

Exhibit A

**CODE OF RULES AND REGULATIONS OF THE
CIVIL SERVICE BOARD**



City of Dallas

Current through June 28, 2023

Exhibit A

The Code of Rules and Regulations for the Civil Service Board was adopted by resolution of the Dallas City Council on June 28, 2023.

Pursuant to the Dallas City Charter, these rules and regulations of the civil service board apply to all employees, except those departments listed in Section 9 of Chapter XVI of the Charter: the legal department, the city manager's office, the city auditor's office, the city secretary's office, the library department, the park and recreation department, the radio department, municipal court judges, and the city council office staff.

In accordance with Section 11 of Chapter XVI of the Charter, employees of those departments, as well as all department directors, assistant department directors, and other executive-level managerial personnel designated by the city council, may not file grievances with the civil service board or appeal discharges or reductions in grade to the Trial Board or Administrative Law Judge as described in these rules. If these rules conflict with the Dallas City Charter or Chapter 34, "Personnel Rules," of the Dallas City Code, the Charter and Chapter 34 prevail.

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CODE OF RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD

RULE 1: DEFINITIONS.

In these rules:

(1) **APPLICANT** means a candidate for employment in a civil service position with the city of Dallas.

(2) **APPLICATION** means the act of providing the required information and documentation for the purpose of being considered for employment in a civil service position with the city of Dallas.

(3) **CIVILIAN** or **CIVILIAN EMPLOYEE** means any civil service employee other than employees in the sworn service.

(4) **CLASSIFICATION** means all positions, regardless of departmental location, that are sufficiently alike in duties and responsibilities to:

(A) be called by the same descriptive title;

(B) be accorded the same pay scale under like conditions; and

(C) require substantially the same education, experience, and skills.

(5) **CLASSIFIED SERVICE** means all positions not exempted or otherwise designated according to the Charter, including two classes known as the “competitive class” and the “noncompetitive class.” Pursuant to Section 3(b) of Chapter XVI of the Dallas City Charter, the following positions are not included in the classified service:

(A) Directors of departments, assistant directors of departments, and managerial personnel designated by the city council.

(B) The municipal court clerk and the secretary of the civil service board.

(C) The labor class, which includes all ordinary unskilled labor.

(6) **COMPETITIVE CLASS** means those positions and employment for which it is practical to determine the merit and fitness of the applicant by competitive examination.

(7) **ELIGIBILITY LIST** means a list of applicants for employment who meet a position’s minimum requirements and have successfully completed a civil service examination, as applicable.

(8) EXAMINATION means a test or assessment designed to evaluate the merit and fitness of applicants to discharge the duties of the particular position they seek to fill.

(9) MERIT AND FITNESS means education, training, experience, performance, knowledge, skills, ability, licenses, or certifications, demonstrated by examination or other appropriate evidences of competition and by records of merit, efficiency, character, conduct, and seniority.

(10) MINIMUM QUALIFICATION means those minimum requirements, as determined by the civil service board, for an applicant for employment to be included on an eligibility list, and may include, but are not limited to, requirements as to education, training, and experience.

(11) NONCOMPETITIVE CLASS means those positions designated to respond to special needs identified by directors of departments and approved by the board, or positions requiring peculiar and exceptional qualifications or management accountability as may be determined by the rules of the board.

(12) PREFERRED QUALIFICATION means qualifications relevant to a position, in addition to the minimum qualifications, for a civil service position.

(13) PROBATION means a minimum six-month period:

(A) after initial appointment, during which an employee can be terminated without right of appeal; or

(B) after promotion, during which an employee can be:

(i) returned to the previous position if a retreat right to the previous position exists; or

(ii) terminated without right of appeal if no retreat right exists.

(14) PROMOTION means an increase in grade with a resulting increase in salary due to placement in a position as a result of a competitive or noncompetitive selection process.

(15) REASSIGNMENT means a change of an employee to an equivalent position (same grade) within the same department.

