

ARTICLE 18
PROCEDURE FOR FILLING AND PROBATIONARY PERIOD FOR
BEGINNING POSITIONS IN THE FORT WORTH FIRE DEPARTMENT

Section 1. Recruitment.

The Chief will determine when the following procedures, outlined in this Article for the filling of entry positions in the Department, will take place. Recruitment for fire fighter candidates shall be a cooperative effort between the Department and the Human Resources Department. In all cases, recruitment efforts will be publicized and recruitment notices will be posted on the City's Job Announcement web page. Recruitment may be conducted on a continuous or periodic basis. The Department may test at different locations, but all testing shall be conducted simultaneously for the particular eligibility list being established. A candidate may be tested only once for a specific eligibility list.

Section 2. Eligibility.

Eligibility to become a fire fighter will be determined by a candidate's ability to meet the minimum standards established in the Local Civil Service Commission Rules. The Association shall be afforded the opportunity to assign representatives as unpaid proctors during the physical ability test and distance run. Candidates must meet all minimum standards and requirements to be eligible for future licensing by Texas Commission on Fire Protection. A candidate must not be younger than eighteen (18) years and must not have reached thirty-six (36) years of age by the date that the entry-level test required of that candidate is administered.

Section 3. Selection Criteria.

The selection of a candidate to be a fire fighter shall be based primarily upon the candidate's suitability to serve as a fire fighter and including consideration of scores from the selection process. The Chief shall make the final hiring decision. The rule of three shall not apply. All testing and selection procedures shall be designed and intended to identify the most suitable applicants and to exclude those candidates who are deemed not likely to possess the characteristics and abilities to be successful in the performance of work required of a fire fighter. All candidates shall be required to pass an entry-level written test intended and designed to measure the candidate's suitability and ability to perform the duties of a fire fighter. A passing score for the entry-level written test will be established based on the psychometric characteristics of the test as recommended by the test publisher. The Association shall be afforded the opportunity to assign representatives as unpaid proctors during testing.

The candidate characteristics for which additional points shall be added to a passing test score and the point values for such characteristics are as follows:

5 points for military veterans with honorable discharge per DD 214.

2 points for residency in the City of Fort Worth, provided that the candidate has continuously lived within the city limits for at least six

months prior to the date of the entry-level test (includes college students and military personnel, if their primary residence is Fort Worth). Applicants must present two forms of proof of residency at the time of the test. Acceptable proof of residency includes a driver's license and a utility bills. If residence is at an all-bills-paid facility, a lease agreement may be used in lieu of a utility bill.

Seven (7) points is the maximum cumulative number of additional points which shall be added to a candidate's passing test score for any combination of such characteristics. In order for points to be given for Military service, the candidate must provide proof of an honorable discharge by presenting a DD 214 at the time of application or submitted a minimum of 24 hours prior to the entrance test, in order for points to be given.

In the event a candidate who is called to active military service prior to being hired or disqualified was in a stanine that other candidates were hired from, that candidate shall be added to the stanine currently being considered or the next stanine to be considered for the next class hired if the candidate reapplies (completes a new application) within one hundred eighty (180) days of being released from active duty, provided that the next stanine to be considered is created within 24 months from the date of the candidate's reapplication.

Section 4. Processing Candidates.

Candidates with passing test scores on the entry-level test will be placed on an eligibility list in the order of their overall eligibility scores (test score plus additional points). An eligibility list will be divided into stanines based on the eligibility scores of candidates who pass the entry-level test. All candidates within a stanine shall be considered to have an equivalent eligibility score. Candidates with eligibility scores that span two stanines will be placed in the higher stanine. Candidates may not be hired from an eligibility list that is created after an existing active eligibility list has been established until the existing list has been exhausted or has expired. All candidates within a stanine must be processed and either recommended for hire or rejected before candidates from a lower stanine may be considered. Candidates will be referred by the Human Resources Department to the Department by stanine. An eligibility list may be effective for a minimum of three (3) months and a maximum of eighteen (18) months, or until a specified number of candidates for academy classes are selected from a list. The conditions that will determine when an active list may be closed must be included on the announcement notifying candidates of the test. Any eligibility list created under this Article that is in effect at the time this Agreement expires, including the end of any "evergreen" provision, will remain in effect until the eligibility list expires, according to the terms under which it was created. This includes the last entry-level eligibility list that was created while the previous Collective Bargaining Agreement was in effect.

Section 5. Selection Process.

The Department will determine those candidates who are most suitable to be hired as fire fighters based on a structured and job-related selection process. The selection process will include testing for physical ability; personal characteristics linked to the performance of essential job functions,

decision-making, communication skills, and interpersonal skills. The Department will utilize interview boards (e.g. review boards), polygraph examinations, drug screens, background reviews, and personal references to assess candidates as long as the methods have been reviewed by the Human Resources Department and found to be objective and job-related and applied consistently in processing candidates. Pass/fail scores, rating scales or point scores currently in use as of the date of ratification of this Agreement shall continue to be used for each selection method in the selection process. A candidate must complete and pass each selection method in the entry-level hiring process in order to continue in the process.

