

# CITY OF LAREDO

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## FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION



## Civil Service Rules

### COMMISSIONERS

Oscar H. Garza, Jr.

Vidal Cantu, Jr.

Rogelio Rios, Jr.

### Director

Cesar R. Garza

2010

RULES OF PROCEDURE

FOR THE

FIRE FIGHTER'S AND POLICE OFFICER'S

CIVIL SERVICE COMMISSION

OF

LAREDO, TEXAS

DEFINITIONS

"Chief Executive" means the City Manager of the City of Laredo, Texas

"Civil Service Law" means Chapter 143, Municipal Civil Service, of the Local Government Code, Vernon's Annotated Texas Statutes, as amended.

"Classified Service" means the members of the Laredo Fire Department and/or the Laredo Police Department as defined in that certain ordinance enacted by the City Council of Laredo, Texas on the 20<sup>th</sup> day of July, 1971, provided that the Chief or head of the Fire Department and the Chief or head of the Police Department, all probationary firefighters and police officers and all civilians of either department shall not be included in the classified service.

"Commission" means the Fire Fighter's and Police Officer's Civil Service Commission of the City of Laredo, Texas.

"Department Head" means the chief or head of the Fire Department and/or the chief or head of the Police Department

"Director" means the Director of the Fire Fighter's and Police Officer's Civil Service Commission.

## RULE 1 GENERAL PROVISIONS

- SECTION A     Local Rules. All the rules contained herewith are enacted as the Commission Rules as authorized by Section 143.008 of the Local Government Code, Vernon's Civil Statutes. All the rules contained herewith shall be followed and obeyed by the Commission, Department heads, fire fighters, police officers and all concerned persons.
- SECTION B     Waiving of Civil Service Rights. Neither public officer nor any administrative employee acting for a public officer shall be permitted to require a candidate for employment to sign any document whereby such candidate waives any right or rights accruing to him under the Civil Service Law or these rules. No public officer shall require an employee to waive any rights accruing to such employee under these laws and rules.
- SECTION C     General. Any Fire Department or Police Department rules and regulations are cumulative to the provisions of these rules.

## RULE 2 GROUNDS FOR REMOVAL, SUSPENSION OR DEMOTION

The following are declared to be grounds for removal, suspension, or demotion of an employee in the classified service, as the circumstances may require:

- (1) Conviction of a felony or other crime involving moral turpitude.
- (2) Violation of a provision of the City Charter of the City of Laredo, Texas
- (3) Act of Incompetence.
- (4) Neglect of duty.
- (5) Discourtesy to the public or to a fellow employee while the fire fighter or police officer is in the line of duty.
- (6) Act of employee showing lack of good moral character.
- (7) Use of intoxicants while on duty, or intoxication while on or 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 a fire, if applicable.

- (12) Violation of a rule or special order of the Fire Department or Police Department, as applicable.

### RULE 3 MEETINGS OF COMMISSION

- SECTION A Meetings. A meeting of the Commission may be held as required. In the event a meeting is postponed for any reason, the director shall notify all members of the Commission of the date to which such meeting has been postponed.
- SECTION B Record of Proceedings. The Director of the Civil Service Commission shall act as secretary to the Commission and shall keep a record of all proceedings of the Commission. The Commission shall maintain a permanent record of all proceedings with copies available at cost. Such copies will be provided only in their entirety of said meeting. The cost of said proceedings is herewith defined as the direct cost of the Commission to have said proceedings reduced to a written or audio copy of the requested proceedings.
- SECTION C Meetings to be Public. The meetings of the Commission shall be open to the public.
- SECTION D Committee of the Whole. The Commission may meet as a Committee of the Whole in which no official action can be taken other than to report its recommendations, if any, to the Commission at the next regular or special meeting of the Commission when such matters may be duly acted upon.
- SECTION E Notice of Meetings. Notice of all meetings of the Commission or of the Committee of the Whole shall be given by the Director to the members of the Commission.
- SECTION F Amendments of Rules. The Commission may, by majority vote, make amendments to these Rules at any regular meeting of the Commission, and put same into effect by complying with Section 143.008 of the Local Government Code, Vernon's Civil Statutes.

## RULE 4 APPLICATIONS

SECTION A Application. An applicant for appointment to the classified service in the Fire Department or Police Department must meet the provisions of Chapter 143, Municipal Civil Service, of the Local Government Code, Chapter 415, Commission on Law Enforcement Officer Standards and Education or Chapter 416, Commission on Fire Protection Personnel Standards and Education of the Government Code, as applicable, and the "City of Laredo Civil Service Commission Minimum Standards for Police" or the "Minimum Qualifications for Applicants wishing to take Entrance Level Examination for the Position of Fire Fighter with the Laredo Fire Department", as applicable.

