

CITY OF WAXAHACHIE
Firefighters' and Police Officers' Civil Service Commission
Meeting Agenda

A regular meeting of the **Firefighters' and Police Officers' Civil Service Commission** of the City of Waxahachie, Texas was held at the Waxahachie City Hall, Council Conference Room, 401 S. Rogers St, Waxahachie, TX 75165, on December 4, 2019 at 12:00 p.m.

Commission Members: Curtis Williams, Chair
Teresa McNeil, Vice-Chair
Bob Aday

1. Call to order
2. Invocation
3. Approve November 8, 2019 meeting minutes.
4. Waxahachie Fire Rescue
 - a. Action items
 - i. Certify entry Firefighter Examination Eligibility List created by written examination on November 23, 2019.
 - ii. Review and consider appeals to Fire Captain promotional exam question number 59 given on November 15, 2019.
 - iii. Review and consider appeals to Fire Captain promotional exam question number 70 given on November 15, 2019.
 - iv. Review and consider appeals to Fire Captain promotional exam question number 31 given on November 15, 2019.
 - v. Review and consider appeals to Fire Captain promotional exam question number 5 given on November 15, 2019.
 - vi. Certify Fire Captain Promotional Eligibility List created by written examination on November 15, 2019
 - vii. Certify Fire Battalion Chief Promotional Eligibility List created by written examination on November 15, 2019
 - b. Items for Discussion (no action will be taken on discussion items).
 - i. None
5. Waxahachie Police Department
 - a. Action Items
 - i. Review and consider appeals to Police Lieutenant promotional exam question number 98 given on November 12, 2019.
 - ii. Review and consider appeals Police Lieutenant promotional exam question number 38 given on November 12, 2019.
 - iii. Review and consider appeals to Police Corporal promotional exam question number 78 given on November 12, 2019.
 - iv. Review and consider appeals to Police Corporal promotional exam question number 21 given on November 12, 2019.

- v. Review and consider appeals to Police Sergeant promotional exam question number 31 given on November 12, 2019
- vi. Review and consider appeals to Police Sergeant promotional exam question number 60 given on November 12, 2019
- vii. Review and consider appeals to Police Sergeant promotional exam question number 90 given on November 12, 2019
- viii. Review and consider appeals to Police Sergeant promotional exam question number 79 given on November 12, 2019
- ix. Review and consider appeals to Police Sergeant promotional exam question number 69 given on November 12, 2019
- x. Review and consider appeals to Police Sergeant promotional exam question number 84 given on November 12, 2019
- xi. Certify Police Lieutenant Promotional Eligibility List created by written examination on November 12, 2019
- xii. Certify Police Corporal Promotional Eligibility List created by written examination on November 12, 2019
- xiii. Certify Police Sergeant Promotional Eligibility List created by written examination on November 12, 2019

- b. Items for Discussion (no action will be taken on discussion items).
 - i. Disciplinary notice resulting in indefinite suspension
 - ii. Appeal notice received regarding indefinite suspension

6. Commission member and meeting attendee comments.

7. Adjournment

The Civil Service Commission reserves the right to meet in Executive Session on any of the above items.

The meeting location is wheelchair accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours before the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX.

Notice of Potential Quorum

***One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.***

CITY OF WAXAHACHIE
Firefighters' and Police Officers' Civil Service Commission
Meeting Minutes

A regular meeting of the **Firefighters' and Police Officers' Civil Service Commission** of the City of Waxahachie, Texas was held at the Waxahachie City Hall, Mayor's Office, 401 S. Rogers St, Waxahachie, TX 75165, on Wednesday October 31, Friday, November 8, 2019 at 1:30 p.m.

Commission Members Present: Teresa McNeil, Vice-Chair
Bob Aday

Others Present: Police Assistant Chief, Dale Sigler
Civil Service Director, Jamie Holbert

1. Call to order

Curtis Williams called the meeting to order at 1:55 p.m.

