



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

Development Services - San Gabriel Conference Room  
201 N. Brushy Street - Leander, Texas  
Tuesday, October 22, 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.
2. Roll Call.

**CONSENT AGENDA: ACTION**

3. Approval of the minutes for meeting held on October 8, 2024.

**REGULAR AGENDA**

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

**CERTIFICATION**

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Civil Service Commission reserves the right to adjourn into Executive Session on any of the above posted agenda for which state law authorizes Executive Session to be held, including but not limited to Sections 551.071 [litigation and certain Consultation with attorney] and 551.074 [certain personnel deliberations], 551.076. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the Civil Service Commission of the City of Leander, Texas, was posted on the bulletin board at City Hall in Leander, Texas, on the 18 day of October 2024 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.

Dara Crabtree, City Secretary



**EXECUTIVE SUMMARY**  
**10/22/2024**

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**AGENDA SUBJECT:**

Approval of the minutes for meeting held on October 8, 2024.

**BACKGROUND:**

Attached are the minutes for the meeting held on October 8, 2024.

**HISTORY/TIMELINE:**

**APPLICANT/AGENT:**

**RECOMMENDATION:**

**PRESENTER:**

Dara Crabtree, City Secretary

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**Fiscal Impact**

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**Attachments:**

1. Draft Civil Service Minutes 10.08.2024
2. Draft\_10.08.2024\_Subchapter\_E\_Section\_71-90
3. Draft\_08.27.2024\_Subchapter\_B\_Section\_23 and 26
4. Draft\_09.03.2024\_Subchapter\_B\_Section\_.36



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

Development Services - San Gabriel Conference Room  
201 N. Brushy Street - Leander, Texas  
Tuesday, October 8, 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 6:09 p.m.

2. Roll Call.

Confirmed all Commissioners were present.

**CONSENT AGENDA: ACTION**

3. Approval of the minutes for meeting held on September 24, 2024.

Motion: Approve the minutes for the meeting held on September 24, 2024.

By: Board Member Rasmussen

Seconded: Board Member McDonald

**Vote: 3 - 0**

**REGULAR AGENDA**

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

Discussion included recommendations of Subchapter E, Sections 71 through 90; Subchapter B, Sections 23, 26 and 36 (see attached).

5. Discuss and consider action on approving the promotional exam source material list.

Motion: Approve the promotional exam source material list.

By: Board Member Sherrill

Seconded: Board Member McDonald

**Vote:** 3 - 0

6. Discuss and consider action on a Resolution approving the Classification List.

Motion: Approve Resolution approving the Classification List.

By: Board Member Rasmussen

Seconded: Board Member McDonald

**Vote:** 3 - 0

7. Adjournment

Adjourned at 8:00 p.m.

APPROVED

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CHAIR

ATTEST:

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DIRECTOR

LEANDER FIRE DEPARTMENT  
CIVIL SERVICE COMMISSION LOCAL RULES

**SUBCHAPTER E. LEAVES**

|             |                                                                         |   |
|-------------|-------------------------------------------------------------------------|---|
| Section 71. | Leaves of Absence; Restrictions Prohibit .....                          | * |
| Section 72. | Military Leave of Absence .....                                         | * |
| Section 73. | Line of Duty Illness or Injury Leave of Absence .....                   | * |
| Section 74. | Reappointment After Recovery from Disability .....                      | * |
| Section 81. | Determination of Physical or Mental Fitness .....                       | * |
| Section 82. | Efficiency Reports .....                                                | * |
| Section 83. | Emergency Appointment of Temporary Fighters .....                       | * |
| Section 84. | Civil Service Status and Pension Benefits for Certain Firefighters..... | * |
| Section 85. | Force Reduction and Reinstatement List .....                            | * |
| Section 86. | Political Activities .....                                              | * |
| Section 87. | Strike Prohibition.....                                                 | * |
| Section 88. | Unlawful Resignation or Retirement .....                                | * |
| Section 89. | Permanent Personnel File .....                                          | * |
| Section 90. | Release of Photographs of Police Officers .....                         | * |

