

**CITY OF AMARILLO PERSONNEL RULES
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PREFACE

The purpose of these rules is to set forth the principles and procedures that are to be followed by the City administration in its personnel program. The personnel rules are an augmentation and clarification of Article VI of the City Charter and, and Local Government Code Chapter 143 (formerly VACS Art. 1269m) and the City's classified merit system of personnel administration. Chapter 143 shall be applicable only to certified Police Officers and Firefighters in the Police and Fire Departments and in no way shall be construed to be applicable to any other employees of the City. Where conflict may occur in the application of these provisions as to Police Officers and Firefighters, both Article 1269m and Chapter 143 shall prevail. It is intended that these rules not only provide a working guide for officials, but that they shall acquaint the City's employees with the chief personnel objectives and practices of the City.

This handbook is a general guide. The provisions of this handbook do not constitute an employment agreement or a guarantee to continue employment. The City of Amarillo reserves the right to change the provisions of this handbook at anytime.

RULE I - DEFINITIONS

Section 1 - Allocate:

The act of assigning each position to its proper class.

Section 2 - Appointment:

The designation of a person by the City Manager to become an employee in a position.

Section 3 - Certify:

The act of the Director in supplying the City Manager with names of applicants who are eligible to appointment to the class and position for which certification is requested.

Section 4 - Chief Executive:

The City Manager of the City of Amarillo.

Section 5 - Civil Service Law:

Chapter 325, Acts of the Texas Legislature, regular session, 1947, and Local Government Code Chapter 143 (formerly VACS Art. 1269m), and amendments and Article VI of the Charter of the City of Amarillo, Texas.

Section 6 - Civil Service Ordinance:

Chapter 6, Code of Ordinances City of Amarillo, Texas.

Section 7 - Class:

A position or group of positions that involve similar duties and responsibilities and requires similar qualifications and which is properly designated by one title indicative of the nature of the work.

Section 8 - Classification Plan:

Consists of the following:

- (a) A grouping into classes of positions that are of approximately equal difficulty and responsibility.
- (b) Class titles, descriptive of the work of the class, which will indicate each class.
- (c) Written Job Descriptions for each class of positions shall contain a description of the nature of the work and of the relative responsibility of the positions in the class, requirements in terms of knowledge, abilities and skills necessary for performance of the work and a statement of experience and training desirable for performance of the work and a statement of experience and training desirable for recruitment into the class.

Section 9 - Classified Service and Unclassified Service:

The positions in the City's service shall be divided into classified and unclassified service.

- (a) The classified service shall comprise all positions not specifically included by this section in the unclassified service.
- (b) The unclassified service shall comprise the following offices and positions:
 - (1) Members of the City Commission.
 - (2) The City Secretary.
 - (3) The City Manager.
 - (4) The Division Directors and Heads of Departments.
 - (5) One principal assistant or deputy and one private secretary to the City Manager, Division Directors, and Department Heads.
 - (6) The City Judge, Associate City Judge and Clerks of the Municipal Court.
 - (7) Members of Boards and Commissions in the City's service.
 - (8) Persons employed to make or conduct a special inquiry, investigation, examination, or installation, if the City Commission or the City Manager certifies that such employment is temporary and that the work should not be performed by employees in the classified service.
 - (9) Seasonal or part-time employees.

Section 10 - Commission:

The Civil Service Commission of the City of Amarillo.

Section 11 - Demotion:

The transfer of an employee from a position in one class to a position in another class for which the maximum rate of pay is lower, or a reduction in pay without such transfer unless such reduction is a part of a general plan to reduce salaries for that class of employment.

Section 12 - Division:

An operative part of the organizational chart and under the jurisdiction of the Division Director. The Divisions are: Community Services, Public & Staff Services, Finance, Public Works, Utilities, Police, Parks & Recreation, Fire, and Human Resources.

Section 13 - Department:

An operative part or subdivision of the Divisions of the City as defined under Section 12 above. Departments shall be delineated as a subdivision under an identified Division as set forth within the City's Annual Budget.

Section 14 - Director:

The Director of the Civil Service designated by the City of Amarillo Civil Service Commission to act in the capacity of secretary to the Commission and Director of Civil Service.

Section 15 - Eligible:

A person listed on an active eligibility list and who has rights under these rules to be certified.

Section 16 - Eligibility List:

The list of applicants for a position who have taken the examination and passed, ranked in the list in order of the score received.

Section 17 - Employee:

Used in these rules means one filling a position defined under the "classified" service of the City.

Section 18 - Kinsman:

Any relative related to any employee as follows: father, father-in-law, stepfather, mother, mother-in-law, stepmother, brother, brother-in-law, sister, sister-in-law, wife, husband, son, son-in-law, stepson, daughter, daughter-in-law, stepdaughter, grandfather, grandmother, grandson, granddaughter, aunt, uncle, niece, nephew, or first cousin.

Section 19 - Part-Time Employee:

An employee whose customary work-week is less than forty (40) hours per week.

Section 20 - Regular Employee:

An employee who has satisfactorily fulfilled the probationary requirements of a position in the classified service.

Section 21 - Seasonal Employee:

An employee not in the classified service who is hired for special work or project of a temporary nature that does not justify the creation of a classified position.

Section 22 - Position:

A group of current duties and responsibilities assigned or delegated by competent authority, requiring the services of an employee.

Section 23 – Promotion

A change from one grade to a higher grade or rank, or a change in duties or in title involving a distinct change in duties for which there is required a promotional examination, either written or unwritten and passing physical exams and drug screens. Promotion shall always mean an increase in responsibilities.

Section 24 - Public Hearings:

A meeting held in compliance with the Texas Open Meetings Act.

Section 25 - Reinstatement List:

A list according to class and department of persons, arranged in the order provided by these rules, who have previously occupied positions in the classified service and have been either laid off from active service in accordance with these rules or have been granted preferential consideration as a result of a requested leave of absence without pay and who may be certified for appointment to such positions when vacancies occur.

Section 26 - Rules:

The Personnel Rules of the City of Amarillo. A master copy of these Rules shall be maintained in the office of the Secretary of the Civil Service Commission and shall be the current and official copy of the Personnel Rules of the City of Amarillo.

Section 27 - Vacancy:

A position duly created and not abolished, which is not occupied and for the filling of which a valid requisition has been received by the Director.

RULE II - GENERAL PROVISIONS

Section 28 - Political Activity:

No action may be taken against an employee for political activity except for violation of this rule.

City employees shall not take an active part in any political campaign of any person for an elected office or proposition while on duty. No Division Director or Department Head shall continue such employment upon becoming a candidate or nominee for any public office. All other City employees shall discontinue employment upon being elected or appointed to any public office, except where federal or state law may otherwise allow employment to continue and such office holding does not conflict with the employee's assigned duties at the City.

Section 29 - Non-Discrimination:

No discrimination shall be exercised, threatened or promised against or in favor of any employee, applicant, competitor, or eligible on the basis of his political opinions or affiliations or religious beliefs or creed, race, color, national origin, sex, gender, gender expression, genetic information, age, marital status, sexual orientation, military status or disability unless it is shown to be a bonafide occupational requirement.

Section 30 - No Political Recommendations:

No recommendations for any applicant, competitor or eligible involving the disclosure of his political opinions or affiliations shall be received, filed or considered by the Commission or the Chief Executive.

