

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

REVISED October 21, 2025

ORDER OF ADOPTION

BE IT HEREBY KNOWN, that on this date, the Civil Service Commission of the City of Terrell, Texas, met in open session for the purpose of consideration and adoption of the City of Terrell Firefighters' and Police Officers' Civil Service Commission Rules and Regulations. Upon proper motion having been made and seconded, the Commission proceeded to officially adopt the Rules and Regulations for Civil Service employees as set forth on the attached pages.

Therefore, it is the ORDER of this Commission that the Rules and Regulations as set forth be, and are hereby, adopted as the official Rules and Regulations for Terrell Civil Service Employees.

It is further ORDERED of this Commission that the Director of Civil Service shall immediately cause the Rules and Regulations to be officially recorded and thereafter published in accordance with Chapter 143 of the Texas Local Government Code.

It is further ORDERED of this Commission that the Rules and Regulations as adopted shall become fully effective on October 21, 2025 and as soon as all the conditions contained in Texas Local Government Code 143.008(e) have been met.

Signed this 21st day of October, 2025



Kenneth Baker, COMMISSIONER



Gregory Garcia, COMMISSIONER



Rosseth Gutierrez, COMMISSIONER

ATTEST:



Sue Pfleging, CIVIL SERVICE DIRECTOR

CITY OF TERRELL 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 TERRELL
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 has not yet been 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. Seniority from another agency is not considered.

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

- a. The City Manager shall appoint and the City Council shall confirm the appointment of three members of the Civil Service Commission ("Commission"). Those members shall be ratified by 2/3 majority of the city council. In January of each year, the members shall elect one member to serve as Chairperson and one to serve as Vice-Chair. In the event of a vacancy in the chairperson position, the remaining two Commissioners shall promptly elect one Commissioner to fill said position.

- b. The Commission shall appoint the Director.
- c. Each member of the Commission holds office for a staggered three-year term beginning October 1, and thereafter until a successor is appointed and has qualified. Interim vacancies on the Commission shall be filled for the unexpired term of the member whose position has been vacated in accordance with Section a. of these Rules.
- d. Two members of the Commission constitute a quorum sufficient to conduct business meetings and hearings.

The Commission shall conduct its meeting in such a 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).

All agenda items shall be submitted to the Director of Civil Service at least seven (7) days prior to the scheduled meeting date.

Regular meetings of the Civil Service Commission will be held on the third Thursday 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' 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 Terrell 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."

Section 143.008 (continued)

"All situations not expressly covered by Chapter 143, City of Terrell 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 Terrell 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

After any investigation made by the Commission pursuant to Section 143.009 of Chapter 143, the Commission shall issue its ruling in writing and such ruling shall be binding upon both the Department and the Employee, subject to any appeal rights under Chapter 143 and these Rules and Regulations.

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. 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 625217A, 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 regarding the efficient and

effective administration of the Civil Service System for the City of Terrell 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. Agreeing to department head selected 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.

All communications or requests to the Civil Service Commission are to be made, in writing, through the office of the Director of Civil Service, who will then present the same for consideration to the Commission. A summary of the request and the action of the Commission will be made in the official minutes of the Commission.

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 approved by the Department head

Applicants must pass an appropriate polygraph examination performed by a licensed polygrapher approved by the Department head.

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.

4-2.2 Category B Medical Conditions shall include any eye condition that results in a person not being able to perform as a police officer:

A police applicant shall successfully complete the following Terrell Police Fitness standards assessment. The Physical Agility Test for police applicants consists of two parts: Part I and Part II.

Part I of the test consists of a course of ten components of obstacles and tasks that are timed. The ten 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-two seconds (4:22).

After successful completion of Part I in under four minutes and twenty two seconds the applicant will be allowed to proceed to Part II of the test. An applicant unable to successfully complete Part I of the test in the allotted time, will be disqualified from continuing in the process.

The physical ability assessment required by the Terrell Police Department is designed to measure the police applicant's ability to perform the essential functions of the beginning position of police officer.

