

Additional Suitability Factors

An applicant will be deemed unsuitable for appointment to a beginning position whenever the applicant does not meet any of the minimum qualifications set forth in the SUITABILITY FACTORS adopted by the Commission and contained in the Local Rules, and in the NEW BRAUNFELS POLICE DEPARTMENT POLICE OFFICER APPLICATION PACKET.

Note:

Suitability for appointment to a beginning position in the New Braunfels Police Department includes that the applicant; if certified must currently hold a **minimum certification as a Texas Peace/Police Officer in good standing** with the Texas Commission on Law Enforcement (TCOLE) **prior to the time and date of the written examination**. If non-certified; must have the following a minimum of thirty (30) hours earned from a regionally accredited university and/or college, which are accepted and/or recognized by the (TCOLE) and/or two (2) years of active military service and/or have a minimum of six (6) years of reserve status with the Armed Services or National Guard **prior to the time and date of the written examination**.

In addition to the minimum qualifications, the following are established causes for determining an applicant's suitability for appointment to a beginning position in the Police Department. The City may reject an applicant for one or more of the following reasons listed below. Time calculations for an action that constitutes rejection for a specified period of time shall be calculated from the date the application for employment is submitted by an applicant:

- (a) Applicant fails to pass any part of the entrance examinations;
- (b) Applicant fails to make application in the manner prescribed in the notice of examination, and/or fails to file the application with the Director within the time limits prescribed in the notice of examination.
- (c) Applicant fails to meet Minimum Standards for Initial Licensure as set forth by Texas Commission on Law Enforcement for peace officer candidates and is not in good standing.
- (d) Applicant is not a citizen of the United States of America by birth or naturalization.
- (e) Applicant fails to demonstrate his/her ability to read, write, and fluently speak the English language.
- (f) Applicant is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation.
- (g) Applicant has been convicted of or admitted to conduct that constitutes a Class A or Class B Misdemeanor under the current Texas Criminal and Traffic Law Manual or Penal Code or equivalent under federal law, to include the Uniform Code of Military Justice (UCMJ), (except for marijuana use) within the past ten (10) years may result in a temporary rejection. Applicant cannot have formal criminal charges above a Class C misdemeanor pending before a Grand Jury or District Attorney's office. Crimes involving moral turpitude may result in permanent disqualification and shall be considered on a case-by-case basis with appropriate consideration of circumstances and the date of the incident. Applicant must not be on court-ordered community supervision or probation for any misdemeanor offense above the grade of a Class C misdemeanor. Applicant will be rejected if he/she is subject of any arrest warrant above the grade of Class C misdemeanor. All Class C misdemeanor warrants must be cleared within fourteen (14) days of notification of existence of warrant(s). If an Applicant has been convicted of any family violence offense, it is cause for automatic rejection. Applicant has been convicted of or admitted to conduct which constitutes a felony under state or federal law, to include the UCMJ. Conviction of or admission to conduct that constitutes a felony shall result in permanent disqualification. An applicant shall not be considered for employment while charges are pending for any criminal offense or while he/she is currently on probation or deferred adjudication for any offense.
- (h) Applicant has made any false statement in any material fact; withheld information, practiced or attempted to practice any deception or fraud in his/her application, examination or appointment. Depending on the variables involved, rejection may be either permanent or temporary.

- (i) Applicant fails to complete or satisfactorily meet the employment process requirement of the respective Department, including missed appointments, failure to return necessary paperwork, failure to notify Department of changes in address or telephone numbers, failure to properly complete any or all application materials, or who otherwise fails to complete application process.
- (j) Applicant fails to satisfactorily pass the oral interview process for police officer applicants. An applicant shall be disqualified for failure to verbally communicate effectively and appropriately; failure to demonstrate an understanding of the roles and responsibilities of a police officer; failure to present the maturity expected of a police officer; or failure to accurately and precisely respond to the questions of the interviewers.
- (k) Applicant has used illicit substances as indicated by the following guidelines:
An applicant may be temporarily or permanently disqualified if it has been determined by the City that, or he/she has admitted to or determined in background investigation, conduct which constitutes excessive and/or recent use of illicit substance(s) or excessive use of intoxicants, under the following guidelines:
 - (1) Any voluntary and/or willful consumption or use of marijuana in any form including marijuana derivatives, or synthetic marijuana within the past three (3) years from the date of the application.
 - (2) Any voluntary and/or willful consumption or use of any illegal drug (other than marijuana) within the past ten (10) years from the date of the application.
 - (3) An applicant admits or is found to have grown, sold, transported, or dealt drugs of any kind will result in a permanent disqualification.
 - (4) Conduct involving excessive and/or recent use of illicit substance or excessive use of intoxicants shall be considered on a case-by-case basis with consideration given to circumstances and the date(s) of use.
 - (5) Any voluntary and/or willful use or consumption of a prescription medication(s), including but not limited to anabolic steroids, which constitutes illegal use of the prescription medication(s) of another person within the past ten (10) years from the date of the application.
 - (6) Conduct involving the abuse and/or misuse of legally obtained prescription medication(s) shall be considered on a case-by-case basis with consideration given to circumstances and date(s) of use.
 - (7) The intentional use or abuse of solvent-based chemicals, but not limited to inhaling, sniffing, bagging, dusting or any other introduction of any paint, gas or chemical into or around the person body in order to cause a deliberate reactionary state of intoxication or “high” as a result.
- (l) Police applicant does not have a valid driver’s license and/or is prohibited from operating a motor vehicle by any State or Federal law.
- (m) Applicant has a conviction of DWI/BWI/FWI within the past ten (10) years, or DUI within the past five (5) years, or four (4) moving violation events (or preventable accidents) within the past three (3) years. An applicant shall be temporarily disqualified until he/she can meet the above standards. Fewer, but more severe, violations which tend to indicate driving habits that are not compatible with the operation of emergency vehicles and present potential liabilities to the City shall be temporary disqualifications. Reapplication shall be permitted when the applicant can meet the above standards.
- (n) Applicant has been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct. Said dismissal or termination or resignation shall be considered on a case-by-case basis. Rejection under this provision shall be considered permanent.
- (o) Applicant has demonstrated a failure to pay just debts. Due to the variables involved, each situation shall be considered on a case-by-case basis. Factors which shall be considered include but are not limited to type and number of debts, reasons for the bad credit, extenuating circumstances, and the potential for the credit-related problems impacting the applicant's judgment and integrity. Resolution of bad credit may result in requalification.

