



**Local Rules & Regulations Of The
Fire Fighters' and Police Officers' Civil Service Commission
For The
City of Missouri City, Texas**



**Adopted by the Civil Service Commission
By Official Action Taken on _____, 2021**

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**SECTION I.
PREAMBLE & PURPOSE**

RULE 1. INTRODUCTION

- A. The following Rules and Regulations are hereby adopted by the City of Missouri City's Police & Fire Civil Service Commission (the "CSC" or "Commission") pursuant to the statutory authority provided for by the Texas Legislature in Chapter 143, Texas Local Gov't Code ("TLGC").
- B. It is the intention of the CSC to exercise its rule-making authority to the fullest extent allowed by law. To that end, these Rules shall be interpreted and applied in a manner that keeps the operation of the Civil Service Commission within the authority authorized by law.
- C. The civil service provisions currently codified in Chapters 141, 142, and 143 of the Texas Local Gov't Code, as well as any other statutory provisions not specifically referenced herein, continue to apply and are hereby incorporated by reference to these Rules, even if not specifically mentioned in these Rule.

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

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

**SECTION II.
CIVIL SERVICE COMMISSION**

RULE 3. HOW CONSTITUTED [§143.006, TLGC]

- A. The CSC shall be constituted in accordance with the requirements of Chapter 143, TLGC, and its members shall be appointed by the City Manager and confirmed by the City's governing body.
- B. Members shall meet the minimum eligibility criteria required by law, as contained in Chapter 143, TLGC.
- C. The incumbent Civil Service Commissioners in place at the adoption of these Rules shall continue in office for their respective terms.

- D. As specified by law, all terms shall be for a period of three (3 years); provided, however, that if the staggering of terms be necessary to continuity of experience on the Commission, the City Manager may, upon a vacancy, adjust appointments to assure that the terms of office remain staggered.
- E. The Commissioners, once named, shall elect a Chair and Vice-Chair amongst themselves. Thereafter, elections for the position of Chair and Vice-Chair shall be held on an annual basis, unless a vacancy occurs, at which time a new election may occur.
- F. Should a vacancy in office occur, the vacancy shall be filled by the City Manager, with the concurrence of the City's governing body to fulfill the term that was vacated.
- G. The Chairperson of the Commission shall serve as the primary point of contact with the Director for purposes of facilitating the business of the Commission, including but not limited to administrative matters such as the establishment of an agenda, the scheduling of meetings and other such administrative matter.

RULE 4. AUTHORITY OF THE COMMISSION

- A. The authority of the CSC shall be coextensive with the statutory authority provided by law, and shall specifically encompass the following subject matter areas:
 - 1. The proper conduct of all Commission business meetings;
 - 2. The proper implementation and oversight of examinations for entry level and promotional eligibility;
 - 3. The proper implementation and oversight of any appeals of testing and examination scoring;
 - 4. The proper oversight over the qualifications for civil service positions created and authorized by the City's governing body, including fitness for duty;
 - 5. The proper conduct of and procedures for appeals concerning a suspension without pay, an indefinite suspension, a demotion, a promotional bypass; and any other matter over which the Commission is given jurisdiction by law; and,
 - 6. Any other matters authorized by law, including any caselaw interpretations, and these Rules, as to which the Commission has jurisdiction to act.
- B. Meetings of the Commission shall be held in accordance with the requirements of the Texas Open Meetings Act.

RULE 5. OFFICE OF THE COMMISSIONERS

- A. In the discharge of their duties, members of the Civil Service Commission act as a body and not as individuals. An individual Commissioner speaking or acting outside of a duly constituted and posted meeting does not speak for the Commission as a whole.
- B. Business hearings shall be handled in accordance with a duly posted agenda posted in compliance with the Texas Open Meetings Act.
- C. Resignation from Office. A member of the Commission may tender his or her resignation in writing at any time to the City Manager, at which time the City Manager

may treat the office as vacant and take the necessary and appropriate steps to fill the vacancy.

- D. Forfeiture of Office. If a Civil Service Commission member is absent without excuse for three (3) consecutive meetings (whether regular or special) during a twelve (12) month period without good cause, then the absent Commissioner may be found to have resigned and vacated the position on the Commission.
 - 1. “Good Cause” for purposes of this provision shall be determined by a majority of the sitting Commissioners.
 - 2. Upon the occurrence of any of these events, the Director, or any of the remaining Commissioners shall thereafter advise the City Manager and the City Manager shall fill the vacancy in the manner prescribed by law.

RULE 6. ADOPTION AND MODIFICATION OF RULES [§143.008, TLGC]

- A. The Commission may, by majority vote, modify and amend these Rules to provide guidelines for the operations of the civil service system and this Commission.
- B. Modification and adoption of these Rules shall be implemented in accordance with the minimum requirements imposed by law, specifically:
 - 1. Adopted Rules shall be adopted by a majority vote of the Commission;
 - 2. Adopted Rules will be reduced to writing;
 - 3. A copy of the Rules shall be provided to the City Manager for the City of Missouri City and to the City Council of the City;
 - 4. A copy of the adopted Rules shall be mailed to the department heads for the fire and police department or their equivalent;
 - 5. A copy of the adopted Rules will be posted for a minimum period of seven (7) days in a conspicuous place in the central station of the fire and police department;
 - 6. A copy of the adopted Rules shall be mailed to each station of the fire and police departments.
- C. It shall be the responsibility of the Director to keep copies of all Rules for free distribution to members of the police and fire departments who request copies, and for inspection by any interested person.

RULE 7. RELATIONSHIP TO OTHER CITY RULES AND POLICIES

- A. Classification Structure. With respect to the classified ranks to be recognized by the Commission, those ranks established by City’s governing body are hereby acknowledged as the rank structure within each respective department.
- B. Determinations relating to the number of classified positions to be created and budgeted remain within the exclusive authority of the City’s governing body.

