

MCKINNEY FIRE DEPARTMENT STANDARD OPERATING POLICY	
SECTION 104 – PERSONNEL	POLICY 104.XX
PERSONNEL POLICY FOR UNIFORMED FIRE DEPARTMENT EMPLOYEES	
NEW 10/26/09	APPROVED:

PURPOSE

The purpose of this policy is to secure an efficient fire department composed of capable personnel and ensure the consistent application of personnel management policies:

APPLICABILITY

- (a) This Chapter applies to uniformed non-civilian positions in the McKinney Fire Department.
- (b) Where noted specific classifications of uniformed employees are not covered by selected sections of this Chapter.
- (c) This Chapter is intended to supplement the City of McKinney Personnel Policies and Procedure Manual and serve as a replacement for the areas of classification and appointment, concern/ complaint, procedure investigation process, disciplinary actions, and miscellaneous provisions for the McKinney Fire Department.

CLASSIFICATIONS AND APPOINTMENT

Classification

- (a) The City of McKinney City shall develop and implement a classification system that details the job title duties and qualification for positions within the McKinney Fire Department.
- (b) The City shall prescribe the number of positions in each classification.
- (c) Classifications and the number of positions in each classification are subject to review and amendment at the discretion of the City.



Appointment

(a) The Fire Chief (Executive Director of Fire Services) is appointed by the City Manager and serves at his/her discretion.

(b) Assistant Chiefs and Division Chiefs (Battalion Chiefs with assignment pay) are selected by and serve at the discretion of the Fire Chief. The selection process to fill these positions is not restricted by this procedure.

(c) The following classifications selected through the hiring, promotion, assignment, or qualification testing process as defined in this policy include Battalion Chief, Captain, Firefighter-Paramedic and Firefighter-EMT-B (by promotion and qualifying testing) and Driver Operator (by assignment after qualifying testing).

(d) All other classifications not specifically set forth herein are selected through the hiring selection process as defined by department and city policy as approved by the City Manager.

Eligibility for Entry-Level Firefighter Position Firefighter EMT- P and Firefighter EMT- B

A person may not take an entrance examination for entry-level Firefighter position in the fire department unless the person meets the entrance requirements for the position established in the official job description for the position. Eligibility requirements shall be met no later than the closing date for applications received by the City for the position of Firefighter as published in the City's job posting.

Entrance Examination Notice

Entrance Examination for Entry-Level Firefighter Position (Firefighter EMT -P and or Firefighter EMT-B)

(a) The City shall provide for open competitive and free entrance examinations to provide an eligibility list for the entry-level Firefighter position(s). The examinations are open to each person who makes proper application and meets the requirements prescribed.



(b) An eligibility list for an entry-level Firefighter position may be created only as a result of a competitive examination. The examination must be based on the persons' knowledge of and qualifications for firefighting and work in the fire department and must inquire into the applicant's general education, mental ability and physical ability.

(c) Examinations for an entry-level Firefighter position in the fire department may be held at different locations and times; however, each applicant shall take the same examination and be examined in the presence of other applicants and a Proctor.

(d) Each applicant who takes the examination and physical ability test for the eligibility list shall:

- (1) Take the same examination and physical ability test.
- (2) Be examined in the presence of other applicants for that eligibility list.
- (3) Produce proper identification (i.e. drivers license) prior to admission to each test or hiring process.
- (4) An applicant may not take the examination for a particular eligibility list more than once.
- (5) The City shall keep each eligibility list for an entry-level position in effect for a period of one year unless the list has been exhausted.

Procedure for Filling Entry-Level Fire Fighter Positions

(a) The Fire Chief shall create an entry level eligibility list consisting of candidates that complete the written test with a score of 70% or higher and successfully completed the McKinney Fire Department physical ability test

- (1) The written test will be given and scored as the first part of this process.
- (2) Only applicants that score 70% or higher on the written test will be eligible to take to the physical ability test which will be a pass fail test based on the standards approved by the Fire Chief.
- (3) The entry level eligibility list established at the conclusion of the physical ability testing process will be in effect for one year beyond the date the entry level eligibility list is certified by the Fire Chief.

(b) Candidates on the entry level eligibility list shall be interviewed and rated by a Peer Hiring Committee in the order of their written test score with the highest score being interviewed first. The Peer Hiring Committee will be appointed by the Fire Chief.

- (1) The top applicants, based on the need of the department, will proceed to the next step of the hiring process. If the open positions are not filled by the applicants in this top scoring group, the next



group of applicants will be interviewed. This process will continue until all open positions for entry-level Firefighter are filled.

- (2) Applicants to be interviewed in each section of interviews will be scheduled to appear at a time and place determined by the Fire Chief.
- (3) The Peer Interview Committee shall consist of two Peer Interview Panels who will interview applicants; one panel shall represent a cross section of non-officer Operations Division personnel; the second panel shall consist of Operations Division Officers. These representatives shall be trained for the task.
- (4) The Peer Interview Committee shall interview the candidates following an established process which is the same for all candidates.

(c) The Peer Interview Panel members shall score each candidate against established criteria and generate a total candidate score. Those achieving an average interview score rated as passing 70% or higher by the Peer Interview Panel will be referred to the next step in the hiring process. Those with an average interview score below 70% will be eliminated from the hiring process. They may apply again after six months from the date of the interview.

(d) Applicants receiving an average interview score of 70% or greater beginning with the highest average total score (50% written test and 50% Interview score) will continue through the hiring process

(e) The applicant with the top average total score will be referred to the next step in the hiring process first. This priority will be used throughout the remainder of the hiring process. The applicant is required to participate and pass the following steps in order to be considered for employment:

- (1) Background investigations,
- (2) Reference checks,
- (3) Criminal history check,
- (4) Drivers license checks,
- (5) Polygraph,
- (6) Psychological evaluations,
- (7) Medical Physical Exam,
- (8) Drug Screen, and
- (9) Chiefs Interview.

Probationary Period

A person hired into any position in the fire department shall serve a probationary period of one year beginning on that person's date of employment. The probationary period may be extended for three additional months at the discretion of the Fire Chief.



A member promoted or assigned to a position shall serve a probationary period of six months from effective date of promotion.

