SECTION 26.  PROCEDURE FOR FILLING BEGINNING POSITIONS

See Texas Local Government Code § 143.026.

The following process begins with the successful completion of the Civil Service entrance examination that is administered by the Director.

An applicant who at any point in this process fails to meet any scheduled appointment, fails to provide any required paperwork by the specified deadline, or otherwise fails to perform as required by the Arlington Fire Department or City of Arlington Human Resources staff, may be disqualified from employment.

Applicant may also be disqualified for employment based on any relevant factual information obtained during the hiring process. When an applicant is disqualified for employment, the Department Head or his/her designee will notify the Director of the reason(s) for the determination in writing.

A.  ELIGIBILITY LIST AND REQUEST FOR CERTIFIED LIST

1. The Director provides the Department Head with an Eligibility List (the List) of Applicants. The List is comprised of the names and scores of the applicants who successfully complete the entrance examination. The List is ordered by the exam scores plus any points available for being honorably discharged from the armed services of the United States, from highest to lowest. Tied scores are addressed according to these Rules.

   The List expires when it no longer contains the required number of applicants to form a Certified Eligibility List or when its expiration date arrives.

2. The City Council determines the number of positions allocated to the Fire Department in the Classification Ordinance, as amended. The Fire Department determines the number of positions to be filled based on vacancies in approved positions. The Department Head determines if and when entry-level positions will be filled, as well as the number of applicants required. The Department Head informs the Director of the cause for any candidates being deemed unsuitable during the hiring process. The Director is responsible for officially disqualifying candidates deemed unsuitable from further consideration.

3. Once the Department Head, or his/her designee, determines that a vacancy is to be filled, he/she must send a memo to the Director requesting a Certified Eligibility List comprised of the suitable applicants who remain in the process.

B.  ADDITIONAL REQUIREMENTS FOR EMPLOYMENT

Applicants will be deemed disqualified for employment if the following items are not met and/or if the applicant has deliberately falsified or failed to provide any of the requested
information. These items are all required, but their order may be varied to suit the circumstances.

1. **Physical Fitness and Ability Test**

   The Fire Department selects a date for the physical fitness and ability test to be held. Firefighter applicants are notified of the date, time, and appropriate attire for this test. Fire Prevention Inspector applicants will not be required to take the physical fitness and ability test.

   The physical fitness and ability test for the Fire Department’s beginning position of Firefighter is a timed run and series of events designed to measure the ability of applicants to perform physical tasks that they may reasonably be expected to encounter as firefighters. It is periodically reevaluated and will continue to be revised as needed to reflect actual requirements of the job. All applicants from the same eligibility list shall be subject to the same physical fitness and ability test within their type of civil service classification. Details of the current specific events utilized in the test can be obtained from the Director. A sample of details is attached as Exhibit A.

2. **Oral Interview**

   The applicants who have passed the physical fitness and ability test, background checks, and polygraph test are requested to report for the oral interview process. At the interview, the applicant is presented to an Interview Board. The Interview Board is comprised of members of the Department selected by the Department Head or his/her designee, and at least one (1) member from one of the lowest two (2) classifications in the Fire Department.

   Each Interview Board member is issued an evaluation form and asked to provide their written opinion of the suitability of the applicant. The applicant is closely questioned on the responses in the Personal History Statement. The applicant will be required to satisfactorily complete the oral interview process, including but not limited to, completing any personal or automated interview process and verbally communicating effectively. The applicant also will be required to demonstrate an understanding of the roles and responsibilities of an Arlington Firefighter or Fire Prevention Inspector, presenting the maturity expected of an employee in those roles. The evaluation forms will be delivered to the Department Head or his/her designee at the conclusion of all the interviews.
3. **Background Check**

   The Background Check will consist of a review of the Arlington Fire Department employment application and the “Department Personal History Statement for Applicants.” The applicant’s references may be contacted and interviewed. The applicant’s work history, driving record, and criminal record will be documented and reviewed. Fire Prevention candidates with existing TCOLE licenses may have additional sources of review.