1. Vacancies created by the creation and funding of any new positions shall be filled pursuant to civil service law and procedure.
- C. With respect to the interpretation, application, or administration of personnel matters, the rights, duties, obligations, of civil service employees shall be determined by reference to the following authorities in the order listed:
 1. Chapter 143, TLGC, and any applicable interpretations by the courts or by the Office of the Attorney General;
 2. The Charter of the City of Missouri City and the Missouri City Code, if applicable;
 3. These Civil Service Rules & Regulations, as applicable;
 4. Any respective departmental rules, regulations, and directives, as applicable;
 5. The City's civilian Personnel Policy Manual, if applicable.
- D. The Commission shall adhere to the City's practices and procedures relating to personnel management decisions provided these are not in conflict with civil service law or these Rules.
- E. The Commission reserves the final authority to interpret and apply the applicable rules to the matters before the Commission, on the advice of legal counsel and subject to judicial review authorized by Texas law.

RULE 8. CIVIL SERVICE DIRECTOR: APPOINTMENT & DUTIES [§143.012, TLGC]

- A. APPOINTMENT - The Commission shall appoint a director who shall be responsible for implementing these rules and handling the day to day administration of the civil service system in the City of Missouri City.
 1. A person appointed as director must meet each requirement for appointment to the commission, except for the residency requirement.
 2. The City's governing body shall determine the salary, if any, to be paid the Director.
- B. DUTIES - The Director or designee shall also act as secretary to the Commission and as chief examiner of tests. The Director's duties include but are not limited to the following subject matter areas:
 1. Serves as the Secretary to the Commission;
 2. Serves as the chief test examiner for the Commission and supervisor of all examinations, including the preparation, scheduling, scoring and security thereof;
 3. Recruitment and examination of applicants;
 4. Sets agenda for Commission meetings;
 5. Acts as liaison and provides staff support to Commission;

6. Determines whether any matter is appropriately brought before Commission in a reasonable and timely fashion;
 7. Calls, schedules, reschedules, and cancels meetings of the Civil Service Commission;
 8. Acts as records custodian as provided by Chapter 143, TLGC;
 9. Acts on behalf of Civil Service Commission for actions and issues not specifically addressed in Chapter 143, TLGC or these rules;
 10. Prepares the minutes of each meeting and presentation for approval at a subsequent Commission meeting; and
 11. Provides such other functions as may be deemed reasonably necessary by the Commission in furtherance of the efficient and effective administration of the civil service system.
- C. The Director is hereby specifically delegated the administrative discretion to post such notices as may be necessary announcing the administration of a test for purposes of compliance with §143.024 and/or §143.029, TLGC whenever the Director determines that a new certified list is required or necessary to carry out the functions of the civil service system.

RULE 9. MEETINGS OF THE COMMISSION [§143.008, TLGC]

- A. The members of the Commission shall, at a date, hour, and place set by the Commission, hold such meetings as may be required in the proper discharge of their duties.
- B. Quorum - Two members of the Commission constitute a quorum sufficient to conduct business meetings and hearings that fall within the statutory authority of the Commission and these Rules.
- C. Conduct of Business - The Commission may set reasonable rules and procedures for the proper and efficient conduct of business. The Chairperson shall be responsible for conducting meetings generally in accordance with Robert's Rules of Order.
- D. The Director of Civil Service may call, schedule, reschedule or cancel meetings of the Civil Service Commission. All agenda items shall be prepared in a manner consistent with the City's practices for preparation of agendas.
- E. The following appointed officials of the City are authorized to request placement of agenda items on a Commission agenda:
 1. The Civil Service Director;
 2. The Civil Service Chair or any two Civil Service Commissioners;
 3. The Fire Chief or the Chief of Police;
 4. The City Manager; or
 5. The City Attorney.
- F. Requests for agenda items by any other third person must be directed to and sponsored by an official authorized to place items on an agenda of the Commission.

- G. All meetings of the Commission shall be subject to the requirements of the Texas Open Meetings Act and any applicable law, rules, regulations, or executive orders.
- H. Texas Open Meeting Act Compliance - It is the responsibility of the Director to assure that the posting of any Commission duly constituted agenda complies with the Texas Open Meetings Act or any other applicable law.

RULE 10. APPEALS TO THE COMMISSION [§143.010; §143.053; §143.057, TLGC]

- A. The Commission shall exercise its authority to review the actions and decisions related to civil service matters within the authority for such review granted by Chapter 143, TLGC.
- B. If a fire fighter or a police officer wants to appeal to the Commission from an action for which an appeal or review is provided by Chapter 143, the fire fighter or police officer must file a written appeal with the Commission within ten (10) days after the date the action occurred.
 - 1. The appeal is filed with the Commission by filing it with the designated Civil Service Director.
- C. Any appeal authorized by law and these Rules must be filed within ten (10) days of the date the action being complained about occurred, as per the requirements of §143.010, TLGC.
 - 1. It shall be the responsibility of the Director to file-stamp, or otherwise prominently note the exact date and time that an appeal document is tendered to the Director personally or to the Director's office staff, if any.
 - 2. An appeal may be filed by transmitting it via email to the Civil Service Director with the appeal notice appended as an attachment. The Director shall save the appeal document and annotate it with the date and time received.
 - 3. An appeal shall not be considered filed until it is received by the Director or the Director's office staff, if any.
- D. As per the requirements of §143.010(b), TLGC an appeal document must be in writing and provide the following minimum information:
 - 1. A description of the factual incident giving rise to the appeal;
 - 2. The basis for the appeal;
 - 3. A request for a Commission hearing;
 - 4. A statement denying the truth of the charges as made;
 - 5. A statement taking exception to the legal sufficiency of the charge;
 - 6. A statement alleging that the recommended action does not fit the offense or alleged offense, or
 - 7. A combination of the foregoing requirements and,
 - 8. Also, if the affected employee elects to appeal to an independent hearing examiner, the affected employee must also submit as part of the appeal notice

specified above, a written request demanding that the employee wants the appeal to be referred to an independent third-party hearing examiner [See §143.057(b), TLGC).

