

PROPOSED CSB RULE CHANGES
APPROVED BY CSB ON SEPT, 15, 2010 MEETING
FOR CITY COMMISSION CONSIDERATION 12/7/2010
Prepared by C. Hurd As of 08/26/10

PROPOSED RULE CHANGES 09/15/10 – REGARDING FIRE PROMOTIONAL

PROCESS

III. TESTED POSITIONS; APPLICATIONS

A. Tested Positions

1. Unless otherwise authorized by Resolution of the City Commission, the Board shall provide examinations only for applicants for the positions of lieutenant and sergeant in the Police Department and driver/engineer and captain in the Fire Department. Examinations shall test both general knowledge and knowledge specific to the position sought.

B. Notice of Examinations

1. Promotional examinations are initially noticed at the start of the calendar year, as per Rule IV.C.1, or in accordance with a collective bargaining agreement, and study materials shall be identified at such time or at a reasonable time thereafter.
2. Formal notice of promotional examinations shall be posted in the office of the Clerk of the Board as well as in the Department affected for a period of four (4) weeks prior to each examination. Such notice shall give date and character of examination and shall indicate the class or rank of those eligible. The notice shall specify that applicants for promotional

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examination shall register with the Clerk at the office of the Clerk of the Board during the four (4) week period specified above and not less than five (5) business days before the scheduled testing date.

3. The Clerk shall send individual notice of the exam to each candidate named on the eligibility list which is supplied by the affected Department.

C. Filing of Examination Applications

1. Applications for promotional examinations must be filed in writing with the Clerk of the Board in person, by U.S. mail or interoffice mail, during the four (4) week period prior to the scheduled test date, but in no event less than five (5) business days before the scheduled test date for the applicant to be eligible for testing.
2. Applications may be denied or disqualified in the event the candidate does not meet eligibility standards as provided in Section III.D. and E.

D. Basic Eligibility

1. Police Department: Subject to eligibility and verified by Police/~~Fire~~ Dept and Human Resources, every applicant shall be of good character and, subject to applicable state and federal employment laws, have the mental and physical ability to perform the duties of the position. Every applicant for the Police ~~and Fire~~ Departments shall be a citizen of the United States. Applicants shall provide the Board with such certificates of competency or

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other licenses, as the law requires, as evidence of the necessary education,
training or experience for the position.

2. Fire Department: Eligibility shall be determined by the Fire Department and Human Resources, in accordance with the collective bargaining agreement.

E. Disqualification

1. Police Department: Consistent with federal, state or local law, the Board may refuse to examine an applicant or may after examination refuse to certify an applicant who:
 - a. is found to lack any of the established minimum requirements of the position for which he or she applies; or
 - b. is physically unfit and fails to pass a required medical examination for the position to which he or she seeks appointment; or
 - c. is addicted to the use of intoxicating beverages to excess, or to the use of drugs; or
 - d. has been dismissed from the public service or from other employment for delinquency or other good cause; or
 - e. has made a false statement to the Board of any material fact; or

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- f. has practiced or attempted to practice any deception or fraud in his/her application or examination, or in securing his eligibility or appointment; or
- g. has used or threatened to use, or attempted to use political influence in securing employment, reemployment or promotion.

2. Fire Department: Consistent with federal, state or local law, the Board may refuse to examine an applicant or may after examination refuse to certify an applicant who is determined to be ineligible in accordance with the collective bargaining agreement.

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RULE IV. EXAMINATION ADMINISTRATION

A. Testing Agent

1. The Board shall be responsible for selecting an independent person or firm responsible for creating the promotional exam from agreed upon reference materials (the "Testing Agent".)
2. The reference material for each examination shall be reviewed and agreed upon by the Chief of the Fire Department or Police Department (as applicable) to make certain it is valid and appropriate.
3. The Testing Agent shall be responsible for providing a pool of questions from the agreed upon reference material for each promotional level of the Police Department and Fire Department subject to these Rules and Regulations.
4. Before the promotional examination questions are used for an examination, the questions must be reviewed by the Chief of that department, or a designee of the Chief, to make certain they are valid and appropriate.
5. One hundred (100) questions will be selected at random by the Testing Agent from the pool of examination questions to be used for each promotional examination. No question will be used more than once.
6. Each examination shall consist of 100 questions and be graded on a basis of a 100 maximum point score.