(16) SWORN SERVICE means:

(A) a sworn police officer employed by the city who is covered by the Dallas Police and Fire Pension System and is classified by the city of Dallas as nonexempt, as defined in Section 147.002(3) of the Texas Local Government Code, not including a police officer with the rank above that of Captain, a civilian, or a municipal marshal; or

(B) a firefighter employed by the city who is covered by the Dallas Police and Fire Pension System and is classified by the city of Dallas as nonexempt, as defined in Section 147.002(1) of the Texas Local Government Code, not to include a firefighter above the rank of Battalion Chief or Section Chief or civilians.

(17) TRANSFER means the change of an employee from a position in one department to an equivalent position (same grade) in another department, but that does not result in either promotion or demotion.

RULE 2: GENERAL PROVISIONS AND ORGANIZATION OF THE CIVIL SERVICE BOARD.

Section 2.1 Duties and Authority of the Civil Service Board. The board shall be composed of seven members and have the duties and authority as provided in Chapter XVI of the Dallas City Charter and any ordinances or resolutions adopted by the city council.

Section 2.2 Adoption and Enforcement of Civil Service Rules and Regulations. These rules and regulations are created, adopted, and enforced as required under Chapter XVI of the Dallas City Charter. If there is a conflict between a civil service rule and regulation and the charter or Chapter 34, "Personnel Rules," the charter or Chapter 34 prevail.

Section 2.3 Appointment and Duties of Board Secretary. The board shall appoint a board secretary in accordance with Chapter XVI of the Dallas City Charter. The board secretary shall serve as the director of the civil service department and may employ such assistants and employees to positions approved by the city council.

Section 2.4 Civil Service Board Meetings. The board shall post notice of its meetings at least seven days in advance of any meeting. Board meetings shall be scheduled monthly by the chair and the board secretary or as often as necessary. The board secretary shall call special meetings upon written request of three members of the board. All board meetings shall comply with the Texas Open Meetings Act.

Section 2.5 Annual Report by the Civil Service Board to the City Council. The civil service board shall make an annual report to the city council at the end of each fiscal year, giving a complete statement of the board's activities and containing such recommendations with regard to improving the efficiency of the civil service as it may deem advisable.

RULE 3: CIVIL SERVICE APPOINTMENT AND PROMOTION.

Section 3.1 Appointments in the Competitive Class.

(a) Appointments to fill vacancies.

(1) Every vacancy in the classified service not filled by promotion, transfer, reinstatement, or demotion shall be filled by appointment from the eligibility list established for that position upon the requisition of the city manager. Appointments shall be made to all positions

in the competitive class by selection of persons certified from an eligibility list resulting from open, competitive employment applications and examinations held by the board, except as otherwise provided in these rules and regulations.

(2) Nothing in these rules and regulations shall prevent a department director from designating a person to fill a position in a higher classification for a period of time and for that person to receive interim assignment pay, in accordance with applicable procedures. Interim assignments are not considered appointments or promotions.

(b) Submission of applications. Except as provided in these rules and regulations, no position in the classified service may be filled except after posting on the City of Dallas website and in any other format and manner approved by the civil service department and an evaluation of candidates conducted in compliance with these rules and regulations. Applications must be submitted to the civil service department not later than the date specified in the job or examination announcement and shall be complete at the time of filing. Each individual who submits an application as provided in these rules and regulations and meets the minimum qualifications for a position shall be considered a candidate for that position unless otherwise prohibited under these rules and regulations. No application for employment shall remain on file for more than one year from the date of the application.

(c) Job qualifications in postings. Postings for positions in the classified service shall specify the required minimum qualifications for the position and may specify other preferred qualifications relevant to the position.

(d) Civil service board to establish minimum qualifications. The board shall establish and announce the necessary minimum qualifications for any position subject to this section. The minimum qualifications for a position may be revised by the board and may include, but not be limited to, requirements as to education, training, and experience, and other qualifications deemed necessary for the position. Nothing in this section prohibits the specification of preferred qualifications for a position.

(e) Civil service employment examinations. The board is authorized to prescribe and prepare the nature, type, and extent of examinations deemed necessary to fairly test the relative qualifications and fitness of applicants. All examinations shall be designed to test the relative qualifications and fitness of applicants to discharge the duties of the particular position they seek to fill. Every examination shall be conducted under the direction of the board, or its designated examiners, free from the presence, participation, or influence of any person other than the examiners or experts employed by the board.