- E. Any hearing over an appeal taken under these Rules shall be conducted in accordance with the minimum statutory requirements contained in Chapter 143, TLGC and these Rules.
- F. Decisions from appeals shall be reduced to writing and signed by each concurring Commission member in accordance with the minimum requirements imposed by law as required by §143.010 and §143.011, TLGC.

**SECTION III.
ENTRY LEVEL RULES & PROCEDURES**

**RULE 11. MINIMUM QUALIFICATIONS FOR ENTRY LEVEL TESTING
[§143.022, §143.023, TLGC]**

- A. A person may not take an entrance examination for a beginning position in the police department unless the person is at least 21 years of age as per Texas Commission on Law Enforcement requirements.
- B. A person may not take an entrance examination for a beginning position in the fire department unless the person is at least 18 years of age, but not 36 years of age or older.
- C. A person who is 45 years of age or older may not be certified for a beginning position in a police department.
- D. An applicant may not be certified as eligible for a beginning position in the fire department unless the applicant meets all legal requirements necessary to become eligible for future certification by the Commission on Fire Protection Personnel Standards and Education.
- E. An applicant may not be certified as eligible for a beginning position in the police department unless the applicant meets all legal requirements necessary to become eligible for future certification by the Texas Commission on Law Enforcement.
- F. Each applicant for an entry level position as a police officer and fire fighter must be able to read and write English.
- G. In addition to the minimum statutory requirements specified above, the Commission hereby further adopts the following requirements which are in the best interest of the civil service system for Missouri City:
 - 1. Must have a high school diploma or a GED equivalent;
 - 2. Must be of a good moral character:
 - a. A record of a felony conviction from a state or federal court may be sufficient to disqualify the applicant from testing or from appointment.
 - b. A record of a misdemeanor conviction from a state or federal court may be sufficient to disqualify an applicant from testing or from appointment.

- c. A record of any arrests by state or federal authorities, even if such arrest did not result in a conviction may be sufficient to disqualify an applicant from testing or from appointment.
- 3. Must be physically and mentally fit, as required by Chapter 143, TLGC, and must meet the minimum fitness standards established by each respective department. Inability or failure to meet the minimum fitness requirements for the entry level position may be sufficient to disqualify an applicant from testing or from appointment.
- H. Personal History Statements (PHS)- Applicants may be required to provide a personal history statement as part of the application process. If required, a personal history statement shall be completed and returned as part of the application process. Failure to return a PHS as required shall constitute reason for disqualifying an applicant from testing or from appointment.
- I. Additional Department Disqualifiers - The Commission hereby incorporates by reference any Fire Department and Police Department screening criteria pertinent to the qualification of an applicant to serve as a certified fire fighter or as a certified law enforcement officer. Each department's entry level screening criteria must be filed with the Civil Service Commission.
- J. Inability or failure to satisfy each respective department's screening criteria shall constitute sufficient reason to disqualify the applicant from testing or from appointment to a beginning position.
- K. An applicant who is disqualified under any of the foregoing provisions does not have a right of appeal to the Commission from such disqualification or from a determination to not appoint the applicant to a beginning position.

RULE 12. ENTRANCE LEVEL EXAMINATION NOTICE [§143.024, TLGC]

- A. Application for entrance level civil service employment shall be made to the Commission's Director on an appropriate application form established by the Commission.
- B. The Director shall post a notice of an entry level exam with no less than 30 days' notice on a bulletin board located in the main lobby of the city hall and in the Commission's office. Applicants must sign up with the Director to take an exam no less than ten (10) days before the examination date. Failure to sign up within this time period shall be grounds for exclusion.
- C. The notice of an entry level examination shall contain a notice stating the period of time that an approved eligibility list will be effective, which, shall be for a period of twelve (12) months from the date of the examination, unless exhausted.
- D. Examination materials shall be selected with the intention that the examination will fully and fairly test the qualified applicants as to their relative suitability to discharge the duties of the entry level position for which the test is being conducted.

- E. The Director may, because of the small number of applicants for any position, or because of any other good and sufficient reason, cancel and reset an examination to a later date.

RULE 13. ENTRANCE EXAMINATION PROCEDURES [§143.025, TLGC]

- A. Test applicants must confirm eligibility to test by affirming on the sign-up form to be provided the minimum requirements contained in the test notice posted by the Director.
- B. The Director may not proctor an examination unless there are at a minimum two applicants taking the examination as required by §143.025(c), TLGC.
 - 1. Examination for beginning positions in the fire department may be held in different locations if each applicant takes the same examination and is examined in the presence of other applicants as per §143.025(d), TLGC.
- C. The Director may deny testing to an applicant that cannot or does not affirm satisfaction of these minimum requirements as a condition to sit for the test. False or untruthful answers on the application forms are grounds for disqualification from testing.
- D. The actual conduct of every examination shall be under the direction of the Director of Civil Service who shall be responsible to the Commission. The Director shall have the authority to designate an assistant to administer tests or examinations.
- E. Check In - All applicants shall check in and provide proof of identity with a valid driver's license at least 15 minutes prior to the start of the examination. Failure to timely register or appear will result in a candidate's disqualification or exclusion from testing.
 - 1. Failure to Appear – An applicant who fails to timely appear for the entrance examination shall be treated as having withdrawn the applicant's application from consideration.
- F. Smoking - Smoking shall be prohibited at all times in the testing area.
- G. Cancellation of Entrance Examination - The Director may cancel a scheduled entrance examination if the requisite number of test-takers does not materialize or if unanticipated circumstances preclude proctoring of the examination as required by these Rules.
- H. Test Monitors - The Director of Civil Service may select a reasonable number of persons to assist in the administration, proctoring and grading of an entrance examination.
- I. No individual shall deceive or obstruct any person in respect to his/her right of examination under the provision of these rules and the Texas Local Government Code; or false mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion. Applicants shall not deceive the Commission for the purpose of improving their chances for appointment or promotion.
- J. Cheating - Any person taking an entrance examination who uses or attempts to use any unfair or deceitful means to answer questions on such an examination shall be informed by the test administrator and the test administrator shall void that person's exam and remove them from the testing site.

