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CITY OF TYLER, TEXAS

FIREFIGHTER' AND POLICE OFFICERS'

CIVIL SERVICE COMMISSION REGULATIONS

**APPROVED AND ADOPTED:
May 6, 1992 with an effective date of May 20, 1992**

As amended through: July 27, 2007

**FIREFIGHTERS AND POLICE OFFICERS
CIVIL SERVICE COMMISSION REGULATIONS**

These Rules were revised and approved May 6, 1992, Commission members were J. M. Wilbanks, Chair, Nancy Brown, and Michael G. Hubbard. Ben R. Blair, Civil Service Director.

Amendments

These Rules were amended as follows:

<u>Rule</u>	<u>Date Amended</u>	<u>Effective Date</u>
Section 022: Physical Requirements and Examinations	10-16-92	10-28-92
Section 023: Eligibility for Beginning Positions	10-16-92	10-28-92
Appendix I - Physical Agility Test For Police Officer Applicants (DELETED)	10-16-92	10-28-92
Section 022: Physical Requirements and Examinations	4-8-93	4-20-93
Section 023: Eligibility for Beginning Positions	4-8-93	4-20-93
Section 025: Entrance Examinations	4-8-93	4-20-93
Section 030: Eligibility for Fire Department Promotional Examinations	4-8-93	4-20-93
Section 033: Promotional Examination Grades	4-8-93	4-20-93
Appendix II - Physical Agility Test for Firefighter Applicants (DELETED)	4-8-93	4-20-93
Section 082: Efficiency Reports	10-26-93	11-8-93
Section 023(A) Eligibility Requirement for Police Officers	3-24-94	4-5-94

<u>Rule</u>	<u>Date Amended</u>	<u>Effective Date</u>
Section 010: Commission Appeal Procedures (ADDED)	1-20-95	2-1-95
Section 012: Director of Civil Service (ADDED)	1-20-95	2-1-95
Section 025: Entrance Examination, amended to include procedures	1-20-95	2-1-95
Section 032: Promotional Examination Procedures (ADDED)	1-20-95	2-1-95
Section 022, B(3) Physical Requirements For Police Officer Applicants/Work Fitness Testing	5-24-95	6-7-95
Section 028: Eligibility for Promotion	8-21-95	8-31-95
Section 025 E(7): Entrance Examinations, Military Service Credit	9-21-95	10-4-95
Section 025 (A): Entrance Examination	5-3-96	5-15-96
Section 014: Appointment and Removal of Person Classified Immediately Below Department Head (Codification changes only)	6-13-96	6-13-96
Section 025 (A): Entrance Examination	6-13-96	6-13-96
Section 024: Reappointment of Police (ADDED)	12-5-97	1-5-98
Section 034 Review and Appeal of Promotional Examinations	09-30-98	10-23-98
Section 034 Review and Appeal of Promotional Examinations	12-11-98	12-18-98

<u>Rule</u>	<u>Date Amended</u>	<u>Effective Date</u>
Section 051 Cause for Removal or Suspension (ADDED)	12-11-98	12-18-98
Section 022 Police Vision	11-8-99	2-15-00
Section 035 Police Alternate Promotion (ADDED)	12-1-00	12-26-00
Section 022 Police Requirements	2-28-01	3-13-01
Section 025 Police Eligibility List	2-28-01	3-13-01
Section 017 Meeting Notice (ADDED)	2-28-01	3-13-01
Section 023 Eligibility for Beginning Position	12/7/01	12/12/01
Section 082 Efficiency	10/9/02	10/17/02
Section 022 Physical Requirements And Examinations	11/22/02	11/30/02
Section 023 Eligibility for Beginning Position	11/22/02	11/30/02
Section 023 Eligibility for Beginning Position	1/7/04	1/16/04
Section 025 Entrance Examinations	1/7/04	1/16/04
Section 024 Entrance Examination Notice (Reserved)	1/7/04	1/16/04
Section 0251 Procedures for Reappointment Of Police Officers After Resignation	1/7/04	1/16/04
Section 023 Eligibility for Beginning Position	2/27/06	3/8/06
Section 027 Probationary period for Beginning Position in Police Department	2/27/06	3/8/06
Section 022: Physical Requirements and Examinations	12/15/06	12/26/06
Section 023: Eligibility for Beginning Position	12/15/06	12/26/06

Section 023: Eligibility for Beginning Position	7/27/07	8/8/07
Section 022: Physical Requirements and Examinations	7/27/07	8/8/07

CITY OF TYLER, TEXAS LOCAL CIVIL SERVICE RULES

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CITY OF TYLER

CHAPTER A: GENERAL PROVISIONS

Section 001: Purpose

These rules are adopted by the Civil Service Commission pursuant to the powers granted to the Commission by the provisions of the Texas State Civil Service Law for Police Officers and Firefighters (currently Local Government Code Chapter 143).

The purpose of these rules is to carry out the State law, choose an option where allowed, and add some additional explanation in order to:

- (1) prescribe rules and regulations for:
 - (a) hiring personnel into the Tyler Civil Service system; and
 - (b) conducting entrance level and promotional and examinations; and
- (2) provide rules and regulations governing disciplinary matters; and
- (3) provide general information concerning the rights and benefits of Civil Service employees.

Section 002: Municipalities Covered by Chapter (Reserved)

Section 003: Definitions (Reserved)

Section 004: Election to Adopt or Repeal Chapter (Reserved)

Section 005: Status of Employees if Chapter Adopted (Reserved)

Section 006: Implementation: Commission (Reserved)

Section 007: Removal of Commission Member (Reserved)

Section 008: Adoption and Publication of Rules

These rules replace the rules adopted by the Commission on January 30, 1986, which became effective on February 8, 1986, as amended. These rules follow the same order as the State Civil Service law and only speak to those areas where a local rule is allowed. Each local rule number corresponds to the State Law section it is related to. It is not the intent of these policies to restate what is already contained in the State law. In the event of a conflict between the State Civil Service Law, the State Law shall govern.

Section 009: Commission Investigations and Inspections Reserved

Section 010: Commission Appeal Procedure

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

All subsequent matters raised by either party regarding attendance, scheduling, requests for subpoenas, request for continuances, etc., shall be coordinated through the Director. All such information shall be provided to the Director who shall then provide copies of same to the opposing party or representative and also coordinate the appropriate response or action to be taken. In a hearing coordinated by an outside agency, that agency shall also provide coordination services between the parties and the hearing examiner in conjunction with the Director's office.

Section 011: Decisions and Records (Reserved)

Section 012: Director of Civil Service:

The Commission shall appoint a Director of the Fire and Police Officer's Civil Service, who shall meet the same requirements for appointment as those of the Commissioners, except as provided in Chapter 143.

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:

1. maintenance of all Commission records;
2. preparation of all tests administered hereunder;
3. maintenance of all required lists;
4. administration of any tests given and records on statistical test data and measures of adverse impact;
5. preparation of all notices;
6. preparation of all certifications;
7. security of all test materials;
8. receipt of all documents and filings on behalf of the Commission;
9. scheduling, at the direction of the Commission, regular and special Commission meetings;
10. coordinates matters raised by parties in appeals hearings including responding to requests for subpoenas by preparing subpoenas for signature of Civil Service Commission chairperson;
11. attendance at all Commission meetings;
12. preparation of agenda for Commission meetings;
13. coordination of commission inspections and investigations;
14. serve as liaison with other City officials;
15. makes appropriate recommendations to the Commission; and
16. other duties as directed by the Commission.

