

**CITY OF PLANO**  
**FIRE FIGHTERS' AND POLICE OFFICERS'**  
**CIVIL SERVICE COMMISSION**  
**RULES AND REGULATIONS**

**REVISED July 20, 2022**

# **CITY OF PLANO CIVIL SERVICE RULES AND REGULATIONS**

## **INTRODUCTION**

The purpose of Chapter 143 of the Local Government Code is to secure efficient Fire and Police Departments composed of capable personnel, free from political influence, and with permanent tenure as public servants.

These rules are promulgated in compliance with Chapter 143 of the Local Government Code and Acts of 1987, 70th Legislature as amended through the 1989 Regular and First Called Sessions of the 71st Legislature, which is incorporated herein for all purposes. It is intended that these rules shall complement said statutes and not conflict with the statutes in any manner. No rules can be so precise as to provide for every employment situation; therefore, it is intended that these rules be administered in a spirit of mutual cooperation.

**CITY OF PLANO  
FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION  
RULES AND REGULATIONS**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section 143.001 Purpose**

There is hereby established a Fire Fighters' and Police Officers' Civil Service with the adoption of these Municipal Civil Service Rules and Regulations, in compliance with Chapter 143, as amended, of the Local Government Code (LGC).

**Section 143.002 Municipalities Covered By Chapter**

See Section 143.002 of Chapter 143, LGC

**Section 143.003 Definitions**

See Section 143.003, Chapter 143, LGC

**Applicant:** an individual who makes application for a beginning position in the Police or Fire Department but is not yet appointed to a position in accordance with the statute.

**Candidate:** a Civil Service employee as appointed to a classified position.

**Seniority:** Police and Fire Department Seniority shall be defined as all years of service, whether interrupted or uninterrupted. Years of service in a higher classification shall count toward seniority in a lower classification.

**Section 143.004 Election to Adopt or Repeal Chapter**

See Section 143.004, Chapter 143, LGC

**Section 143.005 Status of Employees if Chapter Adopted**

See Section 143.005, Chapter 143, LGC

**Section 143.0051 Status of Employees in Certain Fire Departments**

See Section 143.0051, Chapter 143, LGC

**Section 143.0052 Fee for Emergency Medical Services**

See Section 143.0052, Chapter 143, LGC

**Section 143.006 Implementation: Commission**

See Section 143.006, Chapter 143, LGC

The Commission shall conduct its meeting in such place as designated in the "Notice of Meeting". The Commission shall conduct all meetings in compliance with the provisions of Article 6252-17, Vernon's Texas Civil Statutes, as amended (Open Meetings Law).

Regular meetings of the Civil Service Commission will be held on the third Tuesday of each month; on an "as needed" basis (date may be adjusted due to schedule conflicts). Special meetings may be called by the Director at the request of the Chair, or at the written request of any two (2) Commissioners. Notice of the meeting of the Commission shall be given by the Director to the members of the Commission and the public at least seventy-two (72) hours preceding the day of the meeting, except in case of emergency or urgent public necessity, in which case two (2) hours

**Section 143.006 (continued)**

notice shall be given in accordance with the provisions of Section 551.045 (a) of the Local Government Code (Texas Open Meetings Act).

In all matters of procedure not controlled by the provisions of the Local Government Code, the order of business and conduct of meetings shall be in conformity with Robert's Rules of Order. The Commission may, by majority, vote, and make rules of procedure for the administration of the Local Government Code.

**Section 143.007 Removal Of Commission Member**

See Section 143.007, Chapter 143, LGC

**Section 143.008 Adoption and Publication of Rules**

See Section 143.008, Chapter 143, LGC

These rules shall supersede all other rules pertaining to Fire Fighters and Police Officers in the City of Plano except Chapter 143 of the Local Government Code. If any part, section, subsection, paragraph, sentence, clause, phrase or word contained in these rules shall be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portion of these rules.

“The Commission has the responsibility to adopt, publish, and enforce rules relating to the following:

- a. The proper conduct of Commission business;
- b. The proper conduct of examinations of entry level and promotional eligibility;
- c. The procedures for appointment and certification;
- d. The proper conduct of appeals of testing and examination scoring;
- e. The procedures for the hearing of disciplinary appeals concerning indefinite suspensions, suspensions, promotional passovers or recommended involuntary demotions;
- f. Such other matters reasonably related to the selection, promotion, and discipline of civil service employees.”

“All situations not expressly covered by Chapter 143, City of Plano Civil Service Rules & Regulations, Police and Fire Departments’ rules, standard operating procedures, and/or administrative directives shall be resolved in accordance with the City of Plano Human Resources Policies and Procedures and/or the residual discretionary authority vested in a department head.”

**Section 143.009 Commission Investigations and Inspections**

See Section 143.009, Chapter 143, LGC

**Section 143.010 Commission Appeal Procedure**

See Section 143.010, Chapter 143, LGC

1. In appeals to the Commission the "rules of evidence" will not be observed.
2. The Commission shall base its decisions on "substantial evidence".

Substantial evidence is evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

**Section 143.010 (continued)**

Under the substantial evidence rule, as applied in administrative proceedings, all evidence is competent and may be considered, regardless of its source and nature, if it is the kind of evidence that "a reasonable mind might accept as adequate to support a conclusion."

**Section 143.011 Decisions and Records**

See Section 143.011, Chapter 143, LGC

Access to records of employees in the classified service, employment applications, background investigation records and reports, examinations and answer sheets shall be governed by Article 6252-17A, Vernon's Texas Civil Statutes and appropriate federal statutes. In accordance with Texas Attorney General's Opinion Letter OR 2000-2746, Police and Fire Department Administrative files (143.089(g)) will be used for administrative purposes only and will not be disclosed to any other agency or person requesting information including the employee, except as otherwise required by law.

**Section 143.012 Director**

See Section 143.012, Chapter 143, LGC

The Director (appointed by the Commission) shall perform work and be responsible for such matters as required by the Commission and act as Secretary to the Commission and in regards to the efficient and effective administration of the Civil Service System for the City of Plano to include but not limited to the following:

- a. Administering all examinations, to include eligibility determination, registration, scheduling, scoring, preparation and certification of eligibility lists;
- b. Securing outside test consultants to develop written entrance and promotional exams for the Police and Fire Departments;
- c. Posting lists of reading resources for promotional examinations;
- d. Posting all agendas and notices pursuant to Chapter 143 and the Texas Open Meetings Act, Chapter 551 of the Texas Government Code;
- e. Keeping the records of the Commission;
- f. Coordinating all meetings and all hearings of the Civil Service Hearings and those involving third party examiners; and
- g. Selecting physician(s), psychiatrist(s), or psychologist(s) as appropriate for the purpose of determining the physical and mental fitness of a firefighter or police officer under Section 143.081 of the Local Government Code.

The Director of Civil Service may delegate his/her duties as necessary to other staff members to fulfill the responsibilities set forth in this rule.

**Section 143.013 Appointment and Removal of Department Head**

See Section 143.013, Chapter 143, LGC

**Section 143.014 Appointment and Removal of Person Classified Immediately Below Department Head**

See Section 143.014, Chapter 143, LGC

**Section 143.015 Appeal of Commission Decision to District Court**

See Section 143.015, Chapter 143, LGC

**Section 143.016** Penalty for Violation of Chapter  
See Section 143.016, Chapter 143, LGC

(Sections 143.017 - 143.020 reserved for expansion)

**SUBCHAPTER B. CLASSIFICATION AND APPOINTMENT**

**Section 143.021** Classification; Examination Requirement  
See Section 143.021, Chapter 143, LGC

**Section 143.022 (A)** Police Applicant Physical Requirements and Examination  
See Section 143.022, Chapter 143, LGC

Applicants must pass an appropriate physical examination and a mental examination administered by a physician, psychiatrist, or psychologist selected by the Civil Service Director.

An applicant for the position of police officer must be free of disease or physical and/or mental defects that would in any way interfere with the applicant performing the duty of a police officer or that might indicate the probability of physical problems during the normal career of a police officer.

Such applicants must have normal hearing ability.

**Category A. Medical Condition.** A medical condition that would preclude a person from performing as a police officer in a training or emergency operational environment by presenting a significant risk to the safety and health of the person or others.

**Category B. Medical Condition.** A medical condition that, based on its severity or degree, may preclude a person from performing as a police officer in a training or emergency operational environment by presenting a significant risk to the safety and health of the person or others.

**Eyes and Vision**

3-2.1 Category A Medical Conditions shall include:

- (a) Far visual acuity. Far visual acuity shall be at least 20/30 binocular corrected with contact lenses or spectacles. Successful long-term soft contact lens wearers shall not be subject to the uncorrected criterion.
- (b) Peripheral vision. Visual field performance without correction shall be 140 degrees in the horizontal meridian in each eye.

3-2.2 Category B Medical Conditions shall include:

- (a) Color vision inadequate to identify red, green, and yellow colors.
- (b) Diseases of the eye such as retinal detachment, progressive retinopathy, or optic neuritis.
- (c) Any other eye condition that results in a person not being able to perform as a police officer.

