

**PUBLIC NOTICE**  
**Civil Service Commission Meeting**

The Civil Service Commission has scheduled a meeting on **Monday, September 14, 2020**, at **6:30 pm**, at City Hall, 308 W. San Antonio Street, Lockhart, Texas:

**Agenda**

1. Discussion and/or action regarding approval of Commission minutes of May 18, 2020. **2-3**
2. Discussion and/or action regarding approval of Exam Source List for the position of Fire Engineer (Lockhart Fire Department) replacing the Exam Source List previously approved on July 17, 2017. **4-7**
3. Discussion and/or action regarding approval of Exam Source List for the position of Fire Captain (Lockhart Fire Department) replacing the Exam Source List previously approved on July 20, 2015. **8-11**
4. Discussion and/or action regarding amending Section 143.023(4) of the Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding waiting periods after rejection. **12-16**
5. Discussion and/or action regarding amending Section 143.034 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding providing candidates copies of questions when an appeal is filed. **17-19**
6. Director's Report.
  - Police Sergeant exam was held August 13, 2020, anticipate the 2 sergeant vacancies to be filled in the upcoming weeks;
  - Police entrance exam was held August 22, 2020;
  - Fire Fighter entrance exam to be scheduled in early fall; exploring larger locations to hold written portion to ensure adequate spacing.

**7. Adjournment.**

*If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Lockhart Firefighters' and Police Officers' Civil Service Commission will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:*

*Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.*

*Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.*

*Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.*

*Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.*

*Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.*

*Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.*

*Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.*

*Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.*

*After discussion of any matters in executive session, any final action or vote taken will be in public by the Lockhart Firefighters' and Police Officers' Civil Service Commission.*

Posted on the City Hall Public Notice Board located at the rear of 308 W. San Antonio Street, Lockhart, Texas on this the 11<sup>th</sup> day of **September 2020**, at 3:47 pm. 

**CITY OF LOCKHART-  
FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION**

**Civil Service Commission Meeting      Monday, May 18, 2020      6:30 P.M.**

**Commissioners present:**

Chairman Worlanda Neal  
Commissioner Yolanda Strey  
Commissioner Ray Sanders

**Staff present:**

Randy Jenkins, Fire Chief  
Julie Bowermon, Civil Service Director

**Chairman Neal** called the meeting of the Civil Service Commission to order on this date at **6:30 p.m.**

**Agenda**

**1. Discussion and/or action regarding approval Commission minutes of February 24, 2020.**

Chairman Neal requested corrections to the Civil Service Commission minutes of February 24, 2020. There were none.

Commissioner Sanders made a motion to approve Civil Service Minutes of February 24, 2020. Chairman Neal seconded. The motion carried by a vote of 3-0).

**2. Discussion and/or action regarding approval of opening the current Fire Captain Exam (date to be determined) to all Fire Engineers within the Lockhart Fire Department, regardless of tenure; waiving the 4 years of service in the department requirement; and waiving the rule of "3" to ensure a competitive exam – for this exam and tis exam only.**

Ms. Bowermon stated that the Fire Department currently has a Captain vacancy and it is necessary to hold a Fire Captain promotional exam. The department has no employees with at least 2 years of service as an Engineer and 4 years of service in the department. If the exam were to be opened to all Engineer with 4 years of service in the department, only one employee would be eligible. To prevent a delay in filling the Captain vacancy, Ms. Bowermon requested that the exam be opened to all Engineers in the department, regardless of tenure and waive the 4 years of service in the department requirement. Ms. Bowermon stated this would make three employees eligible. And, although it was anticipated that all 3 eligible employees would compete in the exam, she asked that, for this exam, the Commission waive the rule that three employees must sit for a promotional exam to prevent delay.

Commissioner Sanders expressed concern of testing edibility under civil service in small departments and the lack of tenure of the current fire fighters.

There was further discussion.

Commissioner Sanders made a motion to approve opening the current Fire Captain Exam (date to be determined) to all Fire Engineers within the Lockhart Fire Department, regardless of tenure; waiving the 4 years of service in the

department requirement; and waiving the rule of "3" to ensure a competitive exam – for this exam and tis exam only. Commissioner Strey seconded. The motion carried by a vote of 3-0.