The Director may delegate any of the above responsibilities to any other person, for the purpose of assisting him/her in carrying out the duties of his/her office.

Section 013: Appointment and Removal of dept. Head (Reserved)

Section 014: Appointment and Removal of Person Classified Immediately Below Department Head

See section 10-113 of Chapter 10 "Personnel", City of Tyler Code, relating to the Appointment of Assistant Police and Fire Chiefs.

"Sec. 10-113. Appointment of Assistant Police and Fire Chiefs.

(a) The Police Chief is hereby authorized to appoint each person occupying an authorized position in the classification immediately below that of department head as allowed by State law.

(b) The Fire Chief is hereby authorized to appoint each person occupying an authorized position in the classification immediately below that of department head as allowed by State law."

Section 015: Appeal of Commission decision to District Court (Reserved)

Section 016: Penalty for Violation of Chapter (Reserved)

Section 017: Meetings of the Commission

1. The members of the Commission shall, at a date, hour, and place set by the Commission, hold such meetings as may be required in the proper discharge of their duties. Two members of said Commission shall constitute a quorum to transact business.

All meetings of the Commission shall be open to the public and to representatives of the press, except to the extent that executive sessions are allowed under the Texas Open Meetings Law, Chapter 551, Texas Government Code.

2. Notice of all meetings of the Commission shall be given by the Director to the members of the Commission and an agenda shall be posted on the bulletin board at City Hall at least 72 hours prior to any meeting. In addition, a copy of the agenda shall be E-mailed to Tyler Fire Department personnel at "ALL TFD" and to Tyler Police Department personnel at "Police Sworn Personnel", prior to any meeting; in the event of E-mail failure, a copy of the agenda shall be posted at all Fire Stations and/or at all Police Stations, as needed. Only such topics as are listed on the agenda may be acted upon. Provided, however, the Commission may meet in an emergency session by complying with the provisions of Chapter 551, Texas Government Code.
3. The Commission may, by majority vote, make rules of procedure from time to time to the administration of these rules.

Section 018: Departmental Rules

The Chief of the Police Department and the Chief of the Fire Department shall each adopt and promulgate written rules, regulations and personnel policies pertaining to the operation of their respective departments. No such departmental rule shall be in conflict with the provisions of these civil service rules. Copies of all departmental rules, or amendments thereto, shall be distributed to each member of the Commission, the Director, and the City Attorney. Copies of all Police Department rules shall be made readily available to all members of the Police Department at the Police Station. Copies of all Fire Department rules shall be made readily available to all members of

the Fire Department at the Central Fire Station and each branch fire station.

Section 019-020: Reserved

CHAPTER B: CLASSIFICATION AND APPOINTMENT

Section 021: Classification: Examination Requirement

A. Interpretation of the Class Specifications.

The specifications for the various classes of positions are hereby declared to have the following force and effect:

1. The specifications are descriptive only and are not restrictive. They are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities and qualification requirements. The use of a particular expression or restriction as to duties, qualification requirements or other attributes shall not be held to exclude others not mentioned if such others are similar as to kind and quality.
2. In determining the class to which any position shall be allocated, the specifications for each class shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the special and desirable qualifications and the relationships to other classes as affording a picture of the positions that the class is intended to include.
3. Titles as far as possible are intended to be suggestive of the kind of work performed by the incumbent of the position and indicative of the rank.
4. The duties statement shall be construed as a general description of the kind of work performed by the incumbent of a position that is properly allocated to the class and not as describing or limiting what the duties of any position shall be.
5. The examples of work shall be construed as typical tasks only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive and the fact that the actual tasks performed by the incumbent of a position do not appear thereon shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties. Any one example of a typical task taken without relation to the general statement of duties and all other parts of the specifications shall not be construed as determining whether a position should be allocated to the class.
6. The statement of minimum qualifications constitutes a part of the description of the kind of employment by expressing the minimum qualifications expected of any new appointee if he is to perform the work properly, and is to be so construed and not as imposing in itself any new or additional requirements for the filling of positions. Even though they may not be mentioned in the qualifications statement such

qualifications as should be properly required in common of all incumbents of all positions such as good physical health, freedom from defects, citizenship, honesty, sobriety and industry are to be considered as part of the qualifications requirements.

B. Allocation of Positions To Classes.

The director shall allocate each position in the classified service to its appropriate class in the classification plan. Such allocation shall be based on the duties and responsibilities of the present incumbents of such positions and shall be entered on the official roster cards maintained by the commission. The title of the class shall forthwith become the title of such individual positions and shall be used in payrolls submitted to the proper disbursing officer, and in requests to the commission for certification of eligible in reports made to the commission as provided by the rules and regulations of the commission and in any other official records and communication of the commission and of all budget and financial officers. (Ord. of 7/2/48, 5)

C. Reallocation of Positions When Duties Change.

Whenever a new position should be established or the duties of an existing position are so changed that in effect the old position as described in the class specifications for the class to which it was originally allocated no longer exists and in its place there is created a position which should be allocated to a different class, the director, in consultation with the department heads, shall report this fact to the commission and send in on the commission's prescribed form a full statement of the circumstances and a description of the duties as changed or as set up. Upon the recommendation of the commission, after a full investigation of the actual and proposed duties, responsibilities and qualifications requirements, the City Council may allocate or reallocate the position to its appropriate class in accordance with the classification plan then in effect. If necessary, a new class shall be established to provide for the new position. The commission shall likewise from time to time of its own motion make investigations of any or all position in the classified service and shall in accordance with this article, make recommendations to the governing body for the allocation of positions whenever the facts are such as to warrant such action.

Section 022: Physical Requirements and Examinations

A. General Requirements

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

B. Physical Requirements for Police Officers Applicants

1. Vision

All Police Officer applicants must meet the following vision standards:

Visual Acuity – Uncorrected vision is unlimited in each eye. However, binocular vision must be correctable to 20/20 or better with glasses or contacts.

Color Vision

- Standard - normal or anomalous trichromacy (no filters may be used)
- Screening referral - failure on a series of pseudoisochromatic plates

Visual Fields

- Standard - normal visual fields
- Screening failure - failure to meet perimetry standards
- Screening referral - failure on a field screener

Pathology

- Standard - no pathological conditions which impair or would eventually impair visual performance
- Screening referral - failure on ophthalmoscopic examination
(11/8/99; 2/28/01)

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

3. Work Fitness Testing - all of the following tests must be passed:

- 1.5 mile run (18 minutes 48 seconds)
- 300 meter run (76 seconds)
- 18 Push Ups (no time limit)
- 16 Sit Ups (1 minute time limit)
- Able to lift 62 % of body weight (1 rep)
- Agility Run (22 seconds)
- Vertical Jump (14.5 inches) (*Amended 11/22/02*)

C. Physical Requirements for Firefighter Applicants

1. Eyes and Vision

All Firefighter applicants must meet the following standards which are based on the National Fire Protection Association Medical Requirements for Firefighter (NFPA 1582).