## **SECTION 71. LEAVES OF ABSENCE; RESTRICTION PROHIBITED**

See Section 143.071, Chapter 143

## **SECTION 72. MILITARY LEAVE OF ABSENCE**

See Section 143.072, Chapter 143

This section is not intended to create any rights beyond those created by the Uniformed Services Employment and Reemployment Rights Act (USERRA) 38 USC 4301, the Texas Government Code, and Texas Local Government Code Section 143.072. The following definitions apply:

**"Military Reinstatement List"** means a list of persons, broken down by civil service classification, and arranged in the order provided by these rules, who have been demoted to the next lowest position in grade or compensation due to the reinstatement of an employee from a military leave of absence.

**"Military Service"** means US Marine Corps, US Navy, US Army, US Air Force, and US Coast Guard.

**"Reservist"** means a member of the US Marine Corps Reserve, US Navy Reserve, US Army Reserve, US Air Force Reserve, US Coast Guard Reserve, Army National Guard and Air National Guard (collectively, the "Reserves").

### **A. Military Leave of Absence for Newly Enlisting**

1. A Civil Service member may newly enlist or enter into the United States military service. The Civil Service member shall follow the procedure set forth in Texas Local Government Code Section 143.072 in order to obtain an unpaid military leave of absence. The Director of Civil Service, on behalf of the Commission, shall grant the Military Leave of Absence upon receipt of a copy of the member's military orders and upon receipt of a form approved by the Civil Service Office and signed by the eligible member; or, if the eligible member is unavailable, then signed by the member's department Chief. The Director shall report the same to the Civil Service Commission at the next scheduled meeting. Such Military Leave of Absence may not exceed the period of compulsory military service or the basic minimum enlistment period.
2. As a benefit provided solely by the City of [ArlingtonLeander](#), a newly enlisting member may be eligible for annual paid leave and military supplemental pay under the City of Arlington Personnel Policy. ~~Newly enlisting members will not be eligible for Military Leave Time Account donations under Section 75 of these local rules. Any time required over the maximum allowed compensated military leave must be taken without pay.~~
3. After the granting of a Military Leave of Absence and the start thereof, the Director of Civil Service shall treat the position as vacated and shall initiate the normal procedure for filling a vacancy.
4. Members will be subject to the reinstatement rules provided herein and may also be

placed on a Military Reinstatement List as follows:

- a. If the reinstatement of a member who received a Military Leave of Absence causes a surplus in the rank to which the member was reinstated, then the member who has the least seniority in the position shall be returned to the position immediately below the position to which the returning member was reinstated.
- b. If a member is returned to a lower position in grade or compensation under this Rule without charges being filed against the member for violation of civil service rules, the member shall be placed on a Military Reinstatement List in order of seniority.
- c. Appointment from the Military Reinstatement List shall be made in order of seniority on the list. ~~If more than one member is placed on the list on the same day, the tie-breaking criteria cited in Local Rule 33 shall be utilized to determine the final ranking on the list.~~
- d. A member who is not on the reinstatement list may not be appointed to a position to which the list applies until the list is exhausted. A Military Reinstatement List has no expiration date.
- e. If there is no lower position in grade/rank, then the person most recently hired ~~must may~~ be laid off. ~~but If laid off, that person~~ must be placed on a Military Reinstatement List, giving him or her a preferential right to the next subsequent vacancy.
- f. Upon reinstatement, ~~a member~~ the deployed firefighter will receive full seniority credit.