The point system currently in use as of the date of ratification of this Agreement for the Interview Board's personal history interview shall continue to be used for the selection process: Candidates are rated in the following ten (10) categories:

1. Decision Making
2. Maturity
3. Initiative
4. Communication Skills
5. Interpersonal Skills
6. Attitude
7. Self-Discipline
8. Responsibility
9. Stability
10. Ethics

Each member of the Interview Board may score the candidate on a scale from zero (0) to ten (10). All scores by the Interview Board shall be within 3 points of one another per category. The total score per Interview Board member stands alone as long as the 3 point rule is met in each individual category. Candidates scoring 0-3 in any category are considered less suitable to be hired as fire fighters for that category. Candidates scoring 4-7 in any category are considered suitable to be hired as fire fighters for that category. Candidates scoring 8-10 in any category are considered more suitable to be hired as fire fighters for that category. The overall total for each interview board member shall equal the sum of all scores in each category. The total score may range from 0 to 100 per interview board member. Then all interview board members' scores shall be added together for the candidate's final score, which may range from 0-500. Any candidate scoring below 300 points for a 5 member board, for their final score (240 points for a 4 member board, 180 points for a 3 member board) shall not be considered for hiring by the Fire Chief as they have been scored below the suitable for hiring range.

Nothing in this Article shall prevent the City, including the Interview Board, from complying with EEOC regulations or guidelines, nor shall this Article be interpreted to create a private right of action to an EEOC discrimination claim.

Any candidate needing a reasonable accommodation in order to complete a step in the process will be afforded an opportunity to request that accommodation from the Human Resources Director. The Human Resources Director or designee will grant or deny the request.

Any interview or review boards used in the selection process shall consist of one (1) member with one (1) alternate appointed by the Association and additional members (and their alternates) appointed by the Chief. Each additional member shall also have an alternate. Interview or review boards shall not have less than three (3) or more than five (5) members on each. Membership of the interview board will not change during a hiring period unless a member is unable to serve, in which case his or her alternate shall serve. If needed, any trained alternate may serve as an alternate for any original board member. In the case of incapacitation, termination or resignation of the primary or alternate member, one additional alternate may be added after receiving training. In order to serve, each board member must have prior interview board experience and shall have received Human Resources training prior to their appointment. Alternates may be appointed prior to obtaining the required human resources training. Observation of an actual interview board session (i.e., a full day of interviews) shall satisfy the interview board experience requirement.

Section 6. Hiring Process.

Upon completion of the selection process, a total final score, as described in Section 5 from the Interview Board will be calculated by the hiring process administrator for each candidate based on the rating or point standards established for the various selection methods. **The hiring process administrator shall be appointed by the Chief, and shall be a permanent member of the recruit training staff.** Candidates will be ordered by final score and grouped into batches of ten (10) based on the candidates' final score. In the event of a tie score, the tiebreak number drawn at the time of the entry-level test shall be used to rank candidates within a batch. The candidates will then be submitted to the Chief by batch (highest scoring batch, first) but without any associated scores or rankings. The Chief or designee may consider signed, written information provided by any of the participants in the selection process as to any candidate when making a final decision to make a conditional offer of employment to a candidate. The Chief or designee shall hire each candidate in a batch in order unless a valid reason exists to reject the candidate. The Chief or designee must either hire or reject each candidate in a batch before the next batch can be presented to the Chief or designee for consideration. As each candidate is hired, the order in which they are hired will be documented and this order will be used to establish the final tie breaking criteria for future promotional tests. The Civil Service Director or designee will review the scores and written documentation on all selected and passed-over candidates to insure consistency and fairness in the selection process and compliance with applicable law. Following this review, the Chief or designee will complete the hiring process.

Section 7. Candidate Hold Over.

If an eligibility list expires or is closed prior to the next class, the Department may retain any candidate's name that was processed or being processed prior to the expiration of the eligibility list from the last stanine from which candidates were considered for hiring to be included in the next available class if such class begins within ninety (90) days of the expiration date. Processing is defined as the applicant having attended the first orientation meeting in the hiring process.

Section 8. Probationary Period.

All new hires and rehires will serve a probationary period from the date of hire until completion of Academy training and one year following being commissioned as a Fort Worth fire fighter. During the probationary period, a probationary employee may be terminated without civil service appeal rights. Upon completion of the probationary period, the employee will have full civil service protection, except as modified or abridged by this Agreement.

Leave for probationary fire fighters will be based upon length of continuous service from date of hire. Probationary fire fighters will be eligible to use available sick leave after six (6) months of service from the date of hire. Probationary fire fighters will be eligible to use available vacation and family leave after one (1) year of service from the date of hire. Probationary fire fighters who terminate after one (1) year of service from the date of hire will be paid for any accrued but unused vacation time.

Section 9. Changes in Process.

The Commission may implement changes in the process or procedures set forth herein if the City Manager and the Executive Board of the Association approve a Memorandum of Agreement setting forth the changes deemed necessary to address problems or needs that arise after the effective date of this Agreement.

Section 10. Preemption.

This Article shall preempt any contrary provisions set forth in TLGC 143.021 (c), 143.023 (b), 143.025 (b), (h), (i), 143.026, 143.027 and any local ordinances, executive orders, or rules adopted by the City or Commission, it being expressly agreed and specifically so provided under the authority of TLGC 174.005 and 174.006.

Section 11. Defense.

With regard to this Article only, the City shall defend all claims against the Association (including its executive board, if named) and will pay any and all claims finally adjudicated involving joint liability of the City and the Association, with counsel of the City's choice. This provision does not preclude the Association from retaining its own defense counsel, at its expense, and the City shall reasonably cooperate with counsel designated by the Association to participate.