

## PUBLIC NOTICE

### Civil Service Commission Meeting

The Civil Service Commission has scheduled a meeting on **Monday, May 18, 2020**, 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 February 24, 2020. 2-4
2. 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. 5-9
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; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only. 10-11
4. Director's Report.
  - Fire Fighter entrance exam will be held Saturday, May 16, 2020.
5. 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 governmental 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 14<sup>th</sup> day of May 2020, at 4:25pm.

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

**Civil Service Commission Meeting                      Monday, February 24, 2020                      6:30 P.M.**

**Commissioners present:**

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

**Staff present:**

Randy Jenkins, Fire Chief  
Ernest Pedraza, Police Chief  
Jesse Bell, Police Lieutenant  
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 December 9, 2019.**

Chairman Neal requested corrections to the Civil Service Commission minutes of December 9, 2019. There were none.

Commissioner Sanders made a motion to approve Civil Service Minutes of December 9, 2019. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Strey was not present).

**2. Discussion and/or action regarding amending Section 143.023 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding disqualification/rejection for fire fighter applicants.**

Ms. Bowermon stated in 2007 when the local rules were adopted, 143.023 (4) (k) (1) included a disqualification guideline for police and fire applicants that had consumed marijuana within 5 years of applying for a police officer or fire fighter position. At that time, the minimum age requirement for a fire fighter in Lockhart was 19. Since then, the minimum age has been lowered to 18 for fire fighter. A 5-year waiting period could reduce the number of qualified, certified fire fighter applicants because of poor decisions while in their teen/high school years. The average waiting period for other civil service cities is 2 years. By continuing to hold a 5-year waiting period, Lockhart could potentially be losing these qualified, certified fire fighter applicants to other cities. Staff respectfully requests lowering the 5 years to 2 years for fire fighters, police officers will still be held to the 5-year waiting period.

Commissioner Sanders expressed concerned that this amendment may reduce the Fire Chief's discretion when hiring relating to the frequency of past usage. Fire Chief Jenkins stated this will lower the limit from 5 to 2 years and still allow rejection for high frequency. Further, he can request a variance from the City Manager. Police Chief Pedraza stated this 2 year period does not apply to police applicants, considering the occupation and drug law enforcement of officers he prefers to leave the usage at 5 years for police officers but agrees with lowering to 2 years for fire fighters.

There was discussion regarding possibilities of future legalization of marijuana and how this may impact the local rules and hiring standards.

Commissioner Sanders made a motion to amend Section 143.023 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding disqualification/rejection for fire fighter applicants as presented. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Strey was not present).

**3. Discussion and/or action regarding amending Section 143.031 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding eligibility for police department promotional examinations.**

Ms. Bowermon stated Texas Local Government Code Chapter 143.031 sets the minimum requirements for police department promotions. In 2007 when the local rules were adopted, Local Rule Section 143.031 included certification requirements for police department promotions, in addition to the minimum requirements set by the statute. After carefully considering the responsibilities and duties of promotional positions, as well as a need to bring the Local Rules in line with the state statute, it is recommended to remove the certification requirements from the Local Rules. Staff has consulted Civil Service Attorney Julia Gannaway and reviewed promotional requirements of other civil service cities.

Police Chief Pedraza stated being a small police department with a relatively young police force, the certification requirements limit how many officers are eligible to compete for promotions. Removing the certifications and increasing the number of officers eligible to test makes the promotional process more competitive. The Local Rules currently require a candidate for Police Captain hold an advanced certification, but only one officer in the department has this. The Chief appoints the Captain, removing the certification requirement creates a more competitive pool for his consideration.

There was further discussion.

Commissioner Sanders made a motion to amend Section 143.031 of the City of Lockhart Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations regarding eligibility for police department promotional examinations as presented. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Strey was not present).

**4. Discussion and/or action regarding approval of Exam Source List for the Position of Police Sergeant (Lockhart Police Department).**

Ms. Bowermon stated that Texas Local Government Code Chapter 143.029 requires that the Commission post a list of the sources used to develop promotional exams, this list must be posted for at least 90 days before an exam can be given. The current list was approved in 2018 and included the source

“Lockhart Police Department Policies and Procedures Manual with revisions as of August 3, 2018.” That document has been revised and is now titled “Lockhart Police Department General Orders with revisions as of January 1, 2020.” The proposed Sergeant exam source list reflects the revised document.

Commissioner Sanders suggested staff explore not using dates on the general orders, instead using terminology such as “with the latest revisions.” Department general orders are revised from time to time and using “with the latest revisions” could eliminate a need for the Commission to reconsider an exam source list each time the general orders are revised. Police Chief Pedraza stated he supports the suggestion.

Commissioner Sanders made a motion to approve the Exam Source List for the Position of Police Sergeant (Lockhart Police Department) as presented. Chairman Neal seconded. The motion carried with a vote of 2-0 (Commissioner Strey was not present).

**5. Director’s Report.**

- Police Officer entrance exam will be held **Saturday, February 29, 2020**. If the number of applicants exceeds **the available** space in **the** Glosserman Room, the exam will be relocated to **the** City Council Chambers. If this happens, Ms. Bowermon will email the **Commission** regarding the location change, the exam will **not** be cancelled.
- Police Lieutenant exam will be held **Tuesday, March 3, 2020**.
- Retirement celebration for Police **Captain John Roescher** will be held **Friday, February 28, 2020**.