4. **Polygraph Test**

   Applicants shall be given notification instructing them to report for the polygraph test. The administration of the test may be performed by a private agency and the results are returned to the Fire Department.

5. **Suitability Memorandum**

   Individuals who do not pass the physical fitness and ability test, background check, and polygraph test are not to be certified as suitable for a beginning position. The Department Head or his/her designee must send a memo to the Director stating the cause for unsuitability.

6. **Certified Eligibility List**

   Upon receipt of the Department Head’s memo, the Director prepares a “Certified Eligibility List,” which certifies qualified, suitable individuals from whom the vacancies are to be filled. The “Certified Eligibility List” shall number two (2) more than the number of vacancies to be filled and shall consist of those applicants remaining on the Eligibility List taken in order until the required number is reached, or the list is exhausted.

7. **Conditional Offer of Employment**

   The Chief Executive or his/her designee may conditionally offer employment to the first applicant on the “Certified Eligibility List” contingent upon passing a drug screen and alcohol test, medical and psychological examinations and being appointed in accordance with Tex. Local Gov’t Code Section 143.026.

8. **Drug Screen and Alcohol Test**

   The applicant is instructed to report for a standard drug-screening laboratory test. The test type used is a urine analysis. The applicant may also be instructed to report for a breathalyzer examination to test for alcohol impairment. (A reading of .02% blood alcohol or greater shall be considered failing and render the applicant unsuitable.)
9. **Psychological Evaluation**

Applicants for a civil service position must be certified by a licensed psychologist or psychiatrist, appointed by the Commission or its designee, to be in satisfactory psychological and emotional health appropriate to the duties and functions of the respective position.

Applicants who fail to be certified as psychologically fit to perform the duties of a Firefighter or a Fire Prevention Inspector by an appointed, licensed psychologist or psychiatrist are deemed unsuitable. In accordance with Tex. Local Gov’t Code Section 143.022, applicants deemed unsuitable under this cause may request another examination by an appeals board of three (3) psychiatrists, or psychologists, as appropriate, appointed by the Commission or its designee. The applicant must pay for board examination and provide the Director a release to allow the healthcare provider to disclose information concerning the applicant in accordance with the law. The board’s decision is final.

10. **Medical Examination**

Applicants must be declared physically sound and medically free from defect which may adversely affect the performance of the duties of a Firefighter or Fire Prevention Inspector. To this end, applicants must be certified by a licensed physician appointed by the Commission or its designee in accordance with Chapter 143 to meet or exceed the physical requirements in (accordance with NFPA 1582) as established by the Commission for the position for which application has been made. Firefighter and Fire Prevention Inspector applicants must achieve a minimum fitness rating of 3 (Good) or better by the Fire Department Physician.

In accordance with Tex. Local Gov’t Code Section 143.022, applicants deemed unsuitable under this cause may request another examination by an appeals board of three (3) physicians, appointed by the Commission or its designee. The applicant must pay for board examination and provide the Director a release to allow the healthcare provider to disclose information concerning the applicant in accordance with the law. The board’s decision is final.

11. **Revocation of Conditional Offer**

If the applicant fails to pass any of the conditional requirements in the Chief Executive’s Conditional Offer of Employment, then the Conditional Offer of Employment will be revoked, and the applicant will be temporarily or permanently disqualified in accordance with these Rules. The Chief Executive has the right to bypass the highest-grade applicant for good cause in accordance with Tex. Local Gov’t Code Section 143.026.
C. PREFERENCE TO CERTIFIED APPLICANTS

In making appointments from an eligibility list, the Chief Executive, at his/her discretion, may give preference to applicants who already possess the required national and/or state certification(s). This may result in non-certified applicant(s) being bypassed to reach certified applicants on the eligibility list. Existing certifications shall constitute a valid reason for bypass under Section 143.026(a) of the Tex. Loc. Gov’t Code.

D. CANDIDATE’S ACCEPTANCE

A candidate’s offer will be withdrawn if he/she does not notify the City in writing, within seven (7) calendar days, of acceptance of the job offer.