2. Invocation

The invocation was given by Dale Sigler.

3. Approve October 2, 2019 meeting minutes.

Bob Aday made a motion to approve the minutes, second by Teresa McNeil, **motion carried.**

4. Waxahachie Fire Rescue

- a. Action Items
 - i. None
- b. Items for Discussion
 - i. None

5. Waxahachie Police Department

- a. Action Items
 - i. **Consider approval for an entry Patrol Officer written examination and physical ability test to be held October 19, 2019.**
Teresa McNeil made a motion to approve the entry examination, second by Bob Aday. **Motion passed**
- b. Items for Discussion (no action will be taken on discussion items).
 - i. None

6. Commission member and meeting attendee comments

None

7. Adjournment

There being no further business to come before the commission, Curtis Williams made a motion to adjourn, second by Teresa McNeil; the meeting was adjourned at 2:04 p.m.

Teresa McNeil, Vice-Chair

Date

Jamie Holbert, Civil Service Director

(4a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Captain PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Captain written promotional examination administered on 11-15-19 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 59
(Please provide the current answer given for the question)

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

Submitted by: Tomy Towaley

Date: 11-20-19

(4a)

Building Construction Related to the Fire Service, Pg. 270

Question 59

Regarding tilt up construction:

Answer: "This style of construction requires that the roof assembly maintain structural integrity; failure of the roof can result in failure of the wall from outward horizontal forces"

Correct answer: Does not include the listed statement.

Slabs tied together resist horizontal forces. (Pg. 270, last sentence)

This means that it is NOT required for the roof assembly to maintain structural integrity to resist horizontal forces.

(4a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE/~~PIRE~~ Captain PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Captain written promotional examination administered on 11-15-19 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 20

(Please provide the current answer given for the question)

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

Submitted by: Tony Townley

Date: 11-20-19

(4a)

Fire and Emergency Company Officer, Pg. 420

Question 70

"Fires that do not involve a deliberate human act to ignite or spread the fire into an area where the fire should not be."

Answer: Accidental

Possible answer: Natural

"where human intervention has not been involved in the ignition process."

The definition of natural also includes the definition of accidental by means that neither involve a deliberate human intervention or action to ignite or spread the fire.

(4a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE (FIRE) Captain PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Captain written promotional examination administered on 11-15-19 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 31
(Please provide the current answer given for the question)

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

Submitted by: Tony Tounley

Date: 11-20-19

(4a)

SOG 11.1

Question 31

Answer: "The accountability and security of the Lock Box Keys and T-Handled Knox FDC Keys shall receive top priority and continued attention of all members responsible for same."

This answer is incorrect because the SOG is written incorrectly. In place of "Lock Box Keys" should be "Knox Box Keys". "Lock Box Keys" is not defined as an acceptable term where as "Knox Box Keys" is.

As such, if the SOG is incorrect, any question composed from it, especially that part which is incorrect, must be dismissed.

(4a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/~~FIRE~~ Captain PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Captain
written promotional examination administered on 11-15-19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 5
(Please provide the current answer given for the question)

(Please provide what you believe to be the answer to the question. List your reasoning with
source reference)

Submitted by: Tony Towalcy

Date: 11-20-19

(4a)

Rules and Regs 6: Restrictions, 6.12

Question 5

"A Chief Officer, Incident Commander and/or the appointed Public Information Officer are the only personnel allowed to release information about an emergency incident to the media"

This is not correct, as per General Procedures 19.1: Social Media

The following members of the WFR are authorized to act as official spokespersons and post information on the WFR Social Media sites:

All Chief Officers

All Captains

804

The Administrative Secretary

C. Potential Uses –

7. Brief descriptions of emergency activities

The question only specifies "media" not a specific type of media. Social media IS considered a type of media outlet.

Also "release of information about an emergency incident" suggests the inclusion of "Brief descriptions of emergency activities" as this IS information about an emergency incident.

