

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

REVISED AUGUST 28, 2012

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.

Section 143.002 Municipalities Covered By Chapter

See Section 143.002 of Chapter 143

Section 143.003 Definitions

See Section 143.003, Chapter 143

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

Section 143.005 Status Of Employees If Chapter Adopted

See Section 143.005, Chapter 143

Section 143.006 Implementation: Commission

See Section 143.006, Chapter 143

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 Chairman, 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 Texas 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, 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

Section 143.008 Adoption and Publication of Rules

See Section 143.008, Chapter 143

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.

Section 143.010 Commission Appeal Procedure

See Section 143.010, Chapter 143

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

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

The Director or Assistant Director (appointed by the Commission) shall perform work and be responsible for such matters as required by 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:

- Administration of all examinations, to include eligibility determination, registration, scheduling, scoring, preparation and certification of eligibility lists.
- Classification of Fire and Police Department positions.
- Receive important documents and/or correspondence on behalf of the Commission and respond accordingly.

Section 143.013 Appointment and Removal of Department Head

See Section 143.013, Chapter 143

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

See Section 143.014, Chapter 143

Section 143.015 Appeal of Commission Decision To District Court

See Section 143.015, Chapter 143

Section 143.016 Penalty For Violation of Chapter

See Section 143.016, Chapter 143

(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

Section 143.022 (A) Police Applicant Physical Requirements and Examination

See Section 143.022, Chapter 143

Applicants must pass an appropriate physical examination and a mental examination administered by a physician, psychiatrist, or psychologist appointed by the Commission.

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:

- Event 1: Vertical Jump: Complete a vertical jump-up of 16 inches.
- Event 2: One (1) Repetition Bench Press: From a bench press position, push 79% of body weight, or 149 pounds one time.
- Event 3: Agility Run: Starting in a prone position, run 30 feet one way, reverse direction, run 30 feet, reverse direction, run 30 feet and serpentine through four (4) traffic cones spaced 10 feet apart, reverse direction and serpentine through the same four (4) traffic cones 30 feet, reverse direction, run 30 feet, reverse direction and sprint 30 feet to the finish line in 18.9 seconds.
- Event 4: Sit-ups: With fingertips behind ears, complete a minimum of 33 sit-ups in one (1) minute.
- Event 5: Push-ups: 25 repetitions.
- Event 6: 300 Meter Run: Sprint 300 meters in 68.1 seconds.
- Event 7: 1.5 Mile Run: Run 1.5 miles in 16 minutes and 48 seconds.

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 a Commission appointed medical or mental health provider. 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 Fire Rescue Specialist hired after December 17, 1998, shall successfully complete the following Plano Fire Department Physical Ability Test:

Pass/Fail Events

- Event 1: Simulated Backboard Lift/Carry: Lift a 92-pound barbell from ground level to waist level, carry it approximately 40 feet, and return it to the start location.
- Event 2: Aerial Climb: While attached to safety line and wearing a firefighting coat, helmet, gloves and SCBA, climb 100 feet up a fire aerial ladder set at a 70-degree angle and return down the ladder.

Timed Events

- Event 3: Dry Hose Deployment: Advance a 1.75-inch hose line for a distance of approximately 125 feet.