## **B. Leave of Absence for Members of the Reserves**

1. The Director of Civil Service must grant a Reservist Leave of Absence for members to engage in initial training or annual duty in the military reserves or National Guard. The Director must report the Reservist Leave of Absence to the Civil Service Commission at the next scheduled meeting.
2. A member on a Reservist Leave of Absence for greater than three continuous months may be eligible for Military Leave Time Account donations as detailed in Section 75 herein in addition to the annual paid leave and supplemental military pay in the City's Personnel Policy.
3. After the granting of a Reservist Leave of Absence and the start thereof, the position the reservist held will be treated as a temporary assignment and not a vacancy. In accordance with Section 143.038 of the Tex. Loc. Gov't Code, the duties that are temporarily performed in a higher classification by an employee who has not been

promoted as prescribed by Chapter 143 shall not be construed as a promotion and members performing those duties shall not have any preferential right to the next vacancy.

4. Texas Local Government Code Section 143.028(c) applies only to Reservist Leaves of Absence.

**C. Reinstatement Requirements for Newly Enlisting Members and Members of the Reserves**

1. A member returning from military service must report back to work or apply for reemployment within the time constraints prescribed by USERRA, ~~and the City's Personnel Policy, and Chapter 143 as applicable. and the member will be reinstated by the Director of Civil Service to the position that he or she held in the department at the time the leave of absence was granted if the employee meets the following requirements, in addition to any requirements under federal law and the City's Personnel Policy:~~
2. It is a member's responsibility to keep their certifications, required by the job description for the position and assignment held prior to deployment ~~Section 36.G of these Rules~~ and state law, current during deployment.
3. Depending on the duration of leave, the member must undergo appropriate training upon return to work and will be evaluated by a supervisor before placement back into operations.
4. The member is responsible for ensuring the City has current contact information for the employee throughout deployment, unless the nature of ~~his/her~~their assignment prohibits such information from being provided to the department.
5. Members should consult the Human Resources Department for assistance in determining the impact of their active military service on their pension plans and health insurance benefits.
6. A member who has not completed the Civil Service probationary period when he or she enters the uniformed service will upon his or her return, resume the Civil Service probationary period at the point the Civil Service probationary period was interrupted by military service.

**SECTION 73. LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE**

See Section 143.073, Chapter 143

The purpose of this section is to provide guidelines for Civil Service salary continuation under illness or injury leaves of absence for classified employees. Notwithstanding the leave provisions and accommodations authorized by these rules, Chapter 177A of the TLGC, and the City's Personnel Policy,

the ~~Department Head~~Fire Chief may at any time invoke the fitness for duty process authorized by Section 143.081 of the Texas Local Government Code if the employee is unable to perform their essential job functions ("Fitness for Duty Evaluation").

**A. Definitions**

"Full Pay" during a Line of Duty Illness or Injury Leave is defined as the classified employee's regular rate of pay for ~~his/her~~their normally scheduled work time, less the amount of any deductions authorized by the Texas Workers' Compensation Act and related regulations.

"Illness or Injury Leave" is leave that is provided to eligible classified employees who are unable to work due to a compensable illness or injury. Transitional Assignment Duty is not considered Illness or Injury Leave.

"Line of Duty Illness or Injury Leave" is Illness or Injury Leave granted to a classified employee who has suffered a compensable illness or injury as a direct or proximate result of the person's line of duty, which is in the course and scope of ~~his/her~~their employment as determined by the Civil Service Director, and is unable to work. This may include an illness or injury suffered during an employee's regular duty hours, authorized overtime, or authorized special events.

"Reassignment" may be available if the classified employee can only work with restrictions on a permanent basis, and the employee may be accommodated through permanent reassignment to a non-classified position for which the employee is qualified.

"Temporary Leave" is unpaid leave provided at the discretion of the Department Head, in consultation with HR, after the classified employee has exhausted ~~his/her~~their Illness or Injury Leave and any extensions granted, and/or the employee has exhausted all Leave Benefits as described herein.

"~~Transitional~~Light Duty Assignment" may be available when the classified employee suffers a temporary illness or injury but can return to work with restrictions or limitations.

"Unpaid" leave does not consider the employee as being on active service with the City, and the employee neither receives pay nor the employer's contribution amounts for health care insurance or other benefits. Paid leave does not accrue during unpaid leave.

