



**MINUTES
CIVIL SERVICE COMMISSION MEETING
CITY OF LEANDER, TEXAS**

Development Services - San Gabriel Conference Room
201 N. Brushy Street - Leander, Texas
Tuesday, September 10, 2024
Regular Meeting at 6:00 PM



Place 1 - Kate McDonald, Vice Chair
Place 2 - Nathan Rasmussen, Chair
Place 3 - Donna Sherrill

Director - Christy Davis
Legal - Paige Saenz
Staff Liaison - Dara Crabtree

REGULAR MEETING

1. Open Meeting.

Opened meeting at 6:05 p.m.

2. Roll Call.

Roll call reflected all present with Chair Rasmussen absent.

CONSENT AGENDA: ACTION

Motion: Approve minutes.

By: Board Member McDonald

Seconded: Board Member Sherrill

Vote: 2 - 0

3. Approval of the minutes for meeting held on August 27, 2024.

REGULAR AGENDA

4. Discuss and consider action on adoption of rules necessary for the proper conduct of commission business.

Discussion included recommendations of Subchapter B, Sections 0.27 through 0.38 and Subchapter C (attached).

5. Adjournment

Adjourned at 7:48 p.m.

APPROVED

A handwritten signature in black ink, appearing to be "Mark Allen", written over a horizontal line.

CHAIR

ATTEST:

A handwritten signature in black ink, appearing to be "Christy Day", written over a horizontal line.

DIRECTOR

**LEANDER FIRE DEPARTMENT
CIVIL SERVICE COMMISSION LOCAL RULES**

SUBCHAPTER B. CLASSIFICATION AND APPOINTMENT

Section 21.	Classification: Examination Requirement	*
Section 22.	Physical Requirements and Examinations	*
Section 23.	Eligibility for Beginning Position	*
Section 24.	Entrance Exam Notice	*
Section 25.	Entrance Examination.....	*
Section 26.	Procedure for Filling Beginning Positions.....	*
Section 27.	Probationary Period.....;	*
Section 28.	Eligibility for Promotion.....	*
Section 29.	Promotional Examination Notice.....	*
Section 30.	Eligibility for Fire Department Promotional Examination.....	*
Section 31.	Not Applicable.....	*
Section 32.	Promotional Examination Procedure.....	*
Section 33.	Promotional Examination Grades.....	*
Section 34.	Review and Appeal of Promotional Examination.....	*
Section 35.	Not Applicable.....	*
Section 36.	Procedure for Making Promotional Appointments.....	*
Section 37.	Record of Certification and Appointment.....	*
Section 38.	Temporary Duties in Higher Classification.....	*

SECTION 27. PROBATION PERIOD

See Section 143.027, Chapter 143

Probationary employees shall have no rights under Chapter 143 or under these Rules.

A person appointed to an entry level position in the Fire Department who is not previously certified by the Texas Commission on Fire Protection and is required to attend a basic academy for such certification shall serve an eighteen (18) month probationary period as provided by Chapter 143. Otherwise, persons appointed to an entry level position in the Fire Department shall serve a one (1) year probationary period, also as provided by Chapter 143. A person does not achieve Civil Service status until satisfactorily completing probation.

SECTION 28. ELIGIBILITY FOR PROMOTION

See Section 143.028, Chapter 143

SECTION 29. PROMOTIONAL EXAMINATION NOTICE

See Section 143.029, Chapter 143

SECTION 30. ELIGIBILITY FOR FIRE DEPARTMENT PROMOTIONAL EXAMINATION

See Section 143.030, Chapter 143

The length of service for determining the eligibility for taking a promotional examination shall include the probationary period in the Fire Department.

SECTION 31. NOT APPLICABLE**SECTION 32. PROMOTIONAL EXAMINATION PROCEDURE**

See Section 143.032, Chapter 143

EXAMINATIONS-An examination shall be of such nature that it will test the relative capacity and fitness of the person examined to discharge the duties of the particular position to which they seeks appointment.

