

**EXHIBIT**  
**"A"**

MEET AND CONFER AGREEMENT

BETWEEN

THE CITY OF ROUNDROCK AND

THE ROUND ROCK FIREFIGHTERS  
ASSOCIATION, IAFF LOCAL 3082

Effective the \_\_\_\_\_ day of \_\_\_\_\_ 2022

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## **ARTICLE 1 DEFINITIONS**

The following definitions apply to terms used in this Agreement.

1. "Association" means the Round Rock Fire Fighters Association, IAFF Local 3082.
2. "Chief" means the Fire Chief of the Round Rock Fire Department or their designee.
3. "City" means the City of Round Rock, Texas.
4. "Firefighter" means the same as is currently defined in Texas Local Government Code, Section 143.003.
5. "Day" is defined as a calendar day unless specifically noted in the paragraph where mentioned.

## **ARTICLE 2 PARTIES & PURPOSE OF AGREEMENT**

### **Parties.**

The parties to this Agreement are the City and the Association. The foregoing may be collectively referred to as the "Parties".

### **Purpose.**

WHEREAS, the City has voluntarily endorsed the practices and procedures of the statutory meet and confer process as an orderly way of conducting its relations with its firefighters, insofar as such practices and procedures are appropriate to the functions and obligations of the City to retain the rights to operate the City government effectively in a responsible and efficient manner; and

WHEREAS, the Association has pledged to support the service and mission of the Round Rock Fire Department and to abide by the statutorily imposed no strike or work slowdown obligations placed upon it; and

WHEREAS, it is the intent and purpose of the parties to set forth herein their entire Agreement;

NOW, THEREFORE, IN CONSIDERATION OF THE mutual covenants and agreements herein contained, the parties mutually agree as follows:

## **ARTICLE 3 RECOGNITION**

The City recognizes the Association as the sole and exclusive bargaining agent for all Firefighters as that term is defined in Chapter 142 of the Texas Local Government Code, with the sole exception of the Fire Chief and exempt employees specified by the Statute.

The Association recognizes its responsibility as the exclusive representative under Chapter 142 and agrees to fairly represent all firefighters in the Department covered by this Agreement.

## **ARTICLE 4 MANAGEMENT RIGHTS**

### **Retained Rights – General**

The City retains all inherent rights to manage the Fire Department and its work force which it presently enjoys, subject to applicable federal and state statutes and local ordinances, resolutions, and rules, except as specifically provided in this Agreement. These rights shall not be in conflict with Chapter 143 of the Texas Local Government Code. Said rights shall include, but are not limited to: direction of the work force, including but not limited to, the right to hire; the right to discipline or discharge; the right to decide job qualifications for hiring; the right to lay-off or abolish positions; the right to make rules and regulations governing conduct and safety; the right to determine schedules of work together with the right to determine the methods, processes and manner of performing work; the determination of the size of the work force, and the assignment of work to firefighters within the department, including the right to transfer firefighters; the determination of policy affecting the selection of new firefighters; the right to establish the services and programs provided by the department, including the nature and level of such services and programs, as well as the type and quantity of resources allocated; the right to establish work performance measurement and standards; and the right to implement programs to increase the cost effectiveness of departmental operations.

### **Retained Right of Independent Investigation**

The Chief and the City Manager fully retain their rights to independently investigate firefighter conduct.

## **ARTICLE 5 TERM**

This Agreement shall be effective the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and shall remain in full force and effect until September 30, 2025.

## **ARTICLE 6 WAGES AND BENEFITS**

### **1. Base Wages**

- a) For Fiscal year starting October 1, 2022 FY 2023, Exhibit A, attached hereto and incorporated herein by reference for all purposes, shall apply to all firefighters covered by this Agreement. This pay scale also reflects a compression of the steps from 15 to 14.
- b) For Fiscal year starting October 1, 2023 FY 2024, Exhibit B, attached hereto and incorporated herein by reference for all purposes, shall apply to all firefighters covered by this Agreement. This pay scale reflects an across the board pay increase of 3.0% from the previous year.
- c) For Fiscal year starting October 1, 2024 FY 2025, Exhibit C, attached hereto and incorporated herein by reference for all purposes, shall apply to all firefighters covered by

this Agreement. This pay scale reflects an across the board pay increase of 3.0% from the previous year.

d) **Market Adjustment Clause**

In the event a market study, as defined by the City Manager, is conducted during the term of this Agreement and market adjustments are deemed warranted, the firefighters may receive a larger increase, if determined to be financially feasible by the City.

## **ARTICLE 7 EDUCATION AND ASSIGNMENT PAY**

**1. Education Pay**

It is understood that there are minimum requirements for education and Texas Commission on Fire Protection (TCFP) certificates for the Fire Department. In the event that a firefighter possesses more than the minimum education and/or certification requirements for his/her rank, said firefighter shall be entitled to Certificate and Education pay. For the term of this Agreement, firefighters shall be entitled to receive Certificate and Education pay pursuant to Section 2-78 (F), Code of Ordinances (2018 edition), City of Round Rock in the amounts set forth in the attached Exhibit D, attached hereto and incorporated herein by reference for all purposes. Education pay shall only be payable for degrees from an accredited college or university.

**2. Assignment Pay**

It is further understood that the City has established an Assignment Pay Plan and a firefighter performing a qualifying assignment assigned by the Fire Chief is entitled to Assignment pay pursuant to Section 2-78(E), Code of Ordinances (2018 Edition), City of Round Rock. For the term of this Agreement, firefighters shall receive Assignment pay in the amounts set forth in the attached Exhibit D. Section 2-78(E) shall be amended subsequent to execution of this Agreement to incorporate the revisions set forth in Exhibit D.

## **ARTICLE 8 WORK SCHEDULES & STAFFING**

**1. Suppression Personnel**

Work schedules are defined in Fire Department Policy 1202. Suppression personnel will work a rotating schedule of twenty-four (24) hours on duty, followed by forty-eight (48) hours off-duty. The work period is two (2) consecutive weeks, or fourteen (14) calendar days, beginning at 7:00 a.m. Sunday and ending fourteen (14) calendar days later. One work shift shall equal two (2) twelve (12) hour workdays. Each firefighter on each shift reports for duty at the beginning of the scheduled shift, and is on duty, including meal breaks, for the entire 24 hours.

**2. Higher Class (HiC)/Acting Pay**

For the term of this Agreement, firefighters shall receive Higher Class (HiC)/Acting pay as set forth in Fire Department Policy 4003 and the City's Compensation Manual: Acting Pay. Changes to Higher Class (HiC)/Acting Pay shall be approved by the Chief in consultation with the Association Executive Board.

### **3. Department Procedures**

The procedures for New Hires and Promotions shall be carried out in accordance with the policy of the Fire Department and the Municipal Civil Service Rules and Regulations, as set forth in Exhibit E.

Department procedures regarding vacation (Fire Department Policy 1209), transfers (Fire Department Policy 1024) and staffing (Fire Department Policy 1204) will be reviewed periodically. The Fire Chief reserves the right to change the work schedule and the identified department policies to meet the business needs of the department in consultation with the Association Executive Board.

## **ARTICLE 9 APPOINTMENT OF ASSISTANT FIRE CHIEFS**

1. The Chief shall have the right to appoint two (2) Assistant Fire Chiefs, who rank immediately above the rank of Battalion Fire Chief and rank below the Fire Chief in the chain of command.

2. Appointments to the rank of Assistant Fire Chief shall be by the Chief at his/her sole discretion, provided that the employee promoted is a classified, sworn member of the Round Rock Fire Department and occupies the rank of either Battalion Fire Chief or Captain and has received at least a Bachelor's Degree from an accredited educational institution. In the event there are less than four (4) candidates for consideration, the Fire Chief may consider personnel with ten (10) years in the department, three (3) of which were as an officer and has a Bachelor's Degree with approval of the City Manager.

3. The City Manager has the right to set wages and benefits for the Assistant Chiefs, subject to the approval of the City Council as a part of the budget.

4. A classified employee appointed to the rank of Assistant Fire Chief may be demoted to the rank from which he/she was promoted at the sole discretion of the Chief without appeal to the Commission and/or Arbitration. Any person appointed to such rank may voluntarily return to the rank from which he/she was promoted from at any time. Upon demotion, or voluntary return to the previously held rank pursuant hereto, that employee's pay shall return to the current scale for the rank previously held prior to the appointment. The classified employee will continue to receive all benefits provided in TLGC 143 and this Agreement as if he/she had served in either rank on a continuous basis throughout his/her tenure as an Assistant Fire Chief.

## **ARTICLE 10 DISCIPLINARY REVIEW BOARD**

The procedures for the Disciplinary Review Board shall be carried out in accordance with the policy of the Fire Department, as set forth in Exhibit F, attached hereto and incorporated herein by reference for all purposes. The Chief may make amendments to the procedures with the consent of the Association.

## **ARTICLE 11 ALTERNATE DISPUTE RESOLUTION**

### **1. Agreement to Negotiate First to Resolve Issues**

The parties agree to attempt first to resolve disputes concerning this Agreement amicably by promptly entering into negotiations in good faith. The parties agree that they will not refer any dispute to another dispute resolution procedure including mediation or litigation until they have first made reasonable and good faith efforts to settle their differences by joint negotiations conducted in a timely manner.

### **2. Mediation.**

If a dispute arises that cannot be resolved through negotiation, before either party seeks litigation, the parties agree to first try to resolve the dispute with the help of a mutually selected mediator. If the parties cannot agree on a mediator, the City shall select one mediator and the Association shall select one mediator and those two mediators shall agree upon a third mediator. Any costs and fees, other than attorney fees, associated with the mediation shall be shared equally by the parties.

## **ARTICLE 12 MISCELLANEOUS**

### **1. Payroll Deduction of Dues**

The City agrees to deduct dues and assessments, in an amount certified to be current by the Treasurer of the Association, from the pay of those firefighters who request through a direct deposit form that such deductions be made. The City will continue this process until such time that a transition to a collection of dues to an Automated Clearing House (ACH) process can be handled by the Association Treasurer.

### **2. Discrimination Prohibited**

Neither the City nor the Association shall discriminate with regard to the implementation of any term or condition of this Agreement, against any firefighter covered by this Agreement in a manner which discrimination would violate any applicable federal or state law or any City ordinances on the basis of race, creed, color, national origin, age, sex, sexual orientation, or disability.

### **3. Association Membership or Activity**

Neither the City nor the Association shall interfere with the right of firefighters covered by this Agreement to become or not become members of the Association, and there shall be no discrimination against such firefighters because of lawful Association membership or non-membership activity or status.

### **4. Association Activity**

Association members or officers shall not conduct Association Business on City time, except as specified by this Agreement or as further authorized by the City Manager or the Chief. The Association may hold meetings pertinent to Association business on Fire Department

property, provided that permission for such meeting is obtained in advance from the Chief.

## **5. Conflict with Chapter 143**

To the extent that this Agreement is in conflict with or changes TLGC 143, or any other statute, executive order, local ordinance, or rule, this Agreement shall supersede such provision, as authorized by Section 142.067 of the TLGC.

## **6. Subjects and Issues**

The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to raise issues and make proposals with respect to any subject or matter not removed by law from the meet and confer process, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the City and the Association, for the duration of this Agreement, each voluntarily and unqualifiedly waive the right, and each agrees that the other shall not be obligated, to meet and confer with respect to any subject or matter referred to, or covered in this Agreement, or with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this Agreement.

## **7. Amendment of the Agreement**

This Agreement may be amended during its term by the parties only by written mutual agreement.