Section 31 - Like Penalties for Like Offenses:

In making removals or reductions, or in imposing penalties for delinquency or misconduct, in the service, penalties like in character shall be imposed for like offenses and action thereon shall be taken irrespective of the political opinions of the offenders.

Section 32 - Waiving of Rights:

No person shall be permitted to require a candidate for employment or promotion to waive any right or rights accruing to him under law or these rules except as may be allowed by state law

RULE III - GENERAL DUTIES OF PUBLIC EMPLOYEES

Section 33 - Cooperation of Municipal Officers:

All municipal employees shall afford the Commission all reasonable facilities in conducting the inquiries specified in the Rules and the Civil Service Ordinance and shall permit inspection by the Commission of all books, papers, and documents belonging, or in any way pertaining to their respective offices, and shall also produce said books and papers and shall attend and testify when required to do so by the Commission.

Section 34 – Employees to Abide by Provisions of Rules:

It shall be the duty of all employees of the City to conform to and comply with and to aid in all proper ways in carrying into effect the provisions of these Rules and any modification thereof. No employee or employees having the power of appointment shall select or appoint any person for employment, promotion, or reinstatement except in accordance with the Rules and Laws.

Section 35 - Office Space:

Space for civil service examinations and Commission officers will be provided by the governing body of the City.

RULE IV - ORGANIZATION OF COMMISSION

Section 36 - Officers:

The Commission shall, within ten (10) days from the date of qualification of the membership, and annually thereafter in the month of January, proceed to the election of a Chairman and vice-Chairman. The Vice-Chairman shall serve as Chairman in the absence or incapacity of the Chairman. Two (2) members of the Commission shall constitute a quorum to do business. The Director of Human Resources for the City shall serve as the Director of Civil Service and shall maintain the minutes of all proceedings of the Civil Service Commission and have charge of and be responsible for the safe keeping of books, records, and papers in the Director's office, making such certification for those eligible for appointment or employment as the Civil Service Commission may direct, maintain efficient records, prepare or supervise the preparation of all examinations and such other duties as the Civil Service Commission may designate or as may be necessary, not inconsistent with the Charter of the City of Amarillo.

Section 37 - Official Signatures:

The minutes of the Commission shall be signed by the Chairman, or in his absence or incapacity the Vice-Chairman, together with the Secretary of the Commission.

Section 38 - Appointing Authorities:

Shall make prompt and complete reports to the Director of Human Resources of the following matters, upon the forms prescribed by the Civil Service Commission, or by letters where no form is prescribed:

- (a) appointments, whether temporary, emergency or regular;
- (b) reinstatement appointments;
- (c) transfers;
- (d) leaves of absence;
- (e) suspensions and demotions;
- (f) removal from the service, and the cause of such removal whether resignation, discharge or reduction in force;
- (g) change in compensation;
- (h) creation or abolition of any officer or place of employment;
- (i) any material changes in the duties of an officer or employee, or in the organization of departments; and

- (j) all other information found necessary by the Civil Service Commission in the performance of its duties and completion of any of its various records.

Every report shall 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 Commission to maintain complete and correct records.

RULE V - MEETINGS

Section 39 - Regular Meetings:

The commission shall meet regularly on the second Wednesday of each month as deemed necessary by the Chairman or the Director.

Section 40 - Special Meetings:

Special meetings may be called by the Chairman or Secretary of the Commission.

Section 41 - Open Meetings:

Both the regular and special meetings of the Commission shall be open to the public and to representatives of the press. Such meetings may be closed from time to time in conformance with the Texas Open Meetings Act.

Section 42 - Notice of Meetings:

Notice of all meetings shall be in compliance with the Texas Open Meetings Act.

Section 43 - Order of Business:

The regular order of business shall be reading of any minutes, report of the committees, report of the Secretary, unfinished business, and new business in accordance with the Texas Open Meetings Act

Section 44 - Regulations:

The Commission may, by majority vote, make rules of procedure from time to time for the amendment or administration of these rules.

RULE VI - CLASSIFICATION PLAN

Section 45 - The Governing Body:

The City will adopt in ordinance form a classification plan for all employees in the classified service. Such plan shall have been originally prepared by the Director and submitted to the City Council and City Manager for its final approval.

RULE VII - APPLICANTS

Section 46 - Standing Applications:

The City of Amarillo will accept applications for employment and promotions during normal business hours. The acceptance of an application prior to position notices does not obligate the City of Amarillo to notify each applicant of current or future openings or to notify each applicant when a position has been filled. It is the responsibility of the person with an application on file to activate the application when position notices are posted by the City.

Section 47 - Filing Applications:

A 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 and upon the form furnished by said Director and whose application has not been rejected by the Director for cause in accordance with provisions of these rules.

- (a) The applicant is required to certify to the correctness of the facts stated in all materials submitted, including transcripts and military documents.

Section 48 - Nepotism:

Employees related by blood or marriage as defined by Section 18 of the Personnel Rules of the City of Amarillo shall not be employed within the same functional work unit and common location where potential conflicts of interest may arise as determined by the City Manager; employees related by blood or marriage as defined by Section 18 of the Personnel Rules of the City of Amarillo shall not be supervised, either directly or indirectly, by any person related to them as kinsmen.

Section 49 - Age:

- (a) **Fire Department:** Eighteen (18) years of age shall be the minimum age to be employed as a firefighter in the Fire Department. No one shall be certified as eligible for a beginning position with the Fire Department who has reached his/her thirty-sixth (36) birthday.
- (b) **Police Department:** Twenty-one (21) years of age shall be the minimum age to enter the Basic Peace Officer Training at the Police Academy. An applicant may take the entrance exam and other pre-academy testing at twenty (20) years of age providing the applicant turns twenty-one (21) years of age prior to the first day of the Academy. No one shall be certified as eligible for a beginning position with the Police Department who has reached his/her thirty-sixth (36) birthday, unless the applicant has at least five (5) years of prior experience as a peace officer or five (5) years of military experience. No person shall be certified as eligible for beginning position in the Police Department who has reached his/her forty-fifth (45) birthday.
- (c) **Classified Non-Fire and Non-Police Employees:** For entrance into the classified service in all other positions of the City of Amarillo, eighteen (18) years of age shall be the minimum

age to take any entrance examination. Exceptions may be approved by the Director of Human Resources for special youth employment programs.

Section 50 - Character and Fitness:

- (a) **Character and Fitness:** Applicants must furnish evidence of good moral character, temperate habits, sound health and physical ability to perform the duties of the position applied for.
- (b) **Minimum Qualifications:** On the date an offer of employment is tendered, firefighter applicants must be certified in the following:
 - (1) Meet all legal requirements necessary to become eligible for future certification by the Commission on Fire Protection Personnel Standards and Education,
 - (2) Meet all legal requirements necessary to become eligible for future certification by the Texas Department of State Health Services, and,
 - (3) Have successfully passed the Candidate Physical Ability Test (CPAT).