"Work Days" will be converted to shift equivalents for persons regularly assigned to other than the regular City 8-hour work day.

**B. Illness or Injury Leave Requirements**

To the extent the City's Personnel Policy Manual does not conflict with these Local Rules, any requirements contained therein are incorporated into this Section.

1. Procedure. The classified employee eligible for Line of Duty Illness and Injury Leave must report the injury within 24 hours after the injury occurs. The employee must complete the Worker's Compensation Injury Packet using the procedures outlined in the City Personnel Policy Manual. The form must state that the employee is unable to return to full duty or limited duty with restrictions in order to obtain such leave; otherwise, the employee must qualify for TransitionalLight Duty Assignment.
2. Worker's Compensation. Denial of Worker's Compensation benefits will cause the employee's illness or injury to be considered "Off-duty" unless otherwise compensable under the Civil Service Act. Use of Leave Benefits may be authorized without regard to Maximum Medical Improvement.
3. Salary Continuation (Phase I). A classified employee on Line of Duty Illness or Injury Leave shall receive Full Pay and shall retain the same level of health care insurance benefits as the employee received while on active duty for a period commensurate with the nature of the illness or injury, not to exceed 2080 hours for the 40-hour work week or 2912-hours for the 24-hour shift employee ("one-year period") as of the end of the employee's last shift. This time does not have to be continuous, but such leave must be in accordance with the rules and regulations of the Fire Department and Chapter 143. The benefits period starts from the date of injury and may be used intermittently.
4. Extended Salary Continuation (Phase II). If the one-year period was required for the illness or injury sustained by the employee, the ArlingtonLeander City Council may, upon expiration of the one-year period, extend the Line of Duty Illness or Injury Leave, commensurate with the illness or injury, at Full or reduced pay. At least 30 days prior to the end of the one-year period, the employee, or authorized representative, must submit a request to the Department HeadFire Chief asking for such an extension, and it is in the Department Head's discretion, in consultation with HR, whether to forward the request for approval or denial to the City Council.
5. TMRS Disability. For classified employees on Line of Duty Illness or Injury Leave who have eligible benefits through the Texas Municipal Retirement System (TMRS) and who either do not receive Extended Salary Continuation or suffer a reduction of salary below 60 percent of their monthly salary, the employee may be eligible to obtain disability retirement benefits under TMRS. However, if the employee is deemed "recovered" by TMRS regulations, then he or she is eligible for reappointment in accordance with the reappointment rules in Local Rule 74.
6. Use of Leave Benefits (Phase III). Accumulated sick leave, holiday time, vacation time, any applicable catastrophic leave donations, and/or frozen leave banks (in an FMLA qualifying event) may be used prior to being placed in Temporary Leave status in the following situations:

