

Table of Contents

CODE OF RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD

Rule I - Organization of Civil Service Board.....	1
Rule II - Rules and Regulations of Civil Service Board.....	1
Rule III - Duties of Secretary	1
Rule IV - Unclassified and Classified Service	2
Rule V - Employee Organizations.....	3
Rule VI - Application for Examination	3
Rule VII - Advertisement of Examinations	5
Rule VIII - Conduct of Examinations.....	5
Rule IX - Register of Eligibles	6
Rule X - Appointments - Competitive Class.....	7
Rule XI - Appointments - Non-Competitive Class	9
Rule XII - Political Activity	10
Rule XIII - Employee Performance	11
Rule XIV - Promotions	11
Rule XV - Transfer, Reduction of Force, Reinstatement	17
Rule XVI - Removals, Suspensions, Reduction, Resignation.....	19
Rule XVII - Trial Board and Administrative Law Judge Hearings	20
Rule XVIII - Investigations	22
Rule XIX - Reports to the Civil Service Board	22
Rule XX - Retention of Records.....	23
Rule XXI - Change of Rules	23
Rule XXII - Board Meetings	24
Rule XXIII - Requirements for Trainee Police Officer	24
Rule XXIV - Requirements for Trainee Fire and Rescue Officer and Trainee Fire Prevention Officer	25
Rule XXV - Reinstatement from Disability, Retirement, or Resignation	26
Rule XXVI - Longevity Pay.....	28
Rule XXVII - Preference for Provisional Appointment	28
Rule XXVIII - Tenure of Office.....	28
Rule XXIX - Military Service	28
Rule XXX – Veteran’s Preference Credits	29

CODE OF RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD

RULE I

ORGANIZATION OF CIVIL SERVICE BOARD

City Charter, Chapter XVI, Section 1: There is hereby created and established a Civil Service Board to be composed of seven members who shall be qualified taxpaying citizens of the City of Dallas and a number of adjunct members who shall have qualifications established by the City Council. Biennially in August of each odd numbered year, the City Council shall appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified and the mayor shall designate one member as Chair. The adjunct members shall not have voting privileges on matters to be determined by the Civil Service Board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the Civil Service Board shall not hold any other position under the City, County, or State government. The City Council may remove any member or adjunct member of the Board upon stating in writing the reasons for removal and allowing the member or adjunct member an opportunity to present a defense. Any vacancies on the Board shall be filled by the City Council for the unexpired term.

RULE II

RULES AND REGULATIONS OF CIVIL SERVICE BOARD

Section 1.

City Charter, Chapter XVI, Section 2: Immediately after appointment the Board shall organize by electing one of the members Vice Chairman. The Board shall also appoint a Secretary, who shall not be a member of the Board, and such assistants and employees to positions as the City Council may establish.

Section 2.

City Charter, Chapter XVI, Section 4: The Civil Service Board, subject to the approval of the City Council shall adopt, amend and enforce a Code of Rules and Regulations providing for appointment and employment in all positions in the Classified Service, which shall have the force and effect of law; also rules regulating reduction in force of employees and in what order they shall be dismissed and reinstated; shall make investigation concerning the enforcement and effect of this section of the Charter and of the rules adopted under the powers herein granted. It shall make an annual report to the City Council at the end of each fiscal year, giving a complete statement of the Board's activities and containing such recommendations with regard to improving the efficiency of the Civil Service as it may deem advisable.

RULE III

DUTIES OF SECRETARY

Section 1.

It shall be the duty of the Secretary, subject to the direction of the Civil Service Board, to keep the minutes of all proceedings of the Civil Service Board and have charge of and be responsible for the safe keeping of the books, records, papers and other property in its office, make such certifications of those eligible for appointment or employment as the Civil Service Board may direct, maintain efficiency records, prepare or supervise the preparation of all examinations, and the grading of papers submitted as the result of examinations, and such other duties as the Civil Service Board may designate or as may be necessary not inconsistent with the City Charter.

RULE IV UNCLASSIFIED AND CLASSIFIED SERVICE

Section 1.

The Civil Service of the City is hereby divided into the ÒUnclassifiedÓ and ÒClassifiedÓ service, to-wit:

(1) The Unclassified Service shall include:

(a) The directors of departments, assistant directors of departments, and other managerial personnel as designated by the rules of the Board;

(b) City Auditor, City Secretary, Corporation Court Clerk, Secretary of the Civil Service Board;

(c) Manager of Martin Luther King Center Public Health Nursing Supervisor Public Health Administrator Environmental Science Manager of Animal Control Manager of Air and Water Quality Manager of Office of Minority Business Opportunities Assistant City Controller Cash and Debt Administrator Risk and Insurance Manager Court Systems Administrator Automotive Fleet Manager of Automotive Technical Support Development Administrator Deputy Chief of Police Deputy Chief of Fire Market Administrator Benefits Administrator Field Operations Superintendent Deputy Director of Water Human Services Program Manager of Housing Assistance Manager of Business Assistance Manager of Radio Communications Manager of Planning & Development Administration Chief Zoning Planner Manager of Systems Programming Systems Program Auditor-Supervisor Manager of Procurement Manager of Office Services Manager of Systems and Utility Management Deputy Tax Assessor/Collector Manager of Subdivision/Annexation Manager of Consumer Affairs Manager of Health & Human Services Administration & Planning Manager of Security, Police Department

(d) Labor class which shall include all ordinary unskilled labor.

(2) The Classified Service shall include all positions not exempted or otherwise designated according to the Charter. There shall be in the Classified Service two (2) classes to be known as the Competitive Class and the Non-Competitive Class, to wit:

(a) The Competitive Class shall include all positions and employment for which it is practical to determine the merit and fitness of the applicant by competitive examination.

(b) The Non-Competitive Class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the Board.

Section 2.

City Charter, Chapter XVI, Section 9: The Legal Department, City Manager's Office, the Library Department, the Park and Recreation Department, the Radio Department, the Transit System, Corporation (Municipal) Court Judges, and the City Council office staff are exempted from the provisions applicable to the Civil Service.

Section 3. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel system or Civil Service provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit

any fraud preventing the impartial execution of such provisions, rules and regulations. No person who seeks appointment or promotion with respect to any City position shall directly or indirectly, give render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. (City Charter, Chapter XVI, Section 17)

Section 4.

No person shall be appointed to, demoted or dismissed from any position, or in any way discriminated against with respect to employment because of political or religious opinions or because of race, color, sex or national origin. Discrimination on the basis of age or physical disability will be prohibited except where age or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

RULE V EMPLOYEE ORGANIZATIONS

Section 1.

The Civil Service Board acknowledges the right of City employees to organize and join or refrain from joining an organization for the purpose of representation. The Board further recognizes the right of public employees to present grievances through the procedure as specified in the Personnel Rules of the City of Dallas.

RULE VI APPLICATION FOR EXAMINATION

Section 1.

Unless the public notices of an examination specify a particular sex both men and women may apply for examination.

Section 2.

A. Each applicant shall answer all questions and furnish all information as required in the form or forms of application which shall have been approved by the Civil Service Board.

B. The Civil Service Board is authorized to establish and announce the necessary minimum qualifications deemed essential to the various services as preliminary to examination for employment and promotion therein. These qualifications may vary in the respective services and may be revised from time to time as the judgment of the Civil Service Board may determine, may include requirements as to education, training, and experience, may prescribe limitations as to age, height, and weight, and other physical qualifications deemed necessary for the particular service applied for.

Section 3.

In addition to the information required on the approved forms of application each applicant shall submit to such physical examination and tests as shall be deemed necessary by the Civil Service Board to determine the fitness of applicants for the position applied for. (See Rules XXIII and XXIV for minimum requirements for Police and Fire Department applicants)

Section 4.

Reserved for future use.

Section 5.

No recommendation or question under the authority of these rules shall relate to the religious or political opinions or affiliations of any person whatsoever; neither shall such opinions be considered by the Civil Service Board in its examinations.

Section 6.