Section 51 - Cause for Rejection:

The following are declared to be cause for rejection of any applicant; that the applicant

- (a) is found to lack any of the established requirements of the position for which they apply;
- (b) is determined by the City's Physician to be physically unable to safely and fully perform the duties of the position for which applied for.
- (c) has been charged or found guilty of any crime reasonably likely to have an adverse job related impact;
- (d) has previously been dismissed from this City or another employer for inefficiency, misconduct, or violation of the rules and regulations of the Civil Service Commission; exceptions may be made for said disqualification when in the opinion of the Director of Human Resources, the formerly dismissed employee is able to effectively and efficiently work for the City and is able to successfully complete a new probationary period;
- (e) has made a false statement of any fact or has practiced or attempted to practice any deception or fraud in the application, examination, or in otherwise establishing their eligibility for appointment;
- (f) whose documented past conduct indicates an unreasonable risk that the applicant will be an unsatisfactory employee; or
- (g) any combination of the above.

Any of the foregoing disqualifications may be cause for rejecting an application or striking the

individual's name from an eligibility roster and for voiding that person's appointment during or after the probationary period. There shall be no right to a hearing on the qualification of an applicant.

RULE VIII - NOTICE OF EXAMINATION

Section 52 - Notice of Examination:

Whenever a vacancy occurs in the classified service for which there is no eligibility list and to which the Chief Executive intends to make an appointment, the Commission shall cause to be posted at least seven (7) consecutive days prior to the date of the examination, an official notice inviting the filing of applications.

Section 53 - Posting of Notice:

Notice of the examination shall be posted by the Commission on a bulletin board in the main lobby of City Hall and in the office of the Commission in plain view. In cases of examination for promotions, copies of such notice shall be furnished in quantities sufficient for posting in the various stations or sub-departments in which the position is to be filled.

Section 54 - Contents of Notice:

The notice must contain:

- (a) The title, duties and probable rates of pay for the position to be filled.
- (b) Date, time and place of examinations.
- (c) Position requirements and other minimum qualifications.
- (d) Any special physical or medical requirements, and any special qualifications as to training and experience.
- (e) Method of and place of securing application forms and time limit of accepting applications.

Section 55 - Preparation of Application Forms:

The Director of Human Resources shall develop and prepare application forms for the position and distribute them without charge on request of persons wishing to make application. The Director shall receive applications filed no later than five (5) days preceding the date set for the examinations. It shall be the duty of the Director, after examining the applications, to notify each applicant of the action taken on his application and to instruct the applicants meeting the minimum requirements to appear for examination.

Section 56 - Applicant Requirements:

In order to be considered a qualified applicant, the individual must:

- (a) timely file application at the time the position vacancy is publicly posted for recruitment;

- (b) meet the minimum qualifications as set forth in the job specifications for the position; and
- (c) not be otherwise barred by the rules and regulations of the Civil Service Commission, as set forth herein.

RULE IX – EXAMINATIONS FOR NEW HIRES AND PROMOTIONS

Section 57 - Character of Examinations:

All examinations shall be of such nature that they will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the particular position to which they seek appointment. Such examinations shall, in addition to questions of general knowledge, provide for a thorough inquiry into the applicant's knowledge of and qualifications for the position for which he or she is applying.

Section 58 - Content of Examination:

Examination for entrance into the service and for promotion within the service shall consist of one or more of the following parts as considered appropriate for the various classifications of positions:

- (a) **Written Test:** This part, when required, shall be designed to show the familiarity of the applicants with the knowledge needed in the position to which they seek appointment.
- (b) **Oral Interview:** This part, when required, shall include a personal interview with applicants for positions where ability to deal with others, to meet the public, or personal qualifications are to be determined. An oral examination may also be used in examinations where a written test is unnecessary or impracticable.
- (c) **Performance Test:** This part, when required, shall include such tests of performance as will determine the ability and skill of applicants to perform the work involved in the position to which they seek employment.
- (d) **Physical and Health Tests:** This part shall consist of the furnishing of information by the applicant regarding his health and physical condition. It shall also consist of an examination of the applicant by the City Physician or a Physician designated by the City Physician or the Board where special expertise is needed, any such examination to be reported on an approved form.
- (e) **Adaptability and Aptitude Tests:** This part, when required, shall include tests designed to determine general adaptability or to ascertain special traits and aptitudes.
- (f) **Training and Experience:** This part shall consist of questions on education and experience in the application form and of such supplementary data as may be needed for certification and proof of statements made in the application, or it may consist of questions on training and experience asked at the time the written tests are given.

Section 58a – Reviewing a Promotional Examination – Firefighters and Police Officers:

Following are the rules that will be followed when reviewing a promotional examination:

- (a) Reviews will be held in the Human Resources Department, during normal business hours.
- (b) The candidate will see the test and a COPY of the original scantron, and the approved study materials will be provided for use during the examination review.

- (c) Candidates shall NOT bring phones, cameras, recorders, Google glasses, or any other device or materials into the review room. Candidates will be required to empty their pockets into a container and the container will be stored while the examination is reviewed.
- (d) Pursuant to Texas Local Government Code, Chapter 143.034 (b) as amended The eligibility promotional candidate may not remove the examination or copy a question used in the examination. This means that Candidates shall not write or copy (manually, electronically, or otherwise) any part of a question or answer anywhere – not in the source material provided, not on scrap paper, or by any other means or method.
- (e) If the candidate wants to protest an examination question(s), HR will provide the required form and a pen that will need to be completed and turned into HR.

Section 59 - Direction of Examinations:

Preparation and evaluation of all written examinations shall be under the general authority and direction of the Civil Service Commission or its designee. Preparation of examinations shall be the responsibility of the Director of Human Resources or his/her designee. Such preparations would include and allow for the purchasing of tests from a third party qualified to construct job knowledge or aptitude tests. Examinations shall be free from the presence, participation or influence of any person other than the authorized examiner or proctor.

Section 60 - Specification of Job Requirements:

Department Heads shall furnish a specific and comprehensive written statement of the requirements of each classified position in their department. It shall be the responsibility of the Human Resources Department to finalize and approve job descriptions for all positions within the City from such statements.

Section 61 - Review:

The Civil Service Commission may hear and inquire into any material violation of the provisions of this merit entrance and promotional system which is brought to its attention within fifteen (15) days of the examination. Where a violation is proven to the satisfaction of the Commission, the Commission may:

- (a) order a re-examination of applicants for any position; or
- (b) correct, amend or revoke any schedule or eligibility register or other document relating to such examination.

Any such action and the reasons therefore shall be recorded in the minutes of the Commission. After fifteen (15) days the results of examinations are final and may be altered only upon a finding by the Commission of pernicious preparation or administration of the examination.

Section 62 - Conduct of Examinations:

The conduct of all written examinations shall be under the general authority and direction of the Civil Service Commission or its designee.

Section 63 - Postponement or Cancellation of Examination:

The Director of Human Resources may, because of the small number of applicants for any

position or because of any other good and sufficient reason, postpone an examination to a later date or move the examination to a different location. Any examination may be canceled by the Director of Human Resources should it become unnecessary because of a change in the personnel requirements of the classified service. If an exam location is moved to a different location for any reason then:

1. The new location shall be to a nearby venue
2. Appropriate sign shall be placed at the original location
3. A proctor shall remain at the original site to direct persons.
4. Reasonable time shall be allowed for persons to find the new site, even if this delays the start of the exam by up to 20 minutes past the posted starting time of the exam and the allotted time to complete the exam shall be proportionately extended.

