

RULE 4: SWORN SERVICE APPOINTMENT AND PROMOTION.

Section 4.1 Sworn Service Appointment.

(a) Minimum requirements for trainee police officer. In addition to the requirements in Sections 3.1 and 3.2, applicants for trainee police officer must:

(1) be at least 19.5 years of age and not have reached 45 years of age on the date the civil service written examination is given;

(2) have demonstrated safe driving habits and be qualified to drive a motor vehicle in Texas;

(3) for any completed military service, a designation of honorable or uncharacterized discharge as indicated on separation documents provided by the military; and

(4) meet one of the following qualifications:

(A) a minimum of 45 semester hours college credit with a C average or better from an accredited college or university;

(B) a minimum of 36 months of full time 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 four months prior to the date of application;

(C) an active, valid Texas Commission on Law Enforcement (TCOLE) license; or

(D) a minimum of 36 months active service in the Armed Forces of the United States with an honorable discharge or an uncharacterized discharge as indicated on separation documents provided by the military. Applicants whose military service is no more than 10 calendar days less than 36 months are acceptable; more than 10 days less than the full 36 months requires approval from the Assistant Chief of Police over the Personnel and Support Division.

(b) Requirements for trainee fire-rescue officer. In addition to the requirements in Sections 3.1 and 3.2, applicants for trainee fire-rescue officer must:

(1) be at least 18 years of age and not have reached 36 years of age on the date the civil service examination is given, and for lateral hires under (5)(B) below, not have reached 45 years of age on the date of application;

(2) pass physical ability test approved by the civil service board;

(3) have demonstrated safe driving habits and be qualified to drive a motor vehicle in Texas;

(4) for any completed military service, a designation of honorable or uncharacterized discharge as indicated on separation documents provided by the military; and

(5) meet one of the following qualifications:

(A) have at least 45 semester hours college credit with a C average or better from an accredited college or university OR must have completed at least four years active duty service in the Armed Forces of the United States of America, with an honorable discharge or uncharacterized discharge as indicated on separation documents provided by the military; or

(B) have an active, valid Texas Commission of Fire Protection Fire Fighter II certification, and a Texas Department of State Health Services paramedic certification or a National Registry Paramedic Certification, and be actively employed on a paid, full-time basis for a fire department or not be separated from employment from a fire department for more than five (5) years.

(c) Requirements for trainee fire prevention officer. In addition to the requirements in Sections 3.1 and 3.2, applicants for trainee fire prevention officer must:

(1) be at least 18 years of age on the date the civil service examination is given; and

(2) have demonstrated safe driving habits and be qualified to drive a motor vehicle in Texas;

(3) for any completed military service, a designation of honorable or uncharacterized discharge as indicated on separation documents provided by the military; and

(4) meet one of the following qualifications:

(A) have at least 45 semester hours college credit with a C average or better from an accredited college or university OR must have completed at least four years active duty service in the Armed Forces of the United States of America, with an honorable discharge or an uncharacterized discharge as indicated on separation documents provided by the military. This requirement does not apply to sworn fire department employees hired before January 5, 1966, transferring to fire prevention; or

(B) have an active, valid Texas Commission on Fire Protection Plans Examiner I certification and Basic Fire Inspector certification, and be actively employed on a paid, full-time basis for a fire department or not be separated from employment with a fire department for more than five (5) years.

(d) Requirements for trainee single function paramedic officer. In addition to the requirements in Sections 3.1 and 3.2, applicants for trainee single function paramedic officer must:

- (1) be at least 18 years of age on the date the civil service exam is given;
 - (2) have a high school diploma or GED;
 - (3) for any completed military service, a designation of honorable or uncharacterized discharge as indicated on separation documents provided by the military;
 - (4) possess a current Texas Department of State Health Services Paramedic Certification or a National Registry Paramedic Certification; and
 - (5) have demonstrated safe driving habits and be qualified to drive a motor vehicle in Texas; and
 - (6) pass a physical ability test administered by Dallas Fire-Rescue Department.
- (e) Additional requirements. Dallas Police Department and Dallas Fire-Rescue Department have requirements for sworn service appointment in addition to the civil service requirements in this section.

Section 4.2 Sworn Service Promotional Examinations.

