Rules and Regulations

Springdale Civil Service Commission

Promotion Procedures

CITY of SPRINGDALE

ADMINISTRATION BUILDING
SPRING STREET
SPRINGDALE, ARKANSAS 72764
(501) 756-8200

MEMORANDUM

TO: City Officials, Civil Service Employees and Applicants, and Interested Citizens

FROM: STEVE HARP, PRESIDENT, CIVIL SERVICE COMMISSION

DATE: MAY 7, 1996

This manual contains the Rules and Regulations of the Springdale Civil Service Commission. The Rules and Regulations of the Springdale Civil Service Commission were adopted on March 11, 1996, after a public hearing. In the event any of the rules and regulations are amended, a public hearing, as required by law, will be held.

This manual also contains a section on Promotion Procedures which governs Civil Service employees who are taking promotional examinations. The Promotion Procedures were also adopted by the Civil Service Commission on March 11, 1996, after public comments were received by the Commission. Promotion Procedures may be amended from time to time by proper action of the Civil Service Commission.

Finally, this manual also contains the City's Drug Testing Policy, which is applicable to all Civil Service Commission employees and applicants. This policy has been adopted by the City Council for the City of Springdale, as well as the Civil Service Commission.

If you should ever have any suggestions on how the Civil Service Commission can improve the overall efficiency of the Police and Fire Departments within Springdale, Arkansas, feel free to contact any member of the Civil Service Commission.

RESOLUTION NO. SCSC 96-1

A RESOLUTION OF THE CIVIL SERVICE COMMISSION ADOPTING OFFICIAL RULES AND REGULATIONS.

WHEREAS, the Springdale Civil Service Commission, after publishing notice as required by law, set a hearing date for March 11, 1996, for the purpose of considering the adoption of official "Rules and Regulations of the Springdale Civil Service Commission;"

WHEREAS, the Civil Service Commission is authorized to adopt such rules and regulations pursuant to Arkansas State law;

WHEREAS, after conducting the public hearing on March 11, 1996, at 9:00 a.m., the Springdale Civil Service Commission, after taking comments from the Commission members, as well as the public in attendance, unanimously passed the following resolution:

BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION FOR THE CITY OF SPRINGDALE, ARKANSAS, that the "Rules and Regulations of the Springdale Civil Service Commission," said document being attached hereto as Exhibit "A" and made a part hereof, is hereby unanimously adopted by the Springdale Civil Service Commission as its official Rules and Regulations, and said document shall be in full force and effect until rescinded or amended by official act of the Springdale Civil Service Commission.

PASSED this 11th day of March, 1996.

Steve Harp, Chairman

ATTEST:

Joe Taldo, Secretary

RESOLUTION NO. 13-96

A RESOLUTION ADOPTING THE RULES AND REGULATIONS OF THE SPRINGDALE CIVIL SERVICE COMMISSION.

WHEREAS, the Springdale Civil Service Commission, after notice as required by law, held a hearing on the adoption of "Rules and Regulations of the Springdale Civil Service Commission;" and

WHEREAS, after taking comments from the public, and discussion among the Commission members themselves, the Commission voted unanimously to pass the "Rules and Regulations of the Springdale Civil Service Commission," and a copy of said rules is attached hereto as Exhibit "A" and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the "Rules and Regulations of the Springdale Civil Service Commission" are hereby adopted and approved by the City Council for the City of Springdale, Arkansas; that a copy of said Rules and Regulations is attached hereto as Exhibit "A" and made a part hereof as though set out herein word for word.

PASSED AND APPROVED this 26th day of March, 1996.

Charles N. McKinney, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Jeff C. Harper, City Attorney

ELECTED CITY OFFICIALS – 2015

Mayor

Doug Sprouse

City Attorney

Ernest B. Cate

City Clerk

Denise Pearce

District Judge

Jeff C. Harper

City Council

Jim Reed	-	Ward 1, Position 1
Kathy Jaycox	-	Ward 1, Position 2
Mike Overton	-	Ward 2, Position 1
Rick Evans	-	Ward 2, Position 2
Rick Culver	-	Ward 3, Position 1
Jeff Watson	-	Ward 3, Position 2
Mike Lawson	-	Ward 4, Position 1
Eric Ford	-	Ward 4, Position 2

Rules and Regulations
Springdale Civil Service Commission

Table of Contents

Chapter			Page No.
DEDICATION OF CIVIL SERVICE RULES AND REGULATIONS			
1.	Springdale Civil Service Commission ……		1
	Section 1.	Present Members of the City of Springdale Civil Service Commission and Correspondence Address …..	1
	Section 2	Former Members of Civil Service Commission ……...	2
	Section 3.	History of the Springdale Civil Service Commission …..	3
RULES AND REGULATIONS ……..			4
2.	DEFINITIONS …….		5
3.	GENERAL PROVISIONS …….		11
	Section 1.	Purpose of Rules ……..	11
	Section 2.	Positions Covered by the Rules …….	11
	Section 3.	Political Activity …….	11
	Section 4.	Meetings …….	12
	Section 5.	Chair – Quorum …….	12
	Section 6.	Records …….	12
	Section 7.	Minutes ……..	12
	Section 8	Administration ……...	13
	Section 9	Equal Opportunity Employer ……..	13
4.	RECRUITMENT, EXAMINATIONS, AND CERTIFICATION …….		14
	Section 1.	Recruitment ……...	14
	Section 2.	Applications and Admission to Examinations ……..	14
	Section 3.	Eligibility to Compete in Promotional Examinations ……	14
	Section 4.	Character of Examination …….	14
	Section 5.	Eligibility/Registers ……...	15
	Section 6.	Removal of Name from Registers …….	16

	Section 7.	Removal of Name From List of Eligibles and Maintenance of List ……..	17
5.	RESIDENCE REQUIREMENTS, APPOINTMENT PROCEDURE, SEPARATION AND NEPOTISM		18
	Section 1.	Residence …….	18
	Section 2.	Appointments …….	18
	Section 3.	Post Job Offer – Pre-employment Examinations/Tests .	18
	Section 4.	Nepotism …….	19
	Section 5	Layoff ……..	19
6.	PROBATIONARY PERIOD …….		20
	Section 1.	Probationary Period …….	20
	Section 2.	Purpose ……..	20
	Section 3.	Separation of Probationary Employee ……..	20
7.	REAPPOINTMENT AND REINSTATEMENT ……..		21
	Section 1. Through 4.	Reappointment and Reinstatement ……...	21
8.	CONDUCT, DISCIPLINE AND APPEAL PROCEDURES …….		22
	Section 1.	Disciplinary Action …….	22
		Guidelines for Appropriate Conduct ……..	22
	Section 2.	Types of Disciplinary Action …….	24
	Section 3.	Oral Reprimand …….	25
	Section 4.	Written Reprimand ……...	25
	Section 5.	Suspension Without Pay …….	25
	Section 6.	Demotion …….	26
	Section 7.	Discharge ……..	26
	Section 8.	Appeal Procedure …….	26
	Section 9.	Solicitation …….	27
	Section 10.	Obstruction of Rights ……...	27
	Section 11.	Impartiality …….	27
9.	PROMOTIONS ……..		28
	Section 1.	Promotional Opportunities ……..	28

Section 2. Method of Filing ……. 28
Section 3. Advertising Promotional Examinations ……. 28
Section 4. Promotion Procedures ……. 29
10. EMPLOYEE EVALUATIONS …….. 30
Section 1. Types of Evaluation ……. 30
Section 2. Annual Evaluation ……. 30
Section 3. Employee Counseling ……. 30
Section 4. Evaluation of Department Head ……. 31
11. MISCELLANEOUS PROVISIONS ……. 32
Section 1. Improvement of Working Conditions ……. 32
Section 2. Amending or Changing Rules and Regulations …….. 32
Section 3. Effective Date of These Rules and Regulations …….. 32
Section 4. All Prior Rules Suspended …….. 32
Section 5. City of Springdale Policy and Procedures and Departmental Policies/Rules/Regulations …… 32
Section 6. Severability ……. 33
Section 7. Inclement Weather Policy ……... 33
12. REVIEW OF CITIZEN COMPLAINTS ……... 34
Section 1. General Provisions and Purposes ……. 34
Section 2. Definitions …….. 34
Section 3. Complaint Procedure ……... 35
Section 4. Review Procedure ……. 36
Section 5. Findings of Commission …….. 37
Section 6. Appellate Procedures …….. 37
PROMOTION PROCEDURES FOR CIVIL SERVICE POSITIONS IN THE CITY OF SPRINGDALE ARKANSAS ……. 38
Chart 1 Police Department 41
Chart 2 Fire Department 42

DEDICATION OF RULES AND REGULATIONS
OF THE
SPRINGDALE CIVIL SERVICE COMMISSION

These Rules and Regulations of the Springdale Civil Service Commission are dedicated to Lawrence Layman, who died on December 28, 1995. Mr. Layman served as a Commissioner on the Springdale Civil Service Commission from July, 1977 through April, 1994. Mr. Layman was instrumental in many of the advancements of the City of Springdale during his tenure on the Civil Service Commission.