If an employee fails in their probationary period to meet performance standards or behavioral expectations for the position or is otherwise determined to be not successful in their probationary position, the Fire Chief may dismiss new employees without appeal. Promoted or assigned employees who are demoted or relieved of their assignment will have the right to appeal the action to the City Manager or his designee after successful completion of the probationary period following the City Policy governing such appeals. The Fire Chief shall, in writing, document the unsatisfactory performance behavior or conduct that resulted in the determination that the employee has failed their probationary period.

Eligibility for Assignment as a Driver Operator

Eligibility for assignment and qualification as a Driver Operator will be determined on or about January 1st of each year beginning in January 2007. The Fire Chief or his designee will maintain an eligibility list for each position based on the qualifications met by an individual as of January 1st. This eligibility list will be maintained and used to determine which employee may test to demonstrate their qualifications for assignment as a Driver Operator.

It shall be the responsibility of each employee to fulfill the prerequisites for a particular position and provide the fire department with acceptable documentation that all applicable prerequisites have been met.

Driver Operator Minimum Qualifications Requirements

- (1) Must hold a current Driver Operator certification issued by the Texas Commission on Fire Protection;
- (2) Three years continuous or combined total service with the McKinney Fire Department on shift in a position that regularly responds to emergency incidents as a FF/EMT-P;
- (3) Class B Exempt Texas Driver's License; (4) Driving record compliant with City of McKinney policies;
- (5) Must have received a Meets Expectations or higher on the last two annual performance evaluations;
- (6) Must hold a current EMT-P certification recognized by the State of Texas for three years.

Driver Operators who are certified as EMT-B as of March 1, 2006 are grandfathered and may remain in this regular assignment under the conditions described in this policy.



Specific job assignments including but not limited to station or shift assignments will be made with the approval of the Fire Chief or his designee.

Driver Operator Assignment Qualification Process

Assignment as a regular Driver Operator will be on the basis of competitive and open testing of those members of the department that meet the minimum qualifications for this assignment on or about January 1st of each year beginning in 2007. A list will be established containing the names of those with a total score of 70% or higher and these people will be considered qualified for assignment as a Driver Operator. The person with the highest total score will be at the top of the list and the remainder will be rank-ordered according to their total score. To be considered qualified for assignment as a Driver Operator, an employee must successfully pass both the written test and practical skills demonstration test with a score of 70% or higher. Temporary assignment as a Driver Operator will be made from the existing eligibility list. Temporary assignment pay as a Driver Operator will begin as soon as such temporary assignment commences and terminate upon the cessation of the temporary assignment.

Exception

In an emergency situation such as injury, sudden incapacitating illness or any other documented emergency that requires the Driver Operator to leave a shift immediately and prior to a qualified replacement arriving to replace that Driver Operator, the Battalion Chief may approve an emergency exception for only the time it takes to fill the open position as described in this paragraph. When such an emergency exception occurs the Battalion Chief shall notify the Assistant Fire Chief explaining the facts and circumstances of this variance in policy within 8 hours of the decision to invoke this exception.

If no person on the eligibility list is immediately available and no one already in the Driver Operator position can be found to fill the temporary assignment the Battalion Chief may select the most appropriate person to step-up to fulfill the temporary duties in a higher classification until the shortage of qualified personnel can be remedied.

If an eligibility list does not exist for the Driver Operator position, the Assistant Fire Chief may select the most appropriate person(s) to create a temporary step-up list for Driver Operator with the concurrence of the Fire Chief or an interim test can be held to create a new list at the discretion of the Fire Chief. An interim list will be in effect for one year just as the annual testing. If two lists effective



dates overlap, the earliest list will be used before the annual list is activated; however, the annual test will be held within the date parameters herein.

Written Test for Driver Operator

Written tests will be held annually. The test will be held no sooner than the first day of May and shall be held within forty-five (45) days. The specific date of the test shall be approved and scheduled at the discretion of the Fire Chief and shall be posted in plain view at each McKinney Fire Department location at least 30 days before the written test is held.

On or before March 1st of each year beginning in 2007 employees meeting the minimum qualifications for assignment as a Driver Operator must provide a letter to the Fire Chief indicating their intent to sit for the Driver Operator written examination.

Those achieving a written test score of 70% or higher will advance to the Skills Demonstration portion of the testing process. Those with a written test score of less than 70% are deemed not qualified to serve as a Driver Operator at this time. They may test again the following year.

Skills Demonstration Multi-dimensional Practical Test

The Skills Demonstration process for the assigned position of Driver Operator shall include a multi-dimensional practical test that shall contain several performance tasks that may include but is not limited to:

- (1) Driving Skills,
- (2) Vehicle Operation,
- (3) Developing Specific Fire Streams,
- (4) Problem-solving and Trouble-shooting, and/or
- (5) Aerial Ladder Operation.

Each practical task will be graded by the complete performance of the task with the given objective achieved and based on predetermined benchmarks to be completed for each task. All tasks will be timed and adequate time will be given to ensure the task is done safely and properly. All performance tasks will have a set maximum time allowed. At this maximum time the task will be stopped and the scores will be assigned giving no points for required steps or actions not completed. Candidates will be required to score 70% or higher on the practical test to pass this portion of the process. Time will be used as a tie-breaker if needed on the practical test results.

The written test score will be weighted at 40% of the final score. The skills test score will be weighted at 60% of the final score. Both the written test score and



the skills test score must be above 70% to be considered qualified and eligible for assignment as a Driver Operator. This qualification list will be effective for 365 days from the date the list is established.

Eligibility for Promotion to Fire Captain and or Battalion Chief

Eligibility for assignment and promotional testing will be determined on or about January 1st of each year. The Fire Chief or his designee will maintain an eligibility list for each position on or about January 1st based on the qualifications met by an individual as of January 1st. This eligibility list will be maintained and used to determine which employees may test for a particular promotion. It shall be the responsibility of each employee to fulfill the prerequisites for a particular position and provide the fire department with acceptable documentation that all applicable prerequisites have been met. Some employees who meet the minimum qualifications for promotion to Fire Captain or Battalion Chief may not want to be promoted to the higher position but would like to serve in a temporary step-up position when the opportunity arises. To be eligible for temporary assignment to a higher position, i.e. Fire Captain or Battalion Chief, the employee must pass the written test and assessment center. An employee on an existing eligibility list that does not want to be promoted to the higher position may voluntarily ask to be bypassed for promotion but remain on the current eligibility list for the length of its term and serve in a step-up capacity as assigned.