## **8. Effect of Illegal Provision**

If any provision of this Agreement is subsequently declared by legislative or judicial authority to be unlawful, unenforceable, or not in accordance with applicable statutes, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement, and the parties shall meet as soon as possible to agree on a substitute provision.

## **9. Change in Authorized Representative**

During the term of this Agreement, if there is a withdrawal of recognition of the Association pursuant to Section 142.056 of the Texas Local Government Code, then it will be the City's option to continue the terms of this Agreement or to cancel the Agreement and engage in negotiations with the successor organization, if any.

## **10. Funding Obligations**

The City presently intends to continue this Agreement each fiscal year through its term, to pay all payments due, and to fully and promptly perform all of the obligations of the City under this Agreement. All obligations of the City shall be paid only out of current revenues or any other funds lawfully available therefore and appropriated for such purpose by the City Council, in compliance with the Texas Constitution, Article XI, Sections 5 and 7. In the event that the City cannot meet its funding obligations, as provided in the State Constitution, this entire Agreement becomes null and void.

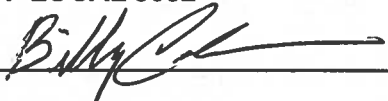


IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE SIGNED  
BY THEIR DULY AUTHORIZED REPRESENTATIVES ON THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2022.

**CITY OF ROUND ROCK**

\_\_\_\_\_  
Craig Morgan, Mayor

**ROUND ROCK FIREFIGHTERS ASSOCIATION  
IAFF LOCAL 3082**

  
\_\_\_\_\_  
Billy Colburn, President

## **EXHIBITS**

**Exhibit "A" – FY 2023 Pay Scale**

**Exhibit "B" – FY 2024 Pay Scale**

**Exhibit "C" – FY 2025 Pay Scale**

**Exhibit "D" – Education and Assignment Pay Ordinance**

**Exhibit "E" – Municipal Civil Service Rules and Regulations**

**Exhibit "F" – Fire Department Disciplinary Policy**

Round Rock Fire Department  
Pay Step Plan

Exhibit "A"



Effective: FY 2023

	Firefighter		Driver		Lieutenant		Captain		Battalion Chief	
	Annual	Hrly	Annual	Hrly	Annual	Hrly	Annual	Hrly	Annual	Hrly
Base	\$65,851.62	\$22.61								
1	\$67,497.91	\$23.18								
2	\$69,185.36	\$23.76								
3	\$70,914.99	\$24.35	1	\$78,006.49	\$26.79	1	\$104,186.53	\$35.78	\$120,407.07	\$41.35
4	\$72,687.86	\$24.96	0	\$79,956.65	\$27.46	0	\$106,791.19	\$36.67	\$123,417.25	\$42.38
5	\$74,505.06	\$25.59	%	\$81,955.57	\$28.14	%	\$115,002.43	\$39.49	\$126,502.68	\$43.44
6	\$76,367.69	\$26.23		\$84,004.46	\$28.85		\$117,877.49	\$40.48	\$129,665.25	\$44.53
7	\$78,276.88	\$26.88		\$86,104.57	\$29.57		\$120,824.43	\$41.49	\$132,906.88	\$45.64
8	\$80,233.80	\$27.55		\$88,257.18	\$30.31		\$123,845.04	\$42.53	\$136,229.55	\$46.78
9	\$82,239.65	\$28.24		\$90,463.61	\$31.07					
10	\$84,295.64	\$28.95		\$92,725.20	\$31.84					
11	\$86,403.03	\$29.67		\$95,043.33	\$32.64					
12	\$88,563.11	\$30.41		\$97,419.41	\$33.45					
13	\$90,777.19	\$31.17		\$99,854.90	\$34.29					
14	\$93,046.62	\$31.95		\$102,351.27	\$35.15					

**Round Rock Fire Department  
Pay Step Plan**

**Exhibit "B"**



**Effective: FY 2024**

	Firefighter		Driver		Lieutenant		Captain		Battalion Chief	
	Annual	Hrly	Annual	Hrly	Annual	Hrly	Annual	Hrly	Annual	Hrly
<b>Base</b>	\$67,827.17	\$23.29								
<b>1</b>	\$69,522.85	\$23.87								
<b>2</b>	\$71,260.92	\$24.47								
<b>3</b>	\$73,042.44	\$25.08	1	\$27.59	1	\$31.89	1	\$36.85	1	\$42.59
<b>4</b>	\$74,868.50	\$25.71	0	\$28.28	0		0		0	
<b>5</b>	\$76,740.21	\$26.35	%	\$28.99	%	\$92,855.65	%		%	
<b>6</b>	\$78,658.72	\$27.01		\$29.71		\$95,177.04		\$107,312.12		\$124,019.27
<b>7</b>	\$80,625.19	\$27.69		\$30.46		\$97,556.47		\$109,994.92		\$127,119.75
<b>8</b>	\$82,640.82	\$28.38		\$31.22		\$99,995.38		\$112,744.79		\$130,297.74
<b>9</b>	\$84,706.84	\$29.09		\$32.00		\$102,495.26		\$115,563.41		\$133,555.18
<b>10</b>	\$86,824.51	\$29.82		\$32.80		\$105,057.64		\$118,452.50		\$136,894.06
<b>11</b>	\$88,995.12	\$30.56		\$33.62		\$107,684.08		\$121,413.81		\$140,316.41
<b>12</b>	\$91,220.00	\$31.33		\$34.46		\$110,376.18		\$124,449.16		\$148.19
<b>13</b>	\$93,500.50	\$32.11		\$35.32		\$113,135.58		\$127,560.39		
<b>14</b>	\$95,838.01	\$32.91		\$36.20		\$115,963.97				

**Round Rock Fire Department  
Pay Step Plan**

**Exhibit "C"**



**Effective: FY 2025**

	Firefighter		Driver		Lieutenant		Captain		Battalion Chief	
	Annual	Hrly	Annual	Hrly	Annual	Hrly	Annual	Hrly	Annual	Hrly
<b>Base</b>	\$69,861.99	\$23.99								
<b>1</b>	\$71,608.54	\$24.59								
<b>2</b>	\$73,398.75	\$25.21								
<b>3</b>	\$75,233.72	\$25.84	1	\$82,757.09	\$28.42	1			1	
<b>4</b>	\$77,114.56	\$26.48	0	\$84,826.02	\$29.13	0			0	
<b>5</b>	\$79,042.42	\$27.14	%	\$86,946.67	\$29.86	%			%	
<b>6</b>	\$81,018.48	\$27.82		\$89,120.34	\$30.60					
<b>7</b>	\$83,043.94	\$28.52		\$91,348.35	\$31.37					
<b>8</b>	\$85,120.04	\$29.23		\$93,632.06	\$32.15		\$110,531.50	\$37.96		
<b>9</b>	\$87,248.04	\$29.96		\$95,972.86	\$32.96		\$113,294.79	\$38.91		
<b>10</b>	\$89,429.24	\$30.71		\$98,372.18	\$33.78		\$116,127.16	\$39.88	\$127,739.88	\$43.87
<b>11</b>	\$91,664.97	\$31.48		\$100,831.48	\$34.63		\$119,030.34	\$40.88	\$130,933.38	\$44.96
<b>12</b>	\$93,956.59	\$32.27		\$103,352.27	\$35.49		\$122,006.10	\$41.90	\$134,206.71	\$46.09
<b>13</b>	\$96,305.50	\$33.07		\$105,936.08	\$36.38		\$125,056.25	\$42.95	\$137,561.88	\$47.24
<b>14</b>	\$98,713.14	\$33.90		\$108,584.48	\$37.29		\$128,182.66	\$44.02	\$141,000.93	\$48.42
							\$131,387.23	\$45.12	\$144,525.95	\$49.63

## Exhibit "D"

### ORDINANCE NO. O-2022-\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK TEXAS, BY AMENDING SECTION 2-78(D) REGARDING CLASSIFICATIONS AND POSITIONS AND BY AMENDING SECTION 2-78(E) REGARDING ASSIGNMENT PAY; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

#### I.

That Chapter 2, Section 2-78, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended by amending (d) and (e) to read as follows:

#### **Sec. 2-78. Fire department.**

##### (a) *Establishment of fire department.*

- (1) The Fire Department of the City of Round Rock is hereby created.
- (2) The director of the fire department shall be the fire chief who shall be appointed by the city manager. The fire chief shall be a licensed fire fighter and emergency medical technician in the state, or shall obtain said accreditations within a reasonable amount of time of taking the office. The fire chief shall not be a member of the classified service and shall not be under the civil service protection.

##### (b) *Powers and duties of the fire chief.*

- (1) The fire chief, as director of the fire department, shall carry out functions of the department relating to public safety, and enforcement of fire prevention, fire inspection, and fire regulation ordinances and state laws.
- (2) The fire chief shall have supervision and control of the fire department, subject to the direction of the city manager.
- (3) The fire chief shall organize the fire department.
- (4) The fire chief shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

##### (c) *Establishment of appointed position of assistant fire chief.*

- (1) The position of assistant fire chief is hereby created.
- (2) Such position shall be filled by appointment of the fire chief in accordance with applicable subsections of V.T.C.A., Local Government Code § 143.014.

## Exhibit "D"

(d) *Firefighters civil service classifications and numbers of positions.*

(1) V.T.C.A., Local Government Code ch. 143, dealing with Municipal Civil Service for firefighters, was implemented effective October 30, 2001. V.T.C.A., Local Government Code § 143.021(a) thereof requires that the city's governing body establish the classifications of all firefighters and prescribe the numbers of positions in each classification.

(2) The following civil service classifications are hereby established. The total number of positions and the distribution of the positions within the established classifications may vary from year to year.

Civil Service Classifications as of September 2022:
Assistant Fire Chief -2
Battalion Chief - 9
Captain - 21
Lieutenant - 22
Driver - 35
Firefighter - 67

(e) *Assignment pay plan.* An assignment pay plan is hereby established for firefighters, and assignment pay under such plan shall be paid in the following amounts and under the following conditions as established by the fire department or by city ordinance. The maximum number of assignment pay areas allowed for any firefighter not assigned to a FRAP team, arson team, technical rescue station, hazmat station or a wildland station is two (2). The maximum number of assignment pay areas for a firefighter assigned to a FRAP team, arson team, technical rescue station, hazmat station or a wildland station is three (3).

(1) *Technical rescue personnel.* The amount of \$75.00 per month shall be paid to persons assigned to a specialized technical rescue team which performs technical rescues, i.e., confined space rescue, heavy rescue, high angle rope rescue, swift water rescue, and trench rescue. A technical rescue technician assigned to the technical rescue response station shall be paid an additional \$75.00 per month.

(2) *Technical rescue team supervisor.* The amount of \$250.00 per month shall be paid to a person who supervises the technical rescue team. In addition to having a mastery of the specialized team training, the technical rescue team supervisor manages all three work shifts, coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive training and professional development program encompassing technical rescue team goals and objectives.

(3) *Hazardous materials personnel.* The amount of \$75.00 per month shall be paid to persons assigned to a specialized hazardous materials response team which identifies, stabilizes, and mitigates the community's exposure to hazardous chemicals. A hazardous

## Exhibit "D"

materials technician assigned to a hazardous materials response station shall be paid an additional \$75.00 per month.

(4) *Hazardous materials response team supervisor.* The amount of \$250.00 per month shall be paid to a person who supervises the hazardous materials team. In addition to being certified as a hazardous materials technician and having a mastery of the specialized team training, the hazardous materials response team supervisor manages all three work shifts, coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive training and professional development program encompassing hazardous materials team goals and objectives.

