDURES GENERALLY

- A.** The following rules and procedures shall apply to hearings held before the Civil Service Commission.
- B.** The following rules shall also apply to hearings conducted by an independent hearing examiner, except as otherwise provided by law and/or the agreement of the parties.
- C.** The Texas Rules of Civil Procedure, the Texas Rules of Criminal Procedure, and all other rules of court shall not apply to any civil service proceedings.
- D.** A civil service employee who is appealing a matter over which the Civil Service Commission has jurisdiction may represent himself or herself, or may be represented by legal counsel or other appropriate representative.
- E.** The Civil Service Commission may, upon proper and timely request by the parties, exercise its full authority provided by statute to issue subpoenas for witnesses, for documents, and things.

 - 1.** All requests for subpoenas to compel the attendance of a witness shall be coordinated through the Director's office. Requests for subpoenas shall be completed at least ten (10) days prior to the scheduled hearing date in order to be processed in a timely manner.
 - 2.** The Commission Chair, or alternatively, the Vice-Chair, shall have authority to sign and issue requests for hearing subpoenas.
 - 3.** Requests for subpoenas to hearing examiners shall be handled through the procedures applicable to those proceedings.
- F.** All parties shall come to the hearing prepared and ready to proceed so as to minimize any disruption of the hearing process.
- G.** All disciplinary appeal proceedings shall be public hearings. The Commission may close a hearing at the request of the employee or of the Department Head if the subject matter would invade the privacy of the appellant, or any other employee or would compromise any ongoing investigation. The Commission may also close the meeting for any purpose otherwise authorized by law.
- H.** After being called to order but prior to the beginning of testimony or evidence, final consideration shall be made as to any remaining pre-hearing motions, requests or jurisdictional matters as submitted by either party.
- I.** The presiding Commissioner, upon the request of a party, may place the witnesses under “the Rule” in an evidentiary Commission hearing; provided however, that neither the appealing party or the department head shall not be placed under the Rule.
- J.** The Commission Chair or Presiding Commissioner shall administer an oath to any witness who is going to provide factual testimony in a contested hearing.

- K.** The party with the burden of proof shall go first in the presentation of evidence and testimony. Thereafter, the responding party shall have the opportunity to respond with his/her own evidence, witnesses or testimony. Thereafter, the party with the burden of proof may come forward with rebuttal evidence or testimony as may be necessary.
- L.** Presentations by both parties shall be as brief and as closely related to the issue(s) as much as is possible. To this end, parties shall be encouraged to stipulate to as many uncontested factual or legal issues as possible so as to streamline the hearing to contested issues only.
- M.** Throughout the proceedings, Commission members may also ask questions as needed in order to aid their consideration of the testimony or evidence.
- N.** The Chairperson shall exercise reasonable control over the questioning of witnesses and the presentation of evidence so as to:
 1. Effectively ascertain the truth;
 2. Keep such presentations relevant to the issues to be determined;
 3. Avoid the needless consumption of time and expense; and
 4. Protect the witnesses and employees from harassment or undue embarrassment.
- O.** The parties and their respective representatives shall cooperate in keeping all presentations as brief and to the point as possible. The Commission may establish time limits for presentation of each side of the case.
- P.** The Commission shall have the discretion to control the length of time of any particular session as well as the amount of time provided for recesses, breaks, lunch hours, etc.
- Q.** Before adjourning, the Commission may adjourn to executive session for deliberation. Thereafter, the Commission shall reconvene in open session and shall, upon motion and second, make its decision. Thereafter, a written order reflecting the decision of the Commission shall be prepared to memorialize the ruling of the Commission and signed by a majority of the Commissioners or by the Director documenting the vote and action of the Commission.

RULE 41. RULINGS ON EVIDENCE

- A.** Technical rules of courtroom evidence shall not strictly apply or control the conduct of any evidentiary hearing, but may be urged and referred to only as guidelines for the introduction of, and objections to, and orderly processing of the proofs evidence in an evidentiary hearing.
- B.** The scope of evidence to be considered at a disciplinary hearing shall be limited to factual matters relevant to the contested matter before the Commission.

- C. Either party may offer such relevant evidence as he/she may desire to aid in the determination of material disputed issues, subject to considerations of time, duplication of evidence, and the issue in question, as determined by the Commission.
- D. It shall be the responsibility of the Commission Chair, or the presiding commissioner, to make initial rulings relating to objections to and offers of evidence. The Commission Chair may, however, provide for full Commission participation by conferring with the Commission on any particular objection to or offer of evidence, whether testimonial, documentary, or otherwise.
- E. All evidence and testimony shall be presented and received into the record while in open session.

