

TABLE OF CONTENTS¹ – COMMISSION RULES – 12/23/2008

RULE 1 DEFINITIONS.....1

TABLE OF CONTENTS1

ACTIVE DUTY3

APPEAL3

APPLICANT3

APPOINTEE3

APPOINTING AUTHORITY3

APPOINTMENT3

ASCERTAINED MERIT3

CADET ELIGIBLE REGISTER3

CANDIDATE.....4

CERTIFICATION.....4

CERTIFICATION REGISTER4

CHARTER4

CLASSIFICATION.....4

CLASSIFIED (POSITION - SERVICE)4

COMMISSION4

DAYS4

DEMOTION.....4

DISCHARGE.....4

DISCIPLINARY ACTION5

DRUG, HARD.....5

DRUG, PRESCRIPTION5

DRUG, SOFT5

DUI5

DWAI5

EFFICIENCY RATING5

ELIGIBLE.....6

ELIGIBLE REGISTER FOR ORIGINAL APPOINTMENT6

ELIGIBLE REGISTER FOR PROMOTIONAL APPOINTMENT6

EMERGENCY OR TEMPORARY EMPLOYEE.....6

EXAMINATION.....6

EXAMINATION LIST6

EXAMINATION REGULATIONS6

EXAMINER.....6

EXECUTIVE DIRECTOR6

FACSIMILE COPY7

GRADE7

LATERAL ENTRY.....7

LAYOFF7

MAY AND SHALL7

MEMBER.....7

MONTH7

NOTICE7

ORIGINAL APPOINTMENT7

PERMANENT MEMBER.....7

PROBATIONARY MEMBER.....8

PROBATIONARY PERIOD.....8

¹ The Table of Contents is an annotation to the Rules and is not considered part of the formal Rules of the Commission.

PROMOTION..... 8
 PROVISIONAL APPOINTEE 8
 RANK 8
 REDUCTION IN GRADE..... 8
 REEMPLOYMENT..... 8
 REGISTRATION 8
 REINSTATEMENT 8
 REINSTATEMENT REGISTER..... 9
 RESERVE POLICE OFFICER ENTRY 9
 RESIGNATION..... 9
 SHALL AND MAY 9
 SINGULAR 9
 SERIOUS HEALTH CONDITION 9
 SUBPOENA DUCES TECUM..... 9
 SUSPENSION 9
 TITLE 9
 TOTAL SCORE..... 9
 WEIGHT 10
 YEAR 10

RULE 2 ORGANIZATION..... 1

TABLE OF CONTENTS 1
 SECTION 1. ELECTION OF PRESIDENT 2
 SECTION 2. COMPENSATION..... 2
 SECTION 3. MEETINGS. 2
 A. *Regular meetings* 2
 B. *Special meetings*..... 2
 C. *Notice of meetings*..... 2
 D. *Rules of Order*..... 3
 E. *Quorum* 3
 F. *Minutes*..... 3
 SECTION 4. POWERS, DUTIES AND PURPOSES OF THE COMMISSION. 3
 A. *Rule making* 3
 B. *Purpose* 5
 C. *Equal employment opportunity and non-discrimination* 5
 D. *Staff* 5
 E. *Investigations* 5
 F. *Recruitment* 6
 G. *Examinations*..... 7
 H. *Record Keeping*..... 7
 I. *Other Duties*..... 7
 J. *Regulation and Policy Making*..... 7
 SECTION 5. DUTIES OF EXECUTIVE DIRECTOR. 7

RULE 3 QUALIFICATIONS FOR ORIGINAL APPOINTMENT 1

TABLE OF CONTENTS 1
 SECTION 1. CHARACTER AND BACKGROUND. 2
 A. *To be eligible for original appointment* 2
 B. *Minimum Qualifications* 2
 C. *Case by Case Consideration* 3
 D. *Review for Exemption from Disqualification for Behavior Prior to Age 18:*..... 3
 SECTION 2 CITIZENSHIP AND RESIDENCE 5
 SECTION 3. AGE..... 6
 A. *Fire Department*..... 6
 B. *Police Officers* 6
 SECTION 4. EDUCATION. 6
 SECTION 5. DRIVER’S LICENSE 6