(5) *Wildland fire personnel.* The amount of \$75.00 per month shall be paid to persons assigned to a specialized wildland fire team which performs wildland duties. A firefighter on the wildland fire team assigned to the wildland fire response station shall be paid an additional \$75.00 per month for a total of \$150.00 per month.

(6) *Wildland team Coordinator.* The amount of \$250.00 per month shall be paid to a person who coordinates the wildland personnel. A person serving in this role shall not be entitled to wildland fire team pay or wildland fire response station pay.

(7) *Air management personnel.* The amount of \$75.00 per month shall be paid to persons assigned to a specialized air management team which repairs, maintains, and annually tests self-contained breathing apparatus in accordance with NIOSH and NFPA standards.

(8) *First responder advanced provider (FRAP) personnel.* The amount of \$300.00 per month shall be paid to Advanced - EMT FRAP personnel credentialed by the medical director. The amount of \$500.00 per month shall be paid to EMT- Paramedic FRAP personnel credentialed by the medical director. Paramedics who are not participating as FRAP personnel team members shall not receive assignment pay.

(9) *Fire Investigator/Arson Investigator personnel.* The amount of \$150.00 per month shall be paid to a person assigned as an investigator certified by the Texas Commission of Fire Protection as a Fire Investigator and assigned by the Fire Chief. The amount of \$300.00 per month shall be paid to a person assigned to a specialized arson investigation team certified by the Texas Commission of Fire Protection as an Arson Investigator and assigned by the Fire Chief.

(10) *Bilingual support team personnel.* The amount of \$100.00 per month shall be paid to members of a team composed of persons who are working on developing fluency in conversational Spanish and who successfully pass an annual level 1 examination in this area, and such team members shall handle Spanish translation responsibilities on assigned shifts. The amount of \$200.00 per month shall be paid to members of a team composed of persons who speak conversational Spanish and who successfully pass an annual level 2 fluency examination, and such team members shall handle Spanish translation responsibilities as an essential function of their employment with the city. The battalion chief of training shall be responsible for maintaining an up-to-date roster of fire



## Exhibit "D"

1 department bilingual support team personnel, scheduling the annual level 1 and level 2  
2 examinations, and notifying the director of human resources of test outcomes and  
3 eligibility of persons to receive such assignment pay.  
4

### 5 II.

6  
7 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are  
8 expressly repealed.

9 **B.** The invalidity of any section or provision of this ordinance shall not  
10 invalidate other sections or provisions thereof.

11 **C.** The City Council hereby finds and declares that written notice of the date,  
12 hour, place and subject of the meeting at which this ordinance was adopted was posted  
13 and that such meeting was open to the public as required by law at all times during  
14 which this ordinance and the subject matter hereof were discussed, considered and  
15 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas  
16 Government Code, as amended.

17 Alternative 1.

18 By motion duly made, seconded and passed with an affirmative vote of all the  
19 Council members present, the requirement for reading this ordinance on two separate  
20 days was dispensed with.

21 **READ, PASSED, and ADOPTED** on first reading this \_\_\_\_ day of  
22 \_\_\_\_\_, 2022.

23 Alternative 2.

24 **READ and APPROVED** on first reading this the \_\_\_\_ day of  
25 \_\_\_\_\_, 2022.

Exhibit "D"

1        **READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_ day of

2        \_\_\_\_\_, 2022.

3  
4  
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6        CRAIG MORGAN, Mayor  
7        City of Round Rock, Texas

8        ATTEST:  
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11        MEAGAN SPINKS, City Clerk  
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## Exhibit "E"

### CITY OF ROUND ROCK, TEXAS FIRE FIGHTERS' CIVIL SERVICE SYSTEM "MUNICIPAL CIVIL SERVICE RULES AND REGULATIONS"

INITIALLY ADOPTED October 29, 2001

REVISED January 09, 2003

REVISED June 24, 2003

REVISED May 24, 2006

REVISED January 29, 2010

REVISED April 16, 2013

REVISED October 22, 2013

REVISED December 11, 2014

REVISED August 17, 2016

REVISED September 2018

REVISED September 2022

#### PREAMBLE:

The City of Round Rock's Fire Fighters' Civil Service was established following adoption of Chapter 143, Texas Local Government Code, by the qualified voters of the city in an election held on May 5, 2001. The aim of such chapter is to secure an efficient fire department composed of capable personnel who are free from political influence and who have permanent employment tenure as public servants.

#### SUBCHAPTER A: GENERAL PROVISIONS

##### Section 143.001      PURPOSE AND APPLICATION OF RULES

The purpose of these "Municipal Civil Service Rules and Regulations" is to carry out state law and to provide for the local administration of such law by prescribing rules and regulations for the initial selection of employees into the fire department, for conducting promotional examinations, for governing disciplinary matters, and for providing general information concerning the rights and benefits of civil service employees. These "Municipal Civil Service Rules and Regulations" are promulgated in compliance with Chapter 143, Texas Local Government Code, which is incorporated herein for all purposes. It is intended that these "Municipal Civil Service Rules and Regulations" shall complement said statute and not conflict with the statute.

These "Municipal Civil Service Rules and Regulations" shall apply to all non- probationary employees appointed in substantial compliance with Chapter 143 holding a classified position in the fire department as reflected in the most recently approved classification ordinance passed by the Round Rock City Council.

##### Section 143.002      MUNICIPALITIES COVERED BY CHAPTER

See Section 143.002, Chapter 143

##### Section 143.003      DEFINITIONS

The following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular,

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and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this ordinance. All words, terms and phrases contained in these rules shall be interpreted in harmony with the provisions of Chapter 143 and subsequent amendments thereto.

***Appointment*** means the designation of a person by the City Manager to become an employee in a classified civil service position.

***Business day*** means any day City Hall is customarily open for normal business. "Business day" does not refer to the employee's workday or holidays observed by the City.

***Chapter 143*** means that portion of the Texas Local Government Code containing the civil service provisions.

***Chief Executive*** means the City Manager of the City of Round Rock, Texas, who is the person with final authority to make appointments to the classified service.

***Civil Service Anniversary Date*** means the date a person was most recently hired into a classified civil service position in the City of Round Rock, Texas.

***Classification*** means a position or group of positions that involve similar duties and responsibilities and require similar qualifications.

***Commission*** means the Round Rock Fire Fighters' Civil Service Commission.

***Conviction*** or ***convicted*** means that a person is convicted if he/she has pled guilty, pled no contest/nolo contendere, or been found guilty in a trial, regardless of whether the sentence is subsequently probated and the person is discharged from probation; whether the defendant has received an unadjudicated or deferred adjudication probation, or similar deferred disposition, for a criminal offense; whether the case has been made the subject to an expunction order; or whether the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

***Day*** means a calendar day, unless otherwise specified.

***Department Head*** means the chief of the fire department of the City of Round Rock, Texas.

***Demotion*** means the transfer of an employee from a position in one classification to a position in another classification for which the maximum rate of pay is lower.

***Director*** means the director of the Fire Fighters' Civil Service Commission, who is also the person appointed by the Fire Fighters' Civil Service Commission to act in the capacity of secretary to the Commission, and includes his/her designee.

***Eligibility List*** means the list of applicants for a position who have taken the requisite examination and passed, and been ranked on the list in order of the score received, taking into account tie-breaking rules and final determination of eligibility.

***Fire Fighter*** means a member of the fire department appointed in substantial compliance with Chapter 143 or who is entitled to civil service status under Section 143.005 or Section 143.084. The term includes fire fighters who perform:

- Fire suppression;

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- Fire prevention;
- Fire training;
- Fire safety education;
- Fire maintenance;
- Fire communications;
- Fire medical emergency technology;
- Fire photography; or
- Fire administration.

***Military Service Credit*** means credit provided to a person who has served a minimum of one hundred eighty (180) days of active duty in the armed forces of the United States of America and who has received an honorable discharge. Any discharge by whatever name other than "honorable discharge" will not be recognized for purposes of the points referred to in Chapter 143.

***Raw Score*** means the numerical grade based on questions correctly answered on entrance and promotional examinations, unverified and subject to Commission approval.

***Veteran*** means an honorably discharged person who has served a minimum of one hundred eighty (180) days active duty in the armed forces of the United States of America.

### **Section 143.004**      **ELECTION TO ADOPT OR REPEAL CHAPTER**

See Section 143.004, Chapter 143

### **Section 143.005**      **STATUS OF EMPLOYEES IF CHAPTER ADOPTED**

See Section 143.005, Chapter 143

Except for an employee appointed under Section 143.014, each fire fighter serving in this municipality who has been in the service of this municipality less than six (6) months at the time Chapter 143 is implemented and who is entitled to civil service classification has the status of a civil service employee and is not required to take a competitive examination to remain in the position the person occupies at the time of implementation of Chapter 143.

### **Section 143.006**      **ESTABLISHMENT: COMMISSION APPOINTMENTS**

See Section 143.006, Chapter 143

#### **Establishment**

Upon adoption of Chapter 143, the Round Rock Fire Fighters' Civil Service Commission is established in this municipality.

#### **Initial Appointment to Commission**

The City Manager of the city shall appoint the members of the Commission within sixty (60) days after the date Chapter 143 is adopted.

Thereafter, the City Manager shall appoint new members to the Commission as and when necessary.

#### **Subsequent Appointment to Commission; Terms of Commissioners**

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The City Manager shall appoint and the City Council shall confirm the appointment of the three (3) members of the Commission who meet the required statutory qualifications. Each member of the Commission holds office for a staggered three- year term and thereafter until a successor is appointed and confirmed. An interim vacancy on the Commission shall be filled by appointment of the City Manager and confirmed by the City Council for the unexpired term of the member whose position has been vacated.

### **Commission Chair and Vice-Chair Election and Replacement**

The members shall elect one (1) member to serve as Chair of the Commission and one (1) member to serve as Vice-Chair of the Commission. Whenever vacancies of members of the Commission occur, the replacement of Chair and Vice-Chair shall be handled as follows:

In the event of a vacancy in the Chair position, the Vice-Chair will assume the role of Chair and an interim election will be held to elect a new Vice- Chair;

In the event of a vacancy in the Vice-Chair position, an interim election will be held to fill the office.

### **Section 143.007      REMOVAL OF COMMISSION MEMBER**

See Section 143.007, Chapter 143

A member of the Commission may tender his/her resignation in writing at any time to the City Manager. The City Council may remove a Commission member from office for misconduct in office or otherwise in accordance with Chapter 143.

If a Commission member is absent three (3) consecutive or non-consecutive meetings during a twelve (12) month period without reasonable cause, the absent member is automatically deemed to have submitted his/her resignation and, if accepted by the City Manager, the position will be deemed vacant without further action.

Upon the occurrence of any of the events enumerated under Section 143.007, a request will thereafter be made by the Director to the City Manager for a replacement of such member.

### **Section 143.008      ADOPTION AND PUBLICATION OF RULES**

See Section 143.008, Chapter 143

The Commission may, by majority vote, make rules of procedure for the administration of Chapter 143.

The Commission has the responsibility to adopt, publish, and enforce rules relating to:

Proper conduct of Commission business;

Proper conduct of examinations of entry level and promotional eligibility;

Procedures for appointment and certification;

Proper conduct of appeals of testing and examination scoring;

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Procedures for hearing disciplinary appeals concerning indefinite suspensions, suspensions, promotional Passovers, recommended involuntary demotions; and

Such other matters reasonably related to the selection, promotion, and discipline of civil service employees, not otherwise vested in the discretionary or managerial authority of the City Council, the City Manager, the Director, or the Fire Chief.