- a. Employees, on Line of Duty Illness or Injury Leave, who exhaust the one-year period and the Extended Salary Continuation outlined in Subsection (4);
  - b. Employees, on Line of Duty Illness or Injury Leave, who exhaust the one-year period and who do not receive Extended Salary Continuation outlined in Subsection (4);
  - c. Employees, on Line of Duty Illness or Injury Leave, who do not have eligible benefits through TMRS outlined in Subsection (5); and
  - d. Employees who are on Off-duty Illness or Injury Leave.
7. Temporary Leave (Phase IV). Classified employees, whether in the Line of Duty or Off-Duty may be eligible for Temporary Leave. Temporary Leave, if granted, shall only be allowed in thirty (30) day increments and shall not exceed a six (6) month period, unless the employee has not expired [his/her/their](#) FMLA leave in which case Temporary Leave must accommodate the FMLA leave available to the employee. If an employee recovers during the time that [he/she/their](#) is on Temporary Leave, then the employee may apply for reinstatement at the same rank and seniority as [he/she/their](#) held prior to taking leave using the reappointment procedures in Rule 74. Temporary Leave is considered a break in service for insurance purposes.
8. Trainees. Fire Trainees will not be eligible to receive Salary Continuation benefits for Line of Duty Illness or Injury Leave. Accommodations, if any, will be in accordance with the City Personnel Policy Manual and Federal law.
9. FMLA. Any days in which Illness or Injury Leave, whether in the Line of Duty or Off-duty, is utilized will be applied toward the classified employee's leave benefit under the Family Medical Leave Act. Upon exhaustion of FMLA benefits, classified employees shall be subject to reassessment in accordance with department [SOP 101.50policy](#).
10. Documentation Required. The classified employee shall attend all doctor appointments as scheduled by their physician. The employee shall be responsible to schedule a monthly medical appointment and must update their supervisor after each appointment. Employees must provide signed documentation from a treating licensed physician in accordance with City policy in order to continue to obtain benefits under these rules and may be ordered to appear before the Commission in the event of a failure to comply with this requirement.
11. Availability on Leave. An employee who wishes to travel or otherwise be unavailable while on Illness or Injury Leave, whether in the Line of Duty or off duty, must get approval from the [Department HeadFire Chief](#) in consultation with Human Resources.
12. Verification. The [Department HeadFire Chief](#) or Director may order home checks to be made on any employee off work under this Section and may order an employee

to provide a doctor's letter verifying any claimed illness or non-work injury.

13. Contact Information. An Employee is responsible for ensuring that the City has [his/her/their](#) current contact information, including personal address, phone number and personal electronic mail, while they are on Illness or Injury Leave.

#### **C. Prohibitions**

While on Illness and Injury Leave, whether in the Line of Duty or Off-duty, employees shall not engage in the following conduct:

1. Drive a city-owned vehicle;
2. Participate in activities that could possibly hinder recovery (i.e., strenuous athletic activity);
3. Work any secondary employment;
4. Wear any part of the [Arlington-Leander](#) Fire Department Uniform, including T-Shirts;
5. Carry a City issued weapon; or
6. Display their Fire Department Identification or Special Events Identification card in a manner that may identify them as a member of the Fire Department

#### **D. Transitional-Light Duty Assignment or Permanent Re-Assignment**

To the extent the City's Personnel Policy Manual does not conflict with these Local Rules, any requirements contained therein are incorporated into this Section. The [Arlington-Leander](#) Fire Department will make every effort to offer a reasonable accommodation to enable an employee to perform the essential functions of [his/her/their](#) position when the employee cannot otherwise perform [his/her/their](#) full duties unless (1) a need cannot be properly substantiated, (2) the accommodation would not be effective, or (3) it would impose an undue hardship on the City.

1. Documentation Required. A classified employee returning to duty after Illness or Injury Leave must provide a written release from the treating licensed physician indicating the employee's fitness to return to duty, stipulating any type of restrictions and the date of the employee's release from medical care. If restrictions are specified, the employee must report to HR before reporting to work.
2. Transitional-Light Duty Required. If the employee is subject to restrictions that render the employee temporarily unable to perform the essential functions of the job, an attempt will be made to find a [Transitional-Light](#) Duty Assignment that the employee can perform. If [Transitional-Light](#) Duty is available, an employee must take the offered assignment; failure to accept the assignment may result in the employee forfeiting their workers' compensation indemnity benefits. In assigning [Transitional-Light](#) Duty to classified employees, the [Department HeadFire Chief](#) may assign employees to duties outside the Fire Department. [Transitional-Light](#) Duty Assignments must be compliant with the City of [Arlington-Leander](#) Personnel Policy Manual, Chapter 177A of the TLGC and Federal law. A [Transitional-Light](#)

Duty Assignment may continue for at least one (1) year per illness or injury.