CHAPTER 1

CIVIL SERVICE COMMISSION

Section 1.

The five present members of the City of Springdale Civil Service Commission and their terms of appointment are:

COMMISSIONERS	FIRST APPOINTED	TERMS ENDING
Charles Farmer	April 2005	April 2018
Dave Chapman	March 2007	April 2016
Bob Downum	August 2011	April 2020
Jerry W. Martin	April 2009	April 2018
Eric Harris	June 2010	April 2016

Correspondence should be addressed to the Springdale Civil Service Commission as follows:

Secretary
Civil Service Commission
City of Springdale
City Administration Building
201 N. Spring Street
Springdale, AR 72764

Open 8:00 a.m. to 5:00 p.m.
Monday through Friday
Telephone (479) 750-8117

Section 2.

FORMER MEMBERS OF THE CIVIL SERVICE COMMISSION

Frank O'Donnel ……	September 1966 – April 1982
Gilbert Sisco ……..	September 1966 – September 1976
Larry Clinkscales ……..	September 1966 – September 1978
Charles Sanders ……..	September 1966 – April 1982
Jack Loyd ……..	September 1966 – September 1976
Travis Jenkins ……...	September 1976 – April 1986
Art Morris ……...	September 1976 – May 1978
Wayne Hyden ……...	May 1978 – April 1986
Bobby Hopper ……...	April 1982 – October 1986
Kenneth Galloway ……	April 1982 – April 1986
Pat Henry ……..	April 1986 – May 1991
Thomas Justus ……	October 1986 – September 1991
Lawrence Layman ……	July 1977 – April 1994
Joe Taldo ……...	April 1986 – April 1998
Ralph Power ……	September 1991 – April 2005
Roy Fears ……..	March 1998 – April 2005
Tommy Holland ……	May 1991 – March 2007
Lee Spencer ……	May 1994 – December 2007
*****Steve Harp ……	April 1986 – March 2009
Danny Dotson ..……...	April 2005 – April 2010
Debra Broyles ……..	April 2008 – July 2011

* On June 21, 2011, the Springdale Civil Service Commission recognized Steve Harp for his 23 years of service on the Springdale Civil Service Commission.

Section 3.

HISTORY OF THE SPRINGDALE CIVIL SERVICE COMMISSION

The Civil Service Commission for the Police and Fire Departments was instituted by Ordinance No. 660, which was enacted by the Springdale City Council on September 13, 1966. The Mayor was Charles E. Davis and the City Clerk was Letha Brogdon. Pursuant to the Ordinance, Frank O'Donnel, an Arkansas Western Gas Company Executive, was appointed to a ten (10) year term; Gilbert Sisco, owner of Sisco Funeral Home, was appointed to an eight (8) year term; Larry Clinkscales, an Insurance Executive, was appointed to a six (6) year term; Charles Sanders, Publisher of The Springdale News, was appointed to a four (4) year term, and Jack Loyd, an independent poultry businessman, was appointed to a two (2) year term.

When the original Civil Service Commission was formed, the Springdale Police Department had 15 policemen, and the Springdale Fire Department had 17 firemen. In 2011, Springdale now has 121 police officers and 112 firefighters, all under Civil Service regulation. Springdale has grown from a community of a population of 10,056 in 1960 to a population of 69,797 in the 2010 census.

RULES AND REGULATIONS

Pursuant to the authority aforesaid and public notice having been given and a public hearing having been held in accordance with the provisions of said Acts, the Springdale Civil Service Commission had made and does hereby promulgate the following rules and regulations applicable to and governing the administration and enforcement of the provisions of said Acts. The rules and regulations may be changed or amended from time to time by the Civil Service Commission as in the judgment of the Commission may seem desirable or necessary.

Adopted at the March 11, 1996 meeting of the Springdale Civil Service Commission, after Public Hearing.

/s/ Steve Harp, Chairman

/s/ Joe Taldo, Secretary

/s/ Tommy Holland

/s/ Ralph Power

/s/ Lee Spencer

CHAPTER 2

DEFINITIONS

The following terms when used in these rules shall have the following meanings unless the context clearly requires otherwise:

ABSENCE - Not present for job assignments at a prescribed time or location.

ABSENCE AUTHORIZED - Absence authorized by appropriate authority.

ABSENCE UNAUTHORIZED - Absence which has not been authorized by appropriate authority.

ABSENCE WITH PAY - Absence for which compensation is authorized by appropriate authority.

ABSENCE WITHOUT PAY - Absence for which compensation is not authorized by proper authority.

ANNIVERSARY DATE - That date from which eligibility is considered for the computation of merit longevity increases and may be different from the date retirement benefits are computed from (in the case of the Fire Department).

APPEALS - The procedure as prescribed by these regulations for appealing disciplinary actions.

APPLICANT - A person who had filed application for examination or employment.

APPOINTING AUTHORITY - Means any City official or groups of officials having power by law or ordinance to make appointments to any position in a specified department, commission or office in the City service.

APPOINTMENT - Means the designation of a person, by due authority, to become an employee in a position.

APPOINTMENT - EMERGENCY - An appointment required by a state of emergency for not more than 60 days as described in Arkansas State Statutes.

CANDIDATE - A person who has applied for and qualified to take an examination.

CHAIRMAN - The Chairman of the Springdale Civil Service Commission.

CIVIL SERVICE EMPLOYEE - Any employee occupying a Civil Service position.

CIVIL SERVICE STATUS - The combined rights acquired by appointment and successful completion of the probationary period in a Civil Service position.

CLASS OR CLASS OF POSITIONS - A definitely recognized kind of employment in the City service designated to embrace all positions sufficiently similar with respect to the duties, authority and responsibilities in which (a) similar requirements as to education, experience, knowledge, and ability are required of incumbents; (b) similar tests of fitness may be used in choosing qualified appointees; and (c) similar compensation is paid.

CLASSIFICATION PLAN - An orderly arrangement and description of types of positions by separate and distinct classes, each class recognized on the basis of similar duties and responsibilities, in the classified service.

CLASS SPECIFICATION - A descriptive and explanatory guide reflecting distinct characteristics of duties and responsibilities normally assigned to positions allocated to the class and the minimum qualifications requisite thereto.

COMMISSION OR COMMISSIONER - The Springdale Civil Service Commission or a member of that body.

CORPORATE LIMITS - The total area of the City of Springdale.

DEMOTION - Change of employment to a class and/or position having a lower pay grade. May be voluntary or involuntary.

DEPARTMENT - The Springdale Fire Department and/or the Springdale Police Department.

DEPARTMENT HEAD - The Fire Chief and/or Police Chief.

DISCHARGE - The Termination of an employee's employment by the City.

ELIGIBLE - A person whose name has been placed on an employment or promotional list for a given class.

EMPLOYEE - Any person working in the service of the City of Springdale who is paid a wage.

EMPLOYEE - NON-CIVIL SERVICE - Any employee occupying a position exempt from the provisions of the Civil Service Law.

EMPLOYEE - CLASSIFIED - Any employee occupying a Civil service position.

EMPLOYEE - PROBATIONARY - A new employee appointed to a regular classified position or an employee promoted who is required to successfully serve a probationary period.

EMPLOYEE - PROVISIONAL - An employee temporarily filling a position without competitive examination, pending the establishment of an eligible list.

EMPLOYEE - REGULAR - An employee who had achieved civil service status.

EMPLOYEE - SEASONAL - An employee whose employment is limited to six (6) calendar months or less in any 12 months period.

EMPLOYEE - SUPERVISORY - An individual having authority, in the interest of the City government, to perform one or more of the following: hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement. It is the intent that this definition applies to those individuals compensated as supervisory personnel.

EMPLOYEE - TEMPORARY - An employee occupying a position categorized as temporary.

EMPLOYEE - TEMPORARY PENDING EXAMINATION - An employee appointed pending an examination for the establishment of a register.

EVALUATION - The system which has been established for evaluating an employee's performance by his or her supervisor.

EXAMINATION - All the tests of fitness, taken together, that are applied to determine fitness of applicants for positions of such class in the classified service.