- (p) Applicant has exercised poor judgment skills within the past seven (7) years. The applicant has demonstrated either immaturity or poor judgment in the applicant's decision-making process. Examples of such conduct would include, but is not limited to: attendance at a party or social function at which controlled substances or dangerous drugs are consumed, and such activity is known or should have been known by the applicant; silent acceptance of known illegal conduct by others in his/her presence; workplace behavior/decisions that adversely affect the business or associates, with little or no objectively justifiable need for such behavior. This shall be considered on an individual basis and rejection for this shall be temporary and an applicant shall be eligible for reapplication after a three (3) year period from the date of application or rejection shall be permanent;
- (q) Applicant has a history of unstable work, i.e., short terms of employment over his/her employment history; a history of employment in an illegal occupation. Rejection under this provision shall be temporary in nature and an applicant shall be eligible for reapplication after a five (5) year period. Due to the variables involved, each situation shall be considered on a case-by-case basis. Rejection for employment in an illegal occupation shall be permanent in nature.
- (r) Applicant has failed to meet all legal requirements necessary for future licensing and certification as required by the TCOLE. Rejection for this cause shall be temporary until applicant can meet those standards.
- (s) Applicant has been discharged from any military service under less than honorable conditions, including specifically:
 - (1) General/under honorable conditions;
 - (2) Bad conduct;
 - (3) Dishonorable;
 - (4) Any other characterization of service indicating bad character.

"General/under honorable conditions" is an acceptable discharge from the military, however, is not eligible for Veteran's Preference Points. Applicants with military service must be eligible for reentry into the military. If a waiver is required to reenter the military, the applicant must obtain the waiver prior to the date of the examination before the City will consider the applicant for employment.

- (t) Applicant fails to return a completed Personal History Statement by the time and date designated.
- (u) Applicant intentionally provides false information related to the selection process.
- (v) Applicant fails any part of background investigation.

Notes:

A. "Commission" of an offense is established by Police reports and/or other official law enforcement documents or other evidence that gives rise to a reasonable conclusion that the offense was committed by the applicant.

B. The designation of offenses by titles or grades refers to the titles and grades established under Texas Law. For offenses in jurisdictions other than Texas, the offense most similar to the one defined by Texas Law, and the grade for that offense established under the law of that jurisdiction, will be used.

Arrest Record:

An arrest record will not necessarily prevent employment. Factors such as the date of the offense, the seriousness and nature of the violation, subsequent rehabilitation and work record may be taken into consideration.

Physical Fitness:

Applicants must possess the physical ability necessary to perform the rigorous physical demands of the position and to professionally accomplish the assignments of a Police Officer without undue risk of injury or fatigue. Applicants must demonstrate they possess an efficient cardiovascular, respiratory system and adequate levels of muscular strength, flexibility and endurance by their successful completion of the physical fitness evaluation in which they meet or exceed the physical fitness standards approved by the Commission.

Withdrawals:

Applicants desiring to withdraw from consideration must submit a signed written statement indicating this to the Civil Service Director. In the event a written statement is not received, the applicant will continue in the process subject to the conditions specified in these rules.

Applicants withdrawing their applications are eligible to reapply for subsequent entrance examinations.

Request to Deem an Applicant Unsuitable:

When the Police Chief or his/her designee determines that such cause exists which renders an applicant unsuitable for appointment to a beginning position, the Police Chief or designee shall notify the Civil Service Director of such cause(s) and request that the applicant be deemed unsuitable. Such notification and request shall be made in writing. The Civil Service Director shall cause a written notice to be sent to each applicant deemed unsuitable.

Such notice shall inform the applicant of the specific rule and cause for which the applicant was deemed unsuitable, the applicant's ability to reapply for subsequent entrance examinations, and that the applicant may discuss the findings of unsuitability with the appropriate person.