Section 64 - Correction of Error:

On formal written appeal submitted by the competitor within five (5) days after date of notice of his standing, the Commission may correct any manifest error or mistake of marking or rating appearing on such paper or record, such correction in any case to be without prejudice to the status of any person previously appointed as a result of such examination. Such appeal shall be considered as opening all of the competitor's papers for review, whether resulting in a higher or lower average standing. No change in rating shall be made as the result of an appeal unless it would affect the competitor's relative position on the eligibility register.

This provision shall not be held to prevent the Director of Human Resources from correcting at any time during the life of any eligibility list an obvious clerical error.

Section 65 - Letters of Recommendation:

No letters of recommendations or endorsements, other than those required by the rules, shall be considered in rating any competitor unless called for in connection with the examination.

Section 66 - Disclosure of Examination Papers:

The examination papers of a competitor will be exhibited only to the competitor or the Division Director or Department Head to whom his name is certified.

Section 67 - Information Pamphlet:

The Commission may publish a pamphlet containing papers to illustrate to candidates the methods of examination and containing such other information as in the opinion of the Commission will be useful to candidates in making application and preparing for the competition.

RULE X - ABUSES AND FRAUDS

Section 68 - Deceive or Obstruct:

No person shall deceive or obstruct any person in respect to his right of examination under the provisions of these rules and the Civil Service Law or falsely mark, grade, estimate or report upon the examination or standing of any person examined hereunder, or aid in so doing, or furnish to any person, except in answer to the inquiries of the Commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment of employment. No applicant shall deceive the Commission for the purpose of improving his chances for appointment.

RULE XI - ELIGIBILITY LISTS FOR NEW HIRES AND PROMOTIONS

Section 69 - Preparation of Eligibility Lists:

Not more than one (1) week after the conclusion of examination, the Director shall prepare the names of all candidates who have successfully passed the examination, listed in order from the highest score to the lowest score. This list shall then become the eligibility register for the position for which the examination was given and all appointments to said position shall be made from this eligibility list. The announcement for the examination shall designate the period of time for which the eligibility list shall remain in effect.

Section 70 - Identical Grades:

Applicants participating in promotional examinations will draw numbers. Whenever two (2) or more competitors shall attain the same grade, the applicant with the lowest number shall be listed first on the Eligibility List.

A natural – born or adopted child of a firefighter killed in the line of duty who has satisfied all the requirements for eligibility for a beginning position in a fire department shall be ranked at the top of any eligibility list in which said applicant receives a minimum passing grade on the respective beginning eligibility exam.

Section 71 - Notice of Placement on List:

Each applicant shall be notified of whether he failed in the examination or whether he succeeded and was placed on the eligibility list. Each applicant shall be informed of his position, if any, on such lists, and of his grade on the examination.

A firefighter cannot be placed on a promotion eligibility list unless he/she scores a passing grade on the written exam, regardless of seniority points.

A firefighter must score at least 70 on the written exam to be determined to have passed the exam.

A vacancy in a firefighter position occurs on the date the position is vacated by resignation, retirement, death, promotion or issuance of an indefinite suspension.

A Police Officer or Firefighter who is bypassed for promotion shall be given a written reason for the bypass and may request a review of the bypass by a third party hearing examiner.

Section 72 - Removal From List:

An applicant's name may be removed from an eligibility list whenever the applicant becomes dispossessed of any qualifications required at the time the name was placed on the list, and it may also be removed for any of the causes stated in accordance with these rules.

Section 73 - Notice of Removal of Name:

Whenever an eligibility list is canceled or terminated, notification of cancellation or termination shall be given in the notice of examination for the position. Whenever a person's name is removed from an active list, he shall be notified one week prior to the removal.

Section 74 - Change of Address:

Each person on an eligibility list shall file with the Commission written notice of any change of address and failure to do so may cause his name to be removed from the list. Notices sent to a person's last known address shall be considered sufficient notification.

Section 75 - Abolishment of Eligibility List:

An eligibility list may be abolished by the Director of Civil Service if there is not a sufficient number of qualified applicants remaining on the list. Any names of persons left on the eligibility list shall be transferred to the new eligibility list with the same grade that they had obtained previously. Such persons transferred to the new eligibility list may, however, take the new examination announced and in every such case of re-examination, the grade received on the last examination shall determine such person's ranking on the new eligibility list.

RULE XII - CERTIFICATION AND APPOINTMENT

Section 76 - Requisition:

Whenever a vacancy is to be filled in the classified service, the Department Head shall request from the Civil Service Commission an eligibility list certified by the Director of Civil Service to the City Manager.

Whenever a vacancy is to be filled in the temporary service of the Police or Fire Department, in accordance with these rules, the Department Head shall make requisition for the appointment to the City Manager.

Section 77 - Referral of Qualified Applicants:

After proper evaluation and due consideration of the appropriate factors, including but not limited to affirmative action policies and qualifications of the position, the Director of Human Resources shall refer a sufficient number of qualified applicants for classified positions to the appointing authority for consideration. The appointing authority may test and select the best qualified applicant for appointment and shall report that choice to the Director of Human Resources. The Director of Human Resources shall determine that the appointing authority has given consideration to such factors as job related qualifications, background evaluations, employment history, and affirmative action policies as applicable, and if approved shall thereafter certify the choice to the City Manager in order that the appointee may be placed on the payroll.

Section 78 - Appointment of Person with the Highest Grade:

The appointment shall be of the person with the highest grade, except there be a valid reason why such appointment should be given to one making the second or third highest grade. Whenever such appointment is made of one not holding the highest grade, such reasons shall be reduced to writing and filed with the Commission, a copy provided to the person having the highest grade and there shall be set forth plainly and clearly, good and sufficient reasons why said appointment was not made to the person holding the highest grade. In the event the person holding the second highest grade is not certified for the appointment, the commission shall be furnished with a copy of the reasons therefore, a copy provided to the person having the second highest grade and in the event the one having the third highest grade is appointed, a copy of such reasons shall also be filed with the Commission.

Section 79 - Notice to be Sent to Applicant:

A notice of the certification of a person's name for appointment shall be given such person at his last known address.

Section 80 - Failure to Respond to Offer of Appointment:

The failure of an eligible person to report to the Department Head within three (3) business days after notice of certification shall be considered sufficient cause for removing the name of the applicant from the eligibility list. Upon receipt of written notice from a Department Head that a certified person has failed to report or has declined appointment or upon receipt of a written declination of appointment from an eligible person, certification shall be made of the name of the person next in order on the list.

Section 81 - Name of Declining Person to be Stricken From List:

The name of the person refusing appointment shall be stricken from the eligibility list.

Section 82 - Probationary Period:

The probationary period shall be twelve calendar months of full-time continuous service for regular employees except for certain Police Officers and Fire Fighters. For purposes of this provision only, any break in service other than the use of accrued sick leave shall not be included in calculating the twelve month requirement. In the situation where the cumulative number of days of break in service exceeds forty-five (45) working days, calculation of the twelve-month probationary period shall begin anew as of the first day of return to work after the forty-fifth working day missed.

In any instance where an employee's twelve month probationary period is unsatisfactory, the Department Head, with the approval of the Director of Human Resources, may extend an employee's probationary period for an additional period of up to six months. The probationary employee may be re-evaluated at any time during the six-month extension.