- Event 4: Charged Hose Deployment: Advance a pre-connected 1.75-inch charged hose line for a distance of approximately 190 feet.
- Event 5: Halyard Raise: Raise the fly section of a 24-foot aluminum extension ladder and return it to the starting position.
- Event 6: Ladder Removal/Carry: Remove a 14-foot roof ladder from brackets mounted onto a building wall, carry the ladder 65 feet around a diamond shaped course, and return the ladder to mounted brackets.
- Event 7: Roof Walk: Ascend and descend a 14-foot roof ladder, placed on a pitched roof with hooks over ridge while carrying a chainsaw.
- Event 8: Roof Ventilation: Stand on a pitched rooftop and strike the roof 30 times with an 8-pound sledgehammer.
- Event 9: Attic Crawl: Crawl a distance of approximately 30 feet through an attic space while carrying a flashlight.
- Event 10: Victim Removal: Drag a 165-pound dummy a distance of approximately 55 feet.
- Event 11: Stair Climb with Hose Pack: Climb interior stairs of the training tower to the 4th floor carrying a hose pack (100 feet of 1.75-inch hose) and place hose pack in a designated area. Crawl Search: Conduct a crawling search around the perimeter of the 4th floor, a distance of approximately 75 feet. Pick up the hose pack, return it to the ground and place the hose pack in a designated area.
- Event 12: SCBA Cylinder Carry/Hose Hoist: Pick up two SCBA cylinders (connected at the valve with a strap) and place the strap over the shoulder. Climb exterior stairs to the 3rd floor and place cylinders in a designated area. Using a rope, hoist a 1.75-inch hose line up to the 3rd floor landing and over the railing. Place hose line nozzle in a designated area, pick up cylinders and return to the ground.

Physical Ability Test Procedures:

To prevent injury, supervised stretching exercises will be conducted 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.

Events 1 and 2 are pass/fail, non-timed events.

Event 1 will be conducted without protective clothing.

Event 2 – Event 12 will require protective clothing (structural firefighting coat, helmet, gloves and SCBA w/o mask).

Event 3 – Event 12 are timed events with time starting at the beginning of Event 3 and time stopped at the completion of Event 12. The maximum accumulative time for successful completion of Event 3 – Event 12 is nine (9) minutes and thirty-two (32) seconds.

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

1. There is no age requirement for promotional candidates.
2. In accordance with Texas 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 commission. 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

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. 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.

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 illegal use of marijuana during the last three (3) years. (Temporary disqualification until three (3) years has passed from last use.)

Admission of illegal 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 Penal Code.

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.
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 Officer Standards and Education. Temporary disqualification until candidate can meet the above standards.

Section 143.023(B) Eligibility For Fire Beginning Position

See Section 143.023, Chapter 143

- (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 at the time of the exam:
 - 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 by the Texas Department of State Health Services.
 - Fire Administration will notify each candidate as to when they are to provide required certification documents.
- (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.

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 for 12 months.)

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.)
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 for 12 months.)
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.)
 - 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 Penal 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:
 - Crystal Methamphetamine or Methamphetamine
 - Heroin
 - OxyContin
 - Crack Cocaine

- PCP
- Katamine
- LSD

(Permanent disqualification)

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.)
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.)

Section 143.024 Entrance Examination Notice

See Section 143.024, Chapter 143

Applicants shall complete a Pre-Registration Questionnaire to determine eligibility to take the entrance examination. Eligible applicants will be automatically registered for the exam and will receive an exam “entrance form”. Failure to complete and submit the Pre-Registration Questionnaire in the manner and within the time limits prescribed in the “Notice of Entrance Examination” and failure to file the Questionnaire with the Director within the applicable timeline 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, such as death in the immediate family, public emergency, unavailability of test site, etc., postpone an examination to a later date.

Section 143.025 Entrance Examinations

See Section 143.025, Chapter 143

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 Texas 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 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 competitors for entrance positions attain the same grade, the tie shall be broken in the following manner prior to the posting of the eligibility list:

- (1) The applicant making the highest grade on the written examination.
- (2) By a random drawing in a manner designated by the Director of Civil Service.

The Commission or Director may, because of the small number of applicants for any position, or because of any other good and sufficient reasons, postpone an examination 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

A police officer who voluntarily resigns from the City of Plano 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. 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 Standards and Education.
- e. A candidate for reappointment may be appointed regardless of the availability of a list of eligibles. A candidate for reappointment has priority over candidates on a list of eligibles.
- f. The maximum age requirement under the Texas 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.

Section 143.026 Procedure For Filling Beginning Positions

See Section 143.026, Chapter 143

The hire date of a person appointed to a beginning position in the fire or police department will be subject to:

1. State certification status (i.e. TCLEOSE OR TCFP) 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 positioned lower on the eligibility list may have a hire date earlier than an individual positioned higher on the eligibility list. When this occurs, there will be a vacant position for the later hired individual.