A police applicant shall successfully complete the following Plano Police Fitness standards assessment:

## Section 143.022 (A) (continued)

The Physical Agility Test for police applicants consists of two parts. Part I of the Physical Agility Test consists of a course of ten components of obstacles and tasks that are timed. The 10 components are placed along a course that is approximately 870 feet in length. Before the test begins the police applicant will be fitted with a vest weighing approximately ten pounds that must be worn throughout the test. All of the ten components must be completed in the manner directed by test proctors within four minutes and twenty seconds (4:20). Only after completing Part I in four minutes and twenty seconds or less will the applicant be allowed to proceed to Part II of the test. An applicant unable to successfully complete Part I of the test in four minutes and twenty seconds (4:20) will be allowed to take the test again after a rest period of one hour. Part II of the Physical Agility Test is not timed, and is designed to simulate the firing of a handgun.

### **Physical Agility Test: Part I – Ten Timed Components**

**Component 1: Patrol Vehicle Exit** -The applicant begins the test seated in the driver's seat of a patrol vehicle with hands on the steering wheel, the seatbelt securely fastened and the driver's door fully opened. The timed course begins when the applicant's hands are removed from the steering wheel. The applicant must exit the patrol vehicle and close the door before moving to the next component.

**Component 2: Distance Run** - After exiting the patrol vehicle the applicant is required to run a distance of 300 feet in a straight line.

**Component 3: Obstacle Weave** - After successfully completing the distance run the applicant will weave around 6 traffic cones spaced every 15 feet in an area 20 feet wide by 75 feet long. The applicant's course will be marked with arrows to designate the correct path. The applicant will be required to redo any cones that are missed.

**Component 4: Crouching Exercise** - After successfully completing the obstacle weave the applicant will approach the crouching obstacle. The obstacle consists of three frames constructed of plastic pipe 44 inches high by 60 inches wide spaced 15 feet apart The

applicant will be required to move beneath each obstacle in any manner they choose without moving or knocking the obstacle over. Any obstacle moved or knocked down must be repeated by the applicant.

**Component 5: Chest to the Mat/Up-Downs** – After successfully completing the crouching exercise, the applicant will approach a gym mat placed on the ground. The applicant will drop their chest to the gym mat and lift their hands off the ground before getting up and repeating the exercise two more times for a total of 3 repetitions.

**Component 6: Window Entry** – After successfully completing the up/down component the applicant will approach a window obstacle where the applicant is required to enter a window frame 24 inches wide by 36 inches high mounted 3 feet above the ground. The applicant must enter the window in a controlled manner, one leg at a time. The applicant is not allowed to hurdle, dive through, or grasp the top of the obstacle and thrust both feet through at the same time. If the applicant does not climb through the window in a controlled manner, the component must be repeated.

## **Section 143.022 (A) (continued)**

**Component 7: Crawling Exercise** – After successfully completing the window entry, the applicant will approach the crawling obstacle. The applicant will approach a wooden beam suspended approximately 24 inches above the ground and move beneath it without moving it or knocking it over. Applicants must crawl or slide head first beneath the obstacle. If it is moved or knocked over, the obstacle will be replaced and the applicant will be required to move beneath the obstacle again.

**Component 8: 4 Foot Obstacle Climb** – After successfully completing the crawling exercise, the applicant will approach a 4 foot high fence like obstacle. The applicant must climb over the obstacle in a controlled manner and may use footholds in the fence to assist in the process. The applicant is not allowed to jump over the obstacle.

**Component 9: 6 Foot Obstacle Climb** – After successfully completing the 4 foot obstacle  
**Section 143.022 (A) (continued)**

climb the applicant will approach and climb over a 6 foot high fence like obstacle. There is a foothold on the fence placed at the height of 40 inches that may be used to assist in climbing over the obstacle. The obstacle must be climbed over in a controlled manner. The applicant is not allowed to jump over the obstacle.

**Component 10: Victim Rescue** – After successfully completing the 6 foot obstacle climb the applicant will drag a 165 pound manikin dummy for a distance of 30 feet. Applicants will drag the manikin by the strap with their arms under the manikin's armpits. Applicants cannot drag the manikin by its arms or feet. Applicants will drag the manikin around a barrel and then completely across a finish line. Time will be stopped when both feet of the manikin cross the finish line. At this time Part I of the Physical Agility Test will be completed. To successfully complete Part I of the Physical Agility Test, that portion of the test must be completed in four minutes and twenty seconds (4:20) or less.

### **Physical Agility Test: Part II - One Untimed Component**

**Untimed Component – Handgun Simulation** - After successful completion of Part I of the Physical Agility Test the applicant begins Part II of the Physical Agility Test, which is not timed. The applicant enters the handgun simulation station where a gun aiming ring with a diameter of 12 inches is positioned. The gun aiming ring is positioned atop a pole that is adjustable in height to match the height of the applicant. The applicant is required to cock a training gun, insert their arm through the ring and fire the training gun five times. Following the aiming portion of the exercise the applicant will withdraw their arm from the ring and be asked to point the training gun at the floor or ground and pull the trigger 10 times. These steps are then to be repeated by the applicant using the opposite hand. At no time during the exercise may the applicant's arm touch the ring. If the applicant is unsuccessful during the first attempt another opportunity to retest will be offered immediately. Any applicant unable to successfully complete the handgun simulation in two attempts or less will be disqualified from the Physical Agility Test.



## Section 143.022 (B) Fire Physical and Health Requirements

- (a) The determination of physical and/or mental fitness for appointment to an entry level position shall be determined by medical or mental health provider selected by the Civil Service Director. The examining physician shall use the requirements of the National Fire Protection Association Publication NFPA 1582, "Medical Requirements for Fire Fighters", as amended, as a guide for the determination of medical or mental fitness for appointment. Applicants must pass the physical and mental examinations prior to appointment to an entry level position.
- (b) Prior to employment, a Firefighter hired after October 1, 2016, shall successfully complete the following Plano Fire Department Physical Ability Test:

### Timed Events

- Event 1: Forcible Entry Simulation:** The candidate will use a 10-pound sledge hammer to strike a 'sled target' and move it approximately 5 feet.
- Event 2: Ladder Removal/Carry:** Remove a 14-foot roof ladder from brackets mounted onto a building wall, carry the ladder around a cone for approximately 100 ft., and return the ladder to the mounted brackets.
- Event 3: Stair Climb with Hose Pack:** Climb up to and back down from the 4<sup>th</sup> floor of the training tower (3 flights of stairs) while carrying 2 bundled sections of 2 ½-inch hoseline that weighs approximately 43 pounds.
- Event 4: Equipment Carry:** Carry two kettle bell weights for a distance of 120 feet. One kettle bell is 30 pounds and the other is 20 pounds.
- Event 5: Ceiling Breach and Pull:** The candidate will position the pike pole in the target diamond on the breach portion of the simulator and perform 3 breach repetitions (pushing the plate until it stops and then letting it fall to rest position = 1 repetition). The candidate will then hook the pike pole onto the pull portion of the simulator and perform 5 pull repetitions (pulling the plate until it stops and then letting it return to the rest position = 1 repetition). This sequence will be repeated for 4 total evolutions (3 breaches AND 5 pulls = 1 evolution).
- Event 6: Charge Line Advance:** Drag a weighted sled 120 feet by pulling a section of hoseline that is attached to the sled.
- Event 7: Hoseline Reel:** Reel in one section (50 feet) of uncharged 1-¾-inch hoseline using a hand-over-hand motion.
- Event 8: Ladder Extension:** Raise the fly section of a 24-foot extension ladder so it is fully extended and return it to the starting position using the halyard.
- Event 9: Ladder Heel:** Raise a 24-foot extension ladder by 'walking it up' using a hand-over-hand technique using every rung until the ladder rests against the wall. The ladder will be lowered in the reverse manner.

**Section 143.022 (B) (continued)**

**Event 10: Victim Rescue:** Drag a human form dummy weighing 180 pounds (weight of dummy and clothing) for approximately 50 feet.

**Physical Ability Test Procedures:**

To prevent injury, time will be given to the participant to conduct stretching exercises prior to each participant beginning the test.

Participants will be allowed to wear athletic shoes and kneepads in place of structural firefighting pants and boots.

Event 1 – Event 10 will require protective clothing (structural firefighting coat, helmet, gloves and SCBA w/o mask).

Event 1 – Event 10 are timed events with time starting at the beginning of Event 1 and time stopped at the completion of Event 10. The maximum accumulative time for successful completion of Event 1 – Event 10 is eight (8) minutes and thirty-four (34) seconds.

**Section 143.022 (C) Age and Physical Requirements for Police and Fire Promotional Positions**  
Section 143.022, Chapter 143, LGC

1. There is no age requirement for promotional candidates.
2. In accordance with Local Government Code 143.022 (b) candidates for police and fire promotional positions shall take an appropriate physical examination as specified by the pre-employment/promotional physical evaluation.
3. If a candidate is rejected by the physician, psychiatrist, or psychologist, as appropriate, the candidate may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the Civil Service Director. The candidate must pay for the board examination. The board's decision is final as to the candidate's eligibility for promotion. The candidate will be bypassed on the eligibility list if not passed by the board.

