

**THE CITY OF RUSSELLVILLE, ARKANSAS**  
**POLICE AND FIRE CIVIL SERVICE COMMISSION**  
RULES AND REGULATIONS

EFFECTIVE  
FEBRUARY 06, 2008

Amendment Proposed September 27, 2011 and Approved December 27, 2011. (Change to Appendix 6.0, Fire Department, Promotion Prerequisites)

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**THE RUSSELLVILLE CIVIL SERVICE COMMISSION**

Toni Bachman, Chairman	April 1988 – April 2012
Joe Morrow, Commissioner	February 2009 – April 2012
Bert Fleck, Commissioner	April 2007 – April 2013
Jim Campbell, Commissioner	May 2010 – September 2016
Phillip Lea, Commissioner	May 2010 – February 2015

**PAST COMMISSIONERS**

Max Cherry	April 1978 – April 1980
Dale Brown	April 1978 – April 1982
Hank Jacobs	April 1978 – April 1984
Johnny Hamilton	April 1978 – April 1986
Larry Lingle	April 1978 – April 1988
Bob Raines	April 1980 – April 1986
Harl Griffith	April 1982 – April 1988
Bill Payton	April 1984 – April 1996
Jim Helms	April 1986 – April 2000
Johnny Hamilton	April 1986 – April 1992
Richard Ruble	April 1992 – April 1999
Richard Setian	April 1998 – August 2000
J.V. McLelland	April 1993 – December 2000
Greg Nelson	April 1999 - April 2001
Bill Srygley	April 2000 – December 2000
Michael Johnston	January 2001 – December 2002
James Carter	September 2000 – January 2009

Harry Simcox	April 2001 – February 2007
Robert Squyres	April 1996 – January 2009
Bill Payton	January 2003 – May 2010
Kathryn Leaphart	February 2009 – March 2010

## **CHAPTER 1**

### **INTRODUCTION TO THE RULES AND ADMINISTRATION OF THE RULES**

#### **PREAMBLE**

The Russellville Board of Civil Service Commissioners (hereinafter sometimes referred to as “ the Commission”) hereby adopts the following rules and regulations governing the police and fire departments of the City of Russellville, Arkansas (hereinafter referred to as “the Department”).

#### **I. RULES REQUIRED BY THE STATE OF ARKANSAS**

The statutes of the State of Arkansas, specifically Arkansas Code Annotated Section 14-51-301, impose on the Commission, among other things, a requirement that it prescribe, amend and enforce written rules and regulations governing the business of the Commission and governing the business of the police and fire departments. Arkansas Code Section 14-51-301 makes mandatory the inclusion by the Commission in its rules and regulations several specific provisions that are found in paragraphs (b) (1) thru paragraph (13). It is the intent of the Commission in adopting this rule to adopt by reference all procedural and substantive rules and regulations, the adoption of which are mandatory under the laws of Arkansas.

Therefore, the Commission hereby adopts and incorporates into the Rules of the Russellville Civil Service Commission by reference, the same as if set forth word for word, the provisions of Arkansas Code Annotated Sections 14-51-101 thru 14-51-311, as they now exist and as they may subsequently be amended by the Arkansas General Assembly.

#### **II. OBJECTIVES OF THE RULES**

The purpose of these rules is to bring into the service within the Police and Fire Departments of the City of Russellville, Arkansas, and a high degree of understanding, cooperation, efficiency and unity. These rules provide a standardized program for all applicants and employees, with all the benefits such a program ensures. The fundamental objectives to be achieved by these rules are declared to be:

- a. to promote and increase efficiency and effectiveness of public safety to the City of Russellville.
- b. to provide equal employment opportunities to all applicants and employees.

- c. to develop a program of recruitment, appointment and advancement which will make employment with Russellville Police and Fire Department attractive as a career and encourage each employee to render his best services.
- d. to establish a program based on merit for the hiring and promotion of employees and to provide promotional opportunities whenever possible to qualified employees.
- e. to establish and promote high morale and enhance the professionalism and working conditions among Russellville Police and Fire Department employees by providing uniform policy, and opportunity for advancement.

### III. ADOPTION AND AMENDMENT OF RULES

Any revisions to the rules and regulations set forth herein shall be accomplished pursuant to the following:

A public notice shall be given ten (10) days prior to a called meeting of the Commission for the purpose of amending the rules set forth herein.

### IV. USE OF MASCULINE NOUN AND PRONOUN

In order to avoid the sometimes awkward use of he/she, him/her, his/her, when referring to employees in general, the use of the masculine noun or pronoun in these rules shall be interpreted to include the feminine.

## **CHAPTER 2**

### **SELECTION PRACTICES**

#### **I. GENERAL REQUIREMENTS**

The entry-level and promotional selection system for Russellville Civil Service positions shall be based solely on merit principles for employment and promotion that will result in the selection of the most qualified person and that will be fair and equitable to all persons. Any hiring or promotion decisions shall be made solely for job-related reasons and only by persons serving in an official capacity under the rules and policies of the Russellville Civil Service Commission. All examinations referred to in these rules shall be open and competitive and shall be designed to test the relative fitness of applicants for such positions.

#### **II. ELIGIBILITY ROSTERS**

Any applicant for entry-level or promotional testing and/or examination shall be derived from one of the following rosters:

Entry-level Eligibility Roster

Promotional Eligibility Roster

An applicant for entry-level not listed on the Entry-level Eligibility Roster shall not be eligible for entry-level testing and examination.

An applicant for promotion not listed on the Promotional Eligibility Roster shall not be eligible for promotional testing and examination.

#### **III. CERTIFIED LISTS**

Any applicant or candidate eligible to be hired or promoted as a result of entry-level or promotional testing and examination shall be certified by the Commission and be listed on one of the following:

Entry-level Certified List

Promotional Certified List

An applicant who has completed part or all of the entry-level testing and examination process, but is not part of the Entry-level Certified List shall not be eligible to be hired.

An applicant or candidate who has completed part or all of the promotional testing and examination process, but is not part of the Promotional Certified List shall not be eligible for promotion.

Following the entry-level and promotional testing and examination process, the Commission shall prepare the certified lists. Such certified lists shall be in full force and effect for the period of two calendar years subsequent to the date of certification. If upon the date of certification, a prior certified list is still effective, then the current certified list will incorporate the prior list with the appropriate ranking in accordance with Civil Service statutes in regard to promotion. All certified lists shall expire two (2) years after the date of certification regardless of the period of time such list may have existed as the sole certified list.

Within ten (10) days following the certification of entry-level or promotional testing and examination applicants, the certified list shall be posted at the following places: The offices of the applicable department in a conspicuous place available to the public. The posting of the certified list shall be in order of rank.

#### IV. REQUESTING AND ANNOUNCING EXAMINATIONS

Examinations may be given as needed in April and/or October each year, or as soon thereafter as practical. However, special examinations may be given at any time there is sufficient need as determined by the Commission. The Commission shall meet sufficiently in advance of the date for such examinations so as to give proper notices in publications having wide circulation areas as deemed appropriate.

