



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### Section 404 Selection and Hiring

Office with Primary Responsibility:	COP	Effective Date: Prior Revision Date:	April 1, 2019 NEW
Office(s) with Secondary Responsibilities:		Number of Pages:	6
Forms Referenced in Procedure:	None	Related Procedures:	ALL

#### .01 INTRODUCTION

The VIA Metropolitan Transit Police Department strives to obtain the best law-enforcement officers possible to help achieve the department's policing goals. In Accordance with and in addition to VIA Metropolitan Transit Human Resources guidelines, the department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, sexual orientation, or age. The department does not discriminate against people with disabilities and affords them the same access to employment provided to all other persons. All personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this order.

#### .02 POLICY

The purpose of this policy is to outline the minimum hiring requirements and the selection process for police officers and non-sworn members of the Transit Police Department.

#### .03 DEFINITIONS

- A. **Disability:** A physical or mental impairment that substantially limits one or more of the major life activities.
- B. **Good moral character:** The attributes of a prospective employee that enhance his or her value to the department and the goals of community-oriented policing, among which are honesty, integrity, truthfulness, obedience to the oath of office and the department's code of ethics, respect for authority, and respect for the rights of others.
- C. **Job Description:** All positions within VIA Metropolitan Transit have an official and regularly updated set of guidelines that outline the minimum requirements needed for an applicant to be considered for employment. All job descriptions provide the applicant an outline of the skills necessary for initial hiring and continued employment. All job descriptions are maintained by the VIA Metropolitan Transit Human Resources Division.

#### .04 QUALIFICATIONS FOR EMPLOYMENT FOR SWORN OFFICERS

The minimum qualifications that all applicants for the position of Transit Police Officer are listed on the current job description on file with VIA's Human Resources Division and posted in the employment website when there is a job opening. Those qualifications include:

- A. Age of 21 or over.
- B. High school graduation or GED completion.
- C. Successful completion of a Law Enforcement Academy.
- D. TCOLE Peace Officer License active and in good standing.
- E. Be of good moral character.



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NOTE: Good moral character is determined by a favorable report following the comprehensive background investigation. Also, the interview shall be employed to help evaluate good moral character. Good moral character ensures compatibility with the department's community-oriented policing goals.

#### ***.05 DISQUALIFIERS FOR EMPLOYMENT***

The following are absolute disqualifiers for employment as a sworn officer with the VIA Transit Police Department:

- A. Conviction or admission of any felony, or a conviction of a Class A misdemeanor.
- B. Conviction of any Class B misdemeanor in the past ten years.
- C. Conviction or admission of marijuana use within the past two years, or of any other illegal drug within the past five years.
- D. Conviction of family violence.
- E. Dishonorable discharge from the military.

#### ***.06 APPLICATION PROCESS FOR SWORN OFFICERS***

An applicant to the VIA Transit Police Department must pass several stages of the application process prior to being given a conditional offer of employment. An applicant must successfully complete each stage before being considered or approved for the next stage. The stages of the application process are as follows:

- A. VIA Metropolitan Transit Authority On-Line application.
- B. Written test administered by the VIA Human Resources Department
- C. Interview/ Scenario Board
- D. Submit a personal history statement to the Transit Police Investigator including the following documents:
  1. Birth certificate
  2. Driver's license
  3. High school diploma or transcript, or GED certificate.
  4. Credit report dated no more than 90 days prior
  5. Any college transcripts
  6. Copy of military discharge papers, if applicable
- E. Comprehensive background Investigation that includes:
  1. Personal and Family History
  2. Credit history, including current creditors
  3. Education, including all schools attended and degrees or certificates obtained.
  4. All residences for the past ten years
  5. Comprehensive employment history.



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6. A finger-print based criminal history search including all arrests, locations, dates, and dispositions.
  7. Traffic citations and accidents
  8. An inquiry of family, friends and associates as to the applicant's character and reputation to include an informal interview with the applicant's spouse, all ex-spouses or "significant other".
- F. Final interview with the Chief of Transit Police.