E. REMOVAL OF CANDIDATE FROM ELIGIBILITY LIST

The name of any suitable person who has been offered appointment and declines the appointment may be stricken from the eligibility list by the Director or his/her designee.

F. CAUSES FOR DISQUALIFICATION FOR FIREFIGHTER OR FIRE PREVENTION INSPECTOR APPLICANTS

1. The following causes will result in a temporary disqualification of the applicant from employment in the Arlington Fire Department until the standard is met, the applicant successfully retakes the written examination and the applicant is otherwise eligible under these Rules:

   a. Applicant has failed to comply with any of the minimum requirements or qualifications for a beginning position as established by Chapter 143 or these Rules;
   
   b. Applicant has failed to provide proof of completion of high school, such as a diploma, transcript, General Equivalency Diploma, or other proof which is acceptable to the Department Head;
   
   c. Applicant has not attained the age of nineteen (19) years at the time the position is offered to the applicant;
   
   d. Applicant has failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Fire Protection and Texas Department of State Health Services;
   
   e. Applicant has failed to meet the standards prescribed by the Texas Commission on Law Enforcement, if the person is being appointed to Fire Prevention Inspector classification;
   
   f. Applicant has failed to provide proof of discharge for military services;
g. Applicant driver’s license has been suspended within the last two (2) years;

h. Applicant has a driving record or driving violations that are incompatible with the safe operation of emergency vehicles or which presents potential liabilities to the City of Arlington, including three (3) or more moving violations or preventable accidents in the preceding thirty-six (36) months or reckless driving within the preceding sixty (60) months;

i. Applicant is not a citizen of the United States of America;

j. Applicant has failed to demonstrate his/her ability to read, write, and fluently speak the English language;

k. Applicant was unsuccessful on the written examination;

l. Applicant has not successfully completed the physical fitness and ability test, as determined by the Department;

m. Applicant has unsuccessfully completed a polygraph test;

n. Applicant has failed to receive the required approval for employment by the Commission’s psychologist, psychiatrist, or medical doctor;

o. Applicant has failed to complete or satisfactorily meet the employment process requirements of the Fire Department, including but not limited to: missed appointments, failure to return necessary paperwork, failure to notify the Department of changes in address or telephone numbers, or has otherwise failed to complete the proper application process;

p. Applicant has failed to complete or obtain satisfactory results of the Interview Board process;

q. Applicant has admitted conduct that constitutes a Class A or Class B Misdemeanor under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice and/or has accepted probation and/or deferred adjudication for such conduct. Temporary disqualification until the statute of limitation expires for the applicable violation and the applicant has demonstrated an appropriate improvement in judgment;

r. Applicant has been convicted of conduct that constitutes a Class B Misdemeanor (e.g., First Offense DWI) under state or federal law, to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation within the last ten (10) years;

s. Applicant has been found to have used or has admitted to the recreational
use within the last two (2) years of marijuana, or tetrahydrocannabinols (THC) naturally contained in Cannabis, as well as synthetic equivalents or resinous extractives, derivatives, and their isomers with similar chemical structure and pharmacological activity, except for CBD oil containing no THC component;

t. Applicant has been found to have used or has admitted to the use of methamphetamines, speed, crank, crack, or any other form of cocaine, steroids, or any other controlled substances without a prescription, or felony grade substances as defined in the Texas Penal Code within the last ten (10) years;

u. Applicant has been found to have abused or has admitted to abuse of legally obtained prescription medications or illegal use of prescription medication of another person. Conduct involving abuse and/or misuse of prescription medication shall be considered on a case-by-case basis with consideration given to circumstances and time of occurrence;

v. Applicant has been found to have used or has admitted to illegal use of anabolic steroids within the last ten (10) years;

w. Applicant has charges that are pending for any criminal offense, other than Class C traffic offenses;

x. Applicant has a history of unstable work including, but not limited to, short terms of employment over the applicant’s employment history; termination of employment without proper notice; dismissal from any public safety position; and/or has been disciplined, dismissed, or resigned in lieu of dismissal from any employment for inefficiency, delinquency, misconduct, or policy violations, unless otherwise determined reasonable by the Department Head;

