

**PUBLIC NOTICE**

**Civil Service Commission Meeting**

The Civil Service Commission has scheduled a meeting on **Tuesday, December 27, 2022 at 6:30 pm**, at City Administration Building, 105 South Colorado Street, Lockhart, Texas:

**Agenda**

1. Discussion and/or action regarding approval of Commission minutes of May 23, 2022. 2-4
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 reappoint of a police officer. 5-9
3. Discuss and elect a Commission Chairperson and Vice-Chairperson to serve from January 1, 2023 to December 31, 2023.
4. Director's Report.
  - TML/TMHRA Annual Civil Service and Labor Relations Workshop February 1-3, 2023 in Sugar Land.
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 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 27<sup>th</sup> day of **December 2022**, at 9:30 am.

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

**Civil Service Commission Meeting**

**May 23, 2022**

**6:30 P.M.**

**Commissioners present:**

Chairman Worlanda Neal  
Commissioner Yolanda Strey  
Commissioner Ray Sanders

**Staff present:**

Ernest Pedraza, Police Chief  
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 April 25, 2022.**

Chairman Neal requested any corrections to the Civil Service Commission minutes of April 25, 2022. There were none.

Commissioner Sanders made a motion to approve Civil Service Minutes of April 25, 2022. Commissioner Strey seconded. The motion carried by a vote of 3-0.

**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.**

Ms. Bowermon stated that this agenda item has three proposed changes to Local Rules Section 143.0251. Ms. Bowermon stated that reappointment is different from rehire. 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.

Ms. Bowermon stated 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.

Commissioner Sanders asked if officers were maintaining certifications after leaving. Chief Pedraza stated the officer would have maintained their certifications with continued education requirements through TCOLE.

Commissioner Strey asked for clarification on where separating officers go when leaving Lockhart? Chief Pedraza stated we have had one officer leave for a position in the oil fields and another officer leave to work for another law

enforcement agency. Both then requested and were approved to return to Lockhart. Another officer left to work at San Marcos Police Department. This officer has been gone one and half to two years. This officer now wants to return to Lockhart.

Commissioner Sanders asked if returning officers are required to have their TCOLE certification? Chief Pedraza stated yes, an officer wanting to return must be certified as a police officer before they can return.

There was further discussion.

Ms. Bowermon stated 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.

Ms. Bowermon stated 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. When looking at the reappointment requirements, the City's personnel attorney brought up the matter of how to address returning officers that had previously received a sick leave pay out. 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.

There was further discussion.

Commissioner Strey made a motion to amend 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 presented. Chairman Neal seconded. The motion carried by a vote of 3-0.

**3. Director's Report.**

- Police Sergeant Promotional Exam will be held Tuesday, May 31, 2022.

**4. Adjournment.**

Chairman Neal made a motion to adjourn the meeting. Commissioner Strey seconded. The motion carried by a vote of 3-0. The meeting was adjourned at 6:55pm.

**PASSED and APPROVED this 27<sup>th</sup> day of December, 2022.**

Signed:

\_\_\_\_\_  
Worlanda Neal, Commissioner

\_\_\_\_\_  
VACANT

\_\_\_\_\_  
Ray Sanders, Commissioner

ATTEST: \_\_\_\_\_  
Julie Bowermon, Civil Service Director

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

**Commission Meeting Date: December 27, 2022**

Department: Civil Service

Department Head: Julie Bowermon

Signature: *Julie Bowermon 12/27/22*

**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 36 months from the time of separation. When the local rules were adopted in 2007, the time requirement for reappointment was within 12 months of separation. However, in May 2022 the Commission expanded the limit to 36 months.

After considering shortages in the labor market as well as the time limit standards of other cities, Interim Police Chief Kevin Lunsford has recommended to remove the timeframe requirement, allowing for more flexibility when considering reappointment of police officers after a separation. The cities of Kingsville and Bryan do not have a time limit for reappointment.

**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.

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## 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.

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# 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 within 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" as the date of reappointment.
- (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.
- (11) Age limitations, as provided under Section 143.023(c), do not apply to reappointments.



## Civil Service Commission Meeting

Lockhart, Texas

December 27, 2022

### ACTION ITEM RECORD

We, the below named members of the Civil Service Commission, Lockhart, Texas, have met on **December 27, 2022** at 6:30 p.m. at City Administration Building, 105 South Colorado Street, Lockhart, Texas, 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 re-appointment is received by the Police Chief within 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" as the date of reappointment.
- (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.
- (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, Commissioner

\_\_\_\_\_  
Date

Approve ( ) Disapprove ( )

\_\_\_\_\_  
Vacant

\_\_\_\_\_  
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.

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