

# Fire Fighters' and Police Officers' Civil Service Rules



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**RULE I Definitions, Use of Terms, and Grammar**

The meaning of words or phrases not specifically defined shall be interpreted to have the meaning and intent established in common usage.

The following rules of grammar shall apply throughout these rules:

The use of the present tense includes the past and future tenses and the future tense includes the present tense.

The use of the masculine gender includes the feminine gender.

The use of the singular number includes the plural number and the plural number includes the singular number.

The following verbs are used throughout these rules; however, the absence of a mandatory verb does not make a requirement any less imperative:

The words “shall,” “will,” and “must” are used to specify a required action.

The word “may” is used to specify a permissive action.

The terms Commission, Department Head, Director, Fire Fighter, and Police Officer shall have the meaning consistent with Chapter 143 of the Texas Local Government Code.

Applicant means an individual who possesses the prescribed minimum qualifications and who, in response to a solicitation, has completed and submitted the prescribed form expressing a desire to be employed in a beginning position for the Fire or Police Department.

Appointment means the designation of an individual by the Chief Executive to become an employee in a position.

Beginning position means the position of police cadet in the Police Department and fire fighter trainee in the Fire Department.

Business day means a calendar day during which the offices of the Human Resources Department of the City of San Antonio are open and conducting normal business. These days are normally Monday through Friday, exclusive of City Holidays.

Certify means the act of the Civil Service Director in supplying the Chief Executive with the list of names of applicants who are eligible and suitable for appointment for employment in a vacant beginning position in the Fire or Police Department.

Chief Executive means the City Manager.

Civil Service Director means the Director of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission.

Class means a position or grouping of positions that involve similar duties and responsibilities, requires similar qualifications, and which is properly designated by one title or the nature of the work.

Classification Plan consists of:

- A. A grouping into classes of positions which are of approximately equal duties and responsibilities.
- B. Class titles, descriptive of the work of the class, which will identify each class.
- C. Written class specifications for each class of positions containing a description of the nature of the work and of the relative responsibility of the positions in the class, illustrative examples of work performed in the class, requirements in terms of knowledge, abilities, and skills necessary for the performance of the work, and a statement of experience and training desirable for recruitment into the class.

Commission means the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission and is used interchangeably with Civil Service Commission.

Commissioner means a member of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission.

Convicted means has been adjudged guilty or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether:

- A. the sentence is subsequently probated and the person is released from probation;
- B. the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense;

- C. the cause has been made the subject of an expunction order; probation for a criminal offense.
- D. the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

Current Collective Bargaining Agreement means the applicable collective bargaining agreement in effect at the time of the application of a Civil Service Rule.

Department Head means the Chief of the Police Department or the Chief of the Fire Department, as applicable.

Eligibility List means the list of applicants, ranked by score, who have received a passing score on an entrance or promotional examination for a position in the Fire or Police Department.

Hazardous Moving Traffic Offenses includes all traffic violations except size, weight, equipment, inspection, registration, and safety responsibility violations.

KSA exam means a written Knowledge, Skills, and Abilities exam that is administered to each applicant who is deemed eligible for processing after the submission of a proper SAPD application.

Line of Duty Death means any firefighter from a Chapter 143 city, who has died as a direct and proximate result of a personal injury or illness sustained in the line of duty.

Any firefighter whose death meets one of the following conditions shall not be considered a line of duty death:

- A. Deaths attributed to voluntary alcohol or controlled substance abuse;
- B. Deaths caused by the intentional misconduct of the firefighter;
- C. Deaths attributed to a firefighter performing his/her duty in a grossly negligent manner at time of death.

Placed on Probation means has received adjudicated, unadjudicated or deferred adjudication.

Promotion means a change from one grade to a higher grade or rank, or a change in duties or in title involving a distinct change in duties for which there is required a promotional examination, either written or unwritten. Promotion shall always mean an increase in responsibilities.

Reinstatement Lists means a list of persons, according to class and department, arranged in the order provided by Chapter 143 of the Texas Local Government Code, who have previously occupied positions in the classified service and have been laid off from active service in accordance with Chapter 143 of the Texas Local Government Code, and who may be certified for appointment to such positions when vacancies occur.



Service in the United States Armed Forces means active duty status for a period of not less than one hundred eighty (180) days in the United States Marines, Army, Air Force, Navy, or Coast Guard. Service time shall not include time served in basic training or as a "reserve".

Unauthorized Absence means the failure of an employee to report for duty at the time and place designated without previously having requested and been granted leave by an appropriate authority.

Vacancy means an authorized position in a classification for which monies exist to pay the salary and the position is not filled.

## **RULE II General Provision**

### A. Purpose

The Fire Fighters' and Police Officers' Civil Service System of the City of San Antonio is established pursuant to Chapter 143 of the Texas Local Government Code for the purpose of developing, adopting and enforcing rules regarding the initial selection of employees as well as for their advancement, benefits, and conditions of employment.

### B. Scope and Effect

The Fire Fighters' and Police Officers' Civil Service Commission hereby adopts the following Civil Service Rules for the administration of the Fire Fighters' and Police Officers' Civil Service System for the City of San Antonio, Texas. These rules completely repeal and replace all prior Civil Service Rules as have been previously adopted. The scope and construction of the rules will be interpreted and applied within the spirit and intent of Chapter 143 of the Texas Local Government Code. These Civil Service Rules apply to all employees of the Fire and Police Departments covered under Chapter 143 of the Texas Local Government Code.

In the event that any rule, section, subsection, item, clause, or phrase contained within these rules is found to be illegal or otherwise incorrect or inapplicable, such finding shall not affect the validity of the remaining portions of these rules. Likewise, in the event that any rule, section, subsection, item, clause, or phrase contained within these rules is found to be in conflict or inconsistent with a provision of the current Collective Bargaining Agreement by and between the City of San Antonio and Local 624 of the International Association of Firefighters' or by and between the City of San Antonio and the San Antonio Police Officers' Association, then the provision of the current Collective Bargaining Agreement shall prevail. Furthermore, in the event that any rule, section, subsection, item, clause, or phrase contained within these rules is found to be in conflict or inconsistent with Chapter 143 of the Texas Local Government Code, then the provision of the Chapter 143 shall prevail.

### C. Adoption and Publication of Rules

The Commission reserves the right to amend, modify, and revoke any of its rules, policies, practices, procedures, and standards. Similarly, the interpretation, scope, and applicability of any

of the provisions are also exclusively within the Commission's control and discretion. Any and all changes to the rules will apply to all fire fighters and police officers and applicants for the Fire or Police Department on the effective date of the change. These amendments will be posted and distributed in accordance with Chapter 143 of the Texas Local Government Code.

D. Equal Opportunity Employer

The City will not discriminate against any applicant or employee on the basis of the person's race, color, gender, national origin, disability, religion, or age (as defined by law), or any non-merit factor, except when specific age or physical requirements constitute a bona fide occupational necessity for proper and efficient operation.

E. Nepotism

Police Department

No person shall be assigned to a position in the Police Department in which their immediate supervisor is related to them in the first degree of affinity or consanguinity.

Fire Department

Relatives by blood or marriage will not be assigned to work together or to positions where one will supervise the other.

F. Political Activity

The Commission adopts and incorporates the provisions of Chapter 143.086, Political Activity, into these Rules.

G. Political Recommendations

No recommendations for any applicant, competitor, or eligible person involving the disclosure of political opinions or affiliations shall be received, filed, or considered by the Commission, Chief Executive, Civil Service Director, or Department Head.

H. Cooperation of Employees

All fire fighters and police officers shall afford the Commission all reasonable facilities in conducting an inquiry specified in these rules and the civil service law and shall permit inspection by the Commission of all books, papers, and documents belonging to, or any way appertaining to, their respective offices, and shall also produce said books and papers, and shall attend and testify when required to do so by the Commission.

I. Officers and Employees to Abide by Provisions of Rules

It shall be the duty of all officers and employees of the City to conform to, comply with, and to aid in

all proper ways in carrying into effect the provisions of these rules and any modification thereof.

J. Incorporation of Chapter 143 of the Texas Local Government Code

Unless otherwise stated, Chapter 143 of the Texas Local Government Code is hereby adopted and incorporated into these Rules.

**RULE III Organization and Responsibilities of the Commission**

A. Commission Organization

1. Appointments and Terms of Office

The Fire Fighters' and Police Officers' Civil Service Commission consists of three members who are appointed by the Chief Executive of the City and confirmed by the City Council. Members serve staggered three-year terms with the term of one member expiring each year.

2. Election of Chair and Vice-Chair

Each January, the members elect a Chairperson and a Vice-Chairperson. The Vice-Chairperson serves as the Chairperson in the absence of the Chairperson. If the Chairperson resigns or is removed from the Commission, the Vice-Chairperson shall assume the responsibilities of the Chairperson for the remainder of the term. If the Vice-Chairperson resigns or is removed from the Commission, the Commission member with the most seniority shall assume the position of Vice-Chairperson for the remainder of the term.

3. Resignations

Members of the Civil Service Commission may tender their resignations in writing at any time to the Chief Executive.

4. Quorum

Two (2) members of the Commission shall constitute a quorum to conduct business.

B. Responsibilities of the Commission

The Commission has the responsibility to publish and enforce rules relating to:

1. The proper conduct of Commission business;
2. The proper conduct of examinations for entry-level and promotional eligibility;
3. The proper conduct of appeals of testing and examination scoring;

4. The prescribed cause(s) for the removal or suspension of a fire fighter or police officer and the posting and distribution of the cause;
5. The procedures for hearing disciplinary appeals by the Commission concerning indefinite suspensions, suspensions, promotional pass over's, and demotions;
6. Develop and conduct orientation training for all new Commission members;
7. Duties of the Civil Service Director; and
8. Such other matters reasonably related to the appointments, promotions, and discipline of fire fighters and police officers as enumerated in Chapter 143 of the Texas Local Government Code.

C. Civil Service Director

The Commission shall designate and appoint any individual, including the Human Resources Director for the City, who meets the qualifications set forth in Chapter 143 of the Texas Local Government Code, as the Director of the Fire Fighters' and Police Officers' Civil Service Commission. The Civil Service Director provides staff support to the Civil Service Commission and serves in accordance with Chapter 143 of the Texas Local Government Code.

D. Duties and Responsibilities of the Civil Service Director

The Civil Service Director shall have the responsibility to:

1. Receive and forward items for agenda consideration to the Chairperson;
2. Prepare and post the agenda for each meeting in accordance with these rules and the Texas Open Meetings Act;
3. Record and prepare the minutes of each meeting or hearing, reducing to writing a permanent record of these meetings, hearings, and decisions of the Commission;
4. Make available upon request a copy of these rules, minutes, and other written records in accordance with the applicable statutes regarding Open Records Requests;
5. Establish a record retention schedule and maintain a filing system of the written records of the Commission;
6. Prepare, post and distribute notices of examinations, eligibility, promotion, and reinstatement lists;
7. Establish a process to codify these rules, maintaining a historical perspective of all changes, additions, deletions, and amendments;

8. Prepare subpoenas and other documents at the direction of the Commission;
9. Maintain records of certification, appointment, and other such records as required by Chapter 143 of the Texas Local Government Code;
10. Provide each Commissioner with a copy of the agenda and supporting documents at least 48 hours prior to each meeting of the Commission;
11. Assure that all meetings are electronically recorded and preserved; and
12. Carry out other such duties and responsibilities as required in these rules or as assigned by the Commission in furthering the proper conduct of business for the Commission.

#### **RULE IV Meetings, Agendas, Minutes, & Hearings**

##### A. Meetings

All meetings of the Commission are to be open to the public. The time, date, place, and subject matter to be considered at the meeting are to be posted in conformance with the Texas Open Meetings Act.

##### 1. Regular Meeting

The Commission will schedule and conduct meetings each month, as necessary, in accordance with the Texas Open Meetings Act.

##### 2. Special Meetings

Special meetings may be called by the Chairperson or the other two Commissioners upon giving advance notice to each member and public notice in accordance with the Texas Open Meetings Act.

##### B. Conduct of Meetings

1. The Commission will use Robert's Rules of Order as a guide for the conduct of their regular business.
2. The Commission may, from time to time and by majority vote, establish rules of procedure and conduct in the administration of meetings.
3. The use of transcription services, film, audio, or video recording of meetings shall be coordinated with the Civil Service Director.
4. The normal order of business is:
  - a) Call to Order;

- b) Approval of Minutes;
- c) Announcements;
- d) Unfinished Business;
- e) New Business;
- f) Citizens to be Heard;
- g) Executive Session; and
- h) Adjournment.

5. Items to be discussed under announcements, unfinished business, and new business must be properly identified in the posted agenda in accordance with the Texas Open Meetings Act. Any Commissioner may place an item on the agenda for the following scheduled meeting if received by the Civil Service Director three (3) work days prior to the meeting. All other agenda items must be submitted on the appropriate forms to the Civil Service Director at least seven (7) work days prior to the scheduled meeting. The Chairperson of the Commission will determine whether items using these forms will be placed on the agenda.

