

PUBLIC NOTICE

Civil Service Commission Meeting

The Civil Service Commission has scheduled a meeting on **May 23, 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 April 25, 2022. 2-3
2. Discussion and/or action regarding amending Section 143.0251 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding conditions for reappointment of a police officer. 4-8
3. Director's Report.
 - Police Sergeant Promotional Exam will be held Tuesday, May 31, 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 20th day of **May 2022**, at 10:49 am.



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

Civil Service Commission Meeting

Monday, April 25, 2022

6:30 P.M.

Commissioners present:

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

Staff present:

Ernest Pedraza, Police Chief
Jesse Bell, Police Captain
Julie Bowermon, Civil Service Director

Commissioner Strey 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 November 30, 2021.

Commissioner Strey requested any corrections to the Civil Service Commission minutes of November 30, 2021. There were none.

Commissioner Strey made a motion to approve Civil Service Minutes of November 30, 2021. Commissioner Sanders seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

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.

Ms. Bowermon stated that the police members elected an alternate promotional system (APS) in November 2021. Since the new system was put in place, 2 sergeants and 1 lieutenant have been promoted. The department currently has 2 sergeant vacancies and anticipates a third vacancy in the near future. Ms. Bowermon stated that she posted an exam notice for the rank of sergeant. Under the current APS 5 officers were eligible to compete. However only 2 officers signed up to take the exam. The Local Rules require that at least 3 candidates sit to take a promotional exam. If 3 do not sign up, according to Chapter 143 of the Texas Local Government Code, the exam is first opened to officers with 2 years of experience within the Lockhart Police Department. However, if the exam were to be opened to officer 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 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. Ms. Bowermon stated that after careful consideration of the needs of the department as well as the full intent to comply with the APS, Local Rules, and Texas Local Government Code

Chapter 143, the recommendation is to open the current Police Sergeant Exam to all police officers in the Lockhart Police Department.

Commissioner Sanders asked for clarification on the days required to post a notice prior to a promotional exam. Ms. Bowermon responded 30 days.

Commissioner Strey asked about officers electing to not sign up for the promotional exam. Chief Pedraza stated some of the officers are content with their current assignments and are not interested in promoting into a different assignment. Chief Pedraza explained some officers that have been recently reappointed, but have previous experience in the Lockhart Police Department would become eligible to test if the exam is opened to all officers.

Commissioner Sanders asked if the motion **should** include the language "for this exam only." Ms. Bowermon stated that the language provided was an example that had been reviewed by the civil service attorney. The motion could include the extra language if the Commission desired to add it, **however** the action taken would only apply to the next promotional exam regardless.

There was further discussion.

Commissioner Sanders made a motion open the current Police Sergeant Exam (date to be determined) to all police officers in the Lockhart Police Department. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

3. Director's Report.

- Police Officer Entrance Exam was held Saturday, April 23, 2022.

4. Adjournment.

Commissioner Sanders made a motion to adjourn the meeting. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present). The meeting was adjourned at 6:47pm.

PASSED and APPROVED this 23rd day of May, 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: May 23, 2022

Department: Civil Service

Department Head: Julie Bowermon

Signature: 

CAPTION

Discussion and/or action regarding amending Section 143.0251 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding conditions for reappointment of a police officer.

SUMMARY OF ITEM

The Police Chief has the option of reappointing a police officer that has resigned from the Lockhart Police Department. Under civil service this is available to police officers only, not to fire fighters.

Currently Local Rule Section 143.0251 limits the reappointment to 12 months from the time of separation. After considering shortages in the labor market as well as the time limit standards of other cities, the Police Chief has requested to extend the timeframe from 12 months to 36 months, allowing for more flexibility when considering reappointment of police officers after a separation. The proposed amendment extends the time allowed for reappointment from 12 months to 36 months.

The proposed amendment also includes clarifying that a reappointment police officer's prior service with the Lockhart Police Department does not count towards longevity pay. The City provides police officers with a \$4 per month longevity payment made annually for uninterrupted years of service. This amendment does not change current policy or practice, it is adding clarification to the language within the Local Rules.