SECTION 6. PHYSICAL, MENTAL & PSYCHOLOGICAL QUALIFICATIONS.....7

SECTION 7. OTHER QUALIFICATIONS.....7

SECTION 8. DOCUMENTATION TO VERIFY MINIMUM QUALIFICATIONS.7

 A. *Proof of age.*7

 B. *Proof of United States citizenship.*.....7

 C. *Proof of high school graduation or equivalent.*.....7

 D. *Proof of honorable discharge from the military.*.....7

RULE 4 APPLICATIONS FOR ORIGINAL APPOINTMENT1

TABLE OF CONTENTS1

 SECTION 1. GENERAL APPLICATIONS.2

 SECTION 2. LATERAL ENTRY APPLICATIONS.2

 SECTION 3. RESERVE POLICE OFFICER ENTRY APPLICATIONS. ⁴2

 SECTION 4. AVAILABILITY OF APPLICATIONS.....2

 SECTION 5. REJECTION OF APPLICATIONS.3

 SECTION 6. APPLICATION PERIODS.....3

 SECTION 7. APPLICATIONS KEPT ON FILE.....3

 SECTION 8. RECRUITING APPLICANTS FOR ORIGINAL APPOINTMENT.4

 SECTION 9. SOLICITATION OF PREFERENTIAL TREATMENT PROHIBITED.4

RULE 5 EXAMINATION, SCREENING AND OTHER REQUIREMENTS FOR ORIGINAL APPOINTMENT1

TABLE OF CONTENTS1

 SECTION 1. EXAMINATIONS FOR ORIGINAL APPOINTMENT – GENERAL PROVISIONS.2

 SECTION 2. SELECTION OF APPLICANTS FOR ADDITIONAL EXAMINATION AND SCREENING PHASES.....2

 SECTION 3. COMMISSION EXAMINATION ANNOUNCEMENTS.3

 SECTION 4. NATURE OF EXAMINATION, SCREENING AND OTHER REQUIREMENTS FOR ORIGINAL APPOINTMENT.4

 A. *Nature of General Examination:*4

 B. *Special Supplemental Examinations:*.....4

 C. *Nature of General Screening:*.....4

 D. *Other Requirements:*.....5

 E. *Failure of Any Phase of the Examination or Screening Process:*5

 SECTION 5. WRITTEN TEST.....6

 SECTION 6. VIDEO-BASED TEST.....6

 SECTION 7. PRACTICAL TEST OR ORAL INTERVIEW ASSESSMENT.6

 SECTION 8. PHYSICAL ABILITY TEST.....7

 SECTION 9. SUITABILITY ASSESSMENT.7

 SECTION 10. POLYGRAPH EVALUATION.7

 SECTION 11. PRELIMINARY FILE REVIEW.8

 SECTION 12. BACKGROUND INVESTIGATION.8

 SECTION 13. BACKGROUND REVIEW - APPROVAL FOR PLACEMENT ON AN ELIGIBLE REGISTER. ¹⁷9

 SECTION 14. MEDICAL EVALUATION (MEDICAL EXAMINATION, DRUG SCREEN AND PSYCHOLOGICAL EVALUATION).9

 A. *Medical Evaluation Following Conditional Job Offer:*.....9

 B. *Medical Examination:*10

 C. *Drug Screen:*10

 D. *Psychological Evaluation:*.....10

 SECTION 15. PREFERENCE POINTS.11

 A. *Veteran Preference Points:*.....11

 B. *Special Skill Preference Points:*12

 SECTION 16. ELIGIBILITY TO RETEST.13

RULE 6 PROMOTIONAL EXAMINATIONS AND REQUIREMENTS 1

TABLE OF CONTENTS 1

SECTION 1. PROMOTIONAL VACANCIES REQUIRING EXAMINATION. 2

 A. *Position vacancies*..... 2

 B. *Examinations for promotions within the Fire Department* 2

 C. *Examinations for promotion within the Police Department*..... 2

SECTION 2. EXAMINATION ANNOUNCEMENTS. 2

 A. *shall be posted*..... 2