(f) Ordering reexamination. The board has the power, whenever in its judgment the interests of the public service require it, to order a reexamination of applicants for any position, and the power to correct, amend, or revoke any schedule, register, or other paper or record where it appears that an error or injustice has been done, or where any person whose name appears upon the eligibility list has for any reason become incapacitated for appointment in the public service,

to strike such name from the list. The reason for such action shall be recorded in the minutes of the board.

(g) Physical examinations. In addition to completing an application for a position, an applicant may be required to submit to a physical examination and/or test, as deemed necessary by the board, to determine the fitness of applicants for the position for which they applied.

(h) Disqualification of applicants. The board may disqualify applicants for a position, and if so, shall state the reason for disqualification and retain the reason for disqualification in the applicant's application records. Disqualification may occur for an applicant who is found to lack any of the established minimum qualifications for a position or who otherwise lacks a requirement for a position, as established by the board. Disqualification may occur for an applicant who made a false statement, or has practiced or attempted to practice any deception or fraud in their application, in their examination, or in securing their eligibility for appointment. The board may delegate this authority to the secretary.

(i) Rehire eligibility of former city employees. The board may deem ineligible applicants for a position in the classified civil service, who were previously employed by the city and in situations in which the city has designated the former city employee as ineligible for rehire, or provisional for rehire. In these situations, applicants shall be deemed ineligible for rehire for a minimum of two years from the date of separation of city employment. If, after two years has elapsed since separation of employment, the former city employee seeks to apply for a position in the classified service, the person shall submit a request for a hearing before the board. To qualify for rehire eligibility, a former employee must demonstrate to the board that he or she has the ability and desire to be a productive and successful city employee, and there are no other significant indications that rehiring the former employee would be inappropriate. Factors for the board's consideration may include, but are not limited to: whether the former employee has accepted responsibility for his or her actions that led to the separation of employment, the severity of the misconduct that brought about the separation of employment, and the former employee's work history since separation of employment. Former sworn service employees who were terminated, resigned in lieu of termination for dishonesty, theft, misconduct, or disregard of public trust, as defined in the personnel rules, adverse conduct as defined in Dallas Police Department Code of Conduct Rule 4.3, unnecessary or inappropriate use of force as defined in Dallas Police Department Code of Conduct Rule 4.10, or adverse conduct as defined in the Dallas Fire-Rescue Department Manual of Procedures Code of Conduct Rule 702.02 are permanently ineligible for rehire with the City.

Section 3.2 Eligibility Lists.

(a) Eligibility list determination. An eligibility list shall be prepared by the board for each position in the classified service from candidates who have been found minimally qualified after a review of an employment application. Eligibility lists created from positions that do not require a competitive examination shall be prepared without any ranking or order of preference. If the position requires a competitive examination, the eligibility list will be prepared in order of merit and fitness as shown by the respective scores of the aggregate marking. When two or more

eligible candidates have equal average scores on an examination, they shall have equal rank on the eligibility list. Eligibility lists prepared without competitive examination shall be forwarded to the departmental appointing authority, to allow the appointing authority to select candidates for interview and selection for appointment. Non-employee eligibles for sworn service appointment may be removed from the register after twelve months from the date of examination. Following selection and appointment, the appointing authority shall notify the board secretary. Once the appointment is made, the appointed person's name shall be stricken from the eligibility list.

(b) Supplementation of eligibility lists. Eligibility lists for each position may be supplemented periodically as the personnel needs of the city and the principle of open competition may warrant.

Section 3.3 Probationary Periods.

(a) Extension of probationary period by board secretary. Probationary periods may be extended to allow six months of on-the-job work performance or completion of any written prerequisites to employment or promotion. When injury or other circumstances causes an extended approved absence, or other circumstances exist, that prevent the full and fair evaluation of an employee during initial probation, the employing department director may request extension of the probationary period within 10 working days of the conclusion of the absence or situation, or the scheduled end of the probationary period, whichever occurs first. The board secretary may approve the extension not to exceed a total of six months on-the-job work performance, not including the time period during which the full evaluation of work performance is not possible, or completion of any written prerequisites to employment or promotion. However, extensions shall not be granted where indications of unsatisfactory attendance as defined by the personnel rules are present. The board secretary shall report granted extensions periodically to the board for review.