A. The Civil Service Board may refuse to examine applicants, or after examination may refuse to certify as eligible, or after certification may remove applicant's name from the register and the reason shall be endorsed on the

application, of any who are found to lack any of the established preliminary requirements for the position for which they apply; or who are physically unfit for the performance of the duties of the position to which they seek appointment; or who are addicted to the use of intoxicating beverages to excess, or to the use of cocaine, morphine, or other habits; or who have been found guilty of any crime or misdemeanor involving moral turpitude or disgraceful conduct; or who have been dismissed from the public service for inefficiency, delinquency or misconduct; or whose performance rating was below standard at the time of resignation; or who have intentionally made a false statement of any material fact; or have practiced or attempted to practice any deception or fraud in their applications, in their examination or in securing their eligibility or appointment; or whose character shall, in the opinion of the Civil Service Board, be unsatisfactory. If under charges, the charges must be disposed of prior to examination or certification.

B. Any of the foregoing disqualifications shall be good cause for striking the employee's name from the eligible register and voiding his/her appointment.

C. Except in classes where U.S. citizenship is required to conform with minimum standards established under state law, any lawfully admitted resident alien shall be eligible to file application for permanent employment in the Classified Service and shall have opportunity for employment equal to that afforded any U.S. citizen.

Section 7.

Applications must be filed in the office of the Civil Service Board not later than the filing date specified in the examination announcement and shall be complete at the time of filing.

Section 8.

Any person who has resigned or hereafter resigns under charges, or who has been or may hereafter be dismissed upon charges, shall not, without special vote of the Civil Service Board, be admitted to examination for any position in the Municipal Service; provided, however, that any such person who has resigned or who resigns under charges involving moral turpitude, shall not be eligible for reemployment by the City of Dallas. (See Rule XVI, Section 5)

Section 9.

No application for any examination shall remain on file for more than one year from the date of said application.

Section 10.

No classified employee will be permitted to work under the supervision of.

RULE VII

ADVERTISEMENT OF EXAMINATIONS

Section I.

Notice of competitive examinations to be held shall be given by advertisement in appropriate publications in general circulation within the city the official publication of the City of Dallas designated for publication of notices, at least one week prior to such examination and by posting notices in the office of the Civil Service Board and elsewhere as the Civil Service Board may think advisable, except that when it has been difficult to recruit for any classification the Board may authorize immediate examination and certification of applicants without waiting to determine whether other applications may be filed later in the week.

RULE VIII

CONDUCT OF EXAMINATIONS

Section 1.

The actual conduct of every examination shall be under the direction of the Civil Service Board, or its designated examiners, free from the presence, participation or influence of any person other than the examiners or experts employed by the Civil Service Board.

Section 2.

All examinations shall be impartial, fair, and practical and designed to test the relative qualifications and fitness of applicants to discharge the duties of the particular position which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant.

Section 3.

- A. The Civil Service Board is authorized to prescribe and prepare the nature, type, and extent of examinations deemed necessary to test the relative qualifications fitness of applicants for the respective services, both as to general intelligence and specific information.
- B. Such examinations shall require a general report as to health and physical fitness for service from all applicants and may also include special physical tests and examinations for policemen, firemen, and other services where such tests are deemed advisable for any particular service.
- C. In examinations for positions in the skilled labor service, candidates may be examined as to their knowledge of a trade, craft, or useful art by practical tests or written examination.
- D. The Secretary, acting for the Civil Service Board, shall establish an examination scoring schedule for each examination such that, under provisions of selection guidelines and professional standards, the resultant reported scores correspond in range and precision to the design of the examination.
- E. The Civil Service Board shall issue and amend minimum specifications for the various employments of the Classified Service.

Section 4.

At the request of the Civil Service Board, it shall be the duty of the heads of departments through the City Manager to furnish a specific and comprehensive statement in writing of the requirements of the positions in their respective departments subject to Civil Service regulations.

Section 5.

The Civil Service Board, shall have the power, whenever in its judgment the interests of the public service require it, to order a reexamination of applicants for any position, and shall have the power to correct, amend, or revoke any schedule, register, or other paper or record whereat appears that an error or injustice has been done, or where any person, whose name appears upon the eligible register, has for any reason become incapacitated for appointment in the public service, to strike such name from said register. The reason for such action shall be recorded in full in the minutes of the Civil Service Board.

Section 6.

No applicant shall be admitted to any examination after any candidate has withdrawn or left the place of examination.

RULE IX REGISTER OF ELIGIBLES

Section 1.

A register of eligibles shall be prepared by the Civil Service Board as the needs of the service may require, for each position in the Classified Service, from candidates who have been found duly qualified after an examination and in order of merit and fitness as shown by the respective scores of the aggregate marking. When two or more eligibles shall have equal average scores on an examination, they shall have equal rank on the eligible register.

Section 2.

A. All qualified candidates will remain on the register of eligibles for six months unless otherwise stated in the Civil Service Board Code of Rules and Regulations.

B. The register of eligibles for each classification may be supplemented periodically as the personnel needs of the City and the principle of open competition may warrant. As registers are thus supplemented all eligibles will be ranked according to their respective performance by examination.

RULE X APPOINTMENTS COMPETITIVE CLASS

Section 1.

Every vacancy in the Classified Service not filled by promotion, transfer, reinstatement, or reduction shall be filled by appointment from the eligible register established for that position upon the requisition of the City Manager.

Section 2.

Appointments shall be made to, or employment shall be given in all positions in the competitive class, by selection of persons certified from the eligible register resulting from open competitive examinations held by the Civil Service Board, except as herein otherwise provided. (See Rules XIV and XVI)

Section 3.

A. Whenever the appointing authority shall request a certification from the Civil Service Board for appointment to any position in the competitive class, he shall specify the title, class, duties, and compensation for such position, whether permanent or temporary, so that the certification may be made from the proper eligible register.

B. The Secretary, acting for the Civil Service Board, shall certify to the appointing authority the names of those best qualified as determined by competitive examination for the position(s) in question. The number or proportion of those certified from the eligible register shall be determined to best serve the personnel needs of the requesting department, open and fair competitive selection and equal employment opportunity. The certification of eligibles shall be consistent with the scoring schedule established under the provisions of Rule VIII, Section 3D. A copy of the Application for Employment for any certified eligible shall be made available to the appointing authority upon request. The appointing authority shall make a selection for appointment from the list of certified eligibles and report such action thereon to the Secretary.

C. If the eligible register of qualified persons is excessively long, a workable number of eligibles may be certified.

D. In City departments where selection standards are required to be in substantial conformity with federal merit system standards in order to retain their eligibility to receive federal grant-in-aid funds, appointments from certification under this rule shall be made from the highest ranking ten available eligibles on the certifications.

Section 4.

A. When an eligible certified for appointment shall fail to notify the department head he will accept an offer of appointment, made by mail or otherwise, within the four business days succeeding the notice of appointment, he shall be deemed to have declined the appointment and his name shall be stricken from the eligible register.

B. If, however, it shall be made to appear to the satisfaction of the Civil Service Board within thirty days after giving such notice, that the person was unavoidably, and without fault on his or her part, prevented from accepting said appointment, the name may be restored to its proper position on the eligible register.

Section 5.

An eligible who has declined an appointment on the ground of insufficiency of salary offered shall not thereafter be certified for a position at the same or any less salary except at his written request.

Section 6.

Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and there is no register of persons eligible for appointment, the appointing authority may nominate a person to the Civil Service Board for a noncompetitive examination, and if such nominee shall be certified by the Secretary of the Civil Service Board as qualified after such examination, he may be appointed provisionally for a period not to exceed six (6) months to fill such vacancy with the understanding that during the provisional appointment he may be required to take a competitive examination, and a selection and appointment made after such competitive examinations.

Section 7.

