

# **CHAPTER ONE**

## **GENERAL PROVISIONS**

- 1.01** The Rules and Regulations of the Firefighter's and Police Officer's Civil Service Commission of the City of Corsicana are hereby promulgated.
- 1.02** The purpose of adopting these rules is to promote the efficiency of the fire and police departments of the City of Corsicana. Further, the purpose of these rules is to comply with the mandate of Chapter 143 of the Local Government Code (Chapter 143), which requires each civil service commission to adopt rules and regulations consistent with said law.
- 1.03** A copy of the latest revision of these rules and regulations will be kept available at each work station in the police and fire departments for use by firefighters and police officers. If requested, firefighters and police officers will be provided a copy of these rules and regulations free of charge. Copies of these rules will be kept available for distribution to members of the public.
- 1.04** These rules and regulations are promulgated and adopted pursuant to the authority vested in the commission under Chapter 143. These rules are intended to supplement and compliment the provisions of Chapter 143, and shall be read in conjunction therewith. If a conflict arises between these rules and Chapter 143, Chapter 143 controls and shall determine the outcome.
- 1.05** Whenever these rules are silent on an issue, and the provisions of Chapter 143 do not apply, the Personnel and Administrative Regulations of the City will apply. Members of the civil service commission and any person acting on behalf of, or under the authority of, such commission and these rules shall be governed by these rules.
- 1.06** These rules govern the actions of the members of the respective departments and the department heads with regard to the performance of their official duties, and how and when an individual may, amongst other things, compete for promotion, are disciplined, and be afforded leave. None of the provisions of these rules are intended to govern the off-duty activities of employees of the fire and police departments to the extent that such activity does not affect the respective department. Nothing contained herein shall be construed as a limit upon the department head's ability to control the off-duty employment of departmental employees, to the extent authorized by law.
- 1.07** The words and phrases used in these rules and regulations shall have the meaning assigned to such words as may be used by reasonable people in the conduct of their own affairs, except as provided hereinafter.
- 1.08** Any word or phrase that is defined in Chapter 143 shall be defined in the same manner, for the purpose of interpreting these rules and regulations.

**1.09** Wherever a dispute arises about the meaning of a word, group of words or phrase, the construction given to such a word or phrase shall be determined by reference to the latest available edition of Webster's Dictionary, unless the Courts of the State of Texas shall have determined the meaning of the disputed word, group of words or phrase, in which event such construction of the word, group of words or phrase shall control.

## **CHAPTER TWO**

### **PROVISIONS RELATING TO THE COMMISSION**

- 2.01** The commission shall consist of three members. Said members must meet the qualifications prescribed in Chapter 143. Said members are to be appointed by the City Manager of the City and are subject to confirmation by the City Council, before taking office.
- 2.02** In making appointments, the City Manager shall consider all persons and make such appointments in such a manner that the makeup of the commission shall reflect the population of the City and all segments of the population are represented on the commission.
- 2.03** During the scheduled meeting in January, of each year, the commission shall select, from among its members, a Chairperson and Vice-Chairperson. In the event that a vacancy occurs in the position of Chairperson, the Vice-Chairperson will assume the duties of Chairperson, and an interim election will be held to fill the position of Vice-Chairperson. Should the position of Vice-Chairperson become vacant, an interim election will be held to fill that office. Any member of the commission elected in an interim election to fill a vacant position shall hold such office until the next regularly scheduled election under these rules.
- 2.04** Any vacancy occurring for any reason shall be filled in the same manner.
- 2.05** When necessary, and in order to assist the City Council in complying with the provisions of Chapter 143, the commission shall make known to the council its needs for suitable office space.
- 2.06** The Commission shall set meetings as needed; such meetings shall be spaced throughout the year to allow the commission to transact its business in an orderly manner. The Chairman, if no other commissioner objects may cancel such meetings. If a commissioner is out of the city and unable to be contacted to secure his/her acquiescence in the cancellation of such meeting, the meeting may be canceled by the Chairman, if the remaining members do not object.
- 2.07** The commission may also meet at the call of the chair or any two members.
- 2.08** Commissioners may be removed pursuant to Chapter 143.
- 2.09** Any two members of the commission shall constitute a quorum to transact the business of the commission.
- 2.10** All meetings of the commission shall be preceded by appropriate notice that complies with all the provision of the Open Meetings Act, Chapter 551, and Government Code.
- 2.11** Pursuant to the provisions of Section 143.009, the commission is empowered to conduct investigations and inspections, and may report on all matters relating to the application of and adherence to Chapter 143 and these rules. The commission shall have the power and authority provided in Section 143.009. The commission shall consider any such

investigations in open public meeting, before authorizing such investigations. The commission will not allow its authority to be utilized for the purpose of resolving routine employee grievances that should be resolved by the department and the employee's chain of command.

- 2.12** The commission shall conduct its meetings in a place that is accessible to all the public. The commission and the City shall make provisions for persons needing special accommodations to attend said meetings. The facilities provided to the commission shall be suitable for open public meetings and have ample space for public attendance.
- 2.13** Each commission meeting shall be duly recorded. All hearings and controversies shall be preserved by verbatim records that are available for subsequent review. All commission decisions, orders and findings shall be in writing and signed by all concurring commissioners. Such decisions, orders and findings shall be retained by the commission. All records of the commission are public, and are available to the public, for inspection or purchase at actual cost, during normal business hours, or at a time set by the commission or the director.
- 2.14** When a suspended or aggrieved employee has invoked any review procedures under these rules and regulations, the commission or any hearing examiner shall conduct such hearing fairly and impartially. The commission, or any hearing examiner, shall render a fair and just decision, considering only the evidence presented in such hearing when determining the truth of the charges which are the subject of the review. The commission's or any hearing examiner's decision need only be based on a preponderance of the evidence for the charges to be sustained. The commission, or any hearing examiner, shall sustain any charge where sufficient evidence is presented, and shall never substitute its personal preferences for the judgment of the department head. Proof beyond a reasonable doubt is never required to sustain a charge appealed to the commission or any hearing examiner.
- 2.15** Any appeal to the commission, or any hearing examiner, shall be governed by the rules of procedure adopted by the commission.

## **CHAPTER THREE**

### **COMMISSION RECORDS**

- 3.01** The commission directs that all records of the commission, including, but not limited to applications, examinations, reports, questions and answers and such other materials as the commission may acquire, shall be the property of the commission.
- 3.02** The Director of Civil Service is hereby designated as the custodian of the records for the commission and is directed to retain such records for a period of not less than three (3) years.
- 3.03** The Director of Civil Service shall maintain written records, as well as audio recordings of all meetings and workshops of the Civil Service Commission. Within five business days after each meeting or workshop the Director shall mail to each Commission member the completed written minutes for review. Each Commissioner shall have five business days to submit in writing any corrections they feel should be made to the Director. At the next scheduled meeting the Commission shall vote to accept the minutes as written or corrected.  
CSC 4/27/06
- 3.04** The Director shall have 15 calendar days to forward the documentation required by TXLGC 143.037 to the Department Head, the Chief Executive and the Civil Service file after appointment. The Commission will be informed of the name of the new hire and date the employee reported for duty at its next scheduled meeting in the report from the Director.  
CSC 1/30/08

## **CHAPTER FOUR**

### **DIRECTOR OF CIVIL SERVICE**

- 4.01** The commission shall appoint a Director of the Firemen's and Policemen's Civil Service, who shall meet the same requirements for appointment as those of the commissioners, except as provided in Chapter 143.
- 4.02** The director is subject to removal by the commission. The commission's action shall be final and binding on the issue.
- 4.03** The director shall serve as secretary to the commission, and shall perform all such work as may be incidental to the civil service program and, as may be required by the commission, including but not limited to the following:
- a.) maintenance of all commission records;
  - b.) perpetration of all tests administered hereunder;
  - c.) maintenance of all required lists;
  - d.) administration of any tests given hereunder;
  - e.) preparation of all notices;
  - f.) preparation of all certifications;
  - g.) security of all test materials;
  - h.) receipt of all documents and filings on behalf of the commission;
  - i.) scheduling, at the direction of the commission, regular and special commission meetings;
  - j.) attendance at all commission meetings;
  - k.) preparation of agenda for commission meetings;
  - l.) coordination of commission inspections and investigations;
  - m.) serve as liaison with other City officials;
  - n.) serve as custodian of commission records; and
  - o.) Other duties as directed by the commission.
- 4.04** In the absence of the Director the Chairman may review and sign documents in order to insure the ordinary progression of business.

CSC 5/30/02

## **CHAPTER FIVE**

### **RULE MAKING**

- 5.01** The commission shall publish its rules and regulations, as well as, seniority lists in a manner consistent with the provisions of Section 143.008. Any other item that is published by the commission shall be published in a manner consistent with Chapter 143.
- 5.02** It is the intention of the commission that the maximum employee benefits shall be made available to a city employee. If there is a conflict between these rules and the provisions of Chapter 143, or any other state or federal law, then such law shall control.
- 5.03** These rules and regulations are subject to revision, amendment, supplementation, and repeal as deemed necessary and appropriate by the commission. It is the intention of the commission that any change made to such rules shall be made only after consideration of such change during an open public meeting.

# **CHAPTER SIX**

## **APPOINTED POSITIONS**

### ***Subchapter A: Department Head***

- 6.01** The individuals appointed to the position of department head are selected and appointed by the City Manager of the City. These individuals must be confirmed by the City Council. These two positions differ from all other civil service positions because they are not entitled to any of the protections of Chapter 143 and these rules, except as set out hereinafter. The qualifications for the appointment to the position of department head in the fire or police department shall be those qualifications required by Chapter 143.
- 6.02** The foregoing paragraph also applies to any individual appointed under the authority of Section 143.014 of Chapter 143.
- 6.03** In the event that a person who has previously been appointed as head of the fire or police department is removed, then such person shall be reinstated in the position that said person held in their respective department immediately prior to their appointment as department head. Said person shall be placed in a position no lower than the rank previously held, and shall retain all rights and privileges, including seniority. In the event that said person is charged with a violation of the Civil Service Rules and Regulations, then and in that event, said person shall be entitled to all the rights to and privileges for a hearing before the commission. If the commission does not uphold the action taken against the person removed, then the commission will reinstate the person in the position previously held. In such hearing, the removed employee shall be entitled to be treated in the same manner and under the same conditions as any other member of the classified service. In the event that the previously held position shall have been abolished, the person so removed shall be placed in a comparable position.
- 6.04** Should such person be restored to the previously held position, then that person shall enjoy all the rights, benefits and privileges thereof according to seniority, and such person shall be paid the full base salary for the time such person was on suspension, if any.
- 6.05** An individual who has been previously appointed to the position of department head in either the fire or police departments, but who has not previously served as a member of the Corsicana Fire or Police Department, as appropriate, shall not be entitled to any benefit, relief, hearing or reinstatement under this section.