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7. Examinations shall be preserved until any appeals are resolved and the Board accepts the scores and reports the results as final. The examination results will be made part of the permanent records of each employee who takes the examination.
8. All testing material shall be secured by the Clerk of the Board. The Clerk of the Board shall ensure security and confidentiality of the examinations by proper storage in the office of the City Clerk prior to test administration and by forwarding all examinations by a traceable air courier or by registered or certified mail to the Testing Agent for grading after administration. The Testing Agent shall grade all examinations and return the results of the graded examinations to the Clerk of the Board by a traceable air courier or by registered or certified mail.
9. During the review period (see section III.H.1), applicants may submit challenges in writing to any question or answer on their examination. The Board shall forward all challenges to the Testing Agent. After review of the challenges, the Testing Agent shall report recommendations to the Board. Recommendations may include accepting more than one answer as correct, changing the answer, or deleting the question in its entirety. In light of these recommendations, the Board shall determine whether all examination(s) should be regraded. Final scores shall be based on the total number of examination items that remain, adjusted accordingly.

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B. Examination Procedure

1. Examinations, for security purposes, shall be administered on a weekday.
2. The Test Control Officer ("TCO"), a monitor designated by the Board, and at least one Board member will be present to monitor all promotional examinations.
3. Either the Clerk of the Board or another person as designated by the Board shall be the TCO. Responsibilities of the TCO shall include:
 - a. Confidential handling of testing materials and results, including but not limited to:
 - i. Ordering the testing material in appropriate quantities in time for test administration.
 - ii. Receiving the testing material from the Testing Agent;
 - iii. Verifying the testing material received; and
 - iv. Storing the testing material in the office of the City Clerk.
 - b. Authentication of all purchase requisitions for testing material after the Board's authorization to pay is secured.
 - c. Adhering to all procedures set forth in these Rules to assure proper test security and handling of the testing material:

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- i. Testing material will be secured with the City Clerk until it is ready to be transported to the testing site.
- ii. Upon completion of the examination, all testing material and answer sheets will be re-secured with the City Clerk, or returned to the Testing Agent if required.
- iii. Testing material will not be moved unless in the presence of the TCO and a Board member.

C. Schedule of Examinations

1. Fire examinations shall be administered in accordance with the collective bargaining agreement. ~~on a semi-annual basis with the schedule predetermined at the beginning of each calendar year, provided, however, that a~~ A scheduled test need not be given if there are no persons eligible for the test at such date or if there are no requests for the test from those eligible at such date.
2. Police exams shall be administered on an annual basis with the schedule predetermined at the beginning of each calendar year. If there are no persons eligible for the test, or if there are no requests for the test from those eligible at such date, a scheduled test need not be given.

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3. Examinations may also be administered on an as needed basis. If there are person(s) eligible for the test and the Department(s) petition the Board in writing and request a testing date, the Board may, by a majority vote, schedule additional testing dates at its discretion.

D. Promotional Eligibility Lists

1. The Police ~~and Fire~~ Departments shall maintain promotional eligibility lists for positions of sergeant and lieutenant of the Police Department ~~and driver/engineer and captain of the Fire Department~~. Each list shall contain the names of the persons who are deemed by virtue of the examination process to be qualified to perform the duties required by the position. The results of the promotional examination(s) will be listed in grade order and used to determine the ranking of the individuals qualifying for the promotional eligibility list. The Board shall have the right of review of all promotional eligibility lists to ensure their fairness and accuracy. In the event a vacancy occurs in a promotional position for which an eligibility list exists, the Department Head shall promote from the current promotional eligibility list before it expires.
2. Unless provided otherwise by a collective bargaining agreement, the duration of a police promotional eligibility list shall be in effect for a period of twelve (12) months. The Board may extend the life of a police promotional eligibility list by majority vote, unless such extension would conflict with a provision of a collective bargaining agreement.

