

PUBLIC NOTICE

Civil Service Commission Meeting

The Civil Service Commission has scheduled a meeting on **Tuesday, April 25, 2022 at 6:30 pm**, at City Hall, 308 W. San Antonio Street, Lockhart, Texas:

Agenda

1. Discussion and/or action regarding approval of Commission minutes of November 30, 2021. 2-3
2. Discussion and/or action to address the inadequate number of eligible candidates signing up for the Police Sergeant examination; consider available options under the Lockhart Police Department Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service, to include opening the current Police Sergeant Exam (date to be determined) to all police officers in the Lockhart Police Department. 4-10
3. Director's Report.
 - Police Officer Entrance Exam was held Saturday, April 23, 2022.
4. Adjournment.

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Lockhart Firefighters' and Police Officers' Civil Service Commission will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:

Section 551.071. *Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.*

Section 551.072. *To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.*

Section 551.073. *To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.*

Section 551.074. *To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.*

Section 551.076. *To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.*

Section 551.086. *To deliberate vote or take final action on any competitive matters relating to public power utilities.*

Section 551.087. *To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.*

Section 551.088. *To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.*

After discussion of any matters in executive session, any final action or vote taken will be in public by the Lockhart Firefighters' and Police Officers' Civil Service Commission.

Posted on the City Hall Public Notice Board located at the rear of 308 W. San Antonio Street, Lockhart, Texas on this the 22 day of **April 2022**, at 9:12 am.

(Signature)

**CITY OF LOCKHART-
FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION**

Civil Service Commission Meeting Tuesday, November 30, 2021 6:30 P.M.

Commissioners present:

Chairman Worlanda Neal
Commissioner Yolanda Strey
Commissioner Ray Sanders (absent)

Staff present:

Randy Jenkins, Fire Chief
Julie Bowermon, Civil Service Director

Chairman Neal called the meeting of the Civil Service Commission to order on this date at **6:30 p.m.**

Agenda

1. Discussion and/or action regarding approval Commission minutes of October 11, 2021.

Chairman Neal requested any corrections to the Civil Service Commission minutes of October 11, 2021. There were none.

Commissioner Strey made a motion to approve Civil Service Minutes of October 11, 2021. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Sanders was not present).

2. Discussion and/or action regarding canvassing votes of the Alternate Promotional System in the Police Department Election held November 16 – November 17, 2021.

Ms. Bowermon stated that the Commission had ordered an election of the proposed alternate promotional system in the Lockhart Police Department. The election was held from 10 am on November 16, 2021 to 10am on November 17, 2021. 14 votes were cast, 12 for and 2 against.

Commissioner Strey made a motion to canvass votes of the Alternate Promotional System in the Police Department Election. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Sanders was not present).

3. Discussion and/or action regarding approval of opening the current Fire Engineer Exam (date to be determined) to all Firefighters in the Lockhart Fire Department to ensure a competitive exam – for this exam and this exam only.

Ms. Bowermon stated that the Fire Department currently has a Fire Engineer vacancy. There are currently no Firefighters within the department that meet the 2-year requirement. Chapter 143.030(d) requires that if there is not an adequate number of Firefighters in the next lower level, the Commission may open the

exam to Firefighters with less than 2 years, in other words all Firefighters within the department. This would open the exam to approximately 6 firefighters. Ms. Bowermon explained that the Local Rules require that 3 employees sit for a promotional exam. And, with having 6 firefighters eligible for the exam, a request to waive the local rule of 3 will not be made.

There was further discussion.

Commissioner Strey made a motion to approve opening the current Fire Engineer Exam (date to be determined) to all Firefighters in the Lockhart Fire Department to ensure a competitive exam – for this exam and this exam only. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Sanders was not present).

4. Discuss and elect a Commission Chairperson and Vice-Chairperson to serve from January 1, 2022 to December 31, 2022.

Chairman Neal made a motion to elect Worlanda Neal as Chairperson and Yolanda Strey as Vice-Chairperson to serve from January 1, 2022 to December 31, 2022. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Commissioner Sanders was not present).