(b) Extension of probationary period by civil service board. Probation may be extended by the board to include the entire period of training of a formal apprenticeship training program. When an extension is approved, employees will be informed prior to employment and will complete probation on successful completion of the training program. The secretary may extend probationary periods on behalf of the board.

(c) Probationary periods for specific positions. In addition to the provisions for extension of probation provided in Subsections 3.3(a) and (b), the following additional provisions for specific positions apply:

(1) Probationary security officer. Probation for the classification of probationary security officer shall end six months following completion of the required classroom training.

(2) Sworn employees. The probationary period for sworn employees continues until the sworn employee has completed six months of service as a probationary police officer, probationary fire-rescue officer, probationary fire prevention officer, or probationary single function paramedic officer, as applicable.

(3) Civilian 911 call takers or dispatchers. Probation for the classification of civilian 911 call taker or dispatcher ends six months after completion of required classroom training.

Section 3.4 Appointments in the Non-Competitive Class.

(a) Scientific, professional, and expert positions deemed non-competitive class. Classes requiring peculiar and exceptional qualifications of a scientific, professional, or expert nature, upon satisfactory evidence that competition as evidenced by written examination is impractical and that positions in these classes can best be filled by the selection of designated persons of recognized attainments, the board may, by a majority vote, suspend competition and declare these classes to be noncompetitive. All suspensions must be recorded in the minutes of the board and the board shall, from time to time, review all suspensions to determine if the best interest of the city is served by continuing these classes in the non-competitive class.

(b) Part-time, seasonal, and temporary positions. Time-limited positions filled on a part-time, seasonal, or temporary basis are considered to be in the non-competitive classified service and may be filled either by the reappointment of a former part-time, seasonal, or temporary employee previously qualified to perform the same or similar work, or by appointment from a non-competitive eligibility list of those eligible who have filed applications and who meet the minimum requirements for the position for which they have filed applications.

RULE 4: SWORN SERVICE APPOINTMENT AND PROMOTION.

Section 4.1 Sworn Service Appointment.

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

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

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

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

(4) meet one of the following qualifications:

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

(B) a minimum of 36 months of full time certified law enforcement experience (from date of receipt of license) with a city, county, or state law enforcement agency

and be currently employed or separated from the agency for no more than four months prior to the date of application;

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

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

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

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

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

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

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

(5) meet one of the following qualifications:

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

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

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

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

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

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

(4) meet one of the following qualifications:

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

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

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

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

(2) have a high school diploma or GED;

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

(4) possess a current Texas Department of State Health Services Paramedic Certification or a National Registry Paramedic Certification; and

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

(6) pass a physical ability test administered by Dallas Fire-Rescue Department.

(e) Additional requirements. Dallas Police Department and Dallas Fire-Rescue Department have requirements for sworn service appointment in addition to the civil service requirements in this section.

Section 4.2 Sworn Service Promotional Examinations.

(a) Promotions based on merit and fitness. The civil service board shall provide for promotion to all positions in the sworn service on the basis of merit and fitness, as demonstrated by examination and other appropriate testing.

(b) Notice of promotional examination. Notice of a promotional examination shall be posted in the office of the civil service board, as well as in the department in which the promotion may be made, for one week prior to the examination and shall indicate the grade or rank of those eligible to participate in the examination.

(c) Registration for promotional examination. Applicants for promotional examination shall register in the office of the civil service board in accordance with the instructions provided in the promotional examination announcement.