EXAMINATION - COMPETITIVE - An examination in which the candidates are in competition and from which the list of eligible is promulgated.

EXAMINATION - ENTRANCE - The type of examination which is announced to the public in order to find qualified applicants for vacancies.

EXAMINATION - ORAL - The examination used in interview.

EXAMINATION - WRITTEN - The pencil and paper type of examination which is given to obtain a written demonstration of an applicant's knowledge.

JOB - A group of duties, tasks and responsibilities established by appropriate authority, which may be assigned to a position or an employee.

LAY OFF - The removal of an employee from an assigned position due to a lack of funds, lack of work or elimination of the position as determined by appropriate authority.

LIST - CERTIFICATION - Means the list of names from which the eligible list is sent to an appointing authority for use in filling one or more vacancies.

LIST - ELIGIBLES - A record of the names of those persons who have successfully passed an examination for employment or promotion in a specified class or position, arranged in order of their relative ratings.

LIST - EMPLOYMENT - A list of names of persons arranged in order of merit as provided by these rules, who have been found qualified through suitable original competitive tests and who are entitled to have their names certified to appointing authorities for original appointment under these rules.

LIST - PROMOTIONAL - A list of names of persons arranged in order of merit as provided by these rules, who have been found qualified for promotion to a higher position or positions.

MINIMAL QUALIFICATIONS - The requirements of training and experience and other qualifications, including those to be measured by an appropriate examination, as prescribed in the job specification for the class of position.

PERSONNEL FILE - The file which is maintained by the Personnel Officer or the Department Head for each employee and consists of such items as applications for employment, records of transfers, promotions, change in pay, performance evaluations, disciplinary actions, etc.

POSITION - A titled entity authorized by appropriate authority, having assigned to it a specific job, pay grade and an organizational location.

POSITION - CIVIL SERVICE - A position subject to the authority of the Civil Service Commission.

POSITION - PART-TIME - A job requiring the services of an employee for less than a standard work year or other than a standard workweek.

POSITION - PERMANENT - A position designated as a permanent position by the City Council or Mayor.

POSITION DESCRIPTION - A written document covering a group of duties and responsibilities assigned to an employee.

PROBATIONARY PERIOD - The designated period of time after an applicant is appointed or an employee is promoted from the Civil Service Eligibility Register in which the employee is required to demonstrate his/her fitness for the position by the actual performance of the duties.

PROMOTION - An assignment of an employee from one position in one classification, to a position in another classification having a higher salary rate.

PUBLIC NOTICE - A written notice placed upon a bulletin board or other prominent place located in a place accessible to the public during business hours.

RANK - The order in which applicants' names appear on a Commission register based on the individual's composite qualifications. Composite qualifications mean written or oral examination scores, interview scores, physical test results, etc.

REAPPOINTMENT - The reemployment of a former permanent employee without consideration of former city employment relative to seniority, wages and benefits.

REGISTER - An officially promulgated list of eligible employees and/or applicants for a class or position in the order of their final ratings in merit examination.

REINSTATEMENT - The reemployment of a former permanent employee with the rights and benefits provided in these rules for reemployment.

RESIDENCE - The actual place of abode of the employee.

RESIGNATION - The separation from the City service at the request of the employee.

SECRETARY - The Secretary of the Civil Service Commission.

SENIORITY - The status of an employee required by continuous service with the government, which may be considered in promotion, layoff, etc.

SEPARATION - Any type of action whereby an employee is removed from the City payroll.

SUSPENSION - An enforced leave of absence without pay for disciplinary purposes or pending investigation charges.

TERMINAL LEAVE - The leave granted to a retiring employee following his/her last workday and usually consisting of his/her unused vacation time or unused compensatory time.

TERMINATION - A separation from employment of an employee.

TITLE OR CLASS - The designation given to a class, each position allocated to such class, and to the incumbent of any such position. Its meaning is set forth in the corresponding general duties and task statement in the classification plan, and it is always to be used and understood in that sense.

TRANSFER - The change of an employee from one position to another position having the same salary rate or from one department to another department with the same classification.

UNCLASSIFIED SERVICE - All those positions in the City service exempt from the provisions of the Civil Service Law.

VACANCY - An unoccupied position within the City government.

VACATION LEAVE - The leave granted for vacation purposes within each calendar year.

WORKDAY - Any one shift in which a department is open for business or on which an employee is scheduled to work.

WORKPERIOD - The fixed number of consecutive workdays an employee is scheduled to work as determined by the Department.

CHAPTER 3

GENERAL PROVISIONS

Section 1.

"Purpose of Rules" - It is the purpose of these Rules to establish Policy and assign accountability for procedures for those personnel activities and transactions provided for in the Civil Service Law of the State of Arkansas.

Section 2.

"Positions Covered by the Rules" - These rules shall apply to employees in the Police and Fire Department in the City of Springdale, Arkansas, who hold positions requiring Civil Service certification.

Section 3.

"Political Activity" - No person in any department affected hereby shall be appointed, reduced, suspended or discharged, or otherwise discriminated against, because of his/her political opinion or affiliation with an organization. However, no Civil Service employee can be affiliated with an organization that advocates the unlawful overthrow of our Government.

3.1 Civil Service employees are encouraged to be informed about politics and to exercise their vote freely at every election. However, to ensure impartiality and non-partisan public service, certain actions which constitute inappropriate political activity will not be allowed.

3.1.1 No Civil Service employee shall participate in partisan or non-partisan politics during normal working hours. "It shall be unlawful for any public officer, deputy or assistant to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office." A.C.A. Section 7-1-103.

3.1.2 Use of City property or facilities (cars, stationery, telephone, office, etc.) for campaigning is prohibited.

3.1.3 “It shall be unlawful for any Civil Service employee who may be a candidate for the nomination to any office, or who may be a candidate for any office to be voted for at any election, to use any office or room furnished at public expense for his political headquarters or to send out or distribute any letters, circulars or other campaign literature from such public office or room." A.C.A. Section 7-1-103.

3.1.4. "It shall be unlawful for any campaign banners, cards or campaign literature to be placed on any cars, trucks or tractors belonging to the State of Arkansas or any municipality or county in the state.

3.1.5. Any Civil Service employee who becomes a candidate for a city, county, district, state, or national office may be granted a leave of absence without pay during the time he/she actively campaigns.

Section 4.

"Meetings" - The Commission will meet on the first Tuesday in May of each year for election of officers and whenever necessary to transact any business.

Special meetings shall be called by the Chairman or any member of the Commission accompanied by an explanation as to why, where, and business.

Section 5.

"Chair - Quorum" - The Chairman of the Commission shall be elected annually by the members of the Commission and the election shall be held on the first Tuesday in May of each year, (Act 432 of 1989). At the same time, the Commission will also elect a Secretary to serve for one year. If the Chairman is not present at a meeting, the Commission shall elect a Chairman in his absence.

The Chairman shall vote on questions before the board.

Three members of the Commission shall constitute a quorum in transacting the business of the Commission, excluding an appeal hearing. Four members of the Commission shall constitute a quorum for an appeal hearing. Decisions on appeal shall require a vote of at least three members of the Commission. When only three members vote in an appeal decision, if the vote is not unanimous, the 2 to 1 vote shall be the decision of the Board.

Section 6.

"Records" - Action of the Commission that shall be noted in the minutes.

Section 7.

"Minutes" – The Secretary shall be responsible for preparing the minutes of the meetings. When possible, a representative of the City Clerk's Office will be present at public meetings and will assist the Secretary in recording all official actions, as well as assisting the Secretary in the preparation of the minutes. The date and place of each meeting of the Commission, names of the Commission members present and all official

acts of the Commission shall be recorded in the minutes. The Secretary shall have the minutes typed and presented for approval or amendment at the next meeting.

Section 8.

"Administration" - The Civil Service Commission shall establish and develop all necessary procedures, systems, forms, reports and any other administrative devices necessary to effectively and equitably administer these rules.

Section 9.

"Equal Opportunity Employer" - It is the policy of the City of Springdale, Arkansas, to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees, and city representatives, and to ensure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position which are bona fide occupational qualifications which cannot be accommodated without undue hardship. The City's commitment extends to all employment related decisions, including job opportunities, promotions, pay, and benefits.

CHAPTER 4

RECRUITMENT, EXAMINATIONS, AND CERTIFICATION

Section 1.

"Recruitment" - The Secretary shall give public notice of all open competitive examinations at least ten (10) days in advance of the closing dates for receipt of applications by posting notices thereof in or near the City Administration Building. A notice of the test date shall also be published in a newspaper of general circulation in the City of Springdale, Arkansas.

Section 2.