(5a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Lieutenant PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Police Lieutenant written promotional examination administered on November 12, 2019 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 9B
(Please provide the current answer given for the question)

C: 59%

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

D: 10%

The question reads, "According to the WPD Policy Manual, the Department issues 2-ounce OC spray canisters in which of the following concentrations?" As a patrol supervisor, I know that my new officers are issued OC spray in a concentration of 10%.

Submitted by: JOE - #112

Date: 11/19/19

Joshua Oliver

(5a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Lieutenant PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Police Lieutenant written promotional examination administered on November 12, 2019 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 38

(Please provide the current answer given for the question)

B: Before the 90th Day

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

C: Before the 30th Day

Sec 143.029 Promotional Examination Notice states that before the 90th day before the exam is held, the commission shall post notice that lists the sources of the exam material. Following this, it states, "Before the 30th day before the date of the promotional examination is held the commission shall post notice of the examination in plain view. The question asks for the time of

Submitted by: _____ Date: _____

"Notice", not of study material.

Joshua Oliver
Joshua Oliver

11/13/2019

(5a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE CORPORAL PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the CORPORAL written promotional examination administered on 11/12/19 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 70
(Please provide the current answer given for the question)

All of the above

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

I do not feel this question is
Fair as it reads we must contact the HR Director
and City manager and thier Department head.
When in fact we must contact HR director OR
City manager OR thier department head.

Submitted by: Noelle Blain

Date: 11/14/19

(5a)



TO: Civil Service Commission

THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Corporal PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Corporal written promotional examination administered on 11/12/19 (date). I am appealing (please repeat the process for each question you are appealing):

Question # 21
(Please provide the current answer given for the question)

21

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

When the material was posted on August 1, 2019 the age was 18 year old; which the study material currently reflects. On Sept 1, 2019 the age increased to 21 years old.

Section 43.029 local code advises it will be based on material posted!

Submitted by: Ngelle Blain

Date: 11/14/19

(5a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Police Sgt. PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Sgt.
written promotional examination administered on 11/12/19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 31

(Please provide the current answer given for the question)

My answer - A

Test answer - D (all of the above)

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

A & C are correct

B is NOT correct because it uses the words
"SUSPECTS to have committed a ^{assault}~~crime~~"

The language used in CCP Article 14.03

says "probable cause to believe have committed
-an assault"

Submitted by: A. Borjas

Date: 11/12/19

(5a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Police PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Sgt
written promotional examination administered on 11/12/19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 60

(Please provide the current answer given for the question)

My answer - B
Test answer - A

(Please provide what you believe to be the answer to the question. List your reasoning with
source reference) Penal Code sect. 9.31 Self-Defense

Answer A describes when DEADLY FORCE is NOT justified.

Answer B - States, verbatim, the ^{correct} answer to the question.

PC 9.31(c)(2)

Submitted by: A. Borjas

Date: 11/19/19

(5a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Police PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Police Sgt.
written promotional examination administered on 11/12/19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 90

(Please provide the current answer given for the question)

~~My~~ ~~answer~~ - B
Test answer - A

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

The question appears incomplete

Submitted by: A. Borjas

Date: 11/19/19

(5a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Police PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Sgt.
written promotional examination administered on 11/12/19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 79

(Please provide the current answer given for the question)

My Answer (D) - none are correct

Test Answer (B) - 60

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

According to city Policy 8.04 Sick Leave,
it only uses the word "ORIENTATION"
when describing time for regular employees.
It says Police Officers are accredited with
60 hours after six-months of EMPLOYMENT.

The test answer (B) uses the word "ORIENTATION"
to describe Police Officers time.

This is contradictory to the actual Policy.