The actual conduct of every examination shall be under the direction of the Director who shall be responsible to the Commission. The Director shall have the authority to designate a Test Administrator, who shall be responsible for administering the examination. The Director may also select one or more persons as Test Monitor to assist in the administering, proctoring and grading of an entrance examination. An examination shall be conducted on an "as needed" basis.

The Commission or Director may, because of the small number of eligible promotional candidates for any position, or because of any other good and sufficient reasons, such as death in the immediate family, public emergency, unavailability of test site, etc., postpone an examination to a later date.

To provide for a competitive promotional examination so as to better serve the public, at least one more

than the number of openings or three (3) qualified candidates, whichever is greater, in the next lower position with two years' service shall sit for an examination. If there are not three (3) candidates in the next lower position, the Commission shall follow the procedures relating to eligibility for promotional examinations outlined in Section 143.030(d) and 143.031(c) until at least three (3) qualified candidates sit for the examination. When more than one vacancy exists at the time an examination is to be given, the Director shall determine whether the number of examinees who have filed Notices of Intent to Test is competitive. If necessary, the Director shall make a recommendation to the Commission to open the examination to additional employees, as outlined in Section 143.030(d) and 143.031(c).

PROHIBITED CONDUCT - No person shall:

- (1) deceive or obstruct any person in respect of their right of examination under the provision of these rules and the Civil Service Act;
- (2) falsely mark, grade or report the examination or standing of any person examined hereunder;
- (3) aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion; or
- (4) shall deceive the Commission for the purpose of improving their chance for appointment or promotion.

NOTICE OF INTENT TO TEST-An employee shall complete a Notice of Intent to Test, as prescribed by the Director, in order to take a promotional examination. Failure to make application in the manner prescribed in the "Notice of Promotional Examination" and failure to file the application with the Director within the time limits prescribed in the "Notice of Promotional Examination" shall render the employee ineligible to take the examination.

PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

- (a) Smoking shall be prohibited at all times in the testing area.
- (b) Check In - An examinee shall be checked in and provide proof of identity with a valid Driver's License or other government issued ID with photograph. No examinee shall be admitted once test instructions start.
- (c) Cancellation or postponement of promotional examination - The Commission or Director may cancel or postpone a scheduled promotional examination for sufficient cause.
- (d) Dishonesty - An examinee taking a promotional examination who uses or attempts to use any dishonest means to answer a question on such an examination shall have their examination confiscated and voided by the Test Administrator. The examinee will be removed from the testing site. The Test Administrator shall report the action to the Director.
- (e) Upon request, accommodations shall be provided to an applicant in accordance with the Americans with Disabilities Act. An examinee who needs special arrangements shall submit a request in writing to the Director at a time to be determined by the Director.

PROMOTIONAL EXAMINATION PROCEDURES FOR PERSONNEL ON ACTIVE MILITARY DUTY

1. Fire promotional candidates, who are eligible to take a promotional examination, and who are serving on active military duty, outside the State of Texas or more than two hundred (200) miles from Leander City Hall, are eligible to take a separate promotional examination. An examination, that is or is not identical to the examination administered to other eligible candidates, may be administered outside the presence of other candidates.
2. Employees who are called to active military duty shall be required to notify in

writing the Director prior to being deployed stating whether or not they intend to take any promotional examination administered during their active duty.

