



CITY OF NORTH RICHLAND HILLS
CIVIL SERVICE RULES & REGULATIONS

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ORDINANCE NO. XXXX ADOPTED JULY 10, 2023

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 probationary period, with or without cause and with or without prior notice, at the option of the City or the employee. At the completion of their probationary period, Civil Service employees shall be governed by the City Charter and the Civil Service Rules and Regulations.

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 a department 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 1. GENERAL PROVISIONS

1.01 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.

1.02 POSITIONS COVERED BY THE RULE

These rules apply to all positions specified in Article XVII of the City Charter.

RULE 2. CERTIFICATION, APPOINTMENT AND PROBATIONARY PERIOD

2.01 VACANCIES

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 eligibility list. If an eligibility list does not exist for the vacancy, the Human Resources Department shall conduct examinations to create an eligibility list after receiving required notification from a department head.

2.02 APPOINTMENTS

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

1. 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, the City Manager 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.

2. Reappointment:

In the event that an employee in the classified service terminates his/her employment while his/her 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:

- a. That no longer than one year has elapsed since his/her termination; and

- b. He/she passes a physical examination as prescribed by the Civil Service Director; and

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

2.03 PROBATIONARY PERIOD

An employee, upon appointment to an entry level 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.

2.04 EXTENSION OF PROBATION

Subject to review and approval by the Civil Service 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 3. EXAMINATION ADMINISTRATION

3.01 CHARACTER OF EXAMINATIONS

All initial employment and promotional examinations 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 review board, physical/performance testing, personal interviews, or assessment center exercises.

3.02 EXAMINATION ANNOUNCEMENT AND GRADING

Examinations shall be held at such times and places as, in the judgement of the Civil Service Director, most nearly meet the needs of the service. The frequency and type of examinations will be determined by the Civil Service Director along with the hiring department. All written examinations shall be given to all applicants, in attendance, 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 applicant(s) who wish to remain during the grading.

RULE 4. INITIAL APPOINTMENT EXAMINATIONS

4.01 METHODS OF EXAMINATION

Any of the following methods of examination may be used.

1. Written Examinations
2. Oral Review Board
3. Physical/Performance Testing – If used, must be in concert with one of the other methods of examination and is scored as “pass” or “fail”.
4. Personal Interviews

4.02 SCORING OF ENTRY LEVEL EXAMINATIONS

1. 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.
2. Where an Oral Review Board or Personal Interview is the only method of examination, points shall be awarded to each applicant to a maximum of one hundred (100) points. A minimum score of (70) seventy points is required to pass the Oral Review Board or Personal Interview.
3. Where an Oral Review Board or Personal Interview is used in conjunction with any other method of testing, applicants may be rated as “pass/fail” and shall not be awarded points by the board, or if used in conjunction with other testing be scored to a maximum of one hundred (100) points.
4. Applicants who have served in the armed forces and who received an honorable discharge shall receive five (5) points in addition to their final achieved score. These points will be added to their final score.

4.03 PHYSICAL EXAMINATIONS PRIOR TO BEGINNING EMPLOYMENT

Appropriate physical examinations shall be required of all applicants for beginning positions.

RULE 5. PROMOTIONAL EXAMINATIONS

5.01 ELIGIBILITY TO COMPETE

1. All promotional positions for sworn positions 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 eligible 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.
2. The requirements of two (2) years of service in the department immediately preceding the date of promotional examination shall not be applicable to those persons recalled on active military duty for a period not to exceed twenty-four (24) months. Such persons shall be entitled to have time spent on active military duty considered as duty in the department concerned. However, any person whose absence for active military duty exceeds twelve (12) months, shall be required to serve ninety (90) days upon returning to the department before they shall become eligible to participate in a promotional examination, such period being considered essential for bringing them up to date on equipment and techniques.
3. No person shall be eligible for appointment as Chief of the Fire or Police Department who has not been a bona fide fire fighter in a fire department or a bona fide law enforcement officer for five (5) years in the State of Texas.