**3. Discussion and/or action regarding approval of opening the current Fire Engineer exam (date to be determined) to all Firefighters in the Lockhart Fire Department; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only.**

Ms. Bowermon stated an Engineer vacancy will occur after the Fire Captain promotional process is complete. The department only has one employee with at least 2 years of service as a fire fighter. However, opening the exam to all fire fighters within the department would make approximately 5 employees eligible. And, although it was anticipated that all 5 eligible employees would compete in the exam, she asked that, for this exam, the Commission waive the rule that three employees must sit for a promotional exam to prevent delay.

There was further discussion.

Commissioner Sanders made a motion to approve opening the current Fire Engineer exam (date to be determined) to all Firefighters in the Lockhart Fire Department; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only. Commissioner Strey seconded. The motion carried by a vote of 3-0.

**4. Director's Report.**

- Fire Fighter entrance exam will be held Saturday, May 16, 2020.

**5. Adjournment.**

Commissioner Sanders made a motion to adjourn the meeting. Chairman Neal seconded. The motion carried by a vote of 3-0. The meeting was adjourned at 6:57pm.

**PASSED and APPROVED this 14<sup>th</sup> day of September, 2020.**

Signed:

\_\_\_\_\_  
Worlanda Neal, Chairman

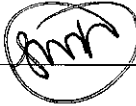
\_\_\_\_\_  
Yolanda Strey, Commissioner

\_\_\_\_\_  
Ray Sanders, Commissioner

ATTEST:

\_\_\_\_\_  
Julie Bowermon, Civil Service Director

**CITY OF LOCKHART  
FIRE FIGHTERS' AND POLICE OFFICERS'  
CIVIL SERVICE COMMISSION  
AGENDA ITEM**

<b>Commission Meeting Date: September 14, 2020</b>	
Department: Civil Service	
Department Head: Julie Bowermon	Signature: 
<b>CAPTION</b>	
Discussion and/or action regarding approval of Exam Source List for the position of Fire Engineer (Lockhart Fire Department) replacing the Exam Source List previously approved on July 17, 2017.	
<b>SUMMARY OF ITEM</b>	
<p>Chapter 143.029 of the Texas Local Government Code requires that the Commission post a notice that lists the sources used to develop promotional exams and the list must be posted for at least 90 days before an exam can be given.</p> <p>The current exam source list for the position of Fire Engineer was approved in 2017. At that time, the list from 2015 was being amended to include the most recent edition of the IFSTA: Pumping Apparatus Driver/Operator Handbook while all other sources remained the same. Now in 2020, Fire Chief Jenkins has reviewed the list and compared it to relevant literature currently used in the fire field. Chief Jenkins proposes to keep the source IFSTA: Pumping Apparatus Driver/Operator but replace the remaining 3 with: Evidence-Based Practices for Strategic and Tactical Firefighting, Fully Involved Leadership: Successful Strategies in Leadership from the Firefighter to the Chief, and the Lockhart Fire Rescue Standard Operating Guidelines (SOG's).</p> <p>An Engineer vacancy is NOT anticipated at this time. If approved, the new list would be posted for at least 90 days before any exam could be scheduled.</p>	
<b>STAFF RECOMMENDATIONS</b>	
Commission approves the proposed Exam Source List for the position of Fire Engineer.	

# CURRENT LIST

## EXAM SOURCE LIST

for the position of

## ENGINEER

## LOCKHART FIRE DEPARTMENT

1. IFSTA: Pumping Apparatus Driver/Operator Handbook, 3<sup>rd</sup> Edition (2015).
2. IFSTA: Fire and Emergency Services Company Officer, 5<sup>th</sup> Edition (2014).
3. Effective Supervisory Practices: Better Results Through Teamwork, 5<sup>th</sup> Edition, Edited by Michelle Poche Flaherty, Published by International City/County Management Association.
4. Supervision Today!, 7<sup>th</sup> Edition, By Stephen P. Robbins, Published by Pearson.

Approved by the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission on July 17, 2017.