5. Director's Report.

- TML/TMHRA Annual Civil Service Workshop January 27 – 28, 2022 in College Station.
- Police Officer Entrance Exam will be held Saturday, December 11, 2021.

6. Adjournment.

Chairman Neal made a motion to adjourn the meeting. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Commissioner Sanders was not present). The meeting was adjourned at 6:53pm.

PASSED and APPROVED this 25th day of April, 2022.

Signed:

Worlanda Neal, Chairman

Yolanda Strey, Commissioner

Ray Sanders, Commissioner

ATTEST: _____
Julie Bowermon, Civil Service Director

**CITY OF LOCKHART
FIRE FIGHTERS' AND POLICE OFFICERS'
CIVIL SERVICE COMMISSION
AGENDA ITEM**

Commission Meeting Date: April 25, 2022

Department: Civil Service

Department Head: Julie Bowermon

Signature



CAPTION

Discussion and/or action to address the inadequate number of eligible candidates signing up for the Police Sergeant examination; consider available options under the Lockhart Police Department Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service, to include opening the current Police Sergeant Exam (date to be determined) to all police officers in the Lockhart Police Department.

SUMMARY OF ITEM

An alternate promotional system was elected in the Police Department effective November 30, 2021. Since that time the alternate promotional system (APS) has been utilized to promote two sergeants and one lieutenant. However, the department currently has 2 sergeant vacancies and anticipates an additional sergeant position to be authorized/created in the near future.

A notice was posted to hold a sergeant promotional exam in May 2022. Under the APS eligibility requirements, 5 current police officers were eligible to compete in the exam. However, only 2 officers signed up to take the exam.

The APS states Section .032 of the Local Rules remains in effect, unless otherwise addressed in the alternate system. The APS does not address the required number of candidates to hold an exam. Section .032 of the Local Rules includes a requirement that 3 candidates sit for a promotional exam and if there are not at least 3 candidates, the Commission shall follow the procedures relating to eligibility for promotional exams outlined in Texas Local Government Code Chapter 143.031(c). This procedure consists of opening the exam first to officers with 2 years of experience within the Lockhart Police Department. However, if the exam were to be opened to officers with 2 years the same 5 officers that were eligible to test under the APS, but not did yield at least 3 interested candidates, would only be eligible. The next step in the procedure outlined in Chapter 143.031(c) is to open the exam to officers with less than 2 years, which would be all 16 police officers currently within the department.

After careful consideration of the needs of the department as well as the full intent to comply with the Lockhart Police Department Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service, both the Civil Service Director on Police Chief recommend opening the current Police Sergeant Exam to all police officers in the Lockhart Police Department, resulting in approximately 16 officers becoming eligible to compete in the sergeant promotional exam.

STAFF RECOMMENDATIONS

See above.

4

ALTERNATE PROMOTIONAL SYSTEM IN POLICE DEPARTMENT

The Alternate Promotional System shall consist of a promotional process involving three phases for each classification: a Written Exam (30pts), a Chief's Interview (20 pts), and an Assessment Center (50 pts).

(A) **Promotional Examination Procedure:**
Section 032 of the Rules and Regulations of the Firefighters' and Police Officers' Civil Service Commission (Lockhart, Texas), remains in effect, unless otherwise addressed herein.

(B) **Eligibility Requirements:** The following outlines promotional eligibility requirements:

(1) ***Rank of Sergeant:***

The promotional examination for the rank of Sergeant is open to all police officers that have a minimum of five (5) years full time combined law enforcement experience as of the day prior to the date of examination. A minimum of eighteen continuous months of service must be completed with the Lockhart Police Department prior to the exam date. For the purposes of this section acceptable *law enforcement experience* shall only include the following sections of the Texas Code of Criminal Procedure, Article 2.12; (1), (2), (3), (4), (5), (6), (10), (11), (22), and (23) provided the candidate was employed in a full time capacity for pay.

