

## CAUSES FOR DISQUALIFICATION FOR FIREFIGHTER OR FIRE PREVENTION INSPECTOR APPLICANTS

1. The following causes will result in a **temporary disqualification** of the applicant from employment in the Arlington Fire Department until the standard is met, the applicant successfully retakes the written examination and the applicant is otherwise eligible under these Rules:
  - a. Applicant has failed to comply with any of the minimum requirements or qualifications for a beginning position as established by Chapter 143 or these Rules;
  - b. Applicant has failed to provide proof of completion of high school, such as a diploma, transcript, General Equivalency Diploma, or other proof which is acceptable to the Department Head;
  - c. Applicant has not attained the age of nineteen (19) years at the time the position is offered to the applicant;
  - d. Applicant has failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Fire Protection and Texas Department of State Health Services;
  - e. Applicant has failed to meet the standards prescribed by the Texas Commission on Law Enforcement, if the person is being appointed to Fire Prevention Inspector classification;
  - f. Applicant has failed to provide proof of discharge for military services;
  - g. Applicant driver's license has been suspended within the last two (2) years;
  - h. Applicant has a driving record or driving violations that are incompatible with the safe operation of emergency vehicles or which presents potential liabilities to the City of Arlington, including three (3) or more moving violations or preventable accidents in the preceding thirty-six (36) months or reckless driving; within the preceding sixty (60) months;
  - i. Applicant is not a citizen of the United States of America;
  - j. Applicant has failed to demonstrate his/her ability to read, write, and fluently speak the English language;
  - k. Applicant was unsuccessful on the written examination;
  - l. Applicant has not successfully completed the physical fitness or ability assessment, as determined by the Department;

- m. Applicant has unsuccessfully completed a polygraph test;
- n. Applicant has failed to receive the required approval for employment by the Commission's psychologist, psychiatrist, or medical doctor;
- o. Applicant has failed to complete or satisfactorily meet the employment process requirements of the Fire Department, including but not limited to: missed appointments, failure to return necessary paperwork, failure to notify the Department of changes in address or telephone numbers, or has otherwise failed to complete the proper application process;
- p. Applicant has failed to complete or obtain satisfactory results of the Interview Board process;
- q. Applicant has admitted conduct that constitutes a Class A or Class B Misdemeanor under the Texas Penal Code, equivalent federal law, or equivalent Code of Uniform Military Justice and/or has accepted probation and/or deferred adjudication for such conduct. Temporary disqualification until the statute of limitation expires for the applicable violation and the applicant has demonstrated an appropriate improvement in judgment;
- r. Applicant has been convicted of conduct that constitutes a Class B Misdemeanor (e.g., First Offense DWI) under state or federal law, to include the Uniform Code of Military Justice (UCMJ) or equivalent UCMJ violation within the last ten (10) years;
- s. Applicant has been found to have used or has admitted to the use of marijuana within the last two (2) years;
- t. Applicant has been found to have used or has admitted to the use of methamphetamines, speed, crank, crack, or any other form of cocaine, steroids, or any other controlled substances without a prescription, or felony grade substances as defined in the Texas Penal Code within the last ten (10) years;
- u. Applicant has been found to have abused or has admitted to abuse of legally obtained prescription medications or illegal use of prescription medication of another person. Conduct involving abuse and/or misuse of prescription medication shall be considered on a case-by-case basis with consideration given to circumstances and time of occurrence;
- v. Applicant has been found to have used or has admitted to illegal use of anabolic steroids within the last ten (10) years;
- w. Applicant has charges that are pending for any criminal offense, other than Class C traffic offenses;