 B. *shall state the nature of the examination* 3

 C. *shall serve as the regulations of the examinations* 3

SECTION 3. NATURE OF EXAMINATIONS. 3

 A. *shall be impartial and competitive*..... 3

 B. *Commission shall determine and state*..... 3

SECTION 4. ADMINISTRATION OF EXAMINATIONS. 4

 A. *Commission Rule 15*..... 4

 B. *The Commission shall control all examinations* 4

SECTION 5. ASCERTAINED MERIT. 4

SECTION 6. CREDIT FOR SENIORITY. 5

 A. *shall be provided, calculated, and have such point value*..... 5

 B. *continuous service is defined* 5

 C. *member has been re-employed*..... 5

 D. *for promotion to the rank of Sergeant in the Police Department*..... 6

 E. *for promotion to the ranks of Lieutenant and Engineer in the Fire Department* 6

 F. *shall only be added to the total examination score* 6

SECTION 7. NO AWARD OF VETERAN PREFERENCE POINTS. 7

SECTION 8. LINES OF PROMOTION AND PREREQUISITES. 7

 A. *Commission may establish additional prerequisites* 7

SCHEDULE I FIRE DEPARTMENT - LINE OF PROMOTION..... 8

SCHEDULE II POLICE DEPARTMENT - LINE OF PROMOTION 9

RULE 7 EXAMINATION LISTS AND ELIGIBLE REGISTERS 1

TABLE OF CONTENTS 1

SECTION 1. EXAMINATION LISTS. 2

 A. *made up of the names, in rank order*..... 2

 B. *shall be considered confidential*..... 2

 C. *Examination lists for original appointment*: 2

SECTION 2. ELIGIBLE REGISTERS FOR ORIGINAL APPOINTMENT..... 3

 A. *Eligible registers for original appointment shall be established and maintained*..... 3

 B. *Separate Eligible Registers*:..... 4

 C. *Deferred Appointment Eligible Registers*: 5

 D. *in rank order according to the final examination score*..... 7

 E. *ongoing eligible register* 7

 F. *on an ongoing eligible register for original appointment more than once* 7

 G. *for no longer than 24 months*..... 7

 H. *may be frozen and/or dissolved*..... 7

 I. *shall remain in existence for a minimum of one year*..... 7

SECTION 3. ELIGIBLE REGISTERS FOR PROMOTIONAL APPOINTMENT. 8

 A. *successfully completed and/or passed all phases of the examination* 8

 B. *listed in rank order according to their final examination score* 8

 C. *remain in existence for a minimum of one year*. 8

SECTION 4. IN CASE OF TIE SCORES..... 9

 A. *Entry-Level Examinations*:..... 9

 B. *Promotional Examinations*: 9

SECTION 5. NOTICE OF CHANGE OF ADDRESS OR PHONE NUMBER..... 9

SECTION 6. PLACEMENT ON MORE THAN ONE ELIGIBLE REGISTER..... 9

SECTION 7. REMOVAL OF NAMES FROM AN ELIGIBLE REGISTER.10

 A. The name of an applicant or candidate may be removed/stricken.....10

 B. The name of an applicant or candidate shall be removed/stricken11

 C. Notice Required:.....12