**Section 143.023 (A) Eligibility for Police Beginning Position**  
See Section 143.023, Chapter 143, LGC

Twenty-one (21) is the minimum age for applicants for beginning positions in the Police Department.

Applicants applying for beginning positions in the Police Department shall have a baccalaureate degree from a college or university accredited by the United States Department of Education or Council for Higher Education Accreditation at the time of their start date with the Police Department.

### **Section 143.023 (A) (continued)**

Applicants possessing at least three (3) years active duty prior military service in the Armed Forces of the United States or two years full time, sworn law enforcement experience (paid) shall have, in lieu of a baccalaureate degree, a minimum of sixty (60) semester hours credit from a college or university accredited by the United States Department of Education or Council for Higher Education Accreditation at the time of their start date with the Police Department.

### **Employment Standards**

To the extent that employment standards for beginning Police Officers as provided in the Civil Service Classification Plan exceed the requirements of Chapter 143 and other applicable State laws, any of such entry employment requirements not prescribed by State laws may be waived by the Chief of Police with the concurrence of the Director of Civil Service and consent of the City Manager when such waiver would be in the best interest of the Police Department and provided further that such waiver of requirements shall not substantially lower the high standards sought by the City.

### **Causes for Disqualification:**

That the applicant:

1. Is not a citizen of the United States of America. Temporary disqualification until citizenship is obtained in compliance with state and federal laws.
2. Has failed to demonstrate their ability to read, write, and fluently speak the English language. Temporary disqualification until the deficiency is corrected.
3. Is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation.
4. Has demonstrated a failure to pay just debts. Candidates will be considered on a case by case basis due to the number of variables involved. Factors which will be considered include type and number of debts, reasons for the bad credit, extenuating circumstances, and the potential for the credit-related problems impacting the applicant's judgment and integrity. Temporary disqualification until resolution of bad credit and/or credit related issues.
5. Conviction of conduct that constitutes a Class A or Class B Misdemeanor under State or Federal Law to include the Uniform Code of Military Justice (UCMJ), within ten (10) years will result in a temporary disqualification. Crimes involving moral turpitude may result in permanent disqualification and will be considered on a case by case basis with appropriate consideration of circumstances and recency.

Has been convicted of conduct which constitutes a felony under State or Federal Law, to include the UCMJ. Conviction of or admission to conduct that constitutes a felony will result in permanent disqualification.

A candidate will not be considered for employment while charges are pending for any criminal offense.

**Section 143.023 (A) (continued)**

6. Has made any false statements in any material fact; withheld information, practiced or attempted to practice any deception or fraud in his/her application, examination or appointment. Depending on the variables involved, disqualification may be either permanent or temporary.
7. Has failed to complete or satisfactorily meet the employment process requirement of the respective department, including missed appointments, failure to return necessary paperwork, failure to notify department of changes in address or telephone numbers, or who otherwise failed to complete application process. Temporary disqualification.
8. Has failed to satisfactorily complete the oral interview process. Candidates will be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a Plano police officer; failure to present the maturity expected of a Plano police officer; or failure to accurately and precisely respond to the questions of the interviewers. Temporary disqualification.

9. Has used illicit substances as indicated by the following guidelines:

Candidates will be temporarily disqualified when they have admitted to conduct which constitutes use of marijuana during the last three (3) years. (Temporary disqualification until three (3) years has passed from last use.)

Admission of use of marijuana more than ten (10) times within the last ten (10) years. (Temporary disqualification until ten (10) years has passed from last use.)

Candidates who admit to conduct which constitutes abuse of legally obtained prescription medication(s), or illegal use of the prescription medication(s) of another person may be temporarily or permanently disqualified. Conduct involving the abuse and/or misuse of prescription medication(s) will be considered on a case by case basis with consideration given to circumstances and recency.

Candidates will be permanently disqualified when they have admitted to conduct which constitutes illegal use of felony grade substances as defined in the Texas Health and Safety Code.

Use of products or substances containing THC (Tetrahydrocannabinol) will be considered on a case by case basis with consideration given to circumstances and recency.

10. Candidates will be temporarily disqualified who have violations exceeding three (3) events (moving violations or preventable accidents) in the preceding thirty-six (36) months, or a reckless driving conviction in the preceding sixty (60) months.

Lesser, but more severe, violations which tend to indicate driving habits that are not compatible with the operation of emergency vehicles and present potential liabilities to the City of Plano will be temporary disqualifications. Reapplications will be permitted when the candidate can meet the above standards.

11. Has been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct. Said dismissal or termination will be considered on a case by case basis. Permanent disqualification.

**Section 143.023 (A) (continued)**

12. Exercised poor judgment skills within the preceding five years. The applicant has demonstrated either immaturity or poor judgment in the applicant's decision making process. Examples of such conduct would include, but is not limited to: attendance at parties or social functions at which controlled substances or dangerous drugs are consumed, and such activity is known or should have been known by the applicant; silent acceptance of known illegal conduct by others in his presence; workplace behavior/decisions that adversely affect the business or associates, with little or no objectively justifiable need for such behavior. Temporary disqualification until the applicant can demonstrate that the applicant's judgment skills have developed.
13. Has a history of unstable work, i.e., including short terms of employment over the candidate's employment history; has a history of employment in an illegal occupation. Disqualification under this provision will be temporary in nature and candidates will be eligible for reapplication after a five (5) year period. Due to the variables involved, each situation will be considered on a case by case basis.  
  
Permanent disqualification for employment in an "illegal occupation".
14. Has failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Law Enforcement. Temporary disqualification until candidate can meet the above standards.

**Section 143.023 (B) Eligibility for Fire Beginning Position**

See Section 143.023, Chapter 143, LGC

- (1) The minimum age for beginning positions in the Plano Fire Department will be 18.
- (2) All applicants for beginning positions in the Plano Fire Department shall possess and provide the following educational credentials prior to their first day of employment:
  - A high school diploma or a high school equivalency certificate (GED).
  - Current certification as a "structural fire fighter" by the Texas Commission on Fire Protection.
  - Current Certification as an EMT-Paramedic by the Texas Department of State Health Services.
- (3) As a condition of continued employment, individuals appointed to entry level positions with the Plano Fire Department on or after March 21, 1991, shall, upon completion of fire recruit orientation, refrain from the use of all tobacco products both on and off duty.
- (4) All applicants for beginning positions in the Fire Department who are hired after September 1, 1983, will, as a condition of employment, be required to be certified as a paramedic by the Texas Department of Health and be authorized to operate as a paramedic by the Fire Department's Medical Director, when deemed necessary by the Fire Chief.

**Section 143.023(B) (continued)**

**Employment Standards**

To the extent that employment standards for beginning Fire Fighters as provided in the Civil Service Classification Plan exceed the requirements of Chapter 143 and other applicable State laws, any of such entry employment requirements not prescribed by State laws may be waived by the Fire Chief with the concurrence of the Director of Civil Service when such waiver would be in the best interest of the Fire Department and provided further that such waiver of requirements shall not substantially lower the high standards sought by the City.

**Causes for Disqualification:**

That the applicant:

1. **Citizenship:** Is not a citizen of the United States of America. (Temporary disqualification until citizenship obtained.)
2. **Language Requirement:** Has failed to demonstrate his/her ability to read, write, and fluently speak the English language. (Temporary disqualification until deficiency corrected.)
3. **Essential Functions of Position:** Is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation. (Temporary disqualification until deficiency corrected.)
4. **Physical Ability Test:** Is unable to successfully complete the Plano Fire Department Physical Agility Test within one (1) attempt. (Temporary disqualification until next examination.)
5. **Debt Responsibility:** Demonstrates a failure to pay just debts. Candidates will be considered on a case by case basis due to the number of variables involved with factors considered including type and number of debts, reason(s) for the bad credit, extenuating circumstances, and the potential for the credit-related problems impacting the applicant's judgment and integrity. (Temporary disqualification until resolution of bad credit and/or credit related issues.)
6. **Felony Conviction:** Has been convicted of conduct that constitutes a felony under State or Federal Law or the Code of Uniform Military Justice. (Permanent disqualification).
7. **Felony Conduct Admission:** Has admitted conduct that constitutes a felony under State or Federal Law, or the Code of Uniform Military Justice and/or has accepted probation and/or deferred adjudication for such conduct. (Temporary disqualification of up to ten years with a minimum disqualification until the statute of limitation expires for the applicable violation and the Candidate has demonstrated appropriate improvement in judgment.)
8. **Class A or B Misdemeanor Conviction:** Has been convicted of conduct that constitutes a Class A or Class B Misdemeanor under State or Federal Law or the Code of Uniform Military Justice and/or has accepted probation and/or deferred adjudication for such conduct. (Temporary disqualification for up to five (5) years dependent upon nature of crime and a demonstrated improvement in judgment.)