#### C. Minutes

1. The following items are recorded in the minutes:

- a) the time and place of each meeting of the Commission;
- b) the names of the Commission members present;
- c) all official actions of the Commission;
- d) the official vote by each Commission member;
- e) upon request, a Commission member's dissent with stated reasons; and
- f) other such matters deemed appropriate for the record.

2. The minutes of a meeting will usually be presented for approval at the next regular meeting of the Commission. Upon the approval of the Commission, the minutes will be signed by at least two (2) members of the Commission and the Civil Service Director or designee. The minutes, other than matters discussed in executive session, are available for public inspection.

#### D. Citizens to be Heard

1. The Civil Service Director will cause a signup sheet for each meeting to be prepared which lists each agenda item. This signup sheet is to be made available to the public, at least one hour prior to the scheduled meeting time of each meeting, for citizens to sign up to address the Commission on a specific agenda item. The item "Citizens to be Heard" shall be included on the agenda to provide citizens the opportunity to address the Commission on issues not included in the meeting's agenda.

2. Citizens desiring to address the Commission must legibly affix their name to the "Citizens to be Heard Roster" prior to the scheduled meeting time. Citizens must indicate the topic(s) or the agenda item(s) on which they wish to address the Commission. Citizens are permitted to sign up only once for each agenda item.

3. Citizens are allotted a maximum of three (3) minutes to address the Commission on each item they have signed up for.
4. The Commission cannot take formal action on any issue not included on the agenda.
5. The Commission may suspend "Citizens to be Heard" by majority vote.

E. Hearings

All hearings regarding issues of suspension, demotion, promotion, and examination conducted by the Commission are to be open to the public. The subject matter to be considered at these hearings is placed on the agenda and the time, date, and place of the hearing is posted in the same manner as other Commission Meetings; as such, they conform to the requirements of the Texas Open Meetings Act.

F. Conduct of Hearings

1. All hearings are conducted in accordance with Chapter 143 of the Texas Local Government Code.
2. Grievant may be represented by counsel or another person of their choice in accordance with Chapter 143 of the Texas Local Government Code.
3. A guideline for the normal order of business is:
  - a) The Chairperson calls the meeting to order and checks to see that all parties, including witnesses, are present.
  - b) The Commission and all parties present are introduced.
  - c) All witnesses are sworn in: "Do you solemnly swear or affirm that the testimony you are about to give is the truth and nothing but the truth?"
  - d) The Chairperson asks, if applicable, if either party to the hearing wishes to invoke the rule (the rule requires that all witnesses be removed from the room, except for the one witness who is testifying). Witnesses are advised by the Chairperson not to discuss any testimony with the other witnesses.
  - e) Any housekeeping items are stated.
  - f) The City's representative makes an opening statement (may be deferred until later).
  - g) The grievant's representative makes an opening statement (may be deferred until later).
  - h) The City presents its witnesses. The City's representative questions the witness, followed by the grievant's representative's cross-examination, and the City's redirect. On completion of the parties' questioning of the witness, the Commission may ask questions of the witness. On

completion of questioning, the witness may be dismissed, excused (subject to recall), or held for later questioning.

- i) On the conclusion of the City's presentation, the grievant's representative presents its witnesses. The grievant's representative questions the witness, followed by the City's cross-examination, and the grievant's redirect. On completion of the parties' questioning of the witness, the Commission may ask questions of the witness. On completion of questioning, the witness may be dismissed, excused (subject to recall), or held for later questioning.
  - j) On completion of the presentation of both parties' evidence, the City's representative may make closing arguments followed by the grievant's representative.
  - k) Both parties rest and the Commission may enter Executive Session to deliberate.
  - l) The Commission, in the open meeting, votes and renders its decision.
4. The Commission may proceed with a hearing absent one party if the Commission has concluded with the remaining items on the Commission's agenda.

#### **RULE V Classification and Compensation**

##### **A. Positions Included in the Collective Bargaining Agreements**

The compensation plans (wages) are detailed in the respective Fire Fighters' and Police Officers' Collective Bargaining Agreements.

In the event, for whatever reason, there is no respective Collective Bargaining Agreement with the City of San Antonio, the most recent classification plan in effect will remain so, until such time as the Commission adopts or amends such a plan and such plan is approved by City Council ordinance. Likewise, the most recent compensation plan will remain in effect until such time as the City Council amends it.

##### **B. Positions Excluded From the Collective Bargaining Agreements**

The City Council, through the budget process, will adopt the classification and compensation plan for those classifications not covered by the respective Collective Bargaining Agreement, i.e., Police Cadet and Firefighter Trainee.

##### **C. Classification Plan**

The City Council shall adopt in ordinance form a classification plan for all employees in the classified service. Such plan shall have been prepared by the Human Resources Director and submitted to the City Manager and City Council for their action.



The plan shall include titles for each class of positions. Each class shall include all positions which are sufficiently similar with respect to duties, responsibilities, and authority so that the same title may be used to designate each position allocated to the class; the same requirement applies to education, experience, intelligence, general and specialized knowledge, skill, physical condition and other qualifications that may be demanded of employees for the performance of their duties. It will also be the responsibility of the Human Resources Director to maintain the classification plan and keep it current by revision and updating procedures.

### **RULE VI Notice of Examination and Application**

#### A. Notice of Entrance Examination

The Department Head shall request the Commission to publish and post an official notice inviting the filing of applications at least ten (10) calendar days prior to the date of the examination. The notice shall be posted in the main lobby of City Hall and in the Office of the Commission. Civil Service Director shall have the authority to post an official notice of an Entrance Examination prior to Commission approval if such notice is placed on the agenda for the next Commission meeting for ratification of the Director's posting.

#### B. Contents of Notice

All notices will contain:

1. Job title and salary rate or range.
2. Date, time, and place of examination.
3. The minimum qualifications as set forth in Rule VII.
4. Essential job functions including major job duties and requirements.
5. Time, place, and manner for submitting applications.
6. Application deadline.
7. The period of time for which the eligibility list will be in effect.
8. Appeal process to the rejection of an application.

#### C. Preparation of Application Forms

The Civil Service Director is responsible for the development, production, and distribution of application forms.

#### D. Contents of Applications

All applications will state:

1. Position applied for.
2. Applicant's full name and social security number.
3. Current mailing address.
4. Age and date of birth.
5. Moving traffic violation convictions.

6. Misdemeanor and felony conviction record.
7. Date and type of discharge from the United States Armed Forces, if applicable.
8. Education.
9. Such other information as the Commission may reasonably require concerning the applicant's merit and fitness for public service.

E. Certification of Applications

Applicants shall be required to complete their applications and certify the correctness of the facts.

F. Filing Applications and Notification of Examination

1. Applications are accepted only for announced positions.
2. The Civil Service Director shall cause all completed applications which are submitted in the prescribed manner to be examined.
3. After examining the applications, the Civil Service Director shall cause all applicants to be notified of the status of their applications and instruct those applicants who meet the minimum qualifications to appear for the examination.

G. Causes for Rejection of Application

The following are declared to be causes for rejection of an application:

1. The application was not received at the designated location by the closing date.
2. The applicant does not meet the minimum qualifications set forth in Rule VII.
3. The application form is incomplete, excludes statements of material fact, or contains false or intentionally misleading statements of material fact.
4. The applicant has been dismissed from the City service for cause within two (2) years prior to the date of the application.

H. Rejected Application

Whenever an application is rejected, the applicant will be promptly notified in writing. Within fourteen (14) calendar days of receipt of the notice, the applicant may appeal the rejection in writing to the Civil Service Director. The Director shall review the reason for the rejection of the application and render a decision.

I. Retention of Applications

Applications remain on file in the Office of the Commission in accordance with the records retention schedule and are not returned to the applicants.

J. Process for Determining an Applicant's Suitability

The process for determining an applicant's suitability for a position in the Fire or Police Department may include but is not limited to:

1. Written Entrance Examination;
2. Physical Fitness Evaluation;
3. Personal History Evaluation;
4. Background Investigation;
5. Personal Interview;
6. Behavioral Assessment;
7. Conditional Offer of Employment;
8. Medical Evaluation;
9. Polygraph Examination;
10. Psychological Evaluation; and
11. Appointment by the Chief Executive.

**RULE VII Minimum Qualifications**

A. Police Officers

Applicants must possess the following qualifications at the time of application for the position of police officer:

1. Applicants must be at least 20 years and 6 months of age by the date of the KSA exam.
2. A person who is 45 years of age or older may not be certified for a beginning position in a police department.
3. Applicants younger than 21 years of age may be eligible, if the applicant is at least 18 years of age and has:
  - a) Successfully completed and received credit for at least sixty (60) hours of study at an accredited college or university; or
  - b) Received an Associate Degree from an accredited college or university; or
  - c) Received an honorable discharge from the United States Armed Forces after at least two (2) years of active military service.
4. Applicants must not have any of the disqualifying items listed below on their record:

- a) Conviction of any offense above the grade of Class B misdemeanor, or other crime involving moral turpitude.
  - b) Any discharge from the United States Armed Forces other than Honorable. (Uncharacterized and Entry-Level discharges may be accepted and will be assessed on an individual basis.)
  - c) Traffic citations for two (2) or more hazardous moving traffic offenses with any disposition other than "not guilty" within the twelve (12) months preceding the date of application.
  - d) Conviction of a Class B misdemeanor within the last ten (10) years.
  - e) Conviction of a crime involving family violence.
  - f) Have been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor.
  - g) Have been on court-ordered community supervision or probation for a Class B misdemeanor within the last ten (10) years from the date of the court order.
  - h) Currently under indictment for any criminal offense.
5. Applicants must have a high school diploma or a G.E.D. certificate. The applicant's academic records must reflect a minimum overall grade point average of "C" or its numerical equivalent. In the event an applicant's high school grade point average is below this standard, or the applicant presents a G.E.D. certificate, the applicant must have attended an accredited college or university, completed at least twelve (12) semester hours, and maintained a minimum grade point average of a "C" or its numerical equivalent.
  6. Applicants must be a U.S. citizen.
  7. Applicants must be able to read, write, and speak in the English language.
  8. Applicants must meet all legal requirements necessary to become eligible for future licensing by the Commission on Law Enforcement Officer Standards and Education.
  9. Applicants must meet the suitability requirements listed under Rule IX. H. (13) Use of Illicit Substances.

#### B. Fire Fighters

Applicants must possess the following qualifications at the time of application for the position of Fire Fighter:

1. Applicants must be at least 19 years of age by the date of the written examination.

2. Applicants must not have reached 34 years of age by the date of the written examination.
3. Applicants must have a high school diploma or G.E.D. certificate.
4. Applicants must be able to read, write, and speak in the English language.
5. Applicants must not have any of the disqualifying items listed below on his/her record:
  - a) Conviction of a felony or other crime involving moral turpitude.
  - b) Any discharge from the United States Armed Forces other than Honorable. (Uncharacterized and Entry-Level discharges may be accepted and will be assessed on an individual basis.)
  - c) Two (2) or more traffic violation convictions within the twelve (12) months preceding the date of the written examination.
  - d) Conviction of a Class A or Class B misdemeanor or its equivalent within the 24 months preceding the date of the written examination.
  - e) Conviction of a Driving While Intoxicated, Driving Under the Influence of Drugs, or their equivalent within the five (5) years preceding the date of the written examination.
6. Applicants must meet all legal requirements necessary to become eligible for future licensing by the Texas Commission on Fire Protection.
7. Applicants must meet the suitability requirements listed under Rule IX. H. (13) Use of Illicit Substances.

### **RULE VIII Entrance Examinations**

#### A. Character And Content Of Written Entrance Examination

The written entrance examination will assess the applicant's general knowledge and inquire into the applicant's knowledge and qualifications for work in the Fire Department or the Police Department, whichever is applicable.

#### B. Conduct of Written Entrance Examination

1. The Commission will provide for open, competitive, and free entrance examinations to provide eligibility lists for beginning positions in the Fire and Police Departments. The entrance examinations are open to each person who makes a proper application and meets the requirements outlined in the job announcement.
2. An applicant may not take an entrance examination unless at least one other applicant taking the examination is present.

3. Written entrance examinations for beginning positions in the Fire Department may be held at different locations if each applicant takes the same examination and is examined in the presence of other applicants.
4. Written entrance examinations for beginning positions in the Police Department will be held in the presence of the other eligible applicants and cannot be held in different locations.
5. An applicant who, during any examination, uses or attempts to use any unfair or deceitful means to pass such entrance examinations will be reported to the Commission with a recommendation that the applicant be excluded from further consideration.

C. Passing Score

Based on a weighting of one hundred percent (100%) for perfection, a score of seventy percent (70%) or higher on the written entrance examination shall be considered a passing score.

D. Correction of Error

The Commission may correct any error or mistake in the scoring of the examination or establishment of the eligibility list without prejudice to the status of any person previously appointed as a result of such examination. Such action is considered as opening all of the entrance examinations for review, whether resulting in a higher or lower average standing. Changes will be made as a result of obvious clerical error at any time during the life of the eligibility list.

**RULE IX (1) Police Applicants-Eligibility Lists for Beginning Positions**

A. Passing Score

Applicants must receive a score of seventy percent (70%) or higher on the KSA exam in order to continue with the selection process and be placed on the eligibility list.