"Applications and Admission to Examinations" - Admission to examinations shall be open to all citizens of the United States who have at least a high school education or GED and who, according to the determination of the Commission, meet the requirements specified in the job description and who filed application on or before the closing date for filing such application. Each applicant, whose application has been accepted for any examination shall be notified, by mail, of the time, date and place of the examination and such notice shall be his/her authorization to take an examination. Without such authorization or other satisfactory evidence of the acceptance of his/her application by the Department Head, applicants will not be admitted to examinations. A driver's license or other identification may be required for admission to an examination.

Section 3.

"Eligibility to Compete in Promotional Examination" - A promotional competitive examination may be limited to eligible employees of the organization unit according to criteria set out by the Civil Service Commission.

Section 4.

"Character of Examination" - The Civil Service Commission may use any combination of selection techniques as follows:

a. "Written Examination", which shall include a written demonstration of each competitor's knowledge and skill in the field for which the test is being held and/or standard tests of mental ability or of general educational attainments. On the pre-employment written exam, an applicant must achieve a minimum score in order to qualify for the oral examination/interview. The minimum score required on the written exam will be published by the Commission prior to the exam being given. The list of the pre-employment applicants

who achieve a passing grade on the written examination will be posted prior to the oral examination/interview.

b. "Oral Examination/Interview", which shall be used to supplement the written examination to obtain information regarding the abilities of the competitors that is not readily obtained in written examination, and the Commission shall appraise each competitor's personal fitness for the position.

c. "Rating of education, training and experience", which shall be based upon information in the application form, evaluation forms, and such other data as may be secured through the interview or from other sources, and which shall be subject to investigation as to truth and completeness.

d. The final score for each competitor's examination shall be determined in accordance with the weights as established and announced prior to the examination by the Civil Service Commission.

e. Each competitor who takes the oral examination/interview shall be notified by the secretary of the location where notice of those certified will be posted.

Section 5.

"Eligibility/Registers"

a. Eligible registers shall be of two kinds; entrance registers from which the original appointments shall be made, and promotion registers from which promotional appointments shall be made after each examination and at such time as the Civil Service Commission certifies the personnel; the Secretary shall prepare an appropriate appointment or promotion register of persons certified by the Commission. Pursuant to current Arkansas law, the Commission shall certify to the Department Head, the three persons standing the highest for a particular position. There shall be an appointment register for each class of positions in the Classified service, and the lists shall be effective for twelve months (1 year) from date of certification for the police department and two years (2) from date of certification for the fire department for captain and battalion chief.

b. The names of successful competitors shall be entered upon the appropriate register. The original register shall be placed on file in the Office of the City Clerk.

c. The name of any probationary or regular employee who is laid off because of lack of funds or curtailment of work staff shall be returned to their former relative position on the register from which certification was made, provided such register has not expired or been abolished.

d. The Department Head shall from time to time make a review of existing employment and promotional registers to determine whether there is an adequate number of eligible available to meet the needs of the service. When it is determined by the Civil Service Commission that a particular register is inadequate or will become inadequate in a short period of time, the Civil Service Commission may order a supplemental examination for that class or position.

e. The life of each register shall be for one year from the establishment unless otherwise listed.

Section 6.

"Removal of Name from Registers"

The Secretary shall remove the name of an eligible from the register if:

a. The eligible declines the appointment when offered to him/her under such conditions as he/she has indicated previously he/she would accept.

b. The eligible cannot be located by the postal authorities; it shall be deemed impossible to so locate an eligible when a communication mailed to him/her at his/her last known address is returned.

c. The eligible is separated from the classified service.

d. He/she is unable physically or mentally to perform the essential job functions, with or without reasonable accommodation. Failing the department's physical agility test or failing any physical or mental examinations to determine if the essential job functions can be performed, is such a basis for removal of a name from the eligibility register.

e. He/she violates the City of Springdale drug testing policy (failure on a drug test or refusal to take the drug test is such a violation).

f. He/she has been convicted of a felony or of a misdemeanor crime of such nature that it would tend to undermine the public confidence in the City government.

g. He/she has made a false statement of material fact in his/her application.

h. He/she has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment.

i. He/she has directly or indirectly obtained information regarding examinations to which, as an applicant, he/she was not entitled.

j. He/she fails to successfully pass a departmental background investigation.

The above listed causes for removal are not all inclusive.

Section 7.

"Removal of Name From List of Eligibles and Maintenance of List"

When the department head finds that an eligible on the register should be removed for one of the above mentioned reasons, the department head shall, in writing, notify the Secretary of the Civil Service Commission. The department head shall also notify the eligible of the reason of the request to have the eligible's name removed from the register. After the Secretary receives the notice to remove the eligible, the Secretary shall notify the City Clerk, who shall remove the name from the list of eligibles. The City Clerk will maintain an updated register.

CHAPTER 5

RESIDENCE REQUIREMENTS, APPOINTMENT PROCEDURES AND SEPARATION

Section 1.

"Residence Requirements" - Pursuant to City Council action on March 26, 1996, there is no residency requirement for Civil Service employees.

Section 2.

"Appointments" - Selection of new employees shall be based on qualifications for the position. (Preference of consideration shall be given to former employees of the City Government who have good service records, but who have been laid off because of lack of work.)

Section 3.

"Post Job Offer - Pre-employment Examinations/Tests" - The following examinations/tests may be required of any applicants for Civil Service positions in the City of Springdale, Arkansas. All examinations/tests are post-job offer, pre-employment examinations/tests. If any such examination/test is failed, the person shall be terminated and not considered for any further employment. Failure or refusal of the candidate to take any such examination/test, shall deem the candidate unfit for the position.

a. "Medical Examinations" - The Department Head shall require a complete physical medical examination to be performed by a licensed physician approved by the City. If, in the opinion of the licensed physician conducting the medical examination, an eligible candidate who has received a job offer is not physically and/or mentally qualified to perform the essential job functions, with or without reasonable accommodation, said employee shall be terminated.

b. "Psychological Examination" - The State of Arkansas requires successful completion of a psychological examination before any Police Officer is certified under the laws of the State of Arkansas. Any such psychological examination performed shall be by a licensed person and a licensed agency.

c. "Drug Test" - The Commission adopts by reference the City's Drug Testing Policy for Civil Service employees, as now adopted or hereafter amended by the City Council.

The City Council has voted to adopt a mass mandatory testing program for Civil Service employees by Resolution on March 26, 1996, and said policy, when adopted by the Council, shall govern all drug testing procedures for Civil Service employees, including applicants for Civil Service positions.

Section 4.

"Nepotism" – As to civil service employees, there is no nepotism policy and relatives are allowed to work in the same department, except for spouses. As to spouses working in the same department, the Civil Service Commission adopts Policy 2.4 as now written or as hereafter amended in the Personnel and Procedures Manual of the City of Springdale. However, this only applies to spouses and all other parts of the City's policy on nepotism do not apply to civil service employees.

Section 5.

"Layoff" - Classified employees will not be subject to layoff until all temporary employees who occupy the same type of position have been dismissed. An appointing authority may layoff a classified employee whenever he/she deems it necessary because of material change in duties, organization, shortage of work, or shortage of funds. In every case of layoff, the appointing authority shall give the Department Head notice of such action (if the Department Head is different than the appointing authority), before the effective date thereof and the reasons therefore. A copy of such notice shall be given to the affected employee. If the Department Head is the appointing authority, then the Department Head shall give notice to the affected employee prior to the effective date of such layoff.

Every attempt should be made by the Department Head, before the employee is laid off, to transfer him/her to another department. Employees laid off shall be placed at the top of the reemployment list for a period of up to eighteen (18) months in the order of layoff and said person shall be called to work ahead of those who have not previously been employed; provided, however, that such person must satisfy the Commission of his/her physical fitness by passing an appropriate physical examination before a doctor, or doctors, to be approved by the Commission. Any laid off employee who is reemployed in a different department is subject to a probationary period.

Any Civil Service employee who feels that he/she has been laid off contrary to the provisions of this chapter may appeal to the Civil Service Commission by petitioning the Commission in writing, stating the reasons for such appeal. The time limitation of Chapter 8, Section 8, shall apply.

CHAPTER 6

PROBATIONARY PERIOD

Section 1.

"Probationary Period" - Every person appointed or promoted from a Civil Service Eligibility Register shall be required to complete successfully a probationary period.

Section 2.

"Purpose" - The department shall use the probationary period to closely observe and evaluate the work of all employees newly appointed and to encourage their effective adjustment to the job and the service of the City Government; and it shall be utilized for the most effective adjustment of a new employee and for the elimination of any probationary employees whose performance does not meet the required standard of work.