I hereby certify that the above exam source list was posted on this the 18<sup>th</sup> day of July, 2017, at 12:01 pm, on the Fire Station Bulletin Board located on the 2<sup>nd</sup> floor of the Lockhart Fire Station at 201 West Market Street, Lockhart, Texas 78644.

Signed:



Julie Bowermon

Civil Service Director

# CURRENT LIST

**DO NOT REMOVE THIS NOTICE FROM THE BOARD.**

For additional copies of this notice, please contact the Fire Chief or Civil Service Director Julie Bowermon. Thank you for your cooperation.

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# PROPOSED EXAM SOURCE LIST

for the position of  
**ENGINEER**

## **LOCKHART FIRE DEPARTMENT**

1. IFSTA: Pumping Apparatus Driver/Operator Handbook, 3<sup>rd</sup> Edition (2015)  
Publisher: IFSTA  
ISBN: 978-0879395742
2. Evidence-Based Practices for Strategic and Tactical Firefighting;  
Publisher: Jones & Bartlett Learning (2014)  
ISBN: 978-1284084108
3. Fully Involved Leadership: Successful Strategies in Leadership from the Firefighter to the Fire Chief; by Gary Ludwig.  
Publisher: Independently published (2019)  
ISBN: 978-1798948415
4. Lockhart Fire Rescue Standard Operating Guidelines with revisions effective as of September 14, 2020.

Approved by the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission on September 14, 2020.

I hereby certify that the above exam source list was posted:

- on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ pm, on the Fire Station Bulletin Board located on the 2<sup>nd</sup> floor of the Lockhart Fire Station No. 1 at 201 West Market Street, Lockhart, Texas 78644;

AND

- on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ pm, on the Fire Station Bulletin Board located in the hallway of the Lockhart Fire Station No. 2 at 1911 Borchert Drive, Lockhart, Texas 78644.

Signed:

Julie Bowermon  
Civil Service Director

# PROPOSED LIST

**DO NOT REMOVE THIS NOTICE FROM THE BOARD.**

For additional copies of this notice, please contact the Fire Chief or Civil Service Director Julie Bowermon. Thank you for your cooperation.

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**Civil Service Commission Meeting**  
Lockhart, Texas

**September 14, 2020**

**ACTION ITEM RECORD**

We, the below named members of the Civil Service Commission, Lockhart, Texas, have met on **Monday, September 14, 2020**, at 6:30 p.m. at City Hall, 308 W. San Antonio Street, for the purpose of conducting a public meeting to consider among other things the **approval of Exam Source List for the position of Fire Engineer (Lockhart Fire Department) replacing the Exam Source List previously approved on July 17, 2017**. We have been assured by the Civil Service Director that this meeting was posted in full compliance with the State of Texas Open Meetings Act.

After participating in a discussion regarding the need to establish an exam source list for the position of Engineer it was our determination to vote on the approval of the below exam source list:

**EXAM SOURCE LIST**  
for the position of  
**ENGINEER**  
**LOCKHART FIRE DEPARTMENT**

1. IFSTA: Pumping Apparatus Driver/Operator Handbook, 3<sup>rd</sup> Edition (2015)  
Publisher: IFSTA  
ISBN: 978-0879395742
2. Evidence-Based Practices for Strategic and Tactical Firefighting;  
Publisher: Jones & Bartlett Learning (2014)  
ISBN: 978-1284084108
3. Fully Involved Leadership: Successful Strategies in Leadership from the Firefighter to the Fire Chief; by Gary Ludwig.  
Publisher: Independently published (2019)  
ISBN: 978-1798948415
4. Lockhart Fire Rescue Standard Operating Guidelines with revisions effective as of September 14, 2020.

We, the current members of the Civil Service Commission, Lockhart, Texas, voted as follows on the above action item:

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Worlanda Neal, Commissioner

\_\_\_\_\_  
Date

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Yolanda Strey, Commissioner

\_\_\_\_\_  
Date

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Ray Sanders, Commissioner

\_\_\_\_\_  
Date


ATTEST:

\_\_\_\_\_  
Julie Bowermon, Civil Service Director

This document shall become part of the official Civil Service Commission file to be maintained by the Civil Service Director, or his/her successors.