Fire Captain Minimum Qualifications Requirements

- (a) Must be a Firefighter-EMT-P for three years or a Driver Operator-EMT-P for the McKinney Fire Department.
- (b) Must have five years continuous or combined total service with the McKinney Fire Department on shift in a position that regularly responds to emergency incidents.
- (c) Must hold a current Intermediate Firefighter Certification issued from the Texas Commission on Fire Protection.
- (d) Must hold a current Hazardous Materials Awareness Level 1 Certification from the Texas Commission on Fire Protection. Hazardous Materials Operations or Technician Level Certification is preferred.
- (e) Must hold a current Emergency Medical Technician Paramedic EMT-P Certification approved or recognized by the Texas Department of State Health Services.
- (f) Must hold a current Driver Operator Certification issued from the Texas Commission on Fire Protection.
- (g) Must hold a current Fire Instructor II Certification issued from the Texas Commission on Fire Protection.



- (h) Must hold a Fire Officer I Certification or higher from the Texas Commission on Fire Protection or at least 21 college credit hours in a Fire Science related subject (Associates degree or higher is preferred).
- (I) Must have received a Meets Expectations or higher on the last two annual performance evaluations.

Battalion Chief Minimum Qualifications Requirements

- (a) At least two years of continuous service as a Fire Captain with the McKinney Fire Department.
- (b) Must have seven 7 years experience that includes fire fighting and emergency medical services or an equivalent combination of education training and experience in a fire department of similar size and make-up as the McKinney Fire Department.
- (c) Associates degree or higher (course work emphasis in Fire Science is preferred) Fire Chief to determine if non Fire Science degree major are accepted.
- (d) Must hold a current Advanced Firefighter Certification from the Texas Commission on Fire Protection.
- (e) Must hold a current Fire Service Instructor II Certification from the Texas Commission on Fire Protection.
- (f) Must hold a current EMT-B or EMT-P Certification approved or recognized by the Texas Division of State Health Services.
- (g) Must hold a current Basic ARFF Certification or obtain within one year of appointment.
- (h) Must hold a current Hazardous Materials Operations Certification issued from the Texas Commission on Fire Protection.
- (I) Must have received a Meets Expectations or higher on the last two annual performance evaluations.

Eligibility requirements for all other positions within the fire department are defined in the official City of McKinney job descriptions for each position.

Written Test Notice for Promotions

On or before the 120th day before the date a written test is held the Fire Department shall post a notice that lists the sources from which the written test questions will be taken and the date, time and location of the written examination.

Additionally the notice shall contain the following information:

- (1) The eligibility requirements for the position being tested,
- (2) The specific requirements and date and time that the application for such promotion must be received,



- (3) The passing score (A raw score of 70% or higher) is required to advance from the written test to the Assessment Center portion of the promotional process,
- (4) A listing of the dimensions that may be used in the Assessment Center,
- (5) The passing score (a raw score of 70% or higher) on the Assessment Center is required to be eligible for inclusion on the annual eligibility list,
- (5) The formula for calculating the final score in the process - 40% written test score and 60% Assessment Center score = Final Score.
- (6) Additional points awarded to final score for Captain:
 - (a) Three points will be added to the final score for those members who are either currently assigned to a Driver position, or are on the current Driver eligibility list.
 - (b) One point for each year of service, up to three points, will be awarded to the final score for those members who have served in the Fire and Life Safety Division or the Fire Marshall Office.
 - (c) In applying (a) or (b), a total of three points is the maximum allowed for Driver, Driver eligibility list, Fire and Life Safety Division or Fire Marshal Office credit award.
 - (d) These points, added to the final score, will be used to establish the final rank order of those on the eligibility list.

On or before the 60th day prior to the date a promotional examination is held an employee eligible for the position must provide a letter to the Fire Chief or his designee indicating their intent to sit for the promotional examination.

On or before the 30th day prior to the date of the written examination is held the Fire Department shall post a notice of the date, time and place of the examination. The posting must be in plain view on the bulletin board at each McKinney Fire Department location, i.e. fire stations, Administration, Operations, Fire Prevention and Emergency Management offices. The notice must also show the position to be filled or for which the examination is to be held. Additionally the eligibility requirements and an application process for participation in the promotional process shall be posted with this notice.

Promotional Written Test Procedure

Written promotional tests will be held annually for the purpose of maintaining a list of employees eligible for the applicable position and allowing individuals to demonstrate their current capability and readiness for the higher position.

The goal of the annual promotional testing process is to create a sufficient pool of qualified personnel to meet the department's needs for new officers and for determining if personnel are qualified for temporary assignment in the higher position, i.e. step-up position. Written tests will be held annually. The test will



be held no sooner than the first day of the applicable designated month and shall be held within 45 days of the first day of the designated month listed below. The specific date of the test shall be approved and scheduled at the discretion of the Fire Chief on the following schedule.

Captain Written Exam - February **Battalion Chief Written Exam – February**

Each promotional candidate present shall be provided with an identical examination. All Candidates shall be tested at the same time and location in the presence of all other promotional candidates appearing for the test.

At the appointed time and location, a candidate role shall be verified from the submitted applications. Any person who has not met the application requirements and or does not produce proper personal identification (i.e. driver's license or MFD ID or City of McKinney ID) shall not be permitted to take the examination. No applicant shall be admitted to the examination area after the designated time.

Any person who fails to appear for a promotional examination at the appointed time and location shall forfeit their status as an applicant for the promotion.

Any examinee using or attempting to use any unfair or deceitful means to enhance their performance on an examination shall be removed from the promotional process and be disciplined in accordance with this policy.

The written examination questions must be entirely in writing and test the knowledge of the promotional candidates from the posted reference materials.

Human Resources may proctor the written test, but the Fire Chief will handle all appeals and must certify the results upon oath or affirmation of the test proctor in a memo to the Fire Chief.

Appeal of Questions

A candidate may submit an appeal concerning a question or questions on the examination.

This appeal must:



- (1) Be submitted in writing at the time the test is submitted for grading,
- (2) Contain the question number, and
- (3) Contain the complete basis for the appeal.