B. Military and Other Preference Points

1. Military Points

Applicants who have:

- a) served on active duty for a minimum of 180 consecutive days in the United States Armed Forces;
- b) been released from and not currently serving on active duty or who provide proof they are scheduled for release from active duty;
- c) provided a DD-214 stating he/she has been assigned a character of active service that is rated Honorable or have provided a letter from their current commander (field grade

officer or above) that contains contact information for the commander, indicates term of service, and that the service member will receive an Honorable Discharge based on current conditions; and

- d) scored seventy percent (70%) or higher on the KSA exam are eligible to receive an additional five (5) points, which shall be added to the applicant's KSA exam score and used to determine his/her placement on the eligibility list.

To receive the five (5) military preference points, applicants must provide evidence of honorable military service, in accordance with (a, b, & c) above, and submit such evidence to the appropriate Police Department Applicant Processing Detail prior to the KSA exam.

Prior to the actual appointment to the Police training academy, an applicant must provide an original certified true and exact copy of the DD-214 indicating character and length of honorable service. Failure to provide a DD-214 as proof of honorable discharge and release from active duty will result in the applicant being deemed unsuitable for failing to meet the minimum qualifications as outlined in Rule VII A. 4, b. Only the following copies of DD214's will be accepted: Member 4, Service 2, Service 7, Service 8, and State Director of Veteran's Affairs 6.

NOTE: Applicants who acquire the 180 days of honorable service after the designated submission deadline or who do not provide sufficient evidence of honorable military service within the designated time frame shall not be eligible for the five (5) military preference points.

## 2. Other Preference Points

Applicants who have scored (70%) or higher on the KSA exam are eligible for other additional points as follows:

- a) TCLEOSE peace officer certification of intermediate or higher or five (5) years experience as a full-time licensed peace officer/law enforcement officer receive two (2) points
- b) Bachelors Degree or higher from an accredited learning institution of higher education receive two (2) points
- c) Associates Degree from an accredited learning institution of higher education receive one (1) point
- d) Local Resident, an individual residing within the corporate city limits of the City of San Antonio for 180 days or more at the time of taking the KSA exam receive one (1) point.

C. Tiebreaker

In the event two or more applicants receive identical scores on the KSA exam, the applicants are placed on the eligibility list based on the date and time their application was received by the department. The applicant with the earliest date and time are listed first.

D. Preparation of Eligibility List

The Applicant Processing Detail shall cause to be prepared a list of names of all applicants who score seventy percent (70%) or higher on the KSA exam and who satisfy all pre-employment eligibility requirements. This list of names is ordered from the highest score to the lowest score, inclusive of Military and Other Preference points and applied tiebreaker, if necessary. This list becomes the eligibility list for the position for which the KSA exam was given and all appointments to said position are made from this list.

E. Approval and Duration of Eligibility List

The Applicant Processing Detail shall present the list of eligible applicants to the Police Chief for approval, attesting to the correctness of the order of placement of eligible applicants on the list. Candidate placement on the eligibility list will be valid for a period of not more than 12 months after placement on the list.

F. Notice of Placement on Eligibility List

Applicants are notified of their examination score and results by the Applicant Processing Detail. Those applicants who passed the examination and who satisfy all pre-employment eligibility requirements are informed of their position on the eligibility list.

G. Proper and Sufficient Notice to Applicants

Notices sent to an applicant's last known physical address or email address are considered sufficient and proper notification.

It is the responsibility of each applicant on an eligibility list to notify the Commission in writing within ten (10) business days of any change of address. Failure to respond or report changes in address will deem the applicant unsuitable.

Applicants deemed unsuitable for this cause are eligible to reapply six (6) months after the date of their last KSA exam.

H. Suitability for Appointment to a Beginning Position

An applicant will be deemed unsuitable for appointment to a beginning position whenever the applicant loses any of the minimum qualifications set forth in Rule VII, MINIMUM QUALIFICATIONS.



In addition to the minimum qualifications, the following establishes causes for determining an applicant's suitability for appointment to a beginning position in the Police Department:

1. Academic Ability

Applicants' academic records must reflect the ability to maintain the high standards demanded in the Training Academy.

When an applicant presents a high school diploma or a G.E.D. certificate, the applicant's academic records must reflect a minimum overall grade point average of "C" or its numerical equivalent. In the event an applicant's high school grade point average is below this standard, or the applicant presents a G.E.D. certificate, the applicant must have attended an accredited college or university, completed at least twelve (12) semester hours, and maintained a minimum grade point average of a "C" or its numerical equivalent. The college hours shall be from an accredited learning institution of higher education recognized by the State Board of Education in the State in which the college resides and accredited by the Southern Association of Colleges and Schools or a similar regional association recognized by the U.S. Department of Education.

Semester hours presented under this cause do not include Continuing Education Credits (CEU), Technical Training, or credit for Life Experience or any other training where college credit was given but specific letter or number grades were not assigned.

Applicants deemed unsuitable under this cause are eligible to reapply six (6) months after the date of their last KSA exam.

2. Withdrawals

Applicants desiring to withdraw from consideration must submit a signed written statement indicating this desire to the Applicant Processing Unit. In the event no written statement is presented, the applicant will continue in the process subject to the conditions specified in these rules.

Applicants withdrawing their applications are eligible to reapply six (6) months after the date of their last KSA exam.

3. Financial Responsibility

Applicants must demonstrate fiscal responsibility and judgment in the management of their personal affairs. An applicant's poor or bad credit history, failure to pay just debts, delinquency on outstanding loans, or bankruptcies, repossessions, and foreclosures will be considered on a case-by-case basis due to the number of variables involved.

Factors considered include the type and number of debts, reasons for credit problems, extenuating circumstances, and the potential for financial-related problems to have an impact on the applicant's judgment and integrity.

Applicants obligated to child and/or spousal support payments must be current on all payments.

Applicants deemed unsuitable under this cause are not eligible to reapply for eighteen (18) months from the date deemed unsuitable under this cause.

#### 4. Physical Testing

Applicants must meet or exceed the standards established in the San Antonio Police Department Physical Ability Test (PAT). The PAT shall be designed by experts in the field of industrial organizational psychology and approved by the Commission as required by Rule XV, MEDICAL, PSYCHOLOGICAL, and PHYSICAL TESTING.

Applicants must meet or exceed each standard during a single evaluation to be considered having successfully completed the evaluation.

Applicants will be allowed two (2) practice evaluations and a final evaluation. In the event that an applicant fails the two (2) practice evaluations the applicant will be allowed to take one (1) final retest within twenty eight (28) days of the first evaluation. Applicants will be deemed unsuitable for this cause if they fail their initial evaluation and do not subsequently pass either their second practice evaluation or their final retest.

Applicants deemed unsuitable under this cause who have taken a KSA exam during their current processing cycle are eligible to reapply six (6) months after the date of their last KSA exam.

Applicants deemed unsuitable under this cause who have yet to take a KSA exam during their current processing cycle will be eligible to reapply six (6) months after the date they failed their most recent evaluation.

#### 5. Driving Record

Applicants must possess a valid Texas Class "C" Operator's License or another state's equivalent.

Applicants' driving records must reflect driving habits that are compatible with the safe operation of emergency vehicles. Applicants are deemed unsuitable when at any point in their processing; their driving records reflect one or more of the following:

- a) No more than three (3) hazardous moving violations, with any disposition other than "not guilty" or a non-conditional dismissal, within thirty-six months of application. Applicants deemed unsuitable under this cause are eligible to reapply after this disqualifying factor no longer exists and after six (6) months from the date of their last KSA exam.
- b) No more than ten (10) traffic citations with any disposition other than "not guilty" or a non-conditional dismissal. Traffic citations under this subsection shall only include all hazardous moving violations as well as no valid license, seat belt and financial responsibility

("insurance") citations. Applicants deemed unsuitable under this cause are permanently unsuitable.

- c) Involvement as a driver in two (2) or more motor vehicle accidents within the preceding twenty-four (24) months where the applicant's actions contributed to the accident in any way. Applicants deemed unsuitable under this cause are eligible to reapply after this disqualifying factor no longer exists and after six (6) months from the date of their last KSA exam.
- d) Suspension or revocation of driving privileges within the preceding twenty-four (24) months. Applicants deemed unsuitable under this cause are eligible to reapply after this disqualifying factor no longer exists and after six (6) months from the date of their last KSA exam.
- e) Traffic citations, regardless of disposition, for two (2) or more hazardous moving traffic offenses with any disposition other than "not guilty" within the twelve (12) months preceding the date of the appointment to the Training Academy. Applicants deemed unsuitable under this cause are eligible to reapply after this disqualifying factor no longer exists and after six (6) months from the date of their last KSA exam.
- f) Applicants must not be on probation for DWI or other traffic offenses. Applicants deemed unsuitable under this cause are eligible to reapply after this disqualifying factor no longer exists and after six (6) months from the date of their last KSA exam.
- g) Applicants must not be wanted on outstanding traffic warrants. Applicants deemed unsuitable under this cause are eligible to reapply after this disqualifying factor no longer exists and after six (6) months from the date of their last KSA exam.

## 6. Polygraph Examination

Applicants must demonstrate their veracity in responses to all personal history, employment, criminal activity, and personal habit interrogatories presented in the Polygraph Questionnaire approved by the Commission. Satisfactory demonstration of this requirement will be based on a polygraph examiner's report of "No Deception Indicated."

### Manner of Testing

- a) Each applicant is required to complete an approved "Polygraph Examination Questionnaire" prior to undergoing the examination.
- b) The polygraph examination is for the sole purpose of verifying the applicant's truthfulness in the responses to the approved questionnaire.
- c) Current or former law enforcement, corrections, or security officers are required to respond to additional questions relating to their conduct as a law enforcement, corrections, or security officer.

- d) Polygraph examinations are conducted by a licensed polygraph examiner.
- e) Applicants whose original polygraph results are found to be other than "No Deception Indicated" are re-examined within thirty (30) days.
- f) Subsequent polygraph examinations are conducted by a different examiner.
- g) Examiners who are related to an applicant, in the first degree by blood or marriage, are ineligible from administering the polygraph examination to the relative or to applicants appearing higher than the relative on the eligibility list.

Applicants whose polygraph results remain deceptive or inconclusive after two (2) examinations are deemed unsuitable.

Applicants deemed unsuitable one time under this cause are eligible to reapply six (6) months from the date of their last KSA exam.

Applicants deemed unsuitable more than one time, under this cause are deemed permanently unsuitable.

## 7. Psychological Evaluation

Applicants must be certified by a licensed psychologist or psychiatrist to be in satisfactory psychological and emotional health appropriate to the duties and functions of a professional police officer.

Applicants who fail to be certified as psychologically fit to perform the duties of a police officer by a licensed psychologist or psychiatrist are deemed unsuitable.

In accordance with Chapter 143.022, applicants deemed unsuitable under this cause may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The applicant must pay for the board examination. The board's decision is final.

Applicants who fail to be certified by the board are eligible to reapply six (6) months from the date of their last KSA exam.

## 8. Compliance with Processing Requirements

Applicants are required to complete and satisfactorily meet the employment process requirements. This includes submitting paperwork such as the personal history questionnaire and other documents prior to the designated date, reporting to appointments and examinations on the scheduled dates and times, proper notification of address and/or telephone number changes, and complying with the directions and instructions of the Applicant Processing Unit.

Applicants who fail to complete or satisfactorily meet the employment process requirements are unsuitable.

Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam.

9. Employment History

a) Applicants must demonstrate maturity, dependability, integrity, good work ethic, and loyalty to their past and present employers.

- 1) The applicant's employment history from age seventeen (17) must not indicate instability in the applicant's employment history; excessive tardiness or absenteeism; inefficiency; failure to follow directions, policies and procedures, and rules and regulations; poor working relationships; or negligent work habits.

Applicants deemed unsuitable under the above cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable for this cause.

b) Applicants must not have been terminated, asked to resign, or resigned from any previous employment for engaging in inappropriate or unlawful behavior, including but not limited to any of the following:

- 1) Theft
- 2) Assault
- 3) Threats
- 4) Any Felony Offense
- 5) Sex Crimes
- 6) Sexual Harassment
- 7) Discriminatory or Retaliatory Acts
- 8) Any offense involving acts of moral turpitude
- 9) Disorderly Conduct or other Breaches of the Peace

Applicants deemed unsuitable under the above cause remain permanently unsuitable.

c) Applicants must not have been employed or engaged in an illegal occupation.

Applicants deemed unsuitable due to employment in an illegal occupation remain permanently unsuitable.

d) Applicants previously employed as law enforcement officers, corrections officers, emergency medical technicians (any level) or fire fighters who have been terminated or asked to resign from the employing agency remain permanently unsuitable. This shall include law enforcement officers, corrections officers, emergency medical technicians (any level) or fire fighters that have been terminated or asked to resign during their probationary period, but

does not include applicants who are terminated or are asked to resign while attending a training academy.