A probationary period of service may not be extended beyond the statutory or authorized period of service.

A Department Head must make a decision before the completion of the probationary period as to whether an employee should be discharged or retained. If the Department Head fails to carry out his/her duty, the employee shall automatically achieve civil service status.

The supervisor of each probationary employee shall furnish his/her department head evaluation reports as required, making a positive recommendation as to the employee's retention or separation. Department Heads shall retain only those employees who meet an acceptable standard of work during the probationary period.

The Mayor shall be responsible for evaluating the Department Head during the probationary period.

Section 3.

"Separation of Probationary Employee" - A new employee may be discharged at any time during the probationary period, when in the judgment of the Department Head (or the Mayor in the case of the Department Head) the quality of his/her work is not such as to merit continuation of the service.

CHAPTER 7

REAPPOINTMENT AND REINSTATEMENT

Section 1.

An employee who has resigned with a good record may be reinstated, if a vacancy exists, to the same or similar position by the same department from which he/she resigned, within a year of the date of resignation.

Section 2.

The Department Head must submit in writing a notice of reinstatement to the Commission, giving name, title, salary, grade, date of separation, date of reinstatement, and cause of vacancy which the reinstatement will fill. The notice of reinstatement shall be recorded in the minutes of the meeting.

Section 3.

The employee may not assume his/her duties until the Department Head has submitted the above information to the Civil Service Commission

Section 4.

For vacation and sick leave purposes, he/she will be considered a new employee.

CHAPTER 8

CONDUCT, DISCIPLINE AND APPEAL PROCEDURES

Section 1.

"Disciplinary Action" - The following are declared to be causes for reprimand, demotion, suspension or removal from the classified service of the City, though charges may be based on causes other than those enumerated.

"Guidelines for Appropriate Conduct" - It shall be the duty of Civil Service employees of the City of Springdale to maintain high standards of cooperation, efficiency, and integrity in their work with the City. If a Civil Service employee's conduct falls below standard, he/she may be subject to disciplinary action.

The following are examples of conduct for which disciplinary action may be taken:

A. "Misconduct":

Misconduct may include, but is not limited to:

1. Violation of the laws of the United States or the State of Arkansas or ordinances of the City;

2. Conduct on or off the job that discredits the City or affects the employee's ability to perform effectively, such as the commission or an act of acts offending to public morals or decency;

3. The commission of any act, alone or with others, for the purpose of causing any employee to be either unfairly or dishonestly affected;

4. Violation of the policies of the City or Department, the policies contained herein and Executive Orders, or failure to properly observe the procedures, rules, and regulations of the City, department, or division;

5. Abuse of alcohol or drugs in a manner that adversely affects performance, or unlawful use of controlled or psychotoxic substances while working, or in violation of the City's Drug Policy;

6. A poor driving record in situations where driving is a required job duty;

7. Reprehensible or indecent language or conduct bringing discredit upon the City or the department;

8. Using official authority to influence or coerce any political action;

9. Dishonesty in word or conduct;

10. Unauthorized use or abuse of City vehicles, equipment or property;

11. Habitual neglect of personal appearance and hygiene while on duty;

12. Insubordination;

13. Employees shall not engage in conduct unbecoming an employee of the department. Conduct unbecoming is any conduct which adversely affects the morale, operations, or efficiency of the department or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the department or the employee. Conduct unbecoming also includes any conduct which brings the department or employee into disrepute or brings discredit upon the department or employee;

B. "Incompetency":

Incompetency may include, but is not limited to:

1. Failure to maintain an acceptable score on a performance evaluation, or failure to show substantial improvement after being told corrections in performance are necessary.

2. Inability to perform the essential functions of the position, with or without reasonable accommodation;

3. Failure to perform duty. The following shall be grounds for the charge of failure in the performance of duty:

   a. Failure to perform those duties required by law;

   b. Neglect or refusal to perform a duty or responsibility;

   c. Conduct subversive of good order and the discipline of the department where employed;

   d. Failure to be courteous or cooperative with the public or fellow employees;

   e. Unexplained absence or habitual tardiness.

Any employee who has attained "civil service status," for whom disciplinary action is being considered in the form of discharge, demotion, or suspension without pay, is entitled to a prompt hearing by the Department Head prior to any discharge, demotion, or suspension without pay, unless the employee specifically waives such hearing in writing. In such cases, a copy of such waiver shall be forwarded to the Civil Service Commission.

However, the provisions of this proposal shall not be interpreted as an "unlimited right". A civil service status employee who is not physically available for hearing, or who cannot be reasonably notified of disciplinary action(s) may also be denied hearing privileges.

The purpose of said hearing is to provide an explanation of the evidence of the charges and to ensure that the civil service status employee has the opportunity to present any evidence relevant to the charges. The Department Head shall furnish a copy of the charges to the employee prior to the above mentioned hearing. At this hearing, the employee shall have the right to be represented by another person, or have another person with him/her. Once a hearing has been started, the employee does not have the right to change his/her mind about being represented by a person of his/her choosing.

The Department Head shall see that notes of the hearing are kept. Appeal from the decision of the Department Head shall be heard anew before the Civil Service Commission, provided the employee appeals the decision to the Commission as set out in Section 8.

The appeal to the Commission outlined in this section only applies to employees who have attained civil service status as previously defined in Chapter 2 and does not apply to employees who have not completed the probationary period.

The Springdale City Council passed Ordinance No. 2775 on October 14, 1997, making the position of Police Chief and Fire Chief subject to hiring and firing by the Springdale Civil Service Commission. A copy of this Ordinance is attached to these Rules and Regulations as "Exhibit A," and made a part hereof. While the Civil Service Commission determines the hiring and firing of the Police Chief or Fire Chief pursuant to the ordinance, the Mayor is their immediate supervisor. In the event a department head (Police Chief or Fire Chief) has served for a continuous period of six months after being hired, then such Chief shall have the right to appeal any suspension in excess of three working days to the Civil Service Commission. Only the Civil Service Commission has the authority to discharge the Police Chief or Fire Chief.

Section 2.

<u>"Types of Disciplinary Action"</u>

a. Oral Reprimand

b. Written Reprimand

c. Suspension

d. Demotion

e. Discharge

Section 3.

"Oral Reprimand"- The Department Head or Department Head's designate may for just cause issue an official oral reprimand. Such reprimand shall be reduced to writing and will be kept in the employee's permanent personnel file for one year if no other infractions occur within that one year time frame. The removal of such record will be completed at the request of the individual after one year provided no other infractions have occurred. There is no appeal recourse to the Civil Service Commission for this disciplinary action. However, if a civil service employee has no other disciplinary actions taken during this one year period, then the reprimand shall not be considered in the promotion decision.

Section 4.

"Written Reprimand" - The Department Head or Department Head's designate may for just cause issue an official written reprimand and the reprimand must state the reasons for such action. The employee shall have an opportunity to sign the written reprimand and attach a written rebuttal to the written reprimand.

Written warnings given to any employee shall remain in the employee's permanent personnel file. There is no appeal recourse to the Civil Service Commission for this disciplinary action. However, if a civil service employee has no other disciplinary action taken for a period of three (3) years, then the reprimand shall not be considered in the promotion decision.

Section 5.

"Suspension Without Pay" - In the interest of good discipline, a Department Head (or the Mayor in the case of a Department Head) may for just cause suspend an employee without pay for any length of time up to thirty (30) calendar days. An employee who is so suspended shall be given written notice of the reasons for the action and of his/her right to appeal this action (see Section 8 – Appeal Procedure).

During investigation of alleged charges against an employee, that employee may be placed in a suspension with pay status during the investigation. This is also called Administrative Leave and is not considered disciplinary action.

If the "Civil Service status" employee wins an appeal from a suspension without pay, the Civil Service Commission shall direct that the employee be reimbursed for net loss of earnings resulting from the period of suspension without pay.

Section 6.

"Demotion" - The Mayor or Department Head may demote an employee for disciplinary reasons or for unsatisfactory performance. Such action will result in the employee being moved to a lower pay grade. A Department Head who did not hold a Civil Service position within the same Department at the time of appointment to Chief, shall not be demoted to another Civil Service position in the City of Springdale. An employee who has completed their probationary period in the position from which they are being demoted must be advised in writing of his/her appeal rights and the procedures to follow if he/she desire to appeal.

Section 7.

"Discharge" - The Mayor or Department Head may discharge an employee for disciplinary reasons or for unsatisfactory performance.

An employee who has completed their probationary period (attained "Civil Service status") must be advised in writing of his/her appeal rights and the procedure to follow if he/she desires to appeal.

Section 8.

