

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

Civil Service Commission Meeting Tuesday, November 13, 2018 6:30 P.M.

Commissioners present:

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

Staff present:

Randy Jenkins, Fire Chief
Ernest Pedraza, Police Chief
Julie Bowermon, Civil Service Director

Commission 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 October 22, 2018.

Commissioner Strey requested corrections to the Civil Service Commission minutes of October 22, 2018. There were none.

Commissioner Sanders made a motion to approve Civil Service Minutes of October 22, 2018. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

2. Discuss and elect a Commission Chairperson and Vice-Chairperson to serve from January 1, 2019 to December 31, 2019.

Ms. Bowermon stated that Worlanda Neal had recently been reappointed to the Commission for another 3-year term.

There was further discussion.

Commissioner Sanders made a motion to leave the chairperson as Commissioner Neal and vice-chairperson as Commissioner Strey for 2019. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

3. Discussion and/or action regarding approval of opening the current Fire Captain Exam (date to be determined) to all Fire Engineers within the Lockhart Fire Department, regardless of tenure; waiving the 4 years of service in the department requirement; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only.

Ms. Bowermon stated that there is currently a Fire Captain vacancy in the Fire Department. Chapter 143.030(b) requires that the exam be opened to Engineers with 2 years of experience. Also, Chapter 143.028(a) requires that a firefighter must have served 4 years in the department to be eligible for a promotion to Captain. By doing this, no employee would be eligible for the upcoming Fire Captain exam. Ms. Bowermon recommended opening the exam to all Engineers, regardless of tenure. Ms. Bowermon stated that currently the department has 2 Engineers and 1 vacant Engineer. A promotional exam is set for December to fill the Engineer vacancy. However, in the chance that no one

passes the Engineer exam and the vacancy isn't filled in time for the Captain exam, Ms. Bowermon recommended that to prevent delay, the "rule of 3" be waived and allow that only 2 employees be required to sit to take the Captain exam.

Fire Chief Jenkins concurred. There was further discussion.

Commissioner Sanders made a motion to approve opening the current Fire Captain Exam (date to be determined) to all Fire Engineers within the Lockhart Fire Department, regardless of tenure; waiving the 4 years of service in the department requirement; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

4. Discussion and/or action regarding amending Section 143.033 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding promotional examination grades and seniority point requirements.

Ms. Bowermon stated that in 2007 when the local rules were adopted, Local Rule Section 143.033 included a requirement that both fire and police promotional candidates must score a minimum of 70 on the written exam to receive seniority points. In 2013 the Police Department elected an alternate promotional system that created a different standard of scoring and awarding seniority points to police promotional candidates. Later, in the court ruling of City of New Braunfels v. Tovar (Austin Court of Appeals) interpreted the Texas Local Government Code to mean that police officers did not have to make a 70 to get seniority points, which trumps local rules. However at that time, Lockhart was operating under an alternate promotional system. So, the case law had no effect on Lockhart. In August 2018, the alternate promotional system was terminated. To harmonize current case law with the Local Rules, LR Section 143.033 should be amended to remove the requirement of police promotional candidates scoring a minimum of 70 to receive seniority points.

Commissioner Sanders made a motion to approve amending Section 143.033 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding promotional examination grades and seniority point requirements. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

5. 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 reappointment of police officers.

Ms. Bowermon stated 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 classified police officers, in other words police officers that have completed their 12 – 18 month civil service probation. The proposed amendment allows for a police officer to be

reappointed regardless if their probation has been completed. For example, if a police officer that has been with the department for 11 months resigns and then requests to be reappointment, under the proposed amendment the Police Chief would have the discretion to grant the reappointment.

Commissioner Sanders questioned probation lengths and asked if reappointed, how long of a probationary period would the reappointed officer serve. Ms. Bowermon stated that a certified police officer serves a 12 month probation. However, when hiring a cadet who later becomes a certified officer, the employee can serve up to 18 months probation to allow the department the opportunity to evaluate the police officer for a full 12 months. A reappointed police officer is required to serve a 12 month probation upon reappointment.

Commissioner Sanders made a motion to approve amending Section 143.0251 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding reappointment of police officers. Commissioner Strey seconded. The motion carried by a vote of 2-0 (Chairman Neal was not present).

6. Director's Report.

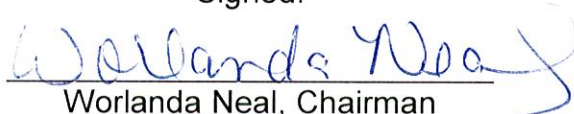
- **Police Sergeant exam scheduled for December 10, 2018.**
- **Police Officer exam scheduled for December 15, 2018.**
- **TML/TMHRA Annual Civil Service Workshop Jan 31 & Feb 1 in Arlington**

7. 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 6:51pm

PASSED and APPROVED this 1st day of April, 2019.

Signed:


Worlanda Neal, Chairman

NOT PRESENT
Yolanda Strey, Commissioner


Ray Sanders, Commissioner

ATTEST:


Julie Bowermon, Civil Service Director