### ***Subchapter B: Position below Department Head***

- 6.10** The department heads of the fire and police departments are authorized to appoint to the position immediately below department heads, the number of persons provided for in

Chapter 143. The provisions of Chapter 143 shall control and govern all matters related to such appointments.



**6.11** Any person appointed under this section shall have the same rights as are provided to a department head, in the event of removal.

## **CHAPTER SEVEN**

### **CERTIFICATION**

- 7.01** The commission shall provide for the classification of all firefighters and police officers. Such classification shall be determined by the commission. The Corsicana City Council shall prescribe by ordinance the number of authorized positions and the salary of each classification.
- 7.02** No classification now in existence, or that may be hereafter created by the commission and adopted by the Corsicana City Council shall be filled, except by examination held in accordance with these rules and regulations, unless permitted by the rules through the application of Section 143.014 and/or Section 143.035 of Chapter 143.
- 7.03** All persons in each classification shall be paid the same base salary. The base pay of all individuals in a particular classification is required by law to be the same. In the event that the Corsicana City Council has provided that employees of the fire and police departments may receive other pays, as authorized by the provisions of Chapter 143, then and in that event, those persons qualifying for such salary supplements may receive such additional pay or such other pay as may be prescribed by law.
- 7.04** The heads of the fire and police departments may designate some person from the next lower classification to fill a position in a higher classification temporarily, but any such person so designated by the head of the department shall be paid the base salary of such higher position, plus the person's own longevity pay and other pay authorized and permitted by law, during the time he or she performs the duties thereof.
- 7.05** The temporary performance of the duties of any such position by a person, who has not been promoted, in accordance with the provisions of these rules and regulations, shall never be construed to promote such person.
- 7.06** The commission shall determine the minimum requirements for employment as a member of the fire and police departments. Such qualifications shall be in accordance with applicable state law and these rules and regulations.
- 7.07** The commission will cause to be prepared job classification specifications for each position in the fire and police departments. Such qualifications shall be included in each job classification specification approved by the commission.
- 7.08** All such qualifications shall be communicated to each applicant for any entry level position in the fire or police departments. Such qualifications shall be uniformly applied to all applicants for each position.
- 7.09** All firefighters and police officers employed by the City of Corsicana at the time of the adoption of these rules and regulations shall retain their currently held position, rank, and seniority ratings, unless, subsequently, the position be abolished or the employee be discharged, reduced in position or rank, promoted or transferred, or leave the service of the

City, for any reason in manner consistent with these rules, Chapter 143 or other applicable laws.

**7.10** The Civil Service Commission establishes the following classifications in the **Fire Department** as called for in TXLGC 143.021:

**Probationary status:**

**Recruit I**

An employee not certified in this state shall start in this classification.

**Recruit II**

Only fully certified personnel shall occupy this classification until the end of their probationary status.

**Civil Service Protected or Affected Position:**

**Firefighter/EMS**

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

**Lieutenant**

A tested position

**Captain**

A tested position

CSC 5/4/18

**Assistant Fire Chief**

As provided for in TXLGC 143.014

**Fire Chief**

As provided for in TXLGC 143.013

The Civil Service Commission established the following classification in the **Police Department** as called for in TXLGC 143.021:

**Probationary Status:**

**Recruit I**

An employee not certified in this state start in this classification.

**Recruit II**

Only fully certified personnel shall occupy this classification until the end of their probationary status.

**Civil Service Protected or Affected Positions:**

**Police Officer**

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

**Corporal**

A tested position

**Sergeant**

A tested position

**Lieutenant**

A tested position

CSC 10/31/16

**Captain**

A tested position

**Assistant Chief**

As provided for in TXLGC 143.014

**Police Chief**

As provided for in TXLGC 143,013

## **CHAPTER EIGHT**

### **AFFIRMATIVE ACTION**

- 8.01** The commission is committed to the employment of all qualified persons without regard to race, color, sex, religion, age, national origin or to the extent that they are otherwise completely qualified, handicap or disability.
- 8.02** The commission declares that the department heads should use every available method to recruit, hire, train and retain qualified individuals who reflect the composition of the City. In hiring, training, promoting and retaining employees, the commission directs that there shall be equal opportunities provided for all persons.
- 8.03** The commission finds that it is the duty of department heads, department members and all others who are governed by, involved in implementing or administering these rules to take all necessary and legal actions as may be needed to give full force and effect to this chapter.
- 8.04** The commission encourages the department heads and the City to expend necessary funds to accomplish these goals.
- 8.05** No person shall violate any provisions of these rules, when attempting to lawfully comply with this particular chapter of these rules.

## **CHAPTER NINE**

### **ENTRY LEVEL POSITIONS**

- 9.01** More than ten (10) days in advance of the scheduled date for each and any entrance examination; the director shall post in plain view a notice of such examination. Such notice must be posted on a bulletin board located in the main entrance of the Corsicana Government Center, at the office of the Commission, and on the bulletin boards in the fire and police departments. The commission intends that the notice of such examination receive the widest and most diverse distribution as possible. The director is instructed to take all necessary steps to ensure that the said notices have very wide spread distribution to all portions of the population of the City and the surrounding areas. It is the intention of the commission that the services of all available job and employment type agencies be employed by the director to comply with the mandate contained herein.
- 9.02** Such notice shall identify the position to be filled and for which the examination is to be held. The date, time, and place of the examination will be clearly identified. The minimum qualifications established for the position by the commission, and the deadline for receiving pre-applications to take the examination shall be clearly set out in the examination notice.
- 9.03** Each person desiring to take an entry level entrance examination shall complete a pre-application approved by and provided by the commission. Pre-application must be signed by the applicant in handwriting. In order for a pre-application to be complete, all information requested must be provided and all necessary documents must be presented.
- 9.04** Applicants may obtain a pre-application from the civil service office at any time prior to the examination. Pre-Application forms can also be found at the Civil Service Commissions page on the City's website. These completed pre-applications for entry level positions in the fire and police department must be filed in the office of the Director.
- 9.05** Only those persons who take and pass the examination will be considered for employment.
- 9.06** Complete applications for entry-level positions in the fire and police departments must be filed in the office of the Director during regular officer hours and not later than the listed closing date on announcements of entrance examinations.
- 9.07** The Director is authorized to require any necessary documents, records or certifications regarding the qualifications or merits of any candidate or applicant for an entry-level position. Any such documents, records or certifications may be required to be verified.
- 9.08** The Director shall screen all applications to determine that this section has been complied with by the applicant. The willful failure of an applicant to comply with this section will result in the termination of the process as to that applicant. No applicant may be considered for appointment to a beginning position if any part of the requirements of Chapter 143 or this section has not been complied with by said applicant.

- 9.09** An applicant may, at the discretion of the Director, be afforded a single opportunity to correct any deficiency in his/her application. The duration of such opportunity shall not exceed five (5) business days past the last date for submission of applications as determined by Section 9.06.
- 9.10** The Commission, acting through the Director, may retain pre-applications on file even through an entrance examination has not been or is not currently scheduled. Such persons shall be notified by the Director, when an entrance examination is scheduled, and permitted to take such examination if all the requirements have been met, and the information previously provided remains current and valid.
- 9.11** The Commission authorizes the Director to, at his/her discretion, refuse to examine, or refuse to certify as eligible, any applicant:
- 1) found to lack any of the established minimum qualifications for the position for which the applicant applies;
  - 2) who is without good moral character, as demonstrated by past conduct; for purposes of this provision, the commission has determined that conduct is without good moral character if the conduct in question would result in the indefinite suspension of a member of the classified service of the department considering the applicant;
  - 3) uses intoxicating beverages to excess;
  - 4) has been found guilty of any felony or misdemeanor involving moral turpitude or other conduct which, if engaged in by a member of the classified service, would be grounds for indefinite suspension;
- 9.12** An applicant must meet the requirements of Chapter 143 and the requirements of this section to be eligible for a beginning position in the police or fire department.
- 9.13** The Director or his/her designee will conduct a comprehensive investigation on all applicants who pass the written examination and the physical ability test. The investigator is authorized to seek information about the applicant from past employers, family members, friends, associates, credit bureaus, law enforcement agencies or any other reputable source that is able to provide information relevant to assessing the background of the applicant.
- 9.14** Applicants for Fire Fighter and Police Officer will be required to submit to a polygraph examination as a part of the background investigation. (CSC 09-30-09)
- 9.15** Entry level examinations are to be open, competitive and free to all persons who make proper application and who meet the minimum qualifications and requirements for such positions, as established by the Commission. Such examinations shall be designed to be fair and impartial. Further, such exams shall be structured to test the qualifications and fitness of each applicant to successfully perform the duties assigned to the position for which the applicant

is testing. Said examinations shall be practical in nature and prepared in an understandable fashion.

- 9.16** Entrance examinations shall be scheduled at the direction of the commission, by the director. The commission intends that an entry level eligibility list shall be in existence at all practical times. To that end, the director shall schedule an entrance examination every six months or as needed should an eligibility list be exhausted.
- 9.17** The director shall be responsible for the development, research and actual construction of each entry level examination. The director is authorized to purchase a commercially marketed examination, if such examination meets the criteria established by the commission. The director may call upon technical advisors to assist with the examination.
- 9.18** An applicant may take an entrance examination only once per list. Such examination shall be administered in accordance with the provisions of Chapter 143 and these rules and regulations.
- 9.19** Applicants shall take the examination, in the presence of one another. At least one other person must be present and taking the examination, in order for it to be competitive. The exam may be given at different locations, at the same time, as provided by Chapter 143.
- 9.20** The place that the examination is administered shall be sufficiently sized and arranged to provide adequate space for each applicant. Each applicant shall be provided with adequate desk or table surface area during the examination period. In selecting a location for the testing, the director will select a site that will allow for the least amount of interruptions and distractions. The commission, through the director, shall provide all necessary materials for the examination. Such material shall be collected and retained for further use or destruction, as appropriate, by the director. Once the examination has begun, no applicant shall be permitted to enter the testing site.
- 9.21** Applicants requiring accommodations during the administration of the examination must notify the Director of the accommodation needed forty-eight (48) hours or more prior to the date and time the examination is scheduled to begin.
- 9.22** The director is to take all necessary actions to ensure that the administration of examinations under these rules complies with all relevant portions of the American with Disabilities Act.
- 9.23** The actual conduct of every examination will be under the direction of the Commission or its designated examiner(s). All applicants will be free from the presence, participation or influence of any person other than the examiner(s) or others designated by the Commission. The Director may postpone or cancel any examination for any reason the Director believes to be good and sufficient.
- 1) Each applicant's grade on the written examination is based on a maximum grade 100 percent and is determined entirely by the correctness of the applicant's answers to the



questions. The minimum passing grade on the examination is 70 percent. An applicant must pass the examination to be placed on the eligibility list.

