



**CITY OF NORTH RICHLAND HILLS**  
**CIVIL SERVICE RULES & REGULATIONS**

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**ORDINANCE NO. 3504 ADOPTED FEBRUARY 16, 2018**

## EMPLOYMENT-AT-WILL STATEMENT

The City of North Richland Hills is an at-will employer. The employment and compensation of Civil Service employees can be terminated at anytime during their first year of employment, with or without cause and with or without prior notice, at the option of the City or the employee. At the completion of one year of service, Civil Service employees shall be governed by the Civil Service Rules and Regulations.

The employment and compensation of non-Civil Service employees can be terminated at anytime, with or without cause and with or without prior notice, at the option of the City or the employee.

Except for contracts of employment authorized by the City Charter, no officer or employee of the City shall promise, authorize or approve any other contracts of employment with any prospective or current City employee.

## **RULE 1. DEFINITION OF TERMS**

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

### **APPOINTMENT**

The designation to a position in the classified service.

### **CERTIFICATION**

The act of the Human Resources Department in supplying an appointing authority with the names of the candidates who are eligible for original appointment or promotion to a position in the classified service.

### **CLASSIFIED SERVICE**

All civil service positions as defined by the Charter.

### **COMMISSION**

Shall mean the Civil Service Commission for the City of North Richland Hills and the Human Resources Department.

### **DEMOTION**

The reassignment of an employee from one position to another position having a lower maximum salary rate.

### **INDEFINITE SUSPENSION**

Involuntary termination of employment.

### **VACANCY**

A duly created position which is not occupied and for which funds have been allocated.

## **RULE 2. GENERAL PROVISIONS**

### **2.01 PURPOSE**

It is the purpose of these rules to give effect to the provisions of Article XVII of the City Charter. These rules set forth the principles and procedures which will be followed by the City of North Richland Hills in the administration of the City Civil Service. Nothing contained in these Rules shall be considered a contract of employment with the City by any individual. In cases where it is determined that the Civil Service Rules are in conflict with the City's Charter, the City's Charter shall control.

### **2.02 POSITIONS COVERED BY THE RULE**

These rules apply to all offices and positions except those specifically excluded by the Charter.

## **RULE 3. SWORN POLICE AND FIRE PROMOTIONAL EXAMINATIONS**

### **3.01 ~~ELIGIBILITY TO COMPETE IN EXAMINATIONS~~ CHARACTER OF EXAMINATIONS**

~~All promotional positions for sworn positions in the police and fire departments shall be open to all employees who have held a continuous position for two years or more in the classification immediately below the classification for which the examination is to be held. In the event there are not at least three qualified employees with two years of service in the next lower position to take the examination, then all employees in such classification will be eligible to take the examination. After extending the examination to all employees in the classification immediately below the position being tested and there is still less than three employees to take the examination, the examination shall be further extended to all employees in the second lower classification to the position being tested.~~ All examinations for any position shall be related to those matters which fairly test the aptitude, capacity and fitness of the persons examined to discharge the essential functions of the position. Examinations may include written, oral, physical, or performance tests, or Assessment Center Exercise. In addition to other factors, promotional examinations may take into consideration the quality and length of service where records are available to provide the basis for such rating.

### **3.02 CHARACTER OF EXAMINATIONS ELIGIBILITY TO COMPETE IN PROMOTIONAL EXAMINATIONS**

~~All examinations for any position shall be related to those matters which fairly test the aptitude, capacity and fitness of the persons examined to discharge the essential functions of the position. Examinations may include written, oral, physical, or performance tests, or Assessment Center Exercise. In addition to other factors, promotional examinations may take into consideration the quality and length of service where records are available to provide the basis for such rating.~~ All promotional positions for sworn positions in the police and fire departments shall be open to all employees who have held a continuous position for two years or more in the classification immediately below the classification for which the examination is to be held. In the event there are not at least three qualified employees with two years of service in the next lower position to take the examination, then all employees in such classification will be eligible to take the examination. After extending the examination to all employees in the classification immediately below the position being tested and there is still less than three employees to take the examination, the examination shall be further extended to all employees in the second lower classification to the position being tested.