Physical Agility Test: Part I

Test	Standard
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 seat belt 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.
Distance Run	After exiting the patrol vehicle the applicant is required to run a distance of 300 feet in a straight line.
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.
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 without moving or knocking the obstacle over. Any obstacle moved or knocked down must be repeated by the applicant.
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.
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.
Crawling Exercise	After successfully completing the window entry, the applicant will approach the crawling obstacle. The applicant will approach a wooden beam

Test	Standard
	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.
Four 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.
Six Foot Obstacle Climb	After successfully completing the 4 foot obstacle 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.
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 concluded and must be successfully completed in four minutes and twenty two seconds (4:22) or less.

Physical Agility Test: Part II - Test is not timed and is designed to simulate the firing of a handgun.

Test	Standard
Handgun Simulation	<p>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 cycle a training gun, insert their arm through the ring and fire the training gun one time. The applicant will then switch the gun to their opposite hand, cycle the weapon, insert their arm through the ring and fire the training gun one time.</p> <p>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</p>

Test	Standard
	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 examinations prior to appointment to an entry level position.
- (b) Prior to employment, a Firefighter hired after October 3, 2023, shall successfully complete the following Terrell Fire Department Physical Ability Test:

Timed Events

- Event 1: Stair Climb:** Task Description: The applicant shall climb a 3-story stairwell for a total of 3 times. Time Allowed: 4 Minutes.
- Event 2: Sledge Swing:** Task Description: The applicant shall repeatedly swing a sledgehammer in a chopping motion at a weighted object using enough force to move the object a total distance of approximately 5 feet
- Event 3: 1 ¾” Hose Drag:** Task Description: 4 connected lengths of 1 ¾” dry hose with a nozzle attached will be folded in a standard manner on the ground. The applicant will grasp the hose line and advance 75 ft. in a straight line, make a 90 degree turn and continue an additional 25 ft. The applicant shall stop within the marked area and dropping to one knee, pull the hose line until 50 ft. of hose is within the marked area.
- Event 4: Equipment Carry:** Task Description: The applicant shall remove two saws from a tool cabinet and place them on the round. The applicant shall then pick both saws up and carry them while walking 75 ft., turn 180 degrees and continue walking back to the starting point where the applicant shall return the saws back into the tool cabinet.
- Event 5: Ladder Raise and Extension:** Task Description: The applicant shall approach the top rung of a 24 ft. extension ladder, lift the unhinged end from the ground, and walk it up hand over hand until it is stationary against the wall. The applicant shall then immediately proceed to a secured 24 ft. ladder and extend the fly section to the top and then back down in a controlled hand over hand fashion.

Event 6: Rescue: Task Description: The applicant shall grasp a 165 lb. manikin and drag it 35 ft. to a pre-positioned drum, make a 180 degree turn and proceed an additional 35 ft. to the finish line.

Total time allowed for Events 2-6: 5 Minutes, 30 seconds.

NOTE: The applicants shall walk 85 ft. along an established walkway to and between each event. Time continues to run during the walk between events.

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

Age and Citizenship:

A person must be at least 21 years of age by the date of commission by TCOLE as a peace officer, **or** 18 years of age if the applicant has received: an associate's degree; or 60 semester hours of credit from an accredited college or university; or has received an honorable discharge from armed forces of the United States after at least two years of active service.

September 1, 2023. There is no upper age limit for a beginning position in the police department provided the applicant meets all the other requirements.

All applicants must be United States Citizens **and/or**

September 1, 2023 Senate Bill 252. If the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship.

Education:

At the time of application an applicant must meet one of the following criteria:

1. Be a high school graduate;
2. Have a high school equivalency certificate and completed at least 12 hours at an institution of higher education with at least a 2.0 grade point average on a 4.0 scale.

Military Service (if applicable):

Cannot have been discharged from any military service under less than honorable conditions including:

1. Under other than honorable conditions;
2. Bad conduct;
3. Dishonorable; or
4. Any other characterization of service indicating bad character.

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. Has failed to demonstrate their ability to read, write, and fluently speak the English language. Temporary disqualification until the deficiency is corrected.
2. Is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation.
3. 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 police officer.
4. Individuals registered as "sex offenders" will be permanently disqualified. (Temporary or Permanent disqualification based on nature of occurrence.)
5. 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.
6. 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 how recent.