- 2) Five additional points will be added to the score of an applicant who has been honorably discharged from the United States Armed Forces provided the applicant: a.) passes the examination and, b.) has provided the Director with verification of service (Form DD214) prior to taking the examination.

**9.24** An applicant who uses or attempts to use dishonest or deceitful means to pass an examination will be excluded from further consideration.

**9.25** No person will deceive or obstruct any other person in respect to his/her right of examination under Chapter 143, or falsely mark, grade, estimate, or report upon the examination or standing of any person for appointment or employment. Any applicant violating this section will be automatically rejected.

**9.26** After the written examination has been concluded and the test papers scored, the director shall construct an eligibility list for entry level positions in the fire and police department, as appropriate. The list shall be in effect for not less than six (6) months or more than twelve (12) months or until exhausted. The Commission will determine the duration of the list. The Director shall post all entry level exam lists for six-month duration, unless directed otherwise by the Commission. The duration of the eligibility list shall be included in the entrance examination announcement prepared by the Commission.

**9.27** Appropriate physical and/or mental examinations shall be required of all applicants for beginning positions prior to appointment. The examination shall be given only after a conditional offer of employment has been made to the applicant. Said offer shall be conditioned only on the successful passage of the physical and/or mental examinations. The examinations shall be given by a physician, psychiatrist or psychologist, as appropriate, appointed by the Commission and paid by the City. In the event an applicant fails to successfully complete the examination and be certified as physically and/or mentally fit for duty, then the applicant may call for further examination by a board of three (3) physicians, psychiatrists or psychologists as appropriate, appointed by the Commission. The entire expense for such additional examination shall be paid by the applicant. The board's findings shall determine the issue and be final.

**9.28** If an applicant for an entry level position is rejected by the Physician, Psychiatrist, or Psychologist, as appropriate, after an exam as required in Sec. 143.022. The Director will notify the applicant in writing of his rejection for hire at this time and the applicant's right to appeal. The notice should include the wording from Section 143.022 (c), along with notice that an appeal must be filed with the Director in no less than five business days from delivery of notice to applicant. Delivery should be made in Person or by Certified Mail. The Applicant will be required to place a cash bond with the Director to cover the cost of the examinations, the amount to be determined by the Director.

- 9.29** Only those applicants who pass the written examination, the physical ability test, the background investigation, and the oral interview (if applicable) will be certified for appointment.
- 9.30** A mental and physical examination will be conducted on all applicants offered employment by a physician, psychiatrist, or psychologist, as appropriate, chosen by the City.
- 9.31** Whenever a vacancy occurs in the entry level positions of the fire or police departments, the head of that department shall make a written request to the commission for a list of eligible persons from the existing eligibility list, The director shall submit a list of names of the top three persons on the existing eligibility list to the City Manager of the City. The City Manager shall make appointment from the three names submitted. Prior to such appointment, the City Manager may consult with appropriate members of the departments with regard to the names submitted.
- 9.32** The person with the highest grade shall be appointed to the position, unless a valid reason exists to appoint the persons with lower grades. Whenever the person having the highest grade shall not be appointed, the reasons therefore shall be placed in writing and filed with the commission. Said reason shall be set forth plainly and clearly demonstrate the good and sufficient reasons why the person with the highest grade was not appointed. The person not appointed shall receive a copy of the reasons filed with the commission. This procedure may be applied to the person holding the second position on the list for future consideration. In the event that an applicant shall request to be passed over for a good and sufficient reason, in the discretion of the Director, such applicant will retain their position on the list for future consideration.
- 9.33** An applicant may not be appointed for any of the following reasons:
- 1) the applicant becomes dispossessed of any qualifications required when making application;
  - 2) the applicant declines appointment;
  - 3) after being offered employment, the applicant fails to report from a physical or mental examination; or
  - 4) after being offered employment, the applicant fails the physical and/or mental examination;
  - 5) the applicant fails to report for an interview without notifying the Director in advance.
- 9.34** If fewer than three (3) names exist on an eligibility list, the Director will certify all applicants on the eligibility list to the City Manager.
- 9.35** Fingerprints will be taken of all persons before entry into the classified service.

- 9.36** When a person is chosen to be appointed to an entry level position, the person will be notified in writing. The offer of employment shall include all necessary information to inform the applicant of the terms and conditions of the offer of employment, including, but not limited to, the information necessary to advise the applicant with regard to the required physical and/or mental examination. Each person receiving such written communication will have 48 hours to accept the offer of employment. The failure of the applicant to accept or reject the offer within 48 hours shall have the effect of a declination of the offer. The commission may extend the 48 period for good cause. The 48 hours shall include all days and times, but shall never expire on a Saturday, Sunday or legal holiday. A person who does not accept an offer of employment will not be offered another position during the life of the eligibility list. A person who does not successfully complete the medical and/or mental examination shall not be employed.
- 9.37** In the event of multiple vacancies, the director is instructed to add two (2) additional names for each additional position to be filled to the eligibility list created and referred to in this Chapter.
- 9.38** The director shall take all necessary actions to comply with the certification requirements of Chapter 143 for entry level and promotional positions.
- 9.39** All persons, if not presently certified, employed in entry level positions shall be required to attend and successfully complete an approved in-service training school relating to work in the fire department or police department, as appropriate, prior to completing their probationary period.
- 9.40** Upon completion of said school, recruits shall take a written examination based on the subject matter taught in such school. In order to be certified for regular, full time status, all persons must pass said examination.
- 9.41** The results of such examination shall be furnished to the commission and to the head of the fire or police department. The department heads will use such result to evaluate the experience and training of the Firefighter or Police Officer taking the examination. A record of this grade will be posted in the Civil Service files.
- 9.42** All aspects of the person's performance during probation shall be considered by the department head when determining whether or not to certify the person for regular, full time status.
- 9.43** A person appointed to an entry level position in the Fire or Police department shall serve a probationary period, as provided by Section 143.027. Employees required to attend a basic training academy for initial certification shall serve an eighteen (18) month probationary period. Those employed with current certification shall serve a one (1) year probationary period. The department head of the appropriate department shall remove any person whose appointment does not conform to the provisions of Chapter 143. It shall be the duty of the head of the Fire Department or Police Department to carefully inspect and observe the work of each probationer in the department and remove from payroll Firefighter or Police Officer who does not demonstrate proper qualifications and fitness for the position to which he/she

has been appointed. Before the probationary period has concluded, the department head shall make a determination as to whether or whether not the person should be retained as an employee, if no adverse determination is made, the person automatically achieves civil service status.

- 9.44** The director is to take all necessary actions to ensure that the administration of examinations under these rules complies with all relevant portions of the American with Disabilities Act.
- 9.45** Any employee who leaves the classified service of the fire or police department voluntarily or otherwise, shall, if subsequently reappointed, be entitled to the restoration of any previous seniority. It is the intention of the commission that all individuals covered by the provisions of these rules and regulations shall be entitled to credit for all seniority accrued during any employment with the City in their respective department.
- 9.46** All Firefighters and Police Officers for the City of Corsicana shall be citizens of the United States of America.
- 9.47** All applicants for the Fire and Police Departments must have telebinocular visual acuity not to exceed 20/100 that is correctable to 20/20. All applicants must be able to distinguish the colors red, green, and yellow. CSC 4/14/11

### **LOCAL RULES FOR ENTRY LEVEL POSITIONS IN THE FIRE DEPARTMENT ONLY**

- 9F.01** The Director may reject any applicant if he or she does not meet the requirements listed in Chapter 143 or listed below:
- 1) The applicant must make application in the manner prescribed in the notice of the examination and must file the application with the Director within the time limits prescribed in the notice of examination.
  - 2) Each applicant must meet the minimum qualifications set forth in the published notice inviting applicants to take the exam.
  - 3) The applicant must not have made any false statement in any material fact, or practiced, or attempted to practice any deception, or fraud in any part of the application or examination.
  - 4) The work history of the applicant must reveal an honest, competent and cooperative employee.
  - 5) The applicant must not have been dismissed from the public service for any misconduct, including unauthorized absence from duty, during the five (5) year period prior to the date of examination.
  - 6) The applicant must be able to fully account for all periods of unemployment.

- 7) The applicant must have received an honorable discharge from military service, if applicable.
- 8) The criminal record for applicants for positions in the fire department must be free from felony convictions.
- 9) The applicant's driving record must meet the qualifications set forth in the City's Auto Use Policy. Applicants shall not have been convicted of a DWI or DUI within the past five years. Conviction more than once for any of these offenses is an automatic disqualification. CSC12/15/11
- 10) The applicant must have demonstrated an ability to discharge his/her financial obligations. Applicants who have difficulties with this requirement will be permitted an opportunity to explain the circumstances surrounding the difficulty.
- 11) The applicant must be mentally and physically able to perform the duties of the position which he or she seeks.
- 12) Applicants for positions in the fire department must not be a current user of narcotics and/or controlled substances.
  - a. Applicant shall not have used marijuana within the past two years prior to the date of the entry level written test.
  - b. Applicant shall not have injected a controlled substance or consumed a dangerous drug, without a prescription and/or under medical supervision. Applicants who are found or who admit to abuse of legally obtained prescription medications, or illegal use of prescription medication of another person will be given consideration in the manner in which drugs were acquired and the presence of an obvious pattern. Dangerous drugs include, but not limited to, Schedule II drugs.
  - c. Applicant shall not have used any of the following specific illegal drug(s) and/or substance(s):
    1. Steroids after 1989, without a prescription and/or under medical supervision.
    2. Any Schedule I Drug (Heroin, Ecstasy, Psilocybin, PCP, LSD, Mushrooms).
    3. Any schedule II Drug without a prescription (Hydrocodone (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine Adderall, and Ritalin).