Examination requests shall be made, by the Department, to the Commission. Departments should consider any existing Certified List prior to requesting an exam announcement. The Commission will evaluate the request and if needed will establish the appropriate testing.

The Commission shall make public announcement of open competitive examinations in advance of the opening date for receiving applications. Publicizing an examination for entry-level appointment or promotional eligibility rosters should be accomplished by all economical means available. Normally, thirty (30) days, but a minimum of ten (10) days should be allowed for advertising the development of the eligibility roster. No requests for application will be accepted after the closing date set forth in the advertising.

Announcements shall be posted on official bulletin boards the location of which are to be designated in departmental rules. It shall be the responsibility of the Chiefs of the departments to post and monitor these announcements in such a manner that all employees can see and review them throughout the period designated as open for the acceptance of applications.

#### V. TEST ADMINISTRATION

A member of the Commission shall be present during the administration of all entry-level and promotional testing and examinations, including but not limited to written tests,

practical tests, assessment centers and physical ability testing. The Commission shall bear ultimate responsibility for the grading, calculating, reporting and record keeping of all entry-level and promotional testing.

All testing and examinations shall be conducted impartially, and instructions and/or resource material pertaining to the testing, if applicable, shall be made available to the candidates.

All applicants or candidates shall have the right to see and inspect their own written examination papers given by the Commission, including questions, answers and grades given thereon. Any review of the examination will be conducted in the presence of at least one Commission member. Taking notes or other records during inspection shall not be permitted.

## VI. TEST VALIDITY

Physical Ability Testing: All Physical Ability Testing, current, modified or updated shall be valid and defensible, in accordance with the guidelines set forth by Equal Employment Opportunity Commission and The Americans with Disabilities Act.

Written exams: The same written exam shall not be given either for entry-level or promotion on two successive occasions, nor shall identical examinations be used for examining different positions.

## VII. ENTRY- LEVEL POLICY

### General Requirements and Procedures

A. Admission to examinations shall be open to all citizens of the United States, who meet the requirements specified in the public notice for filing such application. Applicants of either sex may take the examination, if they meet the remaining requirements. Age requirements shall be stated in the notice of examination and shall comply with Arkansas Code Annotated 14-51-301.

B. Each applicant whose application has been accepted shall be placed on an entry-level roster.

C. No applicant shall be drawing, nor shall ever have drawn remuneration from any source as a result of a physical or mental disability, except that the application of such a person shall be received if:

1. he has been fully employed during the 24 month period immediately preceding the filing of his application, and;
2. he is not drawing remuneration from any source as a result of the physical or mental disability at the time of the filing of his application.

D. An applicant convicted of a felony, or a misdemeanor crime of domestic violence shall not be eligible for appointment.

E. The minimum education requirements of an applicant shall be a high school graduate or have passed the General Education Development Test.

F. Fire Department applicants shall possess a current or attain within one year of hire date, certification as a Firefighter II per the requirements of the Arkansas Fire Training Academy and a State of Arkansas Emergency Medical Technician.

G. An individual shall not be permitted to take the entry-level test or examination if his name is not on the Entry-level Eligibility Roster or has not presented proper identification prior to testing.

H. All applicants shall sign a test and consent form prior to physical ability testing.

I. All entry-level applicants shall undergo written test, physical ability test and oral interview. The testing and examination process shall be as follows:

#### Police Department

Phase 1: Physical Ability Test – Administered by the Commission, the PAT is a pass/fail test. A minimum time of 63.0 seconds must be achieved to proceed to the written and oral interview phases. (see PAT Administration (Police) Appendix 9.0)

Phase 2: Written Examination: Administered by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the written examination.

Phase 3: Oral Interview: Conducted by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the oral interview.

#### Fire Department

Phase 1: Written Examination: Administered by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the written examination. (Note: Five (5) additional points will be granted to applicants test scores that possess a valid Firefighter II certificate from the Arkansas Fire Training Academy and/or five (5) additional points for holding a license for Basic Emergency Medical Technician from the State of Arkansas for a total of ten (10) points.)

Phase 2: Oral Interview: Conducted by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the oral interview.

Phase 3: Physical Ability Test – Administered by the Commission, the PAT is a pass/fail test. A minimum time of 6 minutes and 15 seconds must be achieved to proceed to the oral interview phase. (see PAT Administration (Fire) Appendix 10.0)

### Final Scoring

For the police and fire department entry-level testing and examination, the written and oral phases shall have a weight factor of 50% each. Any applicant receiving a minimum score of 70% on each of the above examinations shall have their names placed on the Entry-level Certified List in order from the highest total score on the two examinations to lowest total score.

J. Following testing, any police and fire applicants may be interviewed by the respective Police or Fire Chief or his designated representative, to determine the applicant's motivation, appearance, demeanor, attitude, and ability to communicate.

K. When a position becomes vacant, the Commission shall certify in writing to the Chief of the respective department the three (3) candidates standing highest on the Entry-level Certified List for appointment.

L. These three (3) eligible candidates may then be screened in the appropriate departmental fashion for any out factor that might cause for their removal from an eligibility list. (see Police Department Out-factors, Appendix 7.0 And Fire department Out-factors, Appendix 8.0)

M. These out-factors shall be communicated to the Chairman of the Commission in writing, along with a request to delete candidate from the Entry-level Eligibility List.

N. A new list of the top three (3) candidates will be communicated to the Chief, in writing as requested. The Chief may then select for appointment any one (1) of the three (3) certified.

O. After selection of an individual to fill the position, all remaining applicants for appointment, including those submitted but not selected or deleted, shall remain on the Entry-level Certified List until the list expires.

P. Prior to appointment, all applicants selected shall submit themselves to a physical examination by a licensed physician and obtain from the physician certification confirming that the applicant meets the department's physical requirements.

Police Department: All police selections shall undergo a psychological examination to determine emotional stability to withstand the pressure of modern police work. The guidelines shall be designated by the department.

Fire Department: All fire selections shall conform to the physical standards set forth in the National Fire Protection Association Standard 1582.

Q. The Commission may at its discretion require additional physical examinations under such circumstances as the Commission directs.

R. The Secretary of the Commission shall file with the City Treasurer the names of those to receive compensation from the city under civil service coverage. No compensation shall be dispersed to either department of the city unless the names shall be so certified by the Secretary.

S. A candidate who refuses to accept the appointment shall forfeit all rights under said certified list.

#### VIII. PROMOTIONAL POLICY.

##### General Requirements and Procedures

A. The Russellville Civil Service Commission shall announce, by notice, a promotion selection process to the classifications in the Police Department as follows: Sergeant, Lieutenant, \*Captain and Major (Assistant Chief). The Commission shall announce, by notice, a promotion selection process to the classifications in the Fire Department as follows: Firefighter-Driver, Captain, Battalion Chief and Assistant Chief.