Prior Military Service: A candidate who has served a minimum of thirty-six (36) months of service with any branch of the United States Military provided the candidate has received an honorable discharge or, if still assigned to active reserve status is in good standing with his or her unit, shall receive two (2) years of credit towards the five (5) year full-time combined law enforcement experience eligibility requirement.

OR

College Requirement for Sergeant: Candidates may have sixty (60) credit hours from a regionally accredited college or university or accredited via the Distance Education and Training Council (DETC) shall receive two (2) years of credit towards the five (5) year full time combined law enforcement experience eligibility requirement.

Texas Local Government Code, Chapter 143.031

Sec. 143.031. ELIGIBILITY FOR POLICE DEPARTMENT PROMOTIONAL EXAMINATION. (a) Each promotional examination is open to each police officer who for at least two years immediately before the examination date has continuously held a position in the classification that is immediately below, in salary, the classification for which the examination is to be held.

(b) If the department has adopted a classification plan that classifies positions on the basis of similarity in duties and responsibilities, each promotional examination is open to each police officer who has continuously held for at least two years immediately before the examination date a position at the next lower pay grade, if it exists, in the classification for which the examination is to be held.

(c) If there are not sufficient police officers in the next lower position with two years' service in that position to provide an adequate number of persons to take the examination, the commission shall open the examination to persons in that position with less than two years' service. If there is still an insufficient number, the commission may open the examination to persons in the second lower position, in salary, to the position for which the examination is to be held.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Local Rules: Section 143.032

Section 143.032 PROMOTIONAL EXAMINATION PROCEDURE

See Section 143.032, Chapter 143

- (1) **EXAMINATIONS**—An examination shall be of such nature that it will test the relative capacity and fitness of the person examined to discharge the duties of the particular position to which he/she seeks appointment.

The actual conduct of every examination shall be under the direction of the Director who shall be responsible to the Commission. The Director shall have the authority to designate a Test Administrator, who shall be responsible for administering the examination. The Director may also select one or more persons as Test Monitor to assist in the administering, proctoring and grading of an entrance examination. An examination shall be conducted on an "as needed" basis. Written exams shall be purchased from an outside vendor, as determined by the Director.

The Commission or Director may, because of the small number of eligible promotional candidates for any position, or because of any other good and sufficient reasons, such as death in the immediate family, public emergency, unavailability of test site, etc., postpone an examination to a later date.

To provide for a competitive promotional examination so as to better serve the public, at least three (3) qualified candidates in the next lower position with two years' service shall sit for an examination. If there are not three (3) candidates in the next lower position, the Commission shall follow the procedures relating to eligibility for promotional examinations outlined in Section 143.030(d) and 143.031(c) until at least three (3) qualified candidates sit for the examination. When more than one vacancy exists at the time an examination is to be given, the Director shall determine whether the number of examinees who have filed Notices of Intent to Test is competitive. If necessary, the Director shall make a recommendation to the Commission to open the examination to additional employees, as outlined in Section 143.030(d) and 143.031(c).

When there are not enough candidates eligible to take a promotional examination to make it competitive under this Rule, and if the promotional examination process exceeds ninety days as a result of obtaining enough qualified candidates to take the examination, then retroactive back pay may be paid to the applicant eventually appointed to the vacancy, if the applicant was qualified to be promoted on the 90th day.

No person shall deceive or obstruct any person in respect of his/her right of examination under the provision of these rules and the Civil Service Act; or falsely mark, grade or report the examination or standing of any person examined hereunder; or aid or furnish any special information for the purpose of either improving or injuring the rating of any such person for appointment or promotion. No promotional candidate shall deceive the Commission for the purpose of improving his/her chance for appointment or promotion.

- (2) **NOTICE OF INTENT TO TEST**—An employee shall complete a Notice of Intent to Test, as prescribed by the Director, in order to take a promotional examination. Failure to make application in the manner prescribed in the "Notice of Promotional Examination" and failure to file the application with the Director

7

within the time limits prescribed in the "Notice of Promotional Examination" shall render the employee ineligible to take the examination.