4. Cocaine (Powder, Crack or combination with any other substance).

5. Any Hallucinogens.

d. Applicant shall not have used any inhalant with the past five years. Illegal inhalants include any substance containing a “volatile chemical” as defined in Chapter 485.001 of the Texas Health and Safety Code. CSC 1/29/2021

13) The general reputation and character of the applicant shall be closely examined to determine that the applicant is suitable for the position sought, in the judgment of the Director or his/her designee. A history of illegal or disruptive activities or intentions must not be present.

14) In order to recruit the largest number of applicants, the Commission has expanded the eligibility to test beyond the requirements to be hired. This Rule sets out the standard to be allowed to test; however, placement on the eligibility list does not negate the requirement that the applicant must possess required certification(s) to be appointed.

**Eligibility to Test.** To be eligible to test for an entry level position as a Firefighter, an applicant must be: (1) certified or certifiable as a Structural Firefighter with Texas Commission on Fire Protection; AND (2) certified or certifiable as an EMT-Basic or EMT-Paramedic with Texas Department of State Health Services. “Certifiable” means evidence of current enrollment in a training academy approved by Texas Commission on Fire Protection and/or current enrollment in a school curriculum for EMT-Basic or EMT-Paramedic with the Texas Department of State Health Services.

Upon signing up to take the entrance examination, applicants must provide evidence of certification with Texas Commission on Fire Protection and/or evidence of certification of EMT-Paramedic or EMT-Basic with the Texas Department of State Health Services and/or evidence of “certifiable” status as outlined above.

**Preference for certified applicants.** At the time the eligibility list is approved, and to meet the operational needs of the Corsicana Fire Department, “preference” will be given to applicants who possess the certification(s) required to be hired. “Preference” means they will be considered before all other applicants on the eligibility list, in order of their test scores on the entrance examination.

**Dual Certified.** Applicants who possess both Structural Firefighter and EMT-Paramedic certification are “dual certified” and may first be given preference regardless of their position on the list. Evidence of certification as a Structural Firefighter with Texas Commission on Fire Protection AND as an EMT-Paramedic with Texas Department of State Health Services must be provided upon signing up to take the entrance examination. The remaining applicants on the eligibility list are bypassed, but are not removed from the list.

**EMT-Paramedic.** After all dual certified applicants have been considered, those applicants

who possess certification as an EMT-Paramedic from the Texas Department of State Health Services will be given next preference. Evidence of certification with the Texas Department of State Health services as an EMT-Paramedic must be provided upon signing up to take the entrance examination. The remaining applicants on the eligibility list are bypassed but are not removed from the list.

If an applicant acquires the required certification(s) after being bypassed, but before being reached again on the eligibility list, that applicant may be given preference as soon as evidence of their certification(s) is provided to the Civil Service Director. After the Dual Certified and EMT-Paramedic preferences have been given, the applicants remaining on the eligibility list are considered in the order of their test scores. At that time, if the applicant does not meet the qualifications for hire, they will be rejected.

**Qualifications for hire.** Applicants shall, by the time of hire, possess: (1) EMT-Paramedic certification with Texas Department of State Health Services or (2) Certification as Structural Firefighter with Texas Commission on Fire Protection and certification for EMT-Paramedic or EMT-Basic with Texas Department of State Health Services. Applicants who do not meet qualifications will be rejected and the list will be declared exhausted.

CSC 1/29/2021

**9F.02** When submitting such lists as are required under this section, the Director shall break all ties using the following procedure:

- 1) Certified at the paramedic level with the Texas Department of State Health Services.
- 2) Prior firefighting experience as a paid firefighter.
- 3) Experience gained through study in professional areas of expertise as demonstrated by completion of and acquisition of a college degree in a field reasonably related to the work of the fire service.
- 4) The person with the best score on the physical ability test.

**9F.03** All Firefighter applicants must have successfully passed the National Registry examination at the EMT Basic or EMT-Paramedic level prior to being offered employment with the Corsicana Fire Department.

**9F.04** When selecting from the list of eligible candidates for entry level appointment in the Fire Department, the City Manager may give preference to the applicants who are on the fire eligibility list who already possess EMT certification at the paramedic level at the time of hire. This preference shall be stated on all notices and advertising prior to testing. The procedures found in TXLGC 143.026 (c) and (d) shall apply. CSC 4/14/11

**9F.05 (1) PANEL INTERVIEW:** Applicants for beginning positions in the Fire Department will be required to appear before a panel of three Corsicana Fire Department members, consisting of a Fire Captain, Fire Lieutenant and a Firefighter for an oral interview with Civil Service Director or Directors designee in attendance. The interview shall be scored

by each member in an attempt to interpret the general reputation and character of the applicant. An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a firefighter; failure to present the maturity expected of a firefighter; or failure to accurately and precisely respond to the questions of the interviewers. An applicant deemed unsuitable as a result of the Interview Panel or Chief interview will be documented completely.

**(2) CHIEF INTERVIEW:** An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a firefighter; failure to present the maturity expected of a firefighter; or failure to accurately and precisely respond to the questions of the interviewers. An applicant deemed unsuitable as a result of the Interview Panel or Chief interview will be documented completely. CSC 1/29/21

**9F.06** Any applicant who is rehired shall serve a one-year (1 calendar year) probationary period before gaining Civil Service status. During the one-year probationary period, the applicant is an “at-will” employee who can be disciplined and/or indefinitely suspended without cause. Department seniority for internal assignments will begin with the new hire date. Rehired personnel must serve at least three years from rehire date with the department immediately before the date the promotional examination’s held in order to be eligible to take the examination. CSC 10/13/20

### **LOCAL RULE FOR ENTRY LEVEL POSITIONS IN THE POLICE DEPARTMENT ONLY**

**9P.01** The Director may reject any applicant if he or she does not meet the requirements listed in Chapter 143 or listed below:

- 1) The applicant must make application in the manner prescribed in the notice of the examination and must file the application with the Director within the time limits prescribed in the notice of examination.
- 2) Each applicant must meet the minimum qualifications set forth in the published notice inviting applicants to take the exam.
- 3) The applicant must not have made any false statement in any material fact, or practiced, or attempted to practice any deception, or fraud in any part of the application or examination.
- 4) The work history of the applicant must reveal an honest, competent and cooperative employee.



- 5) The applicant must not have been dismissed from the public service for any misconduct, including unauthorized absence from duty, during the five (5) year period prior to the date of examination.
- 6) The applicant must be able to fully account for all periods of unemployment.
- 7) The applicant must have received an honorable discharge from military service, if applicable.
- 8) In accordance with the following requirements of the Texas Commission on Law Enforcement (TCOLE) License 2.17, an applicant for a position in the police department must meet the current minimum standards for licensure thru TCOLE:
  - A) not currently under indictment for any criminal offense;
  - B) have not ever been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;
  - C) have not been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;
  - D) have not been convicted of a family violence offense;
  - E) not prohibited by state or federal law from operating a motor vehicle;
  - F) not prohibited by state or federal law from possessing firearms or ammunition.
- 9) The applicant's driving record must meet the qualifications set forth in the City's Auto Use Policy.
- 10) The applicant must have demonstrated an ability to discharge his/her financial obligations. Applicants who have difficulties with this requirement will be permitted an opportunity to explain the circumstances surrounding the difficulty.
- 11) The applicant must be mentally and physically able to perform the duties of the position which he or she seeks.
- 12) Applicants for positions in the police department must not have used any marijuana within the past two (2) years, or any controlled substances or dangerous drugs (other than prescribed for their use) within the past five (5) years. Any drug use before that period must not have been of a repetitive and/or addictive nature and must be fully explained to the satisfaction of the Director.

CSC 8/21/08

13) The general reputation and character of the applicant shall be closely examined to determine that the applicant is suitable for the position sought, in the judgment of the Director or his/her designee. A history of illegal or disruptive activities or intentions must not be present.

14) Applicants for the position of Police Officer must meet one of the following qualifications:

(A) 1. have thirty hours of college (supported by official transcripts from all colleges/universities);

**Or**

2. have graduated from or is attending a certified academy recognized by the Texas Commission of Law Enforcement (TCOLE)

**Or**

3. have two years of active military service with an honorable discharge

**Or**

4. be a certified Police Officer with TCOLE.

**And,**

(B) Proof of qualifications (documentation) required under section must be provided on or before the cut-off date for applications for the posted examination. CSC 8/21/08

**9P.02 (1) PANEL INTERVIEW:** Applicants for beginning positions in the Police Department will be required to appear before a panel of three Corsicana Police Officers for an oral interview with Civil Service Director or Director's designee in attendance. An average score from all three officers is needed to successfully complete the oral interview. An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a police officer; failure to present the maturity expected of a police officer; or failure to accurately and precisely respond to the questions of the interviewers. An applicant deemed unsuitable as a result of the Interview Panel or Chief interview will be documented completely.

**(2) CHIEF INTERVIEW:** An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a police officer; failure to present the maturity expected of a police officer; or failure to accurately and precisely respond to the questions of the interviewers. An applicant deemed unsuitable as a result of the Interview Panel or Chief interview will be documented completely. CSC 1/29/21

**9P.03** When submitting such lists as are required under this section, the Director shall break all ties using the following procedure:

1) Prior law enforcement experience as a full time, paid peace officer, plus basic certification and licensing by the Texas Commission on Law Enforcement.

2) Certification and licensing by the Texas Commission on Law Enforcement.

- 3) Certification and licensing by another state, if reciprocal.
- 4) Experience gained through study in professional areas of expertise as demonstrated by completion of and acquisition of a degree in an area of study reasonably related to the work of the police department, A Bachelor's degree in Criminal Justice shall have preference over an Associate's degree in a criminal justice related field.
- 5) Currently enrolled in a police academy that will, upon completion enable the applicant to secure certification and licensing by the Texas Commission on Law Enforcement.
- 6) Military Police experience, beyond training, for at least six months.
- 7) Reserve Police in an organized and trained reserve police unit.
- 8) The person with the best score on the physical ability test.

If a tie still persists, by drawing a card from a deck of playing cards.

#### **9P.04 REAPPOINTMENT AFTER RESIGNATION**

The Civil Service Commission wishes to adopted rules to allow a police officer who voluntarily resigns from the department to be reappointed to the department without taking another departmental entrance examination as provided for in the Local Government code 143.0251.