(d) Inability to attend promotional examination due to injury, work assignment, or military service. An employee who cannot attend a promotional examination because of injuries suffered in the performance of his/her job, or because of a work training assignment, military service away from the city, or family medical leave, shall be permitted to take a comparable examination at an alternate location provided:

(1) in the event of an injury, the employee is mentally, emotionally, and physically capable of being examined subject to verification by a licensed physician; or

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

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

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

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

(e) Inability to attend promotional examination due to religious holiday/observation. An employee who would be prevented from the observance of a religious holiday or practice by attending a promotional examination shall be permitted to take a comparable examination at another time provided:

(1) the employee applies for the examination by the designated application date;

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

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

(f) Promotional examination subject matter. In any promotional examination, the candidates shall be examined, either in writing or by a practical test or both, on such matters as will fairly test knowledge of the actual duties, responsibilities, and requirements of the position to be filled and their fitness and qualifications to discharge the duties and meet the requirements.

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

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

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

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

(3) the selected employee, based upon his or her record of performance in the under-filled position has demonstrated to the satisfaction of the civil service board the ability to perform satisfactorily the duties of the under-filled position for a period of no less than six months.

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

(j) Promotion to higher classification without testing. An employee in a position upgraded by re-evaluation to a higher classification who meets the minimum requirements established for the higher classification, and who, by records of performance in the position, has demonstrated to the satisfaction of the civil service board the ability to satisfactorily perform the duties of the position for a period of no less than six months, may be considered qualified for the higher classification and may be promoted to the higher classification without further examination. Except in instances of the creation of a new rank, the provisions of this subsection do not apply to

any employee in a position reclassified to a higher existing rank in the sworn police and fire services.

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

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

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

(1) Probationary police officer. Employees who have successfully completed the training and qualification period as trainee police officer shall be eligible for certification and appointment to the position of probationary police officer. Appointment to the position of probationary police officer is not a promotion.

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

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

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

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

(b) Completion of service requirements. Where experience in a lower rank is made a part of the requirements for a classified position, the applicant must have been appointed to a permanent position in that rank as a result of passing a promotional examination and have received the pay for that rank. Those candidates who will meet the eligibility criteria for any promotional rank prior to six months following the administration of an examination may compete on that

examination, but will not be eligible for promotion to the higher rank until they have successfully completed the service requirements for promotion referenced in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

been certified by the State of Texas as fire inspectors, are exempt from the provisions of this paragraph.

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

(9) Fire lieutenant. Fire-rescue department employees who have served in the department for four years and who have served as driver/engineer for six months immediately prior to the examination shall be eligible to test for promotion to fire lieutenant.

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

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

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

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

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

(b) Completion of service requirements. Where experience in a lower rank is made a part of the requirements for a classified position, the applicant must have been appointed to a permanent position in that rank as a result of passing a promotional examination and have received the pay for that rank. Those candidates who will meet the eligibility criteria for any promotional rank prior to six months following the administration of an examination may compete on that examination, but will not be eligible for promotion to the higher rank until they have successfully completed the service requirements for promotion referenced in this section. Nothing in these rules and regulations prevents the assignment of personnel within a rank from one division to another as their training and qualifications permit.

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

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

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

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

RULE 5: REDUCTION IN FORCE, REORGANIZATION, AND TRANSFER.

Section 5.1 Reductions in Force—Civilian Employees.

(a) Identification of affected employees. This section applies to employees in the classified civil service and unclassified labor class, which includes all ordinary unskilled labor.

(b) Creation of reduction-in-force register. Whenever it becomes necessary to reduce the workforce because of lack of work or lack of funds, the director of the affected civil service department shall request that the board secretary prepare a reduction-in-force register and identify the classifications from which reductions will occur. Civil service will provide seniority lists on request for departments covered by civil service (i.e. "civil service departments") and

will monitor reinstatement rights of employees in the civil service, as defined by the charter. In departments having major divisions that perform substantively different activities, the director shall identify which divisions are to be affected. Department directors should request seniority lists in a timely manner.

(c) Listing of affected employees. The names of incumbents in the affected classifications shall be listed in order of length of service with the city since their last appointment. Temporary and probationary employees will be listed first, followed by non-probationary employees with the least senior being first, the most senior being last. Where subdivision of a position classification is requested, the reduction-in-force list shall be subdivided, provided that no reorganization or transfer of work units between divisions has occurred within the six months immediately preceding the request.