- (a) Far visual acuity. Far visual acuity shall be at least 20/40 binocular corrected with contact lenses or spectacles. Far visual acuity shall be less than at least 20/100 binocular for wearers of hard contacts or spectacles.

Monocular vision.

The following medical conditions may be disqualifying based on the severity or degree:

- (a) Color vision inadequate to identify red, green, and yellow colors.

- (b) Diseases of the eye such as retinal detachment, progressive retinopathy, or optic neuritis.
- (c) Ophthalmological procedures such as radial keratotomy or repair of retinal detachment.
- (d) Peripheral vision in the horizontal meridian of less than 110 degrees in the better eye or any condition that significantly affects peripheral vision in both eyes.
- (e) Color perception: Monochromatic vision resulting in inability to use imaging devices.
- (f) Any other eye condition that results in a person not being able to perform as a fire fighter.

2. Ears and Hearing

All Firefighter applicants must meet the following standards which are based on the National Fire Protection Association Medical Requirements for Firefighter (NFPA 1582).

- (a) Chronic vertigo or impaired balance as demonstrated by the inability to tandem gait walk.
- (b) On audiometric testing, average hearing loss in the unaided better ear greater than 40 decibels (db) at 500 Hz, 1000 Hz, and 2000 Hz when the audiometric device is calibrated to ANSI Z24.5.
- (c) Any ear condition (or hearing impairment) that results in a person not being able to safely perform essential job tasks.

The following medical conditions may be disqualifying based on the severity or degree:

- (a) Unequal hearing loss
- (b) Average uncorrected hearing deficit at the test frequencies 500 Hz, 1000 Hz, 2000 Hz, and 3000 Hz greater than 40 db in *either* ear.
- (c) Atresia, stenosis, or tumor of the auditory canal
- (d) Agenesis or traumatic deformity of the auricle
- (e) Mastoiditis or surgical deformity of the mastoid
- (f) Meniere's syndrome, labyrinthitis, or tinnitus
- (g) Otitis media

3. Work Fitness Test - all of the following tasks must be completed within the maximum time allowed.

- Confined space - applicants must negotiate a thirty (30) foot long narrow crawl space with low ceiling height, as low as two (2) foot with obstacles, while wearing an air mask, helmet, air pack, coat, pants, and boots). *(amended 7/27/07)*
- Heights/balance - while wearing the same gear as required in the confined space test, must walk 8" beam w/harness and safety line - 8 ft. high, 18 ft. long (no air mask worn). Must be able to complete without difficulty.

While wearing helmet, air pack, coat, pants, and boots (no air mask worn) must complete the following activities within 6:00 minutes.

- Stair Climb – Must climb 3 flights of stairs with 50 pounds of 2-1/2 inch hose, place hose in designated area, and continue
- Hose Hoist – Must pull 50 pound donut roll of fire hose (equivalent weight of an extension ladder, smoke extractor fan, 50 foot section of 2-1/2" fire hose) up 35 feet, pick up 2-1/2" hose, descend stairs, place hose in designated area, and continue
- Ladder Climb – Must ascend ladder, hit target at top, descend ladder, pick up 2-1/2" hose, continue to forcible entry area, place hose in designated area and continue
- Forcible entry - Using a 9 pound sledge hammer, driving a 165 pound object 5 ft., pick up 2-1/2" hose, walk 50 feet to designated area for Victim Rescue, place hose in designated area and continue
- Victim Rescue - drag 185# dummy, 100 feet. The entire dummy must cross the line. (This will conclude the Work Fitness Test).

Section 023: Eligibility for Beginning Position

A. Eligibility Requirements for Police Officers

No person shall be eligible for an original position in the Tyler Police Department unless such person successfully completes each of the following testing requirements:

1. Scores at least the minimum passing score on a written examination.
2. Successfully completes a background investigation which shall be conducted and evaluated in accordance with the general guidelines recognized by the Texas Commission on Law Enforcement Standards and Education or other reputable background investigation authorities in compliance with all applicable laws and regulations.

3. Successfully completes a Conditional Post-Job Offer ride-along program by riding with a Field Training Officer in a patrol car for an eight (8) hour shift. All applicants shall be required to sign a waiver prior to participating in the ride-along program. An applicant shall be assigned to a Field Training Officer, who will be able to ask different questions of the applicant and who will be able to make notes of questions or comments from the applicant. Applicant shall be required to write an essay describing his/her experiences during the ride-along program. The Police Chief shall have final review and approval authority over this requirement.
4. Successfully completes a Conditional Post-Job Offer oral interview which shall be conducted and evaluated in accordance with the general guidelines as contained in the "Oral Interview Procedure Manual", written and promulgated by the Texas Commission on Law Enforcement Standards or other reputable interview technique authorities in compliance with all applicable laws and regulations with emphasis on interpersonal skills, situational reasoning, and problem solving. The Police Chief shall have final review and approval authority over this requirement.
5. Submits to a Conditional Post-Job Offer polygraph examination which includes questions concerning but not limited to work history, criminal activity, credit history, drug and alcohol usage.
6. Successfully completes a Conditional Post-Job Offer Work Fitness examination. A physician must be able to certify that the applicant is free of drug dependency or illegal drug usage.
7. Successfully completes a Conditional Post-Job Offer psychological test as required by the Commission on Law Enforcement Standards and be certified by a licensed psychologist or psychiatrist to be in satisfactory psychological and emotional health.
8. Applicants for appointment to entry positions in the Police Department must be at least twenty-one (21) years of age, and must not have attained their forty-fifth (45th) birthday at the time the written examination for such position is taken; provided, however, if the Texas Commission on Law Enforcement Standards sets a minimum age requirement greater than twenty (20) years in order to be certified as a peace officer, then such age limit shall supersede the aforementioned minimum age limit to qualify for an entry position in the Police Department. (2/27/06)
9. An applicant for an entry level Police Officer position who is twenty-one (21) years of age or older must have completed thirty (30) accumulative earned semester hours of study at an accredited college or university and must have an overall "C" average (2.0 on 4 point system) for all courses taken, at the time of application; or

An applicant for an entry level Police Officer position who is twenty-one (21) years of age or older, but who has not completed thirty (30) accumulative earned semester hours of study at an accredited college or university, must meet one of the following requirements:

- Has served at least three (3) years active duty, as indicated on Item 12 of the DD214, in one of the armed forces of the United States (reserve time will not be considered); or

- Has at least three (3) years law enforcement employment in the capacity of a full-time paid certified peace officer with a law enforcement agency employing twenty-five (25) or more certified peace officers (reserve time will not be considered (1/7/04).
10. All applicants for beginning positions in the Police Department must be graduates of an accredited high school or have the equivalency certificate certified by the Texas Education Agency.
 11. All applicants must have a valid Driver's License.
 12. Must be a United States Citizen.
 13. If a veteran, must have an Honorable Discharge from one of the armed services of the United States:
 14. Must be able to intelligently read, write, and fluently speak the English language.
 15. Must be of good moral character.
 16. Must meet all the requirements of the Texas Commission on Law Enforcement Standards and Education for licensing of peace officers. (*Amended 11/22/02*)