These rules shall remain in effect until officially amended, revised or repealed by the Commission in the same manner that the original rules were adopted.

Amendments to these rules may be made at any meeting of the Commission by appropriate inclusion on the agenda. If passed, such amendments will become effective on the date of their approval by the Commission and compliance with the posting and notice requirements of Chapter 143 and of these rules.

These rules are made and shall be construed in accordance with Chapter 143. It is the intent of these rules to cover situations not specifically addressed in or which may be ambiguous in Chapter 143, and to address those areas where a local rule is permitted, necessary, or desirable. These rules have been drafted to follow the same numbering system used in Chapter 143. In adopting these rules, the Commission has negated the necessity of repeating Chapter 143. The scope and construction of these rules shall be interpreted and applied within the spirit and intent of Chapter 143. In the event of a conflict between Chapter 143 and these rules, Chapter 143 shall govern.

If any part, section, subsection, paragraph, sentence, clause, phrase or word contained in these rules shall be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portion of these rules.

These rules and regulations shall apply to all of the classified, non-probationary fire fighters covered under Chapter 143 and specifically certified by the Texas Commission on Fire Protection. For any provision of Chapter 143 that applies to probationary fire fighters, the corresponding local rule will apply.

Immediately upon becoming effective, all rules contained herein will thereafter be deemed to constitute full and effective prior notice to all civil service employees of prescribed or prohibited conduct as stated in any rule.

These rules are enacted by the Commission pursuant to the statutorily-delegated authority of Chapter 143. They were not acted upon in any official manner by the City Council and do not constitute any form of "policy" or "official act" of the City Council.

When a specific rule does not adequately address a particular questions or issue, it shall be the responsibility of the Director to interpret these rules based upon circumstances, facts and issues. All situations not expressly covered by Chapter 143, by these City of Round Rock Fire Fighters' Civil Service System "Municipal Civil Service Rules and Regulations," by fire department rules, by standard operating procedures, and/or by administrative directives shall be resolved in accordance with "City of Round Rock Human Resources Policies and Procedures" and/or the residual discretionary authority vested in a department head.

All rules and amendments shall be printed and made reasonably available for access by all civil service employees in accordance with Chapter 143, Section 143.008(e).

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### **Civil Service Commission**

#### **Rules of Conduct**

In the discharge of their duties, members of the Commission act as a committee of the whole and not as individuals. An individual Commission member has no legal or moral right to speak for the Commission unless specially authorized to do so by the action of the Commission.

#### **Meetings**

The Commission shall conduct all meetings in compliance with the provisions of the Open Meetings Act, Texas Government Code Annotated, Chapter 551 (Vernon 1994), as amended.

Regular meetings of the Commission will be routinely held at a time and place designated by the Commission. Special meetings may be called by the Director, at the request of the Chair, or at the written request of any two (2) commissioners.

The Commission shall conduct its meetings at such times and in such places as designated in its statutorily-required postings. Notice of a meeting shall be given to the members of the Commission and the public by posting at least seventy-two (72) hours preceding the scheduled time of the meeting, except in case of emergency or urgent public necessity, in which case two (2) hours notice shall be given prior to the meeting being convened, all in accordance with the provisions of the Open Meetings Act, Texas Government Code Annotated, Chapter 551 (Vernon 1994), as amended. Notices of Commission meetings shall be sent to the fire stations.

Meetings may be rescheduled or postponed when such action is deemed necessary. The Director may call, schedule, reschedule or cancel meetings of the Commission.

Meetings of the Commission may be closed from time to time in conformance with the provisions of applicable state law.

Agenda items shall be submitted as prescribed by the Director, and he/she shall have discretion over whether to place on the agenda any item over which he/she believes the Commission lacks jurisdiction. Only items properly listed on the agenda may be acted upon.

#### **Quorum**

Two (2) members of the Commission constitute a quorum sufficient to conduct business meetings and hearings.

#### **Conduct of Business Meetings**

In all matters of procedure not controlled by the provisions of Chapter 143, the order of business and conduct of meetings shall be in conformity with Robert's Rules of Order. Meetings of the Commission shall be conducted with an appropriate degree of formality so as to be conducive to the most effective conduct of business.

The Commission may set reasonable rules and procedures for proper and efficient conduct of business. The Chair will conduct meetings in an orderly and timely fashion. The normal order of business at non-disciplinary or non-appeal hearings will generally be as follows:



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Call to order;

Approval of minutes;

Communication from meeting attendees;

Consideration of action items;

Consideration of miscellaneous matters;

Consideration of new business, including Commission members' suggestions of items for future agenda;

Executive session, if required; and

Adjournment.

### **Minutes**

Official minutes of each meeting shall be prepared. The minutes shall be presented for approval at a subsequent meeting of the Commission. The minutes, other than matters discussed in executive session, upon approval by the Commission, will be kept open for public inspection as governed by applicable state law. A Commission member may record in the minutes an approval of, or objections to, any act of the Commission together with that Commissioner's reasons. Copies of the minutes and records may be obtained from the Director for the standard fee charged by the City for similar official record duplication. The minutes of the Commission shall be signed by all members of the Commission who are present.

### **Communications**

All communications or requests to the Commission shall be made in writing through the office of the Director.

### **Departmental Rules**

The Fire Chief shall adopt and promulgate written rules, regulations and policies pertaining to the operation of the fire department.

A departmental rule, regulation, general order, or policy shall not conflict with Chapter 143 or these rules.

If neither a departmental rule nor Chapter 143 addresses a policy or procedure, then the "City of Round Rock Human Resources Policies and Procedures" shall apply.

### **Section 143.009**

### **COMMISSION INVESTIGATIONS AND INSPECTIONS**

See Section 143.009, Chapter 143.

### **Section 143.010**

### **COMMISSION APPEAL PROCEDURE**

## **Exhibit "E"**

See Section 143.010, Chapter 143

### **Notice of Appeal**

An employee's notice of appeal shall be filed in writing with the Director within 240 hours after receiving notice of disciplinary action from the Department Head. An employee may withdraw his/her request for an appeal at any time, and thereby terminate the appeals process.

In appeals to the Commission, formal "rules of evidence" will not be observed.

### **Subpoena**

Before requesting a subpoena duces tecum for the production of documents under Section 143.010(e), a party shall first make a request for the documents directly to the other party and allow a reasonable time for a response. If the request is refused or otherwise not produced, then a request may be filed with the Director requesting the Commission to issue a subpoena duces tecum. This request shall be filed with the Director at least ten (10) days prior to the hearing date, and the party requesting the documents shall also serve the opposing party with a copy of the subpoena duces tecum at least ten (10) days prior to the hearing date. If the opposing party wishes to object to the request for the issuance of a subpoena duces tecum, the opposing party shall file its written objections with the Director at least six (6) days prior to the hearing. If the Commission receives written objections to the issuance of a subpoena duces tecum from the opposing party, the Commission shall meet not later than the third day before the hearing to determine whether to issue, quash, or modify the requested subpoena. This meeting may be convened by conference call, at the discretion of the Chair. The Director shall then notify the parties verbally and in writing of the Commission's decision. Because of the short timeframe permitted in this process, all written materials may be served by facsimile by the parties to each other and to the Director.

A request for a subpoena to compel the attendance of a witness shall be coordinated through the Director. A request for a subpoena shall be submitted at least ten (10) days prior to the scheduled hearing date in order to be processed in a timely manner. The Director shall issue a subpoena on behalf of the Commission.

Except for the document subpoena provision in Section 143.010(e), there shall be no discovery in Commission proceedings.

Appeals for which the Commission has jurisdiction are as follows:

Disciplinary suspensions of one to fifteen days, and indefinite suspensions;

Demotions;

Promotional passovers; and

Written promotional examinations.

The Commission shall base its decisions on "substantial evidence."

Substantial evidence is evidence which a reasoning mind would accept as sufficient to support a particular conclusion and which consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

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Under the substantial evidence rule, as applied in administrative proceedings, all evidence is competent and may be considered, regardless of its source and nature, if it is the kind of evidence that "a reasonable mind might accept as adequate to support a conclusion."

### **Section 143.011**      **DECISIONS AND RECORDS**

See Section 143.011, Chapter 143

Access to records of employees in the classified service, employment applications, background investigation records and reports, examinations and answer sheets shall be governed by the Open Records Act, Texas Government Code Annotated, Chapter 552 (Vernon 1994), as amended.

### **Section 143.012**      **DIRECTOR**

See Section 143.012, Chapter 143

The Commission shall appoint a Director who shall be responsible for implementing these rules and for administering the civil service system.

The Director shall perform work incidental to the civil service system as required by the Commission. The Commission may, if necessary, appoint an assistant director. The Director shall:

Serve as Secretary to the Commission;

Serve as chief test examiner for the Commission; supervise all examinations, including the preparation, scheduling, scoring and security of test materials;

Coordinate the recruitment and examination of applicants;

Recommend classification of any newly-established fire department positions to the Commission, and assist in the classification of fire department positions;

Set or assist the Chair in setting agendas for Commission meetings;

Serve as liaison and provide staff support to Commission;

If necessary, obtain a determination from the City Attorney's office as to whether the Commission has jurisdiction over any matter, and determine whether any matter is appropriately brought before the Commission in a reasonable and timely fashion;

Call, schedule, reschedule, and cancel meetings of the Commission;

Serve as records custodian as provided by Chapter 143;

Act on behalf of the Commission for actions and issues not specifically addressed by Chapter 143 and these rules;

Recodify Commission rules as necessary in a professional and timely fashion;

Establish and monitor procedures for the discipline and termination of civil service employees; and

## Exhibit "E"

Perform other such functions as may be deemed reasonably necessary in regard to the efficient and effective administration of the civil service system for the city.

### **Section 143.013**      **APPOINTMENT AND REMOVAL OF DEPARTMENT HEAD**

See Section 143.013, Chapter 143

### **Section 143.014**      **APPOINTMENT AND REMOVAL OF PERSON CLASSIFIED IMMEDIATELY BELOW DEPARTMENT HEAD**

See Section 143.014, Chapter 143

The Fire Chief is authorized to appoint each person occupying an authorized position in the classification immediately below that of department head, as allowed by state law.

### **Section 143.015**      **APPEAL OF COMMISSION DECISION TO DISTRICT COURT**

See Section 143.015, Chapter 143

### **Section 143.016**      **PENALTY FOR VIOLATION OF CHAPTER**

See Section 143.016, Chapter 143

(Sections 143.017 - 143.020 reserved for expansion)

### **SUBCHAPTER B:**      **CLASSIFICATION AND APPOINTMENT** **Section 143.021**      **CLASSIFICATION; EXAMINATION REQUIREMENT**

See Section 143.021, Chapter 143

The Commission shall provide for the classification of all firefighters. City Council shall establish by ordinance the number of positions in each classification in the department.

The Fire Chief shall develop job descriptions for each position in each classification in the department. Specifications for the various classifications shall conform as follows:

The job specifications are descriptive only and are not restrictive. They shall indicate the kinds of positions that should be allocated to each classification as determined by their duties, responsibilities and qualification requirements.

Titles shall be suggestive of the kind of work performed by the incumbent of the position and indicative of the rank.

The description of duties shall be construed as a general description of the kind of work performed and shall not limit what the duties of any position shall be.

Examples of work shall be construed as typical tasks only, illustrative of the duties as outlined in the general statements. Examples are not intended to be exhaustive or exclusive, and the fact that actual tasks performed by the incumbent of a position do not appear on the job specification shall not be taken to mean that the position is necessarily excluded from the classification, provided that the

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tasks constituting the main work are duly covered by the general statements of duties.