**Section 143.023 (B) (continued)**

9. **Class A or B Misdemeanor Admission:** Has admitted conduct that constitutes a Class A or Class B Misdemeanor under the Texas Penal Code, equivalent Federal Law, or equivalent Code of Uniform Military Justice and/or has accepted probation and/or deferred adjudication for such conduct. (Temporary disqualification until the statute of limitation expires for the applicable violation and the candidate has demonstrated an appropriate improvement in judgment.)
10. **Moral Turpitude:** Has admitted to conduct involving a crime or act of moral turpitude. Candidates will be considered on a case by case basis with factors considered including the nature of the event and the potential for the conduct impacting the applicant's ability to perform Public Safety duties and uphold the expected conduct and image required of a firefighter. Individuals registered as "sex offenders" will be permanently disqualified. (Temporary or Permanent disqualification based on nature of occurrence.)
11. **Pending Criminal Charge:** Currently has pending criminal charges of any type, or is on "deferred adjudication" and/or "probation" for a criminal offense other than minor Class C traffic violations. (Temporary disqualification pending the resolution of the criminal charges and/or completion of the deferred adjudication and/or probation requirements and a demonstrated improvement in judgment.)
12. **False or Incomplete Information:** Has made a false statement in any material fact; withheld information, practiced or attempted to practice deception or fraud in his/her application, examination, background investigation, polygraph examination, or medical examination. (Permanent disqualification).
13. **Employment Process Completion:** Has failed to complete or satisfactorily meet the employment process requirement of the Fire Department including, but not limited to, missed appointments, failure to return application package or other necessary paperwork, failure to promptly notify the Fire Department of changes in address or telephone numbers, or who otherwise fail to complete the application process. (Temporary disqualification until next examination.)
14. **Oral Interview Process:** Has failed to satisfactorily complete the oral interview process, including, but not limited to any personal or automated interview process. Candidates will be disqualified for failure to verbally communicate effectively and appropriately;  
failure to demonstrate an understanding of the roles and responsibilities of a Plano firefighter; failure to present the maturity expected of a Plano firefighter; failure to accurately and precisely respond to the questions of the interviewers;  
and failure to demonstrate his/her knowledge of the essential skills, knowledge, and abilities expected of a certified Firefighter or Emergency Medical Technician. (Temporary disqualification until next examination.)
15. **Illegal Drug Use:** Has used illicit substances as indicated by the following guidelines:
  - a) Admission of illegal use of marijuana five or less times (experimentation) within the last two (2) years. (Temporary disqualification until two (2) years has passed from last use.)
  - b) Admission of illegal use of marijuana more than five times within the last five (5) years. (Temporary disqualification until five (5) years has passed from last use.)

**Section 143.023 (B) (continued)**

- c) Admission of abuse or misuse of legally obtained prescription medication(s), or illegal use of the prescription medication(s) of another person. Conduct involving the use abuse and/or misuse of prescription medication(s) will be considered on a case by case basis with consideration given to circumstances and elapsed time since last drug use. (Permanent or temporary disqualification based on circumstances.)
- d) Admission of illegal use of felony grade substances as defined in the Texas Health and Safety Code. (Temporary disqualification until ten (10) years has passed since last use.)
- e) Admission of illegal use of anabolic steroids. (Temporary disqualification until ten (10) years has passed since last use.)
- f) Admission of the illegal use of one or more of the following common name drugs and/or their chemical analogs will result in permanent disqualification:
  - Crystal Methamphetamine or Methamphetamine
  - Heroin
  - OxyContin
  - Crack Cocaine
  - PCP
  - Ketamine
  - LSD

**16. Driving Record:** Has a driving record incompatible with the safe operation of emergency vehicles or which present potential liabilities to the City of Plano.

- a) Three or more events (moving violations or preventable accidents) in the preceding thirty-six (36) months. (Temporary disqualification until standard met.)
- b) Reckless driving or similar conviction within preceding sixty (60) months. (Temporary disqualification until standard met.)
- c) Driving while intoxicated or under the influence of drugs within the preceding sixty (60) months. (Temporary disqualification until standard met.)

**17. Prior Employment:** Has a history of unstable work including, but not limited to, short terms of employment over the candidate's employment history; employment in an illegal occupation; termination of employment without proper notice; and/or dismissal from any public safety position. Has been disciplined, dismissed, or resigned in lieu of dismissal from any employment for inefficiency, delinquency, misconduct or policy violations. Applicants will be considered on a case by case basis with due consideration of the situation(s). (Permanent or temporary rejection based on circumstances.)



## **Section 143.023 (B) (continued)**

- 18. Judgment Issues:** Exercised poor judgment skills within the preceding five (5) years. The applicant has demonstrated either immaturity or poor judgment in the applicant's decision making process. Examples of such conduct would include, but is not limited to: attendance at parties or social functions at which controlled substances or dangerous drugs are consumed, and such activity is known or should have been known by the applicant; silent acceptance of known illegal conduct by others in his presence; workplace behavior/decisions that adversely affect the business or associates, with little or no objectivity justifiable need for such behavior; arrests for misdemeanor offenses other than minor traffic violations. (Temporary disqualification based on circumstances or until the applicant can demonstrate that the applicant's judgment skills have developed.)
- 19. Psychological/Medical:** Has failed to receive the required recommendation for employment by the Commission's psychologist, psychiatrist, or medical doctor. (Temporary or permanent rejection based on nature of the rejection.)
- 20. Required Minimal Education:** Has failed to meet and/or provide documentation of the minimal educational requirements in accordance with Commission rules. (Temporary disqualification until next examination.)
- 21. Licensing & Certification:** Has failed to meet all legal requirement necessary for future licensing and certification as required by the Texas Commission on Fire Protection and Texas Department of State Health Services. (Temporary disqualification until required certification(s) obtained).
- 22. Academy Performance:** Has a history of substandard performance and/or a negative recommendation or referral from his/her fire and/or EMS training school. (Temporary or permanent disqualification based on nature of the information received from the academy or school.)
- 23. Office of Inspector General (OIG) List of Excluded Individuals/Entities**  
Applicants will be screened against the OIG list of excluded individuals. Individuals, whose name appears on the list, those who have been debarred, suspended or otherwise deemed ineligible to participate in the Federal healthcare programs, managed under the U.S. Department of Health and Human Services (DHHS) (i.e. Medicare and Medicaid) will be temporarily disqualified until such time as the individual's name is removed from the OIG's list.

## **Section 143.024 Entrance Examination Notice** See Section 143.024, Chapter 143, LGC

Applicants shall complete an online application to register for the examination. Eligible applicants will receive an exam "entrance form". Failure to complete and submit the online application in the manner and within the time limits prescribed in the "Notice of Entrance Examination" will render the applicant ineligible to take the examination.

The Director may, because of the small number of applicants, or because of any other good and sufficient reasons, including but not limited to, a death in the immediate family, public emergency, unavailability of test site, unavailability of utilities, severe weather creating potential hazards and

**Section 143.024 (continued)**

severe medical issues, etc., postpone an examination to a later time on the same date or to a later date.

**Section 143.025 Entrance Examinations**

See Section 143.025, Chapter 143, LGC

Application for employment shall be made to the Director of Civil Service on the appropriate application forms.

**Examinations**

All examinations shall be of such nature that they will test the relative suitability and fitness of the persons examined to discharge the duties of the particular position to which they seek appointment.

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. Exams will be conducted on an "as needed" basis.

No person shall deceive or obstruct any person in respect of his/her right of examination under the provision of these rules and the Local Government Code; or falsely 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. No applicant shall deceive the Commission for the purpose of improving his/her chances for appointment or promotion.

Applicants for entry positions must achieve a passing score of 70 on the written examination as established by the Commission.

Each applicant who is either a natural-born or legally adopted child of a firefighter who previously suffered a line-of-duty death while covered by this chapter shall be ranked at the top of any eligibility list in which said applicant receives a minimum passing grade on that respective eligibility exam. In order to receive this benefit, the following conditions must be met:

- (1) The applicant must apply for "survivor status" at the time he/she applied to take the test and indicate such request on the approved test application form.
- (2) The applicant must provide proof of line of duty death of his/her parent by:
  - a. Verification by the Fire Marshal of the State of Texas, the National Fallen Firefighters Foundation, or the United States Fire Administration;
  - AND**
  - b. Verification that at the time of the parents death, the decedent was a firefighter appointed and covered by Chapter 143 of the Local Government Code or its predecessor, Article 1269 M, Vernon's Revised Texas Statutes.
- (3) The applicant must provide proof of relationship with the deceased firefighter by providing either a copy of his/her birth certificate or court adoption order which verifies that the applicant is the natural born or adopted son or daughter of the deceased firefighter.

## **Section 143.025** (continued)

- (4) The deceased firefighter's applicant child must otherwise satisfy all of the requirements for eligibility for a beginning position in a fire department contained in this chapter and adopted by the Plano Police Officers' and Firefighters' Civil Service Commission.