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**CITY OF LOCKHART  
FIRE FIGHTERS' AND POLICE OFFICERS'  
CIVIL SERVICE COMMISSION  
AGENDA ITEM**

<b>Commission Meeting Date: September 14, 2020</b>	
Department: Civil Service	
Department Head: Julie Bowermon	Signature:  9.9.20
<b>CAPTION</b>	
Discussion and/or action regarding approval of Exam Source List for the position of Fire Captain (Lockhart Fire Department) replacing the Exam Source List previously approved on July 20, 2015.	
<b>SUMMARY OF ITEM</b>	
Chapter 143.029 of the Texas Local Government Code requires that the Commission post a notice that lists the sources used to develop promotional exams and the list must be posted for at least 90 days before an exam can be given.	
The current exam source list for the position of Fire Captain was approved in 2015. The 2015 list contains 2 books and a collection of articles. The articles are not easily obtained to study and there is a 6 <sup>th</sup> edition of the IFSTA: Fire and Emergency Services Company Officer, the current list uses the 5 <sup>th</sup> edition. Fire Chief Jenkins has reviewed the list and proposes to replace it with 4 sources more current and relevant to fire supervision:	
<ul style="list-style-type: none"><li>• IFSTA: Fire and Emergency Services Company Officer, 6<sup>th</sup> Edition;</li><li>• IFSTA: Structural Fire Fighting: Initial Response Strategy and Tactics, 2<sup>nd</sup> Edition;</li><li>• The New Company Officer;</li><li>• No Nonsense Leadership: A Realistic Approach for the Company Officer.</li></ul>	
A Captain vacancy is NOT anticipated at this time. If approved, the new list would be posted for at least 90 days before any exam could be scheduled.	
<b>STAFF RECOMMENDATIONS</b>	
Commission approves the proposed Exam Source List for the position of Fire Captain.	



# CURRENT LIST

## EXAM SOURCE LIST

for the position of

### CAPTAIN

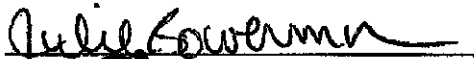
## LOCKHART FIRE DEPARTMENT

1. IFSTA: Fire and Emergency Services Company Officer, 5<sup>th</sup> Edition (2014).
2. Effective Supervisory Practices: Better Results Through Teamwork, 5<sup>th</sup> Edition, Edited by Michelle Poche Flaherty, Published by International City/County Management Association.
3. "Being an Officer Means More Than a Title" By Ronny J. Coleman. Fire Chief: February 1993.
4. "Empowerment Requires Responsibility" By Kimberly Alyn, Ph.D. Firehouse: February 2013.
5. "Deal with It" By Ray Gayk. FireRescue Magazine: January 2011.
6. "Culture in Jeopardy?" By Mike Bryant. FireRescue Magazine: January 2009.
7. "Keep a Lid on It" By Mike Bryant. FireRescue Magazine: May 2009.

Approved by the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission on July 20, 2015.

I hereby certify that the above exam source list was posted on this the 21<sup>st</sup> day of July, 2015, at 4:25 pm, on the Fire Station Bulletin Board located on the 2<sup>nd</sup> floor of the Lockhart Fire Station at 201 West Market Street, Lockhart, Texas 78644.

Signed:



Julie Bowermon  
Civil Service Director

# CURRENT LIST

### DO NOT REMOVE THIS NOTICE FROM THE BOARD.

For additional copies of this notice, please contact Fire Chief Joseph Gorman or Civil Service Director Julie Bowermon. Thank you for your cooperation.

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# PROPOSED LIST

## EXAM SOURCE LIST

for the position of

**CAPTAIN**

### **LOCKHART FIRE DEPARTMENT**

1. IFSTA: Fire and Emergency Services Company Officer, 6<sup>th</sup> Edition (2019)  
Publisher: Fire Protection Publications  
ISBN: 978-0879396503
2. IFSTA: Structural Fire Fighting: Initial Response Strategy and Tactics, 2<sup>nd</sup> Edition (2017)  
Publisher: Fire Protection Publications  
ISBN: 978-0879396237
3. The New Company Officer; by Jason Hoevelmann  
Publisher: Fire Engineering Books & Videos (2018)  
ISBN: 978-1593704117
4. No Nonsense Leadership: A Realistic Approach for the Company Officer; by Jarrod Sergi  
Publisher: Jarrod Sergi (2019)  
ISBN: 978-1700693402

Approved by the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission on September 14, 2020.