3. If the employee signifies intent to take promotional exams, they shall provide the Director with a valid e-mail address, fax number, or contact method during active duty, and shall notify the Director of any changes in their contact information in order to be notified of scheduled exams.
4. The Director is authorized to coordinate all testing under this subsection and may exercise discretion necessary to ensure the confidentiality of the examination and to assure proper administrative procedures are followed.
5. Before the 90th day before the date a promotional examination is held, a notice listing the sources from which the examination questions will be taken will be sent to each military promotional candidate. The notice will be sent to the person's last known address, including their last known e-mail address.
6. It shall be the military promotional candidate's responsibility to secure the necessary source material.
7. The employee shall make arrangements with a military exam coordinator, their JAG (military attorney), or if unavailable, the commanding officer - to proctor the promotional exam and shall provide the name of that individual and contact information along with a valid fax number, if available, to the Director thirty days before the examination is held. Once designated, the same person shall be used throughout the examination process as noted herein.
8. Before the 30th day before the date a promotional examination is held, a notice of the examination will be sent to each military promotional candidate at their last known address, including their last known e-mail address. The employee shall fax or e-mail confirmation to take the test within ten (10) days of receipt of the Notice of Exam. If military operations prevent an employee from meeting this deadline to confirm intent to take the test, the employee shall submit written confirmation as soon as possible, along with a statement from their commanding officer verifying military operations prevented a response during the ten (10) day period. If a military promotional candidate plans to take the exam offsite, then that information must be included in the confirmation within time period prescribed.
9. It shall be the military promotional candidate's responsibility to work with the Director to schedule the administration of the examination.
10. Test packets containing the written examination, answer sheet, an affidavit, and test instructions shall be provided to the military exam coordinator at least twenty-four (24) hours prior to the scheduled exam date. If possible, the written examination for the active duty personnel should be administered on, or as close to, the same day and time as the scheduled exam at the City.
11. All exam materials (exam, answer sheet, and answer key) shall be returned to the Director immediately following the scoring of the exam.

12. At no time will the administration of a promotional examination being given to a promotional candidate serving on active military duty unnecessarily interfere with ongoing military efforts.
13. If the candidate serving on military duty takes and passes a promotional examination, the candidate's name shall be included on the promotional eligibility list created nearest in time to the time at which the candidate on active military duty took the examination.
14. Candidates serving on military duty, who take the promotional examination outside of Leander, shall be eligible to file an appeal of the examination as provided in Tex. Local Gov't Code Section 143.034. The Director shall coordinate all matters related to the review of the examination and the filing of the appeal, and may extend the time limit for appeal upon a showing of exigent circumstances.
15. All employees covered by Chapter 143 who are called to active military duty must notify the Director of their mailing address and/or their e-mail addresses. The Director shall use their best efforts to inform the employees serving active military duty of upcoming promotional examinations.
16. All candidates for a promotional examination should execute an affidavit averring to the fact that they have not shared or discussed the test materials with a candidate serving on military duty.

SECTION 33. PROMOTIONAL EXAMINATION GRADES

See Section 143.033, Chapter 143

- A. **GRADING OF EXAMINATION** - The requirement for "grading at the examination location" is met if the grading location is in the same building, if examinees who have finished are permitted to accompany the person who takes examination answer sheets to the grading location, and if examinees are allowed to observe as the sheets are graded. The test monitor and the examinee will ensure the scantron sheet has been properly graded prior to signing out and leaving the test site.
- B. **SENIORITY POINTS** - Each applicant is entitled to receive one (1) point for each full year of service in the Leander Fire Department, as defined by these rules, with a maximum of ten (10) points. Seniority points will only be added to applicants who score a passing grade of seventy percent (70%) or higher on the written examination. Each full year of service equals one (1) point. Seniority points shall be awarded only for whole years of service. Seniority Points will be calculated as of the date of the promotional exam.
- C. **TIE-BREAKERS** - Whenever two (2) or more candidates for promotion attain the same grade, including seniority points, the tie shall be broken in the order listed below:
 1. **Highest Test Score** - If a tie exists, the candidates shall be ranked in the order according to which candidate had the highest examination raw score prior to the addition of seniority points and after the Commission's determination of appeals, if any.

2. Advanced Education – If a tie still exists, the candidate shall be ranked according to which person possesses the highest advanced education.