### 3.03 EXAMINATION ADMINISTRATION

Examinations shall be announced and held at such times and places as, in the judgement of the Human Resources Department, most nearly meet the needs of the service. Testing will be **determined** by the Human Resources Department **along with the hiring department.** ~~with the following exceptions: the Police Agency Combined Testing (PACT) shall conduct and administer testing for the recruitment of police officers; and the Assessment Center Exercises, which shall be conducted and administered by an Assessment Center Board.~~ All written **and performance** tests shall be given applicants in the presence of each other, except when special accommodations are required for persons with disabilities. Written examinations shall be graded as they are completed, at the place where the examination is given and in the presence of any applicants who wish to remain during the grading. All oral examinations shall be recorded live and turned in to the Human Resources Department along with the examining board's critiques and findings.

### 3.04 RATING OF EXAMINATIONS

The following shall not apply when an Assessment Center Exercise is a method to be used in examining applicants.

Seventy percent of the questions must be answered correctly to pass a written examination. Applicants must pass the written examination (if used) to be eligible to participate in any additional method of testing.

In addition to the final score on a written examination, the following values shall be awarded:

- a. Promotional Examinations
  1. One point for each year of seniority in his/her department, but never to exceed ten points.
  2. Performance evaluation points based on the average of the last two semi-annual evaluations prior to the testing date; or Oral Review points awarded by an Oral Review Board.
- b. Entry Level Examinations
  1. Where an Oral Review Board is the only method of examination, points shall be awarded to each applicant to a maximum of thirty points. A minimum score of eighteen points is required to pass the Oral Review Board.
  2. Where an Oral Review Board is used in conjunction with any other method of testing, applicants shall be rated as

“pass/fail” and shall not be awarded points by the board.

3. For positions of original appointment only, applicants who have served in the armed forces and who received an honorable discharge shall receive five points in addition to their final achieved score.

c. Methods of Examination

Each of the following methods of examination may be used as the only method or as one method in concert with any of the remaining methods.

1. Written Examinations
2. Oral Review Board
3. Personal Interviews

Performance tests, if used, must be in concert with one of the other methods of examination.

Where the Oral Review Board examination is the only method of examination, a score of eighteen points is deemed passing. The maximum possible score for an Oral Review Board examination shall be thirty points.

An Assessment Center Exercise method of examination may be used only in conjunction with a qualifying written examination.

### **3.05 WRITTEN EXAMINATIONS/ASSESSMENT CENTER EXERCISE**

A qualifying written examination shall be administered to all eligible applicants for a promotional position in the classified service, as defined in Rule [3.02](#), when an Assessment Center Exercise is a method to be used to establish a list from which appointments to the promotional position are to be made. Applicants must answer correctly seventy percent of the questions to pass the written examination and to be eligible for the Assessment Center. The eight highest scorers passing the written exam shall be permitted to participate in the Assessment Center Exercise. In the event the written examination results in a tie among two or more persons for the eighth highest score, the individual's seniority in the department shall be the tie-breaker in determining the applicant who will be permitted to continue to the Assessment Center Exercise. The maximum achievable score for the written examination shall be equal to but not exceed the maximum achievable score for each of the remaining exercises. An Assessment Center Board, comprised of members approved by the department head, shall administer the Assessment Center Exercise. The Board members shall award



points based on each applicant's performance for each phase of the exercise. The grade which shall be placed on the eligibility list for each applicant shall be the sum of all points awarded by an Assessment Center Board plus written test score, and applicable seniority points.

Department heads will be responsible for the development of the Assessment Center process for their department which shall be forwarded to the Human Resources Director for approval.

### **3.06 NOTIFICATION OF EXAMINATION RESULTS**

Each person competing in an examination shall be notified of the rating obtained on the eligibility list or failure to obtain a place on the list. The results of each examination shall be posted on a bulletin board located in the main lobby of the City Hall within twenty-four hours after such examination.