All other State and Local Civil Service rules shall be followed.

- 1) A former sworn officer of the Corsican Police Department who has voluntarily resigned from the department may be re-appointed without taking another Civil Service entrance examination in accordance with all the requirements.
- 2) An application for reappointment must be submitted to the Director of Civil Service within four (4) calendar years of the voluntary resignation date. The application will be on a form provided by the Civil Service Office.
- 3) The applicant will not be accepted for further processing if he/she voluntarily resigned under any Internal Affairs investigation, pending disciplinary action from that investigation or during any appeal period from that investigation or disciplinary action.
- 4) If the Director of Civil Service, accepts the application after consultation with the Chief of Police, the applicant will be placed at the top of the current entrance eligibly list and will remain there until the (5<sup>th</sup>) fifth anniversary of his/her voluntary resignation date, If an opening for an entry level position does not occur within the time allowed the, applicant will be rejected and will be eligible to apply through the normal civil service

process including passing a civil service entrance test.

- 5) Once eligibility has been established, the applicant will be required to successfully complete all of the current hiring process, including, but not limited to a Commission Monitored Physical ability test, a background investigation, oral review board and a polygraph. After reviewing the background investigation and the results of the oral review board, the Chief of Police may forward a waiver of the polygraph to the Director.
- 6) Should we have more than one pending application for re-appointment, they will be placed on the list in the order of the date each applicant requested reappointment.
- 7) If the applicant successfully completes the hiring process as set forth above, the Director of Civil Service shall submit the name of said applicant for appointment, to the Chief Executive (City Manager), to the rank of "Recruit II".
- 8) Should an applicant be passed over, the Chief Executive (City Manager) shall follow the procedure set forth in the Local Government Code 143.026.
- 9) The amount of retraining and length of time shall be determined by departmental policy.
- 10) Any applicant who is rehired shall serve a one-year (1 calendar year) probationary period before gaining Civil Service status. During the one-year probationary period, the applicant is an "at-will" employee who can be disciplined and/or indefinitely suspended without cause. Department seniority for internal assignments will begin with the new hire date. Rehired personnel must serve at least three years from rehire date with the department immediately before the date the promotional examination's held in order to take the examination. CSC 1/29/21
- 11) Applicants reappointed under 143.0251, are not required to meet the age requirements found in 143.023. The physical requirements and examinations found in 143.022 do apply. CSC 8/21/08

## **9P.05 LATERAL ENTRY POLICE**

Police Officer Lateral Entry Program Requirements:

- 1) Applicants must have had paid, full-time, experience, as a certified peace officer with a comparable law enforcement agency as approved by the Chief of Police. The applicant applying for lateral entry must have been in a position where he or she had the authority to enforce laws, had the authority to investigate crimes, make arrests, respond to calls-for-service, been required to carry a firearm, and used discretion as part of their assigned duties.
- 2) Applicants must have been employed as peace officers with the past 18-months and left their agency in good standing.

- 3) Prior service will be calculated based upon service with any one entity. Partial years service with different entities will not be added together to make a full year or years.
- 4) Applicants from agencies smaller than Corsicana Police Department will have their prior experience evaluated and if comparable will receive .5 years for every year of experience with agency.

*Example:* An officer who worked for a small city (say 2,000 population) for 6 years prior to applying with the CPD would be eligible, if hired, to receive Seniority Step 1 (3 years) pay.

- 5) In calculating the number of prior years experience an applicant is entitled to, his or her prior service shall be rounded down to the next full year.
- 6) Applicants must have a current TCOLE law enforcement license.
- 7) Applicants must meet all Corsicana PD hiring requirements and have satisfactorily completed all entry-level testing, examination, background investigation, and reviews according to local Civil Service Rules.
- 8) The base salary for an applicant approved for Lateral Entry Program will be at the Recruit II level. The applicant approved for Lateral Entry would also receive the appropriate seniority step based on the number of previous years experience accepted will be two, with the maximum being nine years (9<sup>th</sup> year on the Seniority Step Plan).
- 9) No rank will transfer.
- 10) An applicant approved for the Lateral Entry Program will be eligible to receive any certification, assignment and education pay for which they might qualify.
- 11) A lateral entry officer will serve a twelve (12) month probationary period.
- 12) Seniority within the department will be based on the date of hire within the department. No credit for prior service outside the department will be granted for seniority purposes.
- 13) Longevity pay is calculated on the amount of service with the City of Corsicana. Lateral entry shall have no affect on longevity pay.
- 14) This policy shall be in full force and effect immediately upon the adoption of this rule change. Any officer hired within nine years of this rule adoption whose pay would have been increased as a result of the terms of this rule change shall immediately receive the benefit of this rule change.
- 15) Participation in the Lateral Entry Program must have the approval of the Chief of Police.

**9P.06** When selecting from the list of eligible candidates for entry level appointment in the Police Department, the City Manager may give preference to the applicants who are on the police

eligibility list who are already a certified Police Officer with TCOLE at the time of hire. This preference shall be stated on all notices and advertising prior to testing. The procedures found in TXLGC 143.026 (c) and (d) shall apply. CSC 4/14/11

**CHAPTER TEN**  
**PHYSICAL AND MENTAL FITNESS OF APPLICANTS  
AND EMPLOYEES**

- 10.01** The commission finds that the physical and mental fitness of all classified employees is of significant importance to the City and the commission.
- 10.02** Accordingly, when the head of the department or employee questions whether a Firefighter or police officer is sufficiently physically and/or mentally fit to continue his or her duties, the employee shall submit a report from his or her personal physician, psychiatrist or psychologist, as appropriate, to the commission and the head of the department.
- 10.03** If the commission, the head of the department, or the employee questions the report provided by the employee's personal physician, psychiatrist or psychologist, the commission shall appoint another physician, psychiatrist or psychologist, as appropriate, to examine the employee and to submit a report to the commission, to the head of the department, and to the employee.
- 10.04** If the appointed physician's, psychiatrist's or psychologist's report disagrees with the report of the employee's personal physician, psychiatrist or psychologist, the commission shall appoint a board of three (3) physicians, psychiatrists or psychologists, as appropriate, to examine the employee. Their findings as to the employee's fitness for duty shall determine the issue.
- 10.05** A member who has not been certified for duty shall be subject to removal from the classified service. Such removal may be voluntary or involuntary.
- 10.06** The cost of the services of the employee's personal physician, psychiatrist or psychologist shall be paid by the employee. All other costs shall be paid by the City.
- 10.07** If the employee fails or refuses to submit a report, then the commission may require an examination, at the expense of the City, by a physician, psychiatrist or psychologist, as appropriate. The employee may disagree with the report of the physician, psychiatrist or psychologist so appointed, and thereafter submit his/her own report. If the reports differ, the procedures outlined in Section 10.04 shall be followed.

## **CHAPTER ELEVEN**

### **PROMOTION**

- 11.01** All persons who are selected for promotion and who accept promotional advancement shall be required to take an appropriate physical examination, which shall include a drug screen, and a mental examination, prior to appointment, to be given by a physician, psychiatrist or psychologist appointed by the commission and paid by the City of Corsicana. In the event of rejection, the person may follow the procedure described with regard to physical examinations in Chapter Ten of these rules. CSC 1/30/08
- 11.02** Promotional examinations under these rules shall be administered in accordance with the provisions of Chapter 143. Eligibility for promotion and to take a promotional examination shall be determined by the relevant provisions of Chapter 143.
- 11.03** For purposes of determining years of service as they relate to eligibility for promotion and seniority: 1) all complete years worked by a member of the fire or police departments for the City shall be considered in computing seniority; 2) prior service with the City does not count toward meeting the two (2) year requirement established in 143.030 (b) and (e) when computing eligibility. A fire or police officer rehired is not given credit for prior service to determine eligibility to take a promotional examination. CSC 10/13/20
- 11.04** Each promotional examination shall be competitive. The commission has determined that for an examination to be competitive, at least three (3) persons must actually take the examination and attempt to secure the promotion.
- 11.05** Notice of all promotional examinations shall be posted not later than 35 days prior to the date selected for the examination. The sign-up period shall remain open for a minimum of 30 calendar days. The cut-off date for sign up must allow for at least one business day to pass before the date of the test. CSC 2/12/09
- 11.06** If a competitive examination cannot be administered because of a lack of applicants, then the commission shall have the power to take such actions as are authorized in Chapter 143 to secure a larger pool of eligible promotional candidates.
- 11.07** The notice shall state the date, time and place for the examination. The notice shall state the deadline for an eligible promotional candidate to apply. The notice shall also contain such other information as may be deemed appropriate by the commission, or that is required by the provisions of Chapter 143.
- 11.08** All examinations administered under the provisions of these rules shall be conducted in a manner that is consistent with the provisions of Chapter 143. Within 24 hours of the end of an examination, the director shall post the final results of the examination in the main lobby of the Corsicana Government Center. Raw scores shall be posted in accordance with Chapter 143.



- 11.09** The grade that must be placed on the eligibility list for each police officer or fire fighter shall be computed by adding the applicant's points for seniority to the applicant's grade on the written examination, but for a fire fighter applicant only if the applicant scores a passing grade on the written examination. All police officer applicants who receive a grade of at least 70 points shall be determined to have passed the examination and all fire fighter applicants who receive a grade on the written examination of at least 70 points shall be determined to have passed the examination. Points will be added at the rate of one (1) point for each year's service, up to a total of ten (10) points. CSC 10/31/16
- 11.10** As per TXLGC 143.034 promotional candidates shall have five (5) business days after the date of the test to review and file an appeal with the Commission. The five days start the first business day after the date of the test. Individual candidates should contact the Director to arrange an appointment to review their test. An appeal for a review of the test by the Commission must include the specific question numbers being challenged. The examination and/or parts of the examination may not be copied or removed from the Director's office. The Director or his/her designee shall monitor each requesting employee's review of his/her examination. Prior to reviewing the exam, the candidate must read and sign CSC form REQUEST TO REVIEW A PROMOTIONAL EXAM. Only the individual candidate may review their test. CSC 1/30/08
- 11.11** When a vacancy occurs in any promotional position within the fire or police departments, the head of the department shall notify the commission, through the director, in writing, of such fact.
- 11.12** All vacancies in promotional positions shall be filled according to the provisions of Chapter 143. The commission, or the director acting on its behalf, shall submit all names on any promotional lists, until the list is exhausted or all names have been removed by operation of law. The fact that only one (1) or two (2) names are on, or remain on, a list shall not prevent such names from being submitted to the department head for consideration of appointment.
- 11.13** All promotional eligibility lists shall be in effect for one (1) year or until all names have been submitted or removed from the list. When a list has been exhausted, the commission shall cause a new list to be created by the scheduling of an appropriate promotional examination. The commission intends that there shall be eligibility lists for each position in the fire and police departments at all times, to the extent possible. The commission may, by order, elect not to maintain lists in positions where the likelihood of a vacancy is not anticipated. Vacancies in the fire and police departments will be filled in a timely manner, as directed by the provisions of Chapter 143.
- 11.14** If a new classification is created under the procedures of Chapter 143 and these rules, such position shall be filled only as a result of examination held in accordance with Chapter 143 and these rules. In the event that there shall be approved a position to be filled by appointment by the department heads, under Section 143.014, then these provisions shall not apply to that vacancy. Appointments under Section 143.014 are covered in Chapter Five of these rules.