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.

7. 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.

8. Has been rendered *impeached* by any court for testimony based on any violation of the “Brady rule” or the Michael Morton Act. Permanent disqualification.
9. 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.
10. 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 Terrell police officer; failure to present the maturity expected of a Terrell police officer; or failure to accurately and precisely respond to the questions of the interviewers. Temporary disqualification.
11. 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 two (2) years. (Temporary disqualification until two (2) years has passed from last use.)

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

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 how recent.

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.

Admission of any single, 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

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 Terrell 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.
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.

Changes in state certification requirements will become effective on the date when the minimum standard is revised by the Commission to include such changes and will apply to all future applicants. If the change is of such magnitude that it prohibits licensing, the change will apply to all candidates remaining on an eligibility list.

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 Terrell Fire Department will be 18.
- (2) All applicants for beginning positions in the Terrell 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 an EMT-Paramedic by the Texas Department of State Health Services.
- (3) All applicants for beginning positions in the Fire Department who are hired after October 3, 2023, will, as a condition of employment, be required to be certified as a paramedic by the Texas Department of State Health Service and be authorized to operate as a paramedic by the Fire Department's Medical Director, when deemed necessary by the Fire Chief.

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 is 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 Terrell 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).

Section 143.023 (B) (continued)

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.)

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 Terrell firefighter; failure to present the maturity expected of a Terrell 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.)
 - 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 have 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 presents potential liabilities to the City of Terrell.

- 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.)

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

The Director shall cause to be posted in plain view on a bulletin board in the lobby of City Hall, the office of the Civil Service Commission, and both the Police and Fire Administration Buildings notices to timely announce upcoming entry level examinations as well as the deadlines for accepting and processing applications. Posting of the examination date shall be made at least twenty-one (21) days prior to the examination.

Applications for Police Officer will be allowed up to the start time of the written examination. Applications for Firefighter will be allowed up to seven (7) business days prior to the date of the written examination. After the deadline for acceptance of applications, the director or appointee shall review completed

applications to determine if each applicant meets the minimum legal and departmental qualifications for the beginning position. In cases where the minimum qualifications are not met, the Director shall consult with the department head for concurrence and then notify the applicant that his/her application has been rejected and for what reason.

Section 143.025 Entrance Examinations

See Section 143.025, Chapter 143, LGC

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.

Active eligibility list may run concurrently by creation and certification date. More than one list may exist, however, a subsequent lists shall not be initiated, but may be active, until the prior list is exhausted. Applicants will be processed in the order of eligibility.

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 parent's 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.
- (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 Terrell 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) The order in which the applicants turned in their written examination.
- (3) 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 based on 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 Terrell Police Department may be reappointed to the department without taking another entrance examination.

- 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. If there has been a break in service of more than thirty (30) days, upon receiving an offer of reappointment, the police officer shall be given a physical and psychological examination prescribed by the City.
- d. If there has not been a break in service of more than 30 days, upon receiving an offer of reappointment, the police officer may be given a physical and psychological examination prescribed by the City.
- e. Candidates for reappointment must fully meet the requirements of the Texas Commission on Law Enforcement.
- f. A candidate for reappointment may be appointed regardless of the availability of an Eligibility list.
- g. A candidate for reappointment has priority over candidates already on an Eligibility list.
- h. 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 Terrell police officer.
- i. A reappointed police officer shall serve a modified probationary period of six (6) months beginning on the date of reappointment. Conditions of the probationary period shall be determined by the Chief of Police.
- j. A reappointed police officer may be required to attend remedial training up to and including the entire basic training class as deemed appropriate by the Chief of Police.
- k. A reappointed police officer shall be eligible to apply for a promotional examination as provided in Section 143.031 of Chapter 143. Seniority points for addition to a passing examination score shall be calculated on the basis of an adjusted commission date in the department reflecting all time served as a commissioned police officer in the department.
- l. A reappointed police officer's years of seniority shall be calculated on the basis of an adjusted commission date in the department reflecting all time served as a commissioned police officer in the department.