## **RULE 4. ELIGIBILITY LISTS**

### **4.01 RE-EMPLOYMENT RIGHTS**

Regular employees who are involuntarily separated from the classified service through no fault of their own shall be placed on a seniority list in order of seniority. The reinstatement list shall be exhausted before appointments are made from the eligibility list. In the event a person refuses reinstatement, that person shall be removed from the reinstatement list. Those who have been on a reinstatement list for a period of one year shall be removed from the list.

### **4.02 ELIGIBILITY LISTS/ENTRY LEVEL**

Candidates obtaining a final passing score in examinations for an entry-level position shall have their names placed on the list for the class for which they are examined in order of their final earned rating. In the case of a tie in final ratings, names shall be placed on the list in order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names in the order in which the applications were received.

### **4.03 DURATION OF LISTS**

All eligibility lists shall remain in existence for one year unless exhausted, and at the expiration of one year they shall expire and new examinations be given.

### **4.04 REMOVAL OF NAMES FROM LIST**

The name of an eligible **applicant** on a list may be removed or withheld from certification for any of the following reasons:

- a. Making of a statement by the eligible **applicant** that he or she is not willing to accept appointment.
- b. Failure to report for duty within the time prescribed by the department head.
- c. Expiration of the eligibility list.
- d. Failure to maintain a record of current address and telephone number with the Human Resources Department.
- e. Failure to appear for an employment interview.
- f. Failure to pass all pre-employment testing and background investigations appropriate for the position for which the applicant tested.

## **RULE 5. CERTIFICATION, APPOINTMENT AND PROBATIONARY PERIOD**

### **5.01 VACANCIES**

All vacancies in the classified service shall be filled by re-employment, promotion, original appointment, transfer, or demotion as provided in these rules. When a vacancy in the classified service is to be filled, the department head shall submit a requisition for each vacancy to the Human Resources Department. This requisition shall state the class titles and other appropriate information. Those eligible shall be certified in strict order of standing on the list. If an eligibility list does not exist for the vacancy, the Human Resources Department shall conduct examinations to create an eligibility list within ninety (90) days after receiving required notification from a department head.

### **5.02 METHOD OF CERTIFICATION**

Upon receipt of a requisition for an employee, the Human Resources Department shall certify the three eligible **applicants** having the highest ranking on the eligibility list for the class of the vacancy to be filled. In the event there are less than three names remaining on a current eligibility list, then the remaining names shall be certified to the department head. The department head shall appoint the eligible with the highest qualifying score, except where the department head has a valid reason for not appointing said eligible, and in such case he shall, before appointment, file his reasons in writing for rejection of the eligible or those eligible, with the Human Resources Department.

### **5.03 APPOINTMENTS**

Appointments shall only be made from an eligibility list, except as otherwise outlined in this rule. If the eligible selected declines the appointment or is unable to serve, evidence of such refusal or inability shall be transmitted to the Human Resources Department which shall certify, if so requested, an additional eligible in place thereof.

a. **Emergency Appointments:**

In the case of an emergency which could not have been foreseen, such as but not limited to a flood, tornado, or blizzard, which requires the immediate employment of one or more persons to prevent serious impairment of the public business and for which it is not practical to secure the needed person or persons by certification for an eligibility list in time to meet the emergency, an

appointing authority may appoint any qualified person while such emergency exists. The department head, with the approval of the City Manager, shall have the right to determine whether an emergency actually exists.

b. Reappointment:

In the event that an employee in the classified service terminates his employment while his status is satisfactory, a department head may reappoint that employee to an entry level position without regard to the existence of a current eligibility list and under the following conditions:

1. That no longer than one year has elapsed since his/her termination; and
2. He/she passes a physical examination as prescribed by the Human Resources Director; and
3. That a vacancy exists.

Any such employee shall be considered appointed, for all purposes, as of his new date of appointment.

#### **5.04 PROBATIONARY PERIOD**

An employee, upon original appointment to a position in the classified service, shall serve a probationary period of twelve months. The twelve month probation shall begin with the first workday following the completion of all formalized basic training required by the department. The employee shall not have Civil Service rights until successfully completing such probationary period.