An applicant for the position of fire fighter or police officer must provide to the Director of Civil Service no later than the date specified in the "Notice of Examination" an undeleted copy of his/her DD Form 214 which shows: (1) active military service in the Armed Forces of the United States, and (2) an honorable discharge in order to receive five (5) points under in addition to his/her passing score on the written examination. General discharges, discharges other than under honorable conditions or any other discharges are ineligible to receive military points.

Credit for active military service in the Armed Forces of the United States is applicable to a person who has served a minimum of 180 consecutive day's active duty in the Armed Forces of the United States of America and has received an honorable discharge.

Whenever two (2) or more applicants for entrance positions attain the same grade, the tie shall be broken in the following manner prior to the posting of the final certified eligibility list:

- (1) The applicant making the highest raw score on the written examination.
- (2) Random Drawing - If there are still ties, then the order of the candidate's rank on the eligibility list shall be determined by a number drawn at random by the applicant at the time of examination.

The Commission or Director may, because of the small number of applicants for any position, or because of any other good and sufficient reasons, including but not limited to, death in the immediate family, public emergency, unavailability of the test site, unavailability of utilities, severe weather creating potential hazards, and severe medical issues, postpone an examination to a later time on the same date or to a later date.

Prior to the posting of the Notice of an Entrance Examination, the Director is authorized to determine whether the resulting eligibility list will be valid for a six (6) month or twelve (12) month period. This determination will be made in consultation with the Police or Fire Department on the basis of the anticipated number of entries to be filled during the affected period of time and will be included in the official Notice of Examination.

### **Eligibility Lists**

Each person on an eligibility list shall immediately notify the Civil Service Director of any address change. Official Notification/correspondence sent to a person's last known address or provided e-mail address shall be considered sufficient notification to the applicant for purposes of administering the hiring process.

## **Section 143.0251** Reappointment of Police Officer after Resignation

See Section 143.0251, Chapter 143, LGC

A police officer who voluntarily resigns from the City of Plano Police Department may be reappointed to the department without taking another entrance examination.

## **Section 143.0251 (continued)**

- a. The former officer must submit a written request to the Chief of Police, who makes the final recommendation to the City's Chief Executive for reappointment. A candidate for reappointment will not be considered unless recommended by the Chief. A candidate for reappointment may not appeal his/her rejection by the Chief of Police.
- b. Prior to recommending reappointment of a former police officer to the department, the Chief of Police may review past performance records of the officer, conduct a background investigation, require appropriate alcohol and drug tests and require any other portion of the employment process he deems appropriate.
- c. Upon receiving an offer of reappointment, the police officer should be given a physical and psychological examination prescribed by the City.
- d. Candidates for reappointment must fully meet the requirements of the Texas Commission on Law Enforcement.
- e. A candidate for reappointment may be appointed regardless of the availability of an Eligibility list. A candidate for reappointment has priority over candidates already on an Eligibility list.
- f. The maximum age requirement under the Local Government Code 143.023 (c) shall not apply to reappointments.
- g. In addition to the reasons for rejection listed in Section 143.023, a candidate for reappointment may be rejected for reasons related to previous work performance as a Plano police officer.
- h. A reappointed officer who completed their entire probationary period prior to their resignation shall be required to complete an additional probationary period of 90 days on reappointment; however, a reappointed officer who resigned prior to completing their initial probationary period shall complete a probationary period equivalent to the remainder of their initial probationary period or 90 days, whichever is longer.

## **Section 143.026 Procedure for Filling Beginning Positions**

See Section 143.026, Chapter 143, LGC

### **Procedure**

- a) When a vacancy occurs in a beginning position in the police department, the department head shall request in writing from the commission the names of suitable persons from the eligibility list. The director shall certify to the municipality's chief executive the names of the three persons having the highest grades on the eligibility list.
- b) From the three names certified, the chief executive 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.
- c) If the chief executive does not appoint the person having the highest grade, the chief executive shall clearly set forth in writing the good and sufficient reason why the person having the highest grade was not appointed.

**Section 143.026 (continued)**

- d) The reason required by Subsection (c) shall be filed with the commission and a copy provided to the person having the highest grade. If the chief executive 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.
- e) The hire date of a person appointed to a beginning position in the police department will be subject to:
  - 1. State certification status (i.e. TCOLE) of newly appointed person;
  - 2. Academy start date and/or operational needs of the department regardless of persons position on the eligibility list.
  - 3. Based upon number 1 and 2 above, an individual hired from a lower position on the eligibility list may have a hire date earlier than an individual hired from a higher position on the eligibility list. When this occurs, the vacancy the higher ranked individual was hired to fill will be held for them, with the only impact being each individual's department seniority.

**Section 143.027 Probationary Period**

See Section 143.027, Chapter 143, LGC

A person appointed to a beginning position in the fire or police department must serve a probationary period of one (1) year beginning on that person's date of employment as a fire fighter, police officer, or recruit. The probationary period shall be extended for the period of time that an employee attends a basic training academy necessary for initial certification by the Texas Commission on Fire Protection or the Texas Commission on Law Enforcement, but in no event shall the period be extended longer than six (6) months.

A police officer who is reappointed shall complete a probationary period as prescribed by Section 143.0251(h) of the City of Plano Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations.

A fire fighter or police officer who was appointed in substantial compliance with this chapter and who serves the entire probationary period automatically becomes a full-fledged Civil Service employee and has full Civil Service protection.

**Section 143.028 Eligibility for Promotion**

See Section 143.028, Chapter 143, LGC

The Commission specifies that a police officer serving in a position in the next lower position is eligible for promotion if the person has served in the next lower position or who has served in any higher classification for at least two (2) years immediately prior to the date the promotional examination is held. This shall include any combination of time served in the next lower position or higher classification totaling at least two (2) years immediately before the date of the promotional examination.

**Section 143.029 Promotional Examination Notice**

See Section 143.029, Chapter 143, LGC

**Section 143.030 Eligibility for Fire Department Promotional Examination**

See Section 143.030, Chapter 143, LGC

**Section 143.031 Eligibility for Police Department Promotional Examination**

See Section 143.031, Chapter 143, LGC

**Section 143.032 Promotional Examination Procedure**

See Section 143.032, Chapter 143, LGC

- A. No person shall deceive or obstruct any person in respect of his/her right of examination under the provision of these rules and the Civil Service Act; or falsely 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. No promotional candidate shall deceive the Commission for the purpose of improving his/her chances for appointment or promotion.
  
- B. Eligible employees must make application to sit for a promotional examination in the following manner:
  - 1. Complete an electronic application request through People Soft Self-Service Portal or if electronic application is not available as noticed by the City submit in person the Official Application for Promotion Examination form, to the Civil Service office located in the Human Resources Department, as prescribed by the Director of Civil Service, within the time limits prescribed in the "Notice of Promotional Examination;
  - 2. Provide picture ID at time of registration if not completed electronically.
  - 3. Initial and date registration log if not completed electronically.

Failure to follow any of the above instructions in the manner prescribed within the specified timeframe will render the employee ineligible to take the examination.

- C. To provide for competitive promotional examinations so as to better serve the public, at least four (4) qualified candidates in the next lower position with two years' service must sit for an exam. If there are not four (4) candidates in the next lower position, the Commission will follow the procedures relating to eligibility for promotional examinations outlined in Section 143.030(d) and 143.031(c) until at least four (4) qualified candidates sit for the exam.
  
- D. The Commission or Director may, because of the small number of eligible promotional candidates for any position, or because of any other good and sufficient reasons, including but not limited to, a death in the immediate family, public emergency, unavailability of test site, unavailability of utilities, severe weather creating potential hazards, and severe medical issues, etc., postpone an examination to a later time on the same date or to a later date.
  
- E. An eligible promotional candidate serving on military active duty:
  - 1. Will be notified of scheduled promotional exams via e-mail.

**Section 143.032 (continued)**

2. Must complete and submit the required Official Application for Promotional Examination form by the listed deadline. Said form will be provided via fax or e-mail and completed form will be returned in said fashion. Picture ID and registration log requirements are waived in this situation.
3. Civil Service Director will coordinate the administration and scoring of the exam with the employee's commanding officer. The commanding officer will be required to complete a confidentiality document.
4. The exam, answer sheet and answer key will be provided to the commanding officer at least twenty-four (24) hours prior to the scheduled exam date. If possible, the exam is to be administered on the same day and at the same time as reasonably possible to the scheduled exam.
5. All exam materials (exam, answer sheet and answer key) will be returned to the director immediately following the scoring of the exam. The candidate will be provided their score and placement on the eligibility list via fax or e-mail.
6. Should the employee wish to review and or appeal any questions on the exam, the Civil Service Director will coordinate transmission of the exam, employee's answer sheet, master scoring sheet, appeal form and any other pertinent information with the  
  
commanding officer who will oversee the review process. Any appeals filed must be submitted within the appeal deadline and sent via fax or e-mail to the Civil Service  
  
Director. All materials used in review and/or appeal process are to be returned to the Civil Service Director by the appeal process deadline.