- (a) Promotions based on merit and fitness. The civil service board shall provide for promotion to all positions in the sworn service on the basis of merit and fitness, as demonstrated by examination and other appropriate testing.
- (b) Notice of promotional examination. 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 the examination and shall indicate the grade or rank of those eligible to participate in the examination.
- (c) Registration for promotional examination. Applicants for promotional examination shall register in the office of the civil service board in accordance with the instructions provided in the promotional examination announcement.
- (d) Inability to attend promotional examination due to injury, work assignment, or military service. An employee who cannot attend a promotional examination because of injuries suffered in the performance of his/her job, or because of a work training assignment, military service away from the city, or family medical leave, shall be permitted to take a comparable examination at an alternate location provided:
- (1) in the event of an injury, the employee is mentally, emotionally, and physically capable of being examined subject to verification by a licensed physician; or

(2) the employee provides proof of eligibility and proof of inability to attend the examination; and

(3) the employee makes a written request for an alternate examination on or prior to the designated examination date; and

(4) the civil service department is able to give the examination under conditions that ensure fairness and do not create an undue hardship on civil service departmental resources as determined by the board secretary.

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

(e) Inability to attend promotional examination due to religious holiday/observation. An employee who would be prevented from the 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 applies for the examination by the designated application date;

(2) the employee makes a written request for an alternate examination prior to the designated application date; and

(3) the civil service department is able to give the examination under conditions that ensure fairness and do not create an undue hardship on civil service departmental resources as determined by the board secretary.

(f) Promotional examination subject matter. In any promotional examination, the candidates shall be examined, either in writing or by a practical test or both, on 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 the duties and meet the requirements.

(g) Physical tests. Where a physical agility or other physical test is not included in the schedule of a promotional examination, tests may be added as a subject and the weight thereof may be fixed by the civil service board prior to the date of the promotional examination.

(h) Under-filling of a vacancy. An employee is permitted to take a non-competitive qualifying examination for the higher classification, provided all other minimum requirements for that classification are met, under the following circumstances:

(1) the civil service board has approved the under-filling of a vacancy by the selection of the highest ranked employee from the eligibility list in a lower classification as determined by a competitive special examination;

(2) no appropriate eligibility lists exist at the time of a vacancy or one cannot be established within a reasonable time; and

(3) the selected employee, based upon his or her record 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.

(i) Failure to pass promotional examination. If an employee fails to make a passing score on a non-competitive examination, he or she may, upon the recommendation of the appropriate department director and the approval of the civil service board, remain in the position for further training for a period not to exceed 90 days and during said period 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.

(j) Promotion to higher classification without testing. 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 satisfactorily perform 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, the provisions of this subsection do not apply to any employee in a position reclassified to a higher existing rank in the sworn police and fire services.

(k) Promotion procedures during extraordinary conditions. When the restriction of funds, department reorganization, or other extraordinary conditions influencing the effective operation of either the police department or fire-rescue department warrant promotion procedures other than those contained in this rule, the civil service board may approve specially designed strategies to address such needs. Such strategies should seek to maximize competition, generally for a limited time with periodic review with the goal to return standard promotional procedures when conditions warrant.

Section 4.3 Sworn Service Certifications and Promotions in the Dallas Police Department.

(a) Eligibility for promotion. Promotions to all classified positions in the police department shall be made from eligibility lists created as a result of promotional examinations administered to departmental employees meeting the minimum requirements in this subsection or as otherwise provided. For employees who are reappointed, prior service in any rank with the police department will not be included in the determination of eligibility to take an examination for a higher rank.

(1) 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 position of probationary police officer. Appointment to the position of probationary police officer is not a promotion.

(2) Police officer. Employees who have successfully completed a six-month service period as a probationary police officer shall be eligible for certification and appointment to the position of police officer without further examination. Appointment to the position of police officer is not a promotion.

(3) Senior corporal. Police officers who have served in the department for at least three years, including three as a police officer, shall be eligible to take the examination for the position of senior corporal.

(4) Sergeant. Department employees who have served at least five years as a senior corporal shall be eligible to take the examination for the position of sergeant.

(5) Lieutenant. Department employees who have served at least five years as a sergeant shall be eligible to take the examination for the position of lieutenant.