1. For each rank, all applicants for the specific rank shall be administered the written test at the same time and location and on the same date.
2. At least thirty (30) days before the date of the written test for those ranks requiring a written test, the Civil Service Commission shall announce the sources of material used in construction of the written test.
3. If particular materials are used in construction of the structured interview, the Commission shall also notify candidates of such material or source for structured interview.
4. Job descriptions for all Civil Service positions within the Police Department and Fire Department are available from the Mayor's office or the Police/Fire Administration office.
5. Included in the promotional testing within the Fire Department will be a practical assessment test administered by fire officers from other fire departments. These

fire officers shall be of the same rank or higher than the rank being tested. This shall be included in the total scoring.

6. An eligible member of the Department desiring to be examined for promotion shall sign his/her name in the designated area on or attached to the Civil Service notification no less than ten (10) days prior to testing.
- B. To be eligible to compete for promotion to all civil service positions within the Police Department and Fire Department, the candidate must be in a permanent status. He must have served in the classification of and for the time indicated in Appendix 1.0 for the Police Department and Appendix 2.0 for the Fire Department. Service in the lower rank or classification on the basis of temporary appointment or on the basis of probationary appointment or promotion shall not be considered service for the purpose of determining if an individual has served the requisite period in the lower classification.
  - C. To be eligible to compete for promotion to all civil service positions within the Police Department and Fire Department, the candidate shall also meet the minimum requirements of the classification, as set forth in the Police Department and Fire Department policies and as approved by the Commission. These minimum requirements may include, but are not limited to the following: hours of training, formal education, job-specific education, certification and licensing (see Appendix 5.0 Police prerequisites and Appendix 6.0 Fire prerequisites).
  - D. The Police Chief/Fire Chief shall confirm the eligibility of the candidates for promotion and shall submit the final Promotional Eligibility Roster to the Chairman of the Civil Service Commission.
  - E. Although a physical and/or psychological examination is not required generally as a prerequisite to promotion, the Commission reserves the right to require any applicant for promotion to undergo a suitable physical and/or psychological examination. This is in order to determine whether the applicant can fulfill the physical and psychological functions and obligations of the rank to which such person has applied for promotion. Such examination may be required either before or after the promotional examination or during the probationary period after the promotion has been made.
  - F. The Commission shall conduct or cause to be conducted, for all those ranks listed in Appendix 1.0 and 2.0, a structured interview process for those candidates eligible. This structured interview process may include all or part of the following: oral interview and/or practical assessment evaluation, or “assessment center” format. Structured interview rating criteria may vary depending which rank is to be filled by the promotion and/or which Department is promoting. Criteria shall be pertinent to rank and shall remain consistent for all candidates eligible and applying for promotion to the said rank.

- G. A composite score shall be used in the ranking of the candidates for promotion. The maximum composite score is 100 points. The possible points for each promotion factor are indicated in Appendix 3.0 for the Police Department and Appendix 4.0 for the Fire Department.

The examination process shall proceed as follows:

1<sup>st</sup> Phase: Written Examination

2<sup>nd</sup> Phase: Structured Interview

- (1) A minimum total point score of 70 percent must be achieved in order to certify as passing the written examination.
  - (2) A minimum total point score 70 percent must be achieved in the structured interview process in order for an applicant to be considered for promotion.
- H. All persons receiving at least 70 percent on both examination phases shall be placed on a promotional certified list. Names on the Promotional Certified List will be ranked according to the highest total examination score to lowest total examination score. If identical scores on any applicable examinations are received, then ranking on the lists shall be determined by service time with the department unless such records are not available or there are identical amounts of service time; in such instances ranking on the list shall be by lot.
- I. When a position becomes vacant and subject to being filled by promotion, the Police Chief/Fire Chief shall select any one of the three (3) candidates ranked highest on the Promotional Certified List for appointment for such service. If such member of the Department fails to accept such appointment, the person standing next highest on the Promotional Certified List shall be given consideration as one of the three (3) candidates ranked highest on the Promotional Certified List for appointment for such rank of service. Selection will again be made from these three (3) candidates. A member who refuses to accept the promotion shall forfeit all rights under said certified list.
- J. Promotion to any rank in service shall not be complete for a period of six (6) months, and the Police Chief/Fire Chief may reduce in rank any promoted member of the Department during that six (6) month period for just cause. In the event of reduction, any promotions made in the lower ranks as a result of the initial promotion shall likewise be reduced unless the authorized number of positions in the lower ranks has been raised. A written notice to the affected employee of such reduction in rank shall be given by the person making the reduction and such notice shall state the reasons for such action.
- K. Promotion shall be made from the certified list in effect on the date that the vacancy occurs unless such list has been exhausted. Promotion should be made after vacancy

occurs within a reasonable period of time, giving due consideration to the administrative duties of the Department.

## CHAPTER 3

### EMPLOYMENT PRACTICES

#### I. EQUAL OPPORTUNITY EMPLOYER

The Civil Service Rules and Regulations shall be administered in such manner as to comply fully with all Equal Employment Opportunity laws and regulations.

#### II. PROBATIONARY PERIOD

##### A. Establishment

Pursuant to the provisions of Arkansas Code Annotated Section 14-51-301, the Commission shall establish probationary periods for all positions in the classified service at the time the class is created.

Employees of the Department shall be on probation for a period of one year from their last date of hire. During such probationary period, an employee may be disciplined, discharged, or his employment otherwise terminated, by the Chief for any reason whatever without recourse to the review and appeal procedures specified in Chapter 4, Section III; provided however, that the reasons for any action taken pursuant to this provision, shall be documented by the Chief, in writing, after his personal investigation for the causes thereof. A copy of this written documentation shall be provided to the Mayor and the Chairman of the Commission, prior to any action and will become a part of the employees' permanent personnel record.

##### B. Reemployment and Reinstatement Probation

Individuals reemployed by reinstatement pursuant to the provisions of stated in Chapter 3, Section IV, shall serve a probationary period of one year in the same manner as is required of new appointments.

##### C. Probationary Discipline and/or Termination

1. An employee may be disciplined and/or terminated by the Chief at any time during the probationary period by submitting a written report to the Civil Service Commission, Mayor and the employee specifying the reason the employee is found unsatisfactory and such removal or discipline shall be final.
2. There shall be no appeal of any kind from the action of the Chief removing or disciplining an employee during or at the end of the probationary period.

#### III. REAPPOINTMENT AND REINSTATEMENT

- A. Former employees less than one year from date of separation: The Commission will consider the reinstatement by either the Police Department or Fire Department, a former employee who has left employment providing that he

makes a written application by certified mail prior to one year of separation, to the Chief of the respective department. After the Chief reviews the employee's personnel file, work record and most recent work experience, he may submit a request to the Commission for approval. It is understood that both the above conditions must be met and a request by the Chief is his option. A decision by the Commission will be communicated to the Chief in writing. The time of separation shall not count toward the former employee's seniority. Example: An employee leaves the department with three (3) years seniority. This former employee is gone for nine (9) months then is reinstated. He will start with three (3) years seniority.