**Section 143.033 Promotional Examination Grades**

See Section 143.033, Chapter 143, LGC

(1) Fire Department

For all firefighters a raw score of seventy (70) (actual exam score before adding seniority points) is needed to pass the exam.

Whenever two (2) or more candidates for promotion attain the same grade, the tie shall be broken in the order listed below:

- (1) Highest raw score on the written examination;
- (2) Date of hire as a Plano Fire-Rescue civil service employee;
- (3) Date of final certified entrance eligibility list;
- (4) Rank on final certified entrance eligibility list

### **Section 143.033 (continued)**

#### (2) Police Department

All police officer applicants must receive a cumulative score of seventy (70) after the applicant's seniority points have been added to pass the exam.

Whenever two (2) or more candidates for promotion attain the same grade, the tie shall be broken in the order listed below:

- (1) The eligible promotional candidate making the highest raw score on the written examination.
- (2) The eligible promotional candidate having the greatest amount of seniority. Seniority will be counted from date of employment as a civil service employee adjusted to include all prior civil service seniority with the Plano Police Department.
- (3) If the grade is still tied after the above two (2) considerations, the tie shall be broken by the eligible promotional candidate having the lowest departmental badge number, which was assigned to them on their hire date based on their original eligibility list.

### **Section 143.034 Review and Appeal of Promotional Examination**

See Section 143.034, Chapter 143, LGC

The day following the examination, promotional candidates may review the examination booklet, their answer sheet, the answer key, and the source material for the examination in the presence of a monitor(s) designated by the Civil Service Director.

The Civil Service Commission, in compliance with Chapter 143 of the Local Government Code, has the authority to adopt, publish and enforce Rules relating to, but without limitation, the proper conduct of Commission meetings and the proper conduct of appeals of promotional testing and examination scoring. During the Commission's hearing of appeals of any promotional examinations, the following Rules will apply:

- (a) Those questions appealed will be considered in numerical order.
- (b) The Chair of the Commission will set, advise of and enforce a maximum time limit of three (3) minutes for each person to speak on any question, unless such time limit is otherwise modified by the Commission.
- (c) If there are multiple appellants on a question, the Chair will recognize the individual appellants for comment in alphabetical order. The appellant will be permitted to briefly present his or her reasons for the appeal, being limited to reference to the source materials for the examination and in conformity with the test instructions; i.e., whether the answer at issue is the best answer based on the examination sources. Appellants seeking the same relief on the same question at issue are encouraged to avoid repetition. Appellants will be allowed a maximum of two speaking opportunities; one to present their appeal and one rebuttal after all comments by other speakers (see, subsection (d) herein) has been heard. Any appellants providing handouts in support of their appeal shall have a minimum of five copies available for the three Commission members, the Civil Service Director, and the Counsel for the Commission. After



### **Section 143.034 (continued)**

all appellants on a particular question have been given an opportunity to speak, the Chair will recognize any other individuals who took the examination at issue and provide them with an opportunity to address the appeal and the question at issue. Such speakers will be limited to one appearance to comment and will be encouraged to avoid repetition and to confine their remarks to issues or insights not previously brought to the Commission's attention, or otherwise simply indicate their agreement or concurrence with prior speakers.

- (d) The Commission members may address questions to any speaker but shall confine themselves to the source materials at issue with regard for the test instructions, and shall otherwise act in accordance with the scope of their duties under Chapter 143 of the Local Government Code.
- (e) If, during the course of comments on any appealed question, an appellant wishes to change the remedy or relief sought to the remedy or relief sought by a prior appellant speaking to the same question, then his or her appeal shall be deemed withdrawn as the Commission's ruling on another appellant's appeal seeking the same relief would be binding on all similar appeals. Any appellant who fails to specify the relief or remedy he or she seeks at the time of filing of his or her appeal shall have his or her appeal voided, held for naught, and ineligible for consideration as incomplete, as the Commission is not empowered to promulgate its own appeals or to speculate as to the relief or remedy sought.

### **Section 143.035 Alternate Promotional System in Police Department**

See Section 143.035, Chapter 143, LGC

#### **I. PURPOSE**

The assessment and selection of personnel for promotions is a key component in determining the operational effectiveness of any law enforcement agency. The Plano Police Department seeks to promote the most qualified candidates through a selection process that is fair for all participants.

In accordance with Section 143.035 of the Local Government Code, the Plano Police Department voted on the following Alternate Promotional System which was adopted by the Civil Service Commission on September 21, 2021.

#### **II. POLICY**

The Plano Police Department is dedicated to promoting the best-qualified candidates into sworn supervisory positions. The Department will ensure the promotional process is fair for all participants.

#### **III. DEFINITIONS**

- A. Assessment Center Consultant – Someone professionally employed in the field of personnel assessment and evaluation who has no personal ties to the Plano Police Department and will impartially facilitate the promotional process.

## **Section 143.035 (continued)**

- B. Assessor – A member of the Panel of Assessors utilized in the alternate promotional process.
- C. Panel of Assessors – A group of five assessors who are active members of municipal law enforcement agencies. Whenever possible, assessors should be from agencies outside of the following counties: Dallas County, Tarrant County, Collin County, Denton County, and Grayson County. The Panel of Assessors will be selected for each iteration of the Alternate Promotional System after the Written Exam is completed and final scores are published.
- D. Pre-Existing Relationship – Any personal relationship as defined by Plano Police Administrative Directive 113.017 – Nepotism, or any other relationship of a professional or personal nature which exceeds mere knowledge of the individual.

## **IV. PROCEDURES**

The Alternate Promotional System will only apply to promotions to the ranks of Sergeant, Lieutenant, and Deputy Chief and will include the following components:

- Written Examination;
- Seniority Points;
- Certification Points (Sergeant and Lieutenant only);
- Anonymous Written Exercise; and,
- Assessment Panel.

Each component will be individually scored, then weighted to its overall value in the promotional process as outlined below.

### **A. Eligibility for Promotion**

Eligibility to participate in a promotional process is governed by Section 143.028 of the Local Government Code.

To participate in the alternate promotional process, a sworn employee must have served in the next lower position or a higher classification for at least two years immediately prior to the date the written exam portion of the promotional process is held. This shall include any combination of time served in the next lower position or higher classification totaling at least two years immediately before the date of the written exam portion of the promotional process.

### **B. Assessors**

Assessors will be recruited and selected by the Civil Service Director and must:

- Be active members of a municipal law enforcement agency.
- Have supervisory experience comparable to that of the rank being tested for;
- Have no pre-existing relationships with any of the promotional candidates; and,
- Not be the chief executive of their respective agencies.

## **Section 143.035 (continued)**

Whenever possible, assessors should be selected from agencies outside of the following counties: Dallas County, Tarrant County, Collin County, Denton County, and Grayson County.

Assessors shall be selected prior to the date of the Anonymous Written Exercise and will be required to sign an acknowledgement form stating they do not have a pre-existing relationship with any of the promotional candidates.

### **C. Written Examination**

The written examination will constitute 40% of a candidate's overall score in the promotional process. A promotional candidate must pass the written examination with a raw score of 70 or higher in order to proceed with the alternate promotional process.

1. Notice – Notice of an expected promotional examination is governed by Section 143.029 of the Local Government Code.

Notice of exam source materials shall be posted by the Civil Service Commission before the 90<sup>th</sup> day prior to the exam date.

Notice of the position for which a promotional process is being held as well as the date, time, and place of the exam shall be posted by the Civil Service Commission in plain view on Civil Service bulletin boards before the 30<sup>th</sup> day prior to the exam date.

2. Procedures – Promotional exam and subsequent appeals processes will be conducted in accordance with Sections 143.032 and 143.034 Local Government Code.

Once the appeals process has ended, the Civil Service Director will use the written exam scores to calculate the weighted score for each promotional candidate who passed the exam. To calculate the weighted score, the final exam score will be multiplied by 0.40. These calculations will be carried out to four decimal places.

### **D. Seniority Points**

Each promotional candidate who passes the Written Examination and has at least five full years of service as a sworn employee with the Plano Police Department will have one point added to their overall score in the promotional process for each full year of service as a sworn employee with the Plano Police Department, up to a maximum of ten points. Promotional candidates with less than five full years of service will not receive any seniority points.

Seniority points will be calculated from the date the promotional candidate was sworn in as a peace officer with the Plano Police Department, or, in the case of officers who have left the department then been reappointed, based on their adjusted seniority as calculated by Human Resources.

## **Section 143.035 (continued)**

### **E. Certification Points**

Promotional candidates for Sergeant and Lieutenant vacancies will have the following certification points, up to a maximum of five, added to their overall score in the promotional process if they received their Advanced or Master Peace Officer Proficiency Certification prior to the date of the Written Exam.

- TCOLE Advanced Peace Officer Proficiency Certificate – 3 points; or,
- TCOLE Master Peace Officer Proficiency Certificate – 5 points.

### **F. Anonymous Written Exercise**

Each promotional candidate who passes the Written Examination will proceed to the Anonymous Written Exercise component of the promotional system.