Only written appeals that meet the above requirements shall be considered. No other appeal is permitted or will be considered.

Consideration of Appeal(s)

The consideration of appeals shall be conducted by the Fire Chief or his designee within 24 hours of completion of the test.

The outcome of an appeal shall be:

- (a) The question is removed from the test and the maximum number of points available is diminished by one point, or
- (b) The acceptance of two or more responses as correct responses only those marking the responses deemed correct shall receive credit for a correct answer, or
- (c) The question is determined valid and the appeal is denied.

The Fire Chief shall post by department email a list indicating the number of the question appealed and the outcome as described above.

Grading of Written Test

Test grading scoring will be completed according to the requirements and procedures required by the written test supplier. Efforts will be made to have the test supplier allow for on-site test grading immediately following the completion of the written test period.

If tests are graded locally no test may be graded/scored until all personnel have completed and turned in their written test and answer sheets. If local grading of promotional tests occurs, the tests will be graded immediately following the end of the testing process. Applicants maybe present during the grading of their test if done locally using only the answer key and the applicants answer sheet. No review of the test questions during this process shall be allowed.

Human Resources may proctor the written test, but the Fire Chief will handle all appeals and must certify the results upon oath or affirmation of the test proctor in a memo to the Fire Chief.



Applicants will be notified of their final written test scores as soon as they are certified by the Fire Chief using department email and a system designed to maintain confidentiality of the written test score. The emailed list will provide the identification number of the applicant and a percentage score of correct answers.

Lateral Transfer

If no member of the McKinney Fire Department meets the minimum qualifications for Fire Captain or Battalion Chief or if no member of the McKinney Fire Department achieves a passing score on the written test for promotion to Fire Captain or Battalion Chief and an opening for a position exists, the Fire Chief may, with approval of the City Manager, hire a Captain or Battalion Chief from another fire department and laterally transfer that officer into a similar position with the McKinney Fire Department. In the event that circumstances necessitate a lateral transfer, the longevity requirement for service with the McKinney Fire Department will be waived. However, laterally transferred officers from another department will be paid at Step 1 of the McKinney Pay Plan if hired. A written test and an assessment center will be held in this circumstance as the mechanism for selection of a lateral entry Captain or Battalion Chief. Members of the McKinney Fire Department meeting the minimum qualifications for the position as described above may retest for the position at the same time. A promotional eligibility list will be created as described herein based on the final score of the testing process. Selection for the position will follow the procedures described herein:

Assessment Center

The promotional process for the rank of Captain and Battalion Chief shall include an Assessment Center. The Assessment Center shall contain multidimensional processes designed to demonstrate the skills and abilities required for the position. The assessment center shall contain at least four but not more than six dimensions including but not limited to:

- Tactical exercise,
- Personnel issue resolution exercise,
- Written exercise,
- Oral presentation,
- Background interview,
- In-basket exercise,
- Interview simulation,
- Assigned role exercise,
- Leaderless group exercise,
- Decision-making exercise,
- Chiefs Interview.



All exercises shall be designed to elicit behaviors related to the dimensions of performance of the position being tested and shall require the participants to respond to behavioral situations which parallel or resemble actual situations faced by a person in the position.

Applicants will be offered an Assessment Center preparation session prior to the date and time of the Assessment Center and will be given the specific dimensions that will be included in the Assessment Center during the preparation session.

The panel of Assessors will consist of both internal and external personnel. The exact make-up and specific people asked to be a member of the panel will be determined by the Fire Chief for each Assessment Center. Fire department assessors shall hold a rank at or above the position being assessed. Assessors will be trained by the Assessment Center Facilitator prior to conducting an Assessment Center. Each dimension will have more than one assessor with the exception of a Chief's Interview. All elements will score the performance of the applicant against a pre-established set of behavioral characteristics. At the conclusion of each dimension the assessors must arrive at a consensus score of that dimension for each applicant. Each dimension will be scored by the same set of assessors for all applicants during each Assessment Center. The score for each dimension will be added to the other scores to determine the final score on the assessment. The final score on the Assessment Center will be calculated by the Assessment Center Facilitator and certified by the Fire Chief.

Promotional Eligibility List

The Assessment Center score will be converted to a percentage of the candidates assessment center score as compared to the total points possible in the assessment center.

The Written Examination score will be converted to a percentage of the candidates written test score as compared to the total points possible on the written test.

The final score to determine eligibility for promotion converted to a percentage will be determined as follows. The Assessment Center percentage score will comprise 60% of the final score. The written test score converted to a percentage will comprise 40% of the final score. Those failing to achieve a score of 70% on either the written test or assessment center will not be considered qualified for promotion.

The promotional eligibility list shall consist of a listing of those persons who successfully completed the promotional process with a final score of 70% or higher beginning with the highest total final score descending in order to the



lowest total final passing score. These individuals will be considered qualified for promotion.

The final score shall not be calculated until all appeals have been considered, a determination has been rendered, and any necessary adjustments have been made.

When testing for Captain, from the effective date of this policy and into the future:

- (a) Three points will be added to the final score for those members who are either currently assigned to a Driver position, or are on the current Driver eligibility list.
- (b) One point for each year of service, up to three points, will be awarded to the final score for those members who have served in the Fire and Life Safety Division or the Fire Marshall Office.
- (c) In applying (a) or (b), a total of three points is the maximum allowed for Driver, Driver eligibility list or Fire and Life Safety Division credit.
- (d) These points, added to the final weighted score, will be used to establish the final rank order of those on the Captain eligibility list.

The Fire Chief shall certify the finalized eligibility list and the eligibility list shall be considered established on the date of such certification.

Tie Breaking Procedure

In the event two or more persons make identical total final scores the following procedure shall be used to break the tie and to determine placement on the final eligibility list:

- (1) Seniority in Rank. The Fire Chief shall certify the list for those persons with the same final total score in order according to which person has the most seniority in their current position.
- (2) Earliest Date of Hire. If there is still a tie, the Fire Chief shall certify the list for those persons with the same final total score after considering seniority in order according to the person with the longest service at the City in descending order to the person that was most recently hired on the McKinney Fire Department.
- (3) Drawing. Should a tie still exist after consideration of hire date and seniority the names of the tied candidates shall be written onto identical pieces of paper and placed into a container in a similar fashion. The contents shall be shaken or mixed in a manner that creates a situation where each name in the container has a relatively equal chance of being selected. One name shall be drawn out at a time by the Fire Chief without looking into the container and the names shall be ranked based on the order drawn with the name highest on the list being the



name that was drawn out first. This will continue until the names of all the tied candidates have been drawn and given a place on the eligibility list. The Fire Chief shall conduct the drawing and all interested candidates may be present during the drawing.