"Appeal Procedure" - Any Civil Service employee who is suspended without pay for a period of more than three (3) working days (working day equals one shift), or who is demoted, or discharged from the classified service after the employee has completed the probationary period (has attained “Civil Service status” as previously defined) may, by his/her written request to the Civil Service Commission, have a hearing before them. Said request must be made within ten (10) days after notification by the Department Head or Mayor of disciplinary action. If such a timely request is made by the "Civil Service status" employee, the Commission shall grant a trial pursuant to Arkansas law. If a “Civil Service status” employee is suspended for three (3) working days or less, there is no right to appeal such decision to the Civil Service Commission, but such employee may appeal the decision through the Mayor's office.

In the event an appeal right is granted by these rules to the Civil Service Commission, the employee shall have the right to introduce evidence in his/her own behalf and to be represented by person or persons of his/her choosing. The reasons concerning the suspension for more than three (3) working days, demotion or discharge and the reply, shall constitute a part of said trial.

In the event an employee has a right to a trial before the Civil Service Commission, and a request for trial is timely made, the Commission shall, within 15 days after the request is made, fix a date for the trial. The employee requesting the trial shall be notified of the date and place of the trial at least 10 days prior to the date thereof.

The decision of the Commission shall be by majority vote.

The Civil Service Commission is authorized to uphold the Mayor or Department Head's decision, modify the decision by increasing or decreasing the punishment imposed, or completely reverse the decision with the power to reinstate the employee with pay.

The employee shall have a right to appeal the Commission's decision to the Circuit Court within whose jurisdiction the Commission is situated, provided such appeal is authorized under Arkansas law.

Section 9.

"Solicitation" - No classified employee of the City of Springdale shall directly or indirectly solicit any money, service, favor, or any other valuable consideration for carrying out his/her duties as an employee of the City.

Section 10.

"Obstruction of Rights" - No classified employees of the City of Springdale shall consciously and by overt act deprive any person of any rights to which such person is entitled under any law, ordinance, rule or regulation of the City.

Section 11.

"Impartiality" - Each classified employee of the City of Springdale performing inspection or regulatory functions shall discharge his/her inspection and regulatory duties fairly and impartially and his/her determination shall be made without discrimination on account of race, creed, friendship, political or organizational affiliation.

CHAPTER 9

PROMOTIONS

Section 1.

"Promotional Opportunities" - It is the policy of the City Government of Springdale to provide promotional opportunities whenever possible to qualified employees. Employees are encouraged to take advantage of these opportunities by qualifying themselves for advancement through further education and study, and by a high level of job performance, service, interest and loyalty.

Section 2.

"Method of Filling" - Positions above the entrance level, with the exception of the Department Head, should be filled by promotion from within the Department with a view toward the selection of the best available candidate for each position.

Section 3.

"Advertising Promotional Examinations" - When a promotional examination is to be given, the Commission shall advertise the examination in such a manner that eligible employees in the City will have an opportunity to take the examination.

For promotions in the Police and Fire Departments, the Commission shall promulgate and maintain a set of guidelines governing the procedures and factors to be utilized for promotion in the Police and Fire Departments.

These guidelines shall include but not be limited to:

a. Provisions for timely, informative announcements of promotional examinations.

b. Standards of eligibility to compete in the examination.

c. An outline of the factors, and their weights, which will be considered as a part of the total examination.

d. Provisions for consideration of Employee Performance Evaluation/Appraisal, if appropriate.

e. Provisions for consideration of Seniority within the constraints of Arkansas law, when appropriate.

f. Provisions for the Commission to conduct, or cause to be conducted, structured Oral Panel interviews of candidates for promotion, when appropriate, as a part of the examination process.

g. Provisions that ensure that comprehensive procedures for written examinations shall be maintained and available to all candidates for promotion, when a written test is used in the promotion process.

h. Provision for timely certification.

i. The current promotion guidelines in effect will be on file with the Department Head as well as with the City Clerk. However, the guidelines will be reviewed on an annual basis and may be amended from time to time as the Civil Service Commission deems fit.

Section 4.

"Promotion Procedures" - The purpose of this procedure is to provide direction for the promotion of Civil Service personnel within City of Springdale government. Promotion refers to the advancement of an employee from one classification to a position of another classification of a higher grade.

The responsibility for establishing promotional policy for Civil Service personnel rests with the Civil Service Commission.

The responsibility for the administration of the Civil Service employee personnel promotion process rests with the Civil Service Commission.

The responsibility for the initiation of timely promotion related activities for all ranks within the Springdale Police and Fire Department, rests with the Civil Service Commission.

4.1 For each rank, if a written test is given, all applicants for the specific rank will be administered the written test at the same time and location and on the same date, when possible.

4.2 At least 60 days before the date of the written test for those ranks requiring a written test, the Civil Service Commission shall announce the sources of material used in the construction of the written test.

4.3 Job descriptions are available from the Department Head for each rank within the Police Department and Fire Department. Candidates for promotion to any of these positions should be familiar with the job description.

CHAPTER 10

EMPLOYEE EVALUATION

Section 1.

"Types of Evaluation" - Probational Evaluation:

Each employee serving a one year probationary period shall have his/her performance evaluated by his/her immediate supervisors at least by the sixth and eleventh month of his/her twelve month probationary period. For those employees who are promoted and serve a six month probationary period, an evaluation shall be made at least by the end of the fifth month of the six month probationary period. Completed evaluation forms on a Civil Service employee who has been promoted must be submitted to the Department Head.

Section 2.

"Annual Evaluation" - Each regular Civil Service employee will have his/her performance evaluated on an annual basis.

Evaluation ratings are the responsibility of the employee's supervisor, and all evaluations must be reviewed by the Department Head.

After an evaluation has been accomplished the employee will sign the form stating that his/her supervisor has shown him/her the rating and explained it. This certification should not be interpreted to mean the employee is satisfied or dissatisfied with the evaluation but does signify that the employee has seen the rating and it has been explained by his/her supervisor.

Evaluation is an effective tool and should not be taken lightly. Each Department Head will be accountable for setting up standards for job performance in his/her department. These standards will be conveyed to employees either orally or in writing. This ensures the employees of knowing what is expected of him/her and to understand his/her failure to comply with the standards when so evaluated.

Section 3.

"Employee Counseling" - All employees should be informed of their on the job performance as often as necessary but at least once each year following the employee's annual evaluation.

The interview is an effort to encourage the supervisor to communicate forthrightly to a subordinate his/her reactions to the employee's performance and to offer positive assistance in remedying any shortcomings in the employee's job performance.

Section 4.

"Evaluation of Department Head" - The Mayor shall evaluate the Department Head in the same manner and at the same times as set out in this Chapter.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 1.

"Improvement of Working Conditions" - The Civil Service Commission shall cooperate with the Mayor, Department Heads, employees, and others to promote measures directed toward more sanitary, safe and healthful working conditions; toward affording better facilities, and toward any other means of bettering the conditions and improving the morale of city employees.

Section 2.

"Amending or Changing Rules and Regulations" - The Civil Service Commission is responsible for approving any additions, deletions, or changes to these rules and regulations.

Section 3.

"Effective Date of These Rules and Regulations" - The effective date of these rules and regulations shall be applicable on and after a public hearing and adoption by the Civil Service Commission.

Section 4.

"All Prior Rules Superseded" - These rules and regulations shall be the Civil Service Rules and Regulations of the City ~~Government~~ of Springdale and shall supersede all prior Civil Service Rules and Regulations.

Section 5.

"City of Springdale Policy and Procedures and Departmental Policies/Rules/Regulations" - All civil service employees are also governed by the "Personnel Policies and Procedures Manual" of the City of Springdale, Arkansas. All such policies and procedures contained in the City of Springdale Policy and Procedures Manual are hereby adopted by reference, unless such policies and procedures specifically exclude Civil Service employees. This includes future policies adopted or amended by the City Council, unless such new policies or amendments specifically exclude Civil Service employees.

Also, the Fire Department and Police Department, through the Department Head, shall also have the right to adopt policies, procedures and rules to govern all civil service employees of their respective departments.

Section 6.

"Severability" - If any provision of these Rules and Regulations are held to be invalid by a court of competent jurisdiction, then the judgment of the court shall be abided by, concerning any specific rule(s) or regulation(s). However, all other rules and regulations not specifically invalidated shall remain valid and in effect, unless subsequently amended or rescinded by the Commission.

Section 7.

"Inclement Weather Policy" – The Civil Service Commission adopts the Inclement Weather Policy of the City of Springdale, Arkansas, and if testing is scheduled on a date when City Hall is closed because of inclement weather, the Civil Service Commission may also cancel any scheduled testing.