The Anonymous Written Exercise will constitute 15% of a candidate's overall score in the promotional process.

When calculating the weighted score for this component, the high and low rating for each written response will be stricken and the remaining three ratings will be averaged. The average score for each written response will be multiplied by 0.15 to determine the weighted score. These calculations will be carried out to four decimal places.

Since the Anonymous Written Exercise provides each promotional candidate with extensive opportunities to demonstrate multiple dimensions and skills, appeals are not practical and therefore this component of the alternate promotional system is not subject to an appeals process.

#### **1. Procedures**

The Chief of Police and the Civil Service Director will jointly agree on an Assessment Center Consultant.

For Sergeant promotional processes, the Chief of Police and the Assessment Center Consultant will develop a writing prompt containing questions, a scenario, or a management issue directly related to the rank being tested for, as well as the time limit for its completion. The prompt will be developed prior to the date of the Written Examination.

For Lieutenant and Deputy Chief promotional processes, the Assessment Center Consultant will develop a writing prompt containing questions, a scenario, or a management issue directly related to the rank being tested for, as well as the time limit for its completion. The prompt will be developed prior to the date of the Written Examination.

All promotional candidates will respond to the same prompt, at the same time, at the same location, and within the allotted time. Each candidate will have access to a computer with a word processing program as they work on their written response.

## **Section 143.035 (continued)**

The Assessment Center Consultant and Civil Service Director (or designee) will proctor the written exercise and will assign each promotional candidate a number which will serve as the only identifier on each written response. Only the Assessment Center Consultant will know which identifier corresponds with each promotional candidate.

### **2. Scoring**

Written responses will be collected by the Assessment Center Consultant who will verify no names or other identifiers, other than each promotional candidate's assigned number, are present.

The Assessment Center Consultant will provide copies of each response to each member of the Assessment Panel prior to them convening as a panel for the assessment portion of the promotional process.

Written responses will be rated independently by each member of the Assessment Panel out of a total of 100 possible points and based on the following dimensions:

- Written Communication Skills – Expresses ideas and information effectively in writing (25 points);
- Analytical Ability – Recognizes pertinent issues and problems, understands the origin, nature, and important elements of a situation, identifies alternative choices and solutions for handling a situation or problem, demonstrates the ability to make sound decisions, and understands liability issues (40 points); and,
- Objectivity – Demonstrates fairness and impartiality, is open to receiving new information and ideas, states personal views and facts without distortions by prejudice, unfounded stereotypes, or personal biases (35 points).

The rated written responses will be returned to the Assessment Center Consultant when the panel convenes for the Assessment Panel component of the promotional process. The Assessment Center Consultant will give the rated responses to the Civil Service Director who will calculate the weighted score for each candidate using the process outlined at the beginning of this section.

### **G. Assessment Panel**

Each promotional candidate who passes the Written Examination will participate in the Assessment Panel component of the promotional system.

The Assessment Panel will constitute 30% of a promotional candidate's overall score in the promotion process if they are a candidate for a promotion to Sergeant or Lieutenant. It will constitute 35% of a promotional candidate's overall score if they are a candidate for a promotion to Deputy Chief.

When calculating the weighted score for this component, the high and low ratings will be stricken and the remaining three ratings will be averaged. The average rating will be multiplied by 0.30 for Sergeant and Lieutenant candidates, and 0.35 for Deputy

## Section 143.035 (continued)

Chief candidates, to determine the weighted score. These calculations will be carried out to four decimal places.

Since the Assessment Panel provides each promotional candidate with extensive opportunities to demonstrate multiple dimensions and skills, appeals are not practical and therefore this component of the alternate promotional system is not subject to an appeals process.

Each assessor on the panel shall be given a packet for each promotional candidate which will include the following:

- A copy of the previously scored response for the Anonymous Written Exercise;
- The three most recent Performance Evaluation Annual Reviews preceding the Written Exam date;
- Civil Service level disciplinary history for the three years immediately preceding the Written Exam date; and,
- The promotional candidate's TCOLE training report, including education information, certifications, and licenses.

Candidates will be provided with a date and time to report to the Assessment Panel which will be assigned by random drawing. In accordance with Civil Service rules, the Assessment Center Consultant and Civil Service Director (or designee) will be present as a proctor during the Assessment Panel. Candidates will be allowed to bring materials for personal reference during the interviews but they will not be allowed to pass out or otherwise provide any materials to the assessors.

### 1. Sergeant and Lieutenant Assessments

The Assessment Panel for Sergeant and Lieutenant promotions will include the following:

- An oral biography of the promotional candidate, including professional experience;
- Questions related to the promotional candidate's response on the Anonymous Written Exercise; and,
- Answering a series of standardized questions, developed by the Assessment Center Consultant, from the assessors. While each promotional candidate will be asked the same, standardized series of questions, individual questions may be asked by assessors depending on the answers given by the candidates.

### 2. Deputy Chief Assessments

The Assessment Panel for Deputy Chief promotions will include the following:

- An oral biography of the promotional candidate, including professional experience;
- Questions related to the promotional candidate's response on the Anonymous Written Exercise;

### Section 143.035 (continued)

- Answering a series of standardized questions, developed by the Chief of Police and Assessment Center Consultant, from the assessors. While each promotional candidate will be asked the same, standardized series of questions, individual questions may be asked by assessors depending on the answers given by the candidates; and,
- An oral presentation on a subject predetermined by the Chief of Police in consultation with the Assessment Center Consultant. The Deputy Chief candidates shall not be told the presentation topic until they report to their scheduled Assessment Panel date and time. They will be given 45 minutes to prepare a 10 minute presentation for the panel and will all have equal access to presentation resources including computers, computer software, printers, and audio/visual equipment. Promotional candidates will not be allowed to bring their own presentation materials.

### 3. Assessment Panel Ratings

The Assessment Panel members will independently rate each candidate on the following dimensions, for a maximum of 100 points.

- Verbal Communication Skills – Orally expresses ideas and information effectively, clearly articulates thoughts and observations, demonstrates confidence and competence through speech, understands verbal instructions and is willing to ask for clarification in the event of a misunderstanding (20 points);
- Personal Interaction Skills – Ability to demonstrate sensitivity, empathy, and concern for the welfare of others, shows tactfulness and diplomacy, and shows consideration for the feelings and needs of others (15 points);
- Analytical Ability – Recognizes pertinent issues and problems, understands the origin, nature, and important elements of a situation, identifies alternative choices and solutions for handling a situation or problem, demonstrates the ability to make sound decisions, and understands liability issues (15 points);
- Adaptability and Flexibility Skills – Ability to adjust, adapt, and change according to current information and circumstances, responds appropriately to fluid situations as incoming information changes, and develops alternative responses when confronted with new information (15 points);
- Objectivity – Demonstrates fairness and impartiality, is open to receiving new information and ideas, and states personal views and facts without distortions by prejudice, unfounded stereotypes, or personal biases (15 points); and,
- Commitment and Professionalism – Demonstrates competency by fully meeting or exceeding performance standards on their performance evaluation annual reviews, demonstrates commitment to professional development, and adheres to department policies and procedures (20 points).

**Section 143.035 (continued)**

Ratings and score sheets for each promotional candidate will be collected by the Assessment Center Consultant once all candidates have completed their assessment. The Assessment Center Consultant will give the ratings and score sheets to the Civil Service Director who will calculate the weighted score for each candidate using the process outlined at the beginning of this section.

**H. Final Rankings**

The final rankings will be compiled and posted within 24 hours of receiving the final scores from each assessor. Final rankings will be composed of the following:

- Sergeant and Lieutenant candidates:

Written Examination:	40 points
Seniority Points:	10 points
Certification Points:	5 points
Anonymous Written Exercise:	15 points
<u>Assessment Panel:</u>	<u>30 points</u>
<b>TOTAL</b>	<b>100 points</b>
  
- Deputy Chief candidates:

Written Examination:	40 points
Seniority Points:	10 points
Anonymous Written Exercise:	15 points
<u>Assessment Panel:</u>	<u>35 points</u>
<b>TOTAL</b>	<b>100 points</b>

In the event of a tie, tie breakers will be determined in the following order:

- Highest score on the written exam;
- Seniority in rank;
- Seniority with the Plano Police Department as a sworn officer, as determined by the department's Sworn Seniority List.

**I. Promotional Examination Procedures for Personnel on Active Military Leave**

Qualifying promotional candidates on active military duty outside the State of Texas, or more than fifty miles from the Plano Municipal Center, are eligible to take the Written Examination outside the presence of other candidates. The promotional candidate is required to notify the Civil Service Director of their need for this accommodation at least twenty-five days in advance of the examination.

The Civil Service Director is authorized to coordinate the testing of candidates on active military duty and may exercise the discretion necessary to ensure the secrecy of the examination and to assure proper administrative procedures are followed.



### **Section 143.035 (continued)**

Promotional candidates who qualify under this section will not be available to participate in the remaining components of the promotional process and therefore will not have scores for the Anonymous Written Exercise or Assessment Panel. Their final score will be weighted and calculated as follows:

- Written Examination – 85 points for Sergeant or Lieutenant promotions, 90 points for Deputy Chief;
- Seniority Points – 10 points;
- Certification Points – 5 points for Sergeant or Lieutenant promotions only.

