



TMHRA

Establishing Effective Civil Service Rules

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Civil Service Commission's Duties

- Appoints Civil Service Director
- Adopts and publishes rules
- Classifies positions/establishes ranks in Police/Fire Departments
- Involved in hiring and promotional process
- May hear disciplinary appeals
- Determines physical and mental fitness

Matters in which Commission Not Involved

- Appointment and removal of the Police Chief or Fire Chief
- Total number of employees and the number in each rank
- Day-to-day operations of Police or Fire Department
- Department rules
- Assignment of personnel
- Pay or benefits

Commission Authority to Enact Local Rules §143.008

The Commission has the statutory responsibility to adopt, publish, and enforce rules relating to the following:

- Proper conduct of Commission business;**
- Cause for removal or suspension of a Firefighter or Police Officer**

LOCAL RULES CAN SERVE AS GAP-FILLER

Commission cannot preempt legislation/Chapter 143 – *BUT*, can establish rules and procedures within the statute.

Local Rules could include:

- Defining terms that are not defined in statute
- Delegating some Commission duties to Director
- Establishing rules to conduct meetings
- Defining reasons for removal of commission member

LOCAL RULES

Cannot preempt Legislation/Chapter 143

When is it “gap filling” and when is the rule preempted by Chapter 143?

Ask your city attorney!

DIRECTOR DUTIES

§143.012

- Prepare minutes
- Maintain records (§143.037)
- Certify eligible candidates

Hiring Standards

- Set by state law
- Age limitations: PD is 45; FD cannot be 36 at time of hire
- Rule of Three - City Manager appoints highest score, but can bypass for valid reason (possession of Fire/Police Certifications) – §143.026
- No scored interviews (only pass/fail)
- No part-time employees



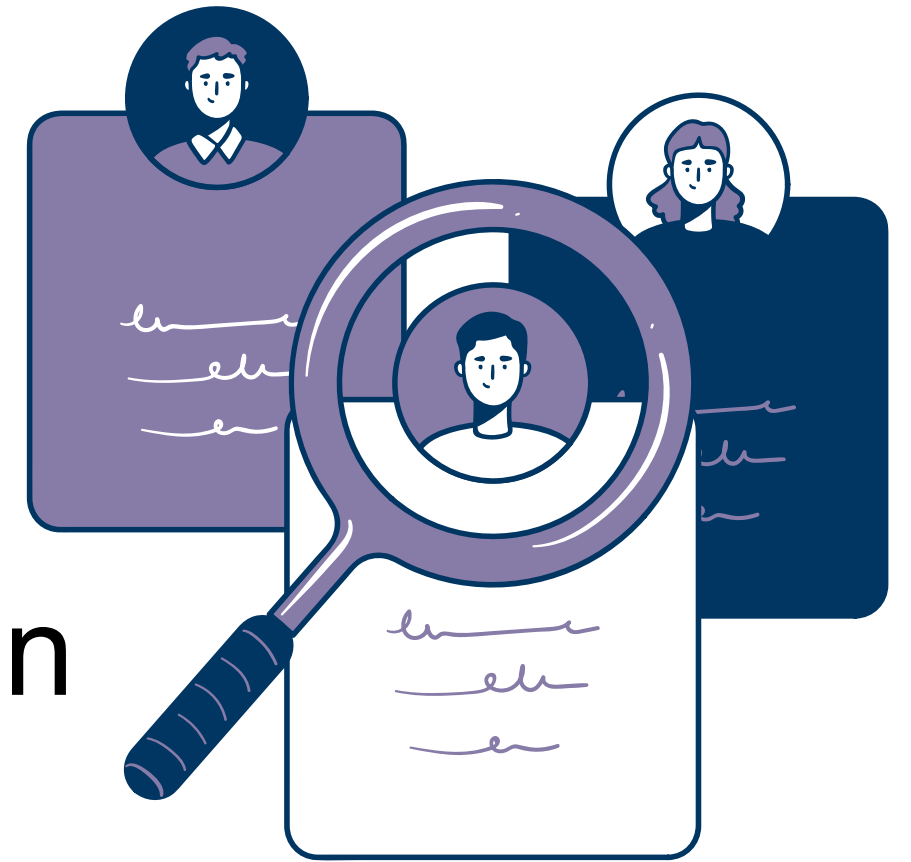
Hiring Standards (Continued)