3. Extended ~~Transitional-Light~~ Duty. The ~~Department Head~~Fire Chief has the option, but is not required, either to approve Extended ~~Transitional-Light~~ Duty or call for a Fitness for Duty Evaluation. Employees with a Line of Duty Illness or Injury will have preference over employees with an Off-duty Illness or Injury for Extended ~~Transitional-Light~~ Duty.
4. Re-assessment. An employee on ~~Transitional-Light~~ Duty Assignment is subject to continuous re-assessment to ensure current medical need and estimated length of need. Employees on ~~Transitional-Light~~ Duty Assignments will be required to undergo medical re-evaluations or designated doctor visits as directed.
5. Trainee Accommodations. If the employee is a Fire Trainee at the time of Line of Duty Injury or Illness and can perform duties with restrictions, then the employee may be given a ~~Transitional-Light~~ Duty Assignment in the fire training class for the academic component only, holding the physical component of training until a full release is received by a treating licensed physician, so long as it is approved by the ~~Department Head~~Fire Chief and does not disrupt operations.
6. Re-assignment. Upon expiration of the ~~Transitional-Light~~ Duty Assignment and Extended ~~Transitional-Light~~ Duty, the employee may be eligible for permanent re-assignment to a non-classified, vacant position for which ~~he/she is~~they are qualified with or without reasonable accommodation. The employee may be re-assigned to a lower graded position if there are no other accommodations that would enable the employee to be permanently re-assigned. If there is no other vacant position for which the employee is qualified or capable and Illness and Injury Leave has been exhausted, then the employee may be subject to a Fitness for Duty Evaluation.

#### **SECTION 74. REAPPOINTMENT AFTER RECOVERY FROM DISABILITY**

See Section 143.074, Chapter 143

#### **SECTION 75. MILITARY LEAVE TIME ACCOUNTS**

See Section 143.075, Chapter 143

(Sections 76-80 reserved for expansion.)

## **SECTION 81. DETERMINATION OF PHYSICAL OR MENTAL**

See Section 143.081, Chapter 143

- A. If the ~~Department Head~~Fire Chief questions whether an employee is mentally or physically fit for duty, the ~~Department Head~~Fire Chief may order that the employee, at the employee's cost, attend an appointment with the employee's personal physician, psychiatrist, or psychologist, as applicable, in order to obtain a fitness for duty evaluation report under Tex. Local Gov't Code Section 143.081 (the "report"), and the ~~Department Head~~Fire Chief must give a copy of such order to the employee. An employee ordered to submit to a fitness for duty evaluation must execute a written consent to the release of the report directly from the healthcare provider to the Director, ~~Department Head~~Fire Chief, and Commission, in the form required by the City. The ~~Department Head~~Fire Chief may allow the employee to continue working in the employee's regular or ~~transitional~~light duty assignment, or may place the employee on applicable Administrative Leave or unpaid Temporary Leave pending the outcome of the response, depending on the circumstances of the case and in the ~~Department Head~~Fire Chief's discretion
- B. Once the employee's healthcare provider returns the report, the Director or ~~his/her~~their designee, shall file a copy of the confidential report with the ~~Department Head~~Fire Chief within three (3) business days of receipt. No later than ten (10) calendar days before the Commission meeting on fitness for duty, the Director or ~~his/her~~their designee must send a copy of the report and a notice of the hearing date and time to the affected employee. A copy of all healthcare correspondence, other than the report to be provided in executive session, and of the ~~Department Head~~Fire Chief's response will be sent to the Commission in advance of the meeting. The report must state whether the employee is sufficiently physically or mentally fit to continue the employee's duties and the procedure shall be as follows:
1. If the employee's personal healthcare provider finds the employee *fit for duty*, and the ~~Department Head~~Fire Chief agrees with the finding, the Commission shall consider this agreement in reviewing whether the report is true. If the ~~Department Head~~Fire Chief or the Commission disagrees with the report, then the Commission shall appoint another physician, psychiatrist or psychologist, as appropriate, to evaluate the employee and to provide an additional evaluation report to the Commission, at the City's cost.
  2. If the employee's personal healthcare provider finds the employee *not fit for duty* and the ~~Department Head~~Fire Chief agrees with the finding, the Commission shall consider this agreement in reviewing whether the report is true. If the employee or the Commission disagree with the report, then the Commission shall appoint another physician, psychiatrist or psychologist, as appropriate, to evaluate the employee and to provide an additional evaluation report to the Commission, at the City's cost.
  3. If the reports from the employee's personal healthcare provider and the Commission's appointed healthcare provider conflict, the Commission shall appoint a board of three (3) physicians, psychiatrists or psychologists, as applicable, pursuant to Tex. Local Gov't Code Section 143.081(£). The employee must see all three (3) healthcare providers within

