

PUBLIC NOTICE
Civil Service Commission Meeting

The Civil Service Commission has scheduled a meeting on **Monday, August 26, 2024** 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 April 29, 2024. 2-3

2. Discussion and/or action to address the inadequate number of firefighters eligible to compete for the rank of fire engineer due to the number of current vacancies in that rank; consider available options under the Local Rule and Texas Local Government Code Chapter 143, Civil Service – for this exam and this exam only. 4-5

3. Discussion and/or action to address the inadequate number of police officers eligible to compete for the rank of sergeant in accordance with the Alternate Promotional System in the Lockhart Police Department due to the number of current vacancies in that rank; consider available options under the Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service – for this exam and this exam only. 6-11

4. Director's Report.
 - Fire Fighter Entrance Exam scheduled for September 14, 2024.

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 **23th** day of **August 2024**, at **2:30 p.m.**

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

Civil Service Commission Meeting

April 29, 2024

6:30 P.M.

Commissioners present:

Chairman Worlanda Neal
Commissioner Carl Cisneros
Commissioner Ray Sanders

Staff present:

Gary Williamson, Police Chief
Julie Bowermon, Civil Service Director
Brad Bullock, City Attorney

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 April 15, 2024.

Chairman Neal requested any corrections to the Civil Service Commission minutes of April 15, 2024. There were none. Commissioner Sanders explained he did not attend the April 15, 2024 meeting. There was discussion.

Commissioner Cisneros made a motion to approve Civil Service Minutes of April 15, 2024. Chairman Neal seconded. The motion carried by a vote of 3-0.

2. Discussion of notice of appeal pursuant to Texas Local Gov't Code Sec. 143.010 filed by Thomas Larivee.

City Attorney Brad Bullock recommended that the Commission go into executive session on the item to discuss legal matters.

Chairman Neal announced that the Commission would enter Executive Session at 6:34 p.m. to discuss item 3 as listed below.

3. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ATTORNEY TO SEEK LEGAL ADVICE ABOUT MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT:

A. Receive legal advice regarding notice of appeal pursuant to Texas Local Gov't Code Sec. 143.010 filed by Thomas Larivee.

4. OPEN SESSION – DISCUSSION AND POSSIBLE ACTION

A. Discussion and possible action on notice of appeal pursuant to Texas Local Gov't Code Sec. 143.010 filed by Thomas Larivee.

Chairman Neal announced that the Commission would enter Open Session at 6:58.

Commissioner Sanders made a motion to deny the appeal filed by Officer Thomas Larivee under the circumstances that the Commission does not have jurisdiction. Commissioners Cisneros seconded. The motion carried by a vote of 3-0.

5. Director's Report.

- Fire Fighter Entrance Exam scheduled for May 4, 2024.

6. Adjournment.

Commissioner Sanders made a motion to adjourn the meeting. Chairman Neal seconded. The motion carried by a vote of 3-0. The meeting was adjourned at 7:00 pm.

PASSED and APPROVED this 26th day of August, 2024.

Signed:

Worlanda Neal, Commissioner

Carl Cisneros

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: August 26, 2024

Department: Civil Service

Department Head: Julie Bowermon

CAPTION

Discussion and/or action to address the inadequate number of firefighters eligible to compete for the rank of fire engineer due to the number of current vacancies in that rank; consider available options under the Local Rule and Texas Local Government Code Chapter 143, Civil Service – for this exam and this exam only.

SUMMARY OF ITEM

The FY 23-24 budget included reducing the number of Firefighters within LFD by 1 AND increasing the number of Fire Engineers by 3. Staff will be presenting a proposed ordinance to City Council on Sept. 3, 2024 to amend the authorized Strength of Force to reflect these changes. This creates 3 additional Fire Engineer positions.

Recently following a Captain promotion, the department had one Fire Engineer vacancy plus the 3 new positions resulting in a total of 4 Fire Engineer positions to fill. A Fire Engineer Exam was held on August 19, 2024 – the department had 3 firefighters (with 2 or more years of service) that were eligible to compete in the exam. Only one firefighter passed the exam. This leave 3 Fire Engineer positions vacant therefore another promotional exam is necessary.

Chapter 143.030(b) requires that a promotional exam be opened to employees in the next lower class with 2 years of experience. There are only 2 firefighters within the department that meet 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 6 firefighters.

Our Commission Local Rules require that 3 employees sit for a promotional exam.

STAFF RECOMMENDATIONS

Discretion of the Commission.

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Texas Local Government Code 143.030

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.

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

Commission Meeting Date: August 26, 2024

Department: Civil Service

Department Head: Julie Bowermon

CAPTION

Discussion and/or action to address the inadequate number of police officers eligible to compete for the rank of sergeant in accordance with the Alternate Promotional System in the Lockhart Police Department due to the number of current vacancies in that rank; consider available options under the Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service – for this exam and this exam only.

SUMMARY OF ITEM

An alternate promotional system was elected in the Police Department effective November 30, 2021 which details eligibility criteria for the sergeant exam.

The department currently has 5 sergeant vacancies.

The APS states Section .032 of the Local Rules remains in effect, unless otherwise addressed in the alternate system. The APS does not address the required number of candidates to hold an exam. Section .032 of the Local Rules includes a requirement that 3 candidates sit for a promotional exam and if there are not at least 3 candidates, the Commission shall follow the procedures relating to eligibility for promotional exams outlined in Texas Local Government Code Chapter 143.031(c). This procedure consists of opening the exam first to officers with 2 years of experience within the Lockhart Police Department.