- No scored interviews (only pass/fail)
- Chief must justify anyone passed over on the eligibility list based on disqualifiers adopted by CSC
- Probationary period of one year (18 months if sent to academy)– cannot be extended
- No part-time employees
- Sets qualifications and causes for rejection



Hiring

- Establish dates for entrance examination sign up
- Establish tiebreakers
- Preference for certified candidates
- Probationary period of one year (18 months if sent to academy)– cannot be extended



Appointment of mental and physical doctors

Sections 143.022, 143.081

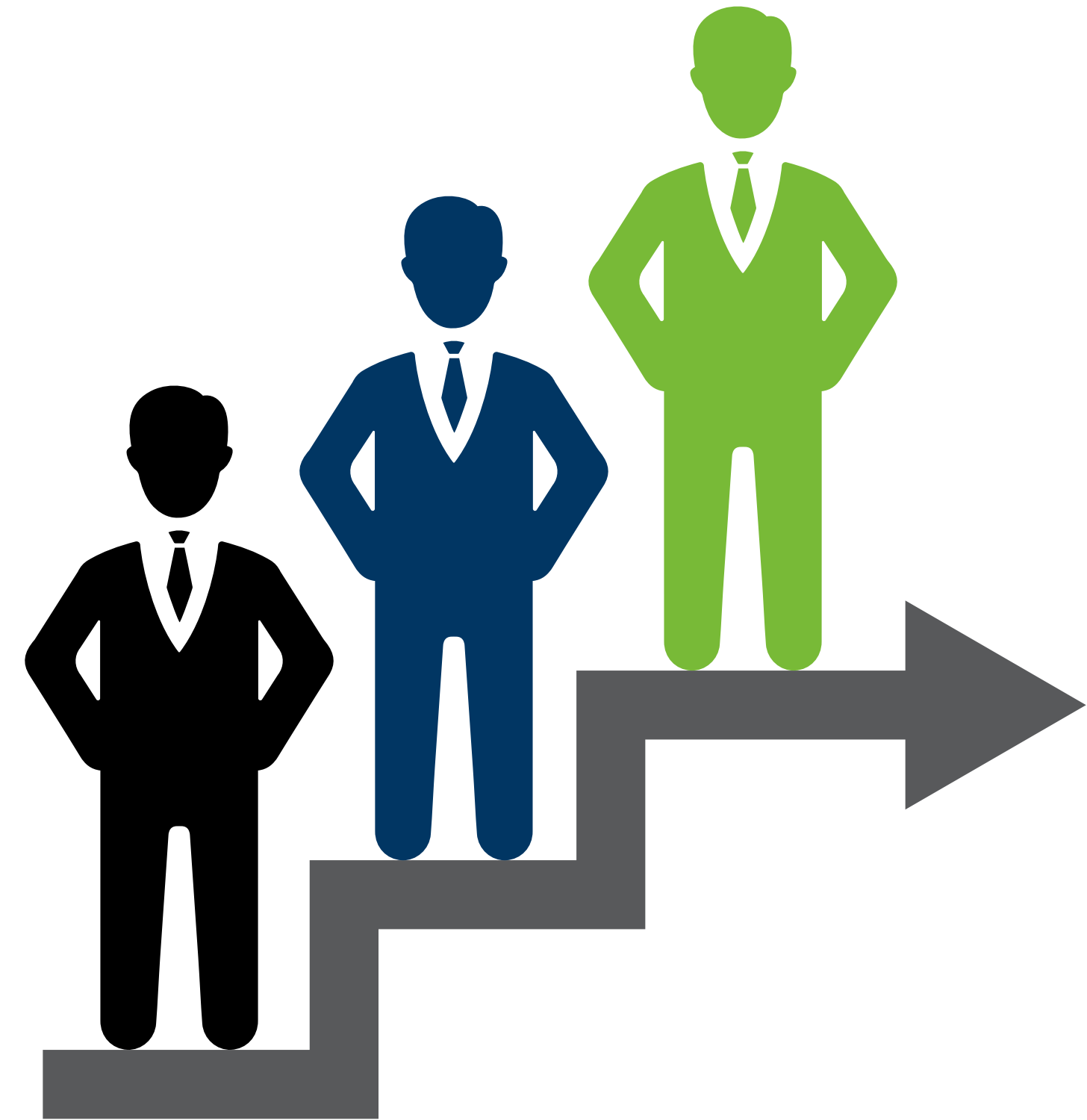
Promotions



Sections 143.028-.036

Commission's Role in Promotions

- Approves study materials/source lists (§143.029)
- Posts notice
- May open examination to next lower classification (§143.031)
- Establishes rules regarding tests (§143.032)
- Ensures fairness
- Establishes eligibility (§143.028, §143.031)