Submitted by: A. Borjas

Date: 11/19/19

8.00 LEAVE TIME

8.01 - DEFINITIONS

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid. Holidays are days designated by the City Council when City offices are closed on what would otherwise be regular business days.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or department head. Employees may not be paid for unauthorized absences, regardless of vacation or sick hours earned and such absences may be cause for disciplinary action (see section 8:14).

8.02 - APPROVAL OF LEAVE

All leave taken by City employees must be approved by the employee's supervisor and the department head in advance.

Sick Leave Approval. Approval of sick leave for non-emergency medical, dental, or optical, etc. appointments must be secured in advance. In all other instances of use of sick leave, unless an employee is incapacitated, the employee must notify his or her supervisor personally as early as practical on the first day of absence and request that approval of sick leave be granted.

Supervisor's Responsibility for Verification. Supervisors are responsible for determining that leave is accrued and available for use in the amounts requested by an employee. In addition, department heads are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the payroll department in addition to being recorded in the individual's department. The City does not advance vacation or sick hours.

8.03 - VACATION LEAVE

All regular employees of the City are entitled to vacation leave, after completion of the six (6) month orientation period. After the completion of the orientation period, earned vacation hours are credited to all regular employees' accounts. Vacation leave cannot be taken, nor will it be paid upon separation, during the six-month orientation period for all categories of employees.

Accrual of Vacation Leave for Regular, Full-time, Non-Civil Service Employees:

- 1 through 5 years of service 3.08 hours per pay period
- 6 through 10 years of service .31 additional hours per pay period for each year of service

(5a)

credited to employees the first payroll in January of each year.

Use of vacation bonus days must be scheduled in advance and granted at the discretion of the department head. Vacation bonus time is not payable to the employee upon termination and can not accumulate from year to year. For purposes of calculating overtime, bonus day hours taken are considered "hours worked."

Personal Day. All regular, full-time, **non-civil service** employees are entitled to one (1) personal leave day each calendar year credited in January. This paid leave day is in addition to vacation and/or bonus leave days that may be available. Use of personal leave time must be scheduled in advance and is granted at the discretion of the department head. New hires are not eligible for personal leave time until the January following the successful completion of their orientation period. The personal day is credited to employees the first payroll in January.

Unused personal leave time is not payable to the employee upon termination and does not accumulate from year to year. For purposes of calculating overtime, personal leave time hours taken are considered "hours worked."

8.04 - SICK LEAVE

All regular employees of the City who have completed the orientation period are entitled to sick leave. After the completion of the six-month orientation period, 48 hours of sick leave is credited to a regular full-time employees account. Police officers will be credited with 60 hours after the completion of six-months of employment and firefighters will be credited 90 hours after the completion of six-months of employment. Paid sick leave cannot be taken during the six-month orientation/employment period.

An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments; or
3. Medical quarantine resulting from exposure to a contagious disease.

A calendar year maximum of **10** accrued sick leave days may be used for occasional illness, that otherwise would not qualify for FMLA (see Personnel Policy 21) of a member of the employee's immediate family who requires the employee's occasional personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren), or any other relative of the employee who resides in the employee's household, including employee's father or mother who may reside outside the employee's household who cannot care

(5a)

Illness While on Vacation Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution must be supported by a medical certificate or other acceptable evidence.

Cancellation Upon Termination. Unused sick leave is canceled upon termination of employment without compensation to the non-civil service employee.

Payment of Sick Leave for Firefighters and Police Officers. Each firefighter and police officer that terminates for any reason is entitled to a lump sum payment, up to a maximum of 90 days for accumulated sick leave, earned after October 1, 1989.

For purposes of determining the maximum payment of sick leave for firefighters a day is defined as twelve (12) hours. The maximum payment for sick leave is 1,080 hours.

For purposes of determining the maximum payment of sick leave for police officer a day is defined as eight (8) hours. The maximum payment for sick leave is 720 hours.

Firefighters or Police Officers who have not obtained Civil Service status, will not receive compensation for unused sick leave upon separation.