The number of points awarded for each category will be calculated or awarded based on the same criteria listed previously in this directive.

#### J. Record Keeping

The Civil Service Director or their designee shall be responsible for maintaining all records pertaining to each promotional process and candidate performance.

### **Section 143.036 Procedure for Making Promotional Appointments**

See Section 143.036, Chapter 143, LGC

1. Persons accepting a promotion in the Plano Fire Department on or after the effective date of July 15, 1996, shall, within twelve (12) months, meet all educational, certification and paramedic service requirements contained in the official job description for the promotional position in effect as of the date of appointment.
2. If educational certification and paramedic service requirements or criteria are established as requisites to maintaining a promotion, an employee failing to fulfill such requirements or criteria may be subject to demotion or other discipline pursuant to Chapter 143 of the Local Government Code, upon an allegation of cause and recommendation from the department head which meets the provisions of Chapter 143. Whether such requirements or criteria requisite to maintain a promotion are met at the time of determining a promotion may not be considered as a factor in determining such promotion. Nothing in this provision is intended to conflict with the provisions of Chapter 143 of the Local Government Code or any provisions of the City of Plano Civil Service Rules and Regulations, and it is the province of the department head to initiate any related disciplinary or demotion process.
3. The Fire Chief may extend the twelve (12) month compliance period in those cases where required outside training cannot be obtained within the twelve month compliance period. Such extension shall, however, be effective only until the training becomes available.
4. An indefinite suspension is equivalent to dismissal from the Department.
5. In the case of indefinite suspensions in promotional ranks, the vacancy occurs as of the date of the indefinite suspension. Promotions into the vacancy will follow Chapter 143 requirements.
6. If an indefinitely suspended employee's appeal is sustained (partially or wholly) and the employee is reinstated into a promotional rank, the City will request that the City Council increase the number of authorized positions in that rank in order to comply with the order of the Commission or

**Section 143.036** (continued)

the hearing examiner; request that the City Council decrease the number of authorized positions in that rank and any affected lower ranks in order to continue to operate an efficient organization and operation; implement a reduction in force, as authorized in Section 143.085 of Chapter 143.

**Section 143.037** Record of Certification and Appointment

See Section 143.037, Chapter 143, LGC

**Section 143.038** Temporary Duties in Higher Classification

See Section 143.038, Chapter 143, LGC

If a person in the next lower classification is unavailable, the Chief has the discretion to temporarily fill the position to ensure public safety.

(Sections 143.039-143.040 reserved for expansion)

**SUBCHAPTER C. COMPENSATION**

**Section 143.041** Salary

See Section 143.041, Chapter 143, LGC

**Section 143.042** Assignment Pay

See Section 143.042, Chapter 143, LGC

**Section 143.043** Field Training Officer Assignment Pay

See Section 143.043, Chapter 143, LGC

**Section 143.044** Certification, Educational Incentive Pay and Fitness Incentive Pay

See Section 143.044, Chapter 143, LGC

**Section 143.045** Accumulation and Payment of Sick Leave

See Section 143.045, Chapter 143, LGC

For the purposes of this section, a “working day” will be defined as an eight (8) hour duty day. Regardless of the length of the police officer’s working day, a police officer will accrue a minimum of 10 hours of sick leave each month worked.

**Section 143.046** Vacations

See Section 143.046, Chapter 143, LGC

For the purposes of this section, a “working day” will be defined as an eight (8) hour duty day. Regardless of the length of the police officer’s working day, a police officer will accrue a minimum of 10 hours of vacation leave each month worked.

**Section 143.047** Shift Differential Pay

See Section 143.047, Chapter 143, LGC

(Sections 143.048-143.050 reserved for expansion)

## **SUBCHAPTER D. DISCIPLINARY ACTIONS**

### **Section 143.051 Cause for Removal or Suspension**

See Section 143.051, Chapter 143, LGC

The following are declared to be grounds for removal or suspension of any employee from the classified service in the City of Plano:

1. Indictment or conviction of a felony or other crime involving moral turpitude or violation of laws/ordinances of the United States, State of Texas or City of Plano;
2. Violation of the provisions of the Charter of the City of Plano;
3. Acts of incompetency;
4. Neglect of duty;
5. Discourtesy by said employee to the public or to fellow employees;

### **Section 143.051 (continued)**

6. Acts of said employee showing a lack of good moral character;
7. Drinking of intoxicants while on duty; or intoxication while off duty;
8. Conduct prejudicial to good order;
9. Neglect to pay other just debts;
10. Absence without leave;
11. Shirking duties;
12. Cowardice;
13. Violation of any of the rules and regulations of the Fire Department or Police Department; or of special orders as applicable; or of these rules and regulations; or of any of the City Personnel Rules and Regulations.

### **Section 143.052 Disciplinary Suspensions**

See Section 143.052, Chapter 143, LGC

### **Section 143.053 Appeal of Disciplinary Suspension**

See Section 143.053, Chapter 143, LGC

### **Section 143.054 Demotions**

See Section 143.054, Chapter 143, LGC

### **Section 143.055 Uncompensated Duty of Police Officers**

See Section 143.055, Chapter 143, LGC

### **Section 143.056 Procedures after Felony Indictment or Misdemeanor Complaint**

See Section 143.056, Chapter 143, LGC

**Section 143.057 Hearing Examiners**

See Section 143.057, Chapter 143, LGC

1. The time limit for appeal to a hearing examiner will be the same as for appeal to the Commission.
2. In appeals to a hearing examiner the "rules of evidence" will not be observed.
3. Hearing examiners shall base their decisions on "substantial evidence".
4. All hearings conducted by a hearing examiner will be conducted within the city limits of Plano.
5. Hearing examiners have the same authority to uphold the suspension, reduce the suspension, or overturn the suspension as does the Commission.
6. Unless expressly authorized by Section 143.057 of Chapter 143, hearing examiners will observe the procedures as described in Section 143.010 of Chapter 143.

(Sections 143.058-143.070 reserved for expansion)

**SUBCHAPTER E. LEAVES**

**Section 143.071 Leaves of Absence; Restriction Prohibited**

See Section 143.071, Chapter 143, LGC

**Section 143.072 Military Leave of Absence**

See Section 143.072, Chapter 143, LGC

See Section 143.032 Promotional Exams process while on active duty.

**Section 143.073 Line of Duty Illness or Injury Leave of Absence**

See Section 143.073, Chapter 143, LGC

**Section 143.074 Reappointment after Recovery from Disability**

See Section 143.074, Chapter 143, LGC

**Section 143.075 Military Leave Time Accounts**

See Section 143.075, Chapter 143, LGC

A firefighter or police officer may donate hours to the appropriate bank at any time by completing and submitting the "donation" form to the civil service office.

A firefighter or police officer making a request of hours from the appropriate leave bank must do so by completing and submitting the "request" form to the civil service office.

(Sections 143.076 - 143.080 reserved for expansion)

**SUBCHAPTER F. MISCELLANEOUS PROVISIONS**

**Section 143.081 Determination of Physical or Mental Fitness**

See Section 143.081, Chapter 143, LGC

If the department head, the firefighter or police officer questions the report, the Civil Service Director is delegated authority to select physician(s), psychiatrist(s) or psychologist(s) as appropriate for the

**Section 143.081 (continued)**

purpose of determining the physical or mental fitness of a firefighter or police officer under Section 143.081 of the Local Government Code. The Director shall report only the results of the determination to the Commission by written correspondence.

If the Commission alone questions the report, the Commission will select a physician, psychiatrist or psychologist as appropriate for the purpose of obtaining a second opinion of the physical or mental fitness of a firefighter or police officer.

**Section 143.082 Efficiency Reports**

See Section 143.082, Chapter 143, LGC

**Section 143.083 Emergency Appointment of Temporary Fire Fighters and Police Officers**

See Section 143.083, Chapter 143, LGC

**Section 143.084 Civil Service Status and Pension Benefits for Certain Fire Fighters and Police Officers**

See Section 143.084, Chapter 143, LGC

**Section 143.085 Force Reduction and Reinstatement List**

See Section 143.085, Chapter 143, LGC

For determining seniority in a position for purposes of this section, the time a firefighter or police officer has served via promotion in a higher classification shall be included.

**Section 143.086 Political Activities**

See Section 143.086, Chapter 143, LGC

**Section 143.087 Strike Prohibition**

See Section 143.087, Chapter 143, LGC

**Section 143.088 Unlawful Resignation or Retirement**

See Section 143.088, Chapter 143, LGC

**Section 143.089 Personnel File**

See Section 143.089, Chapter 143, LGC

The Police Chief has been designated by the Civil Service Director to maintain the files of Police Civil Service employees.

The Fire Chief has been designated by the Civil Service Director to maintain the files of Fire Civil Service employees.

(Sections 143.090-143.100 reserved for expansion)