RULE 42. MEDIATION AND SETTLEMENT

- A. No specific mediation or settlement rules and processes are hereby adopted; but nothing in these Rules precludes or prevents the parties from reaching an agreed resolution of any dispute on appeal by using any dispute resolution process or procedure agreed upon by the parties.

**SECTION IX.
FITNESS FOR DUTY ISSUES**

RULE 43. FITNESS FOR DUTY ISSUES [§143.081, TLGC]

- A. The procedures outlined in §143.081, TLGC shall be followed in connection with any concerns that the department head of either the fire department or the police department may have with respect to an employee's physical or mental fitness to perform the core set of duties required of the rank and position held by the employee.
- B. The department head may require, under the authority of these Rules, an employee to submit to the department head a report from the employee's personal physician, psychiatrist, or psychologist, as appropriate, in response to a notice of administrative concern involving a physical or mental fitness for duty issue.
 - 1. A department head may also request that the Commission make the initial determination to order a report based on an application by the department head of the existence of a question as to fitness for duty.
- C. If after requiring such a report, there remains a question about the employee's physical or mental fitness for duty on the part of the employee or the department head, the question may be placed before the Commission for further action consistent with the authority given to the Commission under §143.081, TLGC and applicable law.

- D. The Commission will not entertain any proceeding brought under this provision while an employee is still on injury on duty leave status as per the provisions of §143.073, TLGC and any applicable court interpretations of this provision.
 - 1. This does not preclude a department head from calling for a fitness for duty report from the employee if the department head has a reason to believe that the employee will not be able to return to full duty status.

RULE 44. FITNESS FOR DUTY PROVIDER LISTS

- A. The Director shall maintain a list of qualified health care providers with expertise in physical, physiological, mental, and psychiatric health care who may be utilized by either employees or by the Commission, for purposes of securing data and information related to the fitness for duty issues that may come before this Commission.

**SECTION X.
CIVIL SERVICE PERSONNEL FILES**

RULE 45. PERSONNEL FILES [§143.089, TLGC]

- A. The Director shall maintain a civil service file for each civil service employee in accordance with the requirement of §143.089(a), TLGC, and any legal opinions or caselaw interpreting this statutory provision.
- B. A civil service employee is entitled, upon written request to the Director, to view, and request copies of the contents of his or his civil service file maintained under §143.089(a), TLGC by the Director.
- C. Each respective department head may maintain a departmental file for each civil service employee in accordance with the requirement of §143.089(g), TLGC.
 - 1. Departmental personnel files belong to each respective civil service department, and shall be privileged from disclosure in accordance with §143.089(g), TLGC, and any legal opinions or caselaw interpreting the proper scope of confidentiality to be afforded to a departmental (g) file.

RULE 46. REQUESTS FOR DISCLOSURE OF FILES [§143.089, TLGC]

- A. Request for disclosure of the §143.089(a), TLGC file in the form of requests under the Texas Public Information Act (TPIA Requests), court orders, or other such requests, shall be directed to the Civil Service Director, who shall exercise his or her best efforts to advise the affected employee of the request for disclosure.
 - 1. However, TPIA requests for personnel files maintained by the Civil Service Commission shall generally be honored in accordance with existing judicial determinations requiring disclosure.

2. An employee who objects to release or disclosure of his or her personnel file, as maintained by the Civil Service Commission, may participate in any proceeding either before the Attorney General or in a court of law relating to a TPIA request for disclosure.
- B.** Request for disclosure of the §143.089(g), TLGC file shall be directed to the respective department head, who shall exercise his or her best efforts to resist disclosure of the departmental (g) file to the extent allowed by law.
1. Access by the employee to his or her own departmental (g) file shall fall within the sole discretion of the department head, who shall set his or her own policy on this issue, and subject to the terms of any applicable provision of a labor agreement on this point.

