

City

A-11889

ORDINANCE NO. O-01- 13

AN ORDINANCE ABOLISHING THE CIVIL SERVICE COMMISSION; REPEALING ORDINANCE NO. A-320; ESTABLISHING THE "CONWAY UNIFORMED EMPLOYEES CODE"; REPEALING ANY OTHER ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES

WHEREAS, Arkansas Code Annotated §§14-51-102, *et seq*, as amended, pursuant to Act 28 of 1933, as amended, and Act 326 of 1949, as amended, provides that cities of the first class may establish a board of civil service commissioners; and

WHEREAS, the City of Conway, on the 24th day of September, 1957, enacted Ordinance No. A-320, which established a board of civil service commissioners for the City of Conway; and

WHEREAS, the Mayor and City Council desire to repeal Ordinance No. A-320; and

WHEREAS, the Mayor, City Council and employees in the City's Police and Fire Departments seek to establish certain procedures relating to hiring, promotions and grievances in those departments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. That Ordinance No. A-320, including any amendments thereto, is hereby repealed in its entirety.

SECTION 2. That the following policies and procedures are hereby adopted by the City of Conway and shall be implemented in the Conway Fire and Police Departments:

(a) Hiring; Each department shall provide for open competitive examinations to test the relative fitness of applicants for positions. Each department shall, consistent with state and federal law, promulgate qualifications for each position in that department. Such testing shall be administered by a qualified outside agency.

(1) Testing criteria. Examinations shall include a rating of applicants based on results of written, oral, or practical examinations, efficiency ratings and educational or vocational qualifications. Further, examinations shall include preference points for applicants already certified as firefighters or police officers. Each department shall establish criteria for five (5) preference points. The minimum passing score on the examination shall be eighty percent (80%). Each department shall establish criteria for agility tests, which shall be rated on a "pass/fail" basis.

(2) Examination procedures and rankings. The examinations shall be administered annually, or more often, if necessary, at such date and time as established by the chief of each department. Applicants shall be ranked and such rankings shall remain in effect until the next testing cycle. The chief shall hire one (1) of the five (5) highest ranked applicants for each position. The next highest ranked applicant shall move up to maintain the list of the five (5) highest ranked applicants.

(b) Promotions. Testing procedures shall be the same as set out as above, with the following exceptions:

1. The chief shall have no input in ranking applicants.

2. The Chief of Police shall promote one (1) of the five (5) highest ranked applicants for the position of sergeant or lieutenant. The next highest ranked applicant shall move up to maintain the list of the five (5) highest ranked applicants. The Chief of Police shall promote one (1) of the three (3) highest ranked applicants for positions of any higher rank. The next highest ranked applicant shall move up to maintain the list of three (3) highest ranked applicants.
3. With respect to the Fire Department, the applicant's total score shall be comprised of fifty percent (50%) of the written examination and fifty percent (50%) of the scenario test. The Chief of the Fire Department shall promote one (1) of the five (5) highest ranked applicants for the position of driver, one (1) of the five (5) highest ranked applicants for the position of lieutenant or captain, and one (1) of the three (3) highest ranked applicants for the position of district chief or division chief. With respect to each rank, the next highest ranked applicant shall move up to maintain the respective list of the highest ranked applicants.

(c) Rehires. A person who resigned in good standing is eligible for rehire without testing within 12 months, if an opening exists, at the discretion of the chief of either department.

(d) Probationary periods. There shall be a period of probation not to exceed twelve (12) months before any new hiring is complete, and six (6) months before any promotion is complete. During the probationary period, the probationer may be terminated, in the case of a new hire, or reduced to the previous rank, in the case of promotion, without cause. After successful completion of the probationary period, the

policeman or firefighter develops an expectation of continued employment unless terminated for violation of state or federal law, city ordinances, department rules and regulations or city handbook.

(e) Grievance procedures. The following grievance procedures are hereby adopted:

1. An internal grievance procedure shall be developed by the police and fire departments in cases of disciplinary actions which result in suspension, demotion with loss of pay or termination. Departmental reorganizations, changes in title or creation of new ranks do not constitute a "demotion" absent a corresponding loss of pay. Such procedures shall include the employee being given written notice of the charges or allegations, notice of both the names of those who have made allegations against him, the specific nature and factual basis for the charges or allegations, and an opportunity to respond. The primary function of these procedures is for the determination of whether the charges or allegations against the employee are true and support the proposed action.
2. If an employee receives an adverse decision as a result of an internal departmental review, he shall be provided written notice of such departmental findings.
3. Within ten (10) days after receipt of the notice, he may request, in writing, an appeal to the Mayor.
4. Upon receipt of a written appeal, the Mayor, within his discretion, may review any relevant documentation or interview any persons, including the

employee, regarding the appeal. Within ten (10) days of receipt of the appeal, the Mayor shall notify the employee of his decision in writing.

5. Subsequent to the Mayor's decision, the employee may appeal to an Appeals Board comprised of members of the City Council. Such an appeal shall be submitted, in writing, to the City Clerk of the City of Conway within ten (10) days of receipt of the Mayor's decision.
6. A hearing before the Appeals Board shall be held not more than thirty (30) days from the date the written appeal is received. Notice of the time and place of the hearing shall be provided to the employee not less than ten (10) days prior to the hearing. The Appeals Board shall consist of five (5) members of the City Council who shall be selected by the City Clerk drawing names out of a container in the presence of the employee and one (1) member of the City Council. Prior to the drawing the employee may, within five (5) days of receipt of notice of the hearing, submit a list to the City Clerk of not more than two (2) council members who shall be excluded from the random selection of Appeals Board members. At the hearing, the Appeals Board may review relevant documents provided by either the employee or the Department. The Appeals Board may hear from witnesses in support of the adverse decision against the employee, and the employee shall have a reasonable opportunity to present testimony in his defense of the reasons for the prior adverse decision. Hearings before the Appeals Board do not include any right to cross-examine or confront witnesses, although an employee may have counsel

present to otherwise assist him. All proceedings before the Appeals Board shall be recorded by the City Clerk. The Appeals Board shall render its decision in writing no later than ten (10) days from the date of the hearing.

(f) Amendments. Any amendments to this ordinance shall require the votes of at least six (6) City Council members. Further, any proposed amendments to this ordinance shall be read at three separate city council meetings at least twelve (12) days apart prior to a vote by the city council.

(g) Reduction in personnel. In the event that it shall be necessary to reduce the personnel of any department affected by this ordinance, the last employee hired will be the first laid off. When employees are rehired, the last employee laid off will be offered employment first.

SECTION 3. That any ordinances, rules, regulations, policies or procedures in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 4. That this ordinance shall go into effect from and after its passage and publication.

PASSED this 13th day of February, 2001.



MAYOR TAB TOWNSELL

ATTEST:



MICHAEL O. GARRETT, CITY CLERK