No person whose name is upon an eligible register may waive his right to certification or appointment without being stricken from the register of eligibles, except for one of the following reasons, stated in writing to the appointing authority or the Civil Service Board:

(1) Insufficiency of the salary attached to the position offered, or

(2) Temporary inability, physical or other causes beyond his control, to accept the position offered, the proof of which shall be acceptable to the Civil Service Board. The Civil Service Board shall enter upon its minutes the reasons for its action in each case, and the waiver shall not continue in effect for a longer period than ninety days from the date of certification without a special vote of the Civil Service Board.

Section 8.

The appointing authority shall forward to the Civil Service Board, with the notice of appointments, copies of all correspondence to and from the person declining such appointment.

Section 9.

A. Appointments or promotions of city officers and employees in the Classified and Unclassified Service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the City Manager, or the head of the department in which said probationer is employed without right of appeal. (Employees on probation following promotion are provided retreat rights to their former classification under Rule XVI and the Personnel Rules.)

B. Probationary periods may be extended under Civil Service Rules or Personnel Rules to allow six months of actual on-the-job work performance or completion of any written prerequisites to employment or promotion.

C. When injury or other adverse circumstance causes an extended absence which prevents the full and fair evaluation of an employee during initial probation, the employing department head may request extension of the

probationary period within ten working days of the conclusion of the absence or the scheduled end of the probationary period, whichever occurs first. The secretary may approve the extension not to exceed a total of six months on-job work performance. Extensions shall not be granted where indications of problem absenteeism are present. The Secretary will report granted extensions periodically to the Civil Service Board for review and control.

D. Probation for the classification of Probationary Security Officer shall end six months following completion of the required classroom training but will be subject to the provision of Section C above as appropriate.

E. Probation may be extended by the Civil Service Board to include the entire period of training of a formal apprenticeship training program. When such extension is approved, employees will be so informed prior to employment and will complete probation on successful completion of the training program.

Section 10.

In making any appointment, the appointing authority may, when all other qualifications for employment are equal, give preferential consideration to applicants who are residents of the City of Dallas.

Section 11.

No officer shall appoint, engage, employ, or promote any subordinate officer or employee in the Classified Service, except in accordance with these rules.

RULE XI

APPOINTMENTS - NON-COMPETITIVE CLASS

Section 1.

A. Classes requiring peculiar and exceptional qualifications of a scientific, professional, or expert nature, upon satisfactory evidence that competition as evidenced by written examination is impractical and that positions in these classes can best be filled by the selection of designated persons of recognized attainments, the Civil Service Board may, by a majority vote, suspend competition and declare these classes to be noncompetitive. All such suspensions shall be recorded in the minutes of the Board and the Board shall, from time to time, review all such suspensions to determine if the best interest of the City is served by continuing such classes in the non-competitive class.

B. The person who is recommended for appointment under this rule shall file an application with the Civil Service Board in regular form, together with such proof of education, training, experience, ability and character, as the Civil Service Board may require, and the said Board may use such means as it thinks best to verify the qualifications of the applicant. If such person is properly qualified, the appointing authority shall be so advised and authorized to make appointment.

C. Should an applicant for a position in the noncompetitive class be found to be disqualified for any reason, the appointing authority shall be so advised and he shall then make another selection in such manner as above stated.

Section 2.

A. Time limited positions filled on a part-time, seasonal or temporary basis are considered to be in the non-competitive Classified Service and may be filled either by the reappointment of a former part-time, seasonal or temporary employee previously qualified to perform the same or similar work, or by appointment from a non-competitive list of eligibles who have filed applications on proper form and who meet the minimum requirements for the class for which they have filed applications.

B. Permanent positions designated by the City Manager to be filled under provisions of federally funded programs to assist disadvantaged persons are considered to be in the noncompetitive Classified Service. A person recommended for appointment under this rule shall file with the Civil Service Board an application in regular form. If such person qualified by regular Civil Service examination, the appointing authority shall be so advised and authorized to make appointment. Should an applicant for noncompetitive appointment be found not to be qualified, the appointing authority shall be so advised and such applicant may be appointed to under fill a suitable trainee position in a lower grade on a conditional basis for a period not to exceed one year. During such trainee period the appointee may at suitable intervals attempt to qualify by regular examination for the position being under filled or the most nearly similar class in his career development plan.

C. Before any employee appointed under provisions of this rule will be eligible for permanent appointment, such employee shall have qualified by regular competitive examination for the class in which permanent appointment is sought.

RULE XII POLITICAL ACTIVITY

Section 1.

No officer or employee of the City shall, directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.

To avoid undue influence of City employees on the outcome of City Council elections and to avoid undue influence of City Councilmen or candidates for City Council on City employees, the following restrictions are imposed:

- (1) No employee of the City or association of such employees may publicly endorse or actively support candidates for the City Council or any political organization or association organized to support candidates for the City Council;
- (2) No employee of the City may circulate petitions for City Council candidates, although he may sign such a petition;
- (3) No employee of the City may contribute, directly or indirectly or through an organization or association to such a campaign nor solicit or receive contributions for a City Council candidate;
- (4) No employee of the City may wear City Council campaign buttons nor distribute campaign literature at work or in a City uniform or in the offices or buildings of the City of Dallas.

Section 2.

In elections other than for City Council of the City of Dallas, an employee of the City may not:

- (1) Use the prestige of his position with the City for any partisan candidate;
- (2) Manage a partisan political campaign;
- (3) Solicit or receive contributions for such a campaign;
- (4) Actively support a candidate except on his own time while not in a City uniform nor in an office or building of the City of Dallas. (City Charter, Chapter XVI, Section 16)

RULE XIII EMPLOYEE PERFORMANCE

Section 1.

The City Manager shall require the directors of all departments and their administrative subordinates, having employees subject to Civil Service Rules and Regulations, to evaluate the performance of employees under their direction, to communicate the results of this evaluation to each employee and to make the following reports of this to the Board:

- (1) A blanket report covering each six (6) months' period to indicate those employees performing at or above an acceptable level.
- (2) In the event any employee's performance has become deficient, then the department head shall issue to the Civil Service Board and the employee a report describing the nature of the deficiency in performance, the level of performance required to remove the deficiency, the date on which performance will be next reviewed and the possible discipline that can result if the deficiency is not removed.
- (3) In the event that deficient performance is not corrected, reports to that effect and all orders of disciplinary action shall be filed with the Board.
- (4) In the event that previously identified deficient performance has been corrected to the satisfaction of the department head, a report to this effect shall be filed with the Board.

RULE XIV PROMOTIONS

Section 1.

The Board shall provide for promotion to all positions in the Classified Service on the basis of merit and fitness demonstrated by examination or other appropriate evidence of competition and by records of merit, efficiency, character, conduct and seniority.

Section 2.

A. Vacancies in the competitive class that are not filled by transfer, reinstatement or reduction shall be filled as far as practicable by competitive promotional examinations, but no promotion from one position to a higher one in the competitive class shall be made unless the applicant for promotion shall have given evidence of fitness by meritorious performance as shown by the records of the Civil Service Board. The Secretary shall determine the availability of candidates within the City work force and will authorize open advertising or restriction of eligibility to employees only as manpower needs may indicate is in the best interest of the City and is consistent with the City's Affirmative Action Program.

6B. Eligible registers shall be created and promotions made therefrom in the same manner as prescribed for original appointment except that applicants for promotion shall not be entitled to veteran's preference credits as stated in Rule XXX. Where employees and nonemployees are combined on a register of eligibles, City employment shall be so noted and may be taken into account to the extent that City experience is relevant to the position involved.

C. In police and fire classes, applicants for promotional examinations must have regularly occupied the next lower classification in the same service group for at least six months immediately prior to the examination. For purposes of these Rules Rank shall be understood to indicate a level of responsibility and authority evidenced

by a level of compensation; "classification" shall include the title and type or specialty associated with a given rank.

Section 3.

Promotional examinations shall be open to all City employees who have completed six months service after appointment and who have established eligibility to compete in such examinations.

Section 4.

A. Police Department. Minimum Requirements for Promotion.

(1) Promotions to all classes in the department shall be made from respective eligible lists created as a result of promotional examinations administered to employees meeting the following minimum requirements or as otherwise provided.