10. Personal Interview and/or Behavioral Assessment Device

- a) Applicants must demonstrate their ability to effectively communicate in a Structured Oral Interview (SOI) process as designed by experts in the field of industrial and organizational psychology.
- b) Structured Oral Interview components will exhibit linkage to the following skill areas:
  - 1) Decision Making
  - 2) Judgment and Reasoning
  - 3) Problem Analysis/Problem Solving
  - 4) Interpersonal Skills
  - 5) Public Relations Skill/Community Service Orientation
  - 6) Oral Communication
  - 7) Planning and Organizing
  - 8) Composure and Conflict Resolution
  - 9) Team Orientation
  - 10) Decisiveness/Thoroughness
- c) Applicants who do not achieve a passing score on the SOI will be deemed unsuitable.
- d) Unsuccessful applicants will be provided feedback regarding their interview and what they might do to improve future performance.
- e) Applicants deemed unsuitable under this cause for disqualification will be eligible to reapply six (6) months from the date of their last KSA exam.

11. False Statements of Material Fact

Applicants must be truthful and honest in their responses to all inquiries relative to their suitability for employment.

Applicants found to have withheld material information, and/or practiced or attempted to practice any deception or fraud in their application, examination, or appointments are deemed unsuitable.

Applicants deemed unsuitable under this cause remain permanently unsuitable.

If an applicant is deemed unsuitable for this rule based on a finding of unsuitability by another agency, the period of unsuitability will be the same as that of the originating agency.

## 12. Medical Examination

Applicants must be declared physically sound and free from defect which may adversely affect the performance of the duties of a police officer. To this end, applicants must be certified by a licensed physician in accordance with Chapter 143 of the Texas Local Government Code to meet or exceed the physical requirements established by this Commission for the position applied for.

In accordance with Chapter 143.022, applicants deemed unsuitable under this cause may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The applicant must pay for the board examination. The board's decision is final.

Applicants who fail to be certified by the board are eligible to reapply six (6) months from the date of their last KSA exam.

## 13. Use of Illicit Substances

In order to be deemed suitable, applicants must show no trace of drug dependency or illegal drug use after a physical examination, urine test, blood test, or other medical test designed to detect the presence of controlled substances.

Applicants are deemed unsuitable if they have:

a) Used marijuana or synthetic cannabinoids for the purpose of recreation or intoxication:

- 1) Any time during the twenty-four (24) months preceding the date of KSA exam. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance exams when the unsuitability factor is no longer applicable and after six (6) months from the date of their last KSA exam.
- 2) More than three (3) independent times during the five (5) years preceding the date of the KSA exam. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance exams when the unsuitability factor is no longer applicable and after six (6) months from the date of their last KSA exam.
- 3) At any time while serving as a law enforcement officer, correction officer, security officer, or fire fighter. Applicants deemed unsuitable under this cause remain permanently unsuitable.

b) Used paint, glue or other inhalants for the purpose of intoxication:

- 1) On no more than two (2) separate occasions while the applicant was younger than seventeen (17) years of age. Applicants deemed unsuitable under this cause are not eligible to reapply for a period five (5) years from the most recent date of usage.

- 2) On three (3) or more separate occasions while the applicant was younger than seventeen (17) years of age. Applicants deemed unsuitable under this cause remain permanently unsuitable.
  - 3) While the applicant was seventeen (17) years or older. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- c) Used any hallucinogenic drugs, including, but not limited to LSD, STP, or Psilocybin. Applicants deemed unsuitable under this cause remain permanently unsuitable.
  - d) Abused or illegally used prescription medicines for the purpose of intoxication or recreation, whether prescribed to them or another person or otherwise obtained:
    - 1) On no more than three (3) independent occasions. Applicants deemed unsuitable under this cause are not eligible to reapply for a period of five (5) years from the date of last usage.
    - 2) On more than three (3) independent occasions. Applicants deemed unsuitable under this cause remain permanently unsuitable.
  - e) Used anabolic steroids for any reason other than the treatment of a medical condition, authorized by and under the direction of a physician. Applicants deemed unsuitable under this cause are not eligible to reapply for a period of five (5) years from the date of the usage.
  - f) Illegally used any other substances or drugs listed in the Texas Controlled Substances Act or the Federal Controlled Substances Act, including but not limited to: Amphetamines, Cocaine, Methamphetamines, Opium, Barbiturates, Heroin, Morphine, Ecstasy, and Eve. Applicants deemed unsuitable under this cause remain permanently unsuitable.

#### 14. Criminal Activity

Applicants are deemed unsuitable if they:

- a) Are under indictment for a felony offense. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- b) Have a Class A, B, or C Misdemeanor charge pending against them. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- c) Are currently under investigation for, or are considered a suspect in, any criminal offense. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.



- d) Are on probation or parole for a criminal offense. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- e) Have an outstanding warrant for their arrest for any criminal offense. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- f) Make an admission to the commission of a Class A or B Misdemeanor which occurred within the last ten (10) years while the applicant was seventeen (17) years of age or older. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- g) Are currently living with anyone who is a convicted felon. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- h) Have been or are currently on court-ordered community supervision or probation for a Class B misdemeanor within the last 10 years from the date of the court order. Applicants deemed unsuitable under this cause are eligible to reapply six (6) months from the date of their last KSA exam when the unsuitability factor is no longer applicable.
- i) Have executed a confession to a felony offense, such confession being admissible as evidence against the person in any criminal proceeding. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- j) Make an admission to the commission of a felony which occurred while the applicant was seventeen (17) years of age or older. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- k) Have permitted, condoned, or assisted in the commission of a felony offense by another which occurred while the applicant was seventeen (17) years of age or older. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- l) Admit to the delivery or sale of any substance listed in the Texas Controlled Substance Act or Federal Controlled Substance Act. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- m) Have been convicted of a Possession of a Controlled Substance offense. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- n) Admit to or have been convicted of the offenses of Public Lewdness, Indecent Exposure, Disorderly Conduct No. 11 (Tex. Penal Code Ann. § 42.01(a)(11)), or similar offenses. Applicants deemed unsuitable under this cause remain permanently unsuitable.

- o) Admit to or have been convicted of an act of family violence. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- p) Have ever been or currently on court-ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor. Applicants deemed unsuitable under this cause remain permanently unsuitable.

#### 15. Membership in Prohibited Organizations

Applicants are deemed unsuitable if they currently are, have belonged to, or been closely associated with:

- a) Any organization which advocates the overthrow of any level of government in the United States including, but not limited to, Federal, State or local, by force or violence.
- b) Any organization which advocates or engages in unlawful conduct directed at individuals or groups based upon the individual's or group's race, sex, religion, national origin, age, skin color, sexual preference, disability, or conduct otherwise commonly known as "Hate Crimes".

Applicants deemed unsuitable under this cause remain permanently unsuitable.

#### 16. Temperate Habits

- a) Applicants must demonstrate moderation and self-restraint in their personal, social, and public affairs reflecting the high standards required of a professional police officer. Applicants must demonstrate temperance in the use of alcohol and display emotional self-control while portraying respect for others' dignity, privacy, and property. Similarly, applicants must exhibit the absence and avoidance of extravagance, violent outbursts, and extreme partisanship. Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable.
- b) Applicants must not have anything in their personal history that would create undue liability for the City of San Antonio or the San Antonio Police Department, as determined by the Department Head. Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable.
- c) Applicants may also be deemed unsuitable if their suitability is marginal in three or more "cause" categories. This is applicable when such marginal suitability suggests instability, poor decision-making, immaturity, and lack of dependability or disregard for rules, regulations or laws on the part of the applicant. Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable.
- d) Applicants must demonstrate moderation and good judgment in their personal appearance and should project an appearance befitting that of a professional police officer. To that end, body art should not detract from an applicant's personal appearance.

Body art shall be defined as tattoos, piercings, branding, intentional scarring and intentional mutilation. This includes but is not limited to foreign objects inserted under the skin to create a design, effect, or pattern; a pierced, split, or forked tongue; stretched out holes in the earlobes; excessive piercings of the ear; piercings of the cheek, nose, eyebrow, or lips. Piercings of the ear that are not excessive in size or number are acceptable.

Inappropriate body art shall be defined as:

- 1) Body art that is obscene
- 2) Body art that depicts or advocates discrimination based on sex, age, race, national origin, ancestry, citizenship, religion, disability, or sexual orientation
- 3) Body art that depicts or advocates gang affiliation, supremacist or extremist groups, or illegal drug use

Applicants exhibiting the following shall be found unsuitable:

- 1) Inappropriate body art on any part of the body
- 2) Body art on the head, face, neck, or hands
- 3) Body art that will not be covered by the regulation SAPD long sleeved uniform

Applicants may reapply when their appearance is no longer in violation of this rule.

#### 17. State Licensing Requirements

Police applicants must meet all legal requirements necessary to become eligible for future licensing by the Commission on Law Enforcement Officer Standards and Education.

Applicants disqualified under this cause are eligible to reapply six (6) months from the date of their last KSA exam.

#### 18. Ability to Read and Write English

Applicants must demonstrate their ability to read, write, and converse in English.

Applicants disqualified under this cause are eligible to reapply six (6) months from the date of their last KSA exam.

#### I. Request to Deem an Applicant Unsuitable

When a Department Head or his/her designee determines that such cause(s) exist which renders an applicant unsuitable for appointment to a beginning position, the Department Head or designee shall notify the Civil Service Director of such cause(s) and request that the applicant be deemed unsuitable. Such notification and request must be made in writing.

The Civil Service Director shall cause a written notice to be sent to each applicant deemed unsuitable.

Such notice shall inform the applicant of the specific rule and cause for which the applicant was deemed unsuitable, the applicant's ability to reapply, and that the applicant may discuss the finding of unsuitability with the appropriate Applicant Processing Detail.

J. Unsuitable Applicant Appeal

Whenever an applicant is found unsuitable under any of the unsuitability factors listed above, the applicant will be promptly notified in writing at their designated email address. In the event an applicant does not have a designated email address the applicant will be promptly notified via certified mail at their designated home address. Within fourteen (14) calendar days of receipt of the notice, the applicant may appeal the unsuitability in writing to the Civil Service Commission. The Commission shall review the reason and render a decision. Should an applicant's unsuitability be reversed by the Commission on an appeal, the Applicant Processing Detail shall continue processing the candidate. If the candidate successfully completes all phases of the process they will be added to the eligibility list in accordance to the applicable Collective Bargaining Agreement.

**RULE IX (2) FIRE APPLICANTS ELIGIBILITY LISTS FOR BEGINNING POSITIONS**

A. Passing Score

Applicants must receive a score of seventy percent (70%) or higher on the written examination in order to be placed on the eligibility list and continue with the selection process.

B. Military Preference

Applicants who have:

1. served on active duty for a minimum of 180 consecutive days in the United States Armed Forces;
2. been released from and not currently serving on active duty or who provide proof they are scheduled for release from active duty;
3. provided a DD-214 stating he/she has been assigned a character of active service that is rated Honorable or have provided a letter from their current commander (field grade officer or above) that contains contact information for the commander, indicates term of service, and that the service member will receive an Honorable Discharge based on current conditions; and
4. scored seventy percent (70%) or higher on the written entrance examination are eligible to receive an additional five (5) points, which shall be added to the applicant's written entrance examination score and used to determine his/her placement on the eligibility list.

To receive the five (5) military preference points, applicants must provide evidence of honorable military service, in accordance with (1, 2, & 3) above, and submit such evidence to the appropriate Fire Department Recruiting Office no later than the date specified in the Civil Service Commission's examination announcement.

Prior to the actual appointment to the Fire training academy, an applicant must provide an original certified true and exact copy of the DD-214 indicating character and length of honorable service. Failure to provide a DD-214 as proof of honorable discharge and release from active duty will result in the applicant being deemed unsuitable for failing to meet the minimum qualifications as outlined in Rule VII B. 5 b. Only the following copies of DD214's will be accepted: Member 4, Service 2, Service 7, Service 8, and State Director of Veteran's Affairs 6.

NOTE: Applicants who acquire the 180 days of honorable service after the designated submission deadline or who do not provide sufficient evidence of honorable military service within the designated time frame shall not be eligible for the five (5) military preference points.

C. Tiebreaker

Lots are drawn at the time of the examination. In the event two or more applicants receive identical scores on the written examination, the applicants are placed on the eligibility list according to the lot they drew. The applicant with the lowest lot is listed first.

D. Preparation of Eligibility List

The Applicant Processing Detail shall cause to be prepared a list of names of all applicants who score seventy percent (70%) or higher on the written examination and who satisfy all pre-employment eligibility requirements. This list of names is ordered from the highest score to the lowest score, inclusive of additional preference points and applied tiebreaker, if necessary. This list becomes the eligibility list for the position for which the entrance examination was given and all appointments to said position are made from this list.

E. Approval and Duration of Eligibility List

The Director shall present the list of eligible applicants to the Commission for approval, attesting to the correctness of the order of placement of eligible applicants on the list. This list will be valid for a period of not less than six months or more than twelve months from the date it is approved by the Commission, unless the names of all applicants on the list have been referred to the appropriate department. The Commission shall determine the length of the period after considering the requests of each respective department. Civil Service Director shall have the authority to transmit the eligibility list to the respective department prior to Commission approval if such list is placed on the agenda for the next Commission meeting for ratification of the Director's transmittal.

F. Notice of Placement on Eligibility List

Applicants are notified in writing of their examination score and results. Those applicants who passed the examination are also informed of their position on the eligibility list.