### **Section 143.022**      **PHYSICAL REQUIREMENTS AND EXAMINATION**

See Section 143.022, Chapter 143

Applicants shall be required to take a physical ability test and shall be required to submit to such tests as are reasonably necessary to determine the physical fitness of the applicant to perform the essential functions of the position.

Applicants who are not capable of performing the essential functions of the job, with or without reasonable accommodation, will not be appointed. An applicant will not be appointed if it is determined that the applicant would be a physical danger to himself/herself or others.

The Fire Chief shall be responsible for developing physical ability tests in accordance with guidelines established by the state commission, in compliance with all applicable employment laws, and with the approval of the Director.

### **Section 143.023**      **ELIGIBILITY FOR BEGINNING POSITION**

See Section 143.023, Chapter 143

Minimum eligibility requirements for a fire fighter are as follows:

Achieve a minimum passing score of seventy (70) percent on a written examination;

Successfully complete the physical ability test;

Pass a background investigation;

Pass an oral interview board;

Successfully complete a conditional (post-job offer) medical examination including visual acuity, and the physician must be able to certify that the applicant is free of drug dependency or illegal drug usage;

Be at least eighteen (18) years of age but not forty (40) years of age or older to take an entrance exam, and may not be certified as eligible for a beginning position if forty (40) years of age or older;

Be a graduate of an accredited high school or have an equivalency certificate;

Have a valid Texas driver's license at hire date;

Be authorized to work in the United States;

Discharge from military service shall not have been under less than honorable conditions;

Be able to read, write, and speak the English language;

Be of good moral character; and

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Be able to meet all certification requirements as established by the Texas Commission on Fire Protection.

Any of the following will disqualify an applicant from further consideration at any stage of the process:

Is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation. Temporary disqualification based upon circumstances. Has been convicted of conduct that constitutes a felony under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice. Permanent disqualification.

Has admitted conduct that constitutes a felony under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice. Permanent disqualification.

Has been convicted of conduct that constitutes a Class A Misdemeanor under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice. Permanent disqualification.

Has been convicted of conduct that constitutes a Class B Misdemeanor under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice. Temporary disqualification for a minimum of sixty (60) months.

Has admitted conduct that constitutes a Class A or Class B Misdemeanor under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice. Temporary disqualification for a minimum of twelve (12) months.

Has admitted to conduct involving a crime of moral turpitude, or being known to habitually associate with those of questionable moral character. Permanent disqualification.

Currently has pending criminal charges of any type, or is on "deferred adjudication" for a criminal offense. Temporary disqualification.

Has made a false statement in any material fact, withheld information, practiced or attempted to practice deception or fraud in his/her application, examination, background investigation, polygraph examination, or medical examination. Permanent disqualification.

Has failed to complete or satisfactorily meet employment process requirements of the Fire Department including but not limited to missing appointments, failing to return application package or other necessary paperwork, failing to promptly notify the Fire Department of changes in address/telephone numbers, or otherwise failing to complete the application process. Temporary disqualification for a minimum of twelve (12) months.

Has failed to satisfactorily complete the oral interview process including but not limited to any personal or automated interview process. Temporary disqualification for a minimum of twelve (12) months.

Has used illicit substances as indicated by the following guidelines:

Admission of illegal use of marijuana ten (10) or fewer times (experimentation) within the last two (2) years. Temporary disqualification until two (2) years have passed from last use.

Admission of illegal use of marijuana more than ten (10) times. Temporary disqualification until

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five (5) years have passed from last use.

Admission of abuse or misuse of legally obtained prescription medication(s), or illegal use of the prescription medication(s) of another person. Conduct involving the use, abuse, and/or misuse of prescription medication(s) will be considered on a case-by-case basis with consideration given to circumstances and elapsed time since last drug use. Permanent or temporary disqualification based upon circumstances.

Admission of illegal use of felony-grade substances as defined in the Texas Penal Code. Temporary disqualification until ten (10) years have passed since last use.

Has a driving record incompatible with the safe operation of emergency vehicles, the required driving standards of the City of Round Rock Risk Management Department, or which present potential liabilities to the City of Round Rock:

Three (3) or more events (moving violations or preventable accidents) in the preceding thirty-six (36) months. Temporary disqualification.

Reckless driving or similar conviction within the preceding sixty (60) months. Temporary disqualification.

Driving while intoxicated or under the influence of drugs within the preceding sixty (60) months. Temporary disqualification.

Has been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct. Permanent or temporary disqualification.

Demonstrated poor maturity or judgment in the applicant's decision-making ability. Permanent or temporary disqualification based upon circumstances.

Has a history of unstable work including but not limited to short terms of employment over the candidate's employment history, employment in an illegal occupation, termination of employment without appropriate notice, dismissal for cause from employment, and/or dismissal from employment in a public safety position. Permanent or temporary disqualification based upon circumstances.

Has failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Fire Protection and the Texas Department of State Health Services. Temporary disqualification.

### Notification of Rejection

Whenever an applicant for employment is rejected before being placed on an eligibility list, the applicant shall be notified in writing by the Director. The applicant shall be further notified that he/she will not be able to apply again with the city for a period of one (1) year.

### Section 143.024

### ENTRANCE EXAMINATION NOTICE AND APPLICATION

See Section 143.024, Chapter 143

Applicants shall complete a City of Round Rock Employment Application and other forms as prescribed by the Director, in order to take an entrance examination. Failure to pre-register in the

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manner and within the time limits prescribed in the "Notice of Entrance Examination," and/or failure to file the application with the Director, will render the applicant ineligible to take the examination. Applicants shall make application in his/her own handwriting or in typed form and shall certify the correctness of the facts.

Any person shall be considered for appointment to a vacancy in the classified service who has filed an application with the Director in the manner specified in these rules and upon the form furnished by the Director, and whose application has not been rejected by the Director for cause in accordance with the provisions of these rules.

The Director may, because of the small number of candidates or because of any other good and sufficient reason (i.e. death in the immediate family, public emergency, unavailability of test site), postpone an examination to a later date.

### **Section 143.025**      **ENTRANCE EXAMINATIONS**

See Section 143.025, Chapter 143

#### **Written Entrance Examination**

The actual conduct of every examination shall be under the direction of the Director who shall be responsible to the Commission. Examinations shall be conducted on an "as needed" basis. Any examination may be canceled by the Director should it become unnecessary due to i.e. a change in the personnel requirements of the classified service.

The minimum passing score shall be seventy (70) percent on the written examination.

An additional five (5) points shall be added to the examination grade of an applicant who served in the United States armed forces, received an honorable discharge as evidenced by a DD-214, and made a passing grade on the examination.

An additional three (3) points shall be added to the examination grade of an applicant who holds an intermediate certification or license through the National Registry Certification or the Texas Department of State Health Services and made a passing grade on the examination.

An applicant cannot receive both military and medical certification points.

Tie-breakers - whenever two (2) or more applicants attain the same grade on the entrance eligibility list, the applicant with the highest raw test score prior to the addition of military service points shall be listed first. If the score is still tied, the applicant listed first shall be based upon the following criteria in descending order of importance:

- (a) The applicant having completed the highest level of formal education from an accredited high school, college or university. If the score is still tied, then
- (b) The applicant holding the highest level of firefighter certification from the Texas Commission on Fire Protection. If the score is still tied, then
- (c) The applicant with the earliest date stamp and the earliest time stamp on his/her properly completed and submitted application.

No person shall deceive or obstruct any person in respect of his/her right of examination under the



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provision of these rules and the Civil Service Act; or falsely mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion. No candidate shall deceive the Commission for purposes of improving his/her chances for appointment or promotion.

### **Eligibility List**

The Director shall keep all eligibility lists for applicants for original positions in the fire department in effect for twelve (12) months. The Director shall provide in the eligibility list announcement that the list shall remain in effect for the time specified by these rules or until all names have been referred to the appropriate department, whichever event occurs first.

Child of a deceased fire fighter - each applicant who is either a natural-born or adopted child of a fire fighter who previously suffered a line-of-duty death while covered by Chapter 143 civil service shall be ranked at the top of any eligibility list in which said applicant receives a minimum passing grade on that respective eligibility exam if such applicant meets all entry-level hiring requirements. The eligible applicant shall have provided the name of the deceased fire fighter parent on his/her application, and it shall be the responsibility of the Director to verify the information relating to the line-of-duty death prior to placing the applicant at the top of the eligibility list.

Following compilation of the eligibility list, the remaining steps in the process are listed hereafter as (B) Physical Ability Test, (D) Background Investigation, (E) Oral Interview Board, (F) Medical Examination, and (G) Additional Examinations. The Director shall retain the right to determine the number of applicants who will continue through such process, based upon the City's staffing needs.

### **Physical Ability Test**

All applicants shall be required to take a physical ability test approved by the Director to evaluate each applicant's overall agility and stamina.

Any applicant failing to pass the physical ability test, as recorded by the instructor, shall be rejected.

### **Background Investigation**

The Fire Chief shall appoint an investigator to conduct background investigations on applicants for beginning positions in the fire department.

The investigator shall verify the applicant's statements on his/her written application and in the oral interview, and any other such verification of facts or character of the applicant as the Commission, the Director, or the Fire Chief may request.

Fingerprints may be required of all applicants accepted for beginning positions.

### **Oral Interview Board**

An oral interview shall be required for fire department applicants occupying positions on the entrance eligibility list.

The interview board shall consist of five (5) city employees who shall be appointed by the Fire

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Chief. The City's Director of Human Resources or his/her designee shall serve as an ex-officio member. The Fire Chief shall designate one member of the department to serve as chairperson of the interview board. At the Fire Chief's discretion, the chairperson may or may not be one of the five (5) voting members of the interview board. Only one (1) substitution of a board member shall be permitted, and then only under special circumstances with approval from the Director. The board members shall continue to serve until the final selection of applicants, at which time the board shall disband.

The purpose of the interview is to determine if the applicant possesses necessary qualifications to satisfactorily perform all required duties of a fire fighter.

The reason or reasons for the recommendation for rejection of an applicant shall be stated fully, be clearly signed by each member of the oral interview board, and submitted to the Fire Chief.

### **Medical Examination**

Appropriate post-job-offer medical examinations shall be required of all applicants for beginning positions.

The examinations shall be given by a physician or other authorized medical professional approved by the Director and paid for by the city.

In the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians approved by the Director, but at the expense of the applicant, and the findings of such board shall be final.

The physician shall certify to the Director whether or not the applicant is physically fit for the service.

### **Additional Examinations**

Applicants for original civil service positions may be required to take a psychological or psychiatric examination conducted by a psychologist or psychiatrist, and/or a polygraph examination conducted by a qualified polygraph examiner.

Such examiners shall be approved by the Director and paid for by the City. The examiner shall submit a written report of the results of the examination to the Director with the recommendation that the applicant be accepted or rejected, and this report is final.

### **Section 143.026      PROCEDURE FOR FILLING BEGINNING POSITIONS**

See Section 143.026, Chapter 143

When a vacancy occurs in a beginning position in the fire department, the Fire Chief shall request in writing from the Commission the names of suitable persons from the eligibility list. The Director shall certify to the City's chief executive officer the names of the three (3) persons having the highest grades on the eligibility list.

From the three (3) names certified, the City's chief executive officer shall appoint the person having the highest grade unless there is a valid reason why the person having the second or third highest grade should be appointed.

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As to a paramedic position in the fire department, the following shall constitute a "valid reason" and a "good and sufficient reason" in accordance with subsections (B) and (C) herein why a person having the next highest grade should be appointed over the person having the highest grade: if the person having a higher grade does not hold an EMT paramedic designation, then the person holding the next highest grade who does have such EMT paramedic designation may be appointed.