(a) Probationary Police Officer: Employees who have successfully completed the training and qualification period as Trainee Police Officer shall be eligible for certification and appointment to the class of Probationary Police Officer.

(b) Police Officer: Employees who have successfully completed a six month service period as Probationary Police Officer shall be eligible for the class of Police Officer without further examination.

(c) Senior Corporal: Police Officers who have served in the Department for three years including two years as a Police Officer shall be eligible to take this examination.

(d) Sergeant: Those employees who have served one year as a Senior Corporal shall be eligible to take this examination.

(e) Police Lieutenant: Those employees who have served for one year as Sergeant or Detective shall be eligible to take this examination.

(f) Police Captain: Those employees who have served for one year as Police Lieutenant shall be eligible to take this examination.

(2) Where experience in a lower rank is made a part of the requirements the applicant must have been appointed to a permanent position in that rank as a result of passing a promotional examination and have received the pay for that rank. Those candidates who will meet the eligibility criteria for any promotional rank prior to six months following administration of an examination may compete on that examination but will not be eligible for promotion until they have successfully completed service required for promotion in Subsection 1.

(3) The Civil Service Board shall have the right to establish promotional requirements for any new class that might be established and any class now established which might be changed so as to affect its relationship with other classes.

(4) Probation. Promotion of any employee of the Police Department shall not be deemed complete until a period of six months shall have elapsed from the date of appointment to the higher class. If, during the six-month period, the promoted employee does not merit the promotion and it is recommended by the Chief of the department and approved by the City Manager that he be reduced, then the employee so promoted shall be returned to the rank or class held by him at the time of his promotion. This shall be done without the necessity of a trial or of showing that his efficiency has fallen below the minimum requirement.

(5) Promotional Examinations. On any promotional examination for the Police Department the names of all those making passing grades in the examination shall be placed on the eligible list. Where the examination has consisted in part of an assessment center the promotional eligible list shall remain in effect for a period not to

exceed eighteen months from the date the list is established or is exhausted. Lists established based on examinations which do not include an assessment center shall be in effect for one year. For purposes of calculating effective dates of lists of eligibles each period shall begin at 12:00 a.m., the date certification of eligibles is made to the Police Department and shall end at 11:59 p.m., on the 365th or 548th following day as applicable. The Civil Service Board shall hold an examination to create an eligible list within ninety (90) days after receiving notification of a vacancy in any classification filled under this rule, unless an eligibility list in existence.

(6) Serving in Higher Positions. Nothing in these rules shall prevent the Chief of the Police Department from designating some person from the next lower classification to fill a position in a higher classification and to receive the base pay for such higher classification plus his or her own experience, service, and education incentive pay. Such temporary assignments shall be for a period of no less than 15 calendar days nor more than 90 calendar days, without express approval by the Civil Service Board. Temporary performance of the duties of any such higher position by a person who has not been promoted in accordance with these rules shall never be construed to promote such person, nor shall such temporary assignment affect in any way that person's status on the eligible list and eligibility for certification for permanent promotion.

B. Fire Department. Minimum Requirements for Promotion.

(1) Promotions to all classes in the department shall be made from respective eligible lists created as a result of promotional examinations administered to employees meeting the following minimum requirements or as otherwise provided.

(a) Probationary Fire and Rescue Officer: Employees who have successfully completed the training and qualification period as Trainee Fire and Rescue Officer shall be eligible for certification and appointment to the class of Probationary Fire and Rescue Officer without further examination.

(b) Probationary Fire Prevention Officer: Employees who have successfully completed the training and qualification period as Trainee Fire Prevention Officer shall be eligible for certification and appointment to the class of Probationary Fire Prevention Officer without further examination.

(c) Fire and Rescue Officer: Employees who have successfully completed a six month service period as Probationary Fire and Rescue Officer shall be eligible for the class of Fire and Rescue Officer without further examination.

(d) Senior Fire and Rescue Officer: Fire and Rescue Officers who have completed five years' service and have demonstrated good performance may be transferred to this classification without further Civil Service examination.

(e) Fire Prevention Officer: Employees who have successfully completed a six month service period as Probationary Fire Prevention Officer shall be eligible for the class of Fire Prevention Officer without further examination.

(f) Senior Fire Prevention Officer: Fire Prevention Officers who have completed two years of service after completing probation as a Fire Prevention Officer in the department, shall be eligible to test for promotion to this rank. Emergency Operations personnel who laterally transfer to Fire Prevention, Inspection, and Education, must successfully complete training and obtain certification as a Fire Prevention Officer. He/She must then serve as a Fire Prevention Officer in the FPE&I Division for two years before becoming eligible to test for promotion to this rank. Department members who have already been transferred from Emergency Operations to Fire Prevention as of the date of the adoption of this amendment and have been certified by the State of Texas as Fire Inspectors are exempted from the provisions in Section F. (Adopted by City Council on January 9, 2008 CR #080155)

- (g) Second Driver: Those employees who have served in the department for eighteen months and who have served in the Bureau of Special Services, Bureau of Administration, or Fire Control and Rescue Operations Bureau for six months immediately prior to the examination shall be eligible to take this to examination.
- (h) Driver-Engineer: Those department members who have completed two years of service after completing probation as a Fire and Rescue Officer or currently have the rank of Second Driver, shall be eligible to test for promotion to this rank. Fire Prevention personnel who laterally transfer to Emergency Operations, must successfully complete training and obtain certification as a Fire Rescue Officer and Paramedic. He/She must then serve as a Fire and Rescue Officer in Emergency Operations for two years before becoming eligible to test for promotion to this rank. Department members hired in classes 276, 277, 278 and 279 of the Dallas Fire-Rescue Department who have been certified by the State of Texas as firefighters are exempted from the provision in Section H. Additionally, any department members who have transferred from Fire Prevention to Emergency Operations as of the date of the adoption of this amendment and have been certified by the State of Texas as firefighters are exempted from the provision in Section H. (Adopted by City Council on January 9, 2008 CR #080155)
- (i) Fire Lieutenant: Those employees who have served in the department for four years and who have served as Driver Engineer for six months immediately prior to the examination shall be eligible for promotion to this rank.
- (j) Fire Prevention Lieutenant: Those employees who have been in the department for four years and who have served as Senior Fire Prevention Officer for six months shall be eligible for promotion to this rank.
- (k) Fire Captain: Those employees who have served as Fire Lieutenant for twelve months and who have been in the department for a total of five years shall be eligible for promotion to this rank.
- (l) Fire Prevention Captain: Those employees who have served as Fire Prevention Lieutenant for twelve months and who have been in the department for a total of five years shall be eligible for promotion to this rank.
- (m) Battalion-Section Chief: Those employees who have served in the Fire Department for seven years and who have served as Fire Captain for eighteen months shall be eligible for promotion to this rank.
- (n) Fire Prevention Section Chief: Those employees who have served in the Fire Department for seven years and who have served as Fire Prevention Captain for eighteen months shall be eligible for promotion to this rank.
- (2) (a) Where experience in a lower rank is made a part of the requirements the applicant must have been appointed to a permanent position in that rank as a result of passing a promotional examination and have received the pay for that rank. Those candidates who will meet the eligibility criteria for any promotional rank prior to six months following administration of an examination may compete on that examination but will not be eligible for promotion until they have successfully completed service required for promotion in Subsection 1.
- (b) Nothing in this rule shall prevent the assignment of personnel within a rank from one division to another as their training and qualifications will permit.
- (3) The Civil Service Board shall have the right to establish promotional requirements for any new class that might be established and any class now established which might be changed so as to affect the relationship with other classes.
- (4) Probation. Promotion of any employee of the Fire Department shall not be deemed complete until a period of six months shall have elapsed from the date of appointment to the higher class. If, during the six-month period, the promoted employee does not merit the promotion and it is recommended by the Chief of the department and approved by the City Manager that he be reduced, then the employee so promoted shall be returned to the rank or class held by him at the time of his promotion. This shall be done without the necessity of a trial or of showing that his efficiency has fallen below the minimum requirement.