RULE 8 REQUISITION, CERTIFICATION, AND APPOINTMENT.....1

 TABLE OF CONTENTS1

 SECTION 1. FILLING VACANCIES IN THE CLASSIFIED SERVICE.2

 A. All vacancies in the Classified Service2

 B. Police Department:.....2

 C. Fire Department:.....2

 D. Demotions not Precluded or Prohibited:.....3

 SECTION 2. REQUISITION OF NAMES OF THOSE ELIGIBLE FOR APPOINTMENT.3

 A. General Provisions:.....3

 B. Requisition for Original Appointment – Special Provisions:4

 SECTION 3. CERTIFICATION OF NAMES TO THE MANAGER OF SAFETY.4

 A. For Original Appointment:.....4

 B. For Promotional Appointment:5

 C. Certification of Additional Names:.....5

 SECTION 4. APPOINTMENT.....6

 A. From List of Names Certified:.....6

 B. Report to the Commission:6

 C. Limitation on Cadets:6

 SECTION 5. DECLINING AN APPOINTMENT – REMOVAL FROM ELIGIBLE REGISTER.6

RULE 9 PROBATION1

TABLE OF CONTENTS1

 SECTION 1. ORIGINAL APPOINTMENT.2

 A. Academy and a nine (9) month period thereafter.2

 B. Fire Systems Technical Specialist and Mechanic2

 C. pursuant to a particular intergovernmental agreement.....2

 D. not require the retention2

 SECTION 2. PROBATIONARY DISMISSALS.2

 A. shall not be entitled to appeal a dismissal action.2

 B. The Manager of Safety may summarily dismiss.....3

 C. Manager of Safety shall promptly report to the Commission3

 SECTION 3. LAYOFF WHILE ON PROBATION.3

 SECTION 4. COMPLETION OF PROBATIONARY PERIOD.3

 SECTION 5. EFFECT OF DROPPING ON OTHER REGISTERS.3

RULE 10 CLASSIFIED SERVICE RANKS AND GRADES AND APPOINTED OR ASSIGNED POSITIONS IN THE FIRE AND POLICE DEPARTMENTS1

TABLE OF CONTENTS1

 SECTION 1. FIRE DEPARTMENT – CLASSIFIED SERVICE RANKS AND GRADES.2

 SECTION 2. FIRE DEPARTMENT – ORIGINAL APPOINTMENT TO THE CLASSIFIED SERVICE AND PROGRESSION IN GRADES FOLLOWING APPOINTMENT.2

 A. Appointment to Rank of Firefighter:.....2

 B. Appointment to Rank of Firefighter pursuant to an Intergovernmental Agreement:3

 C. Appointment to Rank of Fire Systems Technical Specialist or Mechanic:4

 SECTION 3. FIRE DEPARTMENT –APPOINTED OR ASSIGNED POSITIONS NOT WITHIN THE CLASSIFIED SERVICE. .4

 SECTION 4. POLICE DEPARTMENT – CLASSIFIED SERVICE RANKS AND GRADES.5

 SECTION 5. POLICE DEPARTMENT – PROGRESSION IN GRADES UPON ORIGINAL APPOINTMENT TO THE RANK OF POLICE OFFICER.5

 SECTION 6. POLICE DEPARTMENT - CERTIFIED PEACE OFFICERS APPOINTED TO THE RANK OF POLICE OFFICER UNDER CHARTER § 9.3.11(E)(I) (“LATERAL HIRE”)6

 SECTION 7. POLICE DEPARTMENT –APPOINTED OR ASSIGNED POSITIONS NOT WITHIN THE CLASSIFIED SERVICE.7

RULE 11 REDUCTION OF FORCE OR RANK, LEAVE OF ABSENCE, RESIGNATION, REEMPLOYMENT, RETURNING TO DUTY AFTER SUSPENSION OR DISABILITY, AND FAMILY MEDICAL LEAVE 1