- B. Rank or classification: The rank or classification of a former employee who has been reinstated shall be determined by the Chief, but shall be no higher than the rank or classification at the time of departure from the department.
  
- C. Former employees with one or more years of separation from the department: After separation of one or more years from the service of the department, a former employee must make application and go through the Civil Service test and examination process and be considered a new applicant.

#### IV. SUSPENSION OF COMPETITION

In the case of a vacancy in the Department requiring peculiar or exceptional qualifications, professional or expert character, the Chief, at his sole discretion, may petition the Commission to wave the competitive process, as set forth in Arkansas Code Annotated Section 14-51-307, to hire a particular applicant, provided that applicant fulfills the minimum requirement outlined in the job description, or is currently certified as a Law Enforcement Officer or Firefighter, recognized by the State of Arkansas and has passed a background check. The approval by the Commission will be by a majority vote of all Commissioners. However the suspension shall not be general in its application and each case must be handled on its own merits.

**CHAPTER 4**  
**EMPLOYEE CONDUCT, DISCIPLINARY ACTION AND GRIEVANCE**  
**PROCEDURES**

**I. EMPLOYEE CONDUCT IN GENERAL**

The following are declared to be causes for reprimand, demotion, suspension or removal from the classified service of the City, though charges may be based on causes other than those enumerated.

It shall be the duty of Civil Service employees of the City of Russellville to maintain high standards of cooperation, efficiency and integrity in their work with the City. If a Civil Service employee's conduct falls below standard, he may be subject to disciplinary action.

The following are examples of conduct for which disciplinary action may be taken:

**A. Misconduct:**

Misconduct may include but is not limited to:

1. Violation of the laws of the United States or the State of Arkansas or ordinances of the City;
2. Conduct on or off the job that discredits the City or affects the employee's ability to perform effectively, such as the commission or an act or acts offending the public morals or decency;
3. The commission of any act, alone or with others, for the purpose of causing any employee to be either unfairly or dishonestly affected;
4. Violation of the policies of the City or Department, the policies contained herein and Executive Orders, or failure to properly observe the procedures, rules and regulations of the City, department or division;
5. Abuse of alcohol or drugs in a manner that adversely affects performance, or unlawful use of controlled or psycho toxic substances while working, or in violation of the City's Drug Policy;
6. A poor driving record in situations where driving is a required job duty;
7. Reprehensible or indecent language or conduct bringing discredit upon the City or Department;
8. Using official authority to influence or coerce any political action;
9. Dishonesty in word or conduct;
10. Unauthorized use or abuse of City vehicles, equipment or property;
11. Habitual neglect of personal appearance and hygiene while on duty;
12. Insubordination;

13. Employees shall not engage in conduct unbecoming an employee of the Department. Conduct unbecoming is any conduct which adversely affects the morale, operations or efficiency of the Department, or any conduct which has a tendency to adversely affect, lower or destroy public respect and confidence in the Department or the employee. Conduct unbecoming also includes any conduct which brings the Department or employee into disrepute or brings discredit upon the Department or employee;

B. Incompetence:

Incompetence may include, but is not limited to:

1. Failure to maintain an acceptable score on a performance evaluation or failure to show substantial improvement after being told corrections in performance are necessary;
2. Inability to perform the essential function of the position, with or without reasonable accommodation;
3. Failure to perform duty. The following shall be grounds for the charge of failure in the performance of duty:
  - a. Failure to perform those duties required by law;
  - b. Neglect or refusal to perform a duty or responsibility;
  - c. Conduct subversive of good order and the discipline of the Department where employed;
  - d. Failure to be courteous or cooperative with the public or fellow employees;
  - e. Unexplained absence or habitual tardiness.

## II. POLITICAL ACTIVITY

No employee in the Department shall receive special consideration or be discriminated against in any way because of their political opinion or affiliation. As public professionals, Department employees shall be guided by common sense in this process. Employees of the Department are responsible for carrying out the policy dictates of elected officials regardless of who is elected. To remain objective, the on-duty functioning of employees shall not be identified with any particular candidate. Active support of certain local candidates could create awkward working relationships after the election. Consequently, the following guidelines should be adhered to:

- A. No employee shall campaign during working hours for any candidate at a federal, state or local level.
- B. After working hours, employees are free to campaign and support candidates in federal, state and local campaigns. This specifically includes displaying

yard signs at the employee's home and/or placing bumper stickers on the employee's privately owned vehicle.

- C. Employees of the Department are prohibited from wearing buttons for candidates for federal, state and local offices during working hours and are prohibited from wearing or displaying any local City candidate's logo or button while on duty or during a working shift.

### III. DISCIPLINE AND APPEALS

A. Executive Head of Department – The Chief is hereby designated as the executive head of his police or fire department. The Commission hereby delegates to the Chief the power and authority to utilize discipline, up to and including discharge, to enforce departmental rules and regulations as approved by the Mayor and/or City Council, if any, and to insure that the employees of the Department conduct themselves in their relations with each other, with their superiors, and with the public, in a manner consistent with the highest standards set forth by their respective professions.

B. No Discipline Without Cause – Suspension Pending Investigation. Except for probationary employees, no employee of the Department can be disciplined, discharged, or otherwise discriminated against without just cause. However, the Commission recognizes that circumstances can exist which would dictate the immediate suspension of an employee from duty, pending the outcome of an investigation and a decision by the Chief as to discipline. The Chief is, therefore, authorized to summarily suspend an employee from duty pending the outcome of the investigative, decision and appeal procedures herein set forth.

C. Types of Discipline. In order to enforce departmental rules and regulations and Civil Service Rules and Regulations and to insure proper standards of conduct and job performance by employees of the department, the Chief is expressly authorized to use the following types of discipline:

- (1) oral reprimand;
- (2) written reprimand to be served upon the offender with a copy placed in his permanent personnel record;
- (3) disciplinary suspension without pay for a period of no greater than thirty (30) calendar days;
- (4) reduction in rank and/or pay;
- (5) discharge; and
- (6) any combination of the above.

D. Progressive Discipline. The Commission recognizes that progressive discipline is generally the proper way to punish minor offenses and/or misconduct and/or poor job performance and therefore insures an adequate disciplinary level within the Department.

However, it is also recognized that there are cases involving violations, misconduct, or poor job performance, of a more serious nature which may require the Chief to impose a more serious discipline, up to and including discharge, for a first offense. Likewise, the Commission recognizes that repeated violations, misconduct, and/or poor job performance, of a minor nature, in which the offender has not responded to an earlier warning, may properly be the subject of serious discipline, up to and including termination.

E. Disciplinary Procedure. The Chief is directed to follow the following procedures in all cases of alleged violations of rules and regulations, misconduct, and/or poor job performance:

- (1) utilize any legal investigative techniques necessary in order to ascertain with reasonable certainty whether or not a violation, misconduct, and/or poor job performance has, in fact occurred;
- (2) conduct a personal interview with the offender after completion of the investigation and determine what discipline, if any, is reasonable; and
- (3) inform the employee in writing of (a) the violation, misconduct, and/or poor job performance in which he was involved, (b) the discipline to be imposed upon him, if any, and (c) the reasons and/or causes for imposition of the discipline.