B. Cause for Rejection

Each of the following is declared to be cause for rejection of any Police Officer applicant. The applicant:

1. Is not a citizen of the United States of America;
2. Cannot intelligently read, write, or fluently speak the English language;
3. Is found to lack any of the qualifications set forth in the published notice inviting applicants or lacks any of the minimum qualification for the position established in these rules;
4. Has been convicted of a felony or of any crime involving moral turpitude (conviction for felony charges are permanent disqualifiers);
5. Has made a false statement in any material fact or practiced or attempted to practice any deception or fraud in his application, examination, or appointment.
6. Failed to make application in the manner prescribed in the notice of examination or failed to file the application with the Director within the time limits prescribed in the notice of examination;
7. Fails to meet any of the minimum requirements expressed in these rules or the regulations of the Texas Commission on Law Enforcement Standards and Education;

8. Is found to have a record of unacceptable history, financial history, educational performance, unemployment, military service (if applicable), general reputation, interpersonal skills, ability to read, legibly and correctly write and/or fluently speak English or any combination of some or all of the areas listed below. For example: failure to pay debts, excessive indebtedness, unstable employment, educational suspensions, military disciplinary actions, problems relating to others, poor interpersonal relationships, lack of dependability or unacceptable conversational, writing or reading skills.

The following conditions may result in DISQUALIFICATION of an applicant. Applicants may also be subject to disqualification in cases of material false statement (s) of fact, being deceptive by statement or admission in the written application or by any means in any part of the selection process. Possible disqualifiers include but are not limited to the following:

a. FELONIES:

- (1) The commission of any felony offense within ten (10) years prior to the date of the entrance exam.
- (2) Felonies committed prior to ten (10) years will be evaluated on their own circumstances individually.
- (3) Conviction for any felony offense.

b. MISDEMEANORS:

- (1) Being convicted or currently charged with or committing any Class A or B misdemeanor within ten (10) years prior to the date of the entrance exam.
- (2) Being convicted of or committing any offense involving moral turpitude within a period of ten (10) years prior to the date of the entrance exam. These include but are not limited to:

OFFENSE	CLASS	PENAL CODE CITING
Criminally negligent homicide	MA	19.007
Public lewdness	MA	21.07
Indecent exposure	MB	21.08
Perjury	MA	37.02
Tampering with or fabricating physical evidence-	MA	37.09
Tampering with governmental record	MA	37.10
Impersonating a public servant	MA	37.11
Permitting/facilitating escape	MA	38.08
Official oppression	MA	39.02
Disorderly conduct (exposing/peeping)	MC	42.01
Theft by public servant of gov't property over which he exercises control in his official capacity	M/F	12.01 (b) TCCP
Abuse of a corpse	MA	42.01
Prostitution	MA	42.01
Promotion of prostitution	MA	43.03
Gambling offenses	MA	47.03 to 47.07

c. DUI, DWI, DUID:

- (1) Having a DUI conviction (DWI or DUID) within (10) years prior to the date of the entrance exam.
- (2) Being charged with, on probation/parole or under indictment for DUI on the date of the test.

d. PROBATION/PAROLE:

- (1) Currently on probation or parole for any criminal offense on the date of the entrance exam.
- (2) Being convicted of a crime and subsequently placed on probation or being discharged from probation (including deferred adjudication) on the date of the entrance exam.
- (3) Having been pardoned for the offense, unless the pardon is expressly granted for subsequent proof of innocence.

e. NARCOTICS AND CONTROLLED SUBSTANCES:

- (1) Within the five years preceding the date of the written entrance exam, having illegally used any controlled substance and or dangerous drug. that would constitute a misdemeanor offense above that of a Class C misdemeanor.
- (2) Within the ten years preceding the date of the written entrance exam, having illegally used any controlled substance and or dangerous drug that would constitute a felony offense.
- (3) Having illegally furnished any controlled substance to another, i.e. selling, delivering, giving, etc.

f. MILITARY DISCHARGE/CONDUCT:

- (1) Having been discharged from military service with any discharge under conditions less than honorable.
- (2) Having been convicted of, or admitting to any offense that was, or could have been tried before a court martial.

g. THEFTS:

- (1) Being convicted of or admitting to thefts that would result in an offense no greater than a class C misdemeanor, committed within two (2) years prior to the date of the entrance exam may result in disqualification for a two (2) year period from the date of the offense.
- (2) Being convicted of or admitting to a theft no greater than a Class A or B, committed within ten (10) years prior to the test date may result in disqualification from testing for a period of ten (10) years from the date of the offense.

h. DRIVING RECORD:

(1) Evidence of three (3) or more traffic citations in a eighteen (18) month period resulting in conviction. This includes DDC for a citation, deferred adjudication and/or charges pending appeal. This will disqualify the applicant for a period of five (5) years from the last ticket in the series of 3 or more citations in the 18 months. *(1/7/04)*

(2) During the five year period preceding the entrance exam, a driver's license suspension for any reason, will result in disqualification from testing for a period of five (5) years from the last day of the suspension period.

(3) Having been involved in 3 or more chargeable at-fault accidents (whether the applicant was issued a citation or not) in a period of 5 years preceding the date of the test will disqualify the applicant for a period of 5 years from the date of the last chargeable accident.

C. Eligibility Requirements For Firefighter

1. No person shall be eligible for an original position in the Tyler Fire Department unless they meet the following requirements:

- a. Be at least eighteen years of age and not have reached his/her thirty-sixth birthday on the date of the written examination.
- b. Be a high school graduate or have a G.E.D.
- c. Be a citizen of the United States by birth, naturalization or meet an employment authorization requirement as mandated by the Immigration Reform and Control Act of 1986.
- d. Have a valid drivers license.
- e. Must be able to intelligently read, write and speak the English language.
- f. Must possess current Basic Structural Firefighter Certification through the Texas Commission on Fire Protection. *(Amended 7/27/07)*
- g. At a minimum, must possess current Emergency Medical Technician-Basic (EMT-Basic) Certification from the Texas Department of State Health Services. *(Amended 7/27/07)*

2. Firefighter applicants must successfully complete the following:

- a. Written examination
- b. Interview
- c. Polygraph exam
- d. Background investigation

- e. Drug Screening Test
 - f. Medical exam
 - g. Work fitness testing
3. Causes for Rejection:
- a. Lacking any established minimum qualification for the position.
 - b. Making a false statement of any material fact or practicing or attempting to practice any deception or fraud in the examination or application process will result in a one year rejection.
 - c. Failing to properly apply or meet time restrictions.
 - d. Having a history of unacceptable performance in the areas of: finances, education, employment, military service and/or alcohol abuse.
 - e. Driving Record
 - (1) Conviction of more than two moving violations during the twelve months immediately preceding the date of application.
 - (2) Involvement in more than one traffic accident as the driver of a vehicle during the twelve months immediately preceding the date of application. Exception: If applicant can provide proof of no fault then he/she may continue in the process.
 - (3) Applicants with suspended drivers licenses or who are on probation will be rejected until the suspension or probationary period has been completed.
 - (4) Two or more convictions for D.W.I. or D.W.I.D. (or one conviction for each) will be rejected until five years have elapsed since the date of completion of sentence or probation period. Additionally one D.W.I. or D.W.I.D. within the past twelve months will be rejected until one year from the date the sentence or probation period has been completed.
 - f. Illegal Drugs - Rejection time frames are from the date of last usage or flash back.