Commission's Role in Promotions

- Establishes procedures for tie-breakers if adopted by a local rule
- Holds appeals hearing (§143.034, TLGC)
- Receives reason for promotional bypass (§143.036)
- Establishes procedures for promotional examination appeals by local rule
- Establishes examination procedures when candidate is deployed or in the military by local rule (§143.032)

Promotional Examinations & Grades

- Section 143.032 and 143.033
- Entire test must be in writing and graded immediately after examination
- Raw scores must be posted within 24 hours after the exam is held (143.033(d))
- Test score is composed of raw score + seniority points
- Eligibility list lasts one year after the date on which written examination is given (143.036(h))
- Strict deadlines on promotional process



Promotions

- Chief can pass over number 1 – but only for good reason
- Bypassed candidate has right of appeal hearing before CSC or Hearing Examiner
- Strict deadlines on promotional process – must schedule examination and make appointments within 60 days if list exists, or 90 days if no list exists, or risk paying the promoted person back pay
- Removes/reduces flexibility in event of restructuring ranks/services of departments

Promotions

- Establish rule regarding deadline for turning in intent to test
- Establish procedures for election and adopts alternate system in PD after election (§143.035)
- Receives reason for promotional bypass (§143.036)
- Establishes procedures for promotional examination appeals
- Establishes examination procedures when candidate is deployed or in the military
- Education? Certification?

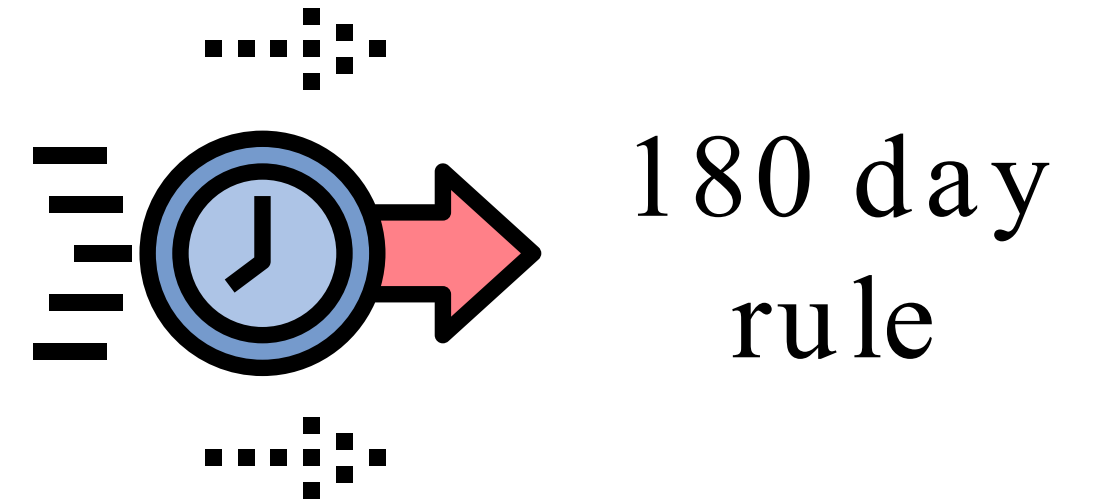


Discipline



Discipline

- Causes for temporary or indefinite suspension as listed only in TLGC Chapter 143
- Statute of limitations for suspensions: 180 day rule
- Employee can appeal CSC decision to District Court
- City and employee can appeal hearing examiner decisions to District Court- same deadline
- Local and departmental rules can provide other reasons which are consistent with Chapter 143