I hereby certify that the above exam source list was posted:

- on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ pm, on the Fire Station Bulletin Board located on the 2<sup>nd</sup> floor of the Lockhart Fire Station No. 1 at 201 West Market Street, Lockhart, Texas 78644;

AND

- on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ pm, on the Fire Station Bulletin Board located in the hallway of the Lockhart Fire Station No. 2 at 1911 Borchert Drive, Lockhart, Texas 78644.

Signed:

~~Julie Bowermon  
Civil Service Director~~  
**PROPOSED LIST**

**DO NOT REMOVE THIS NOTICE FROM THE BOARD.**

For additional copies of this notice, please contact the Fire Chief or Civil Service Director Julie Bowermon. Thank you for your cooperation.

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**Civil Service Commission Meeting**

Lockhart, Texas

**September 14, 2020**

**ACTION ITEM RECORD**

We, the below named members of the Civil Service Commission, Lockhart, Texas, have met on **Monday, September 14, 2020**, at 6:30 p.m. at City Hall, 308 W. San Antonio Street, for the purpose of conducting a public meeting to consider among other things the **approval of Exam Source List for the position of Fire Captain (Lockhart Fire Department) replacing the Exam Source List previously approved on July 20, 2015.** We have been assured by the Civil Service Director that this meeting was posted in full compliance with the State of Texas Open Meetings Act.

After participating in a discussion regarding the need to establish an exam source list for the position of Engineer it was our determination to vote on the approval of the below exam source list:

**EXAM SOURCE LIST  
for the position of  
CAPTAIN  
LOCKHART FIRE DEPARTMENT**

1. IFSTA: Fire and Emergency Services Company Officer, 6<sup>th</sup> Edition (2019)  
Publisher: Fire Protection Publications  
ISBN: 978-0879396503
2. IFSTA: Structural Fire Fighting: Initial Response Strategy and Tactics, 2<sup>nd</sup> Edition (2017)  
Publisher: Fire Protection Publications  
ISBN: 978-0879396237
3. The New Company Officer; by Jason Hoevelmann  
Publisher: Fire Engineering Books & Videos (2018)  
ISBN: 978-1593704117
4. No Nonsense Leadership: A Realistic Approach for the Company Officer; by Jarrod Sergi  
Publisher: Jarrod Sergi (2019)  
ISBN: 978-1700693402

We, the current members of the Civil Service Commission, Lockhart, Texas, voted as follows on the above action item:

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Worlanda Neal, Commissioner

\_\_\_\_\_  
Date

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Yolanda Strey, Commissioner

\_\_\_\_\_  
Date

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Ray Sanders, Commissioner

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Julie Bowermon, Civil Service Director

This document shall become part of the official Civil Service Commission file to be maintained by the Civil Service Director, or his/her successors.

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**CITY OF LOCKHART  
FIRE FIGHTERS' AND POLICE OFFICERS'  
CIVIL SERVICE COMMISSION  
AGENDA ITEM**

Commission Meeting Date: September 14, 2020

Department: Civil Service

Department Head: Julie Bowermon

Signature: 

**CAPTION**

Discussion and/or action regarding amending Section 143.023(4) of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding waiting periods after rejection.

**SUMMARY OF ITEM**

Local Rules Section 143.023 addresses reasons applicants are rejected for entry level fire fighter and police officer positions and waiting periods to reapply after rejection. LR 143.023(a) and the final paragraph of 143.023(4) set a requirement that if an applicant fails the entry written examination or the entry physical agility testing, the applicant must wait one full year before becoming eligible to reapply. However, both the Fire and Police Department have experienced applicants that almost pass, for example score a 68 on the written exam or fail one task in the physical agility testing. These applicants could potentially be qualified, certified applicants capable of passing the entry exams at a later date. Often applicants that struggle with the physical agility test will spend a few months conditioning and then be fit to pass the exam. After discussing the matter with both the Police Chief and the Fire Chief, the Civil Service Director recommends amending the Local Rules to remove the one year waiting period when an applicant fails the entrance examinations. This will allow the departments more opportunity to evaluate applicants.