Posting of Eligibility List

The Eligibility List will be posted within twenty-four 24 hours of the list certification by the Fire Chief.

Duration of Eligibility List

The Eligibility List shall be in effect for 365 days beginning with the date of certification by the Fire Chief or until the list is exhausted which ever occurs first.

Promotional Status

Should an additional process be needed prior to the expiration date of a list that has not been exhausted, the current list will be utilized for promotions or assignments prior to utilization of a subsequent list that may be established.

Occupying a position on an Eligibility List does not guarantee a promotion. Promotions are subject to a number of factors that include but are not limited to:

- (a) The creation of a vacancy in the classification during the existence of the eligibility list, or
- (b) The elimination of positions in the classification for which the eligibility list exists.

Procedure for Making Promotional Appointments

When an eligibility list exists at the time and date that an opening for that position occurs and the opening is authorized to be filled, the promotion shall be made from the existing list even if the effective date of the promotion does not occur until after the list has expired.

If an eligibility list expires before the date an open position is authorized to be filled, the new eligibility list when certified will be used to fill the position unless special circumstances exist as determined by the Fire Chief warranting the extension of the existing eligibility list.

If an eligibility list for the position to be filled exists on the date the vacancy occurs or a new position is created, the Fire Chief or his designee shall arrange to



interview the top candidate on the eligibility list. The Fire Chief will certify the promotion and cause the necessary actions to occur that make the promotion effective including but not limited to the establishment of an effective date work assignments and training requirements.

Temporary Duties in Higher Classification (Step-up)

Those individuals on the eligibility list for a higher ranking position (Fire Captain or Battalion Chief) will be considered qualified for temporary assignment in a higher classification, i.e. step-up to a higher position for the duration of the eligibility list.

The temporary performance of the duties of a higher position of Fire Captain or Battalion Chief by a person who has not been promoted as prescribed herein shall not be construed as a promotion.

A person on the eligibility list who voluntarily passes up an opportunity to be promoted to Fire Captain or Battalion Chief will remain on the eligibility list for the duration of the list but shall not be considered for future promotions for the duration of that eligibility list.

Exception: In an emergency situation such as injury, sudden incapacitating illness or another documented emergency that requires the Fire Captain or Battalion Chief to leave shift immediately and leave prior to a qualified replacement arriving to replace that Officer, the Battalion Chief may approve an emergency exception for only the time it takes to fill the open position as described in this paragraph. When such an emergency exception occurs, the Battalion Chief shall notify the Assistant Fire Chief within 8 hours of the decision to invoke this exception.

If no person on the eligibility list is immediately available and no one already in the Fire Captain or Battalion Chief position to be filled can be found to fill the temporary open position the Battalion Chief with concurrence of the Assistant Fire Chief or Fire Chief may select the most appropriate person to step-up to fulfill the temporary duties in a higher classification until the shortage of qualified personnel can be remedied.

If an eligibility list does not exist for a particular position the Assistant Fire Chief may select the most appropriate person(s) to create a temporary step-up list for Fire Captain or Battalion Chief with concurrence of the Fire Chief.

Compensation for Step-up into Temporary Duties in a Higher Classification



When an individual is temporarily assigned the duties of Fire Captain or Battalion Chief the person assigned to step-up into the higher position will be paid at a rate equal to the bottom of the salary range of the step-up position or 5 percent higher than their normal salary, whichever is greater, upon commencement of the step-up assignment until such time as the person is relieved of the step-up assignment.

Assignment of Personnel

Specific job assignments including but not limited to station or shift assignments will be made with the approval of the Fire Chief.

Administrative Special Assignments

Certain administrative positions or special assignments may be filled by personnel at the discretion of the Fire Chief. There may or may not be assignment pay approved for Administrative Special Assignments.

CONCERN AND COMPLAINT PROCEDURE

Fire department employees are encouraged to properly and professionally make their concerns or complaints known to their assigned supervisor. To maintain the integrity of the organizational structure these concerns and complaints shall be managed through the established chain of command except in instances when the supervisor is the offending party or the complainant expresses a likely concern that addressing the supervisor directly would result in retaliation. In these instances the immediate supervisor shall be bypassed and the concern or complaint addressed to the next person in the chain of command. All complaints or concerns that bypass the chain of command shall be made in writing and provide the employee's reasons for bypassing their immediate supervisor.

Concern

A concern is defined as a matter having importance to the individual expressing the concern. When making a concern known the employee must:

- Address the matter in person or in writing to the appropriate supervisor,
- State the specific concern, and
- State the desired outcome or resolution, if known.

The supervisor shall:

- Listen/read the concern(s),



- Summarize the issues involved to confirm the proper understanding of the concern,
- Respond to or address the employee's concern(s) in a timely manner, and
- Maintain a record of the concern(s) and the resolution offered in memo format by forwarding copies of the concern and response through the chain of command.

Complaint

A complaint is defined as an allegation of a specific act or omission which if proven true, would amount to employee misconduct. Misconduct is an act or omission by an employee which, if proven true, would normally result in some form of discipline, sanction or remediation.

This would include but is not limited to:

- Commission of a criminal act;
- Neglect of duty;
- Violation of an agency policy, rule, regulation or procedure; or,
- Conduct or performance which may tend to reflect unfavorably upon the employee and/or department.

Any employee who observes or becomes aware of any act of misconduct by another employee shall immediately report the incident to the appropriate supervisor. If a supervisor observes or is made aware of any act of misconduct, the supervisor must take immediate and appropriate action.

Acceptance of the Complaint

(a) An external complaint may be presented to the Fire Department in person, by phone, letter or electronic media. For external complaints:

- (1) No employee shall discourage delay or interfere with an individual making a complaint; and,
- (2) Failure by any employee to record an allegation or properly process a complaint is considered to be misconduct.