F. Appeal to Commission. Any discipline involving discharge or suspension **for three (3) days or more**, or reduction in rank or loss of compensation as a result of the discipline which is imposed on an employee by the Chief shall become final unless the employee appeals within ten (10) days after written notice of the discipline has been served upon him in person or by registered mail. Such an appeal to the Commission shall be by the employee requesting of the Chairman of the Commission in writing a trial to review the imposition of discipline, said written request to be served upon the Chairman of the Commission, by registered mail, within the ten (10) day period as aforesaid. Verbal warnings, written warnings, **and suspensions for less than three (3) days** placed in a permanent file are excluded from the appeal rights procedures contained herein.

In the event an appeal right is granted by these rules, the employee shall have the right to introduce evidence in his own behalf and to be represented by person or persons of his choosing. The reasons concerning suspension, reduction in rank/pay or discharge and the reply shall constitute a part of said trial.<sup>1</sup>

In the event an employee has a right to a trial before the Commission, and a request for trial is timely made, the Commission shall, within fifteen (15) days after the request has been made, fix a date for the trial. The employee requesting the trial shall be notified of the date and place of the trial at least ten (10) days prior to the date thereof.

G. Standard of Review on Appeal. The discipline imposed, in any case by the Chief will not be disturbed by the Commission except upon a finding of one of the following:

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<sup>1</sup> Content in Paragraph F reviewed and corrected by Civil Service Commission on 04/26/2011.

- (1) that the disciplined employee did not engage in a violation of a reasonable departmental rule or regulation, did not engage in misconduct, or did not engage in poor work performance; or
- (2) that the discipline imposed was, considering all the facts and circumstances of the case, too severe; or
- (3) that the Chief otherwise acted in an unreasonable, arbitrary, or capricious manner in regard to the particular case.

The Commission is authorized to uphold the Chief's decision, modify the decision by increasing or decreasing the punishment imposed, or completely reverse the decision with the power to reinstate the employee with pay.

The decision of the Commission shall be by majority vote.

The employee shall have the right to appeal the Commission's decision to the Circuit Court within whose jurisdiction the Commission is situated, provided such appeal is authorized under Arkansas Law.

#### IV. HEARINGS AND PROCEEDINGS

A record shall be made of all disciplinary hearings and other proceedings brought before the Commission, which hearings or proceedings shall be stenographically reported.

## **CHAPTER 5**

### **MISCELLANEOUS PROVISIONS**

#### **I. IMPROVEMENT OF WORKING CONDITIONS**

The Commission shall cooperate with the Mayor, City Council, Police Chief, Fire Chief and others to promote measures directed toward more sanitary, safe and healthful working conditions; toward affording better facilities and toward any other means of bettering the conditions and improving the morale of city employees.

#### **II. EFFECTIVE DATE OF RULES AND REGULATIONS**

The effective date of these rules and regulations shall be applicable on and after a public hearing and adoption by the Commission

#### **III. ALL PRIOR RULES SUPERSEDED**

These rules and regulations shall be the Civil Service Rules and Regulations of the City of Russellville and shall supersede all prior Civil Service Rules and Regulations.

All present Rules shall continue in full force and effect pending adoption of these Rules and amendments thereto. Upon the adoption of these Rules and amendments thereto, existing Rules in conflict therewith shall be rescinded.

#### **IV. ADOPTION, AMENDMENT OR RESCISSION OF RULES**

The Commission shall have the power to adopt, amend or rescind these Rules, or any part thereof, by a majority vote of the Commission.

#### **V. CITY OF RUSSELLVILLE POLICY AND PROCEDURES AND DEPARTMENTAL POLICIES/RULES/REGULATIONS**

All civil service employees are also governed by the "Personnel Policies and Procedures Manual" of the City of Russellville, Arkansas. All such policies and procedures contained in the City of Russellville Policy and Procedures Manual are hereby adopted by reference, unless such policies specifically exclude civil service employees. This includes such future policies adopted or amended by the City Council, unless such new policies or amendments specifically exclude civil service employees.

#### **VI. SEVERABILITY**

In the event any part herein is determined by a court of competent jurisdiction to be in violation of, or unenforceable under, any law of the State of Arkansas or the United States, that part so determined shall be null and void and other provisions hereof shall continue in full force and effect.

## **CHAPTER 6**

### **DEFINITIONS**

**APPEALS:** The procedure as prescribed by these regulations for appealing disciplinary actions.

**APPLICANT:** A person who has filed application for examination and employment.

**APPOINTMENT:** The designation of a person, by due authority, to become an employee in a position.

**CANDIDATE:** A person who has applied for and qualified to take an examination.

**CERTIFIED LIST:** A record or listing of the names of those persons who have successfully passed the entry-level or promotional testing and examination process in a specified class or position, arranged in order of their relative rating

**CHIEF:** The Department Head of the Fire or Police Department.

**CLASSIFICATION:** A recognized type of employment within the City service, designated to embrace all positions sufficiently similar with respect to duties, authority and responsibilities, in which (a) similar requirements as to education, experience, knowledge and ability are required of incumbents; (b) similar tests of fitness maybe used in choosing qualified appointees; and (c) similar compensation is paid.

**COMMISSION:** The Russellville Civil Service Commission or a member of that body.

**DEMOTION:** Change of employment to a classification and/or rank and/or position having a lower pay grade. May be voluntary or involuntary.

**DEPARTMENT:** The Russellville Fire Department and/or the Russellville Police Department.

**DEPARTMENT HEAD:** The Fire Chief and/or the Police Chief.

**DISCHARGE:** The termination of an employee's employment by the City.

**ELIGIBLE:** A person who has met the minimum requirement for appointment or promotion.

**ELIGIBILITY ROSTER:** A listing of eligible persons, who have met the applicant criteria for entry-level or promotional testing and examination.

**EMPLOYEE:** Any person working in the service of the City of Russellville who is paid a wage.

**ENTRY-LEVEL:** A position in which an applicant is testing to fill a vacancy at the lowest rank or classification.

**EXAMINATION:** A written or oral test that assists in determining the fitness of applicants for positions of such classifications.

**JOB DESCRIPTION:** A document outlining the requirements of the job including training, education, experience and other requirements. The description also includes essential functions of the position and responsibilities.

**MINIMUM QUALIFICATIONS:** The requirements of training, experience, education and other qualifications, including those to be measured by an appropriate examination, as prescribed in the job description for the class of position.

**PHYSICAL ABILITY TEST:** A scientifically based, valid test used to determine a candidate's physical fitness and ability related to the position he is testing for.

**POSITION:** A titled entity authorized by appropriate authority, having assigned to it a specific job, pay grade and organizational location.