Section 143.026 Procedure for Filling Beginning Positions

See Section 143.026, Chapter 143, LGC

- a. Preference to Certified applicants
In making appointments from an eligibility list, the Department Head, at his discretion may give preference to applicants who already possess the required state certification(s). This may result in non-certified applicant(s) being passed over to reach certified applicants on the eligibility list.
- b. Removal of Candidate from Eligibility List
The name of any suitable person who has been offered appointment by the department and declines the appointment may be stricken from the eligibility list.
- c. Lateral Hiring of Police Officers
 - (1) Seniority Pay is authorized by Texas Local Government Code § 143.041(c) (1).
 - (2) Lateral applicants must meet all qualifications for hire set out in these Rules to be appointed.
 - (3) Applicants for police officer positions shall be eligible for Special Seniority Pay for Lateral entry if they meet the requirements of the Police Officer Lateral Entry Program as outlined in Terrell Police Department G.O. 40.05 Re-appointment, Re-hire, and Lateral Entry of Police Officers and Civilians.
 - (4) An applicant who holds a high school equivalency certificate with a minimum of three (3) years continuous service as a full-time certified Police or Law Enforcement Officer with a police law enforcement agency, an individual hired or reappointed as licensed/certified may also qualify for "lateral entry", as determined by the department head *without* the 12 hours at an institution of higher education.

Procedure

- a) When a vacancy occurs in a beginning position in the police department, the department head, or designee, 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 number of persons having the highest grades on the eligibility list based on the number of available positions to fill.
- b) From the 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.
- 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, licensed/certified, or reappointed
 2. Academy start date and/or operational needs of the department regardless of person's 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.
 4. Based on 1 above, and a minimum of at least (2) years continuous service as a full-time certified Police or law enforcement officer with a police law enforcement agency an individual hired or reappointed as *licensed/certified* may qualify for "lateral entry," as determined by the department head.
 5. Provided the lateral entry falls within the pay scale of the same classification, the appointed person may be placed in the pay scale at the step that equates to the level of full-time law enforcement service at any other police agency
 6. The department shall establish rules and other eligibility for lateral entry.

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 Terrell 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.

For Entry-Level police officers, the two-year period begins upon the date of completion of the probationary period. For all other classifications, the two-year period begins based upon the date of appointment.

The Commission also specifies that a police officer of any classification or rank is only eligible for permanent promotion to any higher rank if they have served in good standing for 12 months (one-year) beyond the issuance of any formal department discipline of the level of Written Reprimand or Suspension.

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

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.

Eligible employees who wish to apply for the promotion opportunity must sign up using the promotional sign-up list. Signing up for promotion must be performed no later than seven (7) days before the examination.

Eligible employees who are not physically able to sign up for a promotional examination may sign up by certified letter or appoint by letter another individual to perform this task. The letter must state a reason why the applicant cannot be physically present to sign up other than a matter of convenience. The letter must be received by the Civil Service Director prior to the sign-up deadline. A confirmation letter will be sent to the applicant. This confirmation letter must be presented at rollcall for the exam for the applicant to be admitted to the exam.

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.

To provide for competitive promotional examinations, at least one more candidate than the number of open positions must sign up for the exam. If there are not two (2) 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 one more qualified candidate(s) than available positions to fill are signed up for the exam.

For example, (six) 6 open positions require seven (7) candidates to sign up to be considered competitive.

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.

F. An eligible promotional candidate serving on military active duty:

1. Will be notified of scheduled promotional exams via e-mail.
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 with 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 the review and/or appeal process are to be returned to the Civil Service Director by the appeal process deadline.

I.D. Verification: At the beginning of the promotional examination, rollcall shall be taken from the signup list. Any person who has not signed up and does not present proper identification shall not be permitted to take the examination.

Failure to Appear: A person who fails to appear for a promotional examination shall forfeit their status as an applicant for the examination.

Cheating: Any examinee who uses or attempts to use any unfair or deceitful means to pass an examination shall be informed by the examiner that the examinee's action shall be reported to the Commission as well as to the Department Head. If the Commission determines after a hearing that the examinee used or attempted to use unfair or deceitful means to pass the examination, such examinee shall be removed from the eligibility list by the Commission. The Department Head shall also determine if further disciplinary action is warranted.