If the City's chief executive officer does not appoint the person having the highest grade, the City's chief executive officer shall clearly set forth in writing the good and sufficient reason why the person having the highest grade was not appointed.

The reason required by Subsection (C) shall be filed with the Commission and a copy provided to the person having the highest grade. If the City's chief executive officer appoints a person having the next highest grade, a copy of the report shall also be furnished to the person(s) having the higher grade.

### **Section 143.027**      **PROBATIONARY PERIOD**

See Section 143.027, Chapter 143

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

The Department Head of the Fire Department may, at his/her discretion, extend the probationary period of a person who is appointed to a beginning position in the Fire Department from the mandatory twelve (12) months up to a maximum of eighteen (18) months from the date of appointment. Such extension shall only be permitted if the appointee is required to attend a basic training academy necessary for initial certification by the Texas Commission on Fire Protection. The decision of the Department Head of the Fire Department to extend the probationary period is not subject to appeal under Chapter 143.

### **Section 143.028**      **ELIGIBILITY FOR PROMOTION**

See Section 143.028, Chapter 143

### **Section 143.029**      **PROMOTIONAL EXAMINATION NOTICE**

See Section 143.029, Chapter 143

The Director shall post notices that list the sources from which the examination questions will be taken. A valid source list of promotional materials as agreed upon by the Fire Chief and the Association Executive Board will remain in effect for two (2) years from the day of the posting. If there are edition changes during the two (2) years, the Fire Chief and the Association Executive board can agree to update the material, bypassing 143.029(a).

The Director may post notices for each rank to be tested, or may post a combined notice for all ranks.

### **Section 143.030**      **ELIGIBILITY FOR PROMOTIONAL EXAMINATION**

See Section 143.030, Chapter 143

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

A fire fighter's prior service with the City does not count toward meeting the two (2) year requirement established in Section 143.030. A fire fighter who has been rehired shall not be given credit for prior service to determine eligibility to take a promotional examination.

### College Hour requirements for Promotion

Driver applicant – must have fifteen (15) hours from an accredited college or university. By October 2025, must have thirty (30) hours from an accredited college or university. Fire Certification credit up to twelve (12) hours will be accepted if the state exam has been passed and successful completion of a minimum of three (3) semester credit hours toward a Fire Protection Technology Associate degree plan.

Lieutenant applicant - must have thirty (30) hours from an accredited college or university. By October 2025, must have forty-five (45) hours from an accredited college or university. The education requirement will be sixty (60) hours for Lieutenant by October 2028.

Captain applicant - must have forty-five (45) hours. By October 2025, must have sixty (60) hours towards a Bachelor's degree from an accredited college or university. The education requirement will be seventy-five (75) hours for Captain by October 2028.

Battalion Chief applicant - must have sixty hours (60) towards a Bachelor's degree from an accredited college or university by October 2023. By October 2025, must have seventy-five (75) hours towards a Bachelor's degree from an accredited college or university. The education requirement will be a Bachelor's Degree for Battalion Chief by October 2028.

## Section 143.032      PROMOTIONAL EXAMINATION PROCEDURE

See Section 143.032, Chapter 143

All examinations shall be of such nature so as to test the relative capacity and fitness of the person examined to discharge the duties of the particular position to which he/she 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 an assistant to administer tests or examinations.

No person shall deceive or obstruct any person in respect of his/her right of examination under the provision of these rules and the Civil Service Act; or falsely mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion. No promotional candidate shall deceive the Commission for purposes of improving his/her chances for appointment or promotion.

Employees shall complete an Official Application for Promotional Examination, 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/or failure to file the application with the Director within the time limits prescribed in the "Notice of Promotional Examination" will render

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the employee ineligible to take the examination.

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 reason (i.e. death in immediate family, public emergency, unavailability of test site), postpone an examination to a later date.

Each promotional examination is open to each qualified firefighter candidate who has continuously held for at least two (2) years a position in the classification that is immediately below the classification for which the examination is to be held; and has met the requirements of the Round Rock Fire Department policy 4003 (Relief & Acting Position Requirements); and currently holding the relief position for the previous six (6) months. This requirement becomes effective January 1, 2019.

To provide for competitive promotional examinations at least three (3) qualified candidates must sit for an examination. If there are not three (3) candidates in the next lower position with two (2) years' service in that position and have met the requirements of department policy 4003, the Chief may open the examination to persons in that position with less than two (2) years' service that have not met the requirements of department policy 4003. If there is still an insufficient number, the Commission may open the examination to persons with at least two (2) years' experience in the second lower position to the position for which the examination is to be held as long as the applicant has met the requirements of department policy 4003 for that classification.

The Director shall establish a promotional eligibility list from those persons passing the promotional examination.

Medical examinations taken not earlier than twelve (12) months preceding date of promotion will be required prior to promotion.

Certification by the TCFP as a Fire Officer III/IV will be attended and completed before the end of one (1) year in grade as a Battalion Chief.

### **Promotional examination procedures for certain personnel on active military duty:**

Promotional candidates who are serving on active military duty outside the state of Texas or on active military duty more than two hundred (200) miles from the Round Rock City Hall are eligible to take a separate promotional examination. Such an examination may or may not be identical to the examination administered to other eligible candidates, and such an examination may be administered outside the presence of other candidates.

The Director is authorized to coordinate all testing hereunder, and may exercise the discretion necessary to ensure the secrecy of the examination and to ensure that proper administrative procedures are followed.

At no time shall the administration of such a promotional examination unnecessarily interfere with ongoing military efforts.

If an eligible candidate serving on active military duty takes and passes such 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 took the examination.

Eligible candidates serving on active military duty who take such a promotional examination outside

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of the City shall be eligible to file an appeal of the examination as provided in 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.

Eligible promotional candidates must notify the Director at least twenty-five (25) days in advance of the examination of the candidate's desire to have the examination administered off-site.

Any employee covered by Chapter 143 civil service who is called to active military duty must notify the Director of his/her mailing address and email address. The Director shall use his/her best reasonable effort to inform any such employee who is on active military duty of upcoming promotional examinations.

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

In this Section 143.032, "deployed person" means a civil service employee of the Round Rock 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.

Deployed persons are responsible for providing a regular mailing address and email address if available to the Civil Service Director for the duration of their deployment. The Civil Service Director is not responsible to seek out contact information for deployed persons.

Deployed persons are to remain aware of the likelihood of promotional examinations being given during their deployment.

Civil Service processes govern all promotional examinations for deployed and non-deployed persons alike.

When the Civil Service Director posts study resource lists for promotional examinations, the Civil Service Director shall forward a copy of the study resource list to all deployed persons eligible to take the promotional examination to the email or regular mail address provided by the deployed person.

If requested by the deployed person, the Civil Service Director shall ship all resource material listed on the promotional examination resource study list to the deployed person to the regular mailing address provided by the deployed person at no cost to the deployed person. The deployed person is responsible for returning all resource material sent to the deployed person by the City to the City in good condition within six weeks after the examination is given.

When the Civil Service Director posts notice for promotional examinations, the Civil Service Director shall forward a copy of the posting to all deployed persons eligible to take the promotional examination to the email or regular mailing address provided by the deployed person.

The process for signing up for Civil Service promotional examinations shall follow the same process for deployed and non-deployed persons.

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When a deployed person is eligible for promotional examination, and desires to take the promotional examination, the deployed person must notify the Civil Service Director of the desire to sit for the examination by email or regular mail within the sign-up period allowed for non-deployed persons to sign up to take the promotional examination.

Included with the notification to the Civil Service Director of the desire to sit for the promotional examination, the deployed person must enclose the name and address of the deployed person's commanding officer.

The Civil Service Director shall obtain a promotional examination for the deployed person that is equal in length and taken from the posted study resource lists but with different questions than the questions to be included in the promotional examination given to non-deployed persons.

The Civil Service Director shall notify the deployed person's commanding officer by email or regular mail of the impending arrival of the promotional examination accompanied by a copy of this SOP and specific instructions on how to administer the examination to the deployed person and how to preserve the integrity of the promotional examination process.

To the extent possible, the promotional examination should be administered to the deployed person by the commanding officer at or about the same time and on the same date as it is being administered to non-deployed persons.

The deployed person's commanding officer must return the test, answer sheet, and all sheets of scratch paper utilized during the examination by the deployed person to the Civil Service Director in the envelope provided by the Civil Service Director.

Upon receiving the examination packet from the deployed person's commanding officer, the Civil Service Director shall score the examination in the same manner as the examinations were scored for non-deployed persons.

The Civil Service Director shall place the grade of the deployed person on the list of scores in the same manner as the scores for non-deployed persons.

The Civil Service Director shall forward a copy of the raw grades and the final grades that are posted within the City to the deployed person by email or regular mail to the address provided by the deployed person.

### **Section 143.033**

### **PROMOTIONAL EXAMINATION GRADES**

See Section 143.033, Chapter 143

All test participants receiving a grade of seventy (70) points or more shall be determined to have passed an examination. Candidates shall have their seniority points provided for in Chapter 143 added after the assessment center and written exam scores are finalized for a raw score. The seniority points will be added to the raw score and shall determine the final score of each candidate. Seniority points will be defined as follows: each firefighter is entitled to receive 1 point for each year of seniority up to ten (10) years of service with the Round Rock Fire Department. Each firefighter with over ten (10) years of service is entitled to an additional ½ point for each year of seniority with the Round Rock Fire Department, with no maximum.

When two (2) or more applicants have equal total grades or scores (including seniority points) and a

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tie exists on the eligibility list for promotion, the following shall be used, in the order listed, until the tie is broken:

Highest written test score;

Longest period of continuous employment in the department;

Earliest date of appointment to present rank;

Earliest appointment to previous ranks, from highest to lowest;

Highest position on entry-level eligibility list.

A promotional eligibility list shall be established with names listed in order from highest score to lowest score. All eligibility lists shall remain in existence for two (2) years and one (1) day from date of certification, unless exhausted. The Fire Chief shall notify the Director of the necessity to replace an exhausted eligibility list.

### **Assessment Centers**

To participate in the assessment center, a candidate shall have received a grade of seventy (70) on the written examination. An assessment center will be conducted for the following ranks: Driver, Lieutenant, Captain and Battalion Chief. These assessment centers shall be used on every promotional test and remain in effect until changed by the Fire Chief in consultation with the Association Executive Board. The Director will be consulted on the assessment center and manage the process in conjunction with the Fire Department.

The Director is authorized to establish rules for grading examinations.

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

See Section 143.034, Chapter 143

The Director is authorized to establish rules for the review of examinations.

Upon completion of grading, each promotional candidate by himself/herself may review his/her examination and answers, the examination grading, and the source material for the examination in the presence of the Director or a monitor(s) designated by the Director.

The period of review of test materials begins after promotional examination grades are posted and is limited to the time prior to the date when an appeal may be filed.

If any candidate appeals a question(s) on a promotional examination under this rule, the Director shall prepare a written notice of the hearing and notify all parties concerned as to the time, date, and place of the hearing. The appeal information shall not reveal the name of the appellant(s) prior to the appeal hearing before the Commission. The Director shall prepare a package of information for each test question being appealed, to include:

The question number;

The question and its answer choices from the examination;

The correct answer on the scoring key;



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The correct answer, if different from the scoring key;

A copy of the source material;

The appellant(s) written reason(s) for appeal;

The Director's statements, if any;

The Fire Chief's statements, if any;

Other material deemed relevant by the Director.