#### **5.05 EXTENSION OF PROBATION**

Subject to review and approval by the Human Resources Director, an employee's probationary period may be extended for a period not to exceed ninety (90) days. The extension of an employee's probationary period is not grounds for filing an appeal. The department head may request an extension of the probationary period when an employee's absence from work for an extended period of time did not permit an acceptable assessment of performance. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed.

## **RULE 6. SEPARATIONS AND DISCIPLINARY ACTION**

### **6.01 CAUSE FOR DISCIPLINARY ACTION**

Any action which reflects discredit upon the municipal service or is a direct hindrance to the effective performance of the municipal government functions shall be considered good cause for disciplinary action against any employee in the classified service. Circumstances constituting cause for disciplinary action are listed below, although charges may be based upon cause or complaints other than those listed:

- a. Violation of departmental rules;
- b. Violation of a personnel policy of the City;
- c. Incompetence, or failure, or inability to perform duties;
- d. Insubordination;
- e. Violation of the Charter, ordinances, or an order of a supervisor;  
and
- f. Conduct prejudicial to good order.

### **6.02 DEMOTIONS**

A department head shall have the power to demote any assigned employee for cause. The affected employee has the right to appeal such action to the Commission.

### **6.03 TEMPORARY SUSPENSIONS**

A department head shall have the power to temporarily suspend any assigned employee for cause. Such suspension shall not exceed three normal work weeks, except employees in the firefighting service whose temporary suspension shall not exceed 7 shifts. The affected employee has the right to appeal such action to the Commission. A supervisor shall have the power to relieve from duty for the remainder of a work shift any assigned employee for cause. An employee so relieved of duty shall report to his department head no later than 8:00 a.m. the next working day.

### **6.04 INDEFINITE SUSPENSIONS**

The department head shall have the power to indefinitely suspend any assigned employee for cause. The affected employee has the right to appeal such action to the Commission.

## **RULE 7. APPEALS**

### **7.01 RIGHT TO APPEAL DISCIPLINARY ACTIONS**

Employees in the classified service have the right to appeal written promotional examination questions when an assessment center is not used, disciplinary indefinite suspensions, temporary suspensions, and demotions.

### **7.02 NON-DISCIPLINARY ACTIONS**

Employment actions such as indefinite suspensions, temporary suspensions and demotions for non-disciplinary reasons may not be appealed to the Civil Service Commission. The following are grounds for non-disciplinary actions:

- a. Failure to maintain minimum job requirements
- b. Failure to maintain or secure required licenses or certifications
- c. Termination due to absence after exhaustion of all paid and unpaid leave
- d. Job abandonment

### **7.03 PROCEDURE TO FILE APPEAL**

The employee's department head shall file a written statement within five (5) days with the Commission, giving the reasons for such suspension, and furnish a copy thereof to the employee affected by such act, said copy to be delivered in person to such suspended officer or employee by said department head. The statement shall include the action taken and the effective date of such action, the rule or regulation violated, and the action on the part of the employee that was in violation of such rules or regulations. The employee will acknowledge receipt of the statement with his signature and date received. The department head shall file the statement with the Human Resources Department and shall furnish the employee with a copy. The employee shall have ten days from the receipt of the written statement to file an appeal with the Commission. Appeal forms are available in the Human Resources Department.

The department head, upon receiving a notice of appeal from an employee, shall contact the Human Resources Department and obtain an appeal number. The appeal number shall be entered at the top of the appeal form. The department head shall acknowledge receipt of the appeal form with his signature. The department head shall make two copies of the original appeal form. One copy is to be retained by the department head and one copy and the original given to the employee. The employee must return the original to the Human Resources Department within the time prescribed in Rule 7.03.

The Commission shall hold a hearing and render a decision within thirty days after said notice of appeal has been filed with the Human Resources Department. The decision of the Commission shall be rendered in writing and shall state whether the appeal is upheld, modified, or rescinded. The Commission shall not have the authority to restore an indefinitely suspended employee to any rank, position, or classification other than the rank, position or classification from which the employee was indefinitely suspended. (Charter, Art. XVII, Section 16)

A decision by the Commission as a result of an appeal hearing is final and cannot be further appealed to any agency or office within the City government.