Probationary Employee is an employee whose customary work-week is equal to or greater than 40 hours per week and has not completed 12 months of continuous initial work or 12 months in a position in which they promoted.

RULE XIII - APPOINTMENTS

Section 83 - Temporary Appointments:

A temporary employee shall be defined as any employee who is employed for a known period of time to perform a specific function of temporary nature. All such employment shall be specified as to the length of time anticipated to complete the temporary assignment on the appropriate form on initial employment. A temporary employee shall be paid on an hourly rate basis as approved by the City Manager.

Section 84 - Part-Time and Seasonal Employees:

A part-time or seasonal employee shall be defined as any employee whose customary workweek is less than forty (40) hours per week or is temporary or seasonal in nature and is not serving in a classified position.

Section 85 - Employment out of Classification:

Nothing in these rules shall prevent the Head of a Department from designating some person from a lower classification to fill a position in a higher classification temporarily, but any such person so designated by the Head of the Department shall be paid the starting salary of such higher position.

The temporary performance of the duties of any such position by a person who has not been promoted in accordance with the provisions of these rules shall never be construed to promote such person. In all such positions where the employee is acting in the higher classification, the Department Head shall designate at time of the appointment the length of time that the employee will be asked to serve in this capacity. Any employee so assigned will be required to sign the following statement:

"It is my understanding that this assignment is not a promotion but is a temporary appointment; that my permanent classification with the City of Amarillo is and will remain (title) unless I am later qualified for permanent appointment by promotional examination and certification. This temporary appointment is in accordance with these rules of the Human Resources Department, City of Amarillo, Texas."

Section 86 - Special Assignments:

None of the provisions of the Civil Service Ordinance or of these rules shall bar the City from making contracts for technical and/or specialized personnel to carry out work of a special nature. Such special assignments shall be for work which is not a regular part of the administration of City affairs.

**RULE XIV - SPECIAL CIVIL SERVICE PROVISIONS GOVERNING CERTIFIED
POLICE OFFICERS AND FIREFIGHTERS**

Section 87 - Eligibility for Promotion:

All promotional examinations for positions in the Fire and Police Departments shall be governed by Article 1269m and Chapter 143 of the Local Government Code, Firemen's and Policemen's Civil Service Act.

RULE XV - DISCIPLINARY SUSPENSIONS, TERMINATIONS, AND DEMOTIONS

Section 88 - Temporary Suspensions:

All persons holding positions in the classified service are subject to disciplinary suspension for cause without pay for a period not exceeding fifteen (15) working days by order of the department head. The Commission, at its option, may or may not investigate or hear any temporary disciplinary suspension. Any employee request to the Commission to investigate a temporary suspension must be given to the Director of Human Resources by the employee within ten (10) calendar days after written notice of the suspension is given to the employee.

Section 89 - Terminations and Demotions:

Terminations and demotions may be imposed, for cause, by Department Heads with the approval of Division Directors or their designee upon subordinate classified employees who have completed the probationary period. Notice of indefinite suspension and subsequent termination or demotion, setting out the action taken, the effective date of such action, and the reason therefore, shall be promptly given in writing to the Civil Service Commission and to the employee. The employee may appeal such action as set out in Section 91, below.

Section 90 - Pre-Termination Procedures:

Whenever a disciplinary termination against a classified employee who has completed the probationary period is contemplated, the following steps shall be taken:

- (a) the employee shall be informed in writing that the termination is being contemplated, and the reasons therefore; and
- (b) the employee shall be given an effective opportunity to respond to the charges set forth in (a), above, to the disciplinary authority; and
- (c) notice of termination shall be personally delivered to the employee or the employee's designee or shall be mailed by certified mail, return receipt requested, to the employee's last known address as noted in the employee's personnel file.

Section 91 - Appeal:

- (a) **Notice:** Written notice of appeal of termination, suspension or demotion must be given to the Director of Human Resources by the employee or the employee's designee within ten (10) calendar days after such written notice of demotion or indefinite suspension is given to the employee. A certified firefighter or police officer in the Fire or Police Departments must also specify whether the appeal is to be heard by the Civil Service Commission or a third party hearing examiner.
- (b) **Hearing:** If the Director of Human Resources determines that notice of appeal has been timely filed, the Civil Service Commission shall commence a hearing at its next regular meeting or as soon as practical thereafter, unless the employee or the employee's designee shall have waived such time limit in writing. Hearings may be recessed and continued from time to time.
- (c) **Notice of Setting:** Notice of setting shall be posted publicly as required by state law and given to the employee or the employee's designee, the City Manager, the Civil Service Commission, and the appropriate disciplinary authority.

When a suspended employee is notified by the Commission or its duly authorized representatives of a specific date for a hearing, and the Commission meets at the designated time and place, and the suspended employee does not report or notify the Commission of his inability to attend, his failure to attend, or lack of notification of his inability to attend, may, at the discretion of the Commission, cause the suspended employee's dismissal from the service.

- (d) **Decision:** After the hearing is concluded the Civil Service Commission shall announce a decision upon the appeal. Such decision will determine the truth of each charge and the remedy agreed upon. Decisions shall be based upon majority vote of the Civil Service Commission present at the hearing. Upon a tie vote there shall be no determination until determined by a majority vote of the Civil Service Commission.
- (e) **Finality:** In all appeals of disciplinary actions, the decision of the Commission shall be final, unless appealed to the City Commission if expressly permitted by the City Charter or ordinance.
- (f) **Reinstatement:** In all decisions requiring reinstatement, the Civil Service Commission shall be authorized to determine the effective date of such reinstatement, and the amount of back pay, if any.
- (g) **Mitigation:** The Commission may mitigate damages where it deems appropriate in determining what back pay, if any, is due. In appeals, where a decision of reinstatement with back pay is made, evidence on the issue or mitigation shall be heard separately after the reinstatement decision.

(h) **Remedies:** The Civil Service Commission may uphold, modify or nullify the action imposed by the disciplinary authority. In decisions to modify the discipline imposed, the Commission may elect to:

- (1) reduce a termination to a suspension, demotion, or written reprimand;
- (2) reduce a suspension to a lesser suspension, a demotion or a written reprimand; or
- (3) reduce a demotion to a temporary suspension or a written reprimand.

Section 92 - Conduct of Hearings: (see Appendix A)

- (a) **Time of Hearing:** Hearings may be recessed upon motion of a party or a member of the Commission with the approval of the majority of the Commission present.
- (b) **The City shall have the burden of proof:** With the burden of proof goes the right to open and close argument to the Commission.