the time prescribed by the Commission, at the City's cost. The Commission may set a deadline for the return of additional evaluation reports and may grant an extension of its deadline for good cause shown by the employee. The board's decision is a simple majority finding, and it is final and not appealable to the Commission.

4. If the Commission orders additional evaluation reports in subsection (1), (2), or (3) above, the employee must execute a separate written consent to the release of the evaluation report directly from the personal or appointed healthcare provider to the Director, [Department HeadFire Chief](#), and Commission, in the form required by the City.

- C. Failure of the employee to attend an appointment with any healthcare provider or to cause any healthcare provider to fail to return the fitness for duty evaluation report within fifteen (15) business days of the order shall be considered grounds for formal disciplinary action, unless within five (5) business days of the order, the employee requests a reasonable extension for good cause from the [Department HeadFire Chief](#) or Commission, as the case may be. However, if an extension is granted, in no event shall an employee cause any healthcare provider to fail to return the fitness for duty report later than twenty-one (21) business days after the initial order or Commission appointment. Such failure may be grounds for formal disciplinary action.

## **SECTION 82. EFFICIENCY REPORTS**

See Section 143.082, Chapter 143

The performance of all employees who are not in entry-level probationary status will be evaluated on [an semi](#)annual basis through individual Efficiency Reports. These reports are intended to ensure that all employees are aware of the expected level of performance for effectiveness and efficiency in their duties. These reports allow for timely feedback to encourage education, training and employee development to ensure a consistently fair evaluation process.

Entry-level employees who are in probationary status under Section 27 will undergo an Efficiency Report evaluation monthly as well as an environmental assessment to evaluate the employee's personal experience as it relates to their current work environment. The results of a monthly Efficiency Report during probationary status does not necessarily guarantee the employee any rights to a position, and the [Department HeadFire Chief](#) maintains **full** rights of discharge during the probationary period.

The Director must provide each employee a copy of their individual Efficiency Report. Within ten (10) calendar days after the date an employee receives the copy of their Efficiency Report, the employee may make a statement in writing concerning the report. The statement shall be placed in the employee's personnel file with the Efficiency Report.

The [Department HeadFire Chief](#) may establish procedures for Efficiency Reports. Efficiency Report evaluations are not appealable to the Commission. Continued poor efficiency evaluations may result in disciplinary actions under these Rules.

**SECTION 83. EMERGENCY APPOINTMENT OF TEMPORARY FIREFIGHTERS**

See Section 143.083, Chapter 143

**SECTION 84. CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIREFIGHTERS**

See Section 143.084, Chapter 143

**SECTION 85. FORCE REDUCTION AND REINSTATEMENT LIST**

See Section 143.085, Chapter 143

**SECTION 86. POLITICAL ACTIVITIES**

See Section 143.086, Chapter 143

**SECTION 87. STRIKE PROHIBITION**

See Section 143.087, Chapter 143

**SECTION 88. UNLAWFUL RESIGNATION OR RETIREMENT**

See Section 143.088, Chapter 143

**SECTION 89. PERMANENT PERSONNEL FILE**

See Section 143.089, Chapter 143

**SECTION 90. RELEASE OF PHOTOGRAPHS OF POLICE OFFICER**

See Section 143.090, Chapter 143

## **SECTION 23. ELIGIBILITY FOR BEGINNING POSITION**

See Texas Local Government Code§ 143.023.