The written entrance exam is purchased from an outside vendor that creates multiple versions of the exams. Rotating the versions used will prevent applicants from remembering material covered in a prior exam.

**STAFF RECOMMENDATIONS**

Staff recommends amending Section 143.023(4) of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding waiting periods after rejection.

## PROPOSED AMENDMENT

### 143.023(4) CAUSE FOR REJECTION FOR FIRE FIGHTERS AND POLICE OFFICERS

The City may reject an applicant for one or more of the following reasons listed below. Time calculations for an action that constitutes rejection for a specified period of time shall be calculated from the date the application for employment is submitted by an applicant.

- (a) Applicant fails to pass any part of the entrance examinations, and an applicant who fails any part of the entrance examinations is eligible to reapply for any subsequent entrance examinations;
- (b) Applicant fails to make application in the manner prescribed in the notice of examination, and/or fails to file the application with the Director within the time limits prescribed in the notice of examination;
- (c) Applicant fails to meet Minimum Standards for Initial Licensure as set forth by Texas Commission on Law Enforcement Officer Standards and Education for peace officer candidates or fails to meet any of the minimum requirements expressed in the rules of the Texas Commission on Fire Protection and the Texas Department of State Health Services for fire fighter candidates;
- (d) Applicant for Police Officer is not a citizen of the United States of America by birth or naturalization. The applicant shall be considered disqualified until citizenship is obtained in compliance with federal laws.
- (e) Applicant fails to demonstrate his/her ability to read, write, and fluently speak the English language. The applicant shall be disqualified until the deficiency is corrected.
- (f) Applicant is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation.
- (g) Applicant has been convicted of or admitted to conduct that constitutes a Class A or Class B Misdemeanor under the Penal Code or equivalent under federal law, to include the Uniform Code of Military Justice (UCMJ), except for marijuana use, within the past ten (10) years may result in a temporary rejection. Applicant cannot have formal criminal charges above a Class C misdemeanor pending before a Grand Jury or District Attorney's office. Crimes involving moral turpitude may result in permanent disqualification and shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency. Applicant must not be on court-ordered community supervision or probation for any misdemeanor offense above the grade of a Class C misdemeanor. Applicant will be rejected if he/she is subject of any arrest warrant above the grade of Class C misdemeanor. All Class C misdemeanor warrants must be cleared within fourteen (14) days of notification of existence of warrant(s).

Applicant has been convicted of or admitted to conduct which constitutes a felony under state or federal law, to include the UCMJ. Conviction of or admission to conduct that constitutes a felony shall result in permanent disqualification.

The Fire and Police Chiefs may recommend, and the City Manager may authorize, a variance of the above standards on a case-by-case basis.

An applicant shall not be considered for employment while charges are pending for any criminal offense or while he/she is currently on probation for any offense.

- (h) Applicant has made any false statement in any material fact; withheld information, practiced or attempted to practice any deception or fraud in his/her application, examination or appointment. Depending on the variables involved, rejection may be either permanent or temporary.
- (i) Applicant fails to complete or satisfactorily meet the employment process requirement of the respective Department, including missed appointments, failure to return necessary paperwork, failure to notify Department of changes in address or telephone numbers, failure to properly complete any or all application materials, or who otherwise fails to complete application process.
- (j) Applicant fails to satisfactorily pass the oral interview process, including but not limited to B-PAD (Behavioral Personnel Assessment Device, if required by the Chief) for police officer applicants. An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a fire fighter or police officer; failure to present the maturity expected of a fire fighter or police officer; or failure to accurately and precisely respond to the questions of the interviewers.
- (k) Applicant has used illicit substances as indicated by the following guidelines:

An applicant may be temporarily or permanently disqualified if it has been determined by the City that, or he/she has admitted to, conduct which constitutes excessive and/or recent use of illicit substance(s) or excessive use of intoxicants, under the following guidelines:

- (1) For police officer applicants: Consumption of marijuana within the last 5 years. For fire fighter applicants: Consumption of marijuana within the last 2 years.
- (2) Consumption of paints, gases or other abusable chemicals.
- (3) Unlawful consumption of any Texas Health and Safety Code Penalty Groups I and II drugs (excluding Marijuana).
- (4) Unlawful consumption of any Texas Health and Safety Code Penalty Groups III, IV, or V drugs within the last 10 years.