Applicants who are either natural-born or adopted children of a fire fighter, who suffered a line of duty death, shall be ranked at the top of the eligibility list if the applicant receives a minimum score. Applicant must still satisfy all minimum requirements for eligibility in order to be considered for a beginning position. The Chief shall make the final determination on whether an applicant meets the line of duty death definitions.

#### G. Proper and Sufficient Notice to Applicants

Notices sent to an applicant's last known address are considered sufficient and proper notification.

It is the responsibility of each applicant on an eligibility list to notify the Commission in writing within ten (10) business days of any change of address. The applicant will be removed from further consideration for failure to respond or report changes in address.

Applicants removed from consideration for this cause are eligible to reapply for subsequent entrance examinations.

#### H. Suitability for Appointment to a Beginning Position

An applicant will be deemed unsuitable for appointment to a beginning position whenever the applicant loses any of the minimum qualifications set forth in Rule VII, MINIMUM QUALIFICATIONS.

In addition to the minimum qualifications, the following establishes causes for determining an applicant's suitability for appointment to a beginning position in the Fire Department:

##### 1. Academic Ability

Applicants' academic records must reflect the ability to maintain the high standards demanded in the Training Academy.

Applicants must present a high school diploma or a G.E.D. certificate.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations once the applicant obtains a high school diploma or G.E.D. certificate.

##### 2. Withdrawals

Applicants desiring to withdraw from consideration must submit a signed written statement indicating this desire to the Applicant Processing Unit. In the event no written statement is presented, the applicant will continue in the process subject to the conditions specified in these rules.

Applicants withdrawing their applications are eligible to reapply for subsequent entrance examinations.

3. Financial Responsibility

Applicants must demonstrate fiscal responsibility and judgment in the management of their personal affairs.

Applicants obligated to child and/or spousal support payments must be current on all payments. Applicants must not be delinquent on federal, state, or local taxes.

Applicants deemed unsuitable under this cause are not eligible to reapply for eighteen (18) months from the date deemed unsuitable under this cause.

4. Physical Fitness

Applicants must possess the physical ability necessary to perform the rigorous physical demands of the Training Academy and to professionally accomplish the assignments of a fire fighter without undue risk of injury or fatigue. Applicants must demonstrate they possess an efficient cardiovascular respiratory system and adequate levels of muscular strength, flexibility, and endurance by their successful completion of the Physical Fitness Evaluation in which they meet or exceed the Physical Fitness Standards approved by the Commission in Rule XV, MEDICAL, PSYCHOLOGICAL, and PHYSICAL FITNESS.

Applicants must meet or exceed each standard during a single evaluation to be considered having successfully completed the evaluation.

Applicants who fail the physical fitness evaluation are allowed to retest within two (2) weeks. Applicants failing the physical fitness evaluation after two attempts are unsuitable.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

5. Driving Record

Applicants must possess a valid Texas Class "C" Operator's License or another state's equivalent.

Applicants' driving records must reflect driving habits that are compatible with the safe operation of emergency vehicles. Applicants are deemed unsuitable when at any point in their processing; their driving records reflect one or more of the following:

- a) Traffic citations for five (5) or more hazardous moving traffic offenses, with any disposition other than "not guilty", within the preceding thirty-six (36) months from the date of the written examination;

- b) Traffic citations for eight (8) or more traffic offenses, with any disposition other than "not guilty", within the preceding thirty-six (36) months from the date of the written examination. Traffic citations under this subsection shall only include all hazardous moving violations as well as no valid license, seat belt and financial responsibility ("insurance") citations;
- c) Involvement as a driver in three (3) or more motor vehicle accidents, where the drivers actions contributed to the accident, within the preceding twenty-four (24) months from the date of the written examination;
- d) Suspension or revocation of driving privileges within the preceding twenty-four (24) months from the date of the written examination;
- e) Applicants must not be on probation for DUI or DWI;
- f) Applicants must not be wanted on outstanding traffic warrants.
- g) Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

#### 6. Polygraph Examination

Applicants must demonstrate their veracity in responses to all personal history, employment, criminal activity, and personal habit interrogatories presented in the Polygraph Questionnaire approved by the Commission. Satisfactory demonstration of this requirement will be based on a polygraph examiner's report of "No Deception Indicated."

##### Manner of Testing

- a) Each applicant is required to complete an approved "Polygraph Examination Questionnaire" prior to undergoing the examination.
- b) The polygraph examination is for the sole purpose of verifying the applicant's truthfulness in the responses to the approved questionnaire.
- c) Current or former law enforcement, corrections, or security officers are required to respond to additional questions relating to their conduct as a law enforcement, corrections, or security officer.
- d) Polygraph examinations are conducted by a licensed polygraph examiner.
- e) Applicants whose original polygraph results are found to be other than "No Deception Indicated" are re-examined within thirty (30) days.
- f) Subsequent polygraph examinations are conducted by a different examiner.



- g) Examiners who are related to an applicant, in the first degree by blood or marriage, are ineligible from administering the polygraph examination to the relative or to applicants appearing higher than the relative on the eligibility list.

Applicants whose polygraph results remain deceptive or inconclusive after two (2) examinations are deemed unsuitable.

Applicants deemed unsuitable one time under this cause are eligible to reapply for subsequent entrance examinations.

## 7. Psychological Evaluation

Applicants must be certified by a licensed psychologist or psychiatrist to be in satisfactory psychological and emotional health appropriate to the duties and functions of a professional fire fighter.

Applicants who fail to be certified as psychologically fit to perform the duties of a fire fighter by a licensed psychologist or psychiatrist are deemed unsuitable.

In accordance with Chapter 143.022, applicants deemed unsuitable under this cause may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The applicant must pay for the board examination. The board's decision is final.

Applicants who fail to be certified by the board are eligible to reapply for subsequent entrance examinations.

## 8. Compliance with Processing Requirements

Applicants are required to complete and satisfactorily meet the employment process requirements. This includes submitting paperwork such as the personal history questionnaire and other documents prior to the designated date, reporting to appointments and examinations on the scheduled dates and times, proper notification of address and/or telephone number changes, and complying with the directions and instructions of the Applicant Processing Unit.

Applicants are required to show proof of having completed the Hepatitis B vaccine series prior to completion of processing. Applicants who previously have taken the vaccine shall not be required to take it again, but must show proof.

Applicants who fail to complete or satisfactorily meet the employment process requirements will be removed from consideration.

Applicants will be removed from further consideration for failure to meet the employment process requirements including but not limited to the following:

- a) Fail to report to a scheduled appointment at the designated date and time.
- b) Fail to comply because they have been hired from a previous eligibility list.
- c) Fail to notify Applicant Processing of address and/or telephone number changes.
- d) Fail to report for the fitness test at the scheduled date and time.
- e) Fail to return the personal history statement as directed.
- f) Fail to show proof of completion of the Hepatitis B vaccine series, the meningitis vaccine, and any other vaccination required by statute for enrollment in an institution of higher learning or any health related courses that involves direct patient contact prior to the completion of processing. Applicants who previously have taken the vaccine shall not be required to take it again, but must show proof.
- g) Fail to submit required documents by the given deadline.
- h) Fail to supply requested information by the given deadline.
- i) Fail to respond to attempts by Applicant processing to contact the applicant.
- j) Fail to comply with directions and instructions of Applicant Processing.

Applicants removed from consideration under this cause are eligible to reapply for subsequent entrance examinations.

## 9. Employment History

- a) Applicants must demonstrate maturity, dependability, integrity, good work ethic, and loyalty to their past and present employers.
  - 1) The applicant's employment history from age seventeen (17) must not indicate instability in the applicant's employment history; excessive tardiness or absenteeism; inefficiency; failure to follow directions, policies and procedures, and rules and regulations; poor working relationships; or negligent work habits.

Applicants deemed unsuitable under the above cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable for this cause.

- b) Applicants must not have been terminated, asked to resign, or resigned from any previous employment for engaging in inappropriate or unlawful behavior, including but not limited to any of the following:
  - 1) Theft

- 2) Assault
- 3) Threats
- 4) Any Felony Offense
- 5) Sex Crimes
- 6) Sexual Harassment
- 7) Discriminatory or Retaliatory Acts
- 8) Any offense involving acts of moral turpitude
- 9) Disorderly Conduct or other Breaches of the Peace

If an applicant violated section 1, 2, 8, or 9 of this cause, thus resulting in unsuitability, they will not be eligible to reapply for a period five (5) years from the date of incident. If the applicant violated section 3, 4, 5, 6, or 7 of this cause, they remain permanently unsuitable.

- c) Applicants must not have been employed or engaged in an illegal occupation while seventeen (17) years of age or older.

Applicants deemed unsuitable due to employment in an illegal occupation remain permanently unsuitable.

- d) Applicants previously employed as peace officers, corrections officers, emergency medical technicians (any level) or certified fire fighters who have been terminated or asked to resign from the employing agency remain permanently unsuitable. This shall include peace officers, corrections officers, emergency medical technicians (any level) or certified fire fighters that have been terminated or asked to resign during their probationary period, but does not include applicants who are terminated or are asked to resign while attending a training academy. This does not apply to applicants who were part of a reduction in force or furlough personnel action.

#### 10. Personal Interview and/or Behavioral Assessment Device

- a) Applicants must provide evidence of suitability for the position of fire fighter as well as demonstrate their ability to effectively communicate during one or more of the following exercises:
  - 1) Structured Interview,
  - 2) Behavioral-Personnel Assessment Device, and/or a similar Behavior Assessment Device,
  - 3) Screening Board Interview.
- b) Applicants may be provided feedback regarding the specific dimension(s) in which they were deficient, what they excelled in, and what they might do to improve their future performance. A minimum passing score will be determined by the test preparer in writing and provided to the Fire Department.
- c) Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

#### 11. False Statements of Material Fact

Applicants must be truthful and honest in their responses to all inquiries relative to their suitability for employment.

Applicants found to have withheld material information, and/or practiced or attempted to practice any deception or fraud in their application, examination, or appointments are deemed unsuitable.

Applicants deemed unsuitable under this cause remain permanently unsuitable.

If an applicant is deemed unsuitable for this rule based on a finding of unsuitability by another agency, the period of unsuitability will be the same as that of the originating agency.

#### 12. Medical Examination

Applicants must be declared physically sound and free from defect which may adversely affect the performance of the duties of a fire fighter. To this end, applicants must be certified by a licensed physician in accordance with Chapter 143 of the Texas Local Government Code to meet or exceed the physical requirements established by this Commission for the position applied for.

In accordance with Chapter 143.022, applicants deemed unsuitable under this cause may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The applicant must pay for the board examination. The board's decision is final.

Applicants who fail to be certified by the board are eligible to reapply for subsequent entrance examinations.

#### 13. Use of Illicit Substances

In order to be deemed suitable, applicants must show no trace of drug dependency or illegal drug use after a physical examination, urine test, blood test, or other medical test designed to detect the presence of controlled substances.

Applicants are deemed unsuitable if they have:

- a) Used marijuana or synthetic cannabinoids for the purpose of recreation or intoxication:
  - 1) Any time during the twenty-four (24) months preceding the date of examination. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
  - 2) More than three (3) independent times during the five (5) years preceding the date of the examination. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.

- 3) At any time while serving as a law enforcement officer, correction officer, security officer, or fire fighter. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- b) Used paint, glue or other inhalants for the purpose of intoxication
    - 1) while the applicant was younger than seventeen (17) years of age. Applicants deemed unsuitable under this cause are not eligible to reapply for a period five (5) years from the most recent date of usage.
    - 2) on no more than two (2) separate occasions while the applicant was seventeen (17) years or older. Applicants deemed unsuitable under this cause remain permanently unsuitable.
  - c) Used any hallucinogenic drugs, including, but not limited to LSD, STP, or Psilocybin. Applicants deemed unsuitable under this cause remain permanently unsuitable.
  - d) Abused or illegally used prescription medicines for the purpose of intoxication or recreation, whether prescribed to them or another person or otherwise obtained:
    - 1) On no more than three (3) independent occasions. Applicants deemed unsuitable under this cause are not eligible to reapply for a period of five (5) years from the date of last usage.
    - 2) On more than three (3) independent occasions. Applicants deemed unsuitable under this cause remain permanently unsuitable.
  - e) Used anabolic steroids for any reason other than the treatment of a medical condition, authorized by and under the direction of a physician. Applicants deemed unsuitable under this cause are not eligible to reapply for a period of five (5) years from the date of the usage.
  - f) Illegally used any other substances or drugs listed in the Texas Controlled Substances Act or the federal Controlled Substances Act, including but not limited to: Amphetamines, Cocaine, Methamphetamines, Opium, Barbiturates, Heroin, Morphine, Ecstasy, and Eve. Applicants deemed unsuitable under this cause remain permanently unsuitable.

If an applicant was under the age of seventeen (17) when he/she violated section C, D or F of this cause thus resulting in unsuitability, he/she will be eligible to reapply for a period five (5) years from the most recent date of usage.