**PRACTICAL ASSESSMENT:** An evaluation method that tests the skills and abilities of a candidate or applicant. The testing may consist of job simulation, job function or operational scenario. The evaluation process is subjective and/or objective in nature. The practical assessment is administered by outside officers of the same rank or higher than those being tested.

**PROBATIONARY PERIOD:** The designated period of time after an applicant is appointed or an employee is promoted from the Certified List, in which the employee is required to demonstrate his fitness for the position by the actual performance of duties.

**PROMOTION:** An assignment of an employee from one position in one classification, to a position in another classification having a higher salary rate.

**PUBLIC NOTICE:** A written notice placed upon a bulletin board or other prominent place, including a newspaper, located in a place accessible to the public during business hours.

**RANK:** The title and designation given to a classification, each position allocated to such a class and to the incumbent of any such position. Its meaning is set forth in the corresponding general duties and tasks statement in the classification, and it is always used and understood in that sense.

**REINSTATEMENT:** The reemployment of a former permanent employee with the rights and benefits provided in these rules for reemployment.

**REAPPOINTMENT:** The reemployment of a former permanent employee without consideration of former city employment relative to seniority, wages and benefits.

**RESIDENCE:** The actual place of abode of the employee.

**SENIORITY:** The status of an employee required by continuous service with the government, which may be considered in promotion or layoff.

**STRUCTURED INTERVIEW:** A part of the promotional testing and evaluation process that includes oral interview and/or practical assessment. The structured interview process is dependant on the rank being tested for promotion and/or which Department is promoting.

**SUSPENSION:** An enforced leave of absence for disciplinary purposes or pending investigation charges. This leave of absence may be with or without pay.

**TERMINATION:** A separation from employment of an employee.

**TEST:** A process used to determine the relative fitness of an applicant for appointment or promotion, which may include any of the following: written, oral, structured, practical, or physical ability.

**VALIDITY:** A scientific process used to establish the fairness and defensibility of a test such as the Physical Ability Test.

**WRITTEN TEST:** A part of the entry-level and promotional testing and evaluation process that includes one or more of the following: study skills, reading comprehension, listening comprehension and writing skills.

## **APPENDICES**

**APPENDIX 1.0**

**POLICE DEPARTMENT**

<b><u>PROMOTED TO:</u></b>	<b><u>ELIGIBLE CLASSIFICATION:</u></b>	<b><u>MINIMUM SERVICE IN PRIOR CLASSIFICATION:</u></b>
SERGEANT	POLICE OFFICER	4 YEARS
LIEUTENANT	SERGEANT	2 YEARS
CAPTAIN	LIEUTENANT	2 YEARS
MAJOR (ASST. CHIEF)	CAPTAIN	2 YEARS

**APPENDIX 2.0**

**FIRE DEPARTMENT**

<b><u>PROMOTED TO:</u></b>	<b><u>ELIGIBLE CLASSIFICATION:</u></b>	<b><u>MINIMUM SERVICE IN PRIOR CLASSIFICATION:</u></b>
FIREFIGHTER-DRIVER	FIREFIGHTER	3 YEARS (NON-PROBATIONARY)
CAPTAIN	FIREFIGHTER-DRIVER	2 YEARS
BATTALION CHIEF	CAPTAIN	2 YEARS
ASSISTANT CHIEF	BATTALION CHIEF	2 YEARS

**APPENDIX 3.0**

**POLICE DEPARTMENT**

<b><u>PROMOTION TO:</u></b>	<b><u>STRUCTURED INTERVIEW:</u></b>	<b><u>WRITTEN:</u></b>
SERGEANT	30	70
LIEUTENANT	40	60
CAPTAIN	50	50
MAJOR (ASST CHIEF)	60	40

**APPENDIX 4.0**

**FIRE DEPARTMENT**

<b><u>PROMOTION TO:</u></b>	<b><u>ORAL INTERVIEW:</u></b>	<b><u>WRITTEN:</u></b>	<b><u>PRACTICAL EXAM:</u></b>
FIREFIGHTER-DRIVER	30%	35%	35%
CAPTAIN	30%	35%	35%
BATTALION CHIEF	30%	35%	35%
ASSISTANT CHIEF	30%	35%	35%

**APPENDIX 5.0**

**POLICE DEPARTMENT**

**PROMOTION PREREQUISITES:**

SERGEANT: FORTY (40) HOURS APPROVED LAW ENFORCEMENT TRAINING AND GENERAL CERTIFICATE MEMBER

LIEUTENANT: EIGHTY (80) HOURS APPROVED LAW ENFORCEMENT SUPERVISION TRAINING AND/OR MANAGEMENT TRAINING AND INTERMEDIATE CERTIFICATE MEMBER

CAPTAIN: ONE HUNDRED TWENTY (120) HOURS APPROVED LAW ENFORCEMENT SUPERVISION TRAINING AND/OR MANAGEMENT TRAINING AND ADVANCED CERTIFICATE MEMBER

MAJOR: ONE HUNDRED SIXTY (160) HOURS APPROVED LAW ENFORCEMENT SUPERVISION TRAINING AND/OR MANAGEMENT TRAINING AND ADVANCED CERTIFICATE MEMBER

## **APPENDIX 6.0**

### **FIRE DEPARTMENT**

#### **PROMOTION PREREQUISITES:**

FIREFIGHTER-DRIVER: OFFICER 1, BASIC PUMP OPERATIONS, DEFENSIVE DRIVING, RFD DRIVER/OPERATOR PUMPER AND AERIAL APPARATUS CERTIFICATION, NFIRS SELF STUDY COURSE:Q-494.

CAPTAIN: OFFICER 1, INSTRUCTOR 1, INCIDENT COMMAND

BATTALION CHIEF: OFFICER 1, OFFICER 2, INSTRUCTOR 1, HAZMAT TECHNICIAN, INCIDENT COMMAND

ASSISTANT FIRE CHIEF: FIRE OFFICER I & II, INSTRUCTOR I, INCIDENT COMMAND, PARAMEDIC, HAZMAT TECHNICIAN, ADVANCED CARDIAC LIFE SUPPORT INSTRUCTOR

**APPENDIX 7.0**  
**POLICE DEPARTMENT OUT FACTORS**

**CITY OF RUSSELLVILLE  
BACKGROUND STANDARDS FOR  
POLICE OFFICER SELECTION PROCESS**

1. INTRODUCTION

Background investigations shall be conducted on all police officer applicants who successfully complete the initial physical agility and written test, oral interview, and A.I.B. portions of the selection process for police officers.

The background investigation portion of the selection process provides job related information which the Chief of Police and/or Civil Service Commission shall use to determine if an applicant possesses the required personal characteristics for the position of police officer. The Police Chief shall ensure that the background investigation is not used to discriminate unfairly against individuals on the basis of race, sex, religion, age, color, creed, national origin, or a physical or mental handicap. Section 1002 (2) (3) of the regulations of the Arkansas Executive Commission on law enforcement standards and training sets forth that a background investigation shall be conducted to determine character traits and habits indicative of moral character.