(3) PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES

- (a) Smoking shall be prohibited at all times in the testing area.
- (b) Check In – An examinee shall be checked in and provide proof of identity with a valid Driver's License. No examinee shall be admitted once test instructions start.
- (c) Cancellation or postponement of promotional examination - The Commission or Director may cancel or postpone a scheduled promotional examination for sufficient cause.
- (d) Dishonesty- An examinee taking a promotional examination who uses or attempts to use any dishonest means to answer a question on such an examination shall have his/her examination confiscated and voided by the Test Administrator. The examinee will be removed from the testing site. The Test Administrator shall report the action to the Director, who shall report it to the Department Head.
- (e) Upon request, accommodations shall be provided to an applicant in accordance with the Americans with Disabilities Act. An examinee who needs special arrangements shall submit a request in writing to the Director at a time to be determined by the Director.

For any problems that arise during the promotional examination, the Director is authorized to use his/her judgment to determine a proper course of action. The Director shall thereafter report to the Commission the problem that arose and the course of action he/she determined would best accomplish the goals of the civil service system. The Commission shall thereafter vote to ratify the action taken by the Director or provide other relief, as it may deem appropriate.

(4) PROMOTIONAL EXAMINATION PROCEDURES FOR PERSONNEL ON ACTIVE MILITARY DUTY

- (a) For Fire and Police promotional candidates who are serving on active military duty, outside the State of Texas or more than 50 miles from Lockhart City Hall are eligible to take a separate promotional examination. An examination, that is or is not identical to the examination administered to other eligible candidates, may be administered outside the presence of other candidates.
- (b) The Director is authorized to coordinate all testing under this subsection and may exercise discretion necessary to ensure the secrecy of the examination and to assure proper administrative procedures are followed.
- (c) At no time will the administration of a promotional examination being given to a promotional candidate serving on active military duty unnecessarily interfere with ongoing military efforts.
- (d) If the candidate serving on military duty takes and passes a promotional examination, the candidate's name shall be included on the promotional eligibility list created nearest in time to the time at which the candidate on active military duty took the examination.



- (e) Candidates serving on military duty, who take the promotional examination outside of Lockhart, shall be eligible to file an appeal of the examination as provided in Chapter 143.034. The Director shall coordinate all matters related to the review of the examination and the filing of the appeal, and may extend the time limit for appeal upon a showing of exigent circumstances.
- (f) Promotional candidates must notify the Director at least 25 days in advance of the examination of their desire to have the examination administered off-site.
- (g) All employees covered by Chapter 143, who are called to active military duty, must notify the Director of their mailing address and/or their e-mail addresses. The Director shall use his or her best efforts to inform the employees serving active military duty of upcoming promotional examinations.

Civil Service Commission Meeting

Lockhart, Texas

April 25, 2022

ACTION ITEM RECORD

We, the below named members of the Civil Service Commission, Lockhart, Texas, have met on **Monday, April 25, 2022** at 6:30 p.m. at City Hall, 308 W. San Antonio Street, for the purpose of conducting a public meeting to consider among other things **discussion and/or action to address the inadequate number of eligible candidates signing up for the Police Sergeant examination; consider available options under the Lockhart Police Department Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service, to include opening the current Police Sergeant Exam (date to be determined) to all police officers in the Lockhart Police Department.** We have been assured by the Civil Service Director that this meeting was posted in full compliance with the State of Texas Open Meetings Act.

After participating in a discussion regarding the item it was our determination to vote on the approval of, **opening the current Police Sergeant Exam (date to be determined) to all police officers in the Lockhart Police Department.**

We, the current members of the Civil Service Commission, Lockhart, Texas, voted as follows on the above action item:

Approve () Disapprove ()

Worlanda Neal, Chair-person

Date

Approve () Disapprove ()

Yolanda Strey, Commissioner

Date

Approve () Disapprove ()

Ray Sanders, Commissioner

Date

ATTEST:

Julie Bowermon, Civil Service Director

This document shall become part of the official Civil Service Commission file to be maintained by the Civil Service Director, or his/her successors.

10