- x. Applicant has a history of unstable work including, but not limited to, short terms of employment over the applicant's employment history; termination of employment without proper notice; dismissal from any public safety position; and/or has been disciplined, dismissed, or resigned in lieu of dismissal from any employment for inefficiency, delinquency, misconduct, or policy violations, unless otherwise determined reasonable by the Department Head;
  - y. Applicant has exercised poor judgment skills within the preceding five (5) years by demonstrating immaturity or poor judgment in the applicant's decision-making process, such conduct including, but not limited to: (1) attendance at parties or social functions at which controlled substances or dangerous drugs are consumed, and such activity is known or should have been known by the applicant; (2) silent acceptance of known illegal conduct by others in his presence; (3) workplace behavior/decisions that adversely affect the business or associates, with little or no objectively justifiable need for such behavior. Applicant is disqualified until judgment shows improvement; or
  - z. Applicant's name appears on the Inspector General (OIG) List of Excluded Individuals/Entities indicating those who have been debarred, suspended, or otherwise deemed ineligible to participate in the federal healthcare programs, managed under the U.S. Department of Health and Human Services (DHHS) (i.e. Medicare and Medicaid) until removed, regardless of whether the applicant's position will include billing.
2. The following causes will result in a **permanent disqualification** of the applicant from employment in the Arlington Fire Department:
- a. Applicant has exceeded the age of thirty-six (36) years old prior to appointment;
  - b. Applicant has been convicted of, received deferred adjudication for or probation for a misdemeanor involving moral turpitude, a Class A Misdemeanor, or for a felony under State or Federal law or a Uniform Code of Military Justice equivalent violation, bribery, official oppression, or arson;
  - c. Applicant has a history of substandard performance and/or a negative recommendation or referral from his/her fire and/or EMS training school, unless otherwise determined by the Department Head;
  - d. Applicant has made a false statement in any material fact; withheld information, practiced or attempted to practice deception or fraud in his/her application, examination, background investigation, polygraph examination, or medical examination;
  - e. Applicant has failed a background check or is unable to obtain CJIS area access clearance, unless otherwise determined to be a temporary issue by the Department Head;

- f. Applicant has admitted to conduct involving a felony or a crime or act of moral turpitude that, given the nature of the event, has the potential for the conduct to impact the applicant's ability to perform public safety duties and to uphold the expected conduct and image required of a Firefighter or Fire Prevention Inspector;
- g. Applicant is registered as a "sex offender";
- h. Applicant has been convicted of any family violence offense;
- i. Applicant has tested positive for alcohol, marijuana, or any controlled substance on the pre-employment drug and/or alcohol tests;
- j. Applicant has been found to have used or has admitted to the use of methamphetamines, speed, crank, crack, or any other form of cocaine on more than three (3) occasions;
- k. Applicant has been found to have used or admitted to the use of heroin or any heroin-based substances, opium, PCP, Ketamine, intentionally used LSD, or has sold or distributed marijuana or any other controlled substance;
- l. Applicant has been rejected as a witness by a criminal prosecutor for Brady violations and/or being placed on a Brady list or disclosure list under the Michael Morton Act and/or Section 39.14 of the Code of Criminal Procedure; or
- m. Applicant has a prohibited relationship: Employment of related persons by the Fire Department is not allowed. The provisions of this section apply to persons from outside the City workforce who are applying for employment with the Fire Department. Restrictions on persons who are already employed by the Fire Department, and who become related to another person who is employed by the City, are specified in the City of Arlington Personnel Policies.
  - i. **Scope.** For the purposes of determining a relative relationship (Nepotism) only, Fire Department employee includes probationary, regular full-time and part-time employees.
  - ii. **Relative.** The following relatives are prohibited from being hired:
    - (1) Any person related by blood or adoption as follows:
      - (a) mother or father
      - (b) daughter or son
      - (c) sister or brother
      - (d) grandmother or grandfather
      - (e) granddaughter or grandson
      - (f) niece or nephew
      - (g) aunt or uncle
      - (h) first cousins

- (2) Any person who is married to any person specified above; or
- (3) An employee's spouse and any person related to the employee's spouse as specified above.

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

**iv. Additional Prohibitions.**

- (1) **Elected Officials' Relatives.** No person who is related within the second degree by marriage (spouse and spouse's children, parents, brothers, sisters, grandparents, and grandchildren) or within the third degree by blood (parents, children, brothers, sisters, grandparents, grandchildren, great-grandparents, great-grandchildren, aunts, uncles, nieces, and nephews) to the Mayor or any member of the City Council may be offered or accept employment with the City.
- (2) **Executives.** No person who is a relative (as defined above) of a council-appointed employee, a Deputy City Manager, or a Department Head may be offered or accept employment with the City.
- (3) **Condition of Conflict.** No person who is a relative (as defined above) may be offered or accept employment where the employment would constitute a condition of conflict.