1. Talking during the examination period will be treated as cheating. The test administrator shall report the action to the Director of Civil Service or designee for appropriate action.
 2. Use of a cell phone or any other recording device is strictly prohibited. Applicants shall not have their cell phone or any other recording device on their person before, during, or after the examination process.
- K. Any person found to be cheating on an examination, or otherwise deceiving the Commission for purposes of improving his or her position on the eligibility list, shall be removed from further consideration and dropped from the eligibility list.

RULE 14. ENTRY LEVEL EXAMINATION LISTS [§143.025, TLGC]

- A. The Director is responsible for tabulating, composing, and ranking the entry level eligibility lists to be presented to the Commission for certification.
- B. Military Service Credit - Military service credit of five (5) points will be added to a passing test score of 70% or better, for those persons who served in the United States armed forces, received an honorable discharge, and made a passing grade on the examination as allowed by §143.025(f), TLGC.
- C. An applicant may not take the examination for a particular eligibility list more than once as per the restriction specified at §143.025(g), TLGC.
- D. Each eligibility list for a beginning position shall be kept in effect for a period of twelve (12) months from the date of the examination, unless the list is exhausted, as per the requirements of §143.025(h), TLGC.
- E. There is no right of appeal by any entry level applicant with respect to the testing process with respect to the composition of the entry level eligibility lists submitted by the Director for certification.

RULE 15. PROCEDURE FOR FILLING BEGINNING POSITIONS [§143.026, TLGC]

- A. The procedure for filling beginning positions in the fire or police department shall be those specified by §143.026, TLGC.
- B. When a vacancy occurs in a beginning position in the fire or police department, the department head may request in writing from the Commission the names of suitable persons from the eligibility list.
- C. The Director shall certify to the City Manager the names of the three persons having the highest grades on the eligibility list as per §143.026(a), TLGC. The City Manager shall consult with the Director and the appropriate department head to evaluate the applicant's suitability to be appointed to a beginning position.
- D. From the three names certified, the City Manager shall appoint the person having the highest grade unless there is a valid reason why the person having the second or third highest grade should be appointed. If the City Manager does not appoint the person having the highest grade, the City Manager shall clearly set forth in writing the good

and sufficient reason why the person with the highest grade was not appointed as per §143.026(c), TLGC. The applicant's name shall be removed from the list.

- E. The reason required by §143.026(c), TLGC shall be filed with the Director and a copy provided to the person having the highest grade. If the City Manager appoints the person having the third highest grade, a copy of the report shall also be furnished to the person having the second highest grade as per §143.026(d), TLGC.
- F. There is no right of appeal to the Commission by an applicant who is not appointed to a beginning position.

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

- A. All entry level employees hired with existing fire and/or law enforcement certification, respectively, and who are in good standing with the Texas Commission on Fire Protection or the Texas Commission on Law Enforcement, shall serve a probationary period of one (1) calendar year from the date of hire as a firefighter or police officer; provided, however, that a person required to attend a basic training academy shall have the probationary period extended by six (6) months.

**SECTION IV.
PROMOTIONAL EXAMINATIONS**

RULE 17. ELIGIBILITY FOR PROMOTION [§143.028, §143.030, §143.031, TLGC]

- A. Two Year Time in Rank Requirement - No entry level fire fighter or an entry level law enforcement officer is eligible for testing or promotion to the next higher rank unless the employee has first satisfied the minimum time in grade requirement of two years, as required by statute.
- B. Four Year Actual Service Requirement. A fire fighter or police officer is not eligible for promotion to the rank of captain or its equivalent unless the person has at least four years of actual service in the respective department.
 - 1. In the Missouri City Fire Department, the rank that is equivalent to that of captain is deemed to be that of Division Chief / Fire Marshall.
- C. Military Duty - If a fire fighter or police officer is recalled on active military duty for not more than 60 months, the two year service requirements prescribed under §143.028, TLGC do not apply and the employee is entitled to have time spent on active military duty considered as duty in the respective fire or police department as per §143.028 (c), TLGC.
- D. Exceptions. The Commission may nonetheless open an examination to persons in the next lower rank with less than two years of time in grade if one or more of the following conditions exist:
 - 1. There are less than two eligible candidates to test for the position in the rank immediately below the rank for which a test is being held; or,
 - 2. If after conducting one promotional test with a minimum of two candidates, no candidate passes the test, and no list can be certified.

RULE 18. PROMOTIONAL EXAM NOTICES [§143.029, TLGC]

- A. The Commission shall approve, and post, by no later than the 90th day before a promotional examination is held, a notice that lists the sources from which the examination questions will be taken.
- B. The Commission shall post, by no later than the 30th day before the date a promotional examination is to be held, a notice of the examination in plain view on a bulletin board located in the main lobby of City Hall and in the Commission's office.
- C. The notice shall identify the position(s) to be filled and the date, time, and place of the examination. The notice shall also identify the source material from which the examination questions shall be taken.