(Refer to the Texas Health and Safety Code for a list of Penalty Group I, II and III drugs)

 - (1) Permanent rejection for the manufacture, delivery or sale of any of the Penalty Group I drugs.
 - (2) A five year rejection for the manufacture, delivery or sale of all other

drugs not included in Penalty Group I with the exception of marijuana.

- (3) A five year rejection for sale of any amount of marijuana or delivery of more than 1/4 ounce of marijuana (6 or more joints/cigarettes constitute an excess of 1/4 ounce)
- (4) Possession of marijuana in excess of four ounces is a two year rejection.
- (5) Admission of illegal use of marijuana ten (10) or less times (experimentation) within the last two (2) years shall result in a temporary disqualification until two (2) years have passed from the last use. Admission of illegal use of marijuana more than ten (10) times shall result in temporary disqualification until five (5) years have passed from the last use. (12/15/06)
- (6) A five year rejection for the use of any illegal hallucinogen. (12/15/06)
- (7) Five year rejection for the use of any Penalty Group I drugs if used two or more times in the last five years. Any single use in the past twenty-four months is a two year rejection.
- (8) One year rejection for any single use of the remaining Penalty Group II or III drugs not covered elsewhere. A two year rejection is required if used two or more times in the last twenty-four months.

g. Thefts - Rejection time periods are from the date of the most current theft.

- (1) Felony theft is a ten year rejection.
- (2) Any single theft of at least \$400 but less than \$750 is a five year rejection.
- (3) During any twelve month period, three or more separate thefts of at least \$20 but less than \$400 is a five year rejection.
- (4) During the two years prior to taking the civil service test, two or more thefts of at least \$50 but less than \$400 is a two year rejection.
- (5) Any single theft of more than \$50 but less than \$400 is a one year rejection.
- (6) During any twelve month period, three or more separate thefts of at least \$5 but less than \$20 is a one year rejection.

h. Criminal History

- (1) Conviction or admission to having committed one of the following

felony offenses will be a permanent rejection:

Murder

Capital Murder

Aggravated Kidnapping (first degree)

Aggravated Rape

Aggravated Sexual Abuse

Deadly assault on a police officer

Arson

Aggravated Robbery

Any first degree felony involving dealing, selling or trafficking in any illegal drug

- (2) Other felony convictions not already covered have a five year rejection from the date of completion of the sentence or probation. Applicants convicted of a misdemeanor offense during this five year rejection period, other than a traffic violation, will begin an additional five year waiting period from the completion of the misdemeanor sentence.

i. Misdemeanor Sexual Offenses

- (1) Public lewdness

- (2) Indecent exposure

- (3) Admission or conviction to any of the above offenses is a five year rejection from the date of the last offense. There is a ten year rejection if the offenses occurred two or more times. *(12/15/07)*

j. Military Discharge/Conduct

- (1) Permanent rejection for having been discharged from military service with any discharge under conditions less than Honorable. *(12/15/06)*

- (2) Permanent rejection for having been convicted of, or admitting to, any offense that was or could have been tried before a court martial. *(12/15/06)*

k. Past Work History:

- (1) Has been dismissed or resigned in lieu of dismissal from any Employment for inefficiency, delinquency, or misconduct. Applicants will be considered on a case by case basis with due consideration of all known facts involved in the dismissal (permanent or temporary disqualification).

- (2) Has a history of unstable work including, but not limited to: short terms of employment over the candidate's employment history; employment in an illegal occupation; termination of employment

without appropriate notice; and dismissal for cause from employment in a public safety position (permanent or temporary disqualification).

- (3) Work behavior/decisions that adversely affect the business or associates, with little or no objectivity. Applicants will be considered on a case by case basis with due consideration of all known facts (permanent or temporary disqualification). (12/15/06)

1. Texas Commission on Fire Protection Requirements

Permanent rejection for having failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Fire Protection. (12/15/06)

Section 024: Entrance Examination Notice (Reserved) (1/7/04)

Section 025: Entrance Examinations

A. Eligibility Lists

The Director shall keep all eligibility lists for applicants for original positions in the Police Department in effect for six (6) months unless the names of all applicants have been referred to the appropriate department. The Director shall keep all eligibility lists for applicants for original positions in the Fire Department in effect for twelve (12) months. The Director shall provide in the eligibility list announcement that the list shall remain in effect for the number of months specified by these regulations or until all names have been referred to the appropriate department, whichever event occurs sooner. (2/28/2001)

B. Applications

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

C. Post-Ponement of Examinations

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

D. Letters of Recommendation

No letter of recommendation or endorsements, other than those required by the rules, shall be considered in rating any competitor, unless called for in connection with the examination.

E. Entrance Examination Procedures

1. Cancellation. The Director of Civil Service may cancel and thereafter reschedule an entrance examination for sufficient cause.
2. I.D. Verification. Applicants will be required to verify their identification before being admitted to the test.
3. Failure To Appear/Late Arrivals. The applications of persons who failed to appear for the entrance examination shall be voided and shall be disposed of by the Director of Civil Service. Applicants who arrive after the test has started will not be allowed to take the test.
4. No Smoking. Smoking shall be prohibited at all times in the testing room.
5. Test Monitors. The Director of Civil Service may select a reasonable number of persons employed by the City of Tyler to assist in the administration, proctoring and grading of entrance examinations.
6. Cheating. Any examinee who uses or attempts to use any unfair or deceitful means to pass an examination shall be informed by the Examiner that the examinee's action shall be reported to the Commission as well as to the Department Head. The Examiner shall later make a report to the Commission for its determination. If the Commission determines that the examinee used or attempted to use unfair or deceitful means to pass the examination, such examinee shall not be placed on the eligibility list by the Commission. "Cheating" shall be determined according to the City Code's definition and regulations.
7. Military Service Credit. Those persons who desire to have an additional five (5) points added to their test scores must provide proof that they have an honorable discharge from active duty service of 180 days or more in the United States armed forces. Applicants must submit a DD214 which states "honorable discharge" from Active Duty service, prior to the deadline for acceptance of applications in accordance with the examination announcement. (1/7/04)
8. Correction Of Error. Any applicant who has taken an examination and who wishes to appeal the results shall file a written appeal with the Director within five (5) business days following the date that the examination was given. On receipt of the formal written appeal, the Commission may correct any error or mistake of marking or rating. Corrections shall be made without prejudice to the status of any person previously appointed as a result of such examination. No appeal shall be heard by the Commission unless it would affect the applicant's relative position on an eligibility list. This provision shall not be construed to prevent the Director from correcting at any time during the life of any Eligibility List, an obvious clerical error.
9. Time Limits. The Director shall administer examinations in accordance with the administration instructions given by the test publisher. Exceptions to time limits or instructions can only be made in accordance with Federal law, e.g., to provide reasonable accommodations to disabled applicants.