The proposed amendment also includes adding clarification regarding accrued sick leave pay out. Chapter 143 of the Texas Local Government Code allows for police officers to receive payment for up to 720 hours of unused accrued sick leave time upon their separation. The proposed amendment clarifies the accrued sick leave pay out is limited to a combined 720 hours. For example, if an officer resigns and is paid out for 600 hours of unused sick leave, if they are reappointed they could only receive payment for 120 hours when/if they separate again. This amendment is also not changing current policy or practice, it is adding clarification to the language with the Local Rules.

STAFF RECOMMENDATIONS

Staff recommends amending Section 143.0251 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding conditions for reappointment of a police officer.

4

Reappointment Time Limit Survey *As of May 19, 2022*

Conroe, Texas

3.16 Reappointment as Police Officer after Voluntary Resignation A person who previously served as a City of Conroe police officer may apply to the Chief of Police for reappointment as patrol officer within eighteen months of the effective date of termination if the applicant for reappointment resigned voluntarily in good standing and holds a valid, current license as police officer from the Texas Commission on Law Enforcement Officer Standards and Education. Reappointment will not be considered if the applicant resigned pending disciplinary action or investigation

Georgetown, Texas

0251. REAPPOINTMENT OF POLICE OFFICERS AFTER RESIGNATION A classified employee who voluntarily resigns from the City of Georgetown Police Department may be reappointed as a Police Officer with the Department, if there is an available spot, without taking another entrance examination or being placed on an Eligibility List. Reappointment of a classified employee is totally at the discretion of the Police Chief. (1) The former officer shall submit a written request to be reappointed, within twenty-four (24) months from the date of separation, to the Police Chief, who makes the final recommendation to the City Manager for reappointment. A candidate for reappointment shall not be considered unless recommended by the Police Chief. A candidate for reappointment may not appeal his/her rejection by the Police Chief.

Kingsville, Texas (No time limit)

Section 143.0251 REAPPOINTMENT OF POLICE OFFICERS See Section 143.0251, Chapter 143 A classified employee who voluntarily resigns from the City of Kingsville Police Department may be reappointed as a Police Officer with the Department without taking another entrance examination or being placed on an Eligibility List. Reappointment of a classified employee is completely at the discretion of the Police Chief.

Harris County SO

9.04 REINSTATEMENT AFTER SEPARATION FROM CLASSIFIED SERVICE: (a) Employees who were in good standing at time of resignation may seek reemployment with the Sheriff's Department. At the discretion of the Sheriff, they may be placed at the top of the eligibility list for employment if such employees seek reemployment within twenty-four (24) calendar months of resignation.

Bryan, Texas (No time limit)

Section 143.0251 REAPPOINTMENT OF POLICE OFFICERS See Section 143.0251, Chapter 143 A classified employee who voluntarily resigns from the City of Bryan Police Department may be reappointed as a Police Officer with the Department without taking another entrance examination or being placed on an Eligibility List. Reappointment of a classified employee is completely at the discretion of the Police Chief.

5

PROPOSED AMENDMENT

Section 143.0251 REAPPOINTMENT OF POLICE OFFICERS

See Section 143.0251, Chapter 143

A Police Officer who voluntarily resigns from the City of Lockhart Police Department may be reappointed as a Police Officer with the Department without taking another entrance examination or being placed on an Eligibility List. Reappointment of a Police Officer is totally at the discretion of the Police Chief.

