

CAUSE FOR REJECTION FOR POLICE OFFICERS

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 is found to lack any qualifications set forth in these Rules;
- (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;
- (d) Applicant fails to demonstrate his/her ability to read, write, and fluently speak the English language. The applicant shall be disqualified until the deficiency is corrected.
- (e) Applicant is unable to perform the essential functions of the position to which he/she seeks appointment, with or without reasonable accommodation.
- (f) Applicant has been convicted of conduct that constitutes a Class A or Class B Misdemeanor under the laws of the State of Texas 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 rejection. Applicant has been convicted of conduct that constitutes a Class C misdemeanor within the past five (5) years may result in a rejection. Applicant cannot have formal criminal charges above a Class C misdemeanor pending before a Grand Jury or District Attorney's office. Crimes involving moral turpitude may result in permanent disqualification and shall be considered on a case-by-case basis with appropriate consideration of circumstances and recency. Applicant must not be on court-ordered community supervision or probation. 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).

Applicant has been arrested by the Kyle Police Department within five (5) years of date of examination.

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 may result in permanent disqualification.

- (g) Commission of any of the following:
 - (1) Criminal negligent homicide
 - (2) Public lewdness

- (3) Indecent exposure
- (4) Perjury
- (5) Tampering with or fabricating physical evidence
- (6) Impersonating a public servant
- (7) Official oppression
- (8) Theft by public servant
- (9) Prostitution or promotion of prostitution
- (10) Gambling
- (11) Family violence

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

(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. 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, conduct which constitutes excessive and/or recent use of illicit substance(s) or excessive use of intoxicants.

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 recency.

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

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

- (l) Applicant does not have a valid driver's license.
- (m) Applicant has been dismissed or resigned in lieu of dismissal from any employment for inefficiency, delinquency, or misconduct. Said dismissal or termination shall be considered on a case-by-case basis. Rejection under this provision shall be considered permanent.
- (n) 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.
- (o) Applicant has exercised poor judgment skills within the past five (5) years. The applicant has demonstrated either immaturity or poor judgment in the applicant's decision-making process. 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. Rejection for this cause shall be temporary until the applicant can demonstrate that his/her judgment skills have developed.
- (p) Compelling negative evidence regarding the applicant's dependability, situational reasoning ability, interpersonal skills, integrity, and oral communication skills.
- (q) Evidence that the applicant has inappropriate attitudes towards minorities or supervision.
- (r) Evidence that the applicant has difficulty working with co-workers in a team setting.
- (s) Applicant has a history of unstable work, i.e., including short terms of employment over his/her employment history; a history of employment in an illegal occupation. Rejection under this provision shall be temporary in nature and an applicant shall be eligible for reapplication after a five (5) year period. Due to the variables involved, each situation shall be considered on a case-by-case basis. Rejection for employment in an illegal occupation shall be permanent in nature.

(t) Applicant has failed to meet all legal requirements necessary for future licensing and certification as required by the Texas Commission on Law Enforcement. Rejection for this cause shall be temporary until applicant can meet those standards.

(u) Applicant has been discharged from any military service under less than honorable conditions, including specifically:

- (1) Under other than honorable conditions;
- (2) Bad conduct;
- (3) Dishonorable;
- (4) General; or
- (5) Any other characterization of service indicating bad character.

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

(v) Applicant fails to return a completed Personal History Statement at a time designated by the Department Head.

(w) Applicant intentionally provides false information related to the selection process.

(x) Applicant fails any part of background investigation.

To the extent that the above causes for rejection exceed the requirements of Chapter 143 and other applicable state laws, the Police Chief may recommend, and the Commission may authorize, a variance of the above standards not prescribed by State law on a case-by-case basis.

Any applicant rejected during the testing process must wait at least one year before re-applying for employment, unless a longer waiting period is indicated by the reason for the rejection, such as an unacceptable driving record. The one year waiting period does not apply to rejection due to failure to pass the examination.

NOTE: 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.