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3. The Fire Department shall maintain promotional eligibility lists for the positions of driver/engineer and captain of the Fire Department in accordance with the collective bargaining agreement. Each list shall contain the names of the persons who are deemed by virtue of the examination process to be qualified to perform the duties required by the position. The Board shall have the right of review of all promotional eligibility lists to ensure their fairness and accuracy. In the event a vacancy occurs in a promotional position for which an eligibility list exists, the Department Head shall promote from the current promotional eligibility list in accordance with the collective bargaining agreement.

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RULE V. PROMOTION

A. Advancement, Eligibility

1. Whenever a vacancy in the Police and Fire Department exists at a level above the lowest in the Department, it shall be filled in accordance with the procedures set forth in the collective bargaining agreement and departmental directives.
2. Promotional examinations shall be taken by personnel in the Fire and Police Department in the next higher step only from the position held by the individual.
3. The Police and Fire Departments shall provide the Board with a list of eligible candidates based on the following conditions (subject to amendment by the Police and Fire Department collective bargaining agreements):
 - a. ~~A firefighter must be of good standing in his/her grade for three (3) years before being permitted to take a promotional examination for driver/engineer. A driver/engineer must be in his/her grade for three (3) years before being permitted to take a promotional examination for captain.~~

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ab. A patrolman must be of good standing in his/her grade for three (3) years before being permitted to take the promotional examination for sergeant. In the event a patrolman has or completes an associate degree in police science or an appropriate police-related field, he/she shall be in his/her grade for two and one-half (2-1/2) years before taking a promotional examination for sergeant. In case of a bachelor's or higher degree, the time-in-grade requirement shall be two (2) years.

be A sergeant must be of good standing in that grade for three (3) years before being permitted to take a promotional examination for lieutenant. The time-in-grade requirement shall reduce to two and one-half (2-1/2) years in grade with a police-related associate's degree; two (2) years in grade with a bachelor's degree; and one (1) year in grade with a master's degree in an appropriate field.

~~ed.~~ ~~A lieutenant must be of good standing in that grade for three (3) years before being permitted to take a promotional examination for captain.~~

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43. The yearly periods required for giving police promotional examinations may be waived, provided no one is eligible to take a promotional examination to the next higher grade. If no one is eligible after a one year waiver, a waiver of one more year may be granted by the Board at the request of the Department Head. This applies only in the examination for ~~driver/engineer and captain in the Fire Department~~, sergeant and lieutenant in the Police Department.
54. Police Department ~~E~~mployees may be considered eligible to take promotional examinations if they are on an authorized leave of absence.
6. The Fire Department shall provide the Board with a list of eligible candidates in accordance with the collective bargaining agreement.

B. Seniority

1. The weight to be given to seniority in a police promotional examination shall in no case exceed 1/10 of the total grade on an examination. Credit shall be given only for actual service in the class or rank, whether continuous or not, after making deductions for time off for personal reasons, illness, suspensions or layoffs. The grade to be entered for seniority shall be obtained by consulting the following table. Seniority credit(s) shall be added to an examination score only after the applicant attains a passing grade on the examination i.e., 70 or better. Note: Periods less than six (6) months

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shall be ignored, while periods in excess of that, but less than one (1) year,
shall be counted as whole years.

SENIORITY TABLE

First six months	0.5
First full year	1.0
Second full year	1.5
Third full year	2.0
Fourth full year	2.0
Fifth full year	3.0
Sixth full year	3.5
Seventh full year	3.5
Eighth full year	3.75
Ninth full year	4.0
Tenth full year	4.0
Eleventh full year	4.5
Maximum twelve years	5.0

2. Fire candidate seniority shall be determined by the Fire Department in accordance with the collective bargaining agreement and department policies and procedures.