(b) An internal complaint shall be made in writing and presented to the appropriate supervisor. For internal complaints:

- (1) No employee shall discourage, delay or interfere with an individual making a complaint.
- (2) Failure by any employee to record an allegation or properly process a complaint is considered to be misconduct.
- (3) All complaints shall be forwarded to the Fire Chief through the chain of command in a prompt manner;



- (4) After reviewing the complaint, the Fire Chief may elect to process the complaint or assign the complaint to a supervisor for processing.
- (c) Complaints related to the provision of EMS shall be managed in accordance with the applicable procedures as outlined in the EMS Protocols as established by the Medical Director. Such complaints shall be processed through the EMS Coordinator to the Medical Director. If not a protocol issue, such complaints will be handled through existing chain of command and the EMS Coordinator shall be informed of the nature of the complaint.
- (d) Complaints shall be placed in a complaint file and given a tracking number.
- (e) Complaints that are withdrawn may continue in the investigative process to completion at the Fire Chiefs discretion.

Investigation

Should a complaint or other matter of significance create the need to conduct an investigation, the Fire Chief may assign a specific person to conduct the investigation or may, if deemed appropriate, ask for assistance from the Chief of Police or Director of Human Resources.

The following format should be followed:

- Complaint evaluation. The complaint associated documents and reports must be evaluated.
- The specific allegations to be addressed must be determined.
- Investigation questions should be developed. The preferred order for conducting questioning is complainant, witness, other employees and then the accused employee.
- An activity log that tracks documents, meetings and events should be kept by the investigator.
- Interviews should:
 - Delve into the specifics of each allegation,
 - Identify each person involved and their specific role,
 - Resolve inconsistencies,
 - Uncover any differences with prior statements,
 - Follow a standardized list of interview questions, and
 - Explore corroboration between the facts and circumstances found and the reported complaint.

During an interview, the employee shall be instructed to cooperate and informed that a failure to cooperate amounts to insubordination and could result in another allegation against the employee. The investigator may ask the interviewee whether s/he has any questions or any further information to add that may not have been covered during the interview. The interviewee may also be asked to provide information on any additional investigative areas which may not have been considered or other possible witnesses that may help with the investigation.



The complainant should be asked if all allegations have been fully covered and if there are any allegations or issues that have not been addressed during the interview.

When the accused employee is told to report for an interview as part of an administrative investigation, s/he must be informed of the following:

- Time and location of the interview,
- Purpose of the interview, and
- That they have a right to have a representative of their choice attend the interview with them.

When interviewing the accused employee, the investigator should make sure that the accused has received and the investigator has documented:

- Specific allegations,
- Time and location of the interview,
- List of attendees, and
- The completion of a Notice of Administrative Inquiry Form.

Adjudication

Adjudication classifications are:

- Not Sustained: The investigation failed to produce sufficient evidence to either prove or disprove the allegation.
- Exonerated: The allegation in fact did occur but the actions were legal, justified, proper, and in conformance with the law and departmental city policy.
- Unfounded: The allegations concerned an act by an employee which did not occur.
- Sustained: The investigation produced sufficient evidence to prove the allegation of an act which was determined to be misconduct.
- Misconduct Not Based on the Complaint: During the investigation allegations of misconduct may be discovered which were not specifically alleged in the original complaint. These new discoveries are treated as separate allegations.

A written response may be provided by the accused to the Fire Chief within five (5) business days from the notification of the adjudication. The written response shall be included in the complaint file. If the complaint results in disciplinary action being taken, a non-probationary employee will have access to an appeal based on the level of the disciplinary action dispensed.

DISCIPLINARY ACTIONS



The Fire Chief shall have exclusive right to impose disciplinary action on any of the officers, firefighters or employees who may be under his/her jurisdiction and control for violations of City policies and/or departmental policies, rules or procedures. At the request of any officer, firefighter or employee being disciplined, as herein provided, the Fire Chief shall within five (5) workings days in writing certify the facts together with the cause for the disciplinary action to the City Manager.

Supervisors are charged with the task of providing timely feedback on both the positive and negative performance and conduct of their assigned personnel. The use of coaching should be employed to prepare and motivate employees to achieve the proper level of performance. However, coaching is not always the appropriate tool to shape the behavior and performance of an employee. Serious or critical performance issues or behavioral deficiencies must be addressed through the progressive disciplinary process.

Progressive discipline shall be utilized by Fire Department supervisors as appropriate to the situation. An employee's assigned supervisor has the authority and responsibility to take disciplinary actions at the verbal counseling level without conference with their supervisor. Disciplinary actions at the written level are the responsibility of the individual's supervisor (as an example but not by way of limitation, the Captain) following conference and approval from their supervisor (as an example but not by way of limitation, the Battalion Chief). The disciplinary actions of suspension, involuntary demotion, or dismissal are administered only by the Fire Chief. Supervisors have the authority and responsibility to identify and report incidents involving the possibility of these disciplinary actions through the chain of command.

A disciplinary action may begin at any level within the disciplinary process up to and including discharge.

Nothing in this policy shall be construed to limit the City of McKinney's authority to administer any form of disciplinary action at any time as deemed necessary.

TYPES OF PROGRESSIVE DISCIPLINARY ACTIONS

Depending on the circumstances of each case, disciplinary action should be administered progressively and will normally include in order of severity:

1. Documented Verbal Counseling
2. Written Reprimand
3. Suspension Without Pay
4. Involuntary Demotion
5. Dismissal/Termination of Employment



The severity of the particular misconduct and circumstances of a specific case may warrant the bypassing of lesser disciplinary actions up to discharge if warranted by the facts and circumstances of each particular case.

Reassignment is not a disciplinary action. Members who are reassigned may appeal such reassignment after successful completion of the probationary period to the City Manager or his designee following the City Policy governing such appeals if it impacts their pay.