Section 93 - Causes for Discipline:

The following shall be cause for suspension, demotion or discharge against a classified employee, if, in the opinion of the disciplinary authority the employee:

- (a) has been convicted of a felony or misdemeanor involving moral turpitude;
- (b) has committed a felony or a misdemeanor involving moral turpitude whether the employee has been indicted or found guilty in a criminal proceeding or not;
- (c) has willfully, wantonly, or through culpable negligence, been guilty of brutality or cruelty to an inmate or prisoner of a City institution or to a person in custody;
- (d) has violated any of the provisions of the City Charter or of this Code of Rules and Regulations;
- (e) has engaged in public conduct such as to bring discredit on the public service;
- (f) has violated any departmental rule or regulation, or failed to obey any order or direction made or given by an officer superior to or in a supervisory capacity over the employee;
- (g) has been insubordinate;
- (h) has consumed or been under the influence of alcohol or other intoxicating substance while on duty;
- (i) is offensive, obscene, or indecent in conduct or language toward the public or City Officials, officers, or employees, which interferes with or might reasonably be expected to interfere with the proper and orderly conduct of the City's business or brings or might reasonably be expected to bring discredit on the public service;

- (j) has made a false statement or report in order to obtain leave or lied to city authorities on any work related matter;
- (k) is incompetent or inefficient in the performance of the duties of his/her position;
- (l) has excessive absenteeism or tardiness;
- (m) is so inefficient in the performance of the duties of his/her position that his/her performance rating, kept in accordance with the rules of the Commission, is unsatisfactory;
- (n) steals, or is careless or negligent with property of the City;
- (o) bribes, or attempts to bribe any officer or employee of the City;
- (p) threatens, harasses, assaults or batters any officer or employee of the City;
- (q) takes any fee, gift or other thing of value in the course of or in connection with his/her work for his/her personal use from any citizen;
- (r) has been induced, has induced, or has attempted to induce any person or employee of the City to commit an unlawful act, or to violate any departmental or Commission rule or regulation, or to disobey or fail to obey any order or direction by a superior officer;
- (s) has been absent from duty without leave, or has failed to call or notify his/her supervisor when unable to report for duty unless such failure to call or report is due to no fault of the employee, or has failed to report upon expiration or revocation of leave or when reason for leave has ended;
- (t) has been involved in any political activity prohibited by City Charter, Ordinance or published personnel policy;
- (u) has knowingly, singly or in cooperation with others, wrongfully instructed another with respect to that person's right of examination;
- (v) has knowingly furnished any person being examined any special or secret information for the purpose of improving or injuring that person's performance on the examination;
- (w) has made any false report, oral or written, with respect to his/her employment, or has knowingly falsified any government record, or aided another in doing so;
- (x) has falsely maligned any other employee of the City, provided that this clause does not apply where the employee, in good faith, prefers charges against another employee with the view of having the other employee brought up for hearing before the proper tribunal of the City;

- (y) has threatened to suspend, discharge, or demote, or adversely affect another employee for having filed a grievance, complaint or suggestion, or for having failed to take part in a voluntary program or benefit;
- (z) or exhibited unlawful discriminatory or offensive conduct or language while on duty;
- (aa) has been guilty of neglect of duty;
- (bb) has misrepresented his/her physical condition, capacity, or disability;
- (cc) has acquired an interest in any contract with the City;
- (dd) has been discovered to have been disqualified at the time of appointment; or
- (ee) has engaged in any activity or refrained from any action so as to bring discredit upon the City or the public service;
- (ff) has possession of a firearm concealed or otherwise on city premises or possession of a firearm concealed or otherwise during performance of duties (with the exception of peace officers).

Section 94 - Medically Unable to Perform Essential Job Functions:

Any employee who remains mentally or physically unable to fully and safely perform the duties and essential job functions of his/her position after exhausting all sick leave, annual leave, disability leave, FMLA leave or has not worked regular duty for a period of 12 consecutive months and has not been placed on approved leave of absence by the City Manager consistent with Section 103, is automatically terminated from his/her employment. Such terminations shall not be considered disciplinary in nature and shall not be appealable to the Civil Service Commission. Such terminations are a necessary prerogative to assure adequate staffing for efficient government operations. All paid leave benefits will be addressed in accordance with the City of Amarillo Personnel Rules, Policies and Procedures.

Section 95 - Exigent Suspensions Generally:

An employee who has engaged in misconduct such that his/her continued presence at work may constitute a danger may be placed on leave without pay immediately and without the requirement that the disciplinary authority first comply with Section 90. Such leave without pay must be approved by the Director of Human Resources or his designee and shall not exceed three (3) calendar days without the due process procedures of Section 90 being implemented.

Section 96 - Ready, Willing, and Able:

It is the duty of each employee to promptly report for duty ready, willing and able to safely and fully perform the duties of his/her position. Failure to do so shall be cause for disciplinary action in accordance with these rules.

RULE XVI - CERTIFICATION OF PAYROLLS

Section 97 - Reports of Department Heads:

Department Heads shall immediately report to the Commission any and all changes in the status of their department personnel. Such reports shall include change of address; appointments, whether temporary or regular, regardless of whether by original entrance, reinstatement, or promotion; removals from service, whether by dismissals, lay-offs, suspensions, absences or leaves of absence of any nature, or vacations; returns to service, whether reinstatements, returns from absences or leaves of absence, or vacations; changes in departmental organizations such as creation, abolishment, or combining of offices or positions; and salary changes, whether increases or reductions. All actions so reported shall be in accordance with the provision of Article VI of the City Charter.

Section 98 - Certification of Payrolls:

No fiscal officer of the City shall draw, sign, issue or authorize the drawing, signing, or issuing of any warrants on the head of the division of treasury or other disbursing officer of the City, to pay any salary or compensation to any person in the classified service, unless on estimate, payroll or account for such salary or compensation containing the names and titles of the persons to be paid shall bear the certificate of the Director of Human Resources that the persons named in such estimate, payroll or account have been appointed or employed or promoted in pursuance of the Civil Service Law, the Civil Service Ordinance and the rules of the Commission. Before making such certificate, the Director of Human Resources shall investigate the nature of each item on such payroll, estimate or account, and if it shall ascertain that the provisions of the law in respect to any item have not been strictly complied with, it shall refuse to certify such item.

RULE XVII - SPECIAL CIVIL SERVICE PROVISIONS FOR CERTIFIED POLICE OFFICERS AND FIREFIGHTER DISCIPLINARY ACTIONS

Section 99 - Article 1269m, VCS And Chapter 143 of the Local Government Code:

All disciplinary actions affecting certified Police Officers and Firefighters of the City of Amarillo shall be governed by the provisions of these rules and regulations, Article 1269m of the Revised Civil Statutes of Texas and Chapter 143 of the Local Government Code. Where conflict may occur in the application of these provisions as to Police Officers and Firefighters, Article 1269m and Chapter 143 of the Local Government Code shall prevail.

RULE XVIII - DISCRIMINATION

Section 100 - Appeal From Discrimination:

Upon exhaustion of all administrative remedies, employees, applicants, competitors, and individuals on an eligibility list shall have a right of appeal to the Civil Service Commission in cases of alleged discrimination based upon a person's political opinions or affiliations, religious beliefs or creed, race, color, national origin, sex, gender, gender expression, genetic information, age, marital status, sexual orientation, military status or disability. Such complaints shall specifically state the basis of the alleged discrimination and shall be submitted to the Civil Service Commission in writing within forty-five (45) days from the date of the alleged discrimination. The complainant will be notified within ten (10) days after receipt of his complaint whether an investigation by the Civil Service Commission will be made. If an investigation is made, it will be held within thirty (30) days after the receipt of the complaint. The Civil Service Commission shall have the authority to order remedial action in the event such action is warranted.