SECTION B Physical and Psychological Requirements. An applicant must be in sound physical condition and free from any physical defects. An applicant must additionally be examined by a licensed clinical psychologist or psychiatrist to determine whether he or she has the psychological disposition to be a police officer or firefighter, as applicable.

SECTION C Disqualification of Applicants. No person shall be eligible to take the examination for nor be eligible for appointment to the classified service who:

- (1) Has been convicted or stands charged by indictment with an offense of the grade of felony or an offense involving moral turpitude.
- (2) Is a member of an organization which advocates the overthrow of the United States Government or the Government of the State of Texas by force or violence.
- (3) Has been discharged from any branch of the armed services of the United States under conditions other than honorable.
- (4) Has been previously discharged from service in the classified service or has resigned to prevent suspension or the filing of charges.
- (5) Is deceitful, or misrepresents or omits a material fact in his application, examination, or appointment.
- (6) Shows evidence of use of illegal drugs or excessive use of alcohol, drugs or intoxicating substances.
- (7) Does not meet the requirements of Rule 4, Section A, herein.

SECTION D Preparation of Application. The Director shall develop and prepare application forms for the classified service and distribute them without charge on request of persons wishing to make application. The Director or the Commission shall not be required to accept applications until notice of an examination has been posted in accordance with these rules.

SECTION E Applications not to be returned. An application shall remain on file with the Director and under no circumstances shall it be returned to the applicant, except for correction by the applicant.

### RULE 5 EXAMINATIONS

SECTION A Conduct of Examination. The conduct of every examination shall be under the direction of the Commission, or its authorized representative, free from the presence, participation or influence of any other person other than persons authorized by the Commission to attend the examination.

SECTION B Eligible Promotional Candidates who are on Active Military Duty. The following rules and regulations apply to eligible promotional candidates who are on active military duty outside of this state or in a location that is not within reasonable geographic proximity to the location where the examination is being administered. Such candidates are entitled to take the examination outside of the presence of and at a different time than the other candidates and may allow taking an examination that is not identical to the examination administered to the other candidates.

- (1) Candidates will be notified of the upcoming test and must there file a letter of intention to take the promotional examination with the Civil Service Director or Designee on the date or before the original written examination is administered. Candidates who file letters after the date of the original examination are no longer eligible to take the examination.
- (2) The promotional examination will be administered to eligible candidates on or before 60 days from the date of the original written promotional examination was administered.
- (3) Candidates, who pass the examination, will be added to the original written examination eligibility list by amending the list at a later date.
- (4) Candidates, who take the written examination at a later date than when the original examination was administered, will be allowed

five (5) business days to review and file a letter of appeal with the Commission in compliance with Section 143.034 of the Texas Local Government Code.

- (5) Candidates, who take the written examination outside of this state or a different geographic location, will have the examination administered by a designated testing proctor assigned by the military.

*These rules and regulations of the Commission were adopted and published in compliance with the requirements of Section 143.008 of the Texas Local Government Code approved effective on February 16, 2006.*

- SECTION C Unfair Practices. An applicant who in a promotional examination uses or attempts to use any unfair or deceitful means to pass such examination shall be informed by the examiner witnessing the act that the applicant's actions will be reported to the Commission with a recommendation that he be excluded from further consideration. The examiner shall subsequently make such report.
- SECTION D Grading Procedure. All grading of entrance examination papers shall be done before names of examinees are revealed. Grades for entrance examination shall be in accordance with Fire Department or Police Department standard, as applicable, to insure the best qualified eligible's possible. A passing grade is required before an applicant for a beginning position in the classified service is placed on the eligibility list.
- SECTION E Postponement or Cancellation of Examination. The Commission may, at its discretion, cancel an examination or postpone an examination to a later date.
- SECTION F Letters of Recommendation. No letters of recommendation or endorsements, other than those required by these rules, shall be considered in rating any competitor.
- SECTION G Showing of Examination papers. The examination of a competitor shall not be exhibited except to the competitor, the chief executive, department head, or other person authorized by the Commission.
- SECTION H Questions to be Kept Secret. The questions to be propounded on the written examination shall be kept secret and if it be ascertained by the Commission or department head that a contestant has procured any portion of the examination prior to giving the examination, such contestant shall not be permitted to take the examination. If it is ascertained after the examination is given that one of the contestants

taking the examination has procured any part of the examination prior to taking the examination, the Commission shall strike his name from the applicable eligibility list. The provisions of this Section shall apply to both entrance examinations and promotional examinations.

