



STATE CIVIL SERVICE ★ SPECIAL ELECTION

Frequently Asked Questions

PROPOSED ADOPTION OF TEXAS CIVIL SERVICE SYSTEM FOR THE ARLINGTON FIRE DEPARTMENT

Arlington voters will be asked to approve or reject the adoption of the State Civil Service System for the Arlington Fire Department during a special election on May 6, 2017.

Early voting begins on Monday, April 24, 2017. The special election will be conducted in conjunction with the 2017 City of Arlington General Election.

What is State Civil Service?

Texas enacted the State Civil Service System for Police and Fire Departments in 1947. The system is governed by Texas Local Government Code, Chapter 143, which establishes the decision-making process for personnel issues such as hiring, promotions, benefits and the process used for disciplinary actions.

If approved by voters, adoption of Civil Service would require the City to establish a Civil Service Commission and a Director of Civil Service.

Why are voters being asked to consider Civil Service for the Arlington Fire Department?

The Arlington City Council voted February 14, 2017, to call for the Civil Service special election in response to a petition filed by the Arlington Professional Fire Fighters Association. The association collected the required number of signatures to meet the threshold required

for the City Council to place the proposition before voters.

How is Civil Service adopted?

A municipality must have a population of 10,000 or more and a paid fire department or police department to be eligible for the adoption of State Civil Service, which has to be approved by voters.

Will adoption of Civil Service affect police officers or other City employees?

No.

This special election is only whether to adopt Civil Service for the Arlington Fire Department. Other employment groups eligible under state law could subsequently petition the Arlington City Council to call for a referendum on whether to adopt Civil Service for their employment group, which would have to be approved by Arlington voters.

Have Arlington voters considered Civil Service in the past?

Yes.
Arlington residents voted against adopting Civil Service for police and fire in 1979 and in 1991.

If Civil Service is approved by voters, would personnel policies and procedures for fire fighters change?

Yes.
Arlington fire fighters are currently subject to the City’s personnel policies which include provisions mandated pursuant to Chapter 142 of the Texas Local Government Code or negotiated pursuant to Meet and Confer.

Adopting the Civil Service System would place the Fire Department under a different set of personnel rules and guidelines than other City of Arlington employees. Local Government Code, Chapter 143 establishes Civil Service personnel policies, including hiring, promotional and disciplinary action processes. These procedures and processes would be overseen by an appointed 3-member Civil Service Commission, appointed by the City Manager.

Will Civil Service affect the current hiring process for the Arlington Fire Department?

Yes.
The Arlington Fire Department’s hiring process is compared to what Civil Service requires below.

HIRING PROCESS COMPARISON

City

- » Open validated written exam (70 passing)
- » Age 19 – unlimited
- » 1.5 mile run
- » Physical Ability Test
- » Fire Fighter Panel Interview
- » Command Staff Panel Interview
- » Background Check
- » Drug/Alcohol Test
- » Medical/Physical Evaluation
- » Eligibility can be for 12 months or longer

Civil Service

- » Open validated written exam (70 passing)
- » Age 18-35
- » Points for military service
- » Physical Exam
- » Eligibility List lasts no more than 12 months

Will the promotion process for the Fire Department change under Civil Service?

Yes.

The Arlington Fire Department currently uses a written testing process and a performance assessment exercise as part of its promotional process for Apparatus Operator, Lieutenant and Captain. Educational bonus points are added to final scores. Both the written test and assessment centers are managed by a third party consultant. Other promotion factors for these positions include educational, training and certification requirements, criminal background checks, and a satisfactory evaluation and discipline history.

Deputy Chief and Assistant Chief promotions are determined by a management selection process

that includes: a management exercise, a criminal background check, performance history and management skill set reviews, and a community input process, which are then followed by an interview with the Fire Chief. All of these factors are considered in the Deputy and Assistant Chief selection processes.

The Civil Service promotion process, managed by a Civil Service Director, requires a written test and seniority points. Assessment centers are not required. Civil Service promotion standards would apply to all ranks up to and including Assistant Fire Chiefs.