SECTION XI. MISCELLANEOUS

RULE 47. REAPPOINTMENT AFTER RESIGNATION: POLICE OFFICERS [§143.0251, TLGC]

- A.** As per the provisions of §143.0251, TLGC the Civil Service Commission may adopt rules to allow a police officer who voluntarily resigns from the department to be reappointed to the department without taking another departmental entrance examination.
- B.** Applications for reappointment shall be limited to entry level positions and must be approved by the Civil Service Commission, the department head, and the City Manager. Any such applications must be made no later than twelve (12) months after a voluntary resignation, and there must be an existing entry level vacancy before any application can be granted.
- C.** Any issues related to whether the resignation was voluntary or under the possibility of a disciplinary proceeding or other such circumstances shall be determined by the Commission, and the Commission may request all pertinent information related to the circumstances surrounding the original resignation and the request for reappointment.
- D.** Reinstated officers shall be required to serve a probationary period on the same terms as newly appointed officers.
- E.** With respect to longevity, seniority, time in grade, and any other service time that may be in issue, a reinstated officer's prior service time will not be counted as part of the reinstatement under this provision.

SECTION XII. DEFINITIONS

The statutory definitions contained in Chapter 143, TLGC shall control. Otherwise, the following definitions shall apply to the interpretation and application of the foregoing Rules and Regulations.

AAA – refers to the American Arbitration Association.

Chapter 143 – refers to Chapter 143 of the Texas Local Gov't Code.

Chapter 174 – refers to Chapter 174 of the Texas Local Gov't Code, also known as the Fire and Police Employee Relations Act (FPERA).

City Manager – refers to the Chief Executive Officer of the City or his/her designee.

Civil Servant – refers to an employee who meets the definition of a fire or police officer under the civil service statutes.

City Commission or City Council – refers to the governing body of the home-rule municipality known as the City of San Benito, Texas.

Civil Service Commission or Commission - refers to the Fire & Police Civil Service Commission, as organized under Chapter 143, Texas Local Gov't Code.

Civil Service Statutes – refers to Chapters 141, 142, and 143 of the Texas Local Gov't Code, including any interpretations of such statutes by the Attorney General or a court of law.

Classified Service – for purposes of the administration of the civil service system under Chapter 143, TLGC as duly adopted by the City shall be determined by reference to the provisions of Chapter 141.033, TLGC, which provides for classification of positions once the municipality achieved a minimum population of 10,000.

Commission Chair – shall be the duly designated Chair for the Civil Service Commission, or in that person's absence, the Presiding Commissioner.

Department – refers to the fire or police department of the City of San Benito, Texas as appropriate.

Department Head -- refers to the highest ranking person in charge of the police or fire department, respectively, regardless of title or interim status; also referred to as the Fire Chief or Chief of Police or that individual's designee.

Director - refers to the appointed person or officer who is responsible for the administration of the Civil Service Commission business or that persons designee.

Employee - a person hired to perform the job of a police officer or fire fighter who has the protections afforded under chapter 143 of the Texas Government Code.

Fire Fighter – is hereby defined in accordance with §143.003, TLGC.

Governing Body – refers to the City’s elected board of officials consisting of the Mayor and the duly elected City Commissioners.

Police Officer - is hereby defined in accordance with §143.003, TLGC.

TLGC – refers to the Texas Local Gov’t Code.

Vacancy – refers to the creation of an opening in a duly authorized, duly budgeted civil service position such as: 1) the creation of a new position by the City’s governing body; 2) the promotion of an individual out of an existing position into a higher level position; 3) the retirement of an employee from a budgeted position; or 4) the indefinite suspension of a fire department employee at the time of the indefinite suspension is implemented, or, for police department employees, after the exhaustion of all civil service appeals and the termination decision becomes final and non-appealable.

Writing – refers to written or published correspondence. Email communications shall not satisfy any writing requirement contained in these Rules.

-END-

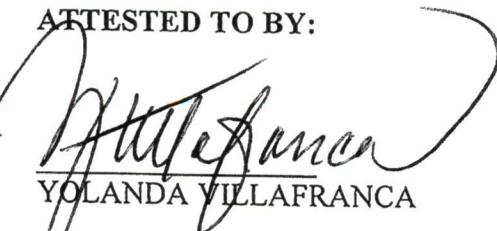
APPROVED AND ADOPTED BY THE POLICE & FIRE CIVIL SERVICE
COMMISSION FOR THE CITY OF SAN BENITO, TEXAS ON THIS THE
11 DAY OF JULY, 2013.

By: 
LARRY DRAKE
BOARD CHAIR

By: 
LORENZO SANCHEZ
COMMISSIONER

By: 
ARNULFO GONZALEZ
COMMISSIONER

ATTESTED TO BY:

By: 
YOLANDA VILAFRANCA

DIRECTOR FOR THE CITY OF SAN BENITO, TEXAS
POLICE & FIRE CIVIL SERVICE COMMISSION