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

- A. Examination materials shall be entirely in writing and shall not in any part consist of an oral interview.
- B. The examination questions shall test the knowledge of the eligible promotional candidate about information and facts pertaining to the classified position and must be based on:
 - 1. The duties of the position for which the examination is held;
 - 2. Material that is of reasonably current publication and that has been made reasonably available to each member of the fire or police department; and
 - 3. Any study course given by the departmental schools of instructions.
- C. To satisfy the "reasonably available" requirement contained in §143.032(d)(2), TLGC, the department shall make available a minimum of two (2) sets of source materials at a location designated by the department head or at a location established by the Director.
- D. A fire fighter or law enforcement officer who anticipates being out on military leave at the time of a promotional examination, but who is interested in testing, must place the CSC Director on notice of this intent and must provide the necessary information to the Director so that appropriate arrangements can be made to administer the examination off-site as required by law.
 - 1. The CSC reserves the right to determine whether the off-site examination administered to an eligible candidate should be identical to the examination administered to other candidates for the rank in question, considering the overall circumstances of the off-site examination. Administration of the examination must not result in any unnecessary interference with any ongoing military effort [§143.032(b)(2)(A), TLGC].
 - 2. If the eligible candidate who tests under this provision passes the examination, the candidate shall be included in the promotional eligibility list for the rank in question nearest in time at which the candidate on active military duty took the examination. [§143.032(b)(2)(B), TLGC]

RULE 20. PROMOTIONAL EXAMINATION PROCEDURES [§143.032, TLGC]

- A. Promotional examination procedures shall follow the minimum requirement specified by §143.032, TLGC, except as otherwise elaborated on below.
- B. The Director may deny testing to an applicant that cannot or does not affirm satisfaction of these minimum requirements contained in the test notice posted by the Director as a condition to sit for the test.
- C. Each eligible promotional candidate shall be given an identical examination in the presence of other eligible promotional candidates, except as otherwise allowed for a candidate who is on active military duty.
- D. The examination must be entirely in writing and may not in any part consists of an oral interview as per §143.032(c), TLGC. The examination must test the knowledge of the eligible promotional candidates about information and facts based on the following:
 - 1. The duties of the position for which the examination is held;
 - 2. Material that is of reasonably current publication and that has been made reasonably available to each member of the fire or police department involved in the examination; and,
 - 3. Any study course given by the departmental schools of instruction.
- E. The examination questions must be taken from sources posted as prescribed by §143.029, TLGC. The examination questions must be prepared and composed so that grading of the examination can be promptly completed immediately after the examination is over.
- F. The actual conduct of every examination shall be under the direction of the Director of Civil Service who shall be responsible to the Commission. The Director shall have the authority to designate an assistant to administer tests or examinations.
- G. Check In - All applicants shall check in and provide proof of identity with a valid driver's license 15 minutes prior to the start of the examination. Failure to timely register or appear will result in a candidate's disqualification or exclusion from testing.
- H. Failure to Appear - An applicant who fails to timely appear for the entrance examination shall be treated as having withdrawn their application from consideration.
- I. Test Monitors - The Director of Civil Service may select a reasonable number of persons employed by the City to assist in the administration, proctoring, and grading grading of a promotional examination.
 - 1. Test monitors are authorized to implement all reasonable precautions to assure the integrity of the examination process.
 - 2. Test monitors are authorized to prohibit the possession of cell phones, cameras or any recording devices before, during, and after the examination.

RULE 21. PROHIBITED CONDUCT AND CRIMINAL PENALTIES

- A. Prohibited conduct before, during, and after an examination shall include, but not necessarily be limited to the following:

1. Any attempt to deceive or obstruct any person in respect to his/her right of examination
 2. Any attempt to falsely mark, grade or report the examination;
 3. Any form of cheating, or use of any unfair or deceitful means to prepare for the examination, take the examination, or review the examination;
 4. Talking during the examination period will be treated as cheating;
 5. Smoking;
 6. Use of a cell phone or any other recording device is strictly prohibited and shall be treated as cheating.
- B. Any person found to be cheating on an examination, or otherwise deceiving the Commission for purposes of improving his or her position on the eligibility list, may be disqualified from the examination and is liable to disciplinary charges of misconduct.
- C. Criminal Penalties. See §143.032(h)-(i), TLGC, which is hereby incorporated by referenced. All applicants are hereby advised that a person commits an offense if the person knowingly or intentionally:
1. Reveals a part of a promotional examination to an unauthorized person; or
 2. Receives from an authorized or unauthorized person a part of a promotional examination for unfair personal gain or advantage.
 3. An offense under this provision is a misdemeanor punishable by a fine of not less than \$1,000, confinement in a county jail for not more than one year, or both the fine and confinement.

RULE 22. COMPOSITION OF PROMOTIONAL ELIGIBILITY LISTS [§143.033, §143.036, TLGC]

- A. The Director is responsible for tabulating, composing, and presenting the promotional lists to the Commission for certification.
- B. The grading of each promotional examination shall begin when one eligible promotional candidate completes the examination. The examination shall be graded at the examination location and in the presence of any candidate who wants to remain during the grading.
- C. In addition to the test grade, the Director shall apply the appropriate seniority points required by law in tabulating and ranking a list for certification.
1. Currently, under state law each police officer is entitled to receive one point for each year of seniority as a classified police officer, with a maximum of 10 points, and each fire fighter is entitled to receive one point for each year of seniority, with a maximum of 10 points, as limited below.
 2. Seniority points for law enforcement promotional examinations shall be added to the test score in calculating whether the police officer receives a passing score of 70%.

3. Seniority points for fire department personnel shall also be added to the test score, but only if the fire fighter applicant scores a passing grade on the written examination, as required by §143.033(c), TLGC.
- D. As authorized by §143.033(c), TLGC, in the event of a tie between applicants in an examination grade, the tie shall be broken by reference to the following criteria in the order listed below:
 1. Raw score on the examination itself;
 2. Seniority within the rank currently being held;
 3. Seniority within the department as a civil service employee;
 4. Seniority within the City as an employee of the City.
- E. Within 24 hours after a promotional examination is held, the Commission shall post the individual raw test scores on a bulletin board located in the main lobby of City Hall.
- F. Certified lists shall be kept in effect for one year after the date on which the written examination is given, unless exhausted as per §143.036(h), TLGC.
 1. The Director, on request by the department head, shall certify to the department head the names of the three persons having the highest grades on that eligibility list within 10 days after the date the Commission is notified of a vacancy.
- G. As the certified list is exhausted, the Director shall be responsible for consulting with the department head and making the necessary arrangements, if such be necessary, to schedule a test and constitute a new certified list, to fill any vacancies that may arise in each respective department.