- (1) The former officer shall submit a written request to be reappointed to the Police Chief, who makes the final recommendation to the City Manager for reappointment. A candidate for reappointment shall not be considered unless recommended by the Police Chief and unless his/her written request for re-appointment is received by the Police Chief occurs within ~~twelve (12) thirty-six (36)~~ months from the date of separation. A candidate for reappointment may not appeal his/her rejection by the Police Chief.
- (2) Prior to recommending reappointment of a former Police Officer to the department, the Police Chief may review past performance records of the officer, conduct a background investigation, require appropriate alcohol and drug tests and require any other portion of the employment process he/she deems appropriate.
- (3) Upon receiving a conditional offer of reappointment, the Police Officer shall pass a drug test and a physical examination prescribed by the City.
- (4) A candidate for reappointment shall fully meet the requirements of the Texas Commission on Law Enforcement Officer Standards and Education.
- (5) A candidate for reappointment may be appointed regardless of the availability of a list of eligibles. A candidate for reappointment has priority over candidates on a list of eligibles.
- (6) In addition to the reasons for rejection listed in Section 143.023, a candidate for reappointment may be rejected for reasons related to previous work performance as a Lockhart Police Officer.
- (7) Any candidate reappointed to the Police Department shall serve a one (1) year probationary period and prior service shall not count toward service for promotional eligibility. Any candidate reinstated shall not be credited with accrued sick leave or vacation.
- (8) The candidate's years of prior service may be counted to determine placement in the salary step system.
- ~~(9)~~ The candidate's years of prior service shall not count for determining vacation eligibility and rate. Similarly, the candidate's years of prior service do not count for determining months of service for longevity pay. Stated alternatively, longevity "restarts" at the date of reappointment.
- ~~(9)~~(10) A reappointed police officer, upon separation, may be eligible to receive payment of accrued sick leave. However, accrued sick leave payout is limited to a total payout of 720 hours of accrued sick leave for all separations combined. For example, if an officer resigned and was paid out 400 hours of accrued sick leave, when he/she is reinstated, the officer will not be paid out more than 320 hours of sick leave, for 720 hours total.
- ~~(40)~~(11) Age limitations, as provided under Section 143.023(c), do not apply to reappointments.

6

Civil Service Commission Meeting

Lockhart, Texas

May 23, 2022

ACTION ITEM RECORD

We, the below named members of the Civil Service Commission, Lockhart, Texas, have met on **May 23, 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 **amending Section 143.0251 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding conditions for reappointment of a police officer**. 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 **amending Section 143.0251 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding conditions for reappointment of a police officer** as follows:

Section 143.0251 REAPPOINTMENT OF POLICE OFFICERS

See Section 143.0251, Chapter 143

A Police Officer who voluntarily resigns from the City of Lockhart Police Department may be reappointed as a Police Officer with the Department without taking another entrance examination or being placed on an Eligibility List. Reappointment of a Police Officer is totally at the discretion of the Police Chief.

- (1) The former officer shall submit a written request to be reappointed to the Police Chief, who makes the final recommendation to the City Manager for reappointment. A candidate for reappointment shall not be considered unless recommended by the Police Chief and unless his/her written request for reappointment is received by the Police Chief ~~occurs~~ within ~~twelve (12) thirty-six (36)~~ months from the date of separation. A candidate for reappointment may not appeal his/her rejection by the Police Chief.
- (2) Prior to recommending reappointment of a former Police Officer to the department, the Police Chief may review past performance records of the officer, conduct a background investigation, require appropriate alcohol and drug tests and require any other portion of the employment process he/she deems appropriate.
- (3) Upon receiving a conditional offer of reappointment, the Police Officer shall pass a drug test and a physical examination prescribed by the City.
- (4) A candidate for reappointment shall fully meet the requirements of the Texas Commission on Law Enforcement Officer Standards and Education.
- (5) A candidate for reappointment may be appointed regardless of the availability of a list of eligibles. A candidate for reappointment has priority over candidates on a list of eligibles.
- (6) In addition to the reasons for rejection listed in Section 143.023, a candidate for reappointment may be rejected for reasons related to previous work performance as a Lockhart Police Officer.

7

- (7) Any candidate reappointed to the Police Department shall serve a one (1) year probationary period and prior service shall not count toward service for promotional eligibility. Any candidate reinstated shall not be credited with accrued sick leave or vacation.
- (8) The candidate's years of prior service may be counted to determine placement in the salary step system.
- ~~(9)~~ The candidate's years of prior service shall not count for determining vacation eligibility and rate. Similarly, the candidate's years of prior service do not count for determining months of service for longevity pay. Stated alternatively, longevity "restarts" at the date of reappointment.
- ~~(9)~~(10) A reappointed police officer, upon separation, may be eligible to receive payment of accrued sick leave. However, accrued sick leave payout is limited to a total payout of 720 hours of accrued sick leave for all separations combined. For example, if an officer resigned and was paid out 400 hours of accrued sick leave, when he/she is reinstated, the officer will not be paid out more than 320 hours of sick leave, for 720 hours total.
- ~~(10)~~(11) Age limitations, as provided under Section 143.023(c), do not apply to reappointments.

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.