#### ***.07 SELECTION PROCESS FOR SWORN OFFICERS***

Prior to being given a conditional offer of employment. An applicant must successfully complete each stage of the application process before being considered or approved for the next stage. Applicants are moved through the steps until there are sufficient applicants who qualify for a conditional job offer. This selection process defines successful completion of the respective stage as follows:

- A. VIA Metropolitan Transit Authority On-Line application.
1. The Transit Police Department only accepts applications when an opening exists and is posted in compliance with VIA Human Resources Division guidelines.
  2. All applications are screened by the VIA Human Resources Division representative and the approved applications are forwarded to the Chief of Transit Police for review.
  3. The Chief of Transit Police reviews the application to ensure all requirements for employment are met and forwards the applicants to Human Resources for written testing.
- B. Written test administered by the VIA Human Resources Department.
1. All applicant's tests are scored and all scores are sent to the Chief of Transit Police.
  2. Applicants based on their written score are placed into the queue for the Interview/ Scenario Board by the Chief of Transit Police. There is no minimum score required for the applicant to be forwarded to the Interview / Scenario Board.
  3. The queue of applicants from the written test are forwarded to the Manager of Safety, Training and System Security Administration to be scheduled for the Interview / Scenario Board.
- C. Interview/ Scenario Board
1. The Interview / Scenario Board is chaired by the Manager of Safety, Training and System Security Administration. The Board consists of three (3) members including the chairman.
  2. Two additional Interview /Scenario Board members to include at least one current sworn officer of a supervisory rank assess the applicant in person.
  3. A majority approval vote by the Board members forwards the applicant to the Background Investigation. A majority disapproval vote eliminates the applicant from further processing.
- D. Personal History Statement / Background Investigation
1. The applicant's personal history statement and all supporting documents are submitted to the Transit Police Investigator and are investigated on a first-come-first-serve basis.



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2. Any discrepancies, errors or omissions on the personal history statement found by the investigator are grounds for the applicant to be deemed to have failed the background investigation and are removed from the hiring process.
3. The Investigator will conduct a comprehensive background check to include a NCIC/TCIC criminal history check, checks of personal references, interviews with former employers to include all previous police departments the applicant worked for and any other standards set by law or by policy of the Texas Commission on Law Enforcement in accordance with the Background Investigation Manual. At the direction of the Chief of Transit Police or Human Resources representative, The Transit Police Investigator may also schedule the applicant for further testing.
4. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual.
5. Applicants who are determined to have “passed” the background check and are recommended by the investigator as suitable to hire as a Transit Police Officer are sent to the Chief of Transit Police to be scheduled for a Chief’s Interview.

#### E. Chief’s Interview

1. The Chief of Transit Police and the Vice President of VIA Safety, Training and System Security will conduct a detailed interview of the applicant to determine the applicant’s suitability to work in the specialized transit policing environment.
2. The Interview will also give the applicant an opportunity to address issues and concerns that were raised by the background investigator that did not automatically exclude the applicant from being hired.
3. Both the Chief of Police and the Vice President of VIA Safety, Training and System Security must approve for the applicant to be given the conditional offer of employment as a Transit Police Officer.

#### F. Conditional Offer of Employment

1. Conditional offers of employment are approved by the VIA Human Resources Division and EEO office.
2. The Chief of Transit Police must make the Conditional Offer of Employment to the applicant
3. Upon acceptance of the Conditional Offer of Employment by the applicant, the Chief of Transit Police schedules the applicant for the first day of conditional employment.

#### G. Conditional Employment Period

1. The conditional employee is entered into the On-Boarding program within the Transit Police Department
2. During the On-Boarding Program, the conditional employee is scheduled for any classes needed for VIA employees and any examinations or certifications needed for the conditional employee to be commissioned by the Transit Police Department through TCOLE (i.e. physical examination, psychological screening, polygraph examination and physical exam to include a drug test) Any polygraph examination must be conducted by an operator certified and licensed by the State of Texas to conduct polygraph examinations.
3. The conditional employee must successfully complete the On-Boarding program and be sworn in as a Transit Police Officer prior to entering the Field Training Program as a Probationary Police Officer.



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4. During the Conditional Employment Period, Human Resources representatives may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions.
  5. Following the medical examination or other mandated screening, if the applicant is deemed incapable of performing the core job functions for the position or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced through reasonable accommodation"), the Chief of Transit Police forwards the recommendation to terminate the conditional employment of the Conditional employee. The Chief of Transit Police must base the threat on medical knowledge and articulable facts, not mere speculation.
- H. Applicants who have been excluded from hire and do not have permanent disqualifiers may re-apply after one year from the date of the last application if a vacancy exists.
- I. Lateral entry.
1. A licensed officer from another Texas agency must meet the same criteria set forth above.
  2. The employee assigned to investigate the applicant shall ensure that an applicant with prior law-enforcement experience has not had his or her licenses suspended or revoked. A query will be made to the Texas Commission on Law Enforcement to determine all other agencies where the licensee has worked. These agencies will be contacted before completion of the background to determine work history and any significant details of their employment.