(d) Order of layoffs. Employees in positions in the affected classification who are paid and qualified in different classifications shall be removed from the affected classification and placed in their proper classification. Temporary employees and employees serving their initial probation will be laid off first. Employees serving in a probationary status following promotion will be returned to their prior classification, provided the prior classification is also not being eliminated and provided the prior classification is vacant and was a classified position. After all employees identified have been removed, the remaining employees will be laid off in reverse order of seniority, except for allowable and authorized exemptions in Subsection (e).

(e) Exemptions. For each affected classification or subdivision within each department, the department director may exempt one or more less senior employees based on demonstrated and documented specialized skills or documented superior performance to the next most senior employees. The number of allowable exemptions is based on the number of employees in the classification as follows:

| Number of Employees | Number of Allowable Exemptions |
|----------------------------|---|
| 2 to 5 | 1 |
| 6 to 15 | 2 |
| 16 to 25 | 3 |
| 26 to 40 | 4 |
| 41 or more | 10% of the classification size rounded up to the nearest whole number |

(f) Reduction in force transfer. An employee about to be laid off because of lack of work or funds may be transferred to fill a vacancy in any other department in a class equal to or lower than his or her present class, provided that the transfer meets the approval of the appointing authority in the department where the vacancy exists, and provided that the employee is willing to accept the proffered transfer. If more than one employee is interested in being transferred to fill the vacancy, then the appointing authority in the department must hold a competitive process to select the most highly qualified candidate for the transfer. If the employee declines the transfer, then the employee will be laid off as provided in this section. A transfer is not permissible when it is requested to avoid a reduction in force and when there are persons of greater seniority in the same classification about to be laid off.

(g) Vacancies after layoff. If an employee covered by this section is laid off through lack of work or lack of funds, and if within a period of two years thereafter a vacancy should occur in the same department and in the same or in a lower class, the employee shall be reinstated in the vacant position, provided that he or she is willing to accept the proffered employment. If the vacancy is in the same class, he or she shall be reinstated without examination, but if in any other class, he or she shall be required to pass the regular examination for that class before reinstatement.

(h) Preference for reinstatement. When more than one laid off employee qualifies for reinstatement under this rule, preference is given to the employee laid off last.

(i) Reinstatement; rate of pay. When an employee has been reinstated to or employed in a position at a rate of pay lower than the rate received before layoff, the employee will continue to have the right of reinstatement to any vacancy that becomes available at or up to his or her previous rate of pay during the two-year period immediately following the layoff.

Section 5.2 Reductions in Force—Sworn Service.

(a) Layoffs on basis of seniority. Whenever it becomes necessary to reduce the force in the Police and Fire-Rescue Departments in the sworn class of police officer, fire-rescue officer, or fire prevention officer, the order of layoff is determined on the basis of seniority as provided in Section 5.1. Whenever it becomes necessary to reduce the number of positions in any class higher than that of police officer, fire-rescue officer, or fire prevention officer, the least senior in terms of length of service in the rank shall be reduced to the next lower class and the least senior in the said lower class shall be reduced, and so on down. Non-sworn employees of the Police and Fire-Rescue Departments are reduced according to the provisions in Section 5.1.

(b) Vacancies after layoff. Whenever a vacancy occurs in any of these classes, the last one laid off in that particular class shall be the first re-employed in that class provided the vacancy occurs during a period not to exceed five years after that employee's layoff or reduction, and provided that the person is physically able and otherwise qualified to perform the duties of the position.

Section 5.3 Departmental Reorganization. Employees assigned to ranks or grades that have been eliminated by departmental reorganization shall be reassigned without loss of compensation for a minimum of two years from the date of reassignment. A reassignment is not required under this section when a position is eliminated due to a reduction in force, or if an employee is discharged or demoted for cause.

Section 5.4 Transfers. The transfer of an employee from one position to another in the same class and of the same title in another civil service department may be made with the approval of the civil service board upon receipt of a written request signed by the city manager or his or her designee, provided the employee meets the minimum qualifications for the position as determined by the civil service board.