Section 143.027 Probationary Period

See Section 143.027, Chapter 143

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 Officer Standards and Education, but in no event shall the period be extended longer than six (6) months.

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

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

Section 143.030 Eligibility For Fire Department Promotional Examination

See Section 143.030, Chapter 143

Section 143.031 Eligibility For Police Department Promotional Examination

See Section 143.031, Chapter 143

Section 143.032 Promotional Examination Procedure

See Section 143.032, Chapter 143

- 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 and submit in person, to the Civil Service office located in the Human Resources Department, the Official Application for Promotion Examination form, 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.
 - 3. Initial and date registration log.

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, such as death in the immediate family, public emergency, unavailability of test site, etc., postpone an examination to a later date.

- E. An eligible promotional candidate serving on active military 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 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

A raw score (actual exam score before adding seniority points) of seventy (70) is needed to pass the exam.

Whenever two (2) or more competitors for promotion shall attain the same grade, the tie shall be broken in the following manner:

- (1) The eligible promotional candidate making the highest grade 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 department.
- (3) If the grade is still tied after the above two (2) considerations, the tie shall be broken by lot and the effected candidates may be present for the drawing or designate another person to draw for them.

Section 143.034 Review and Appeal of Promotional Examination

See Section 143.034, Chapter 143

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 Texas 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) have 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.
- (d) 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.
- (e) 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 Texas Local Government Code.
- (f) 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

Section 143.036 Procedure For Making Promotional Appointments

See Section 143.036, Chapter 143

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 Texas 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 Texas 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 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

Section 143.038 Temporary Duties In Higher Classification

See Section 143.038, Chapter 143

(Sections 143.039-143.040 reserved for expansion)

SUBCHAPTER C. COMPENSATION

Section 143.041 Salary

See Section 143.041, Chapter 143

Section 143.042 Assignment Pay

See Section 143.042, Chapter 143

Section 143.043 Field Training Officer Assignment Pay

See Section 143.043, Chapter 143

SECTION 143.044 Certification and Educational Incentive Pay

See Section 143.044, Chapter 143

Section 143.045 Accumulation and Payment Of Sick Leave

See Section 143.045, Chapter, 143

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

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.

See Section 143.046, Chapter 143

Section 143.047 Shift Differential Pay

See Section 143.047, Chapter 143

(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

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;
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

Section 143.053 Appeal Of Disciplinary Suspension

See Section 143.053, Chapter 143

Section 143.054 Demotions

See Section 143.054, Chapter 143

Section 143.055 Uncompensated Duty Of Police Officers

See Section 143.055, Chapter 143

Section 143.056 Procedures After Felony Indictment Or Misdemeanor Complaint

See Section 143.056, Chapter 143

Section 143.057 Hearing Examiners

See Section 143.057, Chapter 143

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

Section 143.072 Military Leave Of Absence

See Section 143.072, Chapter 143

See Section 143.032 Promotional Exams for process while on active duty.

Section 143.073 Line Of Duty Illness Or Injury Leave Of Absence

See Section 143.073, Chapter 143

Section 143.074 Reappointment After Recovery From Disability

See Section 143.074, Chapter 143

Section 143.075 Military Leave Time Accounts

See Section 143.075, Chapter 143

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

If the department head, the firefighter or police officer questions the report, the Civil Service Director is delegated authority to select a physician, psychiatrist or psychologist as appropriate from a list previously approved by the Commission for the purpose of obtaining a second opinion of the physical or mental fitness of a firefighter or police officer.

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

Section 143.083 Emergency Appointment Of Temporary Fire Fighters and Police Officers

See Section 143.083, Chapter 143

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

See Section 143.084, Chapter 143

Section 143.085 Force Reduction and Reinstatement List

See Section 143.085, Chapter 143

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

Section 143.087 Strike Prohibition

See Section 143.087, Chapter 143

Section 143.088 Unlawful Resignation Or Retirement

See Section 143.088, Chapter 143

Section 143.089 Personnel File

See Section 143.089, Chapter 143

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)