

# Disqualifiers for Employment

Listed below are both automatic and possible disqualifiers from employment by Westlake Fire Department. **Important: If you are not sure if any of the disqualifiers pertain to you, you are required to submit a detailed letter explaining the circumstances in question.**

## General Disqualifiers:

Any of the following will *automatically* disqualify the applicant from further consideration:

1. Failure to submit an application by the required notified deadline date.
2. Failure to submit any subsequent required documentation or information by the required notified deadline date.
3. Being a member of any organization that advocates the overthrow of a governmental agency by force of violence.
4. Currently or previously belonging to, or having been closely associated with, any organization which advocates or engages in "Hate Crimes," that is, prejudice-motivated crimes that occur when a perpetrator targets a victim because of their membership (or perceived membership) in a certain social group or racial demographic, including race, sex, religion, national origin, age, skin color, sexual preference, or disability.
5. Making any false statement of fact, being deceptive by statement or omission in this application, or by any means in any part of the hiring process will result in disqualification and may be grounds for future dismissal.
6. Illegal use of any controlled substance or use of any illegal drug or marijuana, as evidenced by the pre-employment drug test.

## Criminal Disqualifiers:

All offers of employment at Westlake Fire Department are contingent upon a satisfactory background check. Some crimes are automatic disqualifiers because they relate directly to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position. For example, certain offenses will prevent an individual from receiving an EMS certification from the **Texas Department of State Health Services** or result in the revocation of an EMS certificate or license. Any person that has been convicted of, placed on deferred adjudication community supervision, or deferred disposition for any of the criminal offenses listed below are NOT qualified to obtain or maintain an EMS certification and are therefore automatically ineligible for hire:

- (1) Murder;
- (2) Capital murder;
- (3) Indecency with a child;
- (4) Aggravated kidnapping;
- (5) Aggravated sexual assault;
- (6) Aggravated robbery;
- (7) Substance abuse offenses for which punishment is increased under certain provisions of the Health and Safety Code;
- (8) Sexual assault; and
- (9) An offense, other than an offense committed on or after September 1, 2009, for which the person is subject to register as a sex offender.

Other crimes will be evaluated based on factors such as these:

- The nature and seriousness of the crime.
- The extent to which employment might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved.

- The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position.
- The extent and nature of the person’s past criminal activity.
- The age of the person when the crime was committed.
- The amount of time that has elapsed since the person’s last criminal activity.
- The conduct and work activity of the person before and after the criminal activity.
- Evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or after release.
- Evidence the person has maintained a record of steady employment; supported their dependents; maintained a record of good conduct; paid all outstanding court costs, supervision fees, fines and restitution ordered in any criminal case.

For example, the **Texas Commission on Fire Protection** considers the following crimes, among others, to relate directly to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of persons certified by the commission, and they will receive particular scrutiny:

- (1) offenses concerning controlled substances;
- (2) offenses concerning dangerous drugs;
- (3) offenses under the Texas Penal Code:
  - (a) against the person;
  - (b) against the family;
  - (c) against property;
  - (d) against public administration;
  - (e) against public order and decency;
  - (f) against public health, safety and morals;
  - (g) involving organized crime; and
  - (h) preparatory to any of the offenses above.

As a rule of thumb, Westlake Fire Department will follow these guidelines:

<b>Criminal Arrests and Convictions</b>	<b>Disqualification Period</b>
Felony Conviction (if a felony at time of conviction or a felony in another state regardless of the Texas equivalent)	Permanent
Misdemeanor Class A Conviction	Permanent
Misdemeanor Class B Conviction	Five years from conviction date
Misdemeanor Class C Conviction (excluding traffic)	Two years from conviction date
Two or more Misdemeanor Class B or higher level convictions	Permanent
Two or more Misdemeanor Class B (or greater level) arrests	Five years from date of last arrest
Two or more Misdemeanor Class C level arrests	Two years from date of last arrest

DWI or DUI charge with conviction on a reduced level offense (ex: reckless driving or blocking roadway) Five years from conviction date

History of family violence reports (suspect in three or more incidents with no convictions) Permanent

For the purposes of the above requirements, a person is considered convicted of an offense when an ADJUDICATION OF GUILT is entered against said person by a court of competent jurisdiction, or a PLEA OF GUILTY is entered, including situations where:

1. The sentence is subsequently probated, and the person is discharged from probation, or
2. Deferred adjudication is granted.