RULE 23. REVIEW OF PROMOTIONAL EXAM & LISTS [§143.034, TLGC]

- A. Review and, if necessary, an appeal of a promotional examination grade, and its effect, if any, on a certified list, shall be handled in accordance with the provisions of §143.034, TLGC.
- B. There shall be no general review of examination questions. Post-examination review shall be limited to review in the presence of the examinee for purposes of scoring the test and to allow the examinee an opportunity to consider whether to exercise a challenge to a test question. No other post-exam review shall be allowed or authorized.
- C. The five (5) business day period specified in §143.034, TLGC shall run from the date that the examination in question is administered and graded. In computing this period, a Saturday, Sunday, or legal holiday is not considered a business day.
- D. Any challenges to examination questions, the scoring thereof, and source materials must be brought within the time period specified in these Rules as a condition precedent to the Commission having jurisdiction to rule on challenges.
- E. If an examinee submits a written challenge to a test question, the CSC's action shall be, with respect to any challenged question, to take one of the following actions:
 1. Sustain the answer key; the test score shall remain as reported; or,

2. Overrule the answer key; the CSC shall designate a different acceptable answer to be accepted as correct.
- F. Upon resolution of any challenges to test questions, if any, the CSC shall certify a list for promotional purposes. The eligibility list shall nevertheless be valid only from the date the examination was administered.

RULE 24. PROMOTIONAL APPOINTMENTS [§143.036, TLGC]

- A. When a vacancy as defined in §143.036, TLGC occurs in a non-entry position, that vacancy shall be filled in accordance with the requirements and the timetable specified in §143.036, TLGC.
- B. In addition, a department head who elects to utilize the bypass procedure authorized under §143.036(f), TLGC, must do so in accordance with the requirements specified by those provisions.
- C. A bypassed employee shall not be removed from the list unless that employee is bypassed three times as per the requirements of §143.036(g), TLGC.
- D. A promotional applicant who is bypassed and files a timely appeal, and who prevails in the appeal, shall be treated as having been appointed on the date of the bypass.
- E. The promotional applicant who was appointed on a bypass, but whose appointment is neutralized by the successful appeal of a bypassed applicant, shall be returned to his / her place on the list at the time of his / appointment.

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

RULE 25. PHYSICAL & MENTAL FITNESS REQUIREMENTS [§143.022, TLGC]

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

be incorporated into these Rules. The CSC reserves the authority to review the minimum fitness requirements under a duly posted agenda item.

- F. Any physical or mental examination shall be administered by a physician, psychiatrist, or psychologist, as appropriate, selected by the City's Human Resources and Organizational Development Department, and such selection shall be also deemed to have been made under the authority of the Commission and these Rules.
- G. Failure to satisfy the fitness for physical and mental requirements shall disqualify the applicant for the position.
- H. If an applicant is rejected by a physician, psychiatrist, or psychologist, as appropriate, the applicant may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the CSC; provided however that the applicant must pay for the board examination. The board's decision shall be final.
- I. There shall be no other appeal to the Commission by entry level applicants from a disqualification attributed to a failure or an inability to satisfy the fitness for duty requirements established under these Rules.

**SECTION VI.
COMPENSATION**

RULE 26. GENERALLY [§143.041 - §143.047, TLGC]

- A. Compensation for each classified rank approved by City Council shall be established by the City's Civil Service Ordinance.
- B. The City Council is also responsible, as §143.041, TLGC, for establishing other categories of pay and benefits described in §143.041, TGLC, if desired by the City Council.
- C. The City Council is also responsible for establishing payouts for separating employees.

**SECTION VII.
PERFORMANCE & CONDUCT**

RULE 27. ADOPTION OF RULES RELATING TO DISCIPLINE [§143.008; §143.051, TLGC]

- A. Pursuant to the mandatory requirement contained in §143.008(c), TLGC, the CSC herebyadopts rules that prescribe cause for removal or suspension of a fire fighter or police officer (i.e. civil servant).
- B. The rules adopted herein which prescribe cause for removal or suspension of a fire fighteror police officer are effective, provided that they involve one or more of the following grounds specified by §143.051, TLGC, specifically:
 - 1. Conviction of a felony or other crime involving moral turpitude;
 - 2. Violation of a municipal charter provision;

3. Acts of incompetency;
 4. Neglect of duty;
 5. Discourtesy to the public or to a fellow employee while the fire fighter or police officer is in the line of duty;
 6. Acts showing lack of good moral character;
 7. Drinking intoxicants while on duty or intoxication while off duty;
 8. Conduct prejudicial to good order;
 9. Refusal or neglect to pay just debts;
 10. Absence without leave;
 11. Shirking duty or cowardice at fires, if applicable; or
 12. Violation of any applicable fire or police department rule or special order.
- C. Duly adopted rules, regulations, special orders, and directives of the fire or police department do not require review or approval from the Commission to be binding.

RULE 28. CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE [§143.051(1), TLGC]

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

RULE 29. VIOLATION OF A MUNICIPAL CHARTER PROVISION [§143.051(2), TLGC]

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

RULE 30. ACTS OF INCOMPETENCY [§143.051(3), TLGC]

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

RULE 31. NEGLIGENCE OF DUTY [§143.051(4), TLGC]

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

RULE 32. DISCOURTESY TO THE PUBLIC OR TO A FELLOW EMPLOYEE WHILE THE FIRE FIGHTER OR POLICE OFFICER IS IN THE LINE OF DUTY [§143.051(5), TLGC]

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

RULE 33. ACTS SHOWING LACK OF GOOD MORAL CHARACTER [§143.051(6), TLGC]

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

RULE 34. DRINKING INTOXICANTS WHILE ON DUTY OR INTOXICATION WHILE OFF DUTY [§143.051(7), TLGC]

- A. A civil servant is expected to refrain from drinking intoxicants while on duty.
- B. A civil servant is also prohibited from reporting to work under the influence of any intoxicants.
- C. A civil servant is also prohibited from being intoxicated off-duty if such intoxication will impair the employees ability to report to work or to perform the duties of the position held.