Conduct involving excessive and/or recent use of illicit substance or excessive use of intoxicants shall be considered on a case-by-case basis with consideration given to circumstances and recency.

An applicant may be temporarily or permanently disqualified if it has been determined by the City that he/she has admitted to, conduct which constitutes

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abuse of legally obtained prescription medication(s), or illegal use of the prescription medication(s) of another person. Conduct involving the abuse and/or misuse of prescription medication(s) shall be considered on a case-by-case basis with consideration given to circumstances and recency.

An applicant shall be permanently disqualified if it has been determined by the City that, or he/she has admitted to, conduct which constitutes illegal use of felony grade substances as defined in the Texas Penal Code.

The Fire and Police Chiefs may recommend, and the City Manager may authorize, a variance of the above standards on a case-by-case basis.

- (l) Police applicant does not have a valid driver's license. Fire Fighter applicant does not have a valid Class C or higher Texas Driver's license at the date of hire or fails to obtain a Class B non-CDL Texas Driver's license or higher within time frame designated in Section 143.023 (2) (h).
- (m) Applicant has a conviction of DWI/BWI/FWI/DUI within the past five (5) years or violations exceeding four (4) events (moving violations or preventable accidents) within the past three (3) years. An applicant shall be temporarily disqualified until he/she can meet the above standards.

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

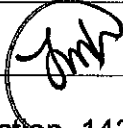
- (n) Applicant has been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct. Said dismissal or termination shall be considered on a case-by-case basis. Rejection under this provision shall be considered permanent.
- (o) Applicant has demonstrated a failure to pay just debts. Due to the variables involved, each situation shall be considered on a case-by-case basis. Factors which shall be considered include, but are not limited to: type and number of debts, reasons for the bad credit, extenuating circumstances, and the potential for the credit-related problems impacting the applicant's judgment and integrity. Resolution of bad credit may result in requalification.
- (p) Applicant has exercised poor judgment skills within the past five (5) years. The applicant has demonstrated either immaturity or poor judgment in the applicant's decision-making process. Examples of such conduct would include, but is not limited to: attendance at a party or social function at which controlled substances or dangerous drugs are consumed, and such activity is known or should have been known by the applicant; silent acceptance of known illegal conduct by others in his/her presence; workplace behavior/decisions that adversely affect the business or associates, with little or no objectively justifiable need for such behavior. Rejection for this cause shall be temporary until the applicant can demonstrate that his/her judgment skills have developed.

- (q) Applicant has a history of unstable work, i.e., including short terms of employment over his/her employment history; a history of employment in an illegal occupation. Rejection under this provision shall be temporary in nature and an applicant shall be eligible for reapplication after a five (5) year period. Due to the variables involved, each situation shall be considered on a case-by-case basis. Rejection for employment in an illegal occupation shall be permanent in nature.
- (r) Applicant has failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Law Enforcement Officer Standards and Education or the Texas Commission on Fire Protection. Rejection for this cause shall be temporary until applicant can meet those standards.
- (s) Applicant has been discharged from any military service under less than honorable conditions, including specifically:
  - i. Under other than honorable conditions;
  - ii. Bad conduct;
  - iii. Dishonorable; or
  - iv. Any other characterization of service indicating bad character.
- (t) Applicant fails to return a completed Personal History Statement at a time designated by the Department Head.
- (u) Applicant intentionally provides false information related to the selection process.
- (v) Applicant fails any part of background investigation.

Any applicant rejected during the ~~testing process~~ hiring process must wait at least one year before re-applying for employment, unless a longer waiting period is indicated by the reason for the rejection, such as an unacceptable driving record.