CHAPTER 12

REVIEW OF CITIZEN COMPLAINTS

Section 1.

"General Provisions and Purposes" - In its 1997 regular session, the Arkansas General Assembly adopted Act 1221 providing for review of citizen complaints by municipal Civil Service Commissions. Act 1221 amended Ark. Code Ann. Sec. 14-51-301(b) to require the adoption of rules providing for "a review of complaints filed by any citizen pursuant to rules promulgated by the commission, including rules that give the commission the authority to consider certain personnel issues in executive session, and to establish any necessary appellate procedures." In accordance with this statutory authority, the Springdale Civil Service Commission ("the Commission") hereby adopts the following rules and regulations for the investigation of citizen complaints.

Pursuant to the procedures outlined below, the Commission shall review complaints filed addressing the issues of deadly force by the Springdale Police Department ("SPD"), as well as all other incidents of citizen contact which result in a complaint being filed against an employee of either the SPD or Springdale Fire Department ("SFD"). It is of paramount importance that the review procedure protect the constitutional and employment rights of any employee involved in the investigation. Equally important is the Commission's mandate to undertake a full and fair review on behalf of the citizen complainant, the Springdale City Council and the citizens of the City of Springdale. In view of these purposes, the Commission will only consider complaints which have first been reviewed internally by the SPD or SFD. In the case of SPD, such review shall be by investigation conducted by the internal affairs unit of the SPD and reviewed by the Chief of Police. In the case of SFD, the complaint must have been investigated internally according to the department's Professional Standards investigation procedures.

Section 2.

"Definitions" - For the purposes of the review procedure provided for in this chapter, the following definitions shall apply:

a. "Deadly Force" means that force which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

b. "Deadly Weapon" means:

   1. a firearm or anything designed, made or adapted for the purpose of inflicting death or serious physical injury; or

2. anything that in the manner of its use or intended use is capable of causing death or serious physical injury.

c. "Deadly Force Policy" means the policy adopted by the SPD pursuant to Policy No. 7.13b of the SPD Operations Manual.

d. "Investigatory File" means a file compiled by the Internal Affairs Unit of the SPD pursuant to an internal investigation, or a file compiled by SFD concerning a citizen complaint involving SFD.

Section 3.

"Complaint Procedure" - Any citizen wishing to file a complaint against any civil service employee of the SPD or SFD must do so in writing and submit it to the secretary of the Civil Service Commission, c/o Springdale City Clerk, 201 North Spring Street, Springdale, Arkansas 72764. The complaint must be filed by the complaining party or the party's legal guardian and shall contain the complaining party's name, address and telephone number. In addition, the following procedures will apply to complaints submitted by citizens:

a. The complaint must be filed within 30 days of the date of the incident about which the citizen is complaining, or within 10 days after final action on a complaint has been taken by the Fire Chief or Police Chief, whichever time is longer.

b. Receipt of the complaint will be acknowledged in writing by certified mail.

c. The City Clerk shall maintain a docket book in which all complaints are entered at the time of receipt. The City Clerk shall also notify the Mayor's office of the Complaint. The Mayor shall advise the Commission of the receipt of the complaint within 10 days and verify that it was filed in accordance with this complaint procedure.

d. The Mayor shall request a copy of the investigatory file compiled by the SPD or SFD within three days of receipt of the complaint, assuming the investigation has been completed. If the investigation is still ongoing, the Chief of SPD, or Chief of SFD shall be advised by the Mayor to provide a copy of the investigatory file to the Mayor and Civil Service Commission within five days from the date the investigation is concluded.

e. If the incident which is the subject of the citizen complaint is still under internal investigation by the SPD or SFD, the citizen shall be notified that the matter is still under internal investigation by the department and upon conclusion, will be provided to the Civil Service Commission.

f. If the incident which is the subject of the citizen complaint is under criminal investigation by the SPD or some other law enforcement agency, or if it is the subject of pending criminal proceedings, consideration of the complaint shall be deferred and the matter shall be classified by the Chairman as pending until such proceedings have reached a final disposition.

g. At the conclusion of any investigation or proceeding which has been deferred as set out above, the complaining party will be notified by certified mail by the Civil Service Commission. If the complaining party wishes to continue to pursue the complaint, the Commission must receive written notice within 10 days.

Section 4.

"Review Procedure" -

a. Consideration of the citizen complaint will take place at the next scheduled Commission meeting.

b. The Commission shall notify the complainant, all employees involved and the Chief of Police or Fire Chief, as necessary, of the date of the meeting at which the complaint will be considered. Such notification will be by certified mail at least 10 days prior to the hearing date.

c. Consideration of a citizen complaint will be initially limited to a review of the investigatory file by the Commission members individually, and a presentation by a member of the SPD or SFD summarizing the contents of the file. If the employee involved in the incident which is the subject of the complaint was not disciplined by the SPD or SFD, the contents of the file will not be made public or released to any person, and the presentation referred to previously will be conducted in executive session. The Commission may meet in executive session to discuss preliminary findings and determine if review of the investigatory files is sufficient for review of the incident. If the Commission determines that further testimony and investigation are required, it shall publicly notify the complainant and all involved employees of the meeting date for further consideration of the complaint. The meeting shall take place within 30 days from the adjournment of the initial meeting.

d. At the subsequent meeting on the complaint, the Commission shall be empowered to adjourn to executive session with any employee involved in the incident which is the subject of the complaint, as well as the Police Chief or Fire Chief, as the case may be. If the Commission elects to order further investigation, the statements of other witnesses may be provided in executive session by the Police Chief or Fire Chief, or their designee.

Section 5.

"Findings of Commission" - Upon conclusion of the investigation provided for in this chapter, the Commission shall make one of the following findings with regard to each complaint investigated.

a. The Police Chief or Fire Chief was correct in not taking any disciplinary action against the employee.

b. The Police Chief or Fire Chief was correct in taking disciplinary action against the employee and the Commission concurs with the discipline imposed on the employee.

c. The Police Chief or Fire Chief was correct in taking disciplinary action against the employee, but the Commission disagrees with the discipline imposed on the employee. In the event the Commission so finds, it may impose any disciplinary action which it is otherwise authorized to take under Arkansas state law and its own rules and regulations.

d. The Commission's findings and conclusions shall be announced publicly at the conclusion of the meeting.

Section 6.

"Appellate Procedures" - The City of Springdale or any employee affected by a decision of the Commission, which results in either the termination of an employee or the reinstatement of an employee after being terminated, shall have the right to appeal the decision to the Washington County Circuit Court. The procedure for appealing the decision shall be the same as the provisions of Ark. Code Ann. Sec. 14-51-308, which govern other appeals of Commission decisions.

ORDINANCE NO. 2775

AN ORDINANCE FOR THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, GRANTING AUTHORITY TO THE SPRINGDALE CIVIL SERVICE COMMISSION TO APPOINT AND REMOVE THE POLICE CHIEF AND FIRE CHIEF; AND FOR OTHER PURPOSES.

WHEREAS, under A.C.A. §14-42-110(2), a City of the first class is authorized to delegate the authority to appoint and remove the heads of the Police and Fire Departments to the City's Civil Service Commission;

WHEREAS, the City Council for the City of Springdale, Arkansas, finds that it is in the City's best interest to have the authority to appoint and remove the Police Chief and Fire Chief with the Springdale Civil Service Commission, but for the Springdale City Council to have all authority allowed by law consistent with A.C.A. §14-42-110(2);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: The City of Springdale delegates the authority to appoint the Police Chief and Fire Chief of the City of Springdale, Arkansas, to the Springdale Civil Service Commission. When appointing the Police Chief or Fire Chief, the Springdale Civil Service Commission shall appoint the person standing the highest on the civil service examination for the appointment to the position of Chief, subject to the Council's approval of the Chief's salary (City Council approval is necessary for all matters relating to finance).

Section 2: After the appointment is complete, the Mayor may still suspend the Chief without pay for a period not to exceed 30 days, or take any other disciplinary action except for termination, as allowed by the City's Personnel and

Procedures Manual. If the Mayor believes that the Chief should be discharged, he shall address the reasons he believes the Chief should be discharged or reduced in rank to the Springdale Civil Service Commission. However, no Police Chief or Fire Chief who has not previously held a position within the same department may be reduced in rank to another civil service position.

Section 3: Ordinance No. 2453 setting out a different procedure for hiring and firing the Police Chief and Fire Chief is hereby repealed.

PASSED AND APPROVED this 14th day of October, 1997.