#### SECTION I Examination Question Appeals

In order to appeal an examination question, the qualified applicant must identify the question and state the specific reason that the question is being appealed. The appellant must include a written statement that:

- (1) The answer designated as correct is contrary to the segment of the source cited as basis for the question;
- (2) The wrong answer is designated as correct; or
- (3) The answer designated as correct was not the best answer provided in the source.
- (4) Include any and all arguments to be presented to the Commission in written form.

The following reason shall not be a valid basis for an appeal;

- (1) Personal disagreement with the keyed answer.
- (2) Another text or document provides another or different answer.
- (3) The question reference information is incorrect.

The Commission will employ the following guidelines when evaluating an appeal.

- (1) If the question is a direct or modified quote of the source and is essentially the same, an appeal will be dismissed and not considered valid.
- (2) Common usage of words and phrases will be utilized in the consideration of all appeals.
- (3) The Director of Civil Service is directed to evaluate all appeals of examination questions to determine that they are in compliance with this Rule. If a purported appeal is not in compliance with this Rule. The Director shall reject the appeal as invalid.

#### SECTION J Tie Scores.

- (1) In an entrance examination the tie scores shall be broken by raw score first (without Veteran's Points) and by date of application second.
- (2) In promotional examinations, the first tie breaker shall be based on raw score (without Veteran's Points). The second tie breaker shall be the time in rank at the present rank. The third tie



breaker shall be the time the examination was submitted to the official timekeeper for the examination.

#### RULE 6 ELIGIBLE LISTS

- SECTION A Life of Eligibility List. In no event shall an eligibility list be effective for a period to exceed one (1) year from the date of examination. At the expiration of this one (1) year period, and if there is an existing vacancy in the classified service which is to be filled, a new examination shall be given and a new eligibility list prepared.
- SECTION B Removal from List. An applicant's name shall be removed from a list of eligible whenever he/she no longer meets a qualification required or is disqualified.
- SECTION C Declining Appointment. The name of a person declining appointment shall be stricken from the eligible list unless declination is due to temporary inability, physical or otherwise, which must be satisfactorily explained by the applicant to remain in the list.

#### RULE 7 CERTIFICATION AND APPOINTMENT FOR BEGINNING POSITIONS

- SECTION A Notice of Appointment. A notice of the appointment of a person shall be given to such person at his last known address.
- SECTION B Failure to Accept Appointment. Failure of an appointee to report to the appropriate Department Head within the time limit stated on the notice sent to the appointee shall be cause for removal of his name from the list of eligible's.
- SECTION C Cause for Dismissal. During the first year of employment, known as the probationary period, it shall be the duty of the department head to discharge an employee whose appointment was not regular, or not made in compliance with the provisions of the Civil Service law or these rules, or is found incompetent or unqualified to perform the duties of the position to which he was appointed and hence is employed in violation of the Civil Service law; and the Department Head shall eliminate any such employee from the payroll.

RULE 8 APPEALS

In order for a member of the classified service to appeal to the Commission, under Section 143.010 of the Local Government Code, V.C.S. the member shall file the appeal in the office of the City of Laredo, Personnel Department.

RULE 9 SAVINGS CLAUSE

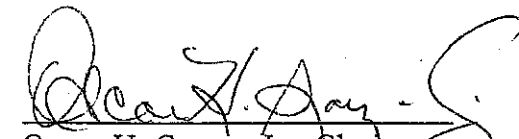
SECTION A General Provision. The provisions of these rules are declared to be severable and if any rule, section, sentence, clause, phrase, or word in these rules shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, sections, sentences, clauses, phrases, and words of these rules, but they shall remain in effect it being the legislative intent of the Commission that these rules shall stand notwithstanding the invalidity of any part.

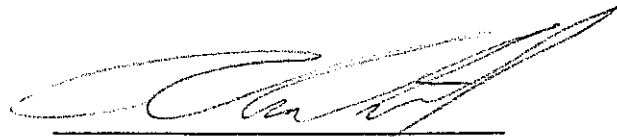
SECTION B Repeal of Prior Rule. These rules and regulations repeal and replace prior rules of the Commission as of the date of adoption.

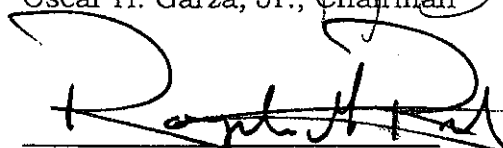
SECTION C Publication of Rules. These rules and regulations of the Commission shall be published in compliance with the requirements of Section 143.008 of the Local Government Code, V.C. S.

SIGNED THIS 31<sup>st</sup> DAY OF AUGUST, 2010.

CIVIL SERVICE COMMISSION

  
Oscar H. Garza, Jr., Chairman

  
Vidal Cantu, Jr. Vice-Chairman

  
Rogelio Rios, Jr., Commissioner

  
Cesar R. Garza, Director