RULE 35. CONDUCT PREJUDICIAL TO GOOD ORDER [§143.051(8), TLGC]

- A. A civil servant is expected to refrain from engaging in any actions, whether on-duty, or off-duty, that would qualify as conduct prejudicial to good order.
- B. Insubordination qualifies as conduct prejudicial to good order.
- C. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.

RULE 36. REFUSAL OR NEGLECT TO PAY JUST DEBTS [§143.051(9), TLGC]

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

RULE 37. ABSENCE WITHOUT LEAVE [§143.051(10), TLGC]

- A. A civil servant is expected to refrain from being absent from duty without leave. Failure to abide by this standard of conduct and behavior may subject the civil servant to disciplinary action.
- B. A civil servant who exhausts all accrued leaves, and who is not otherwise authorized to be absent without leave, commits a violation under this provision.

RULE 38. SHIRKING DUTY OR COWARDICE AT FIRES [§143.051(11), TLGC]

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

RULE 39. VIOLATION OF ANY APPLICABLE FIRE OR POLICE DEPARTMENT RULE OR SPECIAL ORDER [§143.051(12), TLGC]

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

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

RULE 40. GENERALLY [§143.010; §143.053; §143.054, §143.057, TLGC]

- A. A fire fighter or police officer may exercise an appeal to the Commission with respect to an action by the department head that qualifies for appellate review by the Commission. This includes appeals from a disciplinary suspension, including an indefinite suspension, a demotion, or a bypass.
- B. Appeals must be timely filed with the Commission as a condition precedent to the Commission having jurisdiction to hear an appeal. The CSC Director shall be responsible for vetting the appeal for timeliness and to determine whether the jurisdiction of the CSC has been properly invoked.
- C. Disciplinary appeals to the CSC shall be scheduled and coordinated by the Director for hearing and decision within thirty (30) days after it received the notice of appeal as per the requirements of §143.053(b), TLGC.
 - 1. In disciplinary appeals, the appealing employee and the Commission may agree to postpone a hearing for a definite period.
 - 2. A written agreement between the affected employee and the department head (or their representatives) filed with and approved by the Director shall serve as the basis for an extension for a definite period and shall have the standing approval of the Commission as per these Rules.

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

RULE 41. THIRD PARTY HEARING EXAMINER PROCEEDINGS [§143.057, TLGC]

- A. Disciplinary appeals requesting an independent third-party hearing examiner shall be administratively handled and coordinated by the Director within the time frames, and under the procedures set out in Chapter 143, TLGC.
- B. To properly elect an independent third-party hearing examiner under the statute, the grievant must timely and properly perfect such an appeal in accordance with the requirements of §143.057, TLGC.
- C. If the parties do not submit a notice of an agreed selection of a hearing examiner within the time period specified in §143.057, TLGC, the Director shall request a list of neutrals from the American Arbitration Association in accordance with the requirements of the statute.
- D. Except for the requirement that a decision on a disciplinary appeal take place within thirty (30) days of timely appeal, the authority of a third-party independent hearing shall be in lieu of, but otherwise equivalent to, that of the CSC.
- E. Hearing Record and Award of Third-Party Examiner Proceedings. The hearing record and award or decision of the independent hearing examiner shall be filed with the Director and maintained as a part of the CSC's records for the affected employee.
- F. The fees of the hearing examiner and costs of the proceeding shall be borne equally by each party. Witness costs shall be borne by the party calling the witness.

RULE 42. HEARING PROCEDURES GENERALLY

- A. A civil service employee who is appealing a matter over which the CSC has jurisdiction may represent himself or herself or may be represented by an appropriate representative, including legal counsel.
- B. The Texas Rules of Civil Procedure, the Texas Rules of Criminal Procedure, and all other rules of court shall not apply to any civil service proceedings.
- C. The CSC may, upon proper and timely request by the parties, exercise its full authority provided by statute to issue subpoenas for witnesses and for documentary materials.
 - 1. All requests for subpoenas to compel the attendance of a witness shall be coordinated through the Director's office to the Chair of the CSC. The CSC Chair shall have authority to issue the subpoena.
 - 2. Requests for subpoenas shall be completed at least ten (10) business days prior to the scheduled hearing date in order to be processed in a timely manner.

3. Requests for subpoenas to hearing examiners shall be handled through the procedures applicable to those proceedings.
- D. All parties shall come to the hearing prepared and ready to proceed so as to minimize any disruption of the hearing process.
- E. All disciplinary appeal proceedings shall be public hearings, except as otherwise allowed by law.
- F. After being called to order but prior to the beginning of testimony or evidence, final consideration shall be made as to any remaining pre-hearing motions, requests or jurisdictional matters as submitted by either party.
- G. The presiding Commissioner, upon the request of a party, may place witnesses under “the Rule” in an evidentiary hearing; provided however, that neither the appealing party nor the department head shall not be placed under the Rule.
- H. The party with the burden of proof shall go first in the presentation of evidence and testimony. Thereafter, the responding party shall have the opportunity to respond with his/her own evidence, witnesses or testimony. Thereafter, the party with the burden of proof may come forward with rebuttal evidence or testimony as may be necessary.
- I. Presentations by both parties shall be as brief and as closely related to the issue(s) as much as is possible. To this end, parties shall be encouraged to stipulate to as many uncontested factual or legal issues as possible so as to streamline the hearing to contested issues only.
- J. Throughout the proceedings, CSC members may also ask questions as needed in order to aid their consideration of the testimony or evidence.
- K. The Chairperson shall exercise reasonable control over the questioning of witnesses and the presentation of evidence so as to:
 1. Effectively ascertain the truth;
 2. Keep such presentations relevant to the issues to be determined;
 3. Avoid the needless consumption of time and expense; and
 4. Protect the witnesses and employees from harassment or undue embarrassment.
- L. The parties and their respective representatives shall cooperate in keeping all presentations as brief and to the point as possible. The CSC may establish time limits for presentation of each side of the case.
- M. The CSC shall have the discretion to control the length of time of any particular session as well as the amount of time provided for recesses, breaks, lunch hours, etc.
- N. Before adjourning, the CSC may adjourn to executive session for deliberation. Thereafter, the CSC shall reconvene in open session and shall, upon motion and second, make its decision. Thereafter, a written order reflecting the decision of the CSC shall be prepared to memorialize the ruling of the CSC and signed by the concurring Commissioners. The Director shall document the votes and actions of the CSC.