**11.15** A written request by a Firefighter or police officer who occupies the highest position on an existing eligibility list, addressed to the head of the department, asking to be passed over for promotional appointment to a vacant position, shall constitute a valid reason for the head of the department to reject such person for appointment. When such a statement is received, the name of the Firefighter or police officer shall remain on the promotional eligibility list in its original position. If a person is passed over for appointment at his/her request, the head of the department shall file a written statement to that effect with the commission, together with a copy of said request. Any such person who is passed over at his/her own request shall gain no additional rights or preference to any future duty assignment as a result of the action of the head of the department in passing over the Firefighter or police officer at his/her request.

**11.16** Other valid reasons for Passover shall include:

- a) inability to perform duties as a result of physical, emotional, psychological or other conditions;
- b) prior job experience which uniquely qualifies another person to be appointed ahead of the person passed over;
- c) educational training that uniquely qualifies another person to be appointed ahead of the person passed over;
- d) a recent history of corrective/disciplinary action;
- e) pending criminal charges;
- f) pending disciplinary action;
- g) disruptive actions by the person proposed to be passed over that are detrimental to the effective operations of the department; and
- h) such other reasons as may be asserted by the department heads of the fire and police departments subject to review by the commission.

**11.17 TIE-BREAKERS ---** All ties shall be broken in the Civil Service Office, by the Director, upon verification of all candidates' personnel documents whenever two (2) or more candidates make the identical total final scores (including seniority points). The following procedures will be used, in the order listed, to break the tie and determine order of placement on the promotional eligibility list:

- a) **HIGHEST RAW SCORE:** If a tie exists, the candidates shall be ranked in the order according to which candidate had the highest examination raw score prior to the addition of seniority points.
- b) **CERTIFICATION:** If a tie still exists, the candidates shall be ranked in order to which candidate has the highest certification level, if any.

**i. Fire Certifications Considered**

- a. Intermediate Firefighter
- b. Advanced Firefighter
- c. Master Firefighter

**ii. Police Certifications Considered**

- a. Intermediate Peace Officer
- b. Advanced Peace Officer
- c. Master Peace Officer

- c) **SENIORITY IN RANK:** If a tie still exists, the candidates shall be ranked in the order according to which candidate has the most recent continuous seniority in the position immediately below the position for which the examination was given.
- d) **DATE OF HIRE:** Those persons shall be listed in the order according to which person has the most seniority with the Department in the capacity of a paid police officer or fire fighter.

CSC 1/27/15

**CHAPTER TWELVE**  
**ALTERNATIVE PROMOTIONAL SYSTEM**

**THIS CHAPTER WAS DELETED BY ACTION OF THE CIVIL SERVICE  
COMMISSION ON OCTOBER 16, 2003**

## **CHAPTER THIRTEEN**

### **SOURCE MATERIALS**

- 13.01** The commission shall, from time to time, as the need arises, because to be determined the source materials for the various examinations, administered by the commission, to create eligibility lists, for the purpose of identifying suitable candidates for promotion to the various ranks of the fire and police departments.
- 13.02** Such materials shall be selected by the commission or the director, as determined by the commission. The commission or the director may enlist the aid of such experts and other experienced persons and entities as they may deem necessary and appropriate. The director may use the resources of the fire and police departments to establish the lists of source materials created under the authority of this section.
- 13.03** Lists of study materials will be maintained and posted by the director. Such lists shall be posted for each examination administered by the commission. Such list shall be posted at least 91 days prior to the date of any promotional examination.
- 13.04** The source materials shall be subject to review and approval by the heads of the fire and police departments. Such materials will be of reasonably current publication and be reasonably available to all members of the fire and police departments.
- 13.05** To ensure compliance with TXLGC 143.029 (a) the Director shall maintain a current posting of all source materials to be used for promotional examinations with in the Fire and Police Departments.
- A) During the first ten (10) days of each calendar year the Director shall confer with the Chiefs of each Department as to their opinion for continuing to use the currently posted source material.
  - B) If no change in material is suggested then the source material shall be posted in appropriate locations with a notation that it shall remain up for the calendar year.
  - C) If a change in material is suggested, the Commission shall consider the change at its next scheduled meeting.
  - D) The Commission may change the source material at any time during the year.
  - E) Civil Service employees may submit suggestions for source material to the Civil Service Commission at any time during the year.
  - F) Source materials will not change while there is a currently posted examination notice.

CSC 1/30/07

- 13.06** When there is a currently posted promotional exam, candidates who have registered their intent to take the exam with the Civil Service office will be given priority access to city owned source materials. CSC 09-30-09

## **CHAPTER FOURTEEN** **COMPENSATION**

- 14.01** The commission finds that the provisions of Chapter 143, relating to the assigning of uncompensated duty as discipline, are not available for utilization by the department heads because to do so would create an irreconcilable conflict between that practice and the federal Fair Labor Standards Act.
- 14.02** The commission shall have no authority to set the rate of compensation of any employee of the fire or police department.

## **CHAPTER FIFTEEN** **DISCIPLINARY ACTIONS**

### *Subchapter A: General*

**15.01** No Firefighter or Police Officer shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for removal from the service or suspension of a Firefighter or police officer:

- (a) Conviction of a felony or other crime involving moral turpitude;
- (b) Any violation of the provisions of the Charter of the City of Corsicana;
- (c) Acts of incompetence;
- (d) Neglect of duty;
- (e) Discourtesy by said employee to the public or to fellow employees while said employee is in the line of duty;
- (f) Acts of said employee showing a lack of good moral character;
- (g) Drinking of intoxicants while on duty, or intoxication while off duty;
- (h) Conduct prejudicial to good order;
- (i) Refusal or neglect to pay just debts;
- (j) Absence without leave;
- (k) Shirking duty or cowardice at fires;
- (l) Violation of any of the rules and regulations of the fire department or police department, or of special orders, as applicable.

**15.02** Ignorance of the rules and regulations or special orders of the fire department or the police department shall not be an excuse for their violation.

**15.03** Notice shall be served as required under the provisions of Chapter 143.

**15.04** Whenever a Firefighter or Police Officer appeals a temporary suspension, the employee shall have a right to an open public hearing. At the conclusion of all the evidence, the commission may deliberate upon the matter in executive session. The commission shall vote in open session. The commission may affirm the department head's action, reduce the suspension or reverse the suspension and order the Firefighter or Police Officer returned to work, with full

benefits restored, at once. The commission does not have jurisdiction to hear any disciplinary matter unless the aggrieved employee appeals in a timely manner.

- 15.05** In accordance with Chapter 143, all hearings held under the provisions of these rules shall be conducted in accordance with the rules of procedure adopted by the commission. Such rules of procedure shall control as to all matters before the commission. If the rules of procedure do not address an issue, then the commission shall rely upon the provisions of Chapter 143. If the issue remains unresolved, the commission may adopt such procedures as deemed necessary, in the sole discretion of the commission, to resolve the disputed matter. These rules shall also apply in the event a hearing examiner is selected to hear the appeal, provided that in no event may a hearing examiner adopt any rule or procedure without the express written concurrence of the commission.
- 15.06** All correspondence with the Commission, including a written appeal as found in 143.052 (d) shall be delivered to the Director of Civil Service, in the Commission Office, City of Corsicana, 200 North 12<sup>th</sup> Street, Corsicana, Texas. Should the Director be unavailable, follow local rule 4.04, if necessary, request assistance from the Human Resource Office or the City Managers Office in contacting the Chairman. CSC 1/30/07
- 15.07** The Civil Service Commission finds that the ten days in 143.052 (d) is 240 hours from the time and date when the letter is delivered to the effected fire fighter or police officer. If no time is documented on the letter, the time shall start at 12:01 AM on the day following the date on the letter. Should the ten days end at the time that the City of Corsicana is not open for business the Commission extends the time until 3PM on the first day the City is open for business following the 240-hour period. CSC 1/30/07
- 15.08** When an appeal to the Commission is received by the Director, the Director;
- (a) Shall make note of the time and date the appeal was received.
  - (b) Shall immediately notify the members of the Commission of its receipt.
  - (c) Shall confer with the Chairman to review the request to insure that is in proper form.
  - (d) Shall notify City Management of the pending hearing and request priority consideration for room assignments necessary to complete the hearing in the allowed time frame.
  - (e) Shall work to make sure the Commission is prepared to meet the time obligations called for in 143.053 (b). CSC 1/30/07

### ***Subchapter B: Disciplinary Suspensions***

- 15.10** The heads of the fire and police departments are authorized to temporarily suspend any



Firefighter or police officer for violation of departmental rules, for a reasonable period, not to exceed fifteen (15) calendar days. Such suspension shall be made in the manner provided and in accordance with Chapter 143. The failure of the department head to comply with any of the provisions of Chapter 143 shall result in the restoration of the Firefighter or police officer so suspended.

### ***Subchapter C: Demotions***

**15.20** Whenever the head of the fire or police departments desires to demote a member of the department, such demotion shall be recommended by the department head to the commission in a manner consistent with Chapter 143. The commission shall consider such request from the department head, as provided by Section 143.054. The rules of procedure adopted by the commission shall apply in any proceeding held by the commission relative to a requested demotion.