PROMOTIONAL PROCESS COMPARISON

City

- » Testing processes managed by third party consultant
- » Two years service in lower rank
- » 90-day notice of test and study material list
- » Written test – score of 70 or higher is passing, Appealable
- » Performance assessment exercises - score of 70 or higher is passing
- » Educational requirements
- » Educational (incentive) bonus points
- » Training and certification requirements
- » Criminal background checks
- » Satisfactory evaluation and discipline history
- » Tie breakers in written Standard Operating Procedure (SOP)
- » List expires after 12 months

Civil Service

- » Testing processes managed by Civil Service Director
- » Two years service in lower rank unless inadequate pool
- » 90-day notice of test and study material list
- » Written test – score of 70 or higher is passing, Appealable
- » Eligible for seniority points if written score is 70 or above – 1 for each year up to total of 10 points
- » Tie breakers determined by Commission
- » Highest score promoted – bypass possible
- » Bypass appealable to Commission or to Arbitration
- » Appeal Commission to District Court to set aside the Commission’s decision
- » Appeal to Court freezes promotional process
- » List lasts no more than 12 months

How does Civil Service address conduct and discipline for the Fire Department compared to the current City personnel policy?

Currently, all City of Arlington employees may face disciplinary action for reasons outlined in the City’s personnel policies.

If Civil Service is adopted by voters, Civil Service

specifies the list below of disciplines and basis for discipline. Civil Service restricts the causes for discipline and the discipline options to demotion, suspension and indefinite suspension.

DISCIPLINARY ACTIONS COMPARISON

What Triggers the Disciplinary Process?

City Personnel Process

- » Deficiencies in job performance
- » Violation of City personnel policies, rules or standard operating procedures; examples include:
 - » Ethics violations
 - » Safety and accident reporting
 - » Drug and alcohol
 - » Conduct standards
 - » Communication and media standards
 - » Relationships
 - » Health fitness
 - » Hiring, selection and change in status
 - » Performance Management
 - » City property
- » Violation of law
- » Violation of City regulations

Civil Service

- » Conviction of felony
- » Violation of Municipal Charter
- » Incompetency
- » Neglect of duty
- » Discourtesy to public or fellow employee in line of duty
- » Lack of good moral character
- » Drinking alcohol while on duty or intoxication while off duty
- » Conduct prejudicial to good order
- » Refusal or neglect to pay just debts
- » Absence without leave
- » Shirking duty or cowardice at fires
- » Violation of applicable fire department rules or special order

DISCIPLINARY ACTIONS COMPARISON

Disciplinary Process:

City's Current Progressive Personnel Process

Informal - Issued by Supervisor

- » Counseling
- » Oral Reprimand

Formal - Issued by Assistant Fire Chief or Supervising Chief

- » Written Reprimand
- » Suspension
- » Demotion
- » Dismissal

Civil Service Specific Infraction

Formal - Issued by Fire Chief

- » Suspension (15 days Maximum)
- » Voluntary Suspension (16 – 90 days Maximum)
- » Indefinite Suspension

How does the appeal process work?

Currently, Fire Department employees may appeal a written reprimand to the issuing supervisor. If the supervisor's response is not satisfactory, they may appeal the written reprimand to the Fire Chief.

For suspensions, demotions or terminations, Fire Department employees can appeal these disciplinary actions to the issuing supervisor. If the supervisor's response is not satisfactory, they may appeal a suspension, demotion or termination to the Fire Chief. If the Fire Chief's response is not satisfactory, they may appeal a suspension,

demotion or termination to the Deputy City Manager and the City Manager or a third party arbitrator.

Employees may elect binding third party arbitration for discipline actions above the level of a written reprimand.

If Civil Service is approved by voters, the discipline would be issued directly by the Fire Chief. A fire fighter would have to file for an appeal with either the Civil Service Commission or a third party hearing examiner. The Commission or the third-party examiner would hold a hearing and make a ruling on the disciplinary action, which the employee could then appeal to the District Court.

What are the estimated costs of Civil Service to the City’s budget?

The City will have annually recurring costs to administer Civil Service. The estimated initial program costs, including administrative support, legal fees, furniture and equipment for the Civil Service Commission are estimated to be \$348,900. The three-member Civil Service Commission would be appointed by the City Manager, and each

member would serve a three-year term. Adopting Civil Service would create a long-term budgetary impact for the City. There is no way to accurately predict long-term future costs to the City for issues or actions typically associated with a Civil Service system.

CONSIDERATIONS - FIRST YEAR PROGRAM ADMINISTRATION COSTS

Midpoint Salary + Benefits

» Civil Service Director	-0-	
» HR Consultant PT	\$50,000	
» Senior Attorney	\$121,000	
» Paralegal	\$70,900	
	Subtotal:	<u>\$241,900</u>

Ongoing

» Testing, Exam Materials, Recruitment, etc.	\$25,000	
	Subtotal:	<u>\$25,000</u>

One-Time Funds to Establish Civil Service Office (Amount per position for 5 administrative and support staff plus 3 Commissioners)

» IT Equipment, Software	\$32,000	
» Office Furniture	\$50,000	
	Subtotal:	<u>\$82,000</u>

Total Year 1 Budget

\$348,900