RULE 43. RULINGS ON EVIDENCE

- A. Technical rules of courtroom evidence shall not strictly apply or control the conduct of any evidentiary hearing but may be urged and referred to only as guidelines for the introduction of, and objections to, and orderly processing of the proof of evidence in an evidentiary hearing.
- B. The scope of evidence to be considered at a disciplinary hearing shall be limited to matters relevant to the statement of charges as set forth in the department's written statement, the employee's notice of appeal, as well as the employee's previous employment record with the department.
- C. Either party may offer such relevant evidence as he/she may desire to aid in the determination of material disputed issues, subject to considerations of time, duplication of evidence, and the issue in question, as determined by the CSC.
- D. It shall be the responsibility of the CSC Chair, or the presiding commissioner, to make initial rulings relating to objections to and offers of evidence. The CSC Chair may, however, provide for full CSC participation by conferring with the CSC on any particular objection to or offer of evidence, whether testimonial, documentary, or otherwise.
- E. All evidence and testimony shall be presented and received into the record while in open session.

RULE 44. MEDIATION AND SETTLEMENT

- A. No specific mediation or settlement rules and processes are hereby adopted; but nothing in these Rules precludes or prevents the parties from reaching an agreed resolution of any dispute on appeal by using any dispute resolution process or procedure agreed upon by the parties.
- B. The Commission shall not directly or indirectly participate in any negotiated or mediated resolution of a disciplinary appeal so as to preserve its integrity as an appellate body.

**SECTION IX.
FITNESS FOR DUTY ISSUES**

RULE 45. FITNESS FOR DUTY ISSUES [§143.081, TLGC]

- A. If a question arises as to whether a fire fighter or police officer is sufficiently physically or mentally fit to continue the person's duties, the fire fighter or police officer shall submit to the commission a report from the person's personal physician, psychiatrist, or psychologist, as appropriate that addresses the question.
 - 1. The request for submission of an appropriate report may come from the employee's department head or it may come from the Commission itself at the request of the department head.
- B. If the Commission, the department head, or the employee questions the report, the Commission shall appoint an appropriate health care provider to examine the firefighter

or police officer and to submit a report to the Commission, the department head, and the affected employee.

- C. If the reports of the health care providers are in conflict, then the Commission shall appoint a three-member board composed of appropriate health care providers to examine the affected employee. The board's findings as to the person's fitness for duty shall determine the issue.
- D. The fire fighter or police officer shall pay the cost of the services of the person's health care provider. The municipality shall pay all other costs.

RULE 46. FITNESS FOR DUTY PROVIDER LISTS

- A. The Director, working together with the City's Human Resources Department, shall maintain a list of qualified health care providers for purposes of facilitating resolution of fitness for duty issues that arise under §143.081, TLGC.

**SECTION X.
CIVIL SERVICE PERSONNEL FILES**

RULE 47. PERSONNEL FILES [§143.089, TLGC]

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

RULE 48. REQUESTS FOR DISCLOSURE OF FILES [§143.089, TLGC]

- A. Request for disclosure of the §143.089(a), TLGC file in the form of requests under the Texas Public Information Act (TPIA Requests), court orders, or other such requests, shall be directed to the Civil Service Director.
- B. Request for disclosure of the §143.089(g), TLGC file shall be directed to the Director.
- C. The privilege from disclosure shall be subject to any lawful order or subpoena or disclosure requirement imposed upon the department by state or federal law shall be handled by the Director in consultation with the department head and the City's legal counsel.

**SECTION XI.
MISCELLANEOUS**

**RULE 49. REAPPOINTMENT AFTER RESIGNATION: POLICE OFFICERS
[§143.0251, TLGC]**

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

**SECTION XII.
DEFINITIONS**

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

AAA – refers to the American Arbitration Association.

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

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

Chapter 614 – refers to Chapter 614 of the Texas Gov't Code.

Chief Executive Officer – refers to City Manager or in the absence of the City Manager, the City Manager's designee.

City- refers to the City of Missouri City, Texas.

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

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

City Council – refers to the governing body of the home-rule municipality known as the City of Missouri City, Texas.

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

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

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

Commission Chair – shall be the duly elected Chair for the Civil Service Commission, or in his or her absence, the Presiding Commissioner.

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

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

Director - refers to the appointed person or officer who is responsible for the administration of the CSC business or that person's designee.

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

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

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

Health Care Provider – refers to a physician, psychiatrist, or psychologist or any other certified medical profession under Texas law.

IHE – refers to a Third-Party Independent Hearing Examiner selected from either the American Arbitration Association (AAA) or from the Federal Mediation & Conciliation Service (FMCS).

Labor Agreement – refers to any duly adopted labor agreement negotiated under the authority of Chapter 174, Texas Local Gov't Code.

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

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

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

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

-END-

**APPROVED AND ADOPTED BY THE POLICE & FIRE CIVIL SERVICE
COMMISSION FOR THE CITY OF MISSOURI CITY, TEXAS ON THIS THE DAY
_____ OF _____, 2021.**

BY: _____
GREGORY WILLIAMS, CHAIR
CIVIL SERVICE COMMISSIONER

BY: _____
JACQUELINE WATSON, VICE-CHAIR
CIVIL SERVICE COMMISSIONER

BY: _____
WANDA JOHNSON
CIVIL SERVICE COMMISSIONER

ATTESTED BY:

BY: _____

CIVIL SERVICE DIRECTOR