180 day
rule

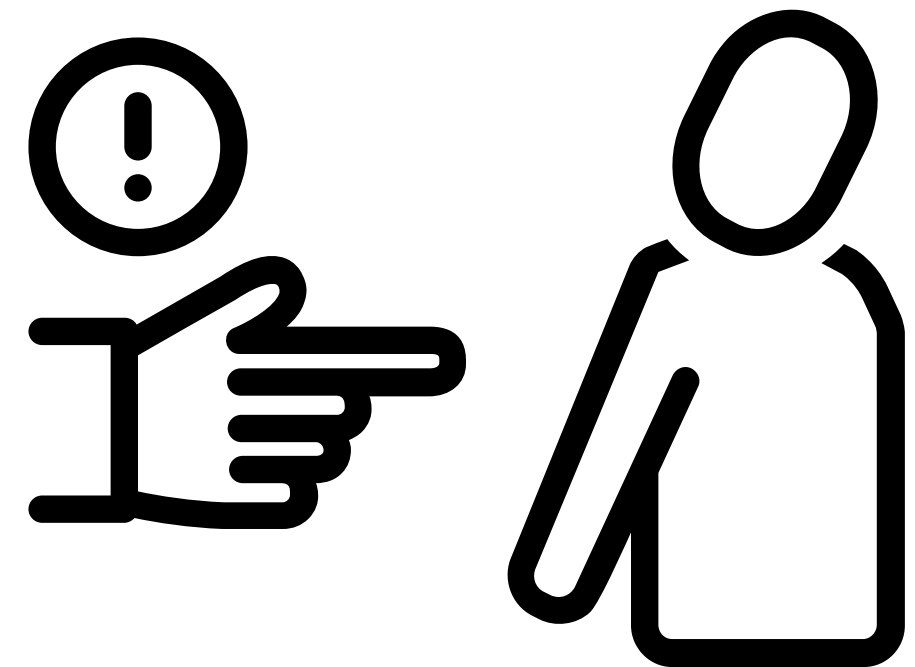
Involuntary Demotions

TLGC § 143.054

- Only a Chief may recommend a demotion
- If CSC agrees that probable cause exists, then employee has a right to appeal to CSC or to outside hearing examiner

Discipline – Reprimands

- No jurisdiction over informal discipline
- Written reprimands and verbal counseling



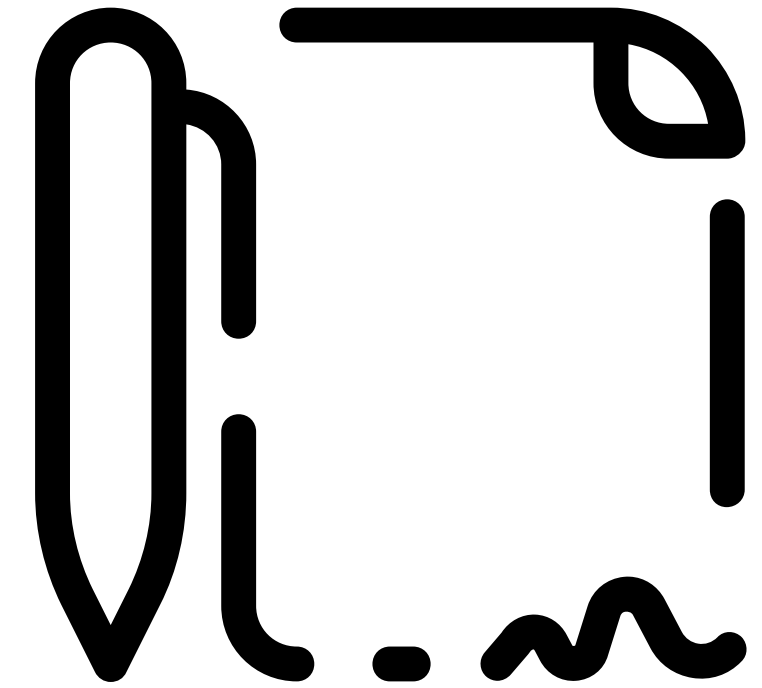
Appeals/Appeals Hearings

§§ 143.052, 143.054, 143.036

Only Formal Discipline may be Appealed

- Temporary suspension (1-15 days)
- Indefinite suspension (16+ days)
- Recommended involuntary demotion
- Promotional bypass

Procedures for Appeal:
143.010, 143.052, 143.053



Hearing Process

LOCAL RULES SHOULD OUTLINE

Employee &
Department
Representatives

Limited
Discovery

Appeal Hearing
Format

Hearing
Procedures

Rules of
Evidence (don't
apply)

Issues to be
determined
(include mitigation)