However, an employee may appeal a decision by the Commission to District Court, Tarrant County, Texas, within ten days from the date of the decision. District Court shall hear the case and render its decision based upon the Substantial Evidence Rule.

#### **7.04 PROCEDURE FOR CONTESTED HEARINGS**

Either party may request, and subpoenas shall be issued, for any person who either witnessed the event giving rise to the discipline or who participated in the investigation of the appellant's conduct, or who, as a person in the appellant's chain of command, reviewed the report and made recommendations concerning culpability or level of discipline. No subpoena shall be issued for any person unless the applicant therefore shall state such person's involvement and what such person is expected to testify to. No subpoena shall be issued unless requested at least ten (10) days before the scheduled hearing date.

No subpoenas shall be issued for any person sought only for reputation testimony or to adduce testimony about conduct of persons other than the appellant, provided, however, city records concerning discipline may be subpoenaed and introduced through the Civil Service Director.

In extraordinary situations involving indefinite suspensions in which the appellant has, prior to requesting subpoenas, waived the thirty (30) day limit for hearings and requested subpoenas other than as permitted herein, and has stated in writing the questions which will be asked and testimony which is expected to be obtained from such witnesses for whom subpoenas would not otherwise be issued, the Commission shall hear arguments from both sides and shall determine whether such subpoenas shall be issued. The Commission may consider any affidavits from such proposed witnesses in deciding whether to issue such subpoenas.

Subpoenas will be denied if it appears that the purpose thereof is to obfuscate,

unnecessarily delay, or to increase the city's cost by requiring payment for witnesses whose testimony is irrelevant, repetitious, or of little value in determining the appeal.

Witnesses who fail to appear when subject to subpoenas shall be referred to the heads of their respective departments for disciplinary action.

Prior to presentation of the testimony, either party may invoke "the rule", which shall be treated the same as in other civil trials. By invoking the rule, all witnesses will remain in a room separate from the hearing until called to testify, and there will be no discussion of the hearing among them.

- a. **Burden of Proof:**  
The burden of proof before the Commission will be "by a preponderance of the evidence". If any party alludes to the burden being "beyond reasonable doubt" the presiding officer shall correct the party and remind the Commission of the true burden. The department head shall have the burden of proof to sustain the action. The department head shall have the right to open and close.
- b. **Opening:**  
The opening party may make an opening statement and then present their case. Following the opening statement, the other party will have the option of making an opening statement or waiting until that party's case is ready to present.
- c. **Response:**  
The responding party may make an opening statement (if the decision was made to not make such statement earlier), and then shall present the case.
- d. **Rebuttal:**  
Each party shall be entitled to enter rebuttal testimony in the order of the original presentation.
- e. **Final Arguments:**  
The person with burden of proof will be entitled to open and close. The other party will present argument after the original final argument.
- f. **Evidence:**
  1. Pre-filed. No written testimony shall be considered unless pre-filed and furnished to the opposing party at least ten (10) days before the hearing. At least ten (10) days before the



hearing, both sides shall file and furnish to the opposing party a witness list and a report containing the substance of the testimony of each witness to be called. Such reports and evidence may be supplemented, to include rebuttal witnesses and evidence, if filed at least three days before the hearing and furnished to the opposing party.

2. Live Witnesses. No live witness or testimony shall be permitted unless included in a report filed as contemplated by 1. hereof, provided, however, the Commission may, in its discretion, permit rebuttal witnesses and testimony not contained in a filed report. No witness shall be questioned about any matter not identified in a report; provided, however, unlimited cross-examination will be allowed and any matter inquired about in cross-examination may be addressed in redirect. Issues raised in cross-examination may be addressed by the opposing party to other witnesses, even if such issues were not identified by the party seeking to inquire into such matters.

Strict rules of evidence shall not apply, but the presiding officer shall have discretion to receive or exclude testimony so as to ensure a fair hearing to both sides.

- g. Deliberation:  
The deliberations of the Commission shall be private. However, the decision must be announced in public.