(5) Promotional Examinations. On any promotional examination for the Fire-Rescue Department, the names of all those making passing grades on the examination (including assessment exercise where applicable), shall be placed on the eligible list. All promotional lists of eligibles shall remain in effect for a period of eighteen months from the date the list is certified. For purposes of calculating effective dates of lists of eligibles, each period shall begin at 12:00 a.m., the date certification of eligibles is made to the Fire-Rescue Department and shall end at 11:59 p.m., on the 548th following day. The Civil Service Board shall hold an examination to create an eligible list within ninety (90) days after receiving notification of a vacancy in any classification filled under this rule, unless an eligibility list is in existence. (Adopted by City Council on January 9, 2008 CR #080155)

(6) Serving in Higher Positions. Nothing in these rules shall prevent the Chief of the Fire-Rescue Department, or his/her designee from assigning an individual to fill a position in a higher classification and to receive temporary assignment pay as determined by the current salary administration schedule. Any temporary assignments that extend beyond 180 consecutive days must be approved by the Civil Service Board. Temporary performance of the duties of any such higher position by a person who has not been promoted in accordance with these rules shall never be construed to promote such person, nor shall such temporary assignment affect in any way that person's status on the eligible list and eligibility for certification for permanent promotion. (Adopted by City Council on January 9, 2008 CR #080155)

Section 5.

A. Notice of a promotional examination shall be posted in the office of the Civil Service Board, as well as in the department in which the promotion may be made, for one week prior to such examination and shall indicate the grade or rank of those eligible thereto.

B. Applicants for promotional examination shall register in the office of the Civil Service Board at least two days before the date fixed for the examination.

C. An employee who cannot attend a promotional examination because of injuries suffered in the performance of his job or because of a work training assignment or temporary military service away from the City will be permitted to take a comparable examination at an alternate location provided:

1. The employee is mentally and physically capable of being examined subject to verification by a physician.

2. The employee provides proof of eligibility and proof of inability to attend the examination.

3. The employee makes written request for alternate examining on or prior to the announced eligible date or as much time prior to the examination date as is practical.

4. The Civil Service Department is able to give the examination under conditions that insure fairness and do not create an undue hardship on departmental resources as determined by the Secretary.

The eligible date may be extended to the date of the examination to accommodate an employee qualifying under the provisions of this rule.

D. An employee who would be prevented from observance of a religious holiday or practice by attending a promotional examination shall be permitted to take a comparable examination at another time provided:

1. The employee signs up for the examination by the announced eligible date.

2. The employee makes a written request for alternate examining on or prior to the announced eligible date.

3. The Civil Service Department is able to give the examination under conditions that insure fairness and do not create an undue hardship on departmental resources as determined by the Secretary.

Section 6.

In any promotional examination the candidates shall be examined, either in writing or by a practical test or both, in such matters as will fairly test knowledge of the actual duties, responsibilities, and requirements of the position to be filled and their fitness and qualifications to discharge such duties and meet such requirements.

Section 7.

Where a physical test is not included in the schedule of promotional examination such tests may be added as a subject and weight thereof may be fixed by the Civil Service Board, prior to the promotional examination.

Section 8.

A. When the Civil Service Board, because no appropriate eligible registers exist at the time of a vacancy or one cannot be established within a reasonable time, has approved the under filling of a vacancy by the selection of an employee from among the highest available eligibles in a lower career series classification as determined by a competitive special examination, and when the selected employee, by records of performance in the under filled position, has demonstrated to the satisfaction of the Civil Service Board the ability to perform satisfactorily the duties of the under filled position for a period of no less than six months, the employee will be permitted to take a non-competitive qualifying examination for the higher classification provided all other minimum requirements for that classification are met.

B. If an employee fails to make a passing score on a non-competitive examination he or she may, upon the recommendation of the department head and approval of the Civil Service Board, remain in the position for further training for a period not to exceed ninety days and take another non-competitive examination. If the employee fails to qualify on the second non-competitive examination, eligibility to under fill the position shall terminate.

C. An employee in a position upgraded by re-evaluation to a higher classification who meets the minimum requirements established for the higher classification, and who, by records of performance in the position, has demonstrated to the satisfaction of the Civil Service Board the ability to perform satisfactorily the duties of the position for a period of no less than six months may be considered qualified for the higher classification and may be promoted to the higher classification without further examination. Except in instances of the creation of a new rank, this section does not apply to any employee in a position reclassified to a higher existing rank in the uniformed police and fire classified service.

D. When restriction of funds, department reorganization or other extraordinary conditions influencing the effective operation of a department warrant promotion procedures other than those herein contained, the Board may approve specially designed strategies to address such needs. Such strategies should seek to maximize competition but may limit eligible applicant groups to address specific conditions. Typically the Board will approve special strategies on a time limited basis with periodic review toward the reversion to standard procedures when conditions warrant.

RULE XV

TRANSFER, REDUCTION OF FORCE, REINSTATEMENT

Section I.

A. The transfer of an employee from one position to another in the same class and of the same title but in another department may be made with the approval of the Civil Service Board upon receipt by them of a written request signed by the City Manager.

B. No transfer will be allowed where the examination upon which the appointment of an employee was based was not of a character and standard to test the fitness of such employee for the position to which it is proposed to make the transfer.

C. Incumbents of ranks or grades which have been eliminated by departmental reorganization shall be reassigned without loss of level of compensation, subject only to the exceptions of overall reduction in force, removal, or reduction for cause under standard Civil Service hearing and appeal procedures.

D. An employee in an unclassified or exempt position which has been laterally transferred to the classified service who meets the minimum requirements of the classified position, and who, by records of performance in the position for a period of no less than six months, has demonstrated to the satisfaction of the Civil Service Board the ability to perform satisfactorily the duties of the position may be considered qualified by an equivalent job performance examination to continue service in that position. Such employee may transfer to the classified service without further civil service examination.

E. An employee in an unclassified or exempt position which has been laterally transferred to the classified service who meets the minimum requirements of the classified position but who has not completed probation in that position shall, before being transferred into the classified service, qualify by non-competitive civil service examination for the position. Should the unclassified employee fail to qualify on the examination, an opportunity for retesting shall be provided after a reasonable period of further training and experience in the position. Without express approval of the Civil Service Board no employee who fails to qualify for permanent civil service status under this rule shall fill a classified position beyond the probationary period.

Section 2.

A. Where an employee becomes physically incapacitated for the performance of his duties, the director of the department, with the approval of the City Manager, may transfer him to a position in a lower grade which he has the ability to fill. A written report to the Civil Service Board of such transfer shall be made immediately.

B. Assignments of employees in the fire or police departments to perform the same duties in various districts, and to assist each other, and similar changes in other departments of the location of the employment, and not of the position held, and where there is no change of salary, are not to be construed as transfers but as details.

Section 3

A transfer is not permissible when it is requested in order to avoid a reduction of force, when there are persons of greater seniority about to be laid off.

Section 4. Certain provisions in Section 4 are effective after June 1, 1988.

A. Whenever it becomes necessary to reduce the work force because of lack of work or lack of funds, the Director of the affected department will request the Secretary prepare reduction-in-force register(s) and identify the classification(s) from which reductions will occur. In departments which have major divisions which perform substantively different activities, the Director will identify which division(s) are to be affected.

B. Except in the case of the uniformed Police and Fire Services as provided for in Section 6, the names of incumbents in the affected classification(s) will be listed in order of length of service with the City since their last appointment. Temporary and probationary employees will be listed first followed by non-probationary employees the least senior being first, the most senior being last. Where subdivision of a position classification is requested, the reduction-in-force list shall be so subdivided provided that no reorganization or transfer of work units between divisions has occurred within the six months immediately preceding the request.