10. Taking Test. Only the applicant will be allowed to take the examination. No other persons will be allowed in the examination room unless specifically approved by the Director.

Section 0251: Procedures for Reappointment of Police Officers After Resignation (1/7/04)

1. Any sworn member of the Tyler 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 of this section.
2. An application for reappointment must be submitted to the Chief of Police within two (2) calendar years of the voluntary resignation date. The application will be in a form designated by the Chief of Police.
3. The applicant will not be accepted for further processing if he/she voluntarily resigned while 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 application is accepted by the Chief of Police, the applicant will be placed at the top of the current entrance eligibility list. If no entrance eligibility list exists but openings exist for an entry level position, the applicant may be processed immediately. If no entrance eligibility exists and no openings exist for an entry level position, the application will be held until such an opening occurs. If an entrance eligibility list is established prior to any openings, the applicant will be placed at the top of that entrance eligibility list.
5. If an opening for an entry level position does not occur within (1) calendar year after the applicant is accepted by the Chief of Police for processing, the applicant will be rejected and will be eligible to apply through the normal civil service process including passing a civil service entrance test.
6. Once eligibility has been established, the applicant will be required to successfully complete all other elements of the current hiring process, including, but not limited to, a background investigation, polygraph, oral interview board, and work fitness examination.
7. If the applicant successfully completes the hiring process as set forth above, the Chief of Police may submit the name of said applicant for appointment, by the City Manager, to the rank of "Police Officer".
8. The necessary retraining for the applicant shall be determined by the Police Chief after placing the officer in the Field Training Officer Program for a minimum of one (1) month. An evaluation will be conducted after one (1) month to determine if there is a need for additional training.
9. Any applicant who is rehired under this procedure shall serve a one (1) calendar year probation period before regaining 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 two (2) years with the department immediately before the date the promotional examinations held in order to be eligible to take the examination.

10. Rehired employees who held the position of "Police Officer" at the time of their resignations shall be hired at the salary commensurate with their longevity at the time of their resignation.
11. Rehired employees who held positions above "Police Officer" at the time of their resignations shall be hired at the salary commensurate with their longevity within the pay rank process for the "Police Officer" rank. (12/5/1997)

Section 026: Procedure for Filling Beginning Positions (Reserved)

Section 027: Probationary Period for Beginning Position in Police Department

The one-year probationary period previously established for beginning positions in the Police Department is hereby extended for a period of six months for a person who:

1. is not employed by a law enforcement department currently or previously covered by a collective bargaining agreement or a meet-and-confer agreement; and
2. is required to attend a basic training academy for initial certification by the Commission on Law Enforcement Officer Standards and Education.

The probationary period established above begins on the person's date of employment as an academy trainee. (2/27/06)

Section 028: Eligibility For Promotion

The "sufficient number" of persons actually applying to take, or participating in, a promotional test must be three (3) or more. If there are not three (3) or more persons, the test shall be opened to others as described in Local Government Code Sections 143.030 and 143.031. If, after opening the promotional exam to all other positions there are still not three (3) or more persons, then the promotional test may be given to a lesser number of persons.

Section 029: Promotional Examination Notice (Reserved)

Section 030: Eligibility for Fire Dept. Promotional Examination

Since there are similarities in duties and responsibilities within the fire prevention division that are different from those in the fire suppression division, no member of the Fire Department shall be eligible to apply for a promotional examination above the rank of Fire Driver/Engineer or Fire Inspector/Investigator unless that person has worked at least two years in the classification immediately below the classification in the division in which the vacancy exists. For example, only Fire Inspector/Investigators or persons who have been Fire Inspector/Investigators for at least two years are eligible to apply for a promotional examination for the position of Assistant Fire Marshall; and only Fire Driver/Engineers or persons who have been Fire Driver/Engineers for at least two years are eligible to apply for a promotional examination for the position of Fire Captain.

If an employee in the suppression division or the fire prevention division wishes to work in another division he can only enter the other divisions' career ladder at the Fire Driver/Engineer or Fire Inspector/Investigator classification.

Section 031: Eligibility for Police Dept. Promotional Examination (Reserved)

Section 032: Promotional Examination Procedures.

A. Examination Notice

Notice of all promotional examinations shall be posted not later than thirty (30) days prior to date selected for the examination. Such notices will be posted in the City Hall and in each Fire Station, and Police Department Administrative Offices. Persons desiring to take such examination shall give notice to the Director of their intent to take such examination no later than the cut off date on the notice. 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, when a sufficient number have not indicated an intention to take the said promotional examination, within the time frames set out above.

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.

All examinations administered under the provisions of these Rules shall be conducted in manner that is consistent with the provisions of Chapter 143. Within twenty-four (24) hours of the end of an examination, the Director shall post the final results of the examination in the main lobby of City Hall. Raw scores shall be posted in accordance with Chapter 143.

B. General Administration Rules

The following general rules will be applied to the administration of promotional examinations:

1. There will be no smoking in the testing area;
2. The identification of all persons will be verified;
3. Only those persons who applied by the application deadline will be permitted to take the examination;
4. An applicant who fails to appear shall not be eligible for promotion;
5. The Director may cancel an examination at any time;
6. Any cheating, dishonesty, deceit or unfair actions by an applicant will be grounds to discontinue consideration of the applicant for promotion;
7. Persons arriving after the test has started will not be allowed to take the test;
8. No candidate will be allowed more than the maximum time limit for the test as stated in the examination notice, except where accommodation is required under Federal law.

Section 033: Promotional Examination Grades

Whenever two (2) or more candidates attain the same score for ranking on the eligibility list, the tie shall be broken as follows:

1. The candidate making the highest grade on the written examination.
2. The applicant having the greatest amount of seniority points not to exceed ten (10).
3. The candidate in the highest pay grade, if applicable.
4. The candidate with seniority in grade. If two candidates were hired or promoted on the same day, the candidate who was highest on the eligibility list will have more seniority for tie-breaking purposes.
5. If the score is still a tie after all of the above, the tie shall be broken by lot.

Section 034: Review and Appeal of Promotional Examinations

APPEAL HEARINGS. If any candidate appeals a question(s) on a promotional examination under this rule, the Civil Service Director shall prepare a written notice of the hearing and notify all parties concerned as to the time, date, and place of the hearing. The Director shall prepare a package of information for each test question being appealed, to include:

- * Question number
- * Question and answers from test
- * Correct answer on scoring key
- * Copy of source material
- * Appellant(s) name(s)
- * Appellant(s) written reason for appeal
- * Director's statements, if any.

This information will be mailed to each Commissioner before the hearing for review. A copy of this information will also be sent to each appellant through the Department Head (only information pertaining to the question being appealed by an appellant will be sent to that appellant).

During the appeal hearing the following rules will apply:

1. Appealed question will be considered in numerical order.
2. Each appellant will be given an opportunity to present his/her reasons for appeal. The appellant may designate someone else to present his comments. The commission will limit the time for each appellant to speak on each question (normally five minutes).
3. After each appellant has spoken on the question, the Commission may ask questions of the appellant or the Director. The Commission will then allow others an opportunity to speak on the question offering differing opinions, if they so desire.
4. The Chair may announce that the Commission will go into closed session to discuss any questions.