(b) Completion of service requirements. Where experience in a lower rank is made a part of the requirements for a classified position, 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 the administration of an examination may compete on that examination, but will not be eligible for promotion to the higher rank until they have successfully completed the service requirements for promotion referenced in this section.

(c) Newly classified positions. The civil service board shall have the right to establish promotional requirements for any new classified position that may be established and any existing classified position that may be modified or changed so as to affect its relationship with other classes.

(d) Promotional probation. Promotion of any department employee is not deemed complete until a period of six months has elapsed from the date of appointment to the higher classified position. If, during the six-month period, the promoted employee does not merit the promotion as determined by the chief of police, the employee promoted shall be returned to the rank or classified position held by him or her at the time of promotion. This is done without any right of appeal by the employee, or by any required showing that his or her efficiency has fallen below the minimum requirements for the position.

(e) Promotional examinations. On any departmental examination, the names of those individuals making passing grades shall be placed on an eligibility list. Where the promotional examination has consisted in part of an assessment center, the promotional eligibility list shall remain in effect for a period not to exceed 18 months from the date the list is established or is exhausted. Lists that are established and do not include an assessment center shall be in effect for one year. For purposes of calculating effective dates of eligibility lists, each period begins at 12:00 a.m. (midnight) on the date the certification of eligibility is made to the police department and ends at 11:59 p.m. on the following 365th or 548th day, as applicable. Within 90 days after receiving notification of a vacancy in any classification filled under this rule, unless an eligibility list is in existence, the civil service board shall announce an examination to create an eligibility list.

(f) Serving in higher positions and pay. Nothing in these rules and regulations prevents the police chief from designating a person to fill a position in a higher classification for a period of time and for that person to receive the pay appropriate for the temporary assignment, in accordance with applicable procedures. Any temporary assignments in a classified position that extend beyond 180 consecutive days must be approved by the civil service board. Temporary performance of the duties of any higher position by a person who has not been promoted in accordance with these rules and regulations shall never be construed as a promotion of the person, and the temporary assignment shall not affect that person's status on either the eligibility list or eligibility for certification for a permanent promotion.

Section 4.4 Sworn Service Certifications and Promotions in the Dallas Fire-Rescue Department.

(a) Eligibility for promotion. Promotions to all classified positions in the fire-rescue department shall be made from eligibility lists created as a result of promotional examinations administered to departmental employees meeting the minimum requirements in this subsection or as otherwise provided. For employees who are reappointed, prior service in any rank with the fire-rescue department, other than prior service as a Fire Rescue Officer, or Fire Prevention Officer, will not be included in the determination of eligibility to take an examination for a higher rank.

(1) Probationary fire-rescue officer. Employees who have successfully completed the training and qualification period as a trainee fire-rescue officer shall be eligible for certification and appointment to the position of probationary fire-rescue officer without further examination. Appointment to the position of probationary fire-rescue officer is not a promotion.

(2) Probationary fire prevention officer. Employees who have successfully completed the training and qualification period as a trainee fire prevention officer shall be eligible for certification and appointment to the position of probationary fire prevention officer without further examination. Appointment to the position of probationary fire prevention officer is not a promotion.

(3) Probationary single function paramedic officer. Employees who have successfully completed the training and qualification period as a trainee single function paramedic officer shall be eligible for certification and appointment to the position of probationary single function paramedic officer without further examination. Appointment to the position of probationary single function paramedic officer is not a promotion.

(4) Fire-rescue officer. Fire-rescue department employees who have successfully completed a six-month service period as a probationary fire-rescue officer shall be eligible for certification and appointment to the position of fire-rescue officer without further examination. Appointment to the position of fire-rescue officer is not a promotion.

(5) Fire prevention officer. Fire-rescue department employees who have successfully completed a six-month service period as a probationary fire prevention officer shall

be eligible for certification and appointment to the position of fire prevention officer without further examination. Appointment to the position of fire prevention officer is not a promotion.

(6) Single function paramedic officer. Fire-rescue department employees who have successfully completed a six-month service period as a probationary single function paramedic officer shall be eligible for certification and appointment to the position of single function paramedic officer without further examination. Appointment to the position of single function paramedic officer is not a promotion. After two years of service as a single function paramedic officer, a single function paramedic officer may apply for lateral positions at the rank of fire-rescue officer or fire prevention officer. The minimum requirements of the position for which they are applying must be met.