#### 14. Criminal Activity

Applicants are deemed unsuitable if they:

- a) Are under indictment for a felony offense. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- b) Have a Class A, B, or C Misdemeanor charge pending against them. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- c) Are currently under investigation for, or are considered a suspect in any criminal offense. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- d) Are on probation or parole for a criminal offense. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- e) Have an outstanding warrant for their arrest for any criminal offense. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- f) Make an admission to the commission of a Class A or B Misdemeanor which occurred within the last five (5) years while the applicant was seventeen (17) years of age or older. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- g) Are currently living with anyone who is a convicted felon. Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.
- h) Have executed a confession to a felony offense, such confession being admissible as evidence against the person in any criminal proceeding. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- i) Make an admission to the commission of a felony which occurred while the applicant was seventeen (17) years of age or older. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- j) Have permitted, condoned, or assisted in the commission of a felony offense by another which occurred while the applicant was seventeen (17) years of age or older. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- k) Admit to the delivery or sale of any substance listed in the Texas Controlled Substance Act or Federal Controlled Substance Act. Applicants deemed unsuitable under this cause remain permanently unsuitable.

- l) Have been convicted of a Possession of a Controlled Substance offense. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- m) Admit to or have been convicted of the offenses of Public Lewdness, Indecent Exposure, Disorderly Conduct No. 11 (Tex. Penal Code Ann. § 42.01(a)(11)), or similar offenses. Applicants deemed unsuitable under this cause remain permanently unsuitable.
- n) Admit to or have been convicted of an act of family violence. Applicants deemed unsuitable under this cause remain permanently unsuitable.

#### 15. Membership in Prohibited Organizations

Applicants are deemed unsuitable if they currently are, have belonged to, or been closely associated with:

- a) Any organization which advocates the overthrow of any level of government in the United States including, but not limited to, Federal, State or local, by force or violence.
- b) Any organization which advocates or engages in unlawful conduct directed at individuals or groups based upon the individual's or group's race, sex, religion, national origin, age, skin color, sexual preference, disability, or conduct otherwise commonly known as "Hate Crimes".

Applicants deemed unsuitable under this cause remain permanently unsuitable.

#### 16. Temperate Habits

- a) Applicants must demonstrate moderation and self-restraint in their personal, social, and public affairs reflecting the high standards required of a professional fire fighter. Applicants must demonstrate temperance in the use of alcohol and display emotional self-control while portraying respect for others' dignity, privacy, and property. Similarly, applicants must exhibit the absence and avoidance of extravagance, violent outbursts, and extreme partisanship. Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable.
- b) Applicants must not have anything in their personal history that would create undue liability for the City of San Antonio, or the San Antonio Fire Department, as determined by the Department Head. Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable.
- c) Applicants may also be deemed unsuitable if their suitability is marginal in three or more "cause" categories. This is applicable when such marginal suitability suggests instability, poor decision-making, immaturity, and lack of dependability or disregard for rules, regulations or laws on the part of the applicant. Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable.

- e) Applicants must demonstrate moderation and good judgment in their personal appearance and should project an appearance befitting that of a professional firefighter. To that end, body art should not detract from an applicant's personal appearance.

Body art shall be defined as tattoos, piercings, branding, intentional scarring and intentional mutilation. This includes but is not limited to foreign objects inserted under the skin to create a design, effect, or pattern; a pierced, split, or forked tongue; stretched out holes in the earlobes; excessive piercings of the ear; piercings of the cheek, nose, eyebrow, or lips. Piercings of the ear that are not excessive in size or number are acceptable.

Inappropriate body art shall be defined as:

- 1) Body art that is obscene
- 2) Body art that depicts or advocates discrimination based on sex, age, race, national origin, ancestry, citizenship, religion, disability, or sexual orientation
- 3) Body art that depicts or advocates gang affiliation, supremacist or extremist groups, or illegal drug use

Applicants exhibiting the following shall be found unsuitable:

- 1) Inappropriate body art on any part of the body
- 2) Body art on the head, face, neck, or hands
- 3) Body art that will not be covered by the regulation SAFD long sleeved uniform

Applicants may reapply when their appearance is no longer in violation of this rule.

## 17. State Licensing Requirements

Fire applicants must meet all legal requirements necessary to become eligible for future licensing by the Commission on Fire Protection Personnel Standards and Education.

Applicants disqualified under this cause are eligible to reapply for subsequent entrance examinations.

## 18. Ability to Read and Write English

Applicants must demonstrate their ability to read, write, and converse in English.

Applicants disqualified under this cause are eligible to reapply for subsequent entrance examinations.

### I. Request to Deem an Applicant Unsuitable

When a Department Head or his/her designee determines that such cause(s) exist which renders an applicant unsuitable for appointment to a beginning position, the Department Head or designee



shall notify the Civil Service Director of such cause(s) and request that the applicant be deemed unsuitable. Such notification and request must be made in writing.

The Civil Service Director shall cause a written notice to be sent to each applicant deemed unsuitable.

Such notice shall inform the applicant of the specific rule and cause for which the applicant was deemed unsuitable, the applicant's ability to reapply for subsequent entrance examinations, and that the applicant may discuss the finding of unsuitability with the appropriate applicant processing unit.

#### J. Unsuitable Applicant Appeal

Whenever an applicant is found unsuitable under any of the unsuitability factors listed above, the applicant will be promptly notified in writing at their designated email address and notified via certified mail at their designated home address. Within fourteen (14) calendar days of receipt of the notice, the applicant may appeal the unsuitability in writing to the Civil Service Commission. The Commission shall review the reason and render a decision. An appeal decision in favor of the applicant does not guarantee employment. In no instance, shall an applicant be appointed to a beginning position after the expiration date of the eligibility list from which the applicant is listed. Should an applicant's unsuitability be reversed by the Commission on an appeal, the Applicant Processing Detail shall continue processing the candidate. If the candidate successfully completes the processing and the eligibility list has expired, the candidate shall be considered for final selection at the time of the department's next academy class appointment process.

### **RULE X Certification and Appointment to Beginning Position**

#### A. Requisition

When a vacancy occurs in a beginning position in the fire or police department and the Department Head intends to fill the position, the Department Head shall request in writing from the Commission the names of suitable persons from the eligibility list.

#### B. Certification of Suitability

Upon receipt of a requisition for a list of suitable persons, the Director shall certify to the Chief Executive:

1. A list of names from the reinstatement list for the class of positions in question, one (1) name for each vacancy to be filled.
2. If there is no reinstatement list, a list of suitable persons from the eligibility list, in ranked order, one (1) name for each vacancy to be filled plus the next two (2) names.

The reinstatement list contains the names of the appropriate individual employees who have been involuntarily laid off during a reduction in force within the last three (3) years and is ordered by seniority.

The list of suitable persons shall not contain the names of applicants who have been deemed unsuitable.

C. Appointment

No person may be appointed to a beginning position after the expiration date of the eligibility list from which the applicant was selected. Should an applicant's unsuitability be reversed by the Commission on an appeal, the Applicant Processing Unit shall continue processing the candidate. If the candidate successfully completes the processing and the eligibility list has expired, the candidate shall be considered for final selection at the time of the department's next academy class appointment process.

D. Notice of Appointment to a Beginning Position Sent to Applicant

The Director shall cause a notice to be sent to each person appointed to a beginning position. Such notice shall inform the person of the appointment and advise the person to contact the Department Head or his designee within ten (10) business days of the postmark of the notification, and confirm the applicant's acceptance or rejection of the appointment. Such notice shall also inform the applicant of the date, time, beginning salary, and place to report for duty.

E. Failure to Respond to or Decline Appointment

The name of any applicant refusing appointment or failing to respond as prescribed will be removed from the reinstatement or the eligibility list.

F. Certification of Record

When an applicant is certified and appointed to a position in the Fire or Police Department, the Director shall forward the applicant's record to the Department Head and retain a copy in the civil service files. The record must contain the following information:

1. The date the notice of examination was posted,
2. The date the applicant took the examination,
3. The name of each person who conducted the examination,
4. The applicant's position on the eligibility list,
5. The date the applicant took the physical examination, the name of the examining physician, and whether the applicant was accepted,
6. The date the request to fill the vacancy was made,
7. The date the applicant was notified to report for duty, and
8. The applicant's employment date.

**RULE XI Probationary Positions**

A. Probationary Fire Fighter Examinations

1. Notice of Examination

Prior to the conclusion of each fire fighter trainee academy class, the Commission shall cause a notice to be published and posted announcing an examination for the position of probationary fire fighter, as applicable. Such notice shall be posted at least ten (10) days prior to the date of the examination in the main lobby of City Hall and in the Office of the Commission. Such notice shall also include a date, time and location of a re-test, if necessary.

2. Contents of Notice

Each notice shall contain:

- a) Job title and salary rate or range,
- b) Date, time, and place of examination,
- c) The eligibility requirements for the position, and
- d) The subject matter to be covered by the examination.

3. Content of Probationary Examination

The written probationary examination will assess the applicant's knowledge and understanding of the subject material covered during their training period at the academy.

4. Conduct of Written Entrance Examination

- a) Written examination for probationary fire fighter will be held in the presence of other eligible applicants and may not be held in different locations, unless applicant is taking a re-test in accordance with Rule XI, Section A.5.
- b) A fire fighter trainee who, during any examination, uses or attempts to use any unfair or deceitful means to pass such examination will be reported to the Department Head with a recommendation that the individual's employment be terminated.

5. Re-Test of Probationary Examination

- a) Because of the time and money invested in a fire fighter trainee, a re-test may be given for the probationary examination when a trainee achieves a score of less than 70%. A different examination covering the same materials shall be used for the re-test.
- b) The trainee must achieve a score of 70% or better on the retest and failure to obtain a 70% or better, shall result in the termination of the trainee.

- c) Regardless of the passing score on the re-test, only a grade of 70% or more will be recorded for that exam and that trainee will be listed last on the list.
- d) If more than one fire fighter trainee is set to take the re-test, the examination will be held in the presence of other trainees scheduled for the re-test.

#### 6. Passing Score

Based on a weighting of one hundred percent (100%) for perfection, a score of seventy percent (70%) or higher on the written probationary fire fighter or retest examination shall be considered a passing score.

#### 7. Tiebreaker

In the event two or more fire fighter trainees receive identical scores on the written probationary examination, the individuals are placed on the probationary eligibility list according to their position on their respective eligibility list for a beginning position. If two or more fire fighter trainees receive identical scores on the written probationary examination and are from different eligibility lists, then the individuals shall be placed on the probationary eligibility list in rank order according to the earliest eligibility list approved by the Fire Fighters' and Police Officers' Civil Service Commission. The individual placing highest on the eligibility list for a beginning position is listed higher on the probationary eligibility list. In the event two or more fire fighter trainees receive identical scores on the re-test, the individual shall be placed using the same process.

#### 8. Preparation of Eligibility List

The Civil Service Director shall cause to be prepared a list of names of all fire fighter trainees, as applicable, who score seventy percent (70%) or higher on the written examination. The list of names is ordered from the highest score to the lowest score. This list becomes the eligibility list for the position for which the examination was given and all appointments to said position are made from this list.

#### 9. Approval and Duration of Eligibility List

The Civil Service Director shall present the list of eligibles to the Commission for approval, attesting to the correctness of the order of placement of eligibles on the list. This list will be valid for one (1) year from the date it is approved by the Commission.

#### 10. Correction of Error

The Commission may correct any error or mistake in the scoring of the examination or establishing the eligibility list without prejudice to the status of any person previously appointed as a result of such examination. Such action is considered as opening of the probationary

examination for review, whether resulting in a higher or lower average standing. Corrections will be made as a result of obvious clerical error at any time during the life of the eligibility list.

B. Probationary Police Officer

1. Preparation of Eligibility List

The Department Head for the Police Department shall cause to be prepared a list of all police cadets, as applicable, according to the total grade point average (GPA) of all academic courses taken during their academy tenure. The list of names is ordered from the highest to the lowest GPA.

2. Appointments

The above list becomes the eligibility list for probationary positions and all appointments to said position are made from this list.

C. Probationary Periods

1. Congruity with Collective Bargaining Agreements

Whereas the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association have entered into Collective Bargaining Agreements in accordance with the Fire and Police Employee Relations Act of the State of Texas; and

Whereas the Collective Bargaining Agreements by and between the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association contain language which provides that in the event that any provision of the collective bargaining agreement conflicts or is inconsistent with any such provision of Chapter 143 the Texas Local Government Code, the collective bargaining agreement shall prevail, notwithstanding any such provision of Chapter 143 of the Texas Local Government Code; and

Whereas the Collective Bargaining Agreements include provision for:

- a) Initial Probationary Period for Police Officers and Fire Fighters;
- b) Promotional Probationary Period for Police Officers and Fire Fighters; and
- c) Discharge and Demotions During both Probationary Periods; and

Whereas the Commission desires to reduce conflict between its rules and any applicable superseding Collective Bargaining Agreement provision; and

Whereas the Commission desires its rules to be clear, concise, and brief;

The Commission shall adopt as its rules the provisions of the most recent Collective Bargaining Agreement relating to the probationary periods of Fire Fighters and Police Officers.

## 2. Commission Addendums

In the event the applicable Collective Bargaining Agreement provisions are deemed invalid, illegal, or void in whole or in part, the Commission shall act immediately to compose and construct language in accordance with Chapter 143 of the Texas Local Government Code to establish these probationary periods.