**RULE XIX - PROMOTIONAL PROBATIONS, LEAVES OF ABSENCE,
RESIGNATIONS AND GRIEVANCES**

Section 101 - Promotional Probation:

Promotion within the City shall be based on efficiency, job-related knowledge and experience, job performance, character, conduct, and seniority. Vacancies that are not filled by transfer, reinstatement, or reduction in force shall be filled on the basis of merit and other appropriate factors. No promotion from one position to a higher one or to a position paying a higher salary shall become final until after the person promoted has demonstrated fitness by passing a physical examination and drug screen and completed a satisfactory service period as set out in Section 82 in the new position.

Section 102 - Transfers:

May be made as follows:

- (a) From one position to a similar position of the same class, grade and character of work within a Department.
- (b) From a position in one Department or Division to a similar position of the same class or grade or lower, in another Department or Division, providing the Heads of the two Departments or Divisions and the employee shall concur, or, in case of conflict, by decision of the City Manager.
- (c) Transfers shall not be allowed where the employee does not meet the entrance qualifications for the position to which transfer is being considered.

Section 103 - Leaves of Absence Without Pay:

- (a) The Department Head may grant any regular employee in his/her department a leave of absence without pay for a period not exceeding seven (7) days. Leaves of absence of an employee in the classified service for a period beyond the seven (7) days granted by the Department Head shall be requested on a form provided for that purpose and shall be presented to the Chief Executive for his recommendation. The Chief Executive shall have sole authority to grant such request and his ruling shall be final. The request shall state the entire additional time desired and the reasons therefore. No employee shall be given a leave to take a position outside the City service for more than sixty (60) days in any calendar year unless it clearly appears that the public interest is to be served by such leave.
- (b) When an employee leaves the payroll in the status of unapproved Leave of Absence Without Pay, the employee will remain in this status until he returns to the payroll. If a holiday falls in this period, the employee will not be given credit for the holiday.

Section 104 - Reinstatement After Leave:

Upon expiration of authorized leave of absence without pay, an employee who has returned for duty shall be reinstated in his original position. Police officers who voluntarily resign from the department may be reappointed without taking another departmental entrance examination upon recommendations of the Police Chief and approval of the City Manager.

Section 105 - Reduction In Force:

Whenever it becomes necessary within any major operational division, with the exception of the Fire and Police departments, as set forth in the organizational chart within the annual budget and as amended, to reduce the work force by specific classification within that division, lay-offs shall be based on records of efficiency, job-related knowledge and experience, job performance, character, conduct, seniority and other appropriate consideration within the classification. Preferential consideration shall be given to employees affected by lay-offs in the filling of vacancies.

Section 106 - Resignation:

- (a) **Voluntary:** An employee wishing to resign, shall present his resignation to his Department Head for final approval. Any employee wishing to leave the service in good standing shall file with his Department Head and the Civil Service Commission at least two weeks before leaving, a written, signed resignation stating the date the resignation shall become effective and the reason for leaving the City service. Failure to comply with this procedure will be entered on the service record of the employee and shall be considered grounds of denying his future employment with the City.

- (b) **Automatic:** Employees who are absent for three (3) consecutive working days prior to receiving approval to take leave, or when leave has been denied, or without contacting their immediate supervisor regarding that absence, will be considered by the City and the Commission to have resigned. The employee shall be given written notice of such by certified mail to his/her last address as shown in personnel records.

Section 107 - Grievances:

A grievance appeal may be taken from an employee on any matter which falls within the jurisdiction of the Civil Service Commission when, and only when, the administrative grievance process has first been exhausted through final appeal to the City Manager and the Manager's decision has been rendered. All such appeals shall be submitted in writing to the Human Resources Director and shall state the time, place and nature of the complaint, the grievance process followed, and the relief desired from the Commission.

RULE XX - PERFORMANCE RATINGS

Section 108 - Performance Evaluation Forms:

The City Manager shall require each Department and/or Division Head having classified employees to make annual performance ratings for each such employee on his/her employment anniversary date. Firefighters and Police Officers appointed under the provisions of Chapter 143 of the Texas Local Government Code, shall be evaluated on their date of birth, of any probationary period or at any time when deemed necessary by the Division Head, Department Head, City Manager or Commission. Performance ratings shall be filled out in their entirety and approved by his/her appropriate supervisor before being signed by the rated employee. Employees may make comments on their performance ratings and may have those comments noted in their personnel files. A copy of the rating shall be provided to each employee for his/her personal records.

Section 109 - Inspection:

Performance ratings shall be subject to inspection only by the Commission, City Manager, Legal Department, Department Head and/or Division Head concerned, immediate supervisor and the employee or the employee's designee.

Section 110 - Use of Performance Ratings:

- (a) **Discipline:** Failure of a classified employee to maintain a satisfactory performance rating based upon job related performance standards shall be cause for such disciplinary action as the disciplinary authority may deem appropriate.
- (b) **Other:** Performance ratings may be used to influence decisions on salary increases, promotions, demotions, re-employment, reinstatement, transfer and reduction in work force.

RULE XXI - HOURS OF WORK; OVERTIME ADMINISTRATION; EMPLOYEE BENEFITS

Section 111 - Personnel Policy and Procedures Manual:

Personnel policies and procedures shall be set forth in the City's Personnel Policy and Procedures Manual as approved by the City Manager. This policies and procedures manual shall provide a clear and understandable description of City policies and employee benefit programs and shall be made available to each regular employee at the time of original employment and as amendments occur. The Personnel Policy and Procedures Manual shall be maintained by the Director of Human Resources, who shall also recommend amendments to the City Manager as required.

RULE XXII - ROSTER

Section 112 - Official Roster:

A file, to be known as the official roster, shall be kept in the office of the Commission which shall contain the name of every person employed or performing duties in the service. This file shall show every employee with the following facts: the name of the employee, the title of the office or employment, the date and character of each appointment and every subsequent change in status, all changes in compensation and such other information as the Commission may direct to be placed in such file.

RULE XXIII - RECORDS AND REPORTS

Section 113 - Records:

All proceedings of the Commission, the classification and compensation plans, and other roster of employees in the service, and all eligible to appointment to such service, shall be public records and subject to reasonable regulation and open to public inspection. Applications, examinations, recommendations from former employers, reports from heads of departments concerning employees and such other letters and papers as in the opinion of the Commission shall be confidential, shall be kept on file for the use of the Commission, but shall not be open for public inspection.

Section 114 - Reports by the Commission:

The Commission may investigate and report annually to the Chief Executive of the City concerning the administrative needs of the service, the personnel and positions in the service, and the compensation provided therefore, the examinations held by the Commission, the appointments made, service ratings, removals in the classified service, the operations of the rules of the Commission and recommendations for promoting efficiency and economy in the service with details of expenditures and progress of work.

RULE XXIV - RESTRICTION REGARDING OUTSIDE COMPENSATION FOR SERVICES

Section 115 - Gifts:

No reward, gift, or other form of remuneration in addition to regular compensation shall be received from any source by employees for the performance of their duties. If a reward, gift, or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund with the approval of the Civil Service Commission.