C. Employees encumbering positions in the affected classification who are paid and qualified in different classifications will be removed from the affected classification and placed in their proper classification. Temporary employees and employees serving initial probation will be laid off first. Employees serving in probationary status following promotion will be returned to their prior classification.

D. After all of the employees identified in paragraph C have been removed, the remaining employees will be laid off in reverse order of seniority except that for each affected classification or subdivision within each department, the department director may exempt one or more less senior employees based on demonstrated and documented specialized skills or documented superior performance to the next most senior employee(s). The number of allowable exemptions will be based on the size of the classification as follows:

Number of Employees in Number of Allowable Affected Classification Exemptions

2 to 5 1 6 to 15 2 16 to 25 3 26 to 40 4 41 or more 10% of the classification size rounded up to the nearest whole number

E. An employee about to be laid off, because of lack of work or funds may, if he so elects, be transferred to fill a vacancy in any other department in a class equal to or lower than his present class, provided that the transfer meets with the approval of the appointing authority in the department where the vacancy exists.

Section 5.

A. If an employee in the Classified Service, except in the police and fire departments, should be laid off through lack of work or lack of funds, and if within a period of two years thereafter a vacancy should occur in the same department and in the same or in a lower class, the said employee shall be reinstated in the vacant position provided that he is willing to accept the proffered employment, and provided further that the Civil Service Board finds him to be physically and morally qualified. If the vacancy is in the same class he shall be reinstated without examination but if in any other class he shall be required to pass the regular Civil Service examination for that class before reinstatement.

B. When more than one laid off person qualifies for reinstatement under this rule, the preference shall be given to the person laid off last.

C. When an employee has been reinstated to or employed in a position at a rate of pay lower than the rate received before layoff, the employee will continue to have right of reinstatement to any vacancy which becomes available at or up to his/her previous rate of pay during the specific two year period.

Section 6.

A. Whenever it becomes necessary to reduce the force in the Police and Fire Departments in the uniformed class of Police Officer, Fire and Rescue Officer, or Fire Prevention Officer, the order of lay off shall be determined on the basis of seniority as provided in Section 4. Whenever it becomes necessary to reduce the number of positions in any class higher than that of Officer, the least senior in terms of length of service in the rank shall be reduced to the next lower class and the least senior in the said lower class shall be reduced, and so on down. Non-uniformed, non-sworn employees of the Police and Fire Departments will be reduced according to the provision in Section 4.

B. Whenever a vacancy occurs in any of these classes, the last one laid off in that particular class shall be the first re-employed in that class provided the vacancy occurs during a period of not to exceed five years after such person's lay off or reduction and provided further that such person is physically able and otherwise qualified to perform the duties of said position.

RULE XVI

REMOVALS, SUSPENSIONS, REDUCTION, RESIGNATION

Section 1.

The City Manager shall have the power to remove and discharge at will any subordinate employee, but such removal or discharge shall be reported in writing, together with the cause thereof, to the Civil Service Board and the City Auditor. Such report shall be made when the reason is lack of work as well as in other cases.

Section 2.

Any classified or unclassified officer or employee may be removed, laid off or reduced in grade by the City Manager, or the head of the department in which he is employed after the six months' probationary period has expired; but, if requested by such office or employee, it shall be the duty of the officer taking the action to furnish him with a written statement of the reasons therefore and the said discharged or reduced officer or employee shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the Trial Board as hereinafter defined. This right of appeal shall not apply to department directors, assistant department directors, and other managerial personnel designated by the City Council. (City Charter, Chapter XVI, Section 11)

Section 3.

Reserved for future use.

Section 4.

For any suspension or reduction of an employee in the Classified Service by the City Manager, immediate notice together with reason for such action shall be sent to the Civil Service Board.

Section 5.

A. Any person who voluntarily resigns from a position in the Classified Service shall forfeit any right which he might have had under Civil Service and can be re-employed in the Classified Service only in the manner prescribed by the rule governing original appointment, except that employees who resign and whose employment records are satisfactory, who apply for reemployment within a period of one year from resignation, will not be required to take the written examination again but their names will be placed at the bottom of the open eligible register for the classification from which they resigned, provided however, this section shall not apply to any police officer, fire officer, or police and fire alarm operator who voluntarily resigns from any position in the Classified Service whose eligibility for reinstatement into active service shall be determined solely by Rule XXV, Section 2.

B. Nothing herein contained shall affect the right of any employee who enters military service as provided under Rule XXIX.

Section 6.

A. Any person who has held a permanent position under Civil Service rules and who has been demoted or reduced in grade from said position may, at any time, be reinstated to the former position held upon the request of the department head and approval of the City Manager, subject to the consent of the Civil Service Board.

B. Any employee of the police or fire department who has been demoted and is not reinstated shall be eligible to take a promotional examination for the class from which the employee was demoted after a lapse of six months, dating from the date the employee is assigned to the lower class; the employee shall be eligible to take the next examination given for that class after the six months period has elapsed.

C. Any employee of the police and fire departments who is reinstated after demotion shall not be eligible to take a promotional examination for the next higher class until six months have elapsed, dating from the date of reinstatement; the employee will be eligible to take the next examination given for that class after the six months period provided all other requirements are met.

RULE XVII

TRIAL BOARD AND ADMINISTRATIVE LAW JUDGE HEARINGS

(NOTE: For operating rules for the conduct of these hearings, refer to Personnel Rule 34-40)

Section 1.

A. There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the City, classified or unclassified, who has been discharged or reduced in grade, a Board to be known and designated as the Trial Board, which shall be composed of one member of the Civil Service Board as designated by the Chairman and two adjunct members of the Civil Service Board as designated by the Chairman. The City Council shall designate a Secretary to the Board. The said Board shall have final jurisdiction to hear and decide all appeals made to them by any discharged or reduced officer or employee and the judgment or decision of a majority of said Board shall be final, unless the decision is appealed within one year to the District Court of the State of Texas in which hearing the matter shall be decided based upon the review of the record of the Board hearing. (City Charter, Chapter XVI, Section 12)

B. Instead of appealing to a Trial Board, an officer or employee of the City, classified or unclassified, who has been discharged or reduced in grade may appeal to an Administrative Law Judge in accordance with procedures established by ordinance.

C. A person who appeals to an Administrative Law Judge shall pay one-half of the costs attributed to having the Administrative Law Judge conduct the appeal hearing.

Section 2.

A. Any aggrieved officer or employee, who desires to avail himself of the right to appeal to said Board, or Hearing Officer, must do so in writing within ten (10) days from the date of his notification of dismissal, reduction, suspension, or reprimand. He may be represented by counsel and shall have the right to an open hearing and to compel the attendance of such witnesses as he may desire to testify in his behalf. The appeal to said Board or Hearing Officer shall not suspend the execution of the order from which the appellant is appealing. The Trial Board and the Hearing Officer may either sustain or reverse the action of the City Manager or the Head of the Department, as the case may be, or modify and amend the same as the Board or Hearing Officer may deem just and equitable under all the facts and circumstances of the particular case. (City Charter, Chapter XVI, Section 12)

B. Written notice of appeal to the Trial Board or Hearing Officer shall be filed with the City Secretary who shall schedule a hearing within a reasonable time.

C. The City Secretary will give written notice of the time and place of the hearing to the appellant, to the members of the Trial Board or the Hearing Officer, to the City Manager, and to the Head of the Department, which hearing may be open to the public.

D. The Trial Board or the Hearing Officer reserves the right to accept as evidence a transcript of testimony and any written evidence or exhibits submitted in the hearing before the City Manager or the Head of the Department. Both sides to the case may submit additional evidence.

E. The hearing shall be conducted in the following order: The City Manager or the department head shall present evidence and witnesses in support of the charges. The appellant shall present such evidence and witnesses he or she may wish to offer in defense. The City Manager or the Department Head and the appellant may in turn offer rebuttal evidence and witnesses. The Board or Hearing Officer may in its discretion hear closing arguments from both sides.

F. The City Manager or department head may be represented by the City Attorney.

Section 3.