### **RULE XII Promotions**

#### A. Congruity With Collective Bargaining Agreements

Whereas the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association have entered into Collective Bargaining Agreements in accordance with the Fire and Police Employee Relations Act of the State of Texas; and

Whereas the Collective Bargaining Agreement by and between the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association contain language which provides that in the event that any provision of the collective bargaining agreement conflicts or is inconsistent with any such provision of Chapter 143 of the Texas Local Government Code, the collective bargaining agreement shall prevail, notwithstanding any such provision of Chapter 143 of the Texas Local Government Code; and

Whereas the Collective Bargaining Agreements include provision for:

1. Eligibility for the Promotion of Police Officers and Fire Fighters;
2. Selection, Approval, and Announcement of the Testing Material;
3. Registration Period for the Examination for Police Officers;
4. The Manner of Testing;
5. The Method for Grading;
6. Defining a Minimum Passing Score;
7. Computing and Adding Seniority Points;
8. Ranking of Candidates with Identical Scores;
9. Candidate Police Officer's Review and Appeal of Examination Materials, the Examination, Answers; and
10. Posting of Eligibility Lists for Certain Police Officer Positions; and

Whereas the Commission desires to reduce conflict between its rules and any applicable superseding Collective Bargaining Agreement provision; and

Whereas the Commission desires its rules to be clear, concise, and brief;

The Commission shall adopt as its rules the provisions of the most recent Collective Bargaining Agreement relating to the above enumerated subjects regarding promotions within the Police and Fire Departments.

B. Commission Addendums

Notwithstanding the provisions of the Collective Bargaining Agreements, the Commission in accordance with Chapter 143 of the Texas Local Government Code adopts the following rules:

1. Announcement and Posting of Notice for Promotional Examinations

- a) The Civil Service Director shall cause a notice to be posted in City Hall, on the Commission's Bulletin Board and routed to the applicable department for posting and dissemination. This notice shall be posted in accordance with the current Collective Bargaining Agreements. Such notice shall announce at a minimum the position to be filled for which the examination is to be held; the eligibility requirements for the examination; the date, time, and place of the examination; the process, place, and times to review the examination and the date of the notice. The number of questions that will be derived from the reading material shall either be included in the exam notice, or included as part of the study material package which is made available for pick up by eligible candidates.
- b) If, after the posting of a notice for a promotional examination, the examination must be postponed due to an unanticipated emergency such as extreme weather conditions or any other general emergency that may endanger public safety, as determined by the Mayor, Mayor Pro Tem or City Manager, the Commission will issue an examination postponement notice as soon as possible. The notice will be posted on the City website, posted at City Hall and at all stations and substations of the Police and Fire departments and provided to the Police and Fire departments for appropriate dissemination to the eligible promotional candidates registered for the exam being postponed.

The Fire and Police Departments are responsible for making every reasonable effort to disseminate notices of promotional examination postponements and rescheduling to the eligible promotional candidates who registered for the original exam. All efforts to contact the candidates will be documented. Commission staff will assist, if needed, in efforts to contact registered candidates with exam postponement and rescheduling information, as necessary.

At the time each candidate registers for a promotional exam, he or she must provide a current address, telephone numbers, and e-mail address (if available) on file. Candidates must be accessible and responsive to attempts to contact them and to actively stay in contact with their department and the Commission Office for information related to a promotional examination postponement and rescheduling. Promotional Candidates shall periodically check the City of San Antonio Website for information regarding the promotional examination.

The Commission will establish a new date, time, and place for the exam, and issue notice of the rescheduled exam to the respective department for dissemination to the registered promotional candidates, at the address, telephone number or e-mail address where the candidates have indicated notice of rescheduled exam should be sent.

## 2. Registration for Promotional Examination

Unless otherwise prescribed, a registration period of not less than fifteen (15) calendar days for the Fire Department and ten (10) calendar days for the Police Department will be defined for each promotional examination. All candidates eligible for an announced promotional examination must register with the Human Resources Department, in person, during the prescribed registration period. Eligible candidates may designate another person to register on their behalf provided that the registration is done during the regular registration period and that the designated person is in possession of a notarized statement indicating the candidate's request to have him/her register the candidate.

The registration document shall be an alphabetical listing of all eligible candidates and indicate the number of seniority points the respective candidate is entitled to. Each candidate, during registration, must acknowledge their seniority points by affixing their initials in the appropriate place on the listing. Seniority points are calculated using the date of the examination. Candidates contesting the correctness of their seniority points must notify the Director of the perceived error in seniority points. This notification must be made immediately and submitted in writing to the Director prior to the expiration of the registration period. The Director shall notify the Commission and a hearing shall be scheduled to resolve the dispute.

## 3. Entrance to Promotional Examinations and Testing Procedures

- a) Only registered eligible candidates are permitted to participate in the promotional examination process. Candidates must show picture identification prior to entering the examination room.
- b) Candidates for promotional examinations in the Police Department arriving after the appointed starting time of the examination are not admitted or allowed to participate in the examination.
- c) Candidates for promotional examinations in the Fire Department arriving after the appointed starting time of the examination are granted admission to the examination provided:
  - 1) The candidate creates and signs an affidavit stating he or she has not obtained any information regarding the questions or answers in the examination from anyone; and
  - 2) No additional time is permitted for the candidate to complete the examination beyond the scheduled examination completion time.



- d) The Civil Service Director and staff have the authority to establish and enforce procedures and rules necessary to ensure the integrity of the exam proceedings in accordance with Chapter 143. Rules will be provided to candidates as they register for exams. Failure to follow rules could result in the candidates removal from the testing area and not being eligible to complete the exam and/or other appropriate action as deemed necessary by the Department Head.
- e) The Civil Service Director and staff have the authority to establish and enforce procedures and rules regarding the reviews of examinations by promotional candidates and the conduct of appeals to the Commission in accordance with Chapter 143.

#### 4. Placement on Promotional Examination Eligibility Lists

- a) Candidates will be placed on the promotional examination eligibility list based on their total examination score (defined as their promotional exam test score with the addition of seniority points). The number of seniority points a candidate receives will be based on the applicable Collective Bargaining Agreement.
- b) In the event that candidates have the same total scores, the candidate with the highest promotional exam score (defined as their written test score and assessment center score, if applicable) will be ranked higher on the promotional examination eligibility list.
- c) In the event that Fire promotional candidates for the rank of Fire Engineer have the same total examination score and written exam score, candidates will be placed on the promotional examination eligibility list based on their seniority in rank, as defined in the Collective Bargaining Agreement.
  - 1. In the event that the promotional candidates for the rank of Fire Engineer have the same total examination score and written exam score, candidates will be placed on the promotional examination eligibility list based on their date of hire (defined as the date a candidate started the academy).
- d) In the event Fire and Police candidates, except for the rank of Fire Engineers and Police Detective Investigator, have the same total examination score, written examination score, and seniority in rank, as defined by the applicable Collective Bargaining Agreements, candidates will be placed on the promotional examination eligibility list based on the candidates placement on the respective eligibility list from which they were promoted to their current rank.
  - 1. In the event that Fire promotional candidates, for the rank of Fire Engineer have the same total examination score, written examination score, and date of hire, candidates will be placed on the promotional examination eligibility list based on their badge number. With a lower badge number placed on the list before a higher badge number.

2. In the event that Police promotional candidates, for the rank of Detective Investigator, have the same total examination score, written examination score, and seniority in rank, candidates will be placed on the promotional examination eligibility list based on their final position within their respective academy class.

5. Posting of Scores

Within twenty-four (24) hours after the completion of each promotional examination, the written examination scores and seniority points for all applicants will be posted on the Commission's Bulletin Board and routed to the respective department for distribution.

6. Approval and Posting of Eligibility Lists

- a) Within seventy-two (72) hours of the Commission's approval of a promotional eligibility list, the Director shall post said eligibility list on the Commission's Bulletin Board and route a copy to the appropriate department for internal distribution. Civil Service Director shall have the authority to transmit the promotional eligibility list to the respective department prior to Commission approval if such list is placed on the agenda for the next Commission meeting for ratification of the Director's transmittal. Once the promotional eligibility list has been received by the Department, the list may be used for promotional purposes.
- b) Unless otherwise prescribed by the applicable Collective Bargaining Agreement, each promotional eligibility list remains in existence for one year after the date on which the written examination is given, unless exhausted.
- c) For the purposes of any promotional examination within the Police Department which includes a Video Assessment Center, the eligibility list, once certified, will be considered to be in effect for 18 months from the date of certification by the Commission.

7. Examination Procedures for Eligible Promotional Candidates Returning from Active Military Duty

- a) Fire Fighters and Police Officers who were serving on active military duty with the U.S. Armed Forces on a date of a promotional examination for which they were eligible will be allowed to make up the missed exam, if they meet the criteria below.
- b) In order to be eligible to make up a missed promotional examination:
  - 1) a candidate who missed an examination due to active military duty, must have missed the examination while serving on active military duty for at least 60 consecutive days;
  - 2) must not have had absences due to military activation, while employed by the City, which total more than five (5) years.

- 3) must be eligible for the examination under the terms of their respective collective bargaining agreement and must comply with all application requirements.
- c) Examination procedure for Police Officer promotional candidates returning from active military duty;
- 1) Police Officer promotional candidates who were serving on active military duty as members of the U.S. Armed Forces and who were eligible when a Department promotional exam was offered, who did not take the exam, may take the next available promotional exam given for that rank, following their return from military duty.
  - 2) Police Officers returning from active duty shall be given notice by Human Resources of their rights and obligations under this subsection. Officers who qualify as eligible promotional candidates according to USERRA may apply within thirty (30) calendar days after notice by the City of eligibility for a missed promotional exam. Eligible promotional candidates must inform Human Resources, in writing, of their intent to take the next available promotional examination for which they are eligible and wish to have their score applied retroactively. Candidates who fail to meet the thirty (30) calendar day requirement, or who subsequently fail to take their scheduled examination waive all rights to a makeup.
- d) Examination procedure for Fire Fighter promotional candidates returning from active military duty:
- 1) Fire Fighters who were serving as members of the U.S. Armed Forces and were eligible promotional candidates when a Department promotional exam was offered, who did not take the exam, may apply within thirty (30) calendar days after notice by the City of their rights and obligations upon return to the Department from active duty, to take the promotional exam given for that rank.
  - 2) In order to sit for a "B" exam, eligible candidates must apply in person with the Human Resources Department within thirty (30) calendar days after the notice by the City of their rights and obligations. The Human Resources Department verifies eligibility and sets the date for the administration of the "B" exam.
  - 3) The consulting firm which constructs each Fire Department promotional exam to be given for an applicable rank will, as part of the exam, create an "A" and "B" exam for each test. Each test will be similar in construction and material covered.
  - 4) The study time allowed for each "B" exam will be based on the number of days that transpired between the original rank exam announcement and the date of the original rank exam. When calculating the number of study days for the "B" exam, day one is the day after the eligible candidate submitted his/her application to take the "B"

exam to the Human Resources Department and receives formal notice of the "B" exam date, time, and location.

- 5) All "B" exams will be based on the most current study material available for the promotional test, which may differ from the materials used for the original exam(s) missed by candidates returning from active military service.
  - 6) For each period of active service in which one or more promotional exams were missed, candidates will be eligible to take only one "B" promotional exam when they return from active military duty.
  - e) If a promotional candidate taking a make-up promotional exam achieves a passing score sufficient to have resulted in a promotion had such score been achieved on an exam which was missed due to active military service, the candidate shall be promoted to the first available vacancy with retroactive back pay and seniority in rank. Promotions shall be determined from an amended promotional list for that rank as certified by the Commission following the submission of the scores from all make-up examinations, reflecting the candidate's score, and appropriate seniority points, and certification points if applicable, on the examination. Such promotions shall be made effective as of the date on which the promotion would have occurred but for the candidate's active military service.
  - f) All Promotional Examination Announcements and related Final Orders will indicate that test scores achieved by eligible promotional candidates returning from active military duty may result in amendments by the Commission to the certified promotion list.
  - g) This provision is intended to comply with requirements of the Federal Uniformed Services Employment and Reemployed Rights Act (USERRA), and to supersede the terms of Section 143.032(b) of the Texas Local Government Code.
  - h) This Rule does not prevent the City from taking steps to comply with USERRA under unique or special circumstances, and providing notice to the Commission of such action.
8. Additional Rules

In the event the applicable Collective Bargaining Agreement provisions are deemed invalid, illegal, or void in whole or in part, the Commission shall act immediately to compose and construct language in accordance with Chapter 143 of the Texas Local Government Code to establish any additional rules necessary for the promotional process.

### **RULE XIII Disciplinary Action**

#### **A. Congruity With Collective Bargaining Agreements**

Whereas the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association have entered into Collective Bargaining Agreements in accordance with the Fire and Police Employee Relations Act of the State of Texas; and

Whereas the Collective Bargaining Agreement by and between the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association contain language which provides that in the event that any provision of the Collective Bargaining Agreement conflicts or is inconsistent with any such provision of Chapter 143 of the Texas Local Government Code, the Collective Bargaining Agreement shall prevail, notwithstanding any such provision of Chapter 143 of the Texas Local Government Code; and

Whereas the Collective Bargaining Agreements and Chapter 143 of the Texas Local Government Code include provision for disciplinary actions, including but not limited to, causes for suspensions, demotions, removals, filing of documents, notices, and hearings; and

Whereas the Commission desires to reduce conflict between its rules and any applicable superseding Collective Bargaining Agreement provisions; and

Whereas the Commission desires its rules to be clear, concise and brief;

The Commission shall adopt as its rules the provisions of the most recent Collective Bargaining Agreement relating to these subjects within the Police and Fire Departments.