**15.21** In the event that a Firefighter or Police Officer shall voluntarily request to be demoted, the commission will grant such request when the following conditions have been satisfied:

- a) The request to demote is voluntary;
- b) The request to demote is recommended by the department head;
- c) The requesting Firefighter or Police Officer has submitted a written request, signed by the employee, and witnessed by at least one other department member, not in the chain of command of the requesting employee;
- d) The requesting employee is advised, in writing by the City of the effect that such demotion will have upon his/her salary and benefits;
- e) The requesting employee is afforded an opportunity to address the commission relative to the request, before action is taken;
- f) The requesting employee may waive items d and e above; such waiver must be in writing; and
- g) The commission determines that all the above requirements have been met.

**15.22** An employee who requests and is allowed to voluntarily demote shall not be penalized, discriminated against or harassed in any way by the commission, the department head, or any member of the department of the demoting person, because of such voluntary demotion.

### ***Subchapter D: Indefinite Suspensions***

**15.30** The heads of the fire and police departments are authorized to indefinitely suspend any Firefighter or Police Officer for violation of departmental rules. Such suspension shall be made in a manner and in accordance with Chapter 143. The failure of the department head to

comply with any of the provisions of Chapter 143 shall result in the restoration of the Firefighter or Police Officer so suspended.

- 15.31** Notice shall be served as required under the provisions of Chapter 143. A copy of the notice of indefinite suspension shall be served upon the employee under the authority of the department head. The notice served upon the employee may not be amended, but with the consent of the commission, typographical and non-substantive clerical errors may be corrected.
- 15.32** In the event that a department offers an employee a suspension of from sixteen (16) to ninety (90) days, in lieu of an indefinite suspension, and the employee shall have accepted that offer, the commission has no jurisdiction to hear any appeal arising out of or relating to such offer and acceptance thereof, or the disciplinary action which serves as the basis of such offer.
- 15.33** Whenever a Firefighter or Police Officer appeals an indefinite suspension, the employee shall have a right to an open public hearing. At the conclusion of all the evidence, the commission may deliberate upon the matter in executive session. The commission shall vote in open session. The commission may affirm the department head's action, reduce the suspension or reverse the suspension and order the Firefighter or Police Officer returned to work, with full benefits restored, at once. The commission does not have jurisdiction to hear any disciplinary action, unless the aggrieved employee appeals.
- 15.34** All hearings held under the provisions of these rules shall be conducted in accordance with the rules of procedure adopted by the commission. Such rules of procedure shall control on all matters before the commission. If the rules of procedure do not address an issue, then the commission shall rely upon the provisions of Chapter 143. In the event that the issue remains unresolved, the commission, in its sole discretion, may adopt such procedure as they deem appropriate. A hearing examiner, sitting for the commission, may not adopt such a procedure, and must refer the controversy to the commission for resolution. These rules shall also apply in the event a hearing examiner is selected to hear the appeal.
- 15.35** Any member of the fire department or police department whose employment with the City of Corsicana is indefinitely suspended through a final order for any reason shall automatically lose any rights and privileges under these rules and regulations and Chapter 143.
- 15.36** The commission intends that as many such disputes as can be, should be resolved by the utilization of the internal procedure of the fire and police departments. The commission will not hear any matter that has not arisen as a result of adverse action taken against an employee.
- 15.37** "Adverse action" is some form of formal action or harm subject to objective determination or quantification and analysis, such as loss of employment, wages, rank, etc. An appealing employee must establish upon appeal that adverse effect has occurred to him/her.
- 15.38** Employee dissatisfaction because of transfer, reassignment, discretionary policy decisions or

policy matters is not and shall not constitute a basis for appeal to the commission.

- 15.39** Letters of reprimand shall not be subject to appeal to the commission.
- 15.40** The only matters which may be appealed to a third-party hearing examiner are an indefinite suspension, temporary suspension, a promotional Passover or a recommended demotion. These and other matters, as provided by Chapter 143, may also be appealed to the commission.
- 15.41** All proceedings under these rules shall be conducted in accordance with these rules. Any notice of appeal to the commission or a hearing examiner shall comply strictly with the provisions of Chapter 143, relating with the timeliness and contents of such notice. The notice of appeal must contain all the issues to be raised at the hearing. The notice of appeal must be delivered to the director or his/her designee. Issues not contained in the notice of appeal may not be heard by the commission.
- 15.42** The director shall coordinate the exchange of information between the parties after the notice of appeal is timely received and determined to meet all the necessary requirements of Chapter 143 and these rules.
- 15.43** The parties shall promptly provide all information intended to be used by each party and witness lists within ten (10) days prior to the hearing to each other. The failure to provide such information may operate to bar the party proffering from using the evidence or the witness, unless good cause for failure to comply with this rule is presented. The commission shall determine whether good cause exists. Exhibit and witness lists shall be exchanged through the director ten (10) days prior to the hearing. Failure to exchange such lists may result in the commission disallowing such witness or exhibit.
- 15.44** The failure of a party to appear and timely attend a scheduled appeal hearing shall not prevent the commission from proceeding to convene the hearing, receive evidence and conclude the hearing, by resolving the issues on appeal.
- 15.45** Each party to a hearing shall be entitled to have one representative appear and speak for them before the commission or hearing examiner. Representatives shall conduct themselves in accordance with these rules and give their best efforts to resolve all proceedings smoothly, expediently and fairly. The representatives of the parties shall use their best efforts on behalf of their party, and shall remain business-like and focus on the factual issues that have been raised in the notice of appeal. Representatives shall keep their presentations brief and to the point, avoiding unnecessarily long and/or repetitive evidence, and shall not attempt to introduce any matters not raised in the notice of appeal.
- 15.46** The commission is committed to providing neutral, fair and equitable complaint resolution procedures. All parties are directed to cooperate with the commission and one another to achieve such goals. Any problems or questions regarding these rules and procedures that arise between the parties shall be referred to the director for resolution.

**15.47** The Texas Rules of Civil Procedure, Texas Rules of Criminal Procedure and all other court rules regarding what is commonly known as discovery shall not apply to proceedings under these rules. Each party shall be entitled to receive from the other any and all documentary evidence that will be used in the hearing. The appealing employee shall be entitled to a complete copy of the investigation and supporting documents, prepared by the department head or at his/her direction. Each party shall be entitled to any and all information possessed by the other party that is classed as a personnel file. An employee so requesting must provide all necessary releases before such information may be released.

**15.48** An employee bringing an appeal before the commission may request the commission to subpoena any books, records, documents, papers, accounts, or witnesses that the employee considers pertinent to his or her case. The request to have materials subpoenaed must be made at least ten (10) days before the date of the hearing.

**15.49** The chairperson of the Civil Service Commission is authorized to act on behalf of the commission in issuing subpoenas for appeals. If the chairperson chooses not to subpoena a requested item, the Chairperson will make a written report, prior to three (3) days before the appeal hearing, to the fire fighter or police officer, stating the reason the requested material will not be subpoenaed. If the commission, or the chairperson, does not subpoena the requested material, and, at least three (3) days prior to the hearing date, has made a written report to the employee stating the reason that the requested material was not subpoenaed, this report shall be read into the public records of the commission hearing. If any of the procedures set out above are not complied with, the commission shall consider the issue before hearing the appeal. The commission may entertain another request to subpoena the requested materials at the hearing, if it believes that fundamental fairness requires such reconsideration. If the commission reconsiders the request and orders the subpoena issued, the hearing may be continued for no more than five (5) days to allow for compliance with such subpoena.

**15.50** Hearings will be promptly scheduled. The purpose of the hearing is to provide a fair and impartial review of the department head's actions. Disciplinary appeals shall not be conducted as formally as a trial court proceeding. The appeal shall be conducted as a review of a previous administrative decision. The commission shall render a decision based solely upon the evidence presented at the hearing. The commission will consider only evidence that is directly relevant to the disputed issues. This evaluation of the evidence shall be the sole province of the commission (or hearing examiner).

**15.51** The hearing entity shall:

- a) Resolve any factual (not legal) conflicts or ambiguities which may exist;
- b) Determine whether the department's disciplinary action is free from taint or any personal animosity;

- c) Determine whether the disciplinary action is reasonably supported by facts which had occurred prior to the time the disciplinary action was imposed; and
- d) Determine the overall fairness and reasonableness of the department's action and that it is in substantial compliance with the provisions of Chapter 143.

**15.52** The Chairman of the commission shall preside over all hearings. The commission shall attempt to resolve all preliminary issues before opening the hearing. The opening of the hearing will begin the evidence. The City shall present the statement of charges against the employee. Such other matters as have been stipulated to shall be presented at this time. Thereafter, the employee shall be called upon to respond to the statement of charges. The employee may respond as "true" or "not true". If the employee responds as "true", then the only issue is punishment. Evidence may be presented on the factual issues and punishment issues in this type of hearing. If the employee responds "not true" to any or all issues, the commission shall hear all evidence on such points. All charges not specifically denied by the employee shall be presumed to be correct and true.

**15.53** The proceedings will open with the City's presentation, followed by the employee. Thereafter, the City may respond to the employee's presentation. Throughout the proceedings, the commission may ask their own questions, as needed.

**15.54** All witnesses shall be sworn by the commission and be subject to reasonable cross-examination. Witnesses may be placed under the "rule" at the request of either party.

**15.55** The commission shall exercise control over the proceedings to be sure that an effective assessment of the truth is made of only the issues before the commission, in as brief a manner as possible, and without the harassment or undue embarrassment of any witness. Only evidence relevant to the issues before the commission shall be heard. The commission shall control the length of time expended during the hearing, when such hearing shall commence, recess and adjourn.

**15.56** At the end of all evidence, the parties shall be permitted an opportunity to make a closing summation. The City shall have the right to open and close, and all summations shall be limited to a total of ten (10) minutes for each party.

**15.57** After deliberation in executive session, if necessary, the commission shall announce its decision by vote in open public session. A written order reflecting the votes shall be prepared by the director and entered, after signature, into the records of the commission.

**15.58** All evidentiary rulings shall be made by the commission. The commission is not required to apply to the technical rules of evidence, but rather may rely upon evidence that is used by reasonable people in the conduct of their business and private affairs. The commission may receive into evidence affidavits, stipulations and other evidence to which it shall assign the appropriate weight. All evidence and testimony shall be presented and received into the record while in open session in the presence of the commission and all of the parties and

their representatives, except where a party is in default, is absent or has otherwise waived the right to be present.

**15.59** The commission shall determine:

- a) Does just cause exist?
- b) Was due process afforded?
- c) Was the disciplinary action reasonable?
- d) Is a reinstatement or reduction compelled by the evidence presented by the employee?

