

## **CAUSE FOR REJECTION OF APPLICANTS FOR FIREFIGHTER.**

The City may reject an applicant for Firefighter for one or more of the following reasons listed below. Time calculations for an action that constitutes rejection for a specified period of time shall be calculated from the date the application for employment is submitted by an applicant.

- (a) Applicant fails to pass any part of the entrance examinations;
- (b) Applicant fails to make application in the manner prescribed in the notice of examination, and/or fails to file the application with the Director within the time limits prescribed in the notice of examination;
- (c) Applicant fails to meet Minimum Standards for certification as set forth by the Texas Commission on Fire Protection, the Texas Department of State Health Services, or the Texas Commission on Law Enforcement Standards and Education.
- (d) Applicant is not a citizen of the United States of America by birth or naturalization. The applicant shall be considered disqualified until citizenship is obtained in compliance with federal laws.
- (e) Applicant fails to demonstrate his/her ability to read, write, and fluently speak the English language. The applicant shall be disqualified until the deficiency is corrected.
- (f) Applicant is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation.
- (g) Applicant has been convicted of or admitted to conduct which constitutes a felony under state or federal law, to include the UCMJ. Conviction of or admission to conduct that constitutes a felony shall result in permanent disqualification. Applicant must not have received an unadjudicated or deferred adjudication or be on parole for a felony offense as an adult. Applicant committed a violent felony offense or felony sexual assault as a juvenile.
- (h) Conviction of or admission to conduct that constitutes a Class A or Class B Misdemeanor under the Penal Code or equivalent under federal law, to include the Uniform Code of Military Justice (UCMJ), except for marijuana use, within the past ten (10) years may result in a temporary rejection. Conviction of or admission to conduct that constitutes a Class A or Class B Misdemeanor may result in a temporary rejection. Applicant cannot have formal criminal charges above a Class C misdemeanor pending before a Grand Jury or District Attorney's office. Crimes involving moral turpitude may result in permanent disqualification and shall be considered on a case-

by-case basis with appropriate consideration of circumstances and recency. Applicant must not be on court-ordered community supervision or probation for any misdemeanor offense above the grade of a Class C misdemeanor. Applicant will be rejected if he/she is subject of any arrest warrant above the grade of Class C misdemeanor. All Class C misdemeanor warrants must be cleared within fourteen (14) days of notification of existence of warrant(s).

The Fire Chief may recommend, and Legal Review may authorize, a variation of the above standards on a case-by-case basis.

An applicant shall not be considered for employment while charges are pending for any criminal offense or while he/she is currently on probation for any offense.

- (i) Applicant has made any false statement in any material fact; withheld information, practiced or attempted to practice any deception or fraud in his/her application, examination or appointment. Depending on the variables involved, rejection may be either permanent or temporary.
- (j) Applicant fails to complete or satisfactorily meet the employment process requirement of the Fire Department, including missed appointments, failure to return necessary paperwork, failure to notify Fire Department of changes in address or telephone numbers, failure to properly complete any or all application materials, or who otherwise fails to complete application process.
- (k) Applicant fails to satisfactorily complete the oral interview process, including but not limited to Ergometrics testing. An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a firefighter; failure to present the maturity expected of a firefighter; or failure to accurately and precisely respond to the questions of the interviewers.
- (l) Applicant has used illicit substances as indicated by the following guidelines:

No unlawful consumption of marijuana within the last 2 years.

No unlawful consumption of paints, gases or other abusable chemicals.

No unlawful consumption of any Texas Health and Safety Code Penalty Groups I and II drugs (excluding Marijuana).

No unlawful consumption of any Texas Health and Safety Code Penalty Groups III, IV, or V drugs within the last 10 years.

An applicant may be temporarily or permanently disqualified if the City determines that, or he/she has admitted to, conduct that constitutes abuse of legally obtained prescription medication(s), or illegal use of the prescription medication(s) of another person. Conduct involving the abuse and/or misuse of prescription medication(s) shall be considered on a case-by-case basis with consideration given to circumstances and recency.

An applicant shall be permanently disqualified if it has been determined by the City that, or he/she has been convicted of, or admitted to conduct which constitutes illegal use of felony grade substances as defined in the Texas Penal Code.

The Fire Chief may recommend, and Legal Review may authorize, a variation of the above standards on a case-by-case basis.

(m) Applicant does not have a valid driver's license. Applicants for Firefighter must be able to obtain a Class B driver's license before completion of Fire training Academy.

(n) Applicant has a conviction of DWI/BWI/FWI/DUI or reckless driving within the past ten (10) years or 120 months; four (4) or more events within the preceding thirty-six (36) months; an applicant shall be temporarily disqualified until he/she can meet the above standards.

Lesser, but more severe, violations which tend to indicate driving habits that are not compatible with the operation of emergency vehicles and present potential liabilities to the City shall be temporarily disqualified until Applicant's driving record meets City's standards. Reapplication shall be permitted when the applicant can meet the above standards.

(o) Applicant has been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct. Said dismissal or termination shall be considered on a case-by-case basis. Rejection under this provision shall be considered permanent.

(p) Applicant has demonstrated a failure to pay just debts. Due to the variables involved, each situation shall be considered on a case-by-case basis. Factors which shall be considered include, but are not limited to: type and number of debts, reasons for the bad credit, extenuating circumstances, and the potential for the credit-related problems impacting the applicant's judgment and integrity. Resolution of bad credit may result in requalification.

(q) Applicant has exercised poor judgment skills within the past five (5) years. The applicant has demonstrated either immaturity or poor judgment in the applicant's decision-making process.

- (r) Applicant has a history of unstable work, i.e., including short terms of employment over his/her employment history; a history of employment in an illegal occupation. Rejection under this provision shall be temporary in nature and an applicant shall be eligible for reapplication after a five (5) year period. Due to the variables involved, each situation shall be considered on a case-by-case basis. Rejection for employment in an illegal occupation shall be permanent in nature.
- (s) Applicant has been discharged from any military service under less than honorable conditions, including specifically:
  - 1. Under other than honorable conditions;
  - 2. Bad conduct;
  - 3. Dishonorable;
  - 4. General; or
  - 5. Any other characterization of service indicating bad character.

All applicants with military service must be eligible for re-entry into the military. If a waiver is required to re-enter the military, Applicant must obtain waiver before City will consider Applicant for employment.

- (t) Applicant fails to return a completed Personal History Statement at a time designated by the Director.
- (u) Applicant intentionally provides false information related to the selection process.
- (v) Applicant admits to the polygraph examiner information that would disqualify the applicant or fails the polygraph test.
- (w) Applicant fails any part of background investigation.

Each applicant shall be considered on a case-by-case basis, and at the recommendation of the Fire Chief, and with the concurrence of Legal Review, the City may waive one or more of the above-stated requirements on a temporary or permanent basis.