Documented Verbal Counseling

- (a) Counseling shall be conducted by the employee's immediate supervisor as soon as practical after the occurrence of a minor violation or substandard performance.
- (b) The supervisor shall meet privately with the employee to discuss the violation performance or other problem when it first arises.
- (c) The specific violation or performance issues shall be explained and clear expectations of future performance or behavior shall be communicated.
- (d) The supervisor shall maintain notes of the meeting held with the employee by completing a Record of Verbal Counseling form. A copy of this form shall be forwarded to the Fire Chief.
- (e) Repetition of an offense handled via counseling will escalate the repeated offense in the disciplinary process.
- (f) Multiple counseling sessions for different instances may be combined to serve as the basis for an increased level of disciplinary action.
- (g) Verbal Counseling shall be noted in the employee's annual performance evaluation. A copy of all Record of Verbal Counseling form(s) completed during the evaluation period shall be attached to the performance evaluation.

Written Reprimand

- (a) The Notice of Written Reprimand shall be used to document unsatisfactory job performance or conduct.
- (b) The specific actions by the employee and the associated policy or performance violations must be referenced.
- (c) The Notice of Written Reprimand must also give the employee a set period of time in which to demonstrate improvement in job performance or conduct and the associated disciplinary action which may result in the failure to meet the specified level of improvement.
- (d) The employee shall be informed in the Notice of Written Reprimand of their ability to file a written appeal to the written disciplinary action within seven (7) calendar days to the Fire Chief. Failure to appeal within the specified time period or the decision of the Fire Chief as a result of an appeal shall be final.



(e) The employee shall be informed in the Notice of Written Reprimand that the document will be placed in their personnel file and a written response may be submitted for inclusion with the action within seven calendar days. Should the employee file an appeal, the employee shall have seven (7) days from the receipt of the appeal response to file a written response for inclusion in their personnel file.

(f) The Notice of Written Reprimand and appeal with appeal response and/or any employee response shall remain in the employee's personnel file permanently.

Suspension Without Pay

(a) Suspension Without Pay is a disciplinary action resulting in time off work without pay given to an employee as a result of misconduct or unsatisfactory job performance.

(b) For any one occurrence, a suspension without pay may not exceed thirty (30) calendar days (10 twenty-four hour shifts); however, any suspension without pay of more than fourteen (14) calendar days, ten (10) business days or four (4) twenty-four hour shifts must have the written approval of the City Manager.

(c) A Notice of Suspension Without Pay shall document the unsatisfactory job performance or conduct.

(d) The specific actions by the employee and the associated policy or performance violations must also be referenced.

(e) The Notice of Suspension Without Pay must also give the employee a set period of time in which to demonstrate improvement in job performance or conduct and the associated disciplinary action which may result in the failure to meet the specified level of improvement.

(f) The employee shall be informed that the Notice of Suspension Without Pay will be placed in their personnel file and shall remain there permanently.

(g) The employee shall be informed in the Notice of Suspension Without Pay of their ability to file a written appeal to the City Manager within seven (7) calendar days from the date and time of the receipt of the Notice of Suspension. Failure to appeal within the specified time period or the decision of the City Manager as a result of an appeal shall be final.

(h) Should the employee file an appeal the employee shall have seven (7) calendar days from the receipt of the appeal response to file a written response for inclusion in their personnel file.

(i) The Notice of Suspension Without Pay, any appeal, appeal response, and/or any employee response shall remain in the employee's personnel file permanently.

Disciplinary Demotion

(a) Disciplinary demotion shall only be considered as an appropriate form of disciplinary action when the employee's job performance or conduct is



unsatisfactory in the current position held and it is determined that the employee can properly meet the required job performance and should therefore be retained in a lower classification.

(b) A Notice of Disciplinary Demotion shall document the unsatisfactory job performance or conduct.

(c) The specific actions by the employee and the associated policy or performance violations must be referenced.

(d) The Notice of Disciplinary Demotion must also give the employee a set period of time in which to demonstrate improvement in job performance or conduct and the associated disciplinary action which may result in the failure to meet the specified level of improvement.

(e) The employee shall be informed that the Notice of Disciplinary Demotion document will be placed in their personnel file permanently.

(f) The employee shall be informed in the Notice of Disciplinary Demotion of their ability to file a written appeal to the City Manager within seven (7) calendar days in writing from the date and time of the receipt of the Notice of Suspension. Failure to appeal within the specified time period or the decision of the City Manager as a result of an appeal shall be final.

(g) Should the employee file an appeal, the employee shall have seven (7) calendar days from the receipt of the appeal response to file a written response for inclusion in their personnel file.

(h) The Notice of Disciplinary Demotion, any appeal, appeal response, and/or any employee response shall remain in the employee's personnel file permanently.

Termination of Employment

(a) Termination of Employment is an involuntary employment termination from the City of McKinney.

(b) If termination of employment is considered, the Fire Chief shall confer with the Human Resources Department.

(c) Should it be determined that termination of employment is the appropriate action, the Fire Chief shall give written notice to the employee with copies to the Human Resources Director stating:

- (1) The type of disciplinary action contemplated,
- (2) The specific rule(s) or policy(ies) violated,
- (3) The specific incident(s) causing the action,
- (4) The employee's right to appeal to the City Manager within the specified time,
- (5) The finality of the action if the employee fails to appeal within the specified time period, and
- (6) An opportunity for the employee to provide a written or verbal statement in response to the allegations.

(d) Upon review of any information provided by the employee, the Fire Chief shall make the final determination in writing.



(e) The termination documents shall become a permanent part of the employee's personnel file.

Appeal Procedures

(a) The following disciplinary action is appealable to the Fire Chief whose decision shall be final:

(1) Written Reprimand.

(b) The following actions are appealable to the City Manager whose decision shall be final:

(1) Suspension Without Pay,

(2) Disciplinary Demotion, or

(3) Termination of Employment.

(c) The right to appeal must be exercised within the applicable specified number of calendar days from the date of receipt of the decision.

(d) The employee must file a written request for a hearing on their appeal.

(e) A copy of the written appeal must be provided to the Fire Chief, Human Resources department and the City Manager.

(f) A copy of this written record shall be maintained in the employee's permanent personnel file.

(g) The disciplinary action appealed may be sustained, reversed, modified or amended by the person hearing the appeal based upon the evidence presented.

(h) The appeal hearing may be audio taped and, if so, the audiotape will become part of the employee's permanent personnel file.

(i) Any hearing conducted by the City Manager is informal in nature and generally shall proceed as described in Section 7.08 of the City's Personnel Policies Manual.