(7) Senior fire prevention officer. Fire prevention officers who have completed two years of service after completing probation as a fire prevention officer shall be eligible to test for promotion to senior fire prevention officer. Emergency operations employees who laterally transfer to fire prevention, inspection, and education division must successfully complete training and obtain certification as a fire prevention officer. He or she must then serve as a fire prevention officer in the fire prevention division for two years before becoming eligible to test for promotion to senior fire prevention officer. Department members who have already been transferred from the emergency operations division to the fire prevention division as of January 9, 2008, and have been certified by the State of Texas as fire inspectors, are exempt from the provisions of this paragraph.

(8) Driver/engineer. Fire-rescue department members who have completed two years of service after completing probation as a fire-rescue officer or currently hold the rank of second driver, and are a licensed paramedic, shall be eligible to test for promotion to driver/engineer. Fire prevention personnel who laterally transfer to emergency operations must successfully complete training and obtain certification as a fire-rescue officer and paramedic. He or she then must serve as a fire-rescue officer in emergency operations for two years before becoming eligible to test for promotion to driver/engineer.

(9) Fire lieutenant. Fire-rescue department 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 to test for promotion to fire lieutenant.

(10) Fire prevention lieutenant. Fire-rescue department employees who have served in the department for four years and who have served as senior fire prevention officer for six months shall be eligible to test for promotion to fire prevention lieutenant.

(11) Fire captain. Fire-rescue department employees who have served as Fire Lieutenant for at least one year and who have been in the department for a total of five years shall be eligible to test for promotion to fire captain.

(12) Fire prevention captain. Fire-rescue department employees who have served as fire prevention lieutenant for at least one year and who have been in the department for a total of five years shall be eligible to test for promotion to fire prevention captain.

(13) Battalion-section chief. Fire-rescue department employees who have served in the department for seven years and who have served as fire captain for 18 months shall be eligible to test for promotion to battalion-section chief.

(14) Fire prevention section chief. Fire-rescue department employees who have served in the department for seven years and who have served as fire prevention captain for 18 months shall be eligible to test for promotion to fire prevention section chief.

(b) Completion of service requirements. Where experience in a lower rank is made a part of the requirements for a classified position, 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 the administration of an examination may compete on that examination, but will not be eligible for promotion to the higher rank until they have successfully completed the service requirements for promotion referenced in this section. Nothing in these rules and regulations prevents the assignment of personnel within a rank from one division to another as their training and qualifications permit.

(c) Newly classified positions. The civil service board has the right to establish promotional requirements for any new classified position that may be established and any existing classified position that may be modified or changed so as to affect its relationship with other classes.

(d) Promotional probation. Promotion of any department employee is not deemed complete until a period of six months has elapsed from the date of appointment to the higher classified position. If, during the six-month period, the promoted employee does not merit the promotion as determined by the fire chief, then the employee so promoted shall be returned to the rank or classified position held by him or her at the time of promotion. This is done without any right of appeal by the employee, or by any required showing that his or her efficiency has fallen below the minimum requirements for the position.

(e) Promotional examinations. On any departmental examination, the names of those individuals making passing grades (including assessment exercise, where applicable) shall be placed on an eligibility list. Any promotional eligibility list shall remain in effect for a period of 18 months from the date the list is certified. Lists that are established and do not include an assessment center shall be in effect for one year. For purposes of calculating effective dates of eligibility lists, each period begins at 12:00 a.m. (midnight) on the date the certification of eligible is made to the fire-rescue department and ends at 11:59 p.m. on the following 548th day. Within 90 days after receiving notification of a vacancy in any classification filled under this rule, unless an eligibility list is in existence, the civil service board shall announce an examination to create an eligibility list.

(f) Serving in higher positions and pay. Nothing in these rules and regulations prevent the fire chief from designating a person to fill a position in a higher classification for a period of time, and for that person to receive the pay appropriate for the temporary assignment, in

accordance with applicable procedures. Any temporary assignments in a classified position 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 and regulations shall never be construed as a promotion of the person and such temporary assignment shall not affect that person's status on either the eligibility list or eligibility for certification for a permanent promotion.