5. The Commission will vote on each question in open session. The Commission will decide on one of the following alternatives for each appealed question:
 - * keep the same answer as on the original answer key; or
 - * Change the correct answer; or
 - * allow more than one correct answer; or
 - * delete the question
6. The Commission will indicate their decision for each question on a form provided by the Director and each Commissioner, who agrees with that decision, will sign the form. A majority of the Commission agreeing on a decision will determine the final decision on that question.
7. After announcing their decisions on each question, the Director will re-score all answer sheets and post a new eligibility list after the hearing. The amended eligibility list will have the same effective date as the original list. If a question is deleted the total number of test questions will be reduced and the new eligibility list will be based on the remaining number of questions. For example, if two questions are deleted this reduces the total number of questions on the test to 98. If questions are deleted, the value of remaining questions will be changed to equal a total of 100 points. All answer sheets will be re-graded to show the total number of correct answers out of 98. Seniority points will then be added, and a new eligibility list will be typed and posted.
8. Any promotional examination question that is appealed shall be removed from the City's Test Question Bank. (9/30/1998; 12/11/1998)

Section 035: Alternate Promotional System in Police Department

A. Eligibility for Promotional Examination-Alternate Promotional System

The promotional examination for the rank of police sergeant is open to all police officers that have a minimum of five years full time law enforcement experience immediately before the examination date. The last two years must be continuous service with the Tyler Police Department.

The promotional examination for the rank of Lieutenant and Deputy Chief is open to police officers who for at least two years immediately before the examination date have continuously held a position in the classification that is immediately below the classification for which the examination is to be held.

For a promotional examination to be administered, a minimum of three police officers in the next lower position with the required service time in that position must be registered to take the promotional examination. If at the end of the registration period, there is not the required number of persons registered, the commission shall open the examination to persons in the position with less than the required service time. If there is still an insufficient number, the commission may open the

examination to persons in the second lower position, in salary, to the position for which the examination is to be held.

B. Sources for Written Promotional Examination-Alternate Promotional System

The written examination source material will be chapters from any or all of the following, as specified by the Chief of Police and the Civil Service Director:

Texas Criminal Laws
Texas Motor Vehicle Laws
Police Supervision Text (1 Books)
Tyler Police Department General Orders
Tyler Police Department Field Service and Administration
Operation Orders
City of Tyler Policies, Chapter 2

The written examination Source Material shall be reasonably current or revised publications. The City of Tyler shall furnish the current editions of the Texas Criminal Laws Book, Texas Motor Vehicle Law Book, the Tyler Police Department General Orders, the Tyler Police Department Field Service and Administrative Operation Orders, and the City of Tyler Personnel Policies, Chapter 2 to all written examination candidates. Candidates can obtain the Police Supervision Text at their own expense. The Tyler Police Department will make available a limited number of copies that can be checked out on a fair and equal basis to all candidates.

C. Promotional Written Examination-Alternate Promotional System

The promotional written examination shall be given in accordance with Section 143.032 of the Texas Local Government Code unless specified otherwise for the Alternate Promotional System.

The City of Tyler will contract with an Independent Contractor for preparation of the written examination. The Contractor will develop the written examination from sources determined by the Department and the prerequisites of this Alternate Promotional System.

Before the 90th day before the date a promotional examination is held, the commission shall post a notice that lists the sources from which the examination questions will be taken.

Before the 30th day before the date a promotional examination is held, the commission shall post a notice of the examination in plain view on a bulletin board located in the main lobby of the city hall, the main lobby of the police building, the police squad room bulletin board and the police sub-station facilities.

All applicants shall be given an identical written examination in the presence of each other. The written examination shall be prepared so as to test the knowledge of the eligible promotional candidates concerning information and facts based upon material drawn from the sources listed on the Promotional Examination Notice posted by the Civil Service Commission.

All questions asked in the written examination shall be prepared and composed in such a manner that grading of the examination papers can be promptly completed immediately after the holding of the examination. When one of the applicants has completed answering the questions, the grading of the examination shall begin. All of the examination papers shall be graded as they are completed, at the

place where the examination is given and in the presence of any applicants who wish to remain during the grading.

D. Promotional Examination Scores, Appeals; Participation in Assessment Center-Alternate Promotional System

The minimum score of seventy percent (70%) on the written examination shall be considered passing. Those who do not pass the written examination shall be eliminated from further consideration. One (1) point for seniority for each year of service, up to ten (10) years, shall be added to the total written examination points of all persons passing the written examination.

Each candidate shall have the opportunity to examine the source materials, his examination, his answers and grading thereof. If he is dissatisfied, he may appeal the written examination or a violation of the Assessment process to the Commission for review by filing a written request with the Director within five (5) business days, setting out the reason(s) for the request for the review. In computing this period, a Saturday, Sunday or legal holiday is not considered a business day. The eligible candidate may not remove the written examination or copy a question used in the examination.

The commission will hear the appeal within 35 calendar days of the appeal. The Assessment Center shall not be conducted until all appeals are finalized.

All candidates who pass the written examination are eligible to participate in the Assessment Center.

The written examination and added seniority points are worth a maximum total of 40 points.

E. Promotional Examination Assessment Center-Alternate Promotional System

An independent Contractor who is independent to the Tyler Police Department and the City of Tyler shall conduct the Assessment Center. The independent Contractor will be from a city located at least fifty (50) miles from Tyler.

The City of Tyler will contract with the independent Contractor to design and administer an Assessment Center promotional process for the Tyler Police Department according to the prerequisites of this Alternative Promotional System.

The Contractor for the Assessment Center shall be an individual or company with proven expertise in the field of administering the entire Police Assessment Center Process. The Chief of Police and the Civil Service Director will mutually agree upon the Contractor.

The Contractor will develop not less than three (3) performance exercises for the Assessment Center that test the candidates' possession of the dimensions listed below:

1. Problem Analysis
2. Judgment
3. Planning and Organization
4. Oral Communication
5. Leadership
6. Decisiveness
7. Self Initiative

8. Adaptability
9. Interpersonal Skills
10. Written Communication Skills

The Contractor will make available at least two (2) separate but identical workshop/orientation sessions to explain the Assessment Center Process to all qualified candidates, not more than fifteen (15) days, and not less than three (3) days prior to the first day that the Assessment Center is convened. The workshops/orientations will provide information, examples, and explanations on all aspects of the Assessment Center Process.

The Contractor will select as many Assessors as it requires within the following guidelines:

1. The Contractor will adequately train and instruct all Assessors in their responsibilities and duties before the Assessment Center process.
2. Assessors selected must have experience and/or an educational background in any of the following areas: Personnel Administration, Behavioral Science, Law Enforcement, or Criminal Justice Education.
3. There must be at least two (2) commissioned law enforcement officer Assessors for every one (1) civilian assessor appointed by the Contractor.
4. At least one (1) commissioned law enforcement member of the Assessor board will be of the same rank as the position sought, and all other commissioned law enforcement members shall be of the same rank or higher than the position sought.
5. Commissioned law enforcement and civilian Assessors must come from a city and department that is located at least fifty (50) miles from Tyler and a population jurisdiction of not less than fifty thousand (50,000).
6. Each assessor and candidate will certify by a written, sworn and notarized affidavit that he or she has not and will not talk to or correspond with ANY PERSON about any candidate's abilities, personality, or qualifications for promotion, prior to and during participation in the Assessment Center Process.
7. Assessors will not exceed a ten-hour workday (including lunch).
8. At no time and under any circumstances will any observer be allowed to sit in during the Assessment Center process. No audio or visual recording of the Assessment Center Process will be allowed.
9. Each candidate completing the Assessment Center will be given a written evaluation prepared by the Assessment Center personnel. The evaluation shall list the strengths and weaknesses observed in each candidate. In addition to the evaluation, each candidate may review his or her own individual Assessment process scores.
10. The Assessment Center is worth a maximum total of 60 points.