Payment of Sick Leave for Retirees. In recognition of employees who attain 20 or more years of continuous service with the City of Waxahachie, at retirement the City will pay the employees accrued sick balance up to a maximum of 480 hours at their current rate of pay with the final paycheck. This payout would be ONLY for employees who have 20 years or more continuous service with the City and would not include employees who retire using prior service credits from another City to reach 20 years. *Approved by Council September 17, 2007*

8.05 - EXTENDED LEAVE FOR ILLNESS OR INJURY

This section applies to illnesses or injuries that are not related to bona fide, on-the-job, work-related injuries. Please see the chapter of these policies on Health and Safety for information on absences resulting from those types of injuries.

Employees with one year of service. Employees with one year of service and 1,250 hours worked in the previous year requesting an extended leave of absence due to illness or injury will need to fill out a Family Medical Leave Request form. All leaves under this section will be handled in accordance with the City's Family Medical Leave Policy and the Family Medical Leave Act (FMLA).

Paid Leave. Upon written approval of the employee's department head, an employee must use accrued sick, vacation, personal, bonus and compensatory

(5a)

Civil Service employees who request a military leave of absence will be processed under the TLGC, Civil Service, Chapter 143.072, Military Leave of Absence and .075, Military Leave Time Account. See FMLA Policy 21 for information regarding Military Family Leave Entitlement's.

8.07 - CIVIL LEAVE

Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Employees must present proper documentation.

When an employee has completed civil leave, he or she must report to the City for duty for the remainder of the workday.

8.08 - LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay (LWOP) for reasons other than those that would apply under the Family Medical Leave Act is an approved absence from duty in a non-pay status. Granting a leave of absence without pay is at the discretion of the City Manager, but such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. LWOP will only be granted when an employee has exhausted all accrued time including vacation, bonus day, personal day, holiday and comp time. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued benefits are retained during leave of absence unless otherwise prohibited by the terms or provisions of the benefit programs. Dependent medical insurance can be continued if paid in advance by the employee.

Upon returning to work after a leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date, which reflects the period of time that the employee used for leave of absence. This adjusted date will be used for the purposes of calculating eligibility for longevity pay, leave accrual benefits and service in TMRS in all departments.

A leave of absence without pay may be revoked and may result in termination of employment with the City:

- upon receipt of evidence submitted that the cause for granting such leave was misrepresented;
- the leave has ceased to exist; and/or,
- it is found that the employee is volunteering or working secondary employment (including self employment and outside employment) without notification and approval in writing, in advance, by the department director

(5a)

reasons of a death in an employee's family. For purposes of funeral leave, family includes spouse, child, parent, brother, sister, uncle, aunt, nephew, niece, and grandparents of an employee or employee's spouse, or any other relative living in the employee's household. Funeral leave is limited to no more than three days per occurrence. The length of time granted for funeral leave must be approved by the City Manager and will depend on the circumstances.

Employees who desire to attend the funeral of a non-family member may do so upon approval of their immediate supervisor, and will be required to use accrued comp time, vacation, personal, bonus time or leave without pay.

8.11 - ABANDONMENT OF POSITION

Unauthorized absence from work for a period of three consecutive working days without notice will be considered by the City Manager as a voluntary resignation.

Unless the City Manager determines otherwise, the resignation is not in good standing and the employee is not eligible for reemployment.

8.12 - INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the chapter in these policies on **Health and Safety**.

8.13 - ABSENCE OF LESS THAN ONE DAY

There shall be no deductions from the compensation of FLSA exempt employees for periods of absence from work less than one day, if such employees have no accumulated leave, except in cases of disciplinary actions as allowed by law.

8.14 - ABUSE OF SICK LEAVE

It is the policy of the City of Waxahachie to not unreasonably deny sick leave to employees when requested. It is the responsibility of the employee to maintain adequate leave balances to appropriately account for absence from the work place, or to arrange for a pre-approved leave of absence without pay. When abuse of sick leave is substantiated, the Director or designee in conjunction with the Human Resources Director may begin corrective and progressive discipline, keeping in mind any extenuating or mitigating circumstances.