**15.60** The commission shall apply the following standards of review:

- a) Did the employee have notice of the standard of conduct allegedly violated?
- b) Was the rule, etc., reasonably related to the orderly, efficient and safe operation of the City?
- c) Did the department investigate?
- d) Was the investigation fair and objective?
- e) Does the department's investigation support the action?
- f) Is the disciplinary action consistent with past actions?
- g) Were the allegations discussed with the employee by the department head prior to formal action being taken against the employee?
- h) Did the employee have an opportunity to respond?
- i) Did the employee present any contrary or mitigating evidence?
- j) Was the degree of discipline reasonably related to the seriousness of the conduct, the employee's record, the City's needs to maintain order and high standards and the needs of the City to deter similar events in the future?

**15.61** The department must establish by a preponderance of the evidence that the charges brought by the department head are sustained and established and that the punishment is commensurate with the acts alleged and proven. The commission shall not require the department head to use or employ progressive discipline. The establishment of a prima facie case by the City shall place and/or shift the burden to the employee to present evidence to cause the commission to find otherwise. The past practices of the department shall not be controlling as to any future actions. Such pattern by the department may be considered as

mitigation or justification.

- 15.62** The commission shall enter a written order disposing of all issues presented to the commission. Such order shall resolve all matters then pending before the commission with regard to the appealing employee. The commission shall find the charges "TRUE" or "NOT TRUE". The order of the commission shall set the disciplinary action to be imposed. A copy of the order will be served on both parties and filed with the director. The order will indicate any reason for modification of the department head's action.
- 15.63** Should an appealing employee request a third-party hearing examiner the Civil Service Director shall follow the procedures set forth in TXLGC 143.057(d) and request seven qualified neutral arbitrators as defined in the law. The appealing employee shall make the first strike from the list of seven (7). Cost for witnesses and exhibits will be paid by the party incurring same. The fees and expenses of the hearing examiner shall be shared equally by the parties. CSC 1/24/2012
- 15.64** In the event that a third-party hearing examiner is requested by an appealing employee, there shall be no deviation from the commission's rules and procedures. The form, substance and procedure of the hearing will remain unchanged due to the appointment of the hearing examiner. A person who is selected as a hearing examiner shall have only the authority of the commission and no other authority. The third-party hearing examiner shall have no rule-making or rule-changing authority. The hearing examiner shall be only a fact finder, and shall be bound by the law and prior interpretations thereof. The hearing examiner shall never substitute his/her personal judgment on any issue arising on appeal. The hearing examiner shall only determine whether sufficient evidence, as hereinbefore provided, exists to support the charges, and whether all procedural requirements have been satisfied.
- 15.65** No employee or representative thereof or department head shall attempt to contact the hearing examiner at any time prior to the hearing. All communications shall be handled through the director or his/her designee only.
- 15.66** The hearing examiner shall have the power of the commission, except as otherwise provided by these rules. Any hearing examiner appointed under these rules must comply with all provisions of these rules. The failure or refusal of a hearing examiner to comply with these rules will empower the commission to remove the matter from before the refusing hearing examiner and reschedule the hearing before another hearing examiner.
- 15.67** A Firefighter or Police Officer indefinitely suspended will receive pay for accumulated sick leave only after all appeals are final.

## **CHAPTER SIXTEEN** **CRIMINAL OFFENSES**

**16.01** A member of the fire or police department who is charged with a criminal offense shall be subject to discipline by the department head. The provisions of Section 143.056 shall be employed, if the need arises, to delay the proceedings under these rules.



## **CHAPTER SEVENTEEN**

### **LEAVE PROVISIONS**

- 17.01** Leaves of absence shall be considered by the commission, only under the authority granted the commission by Section 143.071.
- 17.02** The commission will make no rules that infringe upon the right of an employee to appear before or petition the Legislature of the State of Texas or the Congress of the United States of America.
- 17.03** The commission shall consider all requests for military leave in a manner consistent with Section 143.072.
- 17.04** Sick leave shall be awarded and utilized in a manner consistent with Chapter 143.
- 17.05** An employee who departs from the service of the City of Corsicana, except because of a retirement, resignation or separation based upon medical reasons, shall be paid for his/her accumulated sick leave, but in no event shall he/she be paid for more than ninety (90) days of accumulated sick leave, without regard to the total amount of sick leave accumulated.
- 17.06** No limit shall be placed upon the payment of sick leave for an employee who leaves the classified service for medical reasons, which are job related and render him/her incapable of performing his/her duties in the future.
- 17.07** The fire department and police department shall provide injury leaves of absence and line of duty illness leaves of absence for firefighters and police officers with full pay for periods of time commensurate with the nature of the line of duty illness or injuries for at least one (1) year of leave time, to be used at any time, after the injury or illness occurs, as needed because of such illness or injury.
- 17.08** If there are no pension benefits available, and no extension by the City Council of such leave of absence at full or reduced pay is allotted to an employee who is temporarily disabled by a line of duty injury or illness, and the year's leave at full pay and any previous extensions which may have been granted have expired, the employee may use accumulated sick leave, vacation time, and other accrued benefits before being temporarily placed on leave without pay.
- 17.09** If an employee is temporarily disabled by an injury or illness not related to the employee's line of duty, the employee may use all sick leave, vacation time and any other time the employee may have accumulated, before being placed on temporary leave without pay.
- 17.10** After recovery from a temporary disability, a Firefighter or Police Officer shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave. Another Firefighter or Police Officer may voluntarily do the work of an injured or ill Firefighter or Police Officer until he/she returns to duty.

- 17.11** A Firefighter or Police Officer who has recovered from a disability, for which said person had been receiving a monthly disability pension, shall, with the approval of the commission and if otherwise qualified, be eligible for reappointment to the classified position that he/she held as of the date that he/she qualified for a monthly disability pension.
- 17.12** Proof that injury occurred in the line of duty shall be established to the satisfaction of the department head, prior to approval of any such leave of absence.
- 17.13** Vacations shall be accumulated and utilized in a manner consistent with Section 143.046.

## **CHAPTER EIGHTEEN**

### **MISCELLANEOUS PROVISIONS**

#### ***Subchapter A: Efficiency Reports***

- 18.01** On forms subject to review by the commission, the heads of the fire department and police department may semi-annually evaluate the performance and efficiency of each classified employee of the fire and police departments. The efficiency reports shall reflect the actual performance of classified employees. These reports will be sent to the Director on the last working day of January and July.
- 18.02** Valid performance or efficiency standards may be established in each classified rank and position by the department heads. These standards are subject to approval by the commission. After approval, the standards shall be provided to all persons to whom they will be applied.
- 18.03** The immediate supervisor or supervisors shall evaluate each Firefighter and Police Officer. Such evaluations are subject to the head of the department's approval or disapproval.
- 18.04** The heads of the fire and police departments shall submit such reports to the commission.
- 18.05** The office of the Director shall send a copy of each Firefighter's or police officer's report to him/her.
- 18.06** The director shall maintain the efficiency reports in the personnel file of the individual employee.
- 18.07** Any Firefighter or Police Officer dissatisfied with his/her efficiency report, shall be entitled to the remedies provided in Section 143.082.

#### ***Subchapter B: Reduction in Force***

- 18.10** In the event that any position in the fire department or police department is vacated or abolished by ordinance of the City Council, the classified employee holding such position shall be demoted to the position next below the position so vacated or abolished; provided that when any position or positions of equal rank may be abolished or vacated, the employee or employees with the least seniority in the said rank shall be the one or ones who are demoted.
- 18.11** In the event that it thereby becomes necessary to demote an employee or employees to the position next below the position so vacated or abolished, such employee or employees as are involuntarily demoted under this section shall be placed on a position reinstatement list in order of their seniority.

- 18.12** If any such position so vacated or abolished is filled or re-created within one (1) year, the reinstatement list for such position shall be exhausted before any employee, not on such list, is promoted to such position.
- 18.13** Promotions from the position reinstatement list shall be in order of seniority.
- 18.14** In the event positions in the lowest classification are abolished or vacated, and it thereby becomes necessary to dismiss employees from the department, the employee with the least seniority shall be dismissed, but such employees as are involuntarily separated from the department, under this section, shall be placed on a reinstatement list in order of their seniority. The reinstatement list shall be exhausted before appointments are made from the eligibility list. Appointments from the reinstatement list shall be in the order of seniority. Those who shall have been on any such reinstatement list for a period of three (3) years shall be dropped from such list but shall be reinstated upon request from the commission, if such person continues to meet the minimum requirements to perform the duties of a Firefighter or police officer.

### ***Subchapter C: Political Activity and Strikes***

- 18.20** The commission or the municipality's governing body may not restrict a Firefighter's or Police Officer's right to engage in any political activity, except as provided in section 143.086.
- 18.21** No other limitations will be imposed by the commission.
- 18.22** Section 143.087 prohibits a Firefighter or Police Officer from engaging in any strike against the department by which they are employed. Any such employee who has been convicted of striking shall be automatically released and discharged from the fire or police department. Such employee shall thereafter be ineligible to receive any pay or compensation out of any public funds provided for the support of such police or fire department. A release and discharge under this rule is not subject to appeal to the commission.

### ***Subchapter D: Personnel File***

- 18.30** Subject to the provisions of Section 143.089, the director shall maintain a separate permanent personnel file. Information released from this file will be on a need-to-know basis, subject to the privacy rights of the Firefighter or police officer, and the release provision of the statute.
- 18.31** As part of the permanent personnel file, the Director shall maintain a separate file for medical information or records. Information released from this file will be on a need-to-know basis, subject to the privacy rights of the Firefighter or police officer.
- 18.32** The director may designate an appropriate person as custodian of the files maintained under this section.

- 18.33** The reasonable and actual costs incurred in providing information from any file maintained under this section shall be collected by the custodian.
- 18.34** No information may be released from any file maintained under this section without the consent of the employee, unless required by law.
- 18.35** Whenever information is released from any file maintained under this section, the employee from whose file the information was released will be notified. The employee is entitled to know what information was released and to whom the information was released.

## **CHAPTER NINETEEN** **AMENDMENTS TO RULES**

**19.01** These rules may be amended by the commission upon majority vote at a scheduled meeting, and as further provided by Chapter 143.

## **CHAPTER TWENTY**

### **SEVERABILITY**

**20.01** If any part, segment, section, word, phrase, subchapter or other portion of these rules shall be declared to be unenforceable, vague, unconstitutional or contrary to public policy then the remainder of these rules shall be continued in full force and effect, as if the offending portions of these rules were never included therein.