(j) The hearing presentation or procedure referenced herein may be modified by the City Manager in advance of any hearing provided that both sides are notified in advance of the procedure that will be utilized.

(k) Failure to follow any hearing presentation or procedure as stated herein does not create any additional appeal rights.

Job Abandonment

Job abandonment consists of absences for two or more consecutive scheduled working shifts without prior authorized leave. If an emergency situation prevents the employee from reporting for duty, the employee shall make positive contact with that employee's supervisor, manager, or command officer to explain the nature of the emergency that is preventing the employee from reporting for duty during the first working shift that the employee is absent. Leaving a voice message, email or similar non-personal contact is not sufficient. Failure to make such a positive contact will be considered an absence without leave. Every claim



by an absent employee that the absence was due to an emergency situation must be fully documented and justified. The Fire Chief shall determine if there was sufficient evidence justifying the claimed emergency situation which prevented the employee from reporting for duty and that job abandonment was either involved or not involved in the specific and documented circumstances.

Employees discharged for job abandonment shall be provided a written notice of their Dismissal but are not eligible to appeal their dismissal.

Administrative Leave

For purposes of conducting an investigation of an allegation, the Fire Chief may place an employee on administrative leave.

Employees may be placed on administrative leave with pay for up to three shifts at the discretion of the Fire Chief. This type of leave may be imposed due to the needs of the city, the department and/or the individual involved.

Administrative Leave of more than three (3) days in duration must have the approval of the City Manager.

Performance Appraisals

- (a) The City of McKinney may develop proper procedures and rules for periodic performance reviews to appraise the performance of each employee.
- (b) These reports shall be utilized to determine whether or not the employee meets the performance expectations of their position.

Force Reduction and Reinstatement List

- (a) If the City vacates or abolishes a fire department position, the employee who holds that position shall be demoted to an open position in the Fire Department below the vacated or abolished position.
- (b) If one or more positions of equal rank are vacated or abolished, the employee with the least seniority in a position shall be demoted.
- (c) If a position in the lowest classification is abolished or vacated and a reduction in force occurs, the employee with the least seniority shall be dismissed.

Political Activities



- (a) While in uniform or on active duty, an employee of the fire department may not engage in a political activity relating to a campaign for an elective position.
- (b) For the purposes of this section a person engages in a political activity if the person:
- (1) Makes a public political speech supporting or opposing a candidate,
 - (2) Distributes a card or other political literature relating to the campaign of a candidate,
 - (3) Wears a campaign button,
 - (4) Circulates or signs a petition for a candidate, or
 - (5) Solicits votes for a candidate, or
 - (6) Solicits campaign contributions for a candidate.
- (c) An employee may not be required to contribute to a political fund or to render a political service to a person or party. An employee may not be removed, reduced in classification or salary or otherwise prejudiced for refusing to contribute to a political fund or render a political service.
- (d) An employee found to have violated a portion of this section shall be disciplined commensurately with the offense.
- (e) While out of uniform and not on active duty, a uniformed member of the fire department may engage in political activity relating to a campaign for elected office including those listed in 'b.' above except that the person may not solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs.
- (f) An employee may not hold another civil office of emolument pursuant to Article 16 Section 40 of the Texas Constitution Further no employee may hold any other position or office with or without remuneration where such other position or office poses a possible conflict of interest with their position with the City of McKinney.

Unlawful Resignation or Retirement

- (a) A person commits an offense if the person accepts money or anything of value from another person in return for retiring or resigning from the person(s) position.
- (b) A person commits an offense if the person gives money or anything of value to another person in return for the other person's retirement or resignation from the person(s) position.
- (c) An offense under this section is a cause for termination from employment.

Personnel File

- (a) The Director of Human Resources shall maintain the official personnel file on each employee. The personnel file must contain any letter, memorandum or document relating to:



- (1) A commendation, congratulation or honor bestowed on the Firefighter by a member of the public, the fire department or by the City of McKinney for an action, duty or activity that relates to the person(s) official duties;
 - (2) Any misconduct by the employee, if the letter, memorandum or document is from the fire department and if the misconduct resulted in disciplinary action in accordance with this ordinance;
 - (3) The periodic evaluation of the employee by their supervisor; and,
 - (4) Any Personnel Action Form relating to the employee.
- (b) A letter, memorandum or document relating to alleged misconduct by the employee may not be placed in the person's personnel file if the employing department determined that there is insufficient evidence to sustain the charge of misconduct.
- (c) A positive or a negative letter, memorandum, document or other notation of job performance or behavior may not be placed into an employee's personnel file without their immediate notification. Notification to that employee via the City's email system shall be sufficient. Documentation that the employee was notified of the addition to their personnel file shall be included with the item filed. The employee may, on or before the fifth (5th) working day or seventh (7th) calendar day after the date of receipt of such notification, file a written response to the negative letter, memorandum, document or other notation and have such response included in their personnel file.
- (d) The employee is entitled, upon request, to a copy of any letter memorandum or document placed in the person's personnel file.
- (e) The Director of Human Resources or the director's designee may not release any information contained in an employee's personnel file without first obtaining the person's written permission unless the release of the information is required by law.
- (f) The Fire Chief or designee shall maintain an unofficial personnel file on each employee for the convenience of the Fire Chief or designee and shall ensure that official personnel file is kept up to date with the unofficial personnel file. This file shall not be released without first obtaining the person's written permission unless the release is required by law:
- (1) A request for release of information from a personnel file shall be referred to the Director of Human Resources who shall be responsible for responding to the request as appropriate;
 - (2) The Fire Chief may maintain other records specific to the position of an employee as deemed appropriate including but not limited to training records, travel records, certifications, etc.; and
 - (3) Records containing HIPAA restricted medical information shall be maintain separately from other records in the employees personnel file.

Other Policies Procedures Rules and Guidelines



The Fire Chief shall have authority to prescribe policies, rules, procedures or guidelines not inconsistent with the Charter or Ordinances of the City for the conduct of the Fire Department and the preservation of the records and property under his control.

Subject to the control and supervision of the City Manager in all matters, the Fire Chief shall be the Executive Director of the Fire Department and shall manage the department.

Forms Attached

- Record of Verbal Counseling
- Disciplinary Notice