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.

(2) Police Department

For all police officers 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) Highest seniority in the position immediately below the position for which the exam was given;
- (3) Highest seniority in the department as a commissioned police officer or commissioned firefighter;
- (4) Rank on final certified entrance eligibility list.

(3) Posting Examination Results

The raw scores of each examination for promotion shall be posted on a bulletin board located in the lobby of City hall, in the Office of the Civil Service Commission, and in the Police or Fire Administration Building(s) within twenty-four (24) hours after the examination.

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 Director will make appropriate arrangements for the commission to hear and determine all such requests concerning the same examination at the same time.

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 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.

Section 143.034 (continued)

- (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.

After its determination, the commission shall certify the appropriate changes, if any, to be made in the scoring of the examination's raw score points or the computation of the total final score and cause to be approved an eligibility list.

Section 143.035 Alternate Promotional System in Police Department

See Section 143.036, Chapter 143, LGC

Section 143.036 Procedure for Making Promotional Appointments

See Section 143.036, Chapter 143, LGC

1. Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted. It does create an expectancy interest to be promoted subject to:
 - a The creation of a vacancy in the classified position during the existence of the eligibility list.
 - b A city ordinance which deletes or expresses the intent to delete the particular position upon the occurrence of a vacancy; or
 - c Prior review by the Department Head for determination of a promotional bypass action.
2. Persons accepting a promotion in the Terrell Fire Department or Terrell Police Department on or after the effective date of October 3, 2023, shall, within twelve (12) months, meet all educational and certification requirements contained in the official job description for the promotional position in effect as of the date of appointment.

Section 143.036 (continued)

3. If educational or certification 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 Terrell Civil Service Rules and Regulations, and it is the province of the department head to initiate any related disciplinary or demotion process.
4. The Fire Chief or Police 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.
5. An indefinite suspension is equivalent to dismissal from the Department.
6. In the case of indefinite suspension in promotional ranks, the vacancy occurs as of the date of the indefinite suspension. Promotions into the vacancy will follow Chapter 143 requirements.

7. 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 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

Section 143.046 Vacations

See Section 143.046, Chapter 143, LGC

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 Terrell:

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 Terrell;
2. Violation of the provisions of the Charter of the City of Terrell;
3. Acts of incompetency;
4. Neglect of duty;
5. Discourtesy by said employee to the public or to fellow employees;
6. Acts of said employee showing a lack of good moral character;
7. Consumption 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;

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

It shall be the duty of the Civil Service departments and of all employees to use every effort to resolve conflict within the department concerned and to minimize resorting to the appeal processes. No matter what the conflict, management and the employee(s) concerned shall make good faith attempts to peacefully resolve the conflict prior to beginning each subsequent step of the appeal process.

Section 143.053 (continued)

If an employee is in doubt as to whether a situation or issue may be appealed to the commission the employee is encouraged to timely file their request for appeal or hearing so as not to inadvertently waive the issue or the filing deadline. The request will then be considered by the Commission, who shall respond by informing the employee whether the situation or issue is appropriate for consideration by the Commission. If so, the then Director of Civil Service will arrange to have the matter placed on the Commission's agenda or other such appropriate arrangements.

Matters not subject to appeal:

1. Employee dissatisfaction resulting from a transfer or reassignment of duties
2. Employee dissatisfaction resulting from a discretionary policy decision or policy matters
3. An employee who has voluntarily resigned or retired from Civil Service thereby forfeits all rights to the disciplinary appeal processes, unless the appeal or request for hearing was timely filed prior to retirement or resignation.
4. An employee who has voluntarily accepted an agreement in writing which expressly evidences the intent to finally resolve the issue(s) of any form of disciplinary action imposed shall also include a statement to the effect that the employee waives all rights to further proceedings in the disciplinary appeal processes for such specific disciplinary action.

Matters subject to appeal:

1. Suspensions
2. Recommended Involuntary Demotions
3. Promotional By-Passes
4. Any other issues related to Chapter 143 requirements and on which the Commission has authority

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 Terrell.

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

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Section 143.081 Determination of Physical or Mental Fitness

See Section 143.081, Chapter 143, LGC

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

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)