Examples for unauthorized use, misuse and pattern abuse of leave that may result in disciplinary action are noted in the section below (but not limited to those listed),

- **Unauthorized Use of Sick Leave:**
 - Failure to notify supervisor of medical absence.
 - Failure to complete standard leave form.

(5a)

absence from duty and will result in a loss of income apart from the donation leave policy.

Full time regular employees are eligible to receive donations regardless of length of employment with the City.

The recipient of leave donations must be on unpaid leave for any of the following reasons:

- The employee has a serious medical emergency that makes the employee unable to perform the essential functions of the employee's position;
- An employee is required to care for a spouse, child, or parent of the employee who experiences a serious medical emergency;
- The Department Director in consult with the City Manager and Human Resources Director may extend this program to employees who experience a major disaster or the unexpected loss of a spouse, child or parent.

Recipients must exhaust all eligible bonus and personal days, sick, vacation, holiday and compensatory leave and any other accrued time balances for the reasons listed above and not have been on verbal or written disciplinary action for abuse of leave within the 12 months preceding the request.

Requesting Donated Time. All requests for donations must be on a Request for Leave Donation form approved by the Department Director and City Manager, then forwarded to the Human Resources Director. Employees must provide enough information on the form for a decision to be made, which may include a doctor's statement of condition. Requests should be made with as much advance notice as reasonably possible.

Requests for donated time from the Bank will be denied for the following:

- elective surgery;
- during any period the employee is receiving disability benefits; or
- the employee is receiving workers' compensation benefits, or any other employer provided benefits for job or service related injuries or illnesses.

Prior use of accrued time off that lead up to having a zero balance will be taken into consideration when approving a request.

Once a request has been approved, employees will be asked to make donations if enough hours are not in the bank. Time donated will only be added to the employee's sick bank each pay period and only enough to cover unpaid hours if hours have been donated. All time accrued by the employee requesting leave bank time during this time will be used first before donated time is added. Request for donated time will not exceed 90 days without the City Manager's

(5a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Police PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Sgt.
written promotional examination administered on 11/12/19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 69

(Please provide the current answer given for the question)

My answer - D (none are correct)

Test answer - A

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

The ^{test} question uses the word "SHOULD" which sounds suggestive rather than lawful.

~~The~~ The TRC Sect. 545.053 uses the word "shall".

The incorrect verbiage makes all of the answers incorrect except (D) which states none are correct.

Submitted by: A. Borjas

Date: 11/19/19

(5a)



TO: Civil Service Commission
THROUGH: Civil Service Director

RE: APPEAL OF POLICE/FIRE Police PROMOTIONAL EXAM

As an eligible promotional candidate, I am filing an appeal to the Sgt.
written promotional examination administered on 11/12/19 (date). I am
appealing (please repeat the process for each question you are appealing):

Question # 84

(Please provide the current answer given for the question)

Man answer - (D) none are correct

Test answer - (A) \$50

(Please provide what you believe to be the answer to the question. List your reasoning with source reference)

The actual answer is (B) \$10

City policy 11.05

Submitted by: A. Borjas

Date: 11/19/19

11.00 USE OF CITY PROPERTY

11.01 - GENERAL POLICY

The City attempts to provide each employee with adequate tools, equipment, and vehicles for the City job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all municipal, county, and state regulations.

Employees who bring personal property to work are solely responsible for the care and protection of such property. The City will not be responsible for personal items lost, stolen, damaged, etc.

Employees who are licensed handgun holders, or who otherwise lawfully possess a firearm or ammunition are required to store at all times during working hours firearm(s) and/or ammunition in a locked, privately owned motor vehicle in parking areas maintained by the City (Texas Labor Code, Section 52.061). Firearms or ammunition are not allowed in City vehicles except for those employees who are required to transport and or store a firearm in the official discharge of their duties (Texas Labor Code, Section 52.062).