Master's Degree- If a tie still exists, the persons shall be ranked according to which person possesses a Master's degree. Bachelor's Degree - If no person possesses a Master's degree, and if a tie still exists, the persons shall be ranked according to which person possesses a Bachelor's degree.
3. Associate's Degree - If no person possesses a Bachelor's degree, and if a tie still exists, the persons shall be ranked according to which person possesses an Associate's degree. Seniority in Rank - If a tie still exists, the candidates shall be ranked in the order according to the earlier hire date in their most recent continuous service in the position immediately below the position for which the examination was given.
4. Certification - If a tie still exists, the candidates shall be ranked in order to which candidate has the highest certification level, if any.
 - a. Fire Certifications Considered for Fire Prevention Classification
 - (1) Intermediate Fire Inspector
 - (2) Advanced Fire Inspector
 - (3) Master Fire Inspector
 - b. Fire Certifications Considered for Fire Suppression Classification
 - (1) Intermediate Firefighter
 - (2) Advanced Firefighter
 - (3) Master Firefighter
5. Earliest date/time of application – If a tie still exists, the candidate shall be ranked according to which person submitted their application first.
6. By lot – If a tie still exists, the candidates shall be ranked according by lot as determined by the Director.

VERIFYING EXAMINATION SCORES - After the grading of all tests and prior to the posting of the eligibility list, the Director shall examine each scantron sheet to ensure it has been scored properly. Additionally, the calculation of each examinee's grade will be verified again by using the master key. If the Director discovers a clerical error prior to the posting of the eligibility list, the Director shall correct the clerical error and notify the affected examinee of the error.

POSTING OF RESULTS- The results of such examination for promotion shall be posted on a bulletin board located outside of City Hall, in the office of the Director, and in the entrance lobby of the Fire Administration office within twenty-four (24) hours after the examination.

SECTION 34. REVIEW AND APPEAL OF PROMOTIONAL EXAMINATION

See Texas Local Government Code§ 143.034.

- A. 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.

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 will be given to the appealing candidate at the time of the Commission meeting. The packet of appealed question(s) will need to remain in the Civil Service meeting room at all times.

- B. The period of review of test materials begins the first business day after promotional examination raw scores are posted and is limited to five (5) business days during which an appeal may be filed. No electronic devices, personal papers, books, notebooks or briefcases may be brought in during this visit.

1. Appeals must be made in writing and include a reasoned statement explaining the examinee's belief as to which (if any) answer or answers should be accepted as correct. Support for an appeal may include factors such as:

- a. Another answer choice being an equally valid answer to the question and coming from the same source.
- b. A typographical, copying, or other error significantly altering the meaning of the question or answer in such a way as to render the approved answer invalid.

2. Factors that do not support an appeal include, but are not limited to, typographical errors or omissions that are disclosed to the examinees and are verbally corrected during the examination.

3. No examinee will be shown another examinee's answer sheet.

- C. Prior to the Commission meeting, at which test appeals will be considered, each Commissioner shall receive a copy of each written appeal submitted, the appealed question(s) and answer(s), the correct answer(s), and the appropriate source reference sheet(s). If possible, the responses of the test writer would also be appropriate. The appeal information shall not reveal the name of the appellant prior to the regularly scheduled Commission meeting. The Director will provide copies of the test writer's responses to appealed questions (if possible) to interested persons at the Commission meeting at which the appeal is heard. Comments, discussion, and questions shall be limited to the question(s) being appealed.

- D. During the Commission's appeal hearing, the following rules will apply:

1. The appealed questions will be considered in numerical order.
2. If there are multiple appellants on a question, the Chair will call them forward for comments in alphabetical order. The Chair will first ask each appellant if he/she

still wishes to appeal. The appellant will then be allowed to make a brief presentation of the reasons for his or her appeal.