Section 116 - Outside Employment:

When requested by the Department Head, a City employee must obtain the approval in writing before accepting outside employment. As a rule, so long as such outside employment does not interfere, in any way, with the value and performance of the City employee's duties with the City, there is no objection to the City employee having outside employment. As a condition of continued City employment the employee and the Department Head must assure that the job with the City must come first. Where it is demonstrated that outside employment is interfering with City employment, the City has the right to order discontinuation of the outside employment in a reasonable time period as determined by the Department Head.

RULE XXV - SAVING CLAUSE

Section 117 - Invalid Provisions:

The provisions of these rules are declared to be severally, and if any rules, section, sentences, clause, phrase, or work of these rules shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, but they shall remain in effect, it being the legislative intent that these rules shall stand, notwithstanding the validity of any part.

RULE XXVI - AMENDMENTS

Section 118 - Limitations on Changes:

Any change in these rules may be proposed and tentatively adopted at any regular or special meeting of the Commission, but no change shall be finally adopted until a regular or special meeting open to the public, and held no sooner than seven (7) days after the date of which the proposal was first considered, and except for a majority vote of the member elect. A written notice of the meeting sent to each member in advance of such final consideration shall include a copy of any change previously proposed and to be considered at such meeting.

Section 119 - Approval Required:

Every change in the rules finally adopted by the Civil Service Commission shall be submitted to the governing body of the City for its consideration. Within fifteen (15) days of its submission, the governing body may approve or disapprove it. In the event the governing body fails to take any action on the submitted change within the fifteen (15) days, the change shall become effective without their approval.

APPENDIX A

GENERAL PROCEDURE FOR THE CONDUCT OF CIVIL SERVICE

- (a) **Oaths:** All testimony or statements of any type shall be presented under oath. The oath may be administered by the presiding officer. In conformity with administrative law, generally it will be necessary for attorneys who wish to give testimony to also take the oath.
- (b) **The Exclusion of Witnesses:** If requested, the procedure of "invoking the rule" is to be followed and witnesses will be excluded from the hearing during testimony of other witnesses with instructions not to discuss the case except with attorneys for each side. Violation causes automatic exclusion of that witness.
- (c) **Ruling:** The Commission may, at its discretion, deliberate in closed session in accordance with the open meeting law and take action in public meeting by motion and second as in other matters.

EVIDENCE OF PARTIES

- (a) Evidence will be admitted if it is of that quality which responsible persons are accustomed to rely on in the conduct of serious affairs. It is intended that needful and proper evidence shall be produced conveniently, inexpensively and speedily, while preserving the substantial rights of the parties to the proceeding. Technical rules of legal and court procedure do not apply. The presiding officer rules on the admissibility of evidence. If any other member of the Commission conducting the hearing so requests, the presiding officer shall consult with the other members on any ruling he/she makes or before making the ruling and a majority vote will resolve any disputed evidence.
- (b) **Stipulation:** Evidence may be stipulated by agreement of all parties in interest appearing at the hearing.
- (c) **Testimony Shall Be Pertinent:** The testimony shall be confined to the subject matter contained in the appeal; in the event that any party pursues a line of interrogation of a witness that is clearly irrelevant, incompetent or immaterial, the presiding officer may terminate that line of interrogation. If any other member of the Commission conducting the hearing so requests, the presiding officer shall consult with the other members on any ruling he/she makes or before making the ruling and a majority vote will resolve any disputed evidence.
- (d) **Limiting Number of Witnesses:** The presiding officer may limit the number of witnesses appearing at the hearing when the testimony will be merely cumulative.
- (e) **Objections and Exceptions:** Formal exception to the ruling of the presiding officer is not necessary. It is sufficient if the party at the time the ruling is made or sought, makes known to the presiding officer the action he/she desires.

REPORTING OF HEARING

- (a) **Hearing Before the Commission:** Testimony adduced to the hearing before the Commission may be recorded by tape unless the Commission determines in its discretion and at the request of either party that recording of the hearing by a reporter and preparation are needed. In this event, the testimony shall be recorded by a reporter with all costs paid by the requesting party.
- (b) **Transcript:** If a hearing is recorded by a reporter engaged in or appointed by the Commission, and a copy of the transcript or testimony is ordered by the Commission or a party, the testimony shall be transcribed and the original transcript filed with the papers in the proceeding. Copies of the transcript of testimony of any hearing thus reported may be purchased from the reporter.
- (c) **Availability of Electronic Recording:** The Commission does not prepare transcriptions for the public of hearings recorded electronically on Commission equipment, but will arrange, when a tape recording is made, for a party in interest to have access to the electronic recording.
- (d) **Recording by a Party:** Subject to availability of space, any party in interest, at his/her own expense, may arrange for a reporter to report the hearing from an electronic recording of the hearing.

EXHIBITS

- (a) **Requirements for Exhibits:** Exhibits of documentary character shall be of a size which does not unduly encumber the files and records of the Commission. Except for maps and drawings, the sheets of each exhibit shall not be more than 8 2 inches by 14 inches and numbered. Exhibits shall be limited to facts which are relevant and material to the issue involved in the particular proceeding.
- (b) **Introduction of Exhibits:** The original exhibit or a certified copy of each exhibit offered shall be tendered to the presiding officer for marking. One copy of the exhibit shall be furnished for use of the opposing counsel or parties. If the exhibit is admitted into evidence, the original or certified copy shall be made a part of the record of the proceeding, but leave may be granted to withdraw and substitute a copy after.
- (c) **Excluding Exhibits:** In the event an exhibit has been identified, objected to, and excluded, the presiding officer shall determine whether the party offering the exhibit desires to withdraw the offer, and if so, shall permit the return of the exhibit to him/her. If the excluded exhibit is not withdrawn, it shall be given an exhibit number of identification and be included in the record for the purposes only of preserving the exception, together with the ruling thereon.
- (d) **Documents in City Files:** Any matter of official record in the City's files and records, if

material and relevant, may be incorporated by reference by parties in interest, if the matter is specifically identified at the hearing so as to put all parties on notice and if no party in interest is deprived of the material right of cross-examination.

- (e) **Abstracts of Documents:** When documents are numerous, the presiding officer may elect to receive in evidence only those which are typical and representative; he/she may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. However, before making this requirement, this presiding officer shall see that all parties in interest who have made an appearance are given the right, upon request, to examine the documents from which the abstracts were made.
- (f) **Exhibits Offered After Hearing Closed:** Unless authorized by the Commission, a party may not file an exhibit as part of the proceeding after the hearing has been closed. The presiding officer shall provide the opportunity for interested parties to view any exhibit authorized to be filed by a party after the hearing has closed.

ARGUMENTS AND BRIEFS

- (a) **Oral Arguments:** Oral arguments may be allowed by the Commission upon request by a party, but a reasonable time limit shall be fixed by the Commission, with equal time given to each side.
- (b) **Briefs:** Prior to the closing of the hearing and upon request of the parties in interest the Commission may authorize the presentation of briefs.

ACTION AFTER HEARING CONCLUDED

- (a) At the conclusion of testimony and other oral argument offered at a hearing before the Commission, a hearing is ordered closed. The Commission may then close the record or keep it open for the submission of briefs or exhibits.
- (b) In conformity with the Texas Open Meeting Law, the Commission and members thereof, in the event a decision is postponed for the submission of briefs, or otherwise, will only discuss and consider this matter in open meeting after posting notice in conformity with State law.
- (c) The decision of the Commission will be based on the evidence presented.