A. Any applicant for employment in the classified or unclassified Civil Service or in any department exempt from the Civil Service who claims to have been discriminated against in any way relative to his or her employment because of political or religious opinions or because of race, color, sex, or national origin, or any city officer or employee in the classified or unclassified Civil Service or in any department exempt from the Civil Service who claims to have been discriminated against in training, promotion, transfer, or advancement because of political or religious opinions or because of race, color, sex, or national origin shall have the right to appeal for a hearing before the Civil Service Board. In no case shall an appeal from any city officer or employee be accepted by the Civil Service Board until all administrative remedies through the grievance procedure have been exhausted.

B. The appeal by an applicant shall be filed in writing with the Civil Service Board within ten calendar days from the date the applicant had actual knowledge of the alleged discrimination setting forth the specific act or acts of discrimination. The appeal by an officer or employee shall be filed within ten calendar days from the final grievance step setting forth the specific act or acts of discrimination.

C. The Civil Service Board shall investigate the appeal and within thirty calendar days after receipt of the appeal shall conduct a formal hearing which shall be an open, public hearing or, at the discretion of the appellant, may be closed to the public. The said Board at its discretion may extend the thirty calendar day time period.

D. The appellant shall have the right to compel the attendance of witnesses and to be represented by legal counsel or any other person of his or her choice.

E. The Civil Service Board shall adjudicate the action and prescribe remedies commensurate with the facts and circumstances of the particular case. The judgment and decision of a majority of said Board shall be final and may not be appealed further in the city government, but nothing in this rule shall in any way affect the right of an appellant to seek further relief through state and federal laws prohibiting discrimination.

RULE XVIII INVESTIGATIONS

Section 1.

In any investigations conducted by the Board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses. (City Charter, Chapter XVI, Section 8)

RULE XIX REPORTS TO THE CIVIL SERVICE BOARD

Section 1.

A. Appointing authorities shall make prompt and complete reports to the Civil Service Board of the following matters, upon the blanks or forms prescribed by said Board, or by letters where no form is prescribed:

- (1) Appointments, whether temporary, emergency or permanent.
- (2) Reinstatement appointments.
- (3) Refusal or neglect to accept appointments by a person whose name has been certified as an eligible.
- (4) Transfer of any officer, or employee to or from one administrative branch or from one division to another in such branch, or from one position to another.
- (5) Leave of absence.
- (6) Suspensions.
- (7) Removals from the service, and the cause of such removal, whether resignation, discharge or reduction of force.
- (8) Change in compensation.
- (9) Creation or abolition of any office or place of employment.
- (10) Any material changes in the duties of an officer or employee, or in the organization of departments.
- (11) All other information found needful by the Civil Service Board in the performance of its duties and the completion of any of its various records.

B. Every report shall contain the name and address of the employee affected, together with the date upon which the action takes effect, and such other facts and information as will make it possible for the Civil Service Board to maintain a complete and correct record.

RULE XX
RETENTION OF RECORDS

Section 1.

A. All original papers, examination papers and questions, certificates, and all other employment records, are the property of the Civil Service Board and must be filed in the office of the Civil Service Board or other suitable secure place and kept not less than one year, excepting the application and examination papers of those failing to pass, which may be destroyed after six months.

B. Examination papers, rosters and other records, shall be kept in the case of non-competitive examinations as in the case of competitive examinations.

RULE XXI
CHANGE OF RULES

Section 1.

These rules may be amended, repealed or supplemented by the Civil Service Board at any time and new rules may be adopted. Seven (7) days before action by the Board to amend, repeal, or supplement any of these rules or adopt new rules, notice of such action shall be issued. The notice shall contain the proposed changes or the proposed new rules and the date and the place at which the Board will hold a public hearing on such proposals. Copies of the notice and of the proposed changes or new rules shall be posted on the City public bulletin board, in the office of the Civil Service Board, and elsewhere as the Board deems advisable. Copies of the notice and proposed changes or new rules shall be available for inspection by the public and City employees.

Section 2.

A. The Civil Service Board after public hearing, shall take action on the proposed changes or new rules and, if by majority vote such changes or new rules are adopted, shall refer them to the City Council for approval.

B. A minimum period of fifteen (15) days shall lapse between a recommended change by the Board and action by the Council.

C. All rules and amendments thereto shall become effective upon the date of their approval by the City Council. Copies of approved rules and amendments shall be distributed forthwith to all City departments and shall be made available for inspection by the public and City employees.

RULE XXII
BOARD MEETINGS

Section 1.

The Civil Service Board shall meet as often as necessary and then upon call of three or more of its members, giving notice to other members twenty-four hours in advance.

RULE XXIII
REQUIREMENTS FOR TRAINEE POLICE OFFICER

Section 1.

A. In addition to the general requirements of Rule VI, applicants for Trainee Police Officer must meet the following requirements:

(1) Have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university **OR** A minimum of 36 months active service in the Armed Forces of the United States with an Honorable Discharge (Allowance for no more than 10 calendar days less than 36 months; more than 10 days requires approval from the Assistant Chief of Police over the Personnel and Development Division). **OR** Thirty-six (36) months of fulltime certified law enforcement experience (from date of receipt of license) with a city, county or state law enforcement agency and be currently employed or separated from the agency for no more than 4 months prior to the date of application. (Adopted by City Council on January 9, 2008 CR #080140)

(2) Be at least nineteen and one-half (19 1/2) years of age and not have reached forty-five (45) years of age on the date the Civil Service written examination is given. (Adopted by City Council on January 9, 2008 CR #080140)

(3) Have sufficient height with proportionate weight, physical strength, and endurance required to perform ordinary duties inherent in law enforcement work.

(4) Be physically and emotionally sound and free from any defect which might adversely affect the performance of police duty.

(5) Have 20/100 vision or better in both eyes correctable to at least 20/20 in both eyes.

(6) Have normal hearing and normal color vision.

(7) Have honorable discharge from military service if applicable.

(8) Have demonstrated safe driving habits and be qualified to drive a motor vehicle in Texas.

(9) Have good credit rating.

(10) Have a satisfactory prior employment record if applicable.

B. The Civil Service Board shall have the right to make changes as provided in Rule XXI in the requirements for height, weight, education, or any other relevant factor prior to the announcement of any examination for this classification.

RULE XXIV

REQUIREMENTS FOR TRAINEE FIRE AND RESCUE OFFICER AND TRAINEE FIRE PREVENTION OFFICER

Section 1.

A. In addition to the general requirements of Rule VI, applicants for Trainee Fire and Rescue Officer must meet the following requirements:

(1) Have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university or must have completed at least three (3) years active duty service in the Armed Forces of the United States of America, with an honorable discharge as indicated on separation documents provided by the military. Applicants will be considered who are no more than 10 days short of the mandatory three years of active duty military service. Applicants who are more than 10 days but no more than 30 days short of the mandatory three years of active duty military service will only be considered based on approval by the Assistant Fire Chief over recruitment and training.

(2) Be at least eighteen (18) years of age and not have reached thirty-six (36) years of age on the date the Civil Service examination is given. (Adopted by City Council on September 27, 2006 CR #062598)

(3) Height must be proportion to weight, and weight must not exceed twenty-five percent above or below ideal weight limit.

(4) Be physically and emotionally sound and free from any defect which might adversely affect the performance of fire fighting duty.

(5) Must pass physical ability test approved by the Civil Service Board.

(6) Have at least 20/40 vision in one eye and 20/100 vision in the other eye without correction. Have at least 20/20 in one eye and 20/40 in the other eye with correction.

(7) Have normal hearing and normal color vision.

(8) Have honorable discharge from military service if applicable.

(9) Have a good driving record.

(10) Have a satisfactory previous employment record if applicable.

B. In addition to the general requirements of Rule VI, applicants for Trainee Fire Prevention Officer must meet the following requirements:

(1) Have at least sixty (60) semester hours college credit with a C average or better from an accredited college or university or must have completed at least five (5) years active duty service in the Armed Forces of the United States of America, with an honorable discharge as indicated on separation documents provided by the military. This requirement does not apply to uniformed Fire Department employees hired prior to January 5, 1966 transferring to Fire Prevention. (Adopted by City Council on April 27, 2005 CR #051333).