11.02 - USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES

Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment may result in disciplinary action.

Tobacco use is prohibited when using City owned or leased tools, equipment, vehicles, etc.

No personal use of City vehicles, property, materials, supplies, tools, or equipment will be permitted under any circumstances. Violations may result in discharge and possible prosecution.

Use of City Vehicles: City-owned or leased vehicles may be used only for official City business and only be driven by authorized City employees. No passengers may be transported in City owned or leased vehicles except as required by official duties.

In some departments it is necessary to assign a specific City vehicle to an individual that involves driving the vehicle to and from their residence on a daily basis or on-call basis. In order to exercise some measure of control, all requests for driving City vehicles to and from the employee's residence must be approved

(5a)

employees who operate City vehicles. Failure to maintain a safe driving record may be grounds for disciplinary action and/or dismissal.

Employees who are assigned as a vehicle or equipment operator must immediately notify their supervisor if their driver's license is suspended or revoked. Failure to do so may result in a demotion or dismissal.

11.04 - ACCIDENT REPORTING

Any employee operating City equipment or vehicles must report all motor vehicle or equipment accidents and property damage or liability claims to his or her supervisor immediately who determines whether the police will be called. All vehicle or equipment accidents that result in injury, damage to either City or private property or may result in potential liability to the City of Waxahachie, the employee involved will be subject to a post-accident drug/alcohol test. The employee may be restricted from operating a vehicle or performing specific job duties pending the results of the test. An employee who refuses a drug/alcohol test will be considered having a positive test and may be subject to immediate termination.

Each motor vehicle or equipment accident, that involves injury or damage to property, must be reported to the police department so that an official accident report can be filed. The police department shall notify the City Manager by forwarding a copy of all accident reports involving City equipment or vehicles as soon as investigation is completed. Copies also must be sent to the employee's department head and the human resources office.

11.05 - COMPUTER, ELECTRONIC AND TELEPHONE COMMUNICATION SYSTEM

All of the City's computers, electronic and telephone communications systems are the City's property and are to be used for job-related purposes. Use of communications systems and business equipment may at the discretion of the City be monitored from time to time. Employees are cautioned that they should have no expectation of privacy while using company equipment for any purpose.

Telephones and cell phones

The City provides where possible desk top phones for business use. Personal calls should be kept to a minimum. Violations of this policy or failure to reimburse the City for the cost of personal phone use may result in disciplinary action up to and including termination.

Personal Cellular Phones : While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City business phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Therefore, personal

(5a)

appropriately. Employees may not download software programs without the express consent of their department director and the IT department. Unacceptable usage can place the City and others at risk and may result in disciplinary action.

Employees are required to safeguard their computer with an individual password. Individual passwords that are shared or revealed to others expose the employee to be held responsible for actions another party takes with the password.

Access to the Internet is a privilege that may be revoked for unauthorized use. Limited personal use is allowed but is expected to be on the user's own time and not to interfere with the employee or the department's work flow.

Each employee is responsible for the content of all text, audio or images that he/she places or sends over the City's Internet and email system. Employees should not expect that correspondence, images, audio, etc. sent over the City's Internet and/or email systems are private or confidential. Use of the City's computer system is considered public information per requirements of the Texas Public Information Act (Texas Government Code 522). The City reserves the right to examine, monitor and regulate email messages and files as well as Internet usage. Unauthorized use may result in internet and email privileges being revoked.

City internet and email access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is prohibited. Additionally, no indecent or obscene material shall be viewed or distributed.

Social Media Networking

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term "social media" encompasses: tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media. This list is not intended to be all inclusive.

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City's harassment policy covers both work and non-work time, including postings on social media sites.

Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.

Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.

Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

Revised: October, 2015