3. After all appellants on a question have been given the opportunity to address a question, the Chair will allow other persons who took the examination an opportunity to speak regarding the questions.
4. The Chair will set and enforce a three (3) minute limit on the time for an appellant to speak on each question. The Commission may vote to alter the time limit set by the Chair. Persons other than the appellant who wish to speak will also be limited to three (3) minutes.
5. Only one (1) appellant will be allowed to speak at a time and only one (1) speaking turn will be allowed per person. Groups of two (2) or more individuals with the same position may choose, but are not required to choose, a representative for the group. This rule does not limit the ability of the Commissioners to ask questions of the appellant or others participating in the discussion. The appellant will have a maximum of one (1) minute to rebut arguments against their appeal.
6. After comments by the appellants who took the examination, the Director and the Fire Chief for which the examination was conducted may submit comments to the Commission.
7. The Commission may ask questions of an appellant or anyone else who addresses the Commission.
8. For members of the public, in addition to the rules stated above:
 - a. Members of the public may address the Commission regarding items on the posted agenda for which the Commission will make a decision or take action before or during consideration of the item.

- b. The City of Leander and the Commission fully embraces the values of diversity, equity, inclusion, and accessibility where people of all identities and experiences are understood, appreciated, and fully included in the community and where equitable treatment and outcomes prevail. As such, in order to preserve the order and decorum of meetings of the Commission and to provide for attendance at and participation in the meeting without fear of intimidation, threats, or hostility, any person who makes personal, profane, hostile, slanderous, or threatening remarks, who uses vulgar or obscene language, who engages in any other actions that disturb or are calculated to disturb the meeting, or who becomes disruptive during the meeting may be removed from the meeting location. All speakers shall address the Commission and not the audience or Civil Service staff and shall not call out individually named members of Civil Service staff or the public. Comments must be topically related to the agenda item for which the speaker has registered to speak.
 - c. Persons who intend to speak shall register with Civil Service staff outside the meeting location on the day of the meeting, beginning 15 minutes prior to the meeting start time, by signing in on the Speaker Sign-In Sheet and including:
 - 1. the speaker's first and last name;
 - 11. the agenda item on which the speaker plans to speak;
 - m. an indication whether the speaker will be speaking through a translator; and
 - iv. any other information requested by Civil Service staff.
 - d. Members of the public who wish to address the Commission through a translator will have twice the amount of speaking time provided by these rules to accommodate the translation services.
- E. After receiving comments on a question, the Commission will discuss and make a determination of the question. A promotional examination question appealed to the Commission shall be sustained, overruled, or eliminated by a Ruling issued by the Commission. Each Ruling shall be made by a majority vote of the Commission, as follows:
- 1. **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.
 - 2. **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 a different answer or accept two (2) or more answers, as directed in the Ruling, while grading the promotional examination of all eligible candidates.

3. **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.

- F. After all questions have been considered, the Director will re-score all answer sheets and establish an amended eligibility list. Seniority points, for those having score of seventy percent (70%) or better, will be added after the re-scoring. The amended eligibility list shall have the same effective date as the original list. The Director will post the amended eligibility list within twenty-four (24) hours of the Commission meeting.
- G. Occupying the top position on a promotional eligibility list does not create an absolute right to be promoted. It creates only an expectancy of being promoted, subject to the creation of a vacancy in the classified position during the one (1) year (365 days) existence of the eligibility list and subject to these Rules.

PROMOTIONAL EXAMINATION APPEAL PROCEDURES FOR PERSONNEL ON ACTIVE MILITARY DUTY

Candidates serving on military duty, who take the promotional examination outside of Leander, shall be eligible to file an appeal of the examination as provided in Chapter 143.034. The Director shall coordinate all matters related to the review of the examination and the filing of the appeal, and may extend the time limit for appeal upon a showing of exigent circumstances.

SECTION 35. NOT APPLICABLE

SECTION 36. PROCEDURE FOR MAKING PROMOTIONAL APPOINTMENTS

See Section 143.036, Chapter 143

Persons accepting a promotion in the Leander fire department shall be medically and physically capable to perform the essential functions of the job and meets the job description requirements.