#### B. Approval of Departmental Rules and Regulations

1. In the event the Fire or Police Department adopt rules and regulations which govern the conduct and behavior of their members, and such rules and regulations are in accordance with Chapter 143 of the Texas Local Government Code, said department must bring these rules and regulations before the Commission for approval and affirmation.
2. Upon the Commission's approval of these rules and regulations, they shall be posted and distributed in accordance with Chapter 143 of the Texas Local Government Code.

#### C. Causes for Removal or Suspension

The following are declared to be grounds for suspension or removal of an employee from the Fire or Police Departments of the City:

1. Conviction of a felony or other crime involving moral turpitude;
2. Violations of a municipal charter provision;
3. Acts of incompetency;
4. Neglect of duty;
5. Discourtesy to the public or to a fellow employee while the fire fighter or police officer is in the line of duty;
6. Acts showing lack of good moral character;

7. Drinking intoxicants while on duty or intoxication while off duty;
8. Conduct prejudicial to good order;
9. Refusal or neglect to pay just debts;
10. Absence without leave;
11. Shirking duty or cowardice at fires; or
12. Violation of an applicable fire or police department rule or special order.

#### **RULE XIV LEAVES OF ABSENCE**

##### A. Congruity With Collective Bargaining Agreements

Whereas the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association have entered into Collective Bargaining Agreements in accordance with the Fire and Police Employee Relations Act of the State of Texas; and

Whereas the Collective Bargaining Agreements by and between the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association contain language which provides that in the event that any provision of the Collective Bargaining Agreement conflicts or is inconsistent with any such provision of Chapter 143 of the Texas Local Government Code, the Collective Bargaining Agreement shall prevail, notwithstanding any such provision of Chapter 143 of the Texas Local Government Code; and

Whereas the Collective Bargaining Agreements and Chapter 143 of the Texas Local Government include provision for:

1. Vacations;
2. Sick Leave;
3. Bonus Days;
4. Holidays;
5. Military Leave;
6. Injury Leave;
7. Death in Family and Bereavement Leave
8. Other Miscellaneous Leave; and

Whereas the Commission desires to reduce conflict between its rules and any applicable superseding Collective Bargaining Agreement provision; and

Whereas the Commission desires its rules to be clear, concise, and brief;

The Commission shall adopt as its rules the provisions of the most recent Collective Bargaining Agreement relating to the above enumerated subjects regarding leave within the Police and Fire Departments.

##### B. Commission Addendums

Notwithstanding the provisions of the Collective Bargaining Agreements, the Commission in accordance with Chapter 143 of the Texas Local Government Code adopts the following rules:

1. Leaves of Absence With Pay

Attendance of employees at conventions, conferences, short training courses, and meetings of a like nature, in the interest of the City, only when approved by the Department Head in advance, shall be considered leaves of absence with pay.

2. Leaves of Absence Without Pay

The Department Head may grant any employee in the department a leave of absence without pay for a period not exceeding one (1) work week. A leave of absence of an employee for a period beyond the one (1) work week granted by the Department Head shall be requested on a form provided for that purpose and shall be presented to the City Manager for approval. The City Manager shall have the sole authority to grant such request and the City Manager's decision shall be final. No employee shall be given a leave of absence to take a position outside the City service for more than sixty (60) days in a calendar year unless it clearly appears that the public's interest is to be served by such leave.

3. Unauthorized Absence

Unauthorized absence from duty for a period of two (2) or more consecutive working days may be considered by the Department Head and the Commission as a resignation.

**RULE XV Medical, Psychological, and Physical Fitness**

A. Congruity With Collective Bargaining Agreements

Whereas the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association have entered into Collective Bargaining Agreements in accordance with the Fire and Police Employee Relations Act of the State of Texas; and

Whereas the Collective Bargaining Agreements by and between the City of San Antonio and Local 624 of the International Association of Fire Fighters and the San Antonio Police Officers' Association contain language which provides that in the event that any provision of the Collective Bargaining Agreement conflicts or is inconsistent with any such provision of Chapter 143 of the Texas Local Government Code, the Collective Bargaining Agreement shall prevail, notwithstanding any such provision of Chapter 143 of the Texas Local Government Code; and

Whereas the Collective Bargaining Agreements and Chapter 143 of the Texas Local Government include provision for:

1. Mandatory psychological and medical evaluations;
2. Drug and alcohol testing for certain fire fighter positions

3. Fire fighter fitness programs; and

Whereas the Commission desires to reduce conflict between its rules and any applicable superseding Collective Bargaining Agreement provision; and

Whereas the Commission desires its rules to be clear, concise, and brief;

The Commission shall adopt as its rules the provisions of the most recent Collective Bargaining Agreement relating to the above enumerated subjects regarding leave within the Police and Fire Departments.

B. Commission Addendums

Notwithstanding the provisions of the Collective Bargaining Agreements, the Commission in accordance with Chapter 143 of the Texas Local Government Code adopts the following rules:

1. Beginning Positions

- a) The Commission shall require the Police and Fire Departments to adopt appropriate medical, psychological and physical testing guidelines for the certification of applicants by a qualified physician, psychiatrist, psychologist, or physical testing proctor for beginning positions in the Police and Fire Departments.
- b) These guidelines shall be published and available for inspection as an appendix to these rules.
- c) These guidelines shall be subject to ongoing review and revision in accordance with current medical practice, scientific knowledge, and applicable laws.
- d) Each applicant shall be required to take a medical exam, a psychological exam and a physical test. The cost for these examinations and physical testing shall be paid for by the City.
- e) In the event an applicant fails to pass the medical or psychological examination and is rejected by the physician, psychiatrist, or psychologist, as appropriate, the applicant may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The appeal of medical or psychological disqualification must be made by the applicant subject to the following process:
  - 1) The applicant shall be deemed unsuitable in accordance with Rule IX of these rules.
  - 2) The applicant shall have ten (10) business days in which to file a written appeal with the Commission. The fact that an applicant has filed an appeal shall not prohibit the City from processing and selecting suitable applicants with lower eligibility list numbers than the appellant.



- 3) Disqualified applicants may not appeal their medical or psychological disqualification, except during the prescribed ten (10) business day period.
- 4) Providing the appeal is timely filed, the Commission will appoint a board of three physicians, psychiatrists, or psychologists, as appropriate.
- 5) The applicant must be examined by all three members of the board.
- 6) The applicant must pay for the board examination.
- 7) The board's decision shall be final.
- 8) If the board finds that the applicant meets the qualifications for the position and the eligibility list has not expired, the applicant shall continue the processing steps established in Rule VI to determine the applicant's suitability for the applicable position.

## 2. Promotions

- a) The Commission shall approve and adopt the appropriate medical guidelines for the certification of candidates by a licensed physician for promotion in the Police and Fire Departments.
- b) The guidelines shall be published and available for inspection as an appendix to these rules.
- c) The guidelines shall be subject to ongoing review and revision in accordance with current medical practice, scientific knowledge, and applicable laws.

## 3. Incumbent's Fitness for Duty

- a) In the event that the Department Head questions a fire fighter's or police officer's physical or mental fitness for duty:
  - 1) The Department Head may require the employee to submit to a psychological or medical evaluation to determine the employee's ability to continue to perform the duties of a fire fighter or police officer. Such evaluation shall be at the City's expense and performed by a qualified physician, psychiatrist, or psychologist, as appropriate.
  - 2) In the event the subject fire fighter or police officer contests the report, the fire fighter or police officer shall submit to the Department Head a report from the individual's personal physician, psychiatrist, or psychologist, as appropriate. The cost of this evaluation shall be at the fire fighter's or police officer's expense.
  - 3) If the report of the fire fighter's or police officer's personal physician, psychiatrist, or psychologist, as appropriate, disagrees with the original evaluation, the Commission shall appoint a three-member board composed of a physician, psychiatrist, or

psychologist, or any combination, as appropriate, to examine the fire fighter or police officer. The board's findings as to the individual's fitness for duty shall determine the issue. The City shall pay the cost associated with the board's determination.

- b) In the event a fire fighter or police officer asserts an inability to continue in their assigned duties and the Department Head questions this contention:
- 1) The fire fighter or police officer shall submit to the Department Head a report from the individual's personal physician, psychiatrist, or psychologist, as appropriate.
  - 2) If the Commission or Department Head questions the report, the Commission shall appoint a physician, psychiatrist, or psychologist, as appropriate, to examine the fire fighter or police officer and to submit a report to the Commission, the Department Head, and the individual. The City shall bear the costs of this examination.
  - 3) If the report of the appointed physician, psychiatrist, or psychologist, as appropriate, disagrees with the original evaluation, the Commission shall appoint a three-member board composed of a physician, psychiatrist, or psychologist, or any combination, as appropriate, to examine the fire fighter or police officer. The board's findings as to the individual's fitness for duty shall determine the issue. The City shall pay the cost associated with the board's determination.

#### **RULE XVI Miscellaneous**

##### A. Resignation in Good Standing

A fire fighter or police officer desiring to leave the service in good standing shall file with the Department Head and the Civil Service Commission at least two (2) weeks before the employee's last work day, a written notice of resignation stating the date the resignation shall become effective and the reason for leaving the service.

##### B. Reappointment of Former Police Officers

1. Former San Antonio Police Officers who have resigned from the Police Department in good standing and desire to be re-appointed must apply and complete all steps for a beginning position including, but not limited to, submitting an application, passing the entrance examination, appearing on an eligibility list; successfully completing all processing requirements; and being certified as a suitable person in accordance with these rules.
2. Each applicant is processed in accordance with his or her position on the eligibility list.
3. Upon appointment, the applicant may, at the Department Head's discretion, take the Probationary Police Officer's Examination without having to attend the Police Academy. The Police Academy shall provide the applicant the source material for the examination affording the applicant no more than sixty (60) days to study and pass the examination.

4. If the applicant fails to pass the Probationary Police Officer's Examination, the applicant shall be scheduled to attend the next scheduled Police Academy session.
5. If the applicant passes the Probationary Police Officer's Examination, the applicant will attend an orientation conducted by the Police Academy which includes, but is not limited to, the topics of tactics, Department rules and regulations, firearms qualification, and occupational driving.
6. If the applicant's peace officer license is not active, the applicant must complete the Texas Commission on Law Enforcement Standards and Education mandated requirements for re-activation of the applicant's license.

C. Reappointment After Recovery From Disability

1. To be eligible for re-appointment to the classified position a fire fighter or police officer held on the date the individual qualified for a monthly disability pension, that person must follow the procedures set forth below.
  - a) The individual must file an application for re-appointment with the Commission.

The application must include a certificate from a physician, psychiatrist, or psychologist, as appropriate, selected by the Fire Fighters' and Police Officers' Pension Fund Board of Trustees, indicating that the individual has recovered from the disability for which the individual has been receiving a monthly disability pension.

- b) The individual shall obtain, and file with the Commission, the approval of the Department Head of the department to which re-appointment is sought. This approval may be conditioned upon any or all of the following:
  - 1) The individual must satisfy any or all of the requirements for qualifying for a beginning position, including successful completion of the curriculum at the Training Academy.
  - 2) The individual must satisfy any other requirements the Department Head deems necessary or prudent, including, but not limited to, other examinations.
- c) The individual shall:
  - 1) Take and pass the medical, psychological, and physical fitness evaluations for beginning positions;
  - 2) Take and pass the next scheduled examination from which an eligibility list is created for the classified position the individual held on the date the individual qualified for the monthly disability pension, if that position is a non-beginning position;
  - 3) Be currently certified or licensed by the Texas Commission on Fire Personnel Standards and Education or the Texas Commission on Law Enforcement Standards and Education, as

appropriate; or meet all legal requirements necessary to become eligible for future certification or licensing by the appropriate body;

- 4) Comply with all other requirements set forth in Chapter 143 of the Texas Local Government Code, this Commission Rules, and any relevant provisions of the current Collective Bargaining Agreement; and
  - 5) File proof with the Commission that the individual complies or has complied with each of the above.
2. Upon satisfaction of the foregoing and if otherwise qualified, the Commission shall consider and act upon the individual's application for re-appointment.
- a) In the event the individual is approved, the individual shall be placed on a disability re-appointment list for the classified position the individual held on the date the individual qualified for a monthly disability pension.
  - b) The applicant shall be appointed to the next available vacancy in that position from the disability re-appointment list.
  - c) In the event two or more individuals appear on a disability re-appointment list for the same position, they shall be appointed from that list to the next available position in the order of seniority on the department.
  - d) No person may be appointed from an eligibility list or reinstatement list for a particular position until the disability re-appointment list for that position is exhausted.
  - e) An individual remains on a disability re-appointment list for a period not to exceed one (1) year.
3. An individual removed from a disability re-appointment list due to the expiration of time may reapply.