RULE 6: APPEALS TO THE CIVIL SERVICE BOARD, CIVIL SERVICE TRIAL BOARD OR ADMINISTRATIVE LAW JUDGE.

Section 6.1 Grievances to be Heard by the Civil Service Board. The civil service board has jurisdiction to hear any grievances filed pursuant to Section 34-39 of the personnel rules. All procedures referenced in Section 34-39 apply.

Section 6.2 Appeals to be Heard by a Civil Service Trial Board or Administrative Law Judge. A civil service trial board or administrative law judge has jurisdiction to hear an employee appeal filed pursuant to Sections 12 or 12.1 of Chapter XVI Sections 12 or 12.1 of the Dallas City Charter and Section 34-40 of the personnel rules. All procedures in Sections 12 and 12.1 and Section 34-40 apply.

RULE 7: MISCELLANEOUS PROVISIONS.

Section 7.1 Rules Governing Conduct for Positions in the Civil Service. All rules governing employee conduct, evaluation of employee conduct, and remedies for nonperformance are contained in Chapter 34, "Personnel Rules," and are incorporated into these rules and regulations.

Section 7.2 Investigations by the Civil Service Board. The civil service board may conduct investigations and subpoena witnesses and the production of records, pursuant to Section 8 of Chapter XVI of the Dallas City Charter.

Section 7.3 Employee Organizations. The Civil Service Board acknowledges the right of city employees to join or refrain from joining an organization for the purpose of representation. The Board further recognizes the right of public employees to present grievances through the procedures outlined in chapter 34 of the personnel rules.

Section 7.4 Reports to the Civil Service Board.

(a) Reports. Appointing authorities shall make prompt and complete reports to the civil service board of the following matters:

- (1) Appointments, whether temporary, emergency, or permanent.
- (2) Reinstatement appointments.
- (3) Refusal or neglect to accept appointments by a person whose name has been certified as an eligible.
- (4) Transfer of any officer or employee to or from one administrative branch or from one division to another in such branch, or from one position to another.
- (5) Leave of absence.
- (6) Suspensions.

(7) Removals from the service, and the cause of such removal, whether resignation, discharge, or reduction of force.

(8) Change in compensation.

(9) Creation or abolition of any office or place of employment.

(10) Any material changes in the duties of an officer or employee, or in the organization of departments.

(11) All other information found needful by the civil service board in the performance of its duties and the completion of any of its various records.

(b) Content of reports. Every report must contain the name and address of the employee affected, together with the date upon which the action takes effect, and such other facts and information as will make it possible for the civil service board to maintain a complete and correct record.

Section 7.5 Retention of Records. All original papers, examination papers and questions, certificates, and all other employment records are the property of the civil service board and must be filed in the office of the civil service board or other suitable secure place and kept not less than one year, excepting the application and examination papers of those failing to pass, which may be destroyed after six months. Examination papers, rosters and other records, must be kept in the case of non-competitive examinations as in the case of competitive examinations.

Section 7.6 Amendments to Rules.

(a) Amending, repealing, and supplementing the rules. These rules may be amended, repealed, or supplemented by the civil service board at any time, and new rules may be adopted. Seven days before action by the civil service board to amend, repeal, or supplement any of these rules or adopt new rules, notice of such action shall be issued. The notice shall contain the proposed changes or the proposed new rules and the date and place at which the civil service board will hold a public hearing on the proposals. Copies of the notice and of the proposed changes or new rules shall be posted on the city public bulletin board in the office of the civil service board, and elsewhere as the civil service board deems advisable. Copies of the notice and proposed changes or new rules shall be available for inspection by the public and city employees.

(b) Action by the civil service board. After public hearing, the civil service board shall take action on the proposed changes or new rules and, if by majority vote, the changes or new rules are recommended for adoption, the board shall refer them to the city council for final approval.

(c) Referral to city council. A minimum period of 15 days must lapse between a recommended change by the civil service board and action by the city council. All rules and amendments shall become effective upon the date of their approval by the city council. Copies of

approved rules and amendments shall be distributed to all city departments and shall be made available for inspection by the public and city employees.