#### ***.08 APPLICATION PROCESS FOR NON-SWORN PERSONNEL***

- A. All applicants must do the following for all positions within the police department:
1. Complete a written application on the VIA Metropolitan Transit website and personal history statement submitted to the Chief of Transit Police or designee.
  2. Certified Copies of the following documents must be submitted with the Personal History Statement:
    - a. Birth certificate
    - b. Driver's license
    - c. High school diploma or transcript, or GED certificate
    - d. Any college transcripts
    - e. Copy of military discharge papers, if applicable.
  3. Arrange with the Chief of Transit Police or Human Resources representative to take any required written test and appear for other steps in the selection process.

#### ***.09 SELECTION PROCESS FOR NON-SWORN PERSONNEL***

- A. The Chief of Transit Police will review the application and documents provided by Human Resources for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief of Transit Police:
1. Obtains an NCIC/TCIC and local criminal history check
  2. Returns the application to Human Resources for written testing.



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3. Assigns a supervisor to conduct a preliminary review of the candidate.
  4. The supervisor assigned to conduct a preliminary review of the applicant shall perform the following steps and forward the results to the Transit Police Investigator.
    - a. Obtains the applicant's driving record from DPS
    - b. Obtains a signed Information Release form from the applicant
    - c. Requests records checks through agencies in the applicant's previous communities
    - d. Schedules or conducts any job-specific testing required, such as a typing test for communications.
  5. The Transit Police Investigator conducts a comprehensive background investigation as per .07D of this procedure. The Investigator conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual.
  6. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
- B. The Chief of Transit Police will conduct a detailed interview with the candidate. The Chief of Transit Police shall consider the applicant's appearance (Appeared in a manner suitable for a professional job interview), mannerisms, judgment, maturity, resourcefulness, and compatibility with departmental goals. The Chief of Transit Police will request Human Resources issue the applicant a conditional offer of employment and start date of the Conditional Employment Period.
- C. During the Conditional Employment Period, Human Resources representatives may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The Conditional employee is scheduled for:
1. A physical to include a drug test
  2. Any other examinations or certifications needed for licensing as a Telecommunicator or other non-sworn position within the Transit Police Department.
  3. Following the medical examination or other mandated screening, if the applicant is deemed incapable of performing the core job functions for the position or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced through reasonable accommodation"), the Chief of Transit Police forwards the recommendation to terminate the conditional employment of the Conditional employee. The Chief of Transit Police must base the threat on medical knowledge and articulable facts, not mere speculation.
  4. All Conditional non-sworn employees must serve a probationary period as defined in the VIA Salaried Employee's Manual.

#### ***.10 PERSONNEL RECORDS***

- A. The Transit Police Department maintains a personnel file for each employee. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. The original of the officer's background investigation and all selection materials are sealed in an envelope in this file, which is confidential. All TCOLE required documents are maintained in this file and must be secured with access limited to designated personnel.



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- B. The Chief of Transit Police maintains and controls all personnel records in compliance with VIA Human Resources Division guidelines and TCOLE protocols. The Transit Police Department complies with the records retention schedule set by state law and VIA Metropolitan Transit Authority policy.
- C. Employees may review their records at any reasonable time upon request. The Chief of Transit Police may release a copy of a record from file upon obtaining a signed authorization from the employee.
- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Chief of Transit Police.
- E. If it is necessary to include derogatory information in a personnel file, The Chief of Transit Police shall notify the employee of the fact in writing. The employee may protest the inclusion of such information in writing to the Chief. Probationary employees have no right of protest in such matters.
- F. Personnel records are the permanent property of the department.
- G. Requests for employment information on officers seeking employment at another agency shall be referred to the Chief of Transit Police. The Chief of Transit Police shall disclose the employee's performance record consistent with current law, TCOLE protocols and VIA Human Resources Division guidelines.
- H. All records including all test results of unsuccessful applicants shall be maintained in a confidential file by the Chief of Transit Police. These records can be released to requesting law enforcement agencies with a properly executed release form from the subject of the records.
- I. Photographs of sworn officers shall not be released by the department to any organization or media outlet, nor shall any be posted on any department website, or in a publicly displayed department yearbook or photograph unless the officer has given their consent or signed a release. Exceptions to this prohibition include:
  - 1. The officer is charged by indictment or information.
  - 2. The officer is a party in an arbitration process.
  - 3. The officer's photograph is introduced in judicial proceedings. NOTE: Photographs displayed on officer's identification cards are not considered released as they are intended for internal use or to properly identify an officer if required.