**6. Adjournment.**

Commissioner Sanders made a motion to adjourn the meeting. Chairman Neal seconded. The motion carried by a vote of 2-0 (Commissioner Strey was not present). The meeting was adjourned at 7:17pm.

**PASSED and APPROVED this 18<sup>th</sup> day of May, 2020.**

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 18, 2020**

Department: Civil Service

Department Head: Julie Bowermon

Signature:

 5.12.2020

**CAPTION**

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.

**SUMMARY OF ITEM**

A Captain vacancy exists and it is necessary to hold a Fire Captain promotional exam.

Chapter 143.030(b) requires that the exam be first opened to Engineers with 2 years of experience. Chapter 143.028(a) requires that a firefighter must have served 4 years in the fire department to be eligible for a promotion to Captain.

- By opening the exam to Engineers with 2 years in that position and 4 years of service in the department, no employees would be eligible for the exam.

Chapter 143.030(d) requires that if there is not an adequate number of Engineers with 2 years of experience, the Commission may open the exam down to Engineers with less than 2 years of experience (in other words, all Engineers).

- By opening the exam to all Engineers with 4 years of service in the department, only employee would be eligible.

To prevent a delay in filling the Captain vacancy, staff requests that the Commission open the Captain exam to all Engineers, regardless of tenure AND waive the 4 years of service in the department requirement, which would make 3 employees eligible.

Our Commission Local Rules require that 3 employees sit for a promotional exam. To prevent delay in filling the promotional vacancy, staff also requests that the Commission waive the rule of "3" and allow that only 2 employees must sit to take the Captain exam – for this exam only.

**STAFF RECOMMENDATIONS**

Staff recommends 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.

# CHAPTER 143.028 Tx LGC

Sec. 143.028. ELIGIBILITY FOR PROMOTION. (a) Except as provided by Sections 143.013 and 143.102, a fire fighter is not eligible for promotion unless the person has served in that fire department in the next lower position or other positions specified by the commission for at least two years at any time before the date the promotional examination is held. A fire fighter is not eligible for promotion to the rank of captain or its equivalent unless the person has at least four years' actual service in that fire department.

(b) Except as provided by Sections 143.013 and 143.102, a police officer is not eligible for promotion unless the person has served in that police department in the next lower position or other positions specified by the commission for at least two years immediately before the date the promotional examination is held. A police officer is not eligible for promotion to the rank of captain or its equivalent unless the person has at least four years' actual service in that police department.

(c) If a person is recalled on active military duty for not more than 60 months, the two-year service requirements prescribed by Subsections (a) and (b) do not apply and the person is entitled to have time spent on active military duty considered as duty in the respective fire or police department.

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

Amended by:

Acts 2005, 79th Leg., Ch. 833 (S.B. 863), Sec. 2, eff. June 17, 2005.

# CHAPTER 143.030 TXLGC

Sec. 143.030. ELIGIBILITY FOR FIRE DEPARTMENT PROMOTIONAL EXAMINATION. (a) This section does not apply to a municipality with a population of 1.5 million or more.

\* (b) Each promotional examination is open to each fire fighter who at any time has continuously held for at least two years a position in the classification that is immediately below, in salary, the classification for which the examination is to be held.

(c) 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 fire fighter who has continuously held for at least two years a position at the next lower pay grade, if it exists, in the classification for which the examination is to be held.

\* (d) If there are not enough fire fighters 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 may 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 with at least two years' experience in the second lower position, in salary, to the position for which the examination is to be held.

(e) If a fire fighter had previously terminated the fire fighter's employment with the department and is subsequently reemployed by the same department, the fire fighter must again meet the two-year service requirement for eligibility to take a promotional examination. In determining if a fire fighter has met the two-year service requirement, a fire department may not consider service in another fire department.

(f) This section does not prohibit lateral crossover between classes.

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

# COMMISSION LOCAL RULES

## 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 90<sup>th</sup> 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



**Civil Service Commission Meeting**

Lockhart, Texas

**May 18, 2020**

**ACTION ITEM RECORD**

We, the below named members of the Civil Service Commission, Lockhart, Texas, have met on **Monday, May 18, 2020**, 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 the **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.** 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 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.**

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.


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

**Commission Meeting Date: May 18, 2020**

Department: Civil Service

Department Head: Julie Bowermon

Signature:

 5.12.2020

**CAPTION**

Discuss and consider approval of opening the current Fire Engineer exam (date to be determined) to all Firefighters in the Lockhart Fire Department; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only.

**SUMMARY OF ITEM**

An Engineer vacancy will occur after the Fire Captain promotional process is complete.

Chapter 143.030(b) requires that the exam be opened to employees in the next lower class with 2 years of experience. There is currently only one Firefighter within the department that meets this 2-year requirement.

Chapter 143.030(d) requires that if there is not an adequate number of Firefighters in the next lower level with 2 years of experience, 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 5 firefighters.

Our Commission Local Rules require that 3 employees sit for a promotional exam. Although 5 firefighters would be eligible, considering the current world-wide pandemic and a need to encourage social distancing, the Civil Service Director also respectfully requests that the Commission waive the rule of "3" and allow that the exam be held even if only 2 firefighters sit for this exam.

**STAFF RECOMMENDATIONS**

Staff recommends approval of opening the current Fire Engineer exam (date to be determined) to all Firefighters in the Lockhart Fire Department; and waiving the rule of "3" to ensure a competitive exam – for this exam and this exam only.

**Civil Service Commission Meeting**

Lockhart, Texas

**May 18, 2020**

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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

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