These standards outline the factors, which shall result in the withdrawal of an applicant from further consideration for the position of police officer. The factors are stated in two categories, singular factors and combination factors. Substantiated evidence of any one of the singular factors shall result in immediate disqualification of the applicant. Other factors are significant but may not be of such magnitude as to result in immediate disqualification without consideration of other factors. Therefore, those factors, which must be combined, with other factors to warrant disqualification shall be referred to as combination factors.

## 2. SINGULAR FACTORS

Evidence of any one of the following factors shall result in immediate disqualification for employment as a police officer:

1. Falsification of his/her application or supplemental background forms.
2. Failure to appear for pre-background interviews as scheduled.
3. Failure to submit all required pre-background documents or to provide complete background supplements after appropriate notification.
4. Conviction of a felony crime (no time limit).
5. Currently under indictment or information\* in any court for a crime punishable by imprisonment for a term exceeding one year.  
  
\*A formal accusation of a crime made by prosecuting attorney, as distinguished from an indictment presented by a grand jury.
6. Conviction in any court of a crime punishable by imprisonment for a term exceeding one year. (Note: The actual sentence given by the judge does not matter if the judge could have given a sentence of more than one year. This applies even if the conviction has been discharged, set aside, or dismissed pursuant to an expungement or rehabilitation statute).
7. Close association of the applicant with convicted felons or known criminals, other than his/her immediate family, (parents, siblings, and children). This type situation will be evaluated on a case by case basis and shall be based on a reasonable belief that the applicant knew or should have known of the person's past or present criminal background activities.
8. Any non-prescribed use of any narcotic or hallucinogenic drug such as heroin, cocaine, and LSD or any other drug listed in 82-2617 of the Arkansas Criminal Code.
9. Any abuse of alcohol, (within the last three years), or any mood-changing or hallucinogenic drug, prescribed or illegal (ever).
10. Any current use of marijuana (within the last six months) or any use of marijuana other than an experimental basis, (within the last three years).
11. Recent (within the last three years), treatment (inpatient or outpatient), for alcohol abuse.
12. Accumulation of 24 or more traffic violation points in the last three years (see attached traffic violation point's schedule).

13. Conviction, admission, or substantiation by other means that the applicant has been or is selling, offering for sale, inducing or attempting to induce another person in the use of illegal drugs.
14. Conviction, admission or substantiated activity, which would, if convicted, be a misdemeanor which involves “moral turpitude” or would be punishable by imprisonment for a term exceeding one year. Each situation will be reviewed on a case by case approach. Intent, malice, knowledge or the gravity of the offense and provocation are elements to be considered in making judgements regarding the conviction.
15. Adjudicated mentally defective or ever committed (involuntarily) to a mental institution.
16. Dishonorable or other than honorable discharge from the Armed Forces for any reason covered in factors 1-15 above.
17. Poor credit history with outstanding judgements, liens, or pending court litigation. This does not include debts that have been satisfied as prescribed by law (i.e.: bankruptcy). Each situation will be reviewed on a case by case approach.

### 3. COMBINATION FACTORS

Generally, a combination of two or more of the following factors shall justify the Russellville Civil Service Commission to disqualify an applicant from further consideration for the position of police officer.

1. Accumulation of 18-23 traffic violation points in the last three year, (see attached traffic violation points schedule).
2. A pattern of traffic violations including the years previous to the last three years, which suggests that the pattern is cyclical – especially where the traffic violation points of applicants are approaching 18 as stated in Combination Factor 1.
3. Convincing and documented negative references/job related information from former employers or the military.
4. Substantiated negative reports from neighbors and acquaintances. Accusations which cannot be verified or corroborated adequately shall not be considered as valid.

5. Any substantiated behavior which would reduce the effectiveness of the applicant of the Russellville Police Department if the applicant were to be hired.

Acceptable evidence of any one of the singular factors shall result in immediate disqualification by the Police Chief. Upon substantiation of a violation of a singular factor, the Police Chief shall immediately discontinue the background of said applicant. The Police Chief or designee shall immediately notify the Civil Service Commission in writing of the cause for disqualification and the action taken.

Where an applicant has not been found to violate a singular factor, but the investigation reveals concerns covered in the combination factors category, the background investigation shall be carried out to its logical conclusion. The Police Chief shall, based on the evidence, make a recommendation to the Russellville Civil Service Commission shall, based on the investigation results, approve or disapprove certification of the applicant.

Note: Applicants who satisfy all other background standards but present psychological concerns shall be referred to a licensed psychiatrist or psychologist for additional psychological evaluation upon completion of the background investigation (before Civil Service certification).

**TRAFFIC VIOLATIONS REVIEW PROCEDURE FOR  
POLICE OFFICER APPLICANTS**

Before an applicant for the position of police officer with the City of Russellville is offered employment, a thorough review of his/her traffic violations occurring within the last three years will result in the assessment of points against the traffic record of the applicant. Accumulation of 24 or more points during the most recent three-year period will result in immediate disqualification of an applicant from further consideration for employment as a police officer. Accumulation of 18-23 violation points may result in disqualification if other factors such as job/military references or neighborhood investigations reveal substantiated concerns about the applicant. Violations prior to the last three years will be reviewed to determine if a cyclical pattern is evident. Points shall be assessed per the following:

<b>CONVICTION</b>	<b>POINTS</b>
A. Driving while under the influence of alcohol or drugs	18
B. Racing	13
C. Evading arrest while operating a motor vehicle	15
D. Failure to stop for a school bus	10
E. Reckless driving	11
F. Negligent or inattentive driving	8
G. Speeding:	
1. 1-10 mph over speed limit	6
2. 11-20 mph over speed limit	7
3. 21-50 mph over speed limit	9
4. 51 mph or more over the speed limit	10
H. Failure to yield right of way	6
I. Improper passing	6
J. Improper turn and lane	6
K. Any other moving traffic violation	6
L. Leaving the scene of an accident	12

M. Non-hazardous traffic violations, e.g., expired license or license or inspection sticker

3

Multiple violation incidents (multiple convictions stemming from the same incident) shall have points assessed as per the above schedule to a maximum of 18 points per incident, except in incidents involving evading arrests.

Examples of possible combinations of traffic violations for disqualification:

Two DWI's

One DWI and one of any other moving violation

One racing and one reckless driving

One racing and one leaving the scene of accident

One racing and two speeding

One evading arrest, one failure to stop for school bus, or reckless driving or two minimum speeding

One negligent or inattentive driving and three minimum speeding

Four minimum speeding

Two minimum speeding and improper passing or improper lane

Two minimum speeding and four non-hazardous traffic violations and one failure to yield

**APPENDIX 8.0**  
**FIRE DEPARTMENT OUT FACTORS**

**CITY OF RUSSELLVILLE  
BACKGROUND STANDARDS FOR  
FIREFIGHTER SELECTION PROCESS**

1. INTRODUCTION

Background investigations shall be conducted on all firefighter applicants who successfully complete the written test, oral interview, and physical ability evaluation for firefighters.