y. Applicant has exercised poor judgment skills within the preceding five (5) years by demonstrating immaturity or poor judgment in the applicant’s decision- making process, such conduct including, but not limited to: (1) attendance at parties or social functions at which controlled substances or dangerous drugs are consumed, and such activity is known or should have been known by the applicant; (2) silent acceptance of known illegal conduct by others in his presence; (3) workplace behavior/decisions that adversely affect the business or associates, with little or no objectively justifiable need for such behavior. Applicant is disqualified until judgment shows improvement;

z. Applicant’s name appears on the Inspector General (OIG) List of Excluded Individuals/Entities indicating those who have been debarred, suspended, or otherwise deemed ineligible to participate in the federal healthcare programs, managed under the U.S. Department of Health and Human
Services (DHHS) (i.e. Medicare and Medicaid) until removed, regardless of whether the applicant’s position will include billing;

aa. Applicant is unable to comply with Fire Department Uniform Standards; or

bb. Applicant has a prohibited relationship: Employment of related persons by the Fire Department is not allowed. The provisions of this section apply to persons from outside the City workforce who are applying for employment with the Fire Department. Restrictions on persons who are already employed by the Fire Department, and who become related to another person who is employed by the City, are specified in the City of Arlington Personnel Policies.

i. **Scope.** For the purposes of determining a relative relationship (Nepotism) only, Fire Department employee includes probationary, regular full-time and part-time employees.

ii. **Relative.** The following relatives are prohibited from being hired:

   (1) Any person related by blood or adoption as follows:

   (a) mother or father
   (b) daughter or son
   (c) sister or brother
   (d) grandmother or grandfather
   (e) granddaughter or grandson
   (f) niece or nephew
   (g) aunt or uncle
   (h) first cousins

   (2) Any person who is married to any person specified above; or

   (3) An employee’s spouse and any person related to the employee’s spouse as specified above.

iii. **Disclosure.** All persons applying for employment are required to disclose any relative serving as the Mayor or as a Council Member and any relative who is employed by the City.

2. The following causes will result in a **permanent disqualification** of the applicant from employment in the Arlington Fire Department:

   a. Applicant is thirty-six (36) years old or greater at the time of appointment;

   b. Applicant has been convicted of, received deferred adjudication for or probation for a misdemeanor involving moral turpitude, a Class A Misdemeanor, or for a felony under State or Federal law or a Uniform Code
of Military Justice equivalent violation, bribery, official oppression, or arson;

c. Applicant has a history of substandard performance and/or a negative recommendation or referral from his/her fire and/or EMS training school, unless otherwise determined by the Department Head;

d. Applicant has made a false statement in any material fact; withheld information, practiced or attempted to practice deception or fraud in his/her application, examination, background investigation, polygraph examination, or medical examination;

e. Applicant has failed a background check or is unable to obtain CJIS area access clearance, unless otherwise determined to be a temporary issue by the Department Head;

f. Applicant has admitted to conduct involving a felony or a crime or act of moral turpitude that, given the nature of the event, has the potential for the conduct to impact the applicant’s ability to perform public safety duties and to uphold the expected conduct and image required of a Firefighter or Fire Prevention Inspector;

g. Applicant is registered as a “sex offender”;  

h. Applicant has been convicted of any family violence offense;

i. Applicant has tested positive for alcohol, marijuana or cannabis derivatives, or any controlled substance on the pre-employment drug and/or alcohol tests;

j. Applicant has been found to have used or has admitted to the use of methamphetamines, speed, crank, crack, or any other forms of cocaine, on more than three (3) occasions;

k. Applicant has been found to have used or admitted to the use of heroin or any heroin-based substances, opium, PCP, Ketamine, intentionally used LSD, or has sold or distributed marijuana or any other controlled substance; or

l. Applicant has been rejected as a witness by a criminal prosecutor for Brady violations and/or being placed on a Brady list or disclosure list under the Michael Morton Act and/or Section 39.14 of the Code of Criminal Procedure, unless otherwise determined by the Department Head.