Charles N. McKinney, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Jeff C. Harper, City Attorney

RESOLUTION NO. SCSC 96-2

A RESOLUTION ADOPTING PROMOTION PROCEDURES FOR CIVIL SERVICE POSITIONS IN THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, the Springdale Civil Service Commission, after publishing notice as required by law, held a hearing on the adoption of "Rules and Regulations" on March 11, 1996;

WHEREAS, the Commission also took comments on the adoption of "Promotion Procedures for Civil Service Positions in the City of Springdale, Arkansas;"

WHEREAS, after taking comments from the public, as well as comments from the Commission members themselves, the Commission voted to accept the document attached hereto as Exhibit 1 and made a part hereof, as the "Promotion Procedures for Civil Service Positions in the City of Springdale, Arkansas;"

NOW THEREFORE, BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION FOR THE CITY OF SPRINGDALE, ARKANSAS, that the "Promotion Procedures for Civil Service Positions in the City of Springdale, Arkansas" attached hereto as Exhibit 1 and made a part hereof, are hereby adopted as the official "Promotion Procedures" for civil service positions within the City of Springdale, Arkansas, and shall be in full force and effect until rescinded or amended by an official act of the Civil Service Commission.

PASSED AND APPROVED this 11th day of March, 1996.

Steve Harp, Chairman

ATTEST:

Joe Taldo, Secretary

PROMOTION PROCEDURES

FOR CIVIL SERVICE POSITIONS IN

THE CITY OF SPRINGDALE, ARKANSAS

Date Adopted
By Commission: 3/11/96

PROCEDURES GUIDELINE:

I. PURPOSE

The purpose of this procedure guideline is to provide direction for the promotion of Civil Service employees in the Police and Fire Departments of the City of Springdale, Arkansas. Promotion refers to the advancement of an employee from one rank classification to a higher rank of classification (the rank classifications are shown in Chart I for the Police Department and Chart II for the Fire Department).

II. RESPONSIBILITY

The Springdale Civil Service Commission is responsible for establishing promotional policy for civil service positions in the Police and Fire Departments within the City of Springdale.

The Springdale Civil Service Commission also has the responsibility for the administration of the promotion process for civil service positions in the Police and Fire Departments.

III. PROCEDURES

A. The Civil Service Commission shall announce a promotion selection process for promotion to the classifications in the Police Department as follows: Sergeant, Lieutenant, Captain, Assistant Chief and Chief. The Commission shall also announce a promotion selection process for promotion to the classifications in the Fire Department as follows: Firefighter/Driver/Operator, Captain, Battalion Chief, Division Chief of Operations, Assistant Chief, and Fire Chief.

B. To be eligible to compete for promotion to all civil service positions within the Police Department and Fire Department, except Chief, the candidate must be serving in the classification of and for the time indicated in Chart I for the Police Department and Chart II for the Fire Department. The

minimum service in that classification required to be eligible is also set out in Chart I for the Police Department and Chart II for the Fire Department.

C. All examinations for promotion to all positions within the Police Department and Fire Department may include a rating of applicants based on results of written, oral, or practical examinations, length of service, efficiency ratings, and educational or vocational qualifications. At least 60 days prior to the date of a promotional examination, the Civil Service Commission will announce the kind of test that will be given and the way the test will be scored (the number of points possible for each category).

Also, the Commission will announce at least 60 days before the examination, the reference materials that will be used in compiling the test.

The following points will be deducted from the score of any candidate who has received a suspension without pay or demotion within three years of the first day of the promotional exam.

1. 1 – 10 days suspension – 2 points;
2. 11 – 15 days suspension – 4 points;
3. 16 – 30 days suspension – 6 points; and
4. demotion – 10 points.

D. The Civil Service Commission may set a minimum score which must be achieved by candidates on any particular phase of the testing procedure. The Commission may also restrict the number of candidates who will be eligible to advance to the next phase of testing.

CHART POLICE DEPARTMENT		
PROMOTED TO:	**ELIGIBLE CLASSIFICATIONS**	**MINIMUM SERVICE IN THAT CLASSIFICTION**
SERGEANT	PATROL OFFICER (SPD)	5 YEARS
LIEUTENANT	SERGEANT (SPD)	1 YEAR
CAPTAIN	LIEUTENANT (SPD)	1 YEAR
ASSISTANT CHIEF	SERGEANT (SPD LIEUTENANT (SPD) CAPTAIN (SPD)	MUST HAVE BEEN A SUPERVISOR FOR AT LEAST 3 YEARS AT SPD AND MUST HAVE AT LEAST 6 YEARS SERVICE AT SPD
CHIEF	BACHELOR'S DEGREE (B.A. OR B.S.) FROM FOUR YEAR COLLEGE OR UNIVERSITY AND 11-15 YEARS OF RELATED EXPERIENCE AND/OR TRAINING; OR EQUIVALENT COMBINATION AND EXPERIENCE AND A MINIMUM OF 8 YEARS OF MANAGEMENT EXPERIENCE	
TO BE ELIGIBLE FOR PROMOTION, THE CIVIL SERVICE CANDIDATE MUST MEET THE MINIMUM JOB REQUIREMENTS CONTAINED IN THE JOB DESCRIPTION FOR THE POSITION TO WHICH HE/SHE SEEKS PROMOTION.		
*For the position of Chief, the Civil Service Commission may limit the candidates to persons within the department so long as they meet the minimum requirements.		

CHART FIRE DEPARTMENT		
PROMOTED TO:	**ELIGIBLE CLASSIFICATIONS**	**MINIMUM SERVICE IN THAT CLASSIFICTION**
FIREFIGHTER/ DRIVER/ OPERATOR	FIREFIGHTER	3 YEARS
CAPTAIN	FIREFIGHTER OR FIREFIGHTER DRIVER/OPERATOR (SFD)	5 YEARS IN EITHER POSITION OR COMBINED
BATTALION CHIEF	CAPTAIN	1 YEAR
DIVISION CHIEF OF OPERATIONS	CAPTAIN OR BATTALION CHIEF	MUST HAVE BEEN A SUPERVISOR FOR AT LEAST 3 YEARS AT SFD* AND MUST HAVE AT LEAST 6 YEARS SERVICE AT SFD
ASSISTANT CHIEF	CAPTAIN OR BATTALION CHIEF OR DIVISION CHIEF	MUST HAVE BEEN A SUPERVISOR FOR AT LEAST 3 YEARS AT SFD* AND MUST HAVE AT LEAST 6 YEARS SERVICE AT SFD
CHIEF**	BACHELOR'S DEGREE (B.A.) FROM FOUR YEAR COLLEGE OR UNIVERSITY AND A MINIMUM 11 YEARS OF RELATED EXPERIENCE AND/OR TRAINING; OR EQUIVALENT COMBINATION OF EDUCATION AND EXPERIENCE WITH A MINIMUM OF 7 YEARS OF MANAGEMENT EXPERIENCE	
TO BE ELIGIBLE FOR PROMOTION, THE CIVIL SERVICE CANDIDATE MUST MEET THE MINIMUM JOB REQUIREMENTS CONTAINED IN THE JOB DESCRIPTION FOR THE POSITION TO WHICH HE/SHE SEEKS PROMOTION.		
*Supervisory positions in the Fire Department are all positions with the rank of Captain or above. **For the position of Chief, the Civil Service Commission may limit the candidates to persons within the department so long as they meet the minimum requirements.		

E. Job descriptions for all Civil Service positions within the Police Department and Fire Department are available from the Mayor's office, the Department Head or Secretary of the Civil Service Commission. To be eligible to compete for promotion to all civil service positions within the Police Department and Fire Department, the candidate must meet the minimum requirements set out in the job description for that position.

F. Within ninety (90) days upon completion of the examination process for advancement, the Springdale Civil Service Commission shall certify at least the three standing highest for each rank of promotion for all positions, except Chief, and after such certification, the Department Head shall select one of the three standing the highest, and shall notify the Civil Service Commission. In making promotions, the Department Head shall adhere to the rule of three, meaning the Department Head will only make selection from the top three certified.

The Springdale Civil Service Commission will provide a copy of the certified list of the three standing the highest to the Chief of the Police or Fire Department as soon as reasonably possible. The Chief is then responsible for the distribution of this certified list to work locations as soon as reasonably possible.

G. For the position of Police Chief and Fire Chief, the Ordinance set out in Exhibit "A" has been passed by the Springdale City Council, and will be followed in the selection of Police Chief and Fire Chief. Pursuant to the Ordinance (No. 2775) which was enacted under the authority of Ark. Code. Ann. §14-42-110(s), the Civil Service Commission is the sole authority for hiring and firing the Police Chief and Fire Chief.