(2) Be at least twenty-one (21) years of age on the date the Civil Service examination is given. (Adopted by City Council on January 9, 2008 CR #080155).

(3) Be physically and emotionally sound and free from any defect which might adversely affect the performance of fire prevention work.

(4) Have vision in both eyes correctable to 20/20.

(5) Have hearing correctable to normal and normal color vision.

(6) Have honorable discharge from military service if applicable.

(7) Have a good driving record.

(8) Have a good credit rating.

(9) Have a good previous employment record if applicable.

C. The Civil Service Board shall have the right to make changes as provided in Rule XXI in the requirements for height, weight, education, or any other relevant factor prior to the announcement of any examination for this class.

RULE XXV

REINSTATEMENT FROM DISABILITY, RETIREMENT, OR RESIGNATION

Section 1.

A. An employee of either the police, fire, or police and fire signal departments who has become disabled through injury in line of duty or disease shall be entitled to three months absence with full pay, provided the Director of Public Health of the City of Dallas shall hold such employee physically or mentally unfit for duty during such period, but any extension of absence with full pay in excess of three months is expressly within the discretion of the City

Manager. The above is part of the personnel regulations as promulgated by the City Manager, and is incorporated as a part of this rule.

B. If, at any time during the period that the disabled employee is on the department's payroll, he feels that he is capable of assuming his duties, he shall make application to the Civil Service Board for reinstatement to his former position. Upon receipt of his application, the Civil Service Board shall refer the employee to the health department for a physical examination and, if the health department certifies to the Civil Service Board that the employee is physically able to perform his duties, the Civil Service Board may certify his name to the chief of the department for the position he held prior to his being disabled.

C. If, upon certification of his name to the chief or after he has resumed his duties, it is claimed by the chief that the employee is unable to perform the duties of his position in a satisfactory manner, the chief shall file his claim with the Civil Service Board, stating the reasons why he thinks the employee is not capable of performing the duties of his position. Then the Civil Service Board shall have the right to make such investigation as they might deem necessary and if, after their investigation, it is found that the employee is not able to satisfactorily discharge the duties of the position he held at the time of his disability, the Board shall have the right to certify him for a position lower than that which he held at the time of his disability, but, if there is not sufficient cause to order his reinstatement to a lower class, the Board may authorize his reinstatement to his former position, and the action of the Civil Service Board shall be final. The chief of the department shall not have the right to refer the case back to the Board after its final decision.

D. The position held by the disabled employee shall be held open for such period as the City Manager might think is advisable to do so, consideration being given to the efficient operation of the department. If, however, it should be found necessary to fill the vacancy caused by the absence of the employee during the period that his position is being held open, said vacancy shall be filled by making temporary appointment from the ranks of those eligible.

E. After the disabled employee is removed from the department's payroll and placed on the pension payroll, when he desires to be removed from the pension payroll, he shall make his request to the Pension Board, and the Pension Board shall refer the request to the Civil Service Board. Upon receipt of this request, the Civil Service Board shall proceed in the same manner as in the case where the employee is still on the department's payroll.

F. When the disability period extends beyond the expiration of the period that the position is held open for the disabled employee, and the employee wishes to return to the department, he shall make his request to the Pension Board, and the Pension Board shall certify his request to the Civil Service Board. Then the Civil Service Board shall have the authority to order such physical examination and tests and make such investigation as they might deem necessary, taking into consideration the length of disability, the physical and mental condition, as well as all other factors that might have a bearing upon the advisability of reappointing the employee.

G. In case the employee is approved for duty, the Civil Service Board has the authority to certify his name for any position that might be open but, in no case, shall it be for a higher position than that which was held at the time of the disability. In case no vacancy exists, his name shall be placed at the head of the re-employment register. If, however, there is more than one name on the re-employment register, placed there in accordance with the rule, it shall be at the discretion of the Civil Service Board as to which name shall be selected to fill the first vacancy, consideration being given to length of disability, physical condition, and seniority.

H. Those disabled employees coming under this rule who are not members of the pension fund and thereby are not permitted to be placed on the pension payroll shall be handled in the same manner as stated above, with the exception that when they believe they are physically able to return to their duties they shall make application to the Civil Service Board.

Section 2.

A. Any police officer or fire officer who voluntarily resigns from a position and who is not eligible for disability pension or service pension and whose record of performance was satisfactory at the time of resignation, and who is physically and emotionally fit for active police or fire service, shall be eligible to have his or her name placed on the reinstatement register without further examination.

B. Any person certified as eligible for reappointment under this rule shall, if selected for reappointment, be reappointed to a position at the Civil Service rank or class no higher than the rank or class held by the person at the time of resignation or may be reappointed to a lower position for which that person may be qualified.

C. Reappointment of a former police or fire officer under this rule shall not be deemed complete until a probationary period of six months shall have elapsed.

RULE XXVI LONGEVITY PAY

Section 1.

To conform with State law, police officers and fire officers receive monthly longevity pay for each year of service up to and including twenty-five years of service.

RULE XXVII PREFERENCE FOR PROVISIONAL APPOINTMENT

Section 1.

When requests for certification are made for employees of a certain classification and there is not an eligible register for that classification and, if there is no one available for such position, meaning no one who is on leave of absence or who has resigned or who has been laid off on account of lack of work, if an eligible can be found on any existing suitable Civil Service list to perform the necessary duties, such eligible must be given preference in the temporary or provisional appointments over anyone who is not on any eligible register for such temporary or permanent position.

RULE XXVIII TENURE OF OFFICE

Section 1.

Those employees who have been appointed to positions in the Classified Service, whose tenure of office may or may not depend upon the issuance of warrants of appointment, and who have served their probationary period, shall, at the end of each fiscal year, be eligible for continuous employment in the same position which they are holding at that time, subject to such Civil Service Rules and Regulations as may be in force at that time, or from time to time promulgated.

RULE XXIX MILITARY SERVICE

Section 1.

A. Reinstatement from Military Leave.

Permanent employees who leave their positions for the purpose of entering any branch of the Armed Forces of the United States and who have been deemed eligible for military leave under the Personnel Rules will be re-employed in the same or a position similar to that he or she occupied at the time of entry into military service provided they are discharged with five years from the date of enlistment or call to active service.

B. Return to City Service.

To avail himself or herself of the privileges provided under this policy, a City employee:

(a) Shall have served honorably in the Armed Forces.

(b) Shall be mentally and physically fit.

(c) Shall make application for return to duty with the City of Dallas within 90 days except as follows:

(1) An employee who, as a member of a Reserve or National Guard Unit is ordered to active duty by the President of the United States for an indefinite period of time has ninety days to reapply for employment upon expiration of his active duty service;

(2) An employee who, as a member of the Reserve or National Guard, is involuntarily ordered to active duty for training for a period of three to six months has thirty-one days to reapply for employment upon expiration of his active duty service; and

(3) An employee who, as a member of the Reserve or National Guard, is ordered to active duty for fifteen days summer encampment, week-end drills, disaster duty, or other similar duties, must return to his regular employment on the next regular working day following his release.

C. Probationary Employees.

Employees who have not completed their probationary period when they enter the military service will, upon their return, resume their probationary period at the point it was interrupted by military service.

D. Promotions.

Any employee whose name was on the eligible promotional register at the time of entry into the Armed Forces within the terms of this resolution shall have his name kept on said register in the same position.

RULE XXX

VETERAN S PREFERENCE CREDITS

Section 1.

In all entrance examinations, in addition to all other credits, a credit of five points shall be allowed to all persons, male or female, who have served in the Armed Forces of the United States of America and who have been honorably discharged or placed on the reserve list; such credit to be allowed only in case applicant makes a passing grade in the examination. No credit shall be allowed in case of general, undesirable or any kind of discharge other than honorable.

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