**A. EMPLOYMENT STANDARDS** -To the extent that employment standards for an entry-level fire fighter and police officer as provided in the Civil Service Classification Plan exceed the requirements of Chapter 143 and other applicable State laws, any of such entry-level employment requirements not prescribed by State laws may be waived by the Fire Chief ~~or Police Chief~~ with the concurrence of the Director and consent of the City Manager, when such waiver would be in the best interests of the Fire Department ~~or Police Department~~ and provided further that such waiver of requirements shall not substantially lower the high standards sought by the City. Any changes under this Section shall be based on each hiring process.

### **B. MINIMUM ELIGIBILITY REQUIREMENTS FOR FIRE FIGHTERS**

An applicant for fire fighter shall meet the following criteria in order to be considered for an entry-level position:

- (a) Achieve a minimum passing score of seventy (70) percent on the written examination;
- (b) Successfully complete the physical ability test;
- (c) Pass a background investigation;
- ~~(d)~~ (d) Pass oral interviews;
- ~~(d)(e)~~ (e) Pass Fire Chief's interview;
- ~~(e)(f)~~ (f) Successfully complete a post-job offer psychological examination and medical examination that includes passing a visual acuity test, and physician certification that the applicant is not dependent on and does not use illegal drugs;
- ~~(f)(g)~~ (g) Be at least eighteen (18) years of age and not more than thirty-five (35) years of age at the time of hire;~~(until amended through collective bargaining)~~
- ~~(g)(h)~~ (h) Be a graduate of an accredited high school or have an equivalency certificate;
- ~~(h)(i)~~ (i) Have a valid Texas driver's license at the date of hire;~~(should have the ability to obtain a Class A driver's license)~~
- ~~(i)(j)~~ (j) Be a citizen of the United States by birth or naturalization;
- ~~(j)(k)~~ (k) Be able to read, write, and speak the English language;
- ~~(k)(l)~~ (l) Be of good moral character;
- ~~(l)(m)~~ (m) Must be eligible to work within the United States;
- ~~(m)(n)~~ (n) Must obtain or possess certifications consistent with Department Hiring Policy.

**SECTION 26. PROCEDURES FOR FILLING BEGINNING POSITIONS**

See Texas Local Government Code§ 143.026.

...a preference to certified applicants that involve certified firefighters and/or paramedics. (legal will work on the wording)

## **SECTION 36. PROCEDURE FOR MAKING PROMOTIONAL APPOINTMENTS**

See Section 143.036, Chapter 143

Persons accepting a promotion in the ~~Round Rock~~Leander fire department shall be medically and physically capable to perform the essential functions of the job and ~~shall demonstrate a driving record which~~ meets ~~current City liability insurance~~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.

### **Bypass for valid reason for promotion:**

Reasons for bypass include any reason the Fire Chief articulates is in the best interest for the fire department. Examples of, but not limited to, include:

- Recent disciplinary issues,
- Failure to obtain certification,
- Does not meet minimum job requirements, or inability to obtain certification with  
time,
- Pending criminal charges could be a reason to bypass.

### **Promotional procedures for deployed military personnel:**

In this Section 143.036, "deployed person" means a civil service employee of the ~~Round Rock~~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.



**EXECUTIVE SUMMARY**  
**10/22/2024**

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**AGENDA SUBJECT:**

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

**BACKGROUND:**

The commission shall adopt rules necessary for the proper conduct of commission business. The commission shall adopt rules that prescribe cause for removal or suspension of a firefighter or police officer and governing promotions. The commission shall publish each rule it adopts and each classification and seniority list for the fire department. The rules and lists shall be made available on demand.

**HISTORY/TIMELINE:**

**APPLICANT/AGENT:**

**RECOMMENDATION:**

**PRESENTER:**

Paige Saenz, City Attorney

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**Fiscal Impact**

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**Attachments:**