Findings/Orders

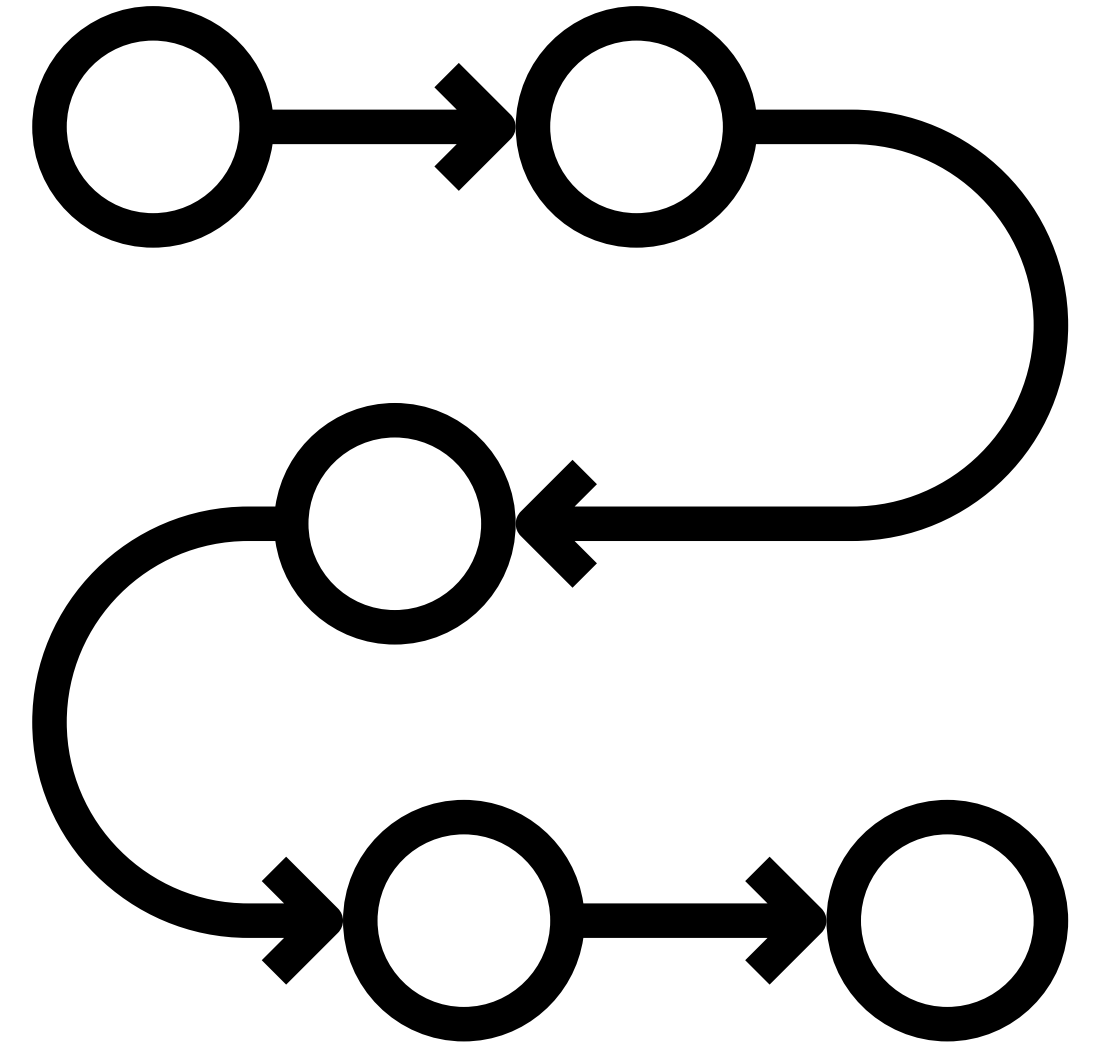
Discipline – Appeals

- Use rulemaking power here
 - Who strikes the list first?
 - Require parties to exchange witness and exhibit lists
 - Establish burden of proof
- What other rules would you establish?



Hearing Process

- Subpoena issuance if Commission is hearing the appeal
- Conduct of hearing
 - If appealed to the Commission, the Commission hears and determines the appeal
 - Vote must be in public and must find truth of the charges



Hearing Examiners – Section 143.057

- Only employee may choose
- Limited appeal of Hearing Examiner decisions
- Ensure ‘qualified’ and ‘neutral’
- Director coordinates all matters



Other Rules

- Line of duty illness or injury
- Injured/ill employees who refuse light duty
- Fitness for duty
- Defer to City policy

Military Leave

USERRA

Texas Government Code, Ch. 437

Governor's deployment – protected

Military Leave of Absence, §143.072

Military Leave Time Accounts, §143.075

Questions?

thank you!

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