TABLE OF CONTENTS 1

SECTION 1. REDUCTION IN FORCE. 2

SECTION 2. LEAVES OF ABSENCE. 2

SECTION 3. RESIGNATION. 3

 A. shall submit a resignation in writing 3

 B. inform the Commission 3

 C. Failure to report for duty within five (5) days. 3

SECTION 4. REEMPLOYMENT. 3

 A. were separated under honorable circumstances. 3

 B. shall not be higher than firefighter 1st grade or police officer 1st grade 4

 shall retain the seniority they had at separation. 4

 shall have no right to seek review of that decision. 4

 C. the individual to successfully complete the following examinations 4

SECTION 5. RETURN TO DUTY FROM SUSPENSIONS. 4

SECTION 6. RETURN TO DUTY FROM DISABILITY RETIREMENT. 4

SECTION 7. FAMILY OR MEDICAL LEAVE. 4

RULE 12 DISQUALIFICATION AND DISCIPLINARY APPEALS, HEARINGS AND PROCEDURES 1

TABLE OF CONTENTS 1

SECTION 1. DISQUALIFICATION PROCEDURES, APPEALS, AND HEARINGS: 3

 A. Departmental Disqualification: 3

 B. Departmental Disqualification Procedures: 3

 C. Appeal and Hearing Regarding Disqualification: 3

SECTION 2. DEPARTMENTAL DISCIPLINARY PROCEDURES: 4

 A. Departmental Discipline: 4

 B. Conform to Charter and Rules: 4

 C. Notice of appeal rights: 4

SECTION 3. APPEALING A DEPARTMENTAL ORDER OF DISCIPLINARY ACTION: 4

 A. Discipline that May be Appealed: 4

 B. Filing an Appeal and Request for Hearing: 4

 C. Request for an Expedited Hearing: 5

SECTION 4. ASSIGNMENT OF A HEARING OFFICER: 6

 A. Assign within five (5) Calendar Days: 6

 B. Disciplinary Appeals Involving Special Circumstances: 6

 C. Reassignment of Cases: 7

 D. When the Hearing Officer is Unavailable: 7

 E. Consolidation of Cases: 7

SECTION 5. ASSIGNMENT OF A SETTLEMENT OFFICER: 7

 A. Selection Procedure: 7

 B. Duties of a Settlement Officer 7

SECTION 6. PROCEDURES FOR DISCIPLINARY APPEALS PROCESS: 8

 A. General Hearings: 8

 B. Expedited Hearings: 8

 C. Computation of Time: 9

 D. Filings of Motions and Briefs before a Hearing Officer: 9

 E. Facsimile Filing of Documents and Facsimile Service by the Commission: 9

 F. Electronic Filing and Service of Documents: 10

 G. Response to Motions: 11

SECTION 7. DISCOVERY AND SCOPE OF DISCOVERY: 11

 A. General Discovery Methods: 11

 B. Mandatory, Automatic Discovery: 12

 C. Scope of Discovery: 13

 D. Resolution of Discovery Issues: 13

E.	Case Management and Pre-hearing Conferences:.....	13
F.	Pre-hearing Statements:.....	14
G.	Subpoenas:.....	15
H.	Issuance of a Subpoena:.....	15
I.	Service of a Subpoena:.....	15
J.	Filing of a Subpoena:.....	16
K.	Objections to Subpoena:.....	16
L.	Enforcement of a Subpoena:.....	16
SECTION 8.	HEARING BEFORE THE HEARING OFFICER:.....	17
A.	Public Hearing:.....	17
B.	Petitioner Representation at Hearing:.....	17
C.	Oaths and Affirmations:.....	17
D.	Conduct of Hearings:.....	17
E.	The Record of a Hearing:.....	18
F.	Hearing Exhibits:.....	18
SECTION 9.	HEARING OFFICERS’ DECISION AND ORDER:.....	19
A.	Within thirty (30) calendar days.....	19
B.	In reviewing the disciplinary action:.....	19
C.	In rendering a decision, the Hearing Officer should consider the following:.....	19
D.	The Hearing Officer's findings of evidentiary fact.....	20
E.	The Hearing Officer's decision, or any final closing order.....	21
F.	The Hearing Officer’s Decision and Order, or any Final Closing Order.....	21
SECTION 10.	STAY OF DECISION:.....	21
A.	Request and Requirements for a Stay:.....	21
B.	Statements in Support or Opposition:.....	22
C.	Notice and Expiration:.....	22
SECTION 11.	APPEAL FROM HEARING OFFICER’S DECISION:.....	22
A.	To Whom the Hearing Officer’s Decision May Be Appealed:.....	22
B.	Contents of Notice of Appeal:.....	23
C.	Rejection of an Appeal:.....	23
D.	Bases for Appeal and Grounds for Commission Review:.....	24
E.	Preparation and Filing of Transcripts:.....	25
F.	The Filing, Timing, Nature, Length, and Format of Briefs:.....	26
G.	Contents of the Record:.....	27
H.	Remand to the Hearing Officer:.....	27
I.	Oral Argument:.....	27
J.	Standards for the Commission’s Review:.....	28
K.	Decision of the Commission – Final Order:.....	28
RULE 13	RECORDS AND REPORTS.....	1
	<u>TABLE OF CONTENTS</u>	<u>1</u>
SECTION 1.	PERMANENT RECORDS.	2
A.	<u>Personnel Roster</u>	2
B.	<u>Examination Lists</u>	2
C.	<u>Eligible Register</u>	2
D.	<u>Minutes</u>	2
SECTION 2.	PERSONNEL RECORDS.	3
A.	<u>Individual Personnel File</u>	3
B.	<u>Efficiency Rating Records</u>	3
SECTION 3.	PUBLIC AND CONFIDENTIAL RECORDS.....	3
SECTION 4.	REPORTS OF THE MANAGER OF SAFETY.	3
A.	Every appointment.....	3
B.	Every refusal to accept appointment.....	3
C.	All demotions, suspensions, reinstatements, resignations, and separations.....	3
D.	Annual efficiency or ascertained merit reports.	4
E.	A periodic report giving changes in addresses and telephone numbers.....	4
F.	The date newly appointed classified members comply with Charter.....	4