STAFF RECOMMENDATIONS

Discretion of the Commission.

Texas Local Government Code, Chapter 143.031

Sec. 143.031. ELIGIBILITY FOR POLICE DEPARTMENT PROMOTIONAL EXAMINATION. (a) Each promotional examination is open to each police officer who for at least two years immediately before the examination date has continuously held a position in the classification that is immediately below, in salary, the classification for which the examination is to be held.

(b) 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 police officer who has continuously held for at least two years immediately before the examination date a position at the next lower pay grade, if it exists, in the classification for which the examination is to be held.

(c) If there are not sufficient police officers 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 shall 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 in the second lower position, in salary, to the position for which the examination is to be held.

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

Local Rules: Section 143.032

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 90th 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 Promotional Examination" and failure to file the application with the Director within the time limits prescribed in the "Notice of Promotional Examination" shall render the employee ineligible to take the examination.

(3) **PROMOTIONAL EXAMINATION ADMINISTRATION PROCEDURES**

- (a) Smoking shall be prohibited at all times in the testing area.
- (b) Check In – An examinee shall be checked in and provide proof of identity with a valid Driver's License. No examinee shall be admitted once test instructions start.
- (c) Cancellation or postponement of promotional examination - The Commission or Director may cancel or postpone a scheduled promotional examination for sufficient cause.
- (d) Dishonesty- An examinee taking a promotional examination who uses or attempts to use any dishonest means to answer a question on such an examination shall have his/her examination confiscated and voided by the Test Administrator. The examinee will be removed from the testing site. The Test Administrator shall report the action to the Director, who shall report it to the Department Head.
- (e) Upon request, accommodations shall be provided to an applicant in accordance with the Americans with Disabilities Act. An examinee who needs special arrangements shall submit a request in writing to the Director at a time to be determined by the Director.

For any problems that arise during the promotional examination, the Director is authorized to use his/her judgment to determine a proper course of action. The Director shall thereafter report to the Commission the problem that arose and the course of action he/she determined would best accomplish the goals of the civil service system. The Commission shall thereafter vote to ratify the action taken by the Director or provide other relief, as it may deem appropriate.

(4) **PROMOTIONAL EXAMINATION PROCEDURES FOR PERSONNEL ON ACTIVE MILITARY DUTY**

- (a) For Fire and Police promotional candidates who are serving on active military duty, outside the State of Texas or more than 50 miles from Lockhart City Hall are eligible to take a separate promotional examination. An examination, that is or is not identical to the examination administered to other eligible candidates, may be administered outside the presence of other candidates.
- (b) The Director is authorized to coordinate all testing under this subsection and may exercise discretion necessary to ensure the secrecy of the examination and to assure proper administrative procedures are followed.
- (c) At no time will the administration of a promotional examination being

given to a promotional candidate serving on active military duty unnecessarily interfere with ongoing military efforts.

- (d) If the candidate serving on military duty takes and passes a promotional examination, the candidate's name shall be included on the promotional eligibility list created nearest in time to the time at which the candidate on active military duty took the examination.
- (e) Candidates serving on military duty, who take the promotional examination outside of Lockhart, shall be eligible to file an appeal of the examination as provided in Chapter 143.034. The Director shall coordinate all matters related to the review of the examination and the filing of the appeal, and may extend the time limit for appeal upon a showing of exigent circumstances.
- (f) Promotional candidates must notify the Director at least 25 days in advance of the examination of their desire to have the examination administered off-site.
- (g) All employees covered by Chapter 143, who are called to active military duty, must notify the Director of their mailing address and/or their e-mail addresses. The Director shall use his or her best efforts to inform the employees serving active military duty of upcoming promotional examinations.

ALTERNATE PROMOTIONAL SYSTEM IN POLICE DEPARTMENT

The Alternate Promotional System shall consist of a promotional process involving three phases for each classification: a Written Exam (30pts), a Chief's Interview (20 pts), and an Assessment Center (50 pts).

(A) Promotional Examination Procedure:

Section 032 of the Rules and Regulations of the Firefighters' and Police Officers' Civil Service Commission (Lockhart, Texas), remains in effect, unless otherwise addressed herein.

(B) Eligibility Requirements: The following outlines promotional eligibility requirements:

(1) Rank of Sergeant:

The promotional examination for the rank of Sergeant is open to all police officers that have a minimum of five (5) years full time combined law enforcement experience as of the day prior to the date of examination. A minimum of eighteen continuous months of service must be completed with the Lockhart Police Department prior to the exam date. For the purposes of this section acceptable *law enforcement experience* shall only include the following sections of the Texas Code of Criminal Procedure, Article 2.12; (1), (2), (3), (4), (5), (6), (10), (11), (22), and (23) provided the candidate was employed in a full time capacity for pay.

Prior Military Service: A candidate who has served a minimum of thirty-six (36) months of service with any branch of the United States Military provided the candidate has received an honorable discharge or, if still assigned to active reserve status is in good standing with his or her unit, shall receive two (2) years of credit towards the five (5) year full-time combined law enforcement experience eligibility requirement.

OR

College Requirement for Sergeant: Candidates may have sixty (60) credit hours from a regionally accredited college or university or accredited via the Distance Education and Training Council (DETC) shall receive two (2) years of credit towards the five (5) year full time combined law enforcement experience eligibility requirement.

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