During the appeal hearing, the following rules will apply:

Appealed questions will be considered in numerical order;

Each appellant will be given an opportunity to present reasons for the appeal. The appellant may designate someone else to present comments. The Commission may limit the time for each appellant to speak, and the Commission may require non-duplication of information presented.

After each appellant has spoken on the question, the Commission may ask questions of the appellant or anyone else that may have information pertinent to the question.

The chairperson shall allow others an opportunity to speak on the question offering differing opinions. The chairperson may limit the time for each speaker and may require non-duplication of information presented.

The Commission may go into executive session at any time during the appeal hearing in order to deliberate, but not vote.

The Commission will make a decision on each question presented. The Commission's options on each appealed question are to:

Let the question stand as it was originally graded;

Change the answer from the way it was originally graded to another answer choice;

Allow more than one correct answer; or

Delete the question from the examination.

The formula for calculating the promotional test scores after appeal is as follows:

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

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

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

The Commission will consider all questions being appealed.

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The Commission will indicate its decision for each question on a form provided by the Director. Each Commission member who agrees with that decision will sign the form. A majority of the Commission agreeing on a decision will determine the final decision on that question.

If necessary, the Director will re-score all answer sheets as directed by the Commission and create and post a new eligibility list. The amended eligibility list will have the same effective date as the original eligibility list.

### **Section 143.036**      **PROCEDURE FOR MAKING PROMOTIONAL APPOINTMENTS**

See Section 143.036, Chapter 143

Persons accepting a promotion in the Round Rock 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 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 Round Rock 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

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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 143.037**      **RECORD OF CERTIFICATION AND APPOINTMENT**

See Section 143.037, Chapter 143

### **Section 143.038**      **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.

(Sections 143.039-143.040 reserved for expansion)

### **SUBCHAPTER C:**      **COMPENSATION** **Section 143.041**      **SALARY**

See Section 143.041, Chapter 143

### **Section 143.042**      **ASSIGNMENT PAY**

See Section 143.042, Chapter 143

### **Section 143.043**      **FIELD TRAINING OFFICER ASSIGNMENT PAY**

See Section 143.043, Chapter 143

### **Section 143.044**      **CERTIFICATION AND EDUCATIONAL INCENTIVE PAY**

See Section 143.044, Chapter 143

### **Section 143.045**      **ACCUMULATION AND PAYMENT OF SICK LEAVE**

See Section 143.045, Chapter, 143

#### **Civil Service Sick Leave**

The City of Round Rock Human Resources Policies and Procedures Manual, Chapter 5, Section 12. Sick Leave establishes and specifies sick leave accrual and usage for civil service employees.

#### **Sick Leave Payment Upon Suspension**

A fire fighter who is temporarily suspended or indefinitely suspended must exhaust all appeal rights before the City is obligated to pay any accumulated sick leave as prescribed under Chapter 143.

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Specifically, a 12-hour work day shall be used in calculating the ninety (90) days set forth in Chapter 143. The City shall not authorize withdrawals from the Texas Municipal Retirement System (TMRS) or Fire Pension System unless the fire fighter submits a written resignation and terminates employment with the City of Round Rock.

### **Section 143.046**      **VACATIONS**

See Section 143.046, Chapter 143

### **Section 143.047**      **SHIFT DIFFERENTIAL PAY**

See Section 143.047, Chapter 143

(Sections 143.048-143.050 reserved for expansion)

### **SUBCHAPTER D:**      **DISCIPLINARY ACTIONS** **Section 143.051**      **CAUSE FOR REMOVAL OR SUSPENSION**

See Section 143.051, Chapter 143

Each of the following are declared to be grounds for removal or suspension of any employee from the classified service in the City of Round Rock:

Indictment, deferred adjudication, or conviction of a felony, Class A or Class B misdemeanor, or other crime involving moral turpitude or violation of laws/ordinances of the United States, State of Texas or City of Round Rock;

Violation of the provisions of the Charter of the City of Round Rock;

Acts of incompetency;

Neglect of duty;

Discourtesy by said employee to the public or to fellow employees while the fire fighter is in the line of duty;

Acts of said employee showing a lack of good moral character;

Drinking of intoxicants while on duty; or intoxication while off duty;

Conduct prejudicial to good order;

Refusal or neglect to pay just debts;

Absence without leave;

Shirking duties;

Cowardice at fires;

Insubordination; or

Violation of any of the rules and regulations of the fire department; or of special orders as

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applicable; or of these rules and regulations; or of any of the "City of Round Rock Human Resources Policies and Procedures."

### **Section 143.052**      **DISCIPLINARY SUSPENSIONS**

See Section 143.052, Chapter 143

#### **General Provisions**

These rules shall apply to and govern all disciplinary actions and appeals of the City of Round Rock Fire Fighters' Civil Service pursuant to Chapter 143.

All disciplinary actions and appeals concerning civil service employees will be made in compliance with Chapter 143, these rules and regulations, the "City of Round Rock Human Resources Policies and Procedures," as well as the rules and regulations of the employee's department.

The term "cause" shall also mean "employee misconduct" and will necessarily include any act or omission that violates:

An applicable provision of Chapter 143; or

An applicable rule or regulation duly adopted by the Commission.

A department head may proceed with appropriate disciplinary action arising from any particular factual event(s) and/or misconduct which would constitute "cause" when the employee's misconduct is related to those matters set forth in Chapter 143, these rules, departmental rules and regulations, or the "City of Round Rock Human Resources Policies and Procedures."

For disciplinary action purposes, a determination of what constitutes "just cause" is generally made by comparison to what a reasonable person, who is mindful of the habits and customs of his/her department, and who is also mindful of the responsibilities and needs of his/her department, should have done (or should have not done) under similar circumstances.

After the Commission has determined that probable cause does exist for a requested demotion and has provided the employee with written notice as per Chapter 143, thereafter the action for appeal of the demotion may be conducted according to the same hearing procedures as set forth herein for all other disciplinary actions or as expressly provided otherwise in Chapter 143. An employee may elect the hearing examiner provisions of Section 143.057 only if the demotion is considered disciplinary in nature.

After an employee has been passed over for promotion as per Chapter 143, thereafter the promotional passover appeal will be conducted according to the hearing procedures as provided in Chapter 143. An employee may elect the hearing examiner provisions of Section 143.057 only if the promotional passover is considered disciplinary in nature.

Prior to imposing any particular level of disciplinary action, the department head may use lesser forms of disciplinary or corrective action. However, nothing herein shall prohibit the department head from proceeding directly to the appropriate level of discipline without using progressive discipline if, in the opinion of the department head, the employee's misconduct warrants more

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severe discipline.

### **Filing of Charges**

The Director or his/her designee shall file-stamp all disciplinary actions filed by the department head, showing the date and time of receipt.

### **Section 143.053      APPEAL OF DISCIPLINARY SUSPENSION**

See Section 143.053, Chapter 143

The Commission hereby adopts the procedure set out in this section for hearing appeals of disciplinary suspensions. The format for the hearing shall generally be as follows:

Opening statement, City (department head).

Opening statement, fire fighter.

Presentation of City's (department head's) case.

Direct testimony of witnesses.

Cross-examination of witnesses.

Follow-up questions by Commission.

Response by fire fighter.

Direct testimony of witnesses.

Cross-examination of witnesses.

Follow-up questions by Commission.

Rebuttal by City (department head), if any.

Direct testimony of witnesses.

Cross-examination of witnesses.

Follow-up questions by Commission.

Final statement by City (department head).

Final statement by fire fighter.

Closing final statement by City (department head).

Deliberation by Commission in executive session.

Commission publicly votes on the appeal.

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All Commission members voting shall immediately sign a written order memorializing the Commission's decision.

### **Section 143.054**      **DEMOTIONS**

See Section 143.054, Chapter 143

### **Section 143.056**      **PROCEDURES AFTER FELONY INDICTMENT OR MISDEMEANOR COMPLAINT**

See Section 143.056, Chapter 143

Conviction or deferred adjudication of a felony shall result in the employee being terminated. No hearing before the Commission or a Hearing Examiner shall be provided.

### **Section 143.057**      **HEARING EXAMINERS**

See Section 143.057, Chapter 143

The time limit for appeal to a Hearing Examiner will be the same as for appeal to the Commission.

In appeals to a Hearing Examiner, formal "rules of evidence" will not be observed.

Hearing Examiners shall base their decisions on "substantial evidence."

All hearings conducted by a Hearing Examiner will be conducted within Round Rock's city limits. Hearing Examiners shall have the same authority to uphold the suspension, reduce the suspension, or overturn the suspension as does the Commission.

Unless expressly authorized by Section 143.057, Hearing Examiners will observe the procedures as described in Section 143.010.

The rule-making power and authority of the Commission is in no way conferred upon and/or delegated to any Hearing Examiner, either by implication or otherwise.

Disciplinary proceedings conducted by a Hearing Examiner instead of the Commission shall not be conducted or resolved via arbitration or arbitration processes. An employee's election of appeal to a Hearing Examiner shall not constitute a right or agreement to submit the appeal to such arbitration.

The Hearing Examiner is to conduct a hearing fairly, objectively and impartially under the provisions of Chapter 143 and these Rules and Regulations. The Hearing Examiner is to render a fair and just decision based solely on the evidence presented in the hearing. The scope of evidence to be considered at the hearing shall be generally limited to matters closely relevant to the charges of misconduct as set forth in the Department's written statement and the employee's notice of appeal as filed with the Commission as well as the employee's previous work record with the Department.

In all cases, the employee filing the appeal shall strike the first name from the list of possible Hearing Examiners.

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(Sections 143.058-143.070 reserved for expansion)

### **SUBCHAPTER E: LEAVES**

#### **Section 143.071 LEAVES OF ABSENCE: RESTRICTION PROHIBITED**

See Section 143.071, Chapter 143

#### **Section 143.072 MILITARY LEAVE OF ABSENCE**

See Section 143.072, Chapter 143

#### **Section 143.073 LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE**

See Section 143.073, Chapter 143

#### **Section 143.074 REAPPOINTMENT AFTER RECOVERY FROM DISABILITY**

See Section 143.074, Chapter 143

#### **Section 143.075 MILITARY LEAVE TIME ACCOUNTS**

See Section 143.075, Chapter 143

(Sections 143.076 - 143.080 reserved for expansion)

### **SUBCHAPTER F: MISCELLANEOUS PROVISIONS**

#### **Section 143.081 DETERMINATION OF PHYSICAL OR MENTAL FITNESS**

See Section 143.081, Chapter 143

Each employee shall continually remain in such physical and mental condition as to be capable of rendering safe and efficient service to the City and performance of the duties and essential functions assigned to the employee.

Each employee shall be required to submit to a psychological or physical examination where there exists some reasonable basis to believe that the employee's mental or physical fitness for duty is an issue. For purposes of this Section 143.081, a question arises as to sufficient physical or mental fitness to continue duties if the person self-refers for medical or psychological assistance, or if the person is so referred by the department head. The employee must submit to such mandatory psychological or physical examination as soon as is reasonably practical, but not later than ten (10) business days from referral. A business day, as used herein, is defined as follows: Any day (other than Saturday, Sunday, and legal holidays as specified by the City of Round Rock) on which the business of the City is conducted.

Determination of the employee's mental and/or physical fitness for duty shall not be subject to the Commission or Hearing Examiner's review. The decision of the three-member panel, as provided for in Section 143.081(d), is final and binding; and no further appeal to the Commission or to a Hearing Examiner shall be permitted if the employee is terminated from his/her position based on the panel's report.

