



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Human Resources

CM/ DCM/ ACM: Cassandra Ogden

DATE: September 24, 2025

SUBJECT

In accordance with Texas Local Government Code Chapter 143.053 and Local Rule .053, hold discussion and take action on the hearing for the appeal of the six-hour suspension of firefighter Max Fernandez.

BACKGROUND

Pursuant to Texas Local Government Code Chapter 143.052, following an incident on May 12, 2025, Fire Chief Kenneth Hedges issued a six-hour suspension to Firefighter Max Fernandez. The action was taken because Firefighter Fernandez violated Civil Service Commission Rule .051, which sets forth the cause for removal or suspension of employees in the classified service.

In accordance with the provisions of Texas Local Government Code Chapter 143.010 and 143.053, on August 18, 2025, Firefighter Fernandez requested an appeal hearing before the Civil Service Commission. Based on 143.053 (b), if a suspended fire fighter or police officer appeals the suspension to the commission, the commission shall hold a hearing and render a decision in writing within 30 days after the date it receives notice of appeal. The suspended person and the commission may agree to postpone the hearing for a definite period. On August 27, 2025, during the regularly scheduled Civil Service Commission meeting, the Civil Service Commission and firefighter Max Fernandez agreed to postpone the hearing until the next regularly scheduled Civil Service Commission meeting on Wednesday, September 24, 2025. The regular meeting is scheduled to begin at 12:30pm and the hearing is scheduled to begin at 1:00pm.

In accordance with 143.010, the affected fire fighter or police officer is entitled to be represented by counsel or a person the fire fighter or police officer chooses and the proceeding shall be held in public. Witnesses may be placed under the rule at the commission hearing. The commission shall conduct the hearing fairly and impartially as prescribed by Chapter 143 and shall render a just and fair decision. The commission may consider only the evidence submitted at the hearing. The commission shall maintain a public record of the proceeding.

Based on 143.053, the department head is restricted to the department head's original written statement and charges, which may not be amended. The commission may deliberate the decision in closed session but may not consider evidence that was not presented at the hearing and the commission shall vote in open session.

In its decision, the commission shall state whether the suspended fire fighter or police officer is:

- (1) permanently dismissed from the fire or police department;
- (2) temporarily suspended from the department; or
- (3) restored to the person's former position or status in the department's classified service.

If the commission finds that the period of disciplinary suspension should be reduced, the commission may order a reduction in the period of suspension. If the suspended fire fighter or police officer is restored to the position or class of service from which the person was suspended, the fire fighter or police officer is entitled to:

- (1) full compensation for the actual time lost as a result of the suspension at the rate of pay provided for the position or class of service from which the person was suspended; and
- (2) restoration of or credit for any other benefits lost as a result of the suspension, including sick leave, vacation leave, and service credit in a retirement system. Standard payroll deductions, if any, for retirement and other benefits restored shall be made from the compensation paid, and the municipality shall make its standard corresponding contributions, if any, to the retirement system or other applicable benefit systems.

The commission may suspend or dismiss a fire fighter or police officer only for violation of civil service rules and only after a finding by the commission of the truth of specific charges against the fire fighter or police officer.

RECOMMENDATION

Hold a discussion and take action on the hearing for the appeal of the six-hour suspension of firefighter Max Fernandez.

EXHIBITS

Exhibit 1 – Agenda Information Sheet – Firefighter Max Fernandez Appeal Hearing

Respectfully submitted:
Carri Byrd
Civil Service Secretary
Human Resources Business Partner