SECTION 5. CERTIFYING NAMES AND STATUS CHANGES TO AUDITOR. 4

SECTION 6. ANY OTHER RECORDS..... 4

RULE 14 HEARING OFFICER SELECTION AND QUALIFICATIONS 1

TABLE OF CONTENTS 1

SECTION 1. SELECTION OF HEARING OFFICERS. 2

 A. *Hearing Officer Contracts:* 2

 B. *Recruitment and Solicitation of Applications:* 2

 C. *List of Qualified Applicants:* 3

 D. *Confidentiality of Returned List of Applicants:*..... 3

 E. *Designated Representatives:* 3

SECTION 2. HEARING OFFICER QUALIFICATIONS. 3

 A. *License to Practice Law:*..... 3

 B. *Experience:* 3

 C. *Background Investigation:* 4

RULE 15 EXAMINATIONS 1

TABLE OF CONTENTS 1

SECTION 1. EXAMINATIONS AND CONTENT CONTROLLED BY THE COMMISSION. 2

SECTION 2. PREPARATION OF EXAMINATIONS. 2

SECTION 3. CONDUCTING EXAMINATIONS. 2

SECTION 4. SECURITY OF EXAMINATION PAPERS. 4

SECTION 5. CORRECTIONS AND RE-EXAMINATIONS. 4

SECTION 6. REVIEW OF EXAMINATION RESULTS BY PARTICIPANTS. 5

SECTION 7. CORRUPTION AND PENALTY. 7

SECTION 8. DETERMINING THE MINIMUM PASSING SCORE. 7

SECTION 9. DISQUALIFICATION OF CANDIDATES OR APPLICANTS. 8

SECTION 10. TAKING NEW EXAMINATIONS. 8

SECTION 11. INVESTIGATION OF EXAMINATIONS. 9

RULE 16 PUBLIC SAFETY CADETS 1

TABLE OF CONTENTS 1

SECTION 1. GENERAL..... 2

SECTION 3. STATUS OF CADETS. 2

SECTION 4. EXAMINATION OF CADETS FOR ORIGINAL APPOINTMENT. 3

SECTION 5. ELIGIBILITY OF CADETS FOR PLACEMENT ON THE CADET REGISTER. 4

SECTION 6. CADET ELIGIBLE REGISTERS. 4

SECTION 7. CERTIFICATION OF CADETS. 5

SECTION 8. ORIGINAL APPOINTMENT OF CADETS..... 5

RULE 17 ORIGINAL APPOINTMENT – SPECIAL CATEGORIES 1

TABLE OF CONTENTS 1

SECTION 1. APPOINTMENT OF CERTIFIED PEACE OFFICERS (LATERAL ENTRY)..... 2

SECTION 2. APPOINTMENT OF RESERVE POLICE OFFICERS (RESERVE POLICE OFFICER ENTRY)..... 3

SECTION 3. APPOINTMENT OF A FIREFIGHTER PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT. 4

RULE 18 VALIDITY OF RULES..... 1

TABLE OF CONTENTS..... 1

SECTION 1. VALIDITY. 1

END TABLE OF CONTENTS