If a question arises as to whether a fire fighter is sufficiently physically or mentally fit to continue



## Exhibit "E"

the persons' duties, the fire fighter shall submit to the Commission a report from the person's personal physician, psychiatrist, or psychologist, as appropriate.

If the Commission, the Fire Chief, or the fire fighter questions the report, the Commission shall appoint a physician, psychiatrist, or psychologist, as appropriate, to examine the fire fighter and to submit a report to the Commission, the Fire Chief, and the person. For purposes of this subsection (E), such second examination shall be conducted as soon as is reasonably practical, but not later than ten (10) business days from referral.

If the report of the appointed physician, psychiatrist, or psychologist, as appropriate, disagrees with the report of the fire fighter's personal physician, psychiatrist, or psychologist, as appropriate, the Commission shall appoint a three-member board composed of a physician, a psychiatrist, and a psychologist, or any combination, as appropriate, to examine the fire fighter. The board's findings as to the person's fitness for duty shall determine the issue.

The fire fighter shall pay the cost of the services of the person's personal physician, psychiatrist, or psychologist, as appropriate. The City shall pay all other costs.

### **Section 143.082**      **EFFICIENCY REPORTS**

See Section 143.082, Chapter 143

### **Section 143.083**      **EMERGENCY APPOINTMENT OF TEMPORARY FIRE FIGHTERS**

See Section 143.083, Chapter 143

### **Section 143.084**      **CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIRE FIGHTERS**

See Section 143.084, Chapter 143

### **Section 143.085**      **FORCE REDUCTION AND REINSTATEMENT LIST**

See Section 143.085, Chapter 143

Whenever the Fire Department reorganizes the number of positions in a particular rank which results in a position(s) being eliminated in one classification, and when a promotional eligibility list for the position being eliminated exists at the time of the reorganization, the Director shall notate in the "a" file of an affected employee(s) the following information:

Promotion of the top person(s) on the eligibility list to the abolished position(s) as of 7:00 a.m. on the effective date; and

Demotion of the same person(s) promoted to the abolished position(s) at 7:01 a.m. on the same date.

The Director shall create a Reinstatement List in accordance with the requirements of this section.

### **Section 143.086**      **POLITICAL ACTIVITIES**

See Section 143.086, Chapter 143

## Exhibit "E"

### **Section 143.087**      **STRIKE PROHIBITION**

See Section 143.087, Chapter 143

### **Section 143.088**      **UNLAWFUL RESIGNATION OR RETIREMENT**

See Section 143.088, Chapter 143

### **Section 143.089**      **PERMANENT PERSONNEL FILE**

See Section 143.089, Chapter 143

Access to records of employees in the classified service, employment applications, background investigation records and reports, examinations and answer sheets shall be governed by Chapter 143 of the Texas Local Government Code and the Texas Government Code and appropriate federal statutes.

Ordinance No. G-10-01-14-7A1, codified in Chapter 1, Section 1.1002.1(7) of the Code of Ordinances of the City of Round Rock, provides for the following:

Access to Subsection 143.089(g) File:

Access to a fire fighter's otherwise confidential subsection (g) file is an inherent right, in their official capacities, of the City Council, the City Manager, and the Director of Fire Fighters' Civil Service.

In addition to those persons listed in subsection (a) above, access to a fire fighter's otherwise confidential subsection (g) file shall be specifically granted to the Department Head of the Fire Department, the City Attorney, and outside attorneys retained by the City.

(Sections 143.090-143.100 reserved for expansion)



1401  
Disciplinary Review Board  
Certified Current: September 12, 2022  
Supersedes: October 1, 2018

Certified by:  
Fire Chief  
Shane Glaiser

### **Purpose**

The primary purpose of the Discipline Review Board (DRB) is to provide peer review of allegations and offenses committed by uniformed personnel, and provide the Fire Chief with recommendations of disciplinary actions. The DRB is charged with looking at the totality of the allegations or charges, the employee's history, Department Policies and Procedures, Department Rules and Regulations, City Policies and Procedures, Local and State Civil Service, and any other policies, rules, regulations, or laws that may pertain to the case. The DRB can periodically review the Rules and Regulations and provide guidance in modifying their content.

### **Scope**

This policy applies to all uniformed personnel. Discipline being reviewed and recommendations made to the Chief by the DRB will be in accordance with Sections A-1.2.3 through A-1.2.7 of the Rules and Regulations effective September 12, 2022.<sup>1</sup>

### **Guideline**

The Round Rock Fire Department shall develop and maintain a Disciplinary Review Board or DRB.

The Executive Officer shall be designated as the DRB coordinator and shall facilitate meetings.

The DRB shall consist of a minimum of eight members.

There must be a minimum of five members in attendance at all hearings, meeting the following criteria\*:

1. At minimum one officer
  2. At minimum one non-officer
  3. At minimum one Association member
  4. At minimum one employee assigned to each shift
  5. At minimum one member of administration
- (\*Note- one person may satisfy more than one criterion.)

The DRB shall ensure:

1. That a thorough investigation of the circumstances was performed.
2. That no employee shall be singled out, made an example of, or faced with punitive measures that are overly aggressive based on the offense(s) committed.
3. That any recommendations will be based on the discipline matrix and the employee's history of offenses.
4. That a fair and unbiased recommendation be made to the Fire Chief regarding the offense(s).

The Fire Chief may issue discipline, without going through the DRB, if time constraints prohibit doing so.

<sup>1</sup> Changed in the Meet and Confer Agreement between the City of Round Rock and the Round Rock Fire Fighters Association, IAFF Local 3082 effective on May 12, 2016; and affirmed in the contract effective October 2018.

**Procedure**

The following is a timeline of events and actions to be taken:

- 1) Alleged misconduct occurs
- 2) Alleged misconduct is discovered—143.052(h)
  - i) 180 days from this date to issue discipline if misconduct does not involve a pending criminal investigation.
  - ii) If misconduct involves a pending criminal investigation, may issue a complaint within 30 days of final disposition of criminal case—143.052(h), 143.056
- 3) Employee is issued a copy of signed personnel complaint—614.023(b)
- 4) Misconduct is investigated—614.023(c)(1)
- 5) Facts and Findings of Investigation
  - a) Employee receives a copy.
  - b) DRB coordinator receives a copy.
  - c) Employee receives notice of intent to bring to DRB. Employee may request settlement without going to DRB (any agreed discipline must be within the guidelines of the discipline matrix).
- 6) DRB coordinator issues date/time of pre-disciplinary hearing to DRB members and employee.
- 7) DRB pre-disciplinary hearing conducted.
  - a) DRB determines disposition of allegations.
  - b) DRB makes recommendation to the Fire Chief on discipline.
  - c) Fire Chief schedules meeting with firefighter and association representative to discuss findings and potential discipline, if, requested by firefighter being investigated.<sup>2</sup>
- 8) Fire Chief issues employee discipline
  - a) Amount/type of discipline
    - i) Suspension of up to 15 days—143.052(b)
    - ii) Suspension of 16-90 days—143.052(g)
    - iii) Indefinite suspension—143.052(b)
    - iv) Demotion—143.054
  - b) Notification requirements
    - i) Fire Chief immediately delivers a copy of the written statement in person to the employee—143.052(c)
    - ii) Fire Chief files a written statement with the Civil Service Director within 120 hours—143.052(c)
    - iii) Written statement must include information for the employee's right to appeal—143.052(d)
- 9) Employee may meet with the Fire Chief to discuss lesser discipline within 3 days. The Fire Chief may offer less than indefinite suspension, if the employee agrees to and accepts the offer within 5 days—143.052(g)
- 10) Employee may file a request for appeal within 10 days of receiving the written notice—143.052(d), 143.057
  - a) Civil Service Director
    - i) Schedules appeal hearing within 30 days with Civil Service Commission—143.053(b), 143.057(b)
    - ii) If employee requested a 3<sup>rd</sup> party arbitrator, the Civil Service Director and the employee (or employee's representative) agree on an arbitrator and schedule hearing date/time/location. —143.057(d)
- 11) Appeal hearing—143.057(e)
- 12) Decision of appeal hearing rendered—143.057(h)
- 13) Discipline carried out.

<sup>2</sup> Changed in the Meet and Confer Agreement between the City of Round Rock and the Round Rock Fire Fighters Association, IAFF Local 3082 effective on May 12, 2016; and affirmed in the contract effective October 2018.

## Exhibit "F"

1401

September 12, 2022

**References:**

Texas Local Government Code Title 5, Subtitle A, Chapter 143 Municipal Civil Service for Firefighters and Police Officers

Texas Local Government Code Title 6, Subtitle A, Chapter 614 Peace Officers and Firefighters



## CITY OF ROUND ROCK INTEROFFICE MEMORANDUM

TO: [insert name], [insert rank]

FROM: Discipline Review Board

DATE: [DATE]

SUBJECT: Discipline Review Board determination and recommendation regarding  
[employee's name]

On [ date ] the Round Rock Fire Department Discipline Review Board reviewed the case file for allegations against [employee's name]. This memo outlines the decision of the Discipline Review Board regarding the allegations outlined in the [date of complaint] complaint, the rules that were violated and any recommended discipline.

**Allegation #1**

[Allegation as written in the complaint.]

☐ Unfounded—the allegation is false or not factual

☐ Exonerated—the incident complained of occurred but was lawful and within policy

☐ Not sustained—insufficient evidence exists to prove or disprove the allegations

☐ Sustained—the allegation is supported by sufficient evidence, and/or acts of misconduct were discovered during the investigation which was not alleged during the complaint.

☐ Policy Failure—the act did occur and was in compliance with department policy. However, it is also determined that the act of misconduct could have been prevented had policy been more clear or complete.

(if sustained or Policy Failure, indicate below which policy(s) were violated:

\_\_\_\_\_  
\_\_\_\_\_

If allegation is sustained, indicate below the recommended discipline:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Allegation #2***[ Allegation as written in the complaint ]*☐ **Unfounded**—the allegation is false or not factual☐ **Exonerated**—the incident complained of occurred but was lawful and within policy☐ **Not sustained**—insufficient evidence exists to prove or disprove the allegations☐ **Sustained**—the allegation is supported by sufficient evidence, and/or acts of misconduct were discovered during the investigation which was not alleged during the complaint.☐ **Policy Failure**—the act did occur and was in compliance with department policy. However, it is also determined that the act of misconduct could have been prevented had policy been more clear or complete.

(if sustained or Policy Failure, indicate below which policy(s) were violated:

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If allegation is sustained, indicate below the recommended discipline:

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The above information is collectively submitted by the members present at this Discipline Review Board meeting. |

*[insert name]*

Printed Name

Signature

Date

*[insert name]*

Printed Name

Signature

Date

*[insert name]*

Printed Name

Signature

Date

*[insert name]*

Printed Name

Signature

Date

**Allegation #2***[ Allegation as written in the complaint ]*☐ **Unfounded**—the allegation is false or not factual☐ **Exonerated**—the incident complained of occurred but was lawful and within policy☐ **Not sustained**—insufficient evidence exists to prove or disprove the allegations☐ **Sustained**—the allegation is supported by sufficient evidence, and/or acts of misconduct were discovered during the investigation which was not alleged during the complaint.☐ **Policy Failure**—the act did occur and was in compliance with department policy. However, it is also determined that the act of misconduct could have been prevented had policy been more clear or complete.

(if sustained or Policy Failure, indicate below which policy(s) were violated:

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If allegation is sustained, indicate below the recommended discipline:

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The above information is collectively submitted by the members present at this Discipline Review Board meeting. |

[insert name]  
Printed Name Signature Date[insert name]  
Printed Name Signature Date[insert name]  
Printed Name Signature Date[insert name]  
Printed Name Signature Date