The background investigation portion of the selection process provides job related information which the Fire Chief and/or Civil Service Commission shall use to determine if an applicant possesses the required personal characteristics for the position of firefighter. The Fire Chief shall ensure that the background investigation is not used to discriminate unfairly against individuals on the basis of race, sex, religion, age, color, creed, national origin, or a physical or mental handicap.

These standards outline the factors, which shall result in the withdrawal of an applicant from further consideration for the position of firefighter. The factors are stated in two categories, singular factors and combination factors. Substantiated evidence of any one of the singular factors shall result in immediate disqualification of the applicant. Other factors are significant but may not be of such magnitude as to result in immediate disqualification without consideration of other factors. Therefore, those factors, which must be combined, with other factors to warrant disqualification shall be referred to as combination factors.

## 2. SINGULAR FACTORS

Evidence of any one of the following factors shall result in immediate disqualification for employment as a firefighter:

1. Falsification of his/her application or supplemental background forms.
2. Failure to appear for pre-background interviews as scheduled.
3. Failure to submit all required pre-background documents or to provide complete background supplements after appropriate notification.
4. Conviction of a felony crime (no time limit).
5. Currently under indictment or information\* in any court for a crime punishable by imprisonment for a term exceeding one year.
  - i. \*A formal accusation of a crime made by prosecuting attorney, as distinguished from an indictment presented by a grand jury.
6. Conviction in any court of a crime punishable by imprisonment for a term exceeding one year. (Note: The actual sentence given by the judge does not matter if the judge could have given a sentence of more than one year. This applies even if the conviction has been discharged, set aside, or dismissed pursuant to an expungement or rehabilitation statute).
7. Close association of the applicant with convicted felons or known criminals, other than his/her immediate family, (parents, siblings, and children). This type situation will be evaluated on a case by case basis and shall be based on a reasonable belief that the applicant knew or should have known of the person's past or present criminal background activities.
8. Any non-prescribed use of any narcotic or hallucinogenic drug such as heroin, cocaine, and LSD or any other drug listed in 82-2617 of the Arkansas Criminal Code.
9. Any abuse of alcohol, (within the last three years), or any mood-changing or hallucinogenic drug, prescribed or illegal (ever).
10. Any current use of marijuana (within the last six months) or any use of marijuana other than an experimental basis, (within the last three years).
11. Recent (within the last three years), treatment (inpatient or outpatient), for alcohol abuse.
12. Accumulation of 24 or more traffic violation points in the last three years (see attached traffic violation point's schedule).

13. Conviction, admission, or substantiation by other means that the applicant has been or is selling, offering for sale, inducing or attempting to induce another person in the use of illegal drugs.
14. Conviction, admission or substantiated activity, which would, if convicted, be a misdemeanor which involves “moral turpitude” or would be punishable by imprisonment for a term exceeding one year. Each situation will be reviewed on a case by case approach. Intent, malice, knowledge or the gravity of the offense and provocation are elements to be considered in making judgments regarding the conviction.
15. Adjudicated mentally defective or ever committed (involuntarily) to a mental institution.
16. Dishonorable or other than honorable discharge from the Armed Forces for any reason covered in factors 1-15 above.
17. Poor credit history with outstanding judgments, liens, or pending court litigation. This does not include debts that have been satisfied as prescribed by law (i.e.: bankruptcy). Each situation will be reviewed on a case by case approach.

### 3. COMBINATION FACTORS

Generally, a combination of two or more of the following factors shall justify the Russellville Civil Service Commission to disqualify an applicant from further consideration for the position of firefighter.

1. Accumulation of 18-23 traffic violation points in the last three year, (see attached traffic violation points schedule).
2. A pattern of traffic violations including the years previous to the last three years, which suggests that the pattern is cyclical – especially where the traffic violation points of applicants are approaching 18 as stated in Combination Factor 1.
3. Convincing and documented negative references/job related information from former employers or the military.
4. Substantiated negative reports from neighbors and acquaintances. Accusations which cannot be verified or corroborated adequately shall not be considered as valid.
5. Any substantiated behavior which would reduce the effectiveness of the applicant of the Russellville Fire Department if the applicant were to be hired.

Acceptable evidence of any one of the singular factors shall result in immediate disqualification by the Fire Chief. Upon substantiation of a violation of a singular factor, the Fire Chief shall immediately discontinue the background of said applicant. The Fire Chief or designee shall immediately notify the Civil Service Commission in writing of the cause for disqualification and the action taken.

Where an applicant has not been found to violate a singular factor, but the investigation reveals concerns covered in the combination factors category, the background investigation shall be carried out to its logical conclusion. The Fire Chief shall, based on the evidence, make a recommendation to the Russellville Civil Service Commission shall, based on the investigation results, approve or disapprove certification of the applicant.

Note: Applicants who satisfy all other background standards but present psychological concerns shall be referred to a licensed psychiatrist or psychologist for additional psychological evaluation upon completion of the background investigation (before Civil Service certification).

**TRAFFIC VIOLATIONS REVIEW PROCEDURE FOR  
FIREFIGHTER APPLICANTS**

Before an applicant for the position of firefighter with the City of Russellville is offered employment, a thorough review of his/her traffic violations occurring within the last three years will result in the assessment of points against the traffic record of the applicant. Accumulation of 24 or more points during the most recent three-year period will result in immediate disqualification of an applicant from further consideration for employment as a firefighter. Accumulation of 18-23 violation points may result in disqualification if other factors such as job/military references or neighborhood investigations reveal substantiated concerns about the applicant. Violations prior to the last three years will be reviewed to determine if a cyclical pattern is evident. Points shall be assessed per the following:

<b>CONVICTION</b>	<b>POINTS</b>
A. Driving while under the influence of alcohol or drugs	18
B. Racing	13
C. Evading arrest while operating a motor vehicle	15
D. Failure to stop for a school bus	10
E. Reckless driving	11
F. Negligent or inattentive driving	8
H. Speeding:	
1. 1-10 mph over speed limit	6
2. 11-20 mph over speed limit	7
3. 21-50 mph over speed limit	9
4. 51 mph or more over the speed limit	10
I. Failure to yield right of way	6
J. Improper passing	6
K. Improper turn and lane	6
L. Any other moving traffic violation	6
M. Leaving the scene of an accident	12

N. Non-hazardous traffic violations, e.g., expired license or  
License or inspection sticker

3

Multiple violation incidents (multiple convictions stemming from the same incident) shall have points assessed as per the above schedule to a maximum of 18 points per incident, except in incidents involving evading arrests.

Examples of possible combinations of traffic violations for disqualification:

Two DWI's

One DWI and one of any other moving violation

One racing and one reckless driving

One racing and one leaving the scene of accident

One racing and two speeding

One evading arrest, one failure to stop for school bus, or reckless driving or two

Minimum speeding

One negligent or inattentive driving and three minimum speeding

Four minimum speeding

Two minimum speeding and improper passing or improper lane

Two minimum speeding and four non-hazardous traffic violations and one failure to yield