**CITY OF LOCKHART  
FIRE FIGHTERS' AND POLICE OFFICERS'  
CIVIL SERVICE COMMISSION  
AGENDA ITEM**

Commission Meeting Date: September 14, 2020	
Department: Civil Service	
Department Head: Julie Bowermon	Signature: 
<b>CAPTION</b>	
Discussion and/or action regarding amending Section 143.034 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding providing candidates copies of questions when an appeal is filed.	
<b>SUMMARY OF ITEM</b>	
<p>Texas Local Government Code Chapter 143.034 sets the process for reviewing and appealing a promotional exam. It also prohibits candidates from removing or making copies of questions during their review.</p> <p>When a written appeal is filed, Local Rule Section 143.034 requires the Civil Service Director to give the candidate a copy of the appealed question along with the correct answer and page number from which the question was written. Civil Service Attorney Julia Gannaway reviewed Local Rule 143.034 and recommended, in order to avoid possible conflict between the state statute and the Local Rules, the Commission consider removing this requirement of releasing copies of questions prior to the Commission being notified of the appeal.</p>	
<b>STAFF RECOMMENDATIONS</b>	
Staff recommends amending Section 143.034 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding providing candidates copies of questions when an appeal is filed.	

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**Texas Local Government Code**  
**Chapter 143 (Civil Service)**

**Sec. 143.034. REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION.**

(a) On request, each eligible promotional candidate from the fire or police department is entitled to examine the person's promotional examination and answers, the examination grading, and the source material for the examination. If dissatisfied, the candidate may appeal, within five business days, to the commission for review in accordance with this chapter. In computing this period, a Saturday, Sunday, or legal holiday is not considered a business day.

 (b) The eligible promotional candidate may not remove the examination or copy a question used in the examination. 

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 26(e), eff. Aug. 28, 1989.

# PROPOSED AMENDMENT

## **Section 143.034 REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION**

See Section 143.034, Chapter 143

Beginning on the first business day following the posting of the raw test scores, a promotional candidate may review the examination booklet, his/her answer sheet, the answer key, and the source material for the examination in the presence of a monitor(s) designated by the Director. ~~At such time that a promotional candidate submits a written appeal to the Director, a copy of the appealed question(s) along with the respective answer(s) from the answer key and the title and page number from the reference materials shall be given to the appealing candidate.~~ Appeals shall be submitted in writing.

The period of review of test materials begins the first business day after promotional examination raw scores are posted and is limited to five business days during which an appeal may be filed.

In the event a candidate for promotion is serving in the military and takes the examination off-site, the Director may determine the number of days in which the candidate must submit all appeals, and may prescribe the method for the submission of same. In such circumstances, e-mail submission may be used, if determined by the Director to be appropriate.

The Commission shall receive a copy of each appeal submitted, the appealed question(s), and the appropriate source reference sheet(s). The appeal information shall not reveal the name of the appellant, prior to the regularly scheduled Commission meeting.

A promotional examination question appealed to the Commission shall be sustained, overruled, or eliminated by a Ruling issued by the Commission.

- (a) **Sustain the answer key** (test scores shall remain as reported)

A Ruling which rejects the appeal presented to the Commission shall require the Director to accept the answer as given on the answer key, while grading the promotional examinations of all eligible candidates.

- (b) **Overrule the answer key** (the Commission shall designate another answer(s) to be accepted)

A Ruling which sustains the appeal of a promotional examination question shall require the Director to accept two or more answers, as directed in the Ruling, while grading the promotional examination of all eligible candidates.

- (c) **Eliminate the test question** (the test question shall not be included)

A Ruling which rejects the test question related to the appeal of a promotional examination question shall require the Director to disregard the question and its answer while grading the promotional examination of all eligible candidates.

### **Formula for calculating scores after appeals:**

The formula for calculating the promotional test scores shall be as follows:

$(100) / (\text{total number of test questions used}) = \text{point value of each question}$

$(\# \text{ of total test questions}) - (\# \text{ of wrong questions}) = \# \text{ of correct questions}$

$(\# \text{ of correct questions}) \times (\text{value of each question}) = \text{score}$

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