5.02 METHODS OF EXAMINATION

Any 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. Physical/Performance Testing
4. Personal Interviews
5. Assessment Centers

5.03 EXAMINATION ADMINISTRATION

Promotional examinations will be conducted with complete transparency to all eligible candidates. All of the below must be on the same posting and approved by the Civil Service Director prior to conducting a promotional examination. The posting must be available to all eligible candidates at least thirty (30) days before the first date of testing.

1. The types of examination(s).
2. The examination date(s), time(s) and location(s).
3. Any and all reference materials used to develop the examination(s).
4. The scoring methodology for each individual examination. For written examinations, seventy percent of the questions must be answered correctly to pass. If used, applicants must pass the written examination to be eligible to participate in any additional method of testing. Combined score of written examination and additional methods of testing scores must be seventy (70) percent or greater to be placed on the final eligibility list.
5. The scoring methodology and weighting to determine the ranking on the eligibility list.
6. In addition to the final score, candidates with a combined score of seventy (70) percent or greater will receive one (1) point for each year of seniority in his/her current rank department but not to exceed ten (10) points.

5.04 NOTIFICATION OF EXAMINATION RESULTS AND ELIGIBILITY LIST RANKING

Each candidate will be notified of their written examination results at the conclusion of examination. After all required testing is complete, the eligibility list will be provided to the appropriate department head within the next business day.

5.05 WRITTEN EXAMINATION QUESTION REVIEW AND APPEAL

Each candidate for promotion shall have the opportunity to examine their written test questions and answers with the grading and if he/she believes that a question or scoring error has been made, shall within five (5) days, appeal the same to the Department Head for review. The Department Head will make a determination on the appeal and decide the outcome of the test question(s).

appeal. The decision of the Department Head is final.

5.06 PHYSICAL EXAMINATIONS FOR PROMOTING EMPLOYEES

Appropriate physical examinations shall be required of all applicants for promotional positions as required in the qualifications. The examinations shall be given by a physician appointed by the Civil Service Director and paid for by the City. In the event of rejection by such physician, the candidate may call for further examination by a board of three (3) physicians, two selected by the Civil Service Director and one selected by the candidate, at the expense of the City, and whose findings shall be final.

RULE 6. ELIGIBILITY LISTS

6.01 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.

6.02 ELIGIBILITY LISTS/ENTRY LEVEL

Testing may consist of a written test, an oral board, or a combination of a written test and oral board. The department head will determine the method to establish the eligibility list using these testing methods and inform the Civil Service Director prior to the exam being administered.

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.

6.03 DURATION OF LISTS

All entry level eligibility lists shall remain in existence for six (6) months unless exhausted, and at the expiration of six (6) months they shall expire and new examinations be given.

All promotion eligibility lists shall remain in existence for twelve (12) months unless exhausted, and at the expiration of twelve (12) months they shall expire and new examinations be given.

6.04 BYPASSING NAMES ON LIST

The name of each candidate on the eligibility list shall be submitted to the department head three (3) times, and if passed over three (3) times with written reasons filed with the Civil Service Director, shall be dropped from the eligibility list.

6.05 REMOVAL OF NAMES FROM LIST

The name of an eligible applicant on an entry level or promotional eligibility 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.
- g. Where the department head has a valid reason for not appointing said eligible applicant. In such case the department head shall file the reasons in writing for rejection of the eligible applicant(s) with the Director of Civil Service.

RULE 7. SEPARATIONS AND DISCIPLINARY ACTION

7.01 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.

7.02 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.

7.03 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/her department head no later than 8:00 a.m. the next working day.

7.04 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 8. APPEALS

8.01 RIGHT TO APPEAL DISCIPLINARY ACTIONS

Employees in the classified service have the right to appeal disciplinary indefinite suspensions, temporary suspensions, and demotions.

8.02 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 the ability to meet minimum job requirements as described in the job description
- 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

8.03 PROCEDURE TO FILE APPEAL

The employee's department head shall file a written statement within ten (10) 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/her 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/her 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.

The Commission shall hold a hearing and render a decision within forty-five (45) 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.

8.04 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 forty-five (45) 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.