The Director and/or the Fire Chief may establish other reasonable, valid criteria for promotion to the particular position.

When the term "Commission" is used in Section 143.036, the Director may perform the duties

specified.

Promotional procedures for deployed military personnel:

In this Section 143.036, "deployed person" means a civil service employee of the Leander Fire Department who is a member of the U.S. military and who has been deployed under orders in the service of the United States of America; "federal regulations" means USARA; and "state regulations" means Chapter 143, Section 143.072 and Section 143.075.

When a person in the Fire Department is ordered to active military duty and deployed, all federal and state regulations shall apply.

When a deployed person is the person with the highest grade on a promotional eligibility list, and a promotional vacancy is to be filled, the department head may:

- promote the deployed person per Section 143.036 (Procedure for Making Promotional Appointments);
- not promote the deployed person for a valid reason per Section 143.036(f)(g);
- designate a person from the next lower classification to temporarily fill the position that is vacant due to the absence of the deployed person per Section 143.038 (Temporary Duties in Higher Classification); or
- promote the deployed person and the next person having the highest grade on the eligibility list to fill the vacant position until the return of the deployed person.

If the Fire Chief promotes the deployed person and the next person on the list having the highest grade on the eligibility list, the last person promoted to that rank may be demoted to their previous rank upon the return and reemployment of the deployed person no matter if the last person promoted was promoted from the same promotional list as the deployed person or from a later promotional list.

The Fire Chief shall cause each person promoted but subject to being demoted upon the return of a deployed person to be notified of such risk in writing. However, the failure of the Fire Chief to notify a person subject to being demoted in writing does not protect the person from being demoted to their previous rank upon the return of the deployed person.

SECTION 37. RECORD OF CERTIFICATION AND APPOINTMENT

See Section 143.037, Chapter 143

SECTION 38. TEMPORARY DUTIES IN HIGHER CLASSIFICATION

See Section 143.038, Chapter 143

The Fire Chief may prescribe methods of selecting and making temporary appointments to higher classifications. The Fire Chief shall determine eligibility for higher classification pay and requirements to earn higher classification pay above the base salary.

**LEANDER FIRE DEPARTMENT
CIVIL SERVICE COMMISSION LOCAL RULES**

SUBCHAPTER C. COMPENSATION

Section 41.	Salary	*
Section 42.	Assignment Pay	*
Section 43.	Not Applicable	*
Section 44.	Certification and Educational Incentive Pay	*
Section 45.	Accumulation and Payment of Sick Leave.....	*
Section 46.	Vacations	*
Section 47.	Shift Differential Pay.....	*

SECTION 41. SALARY

See Section 143.041, Chapter 143
See City of Leander Personnel Policy

SECTION 42. ASSIGNMENT PAY

See Section 143.042, Chapter 143
See City of Leander Fire Department Standard Operating Procedures

SECTION 43. NOT APPLICABLE

SECTION 44. CERTIFICATION AND EDUCATIONAL INCENTIVE PAY

See Section 143.044, Chapter 143
See City of Leander Fire Department Standard Operating Procedures

SECTION 45. ACCUMULATION AND PAYMENT OF SICK LEAVE

See Section 143.045, Chapter 143

An employee who is temporarily suspended or indefinitely suspended shall exhaust all appeal rights before the City is obligated to pay any accumulated civil service sick leave as prescribed under Chapter 143. The City shall not authorize a withdrawal from the Texas Municipal Retirement System (TMRS) unless the employee is terminated in payroll.

SECTION 46. VACATIONS

See Section 143.046, Chapter 143

An employee who is temporarily suspended or indefinitely suspended shall exhaust all appeal rights before the City is obligated to pay any accumulated vacation pay as prescribed under Chapter 143.

SECTION 47. SHIFT DIFFERENTIAL PAY

See Section 143.047, Chapter 143