F. Tabulation of Final Scores, Eligibility Lists; Tie-Breakers-Alternate Promotional System

Candidates shall be placed on an eligibility list according to their total score, highest to lowest, derived from the -combination of the following (Maximum 100 points):

Written Examination	40 points
Assessment Center	60 points

The first tie breaker shall be the Assessment Center evaluation score. If a tie still exist, the second tie breaker shall be total seniority points up to ten (10). The third tie breaker shall be the written examination raw score. The fourth and final tie breaker will be the candidates' date and time of registration for the promotional examination, with the earliest candidate receiving the advantage.

The eligibility list will be posted on main bulletin boards throughout the Police Department, Fire Department and City Hall for all candidates to review, and at other locations as determined by the Civil Service Director.

G. Candidate Selection for Promotion-Alternate Promotional System

The Chief of Police shall promote the candidate with the highest overall score and in the order of ranking on the eligibility list.

The eligibility list shall be valid for one year from date of posting.

Section 036: Procedure for Making Promotional Appointments (Reserved)

Section 037: Record of Certification and Appointment (Reserved)

Section 038: Temporary Duties in Higher Classification (Reserved)

Sections 039-040: Reserved

CHAPTER C: COMPENSATION

Section 041: Salary (Reserved)

Section 042: Assignment Pay (Reserved)

Section 043: Field Training Officer Assignment Pay (Reserved)

Section 044: Certification and Educational Incentive Pay (Reserved)

Section 045: Accumulation and Payment of Sick Leave (Reserved)

Section 046: Vacations (Reserved)

Section 047: Shift Differential Pay (Reserved)

Sections 048-050: Reserved

CHAPTER D: DISCIPLINARY ACTS

Section 051: Cause for Removal or Suspension

The following are violations of Civil Service Commission Regulations and shall constitute cause for demotion, disciplinary suspension, or indefinite suspension of an employee from a Civil Service position with the City:

1. Conviction of a felony or other crime involving moral turpitude;
2. Violations of the City Charter;
3. Acts of incompetency;
4. Neglect of duty;
5. Discourtesy to the public or to fellow employees while in the line of duty;
6. Acts showing lack of good moral character;
7. Taking intoxicants while on duty or intoxication off duty;
8. Conduct prejudicial to good order;
9. Refusal or neglect to pay just debts;
10. Absence without leave;
11. Shirking duty or cowardice at fires, if applicable; or
12. Violation of an applicable Fire or Police Department rule, regulation, or special order.

(12/11/1998)

Section 052: Disciplinary Suspensions (Reserved)

Section 053: Appeal of Disciplinary Suspension

The format for a hearing before the Commission will be as follows:

1. The City's (Department) case:
 - a. Direct testimony of witness;
 - b. Cross-examination of witness;
 - c. Additional questions, if any, by Commission.
2. Officer's response:
 - a. Direct testimony of witness;
 - b. Cross-examination of witness;
 - c. Additional questions, if any, by Commission.
3. Rebuttal by City, if any:
 - a. Direct testimony of witness;
 - b. Cross-examination of witness;
 - c. Additional questions, if any, by Commission.
4.
 - a. Direct testimony of witness;
 - b. Cross-examination of witness;
 - c. Additional questions, if any, by Commission.

5. Short argument, summary by City.
6. Short argument, summary by Officer.
7. Short argument by City.
8. Consideration by Commission of facts and decision.

The Commission shall determine whether just cause exists therefore.

Section 054: Demotions (Reserved)

Section 055: Uncompensated duty of Police Officers (Reserved)

Section 056: Procedures After Felony Indictment or Misdemeanor Complaint (Reserved)

Section 057: Hearing Examiners (Reserved)

Sections 058-070: Reserved

CHAPTER E: LEAVES

Section 071: Leaves of Absence: Restriction Prohibited (Reserved)

Section 072: Military Leave of Absence (Reserved)

Section 073: Line of Duty Illness or Injury Leave of Absence

In the event that a fireman or policeman for any reason leaves the classified service, he shall receive, in a lump sum payment, the full amount of his salary for the period of his accumulated sick leave, provided that if the firefighter or police officer has more than ninety (90) days of accumulated sick leave during the last six (6) months of employment. Provided, however, that such payment shall not be based upon more than ninety (90) working days of accumulated sick leave. The lump sum payment provided in this section is calculated as follows: the employee is compensated for the accumulated time at the highest permanent classification of pay for which the employee was eligible during the last six (6) months of employment. The employee is paid for the same period of time the employee would have been paid if the sick leave had been taken, but excluding additional holidays and any sick leave or vacation time which the employee might have earned during the ninety (90) working days.

If an active police officer or firefighter dies as a result of a line-of-duty injury or line-of-duty illness, the entire amount of his calculated sick leave shall be paid as provided in this section. Provided, that in order to facilitate the settlement of the amounts of deceased employees of the Fire or Police Departments, all unpaid compensation due such employee at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order or precedence and such payments shall be a bar to recovery by any other person of amounts so paid.

First, to the beneficiary or beneficiaries designated by the employee in writing to receive such compensation filed with the Commission prior to the employee's death;

Second, if there be no such beneficiary, to the widow or widower of such employee;

Third, if there be no such beneficiary or surviving spouse, to the child or children of such employee, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such employee, or survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there be none, to the person or persons determined to be entitled thereto under the laws of descent and distribution of the State of Texas.

Section 074: Reappointment After Recovery From Disability (Reserved)

Section 075-080: Reserved

CHAPTER F: MISCELLANEOUS PROVISIONS

Section 081: Determination of Physical Fitness (Reserved)

Section 082: Efficiency Reports

The procedures for efficiency reports shall be as set forth in the internal policies and procedures of the Police Department and the Fire Department. *(Amended 10/9/02)*

Section 083: Emergency Appointment of Temporary Fire Fighters and Police Officers (Reserved)

Section 084: Civil Service Status and Pension Benefits for Certain Fire and Police Benefits (Reserved)

Section 085: Force Reduction and Reinstatement List

Any permanent employee who resigns from the classified service while not in good standing shall not be eligible to apply for future employment with the City.

Any person resigning from the service will lose all seniority and in case of re-employment will be treated the same as a new applicant applying for a position in the classified service in the Fire and Police department.

Section 086: Political Activities (Reserved)

Section 087: Strike Prohibition (Reserved)

Section 088: Unlawful Resignation or Retirement (Reserved)

Section 089: Personnel File (Reserved)