

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representatives Wallis and Hall**

A Bill

ACT 473 OF 1995
HOUSE BILL 1017

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-51-301 (b) TO REMOVE THE
9 MAXIMUM AGE FOR ELIGIBILITY FOR CIVIL SERVICE APPOINTMENT
10 TO A POSITION ON A MUNICIPAL *POLICE* OR FIRE DEPARTMENT;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO REMOVE THE MAXIMUM AGE FOR
15 ELIGIBILITY FOR CIVIL SERVICE
16 APPOINTMENT TO A POSITION ON A MUNICIPAL
17 *POLICE* OR FIRE DEPARTMENT."

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 SECTION 1. Arkansas Code 14-51-301 (b) is amended to read as follows:

23 "(b) These rules shall provide for:

24 (1)(A) The qualifications of each applicant for appointment to
25 any position on the police or fire department;

26 (B)(i) No person shall be eligible for appointment to any
27 position on the fire department who has not arrived at the age of *twenty-one*
28 *(21)* years;

29 (ii) No person shall be eligible for appointment on
30 the police department affected by this chapter who has not arrived at the age
31 of *twenty-one (21)* years;

32 (2) Open competitive examination to test the relative fitness of
33 applicants for the positions;

34 (3)(A) Public advertisement of all examinations by publication of
35 notice in some newspaper having a bona fide circulation in the city and by
36 posting of notice at the city hall at least ten (10) days before the date of

1 the examinations.

2 (B) The examinations may be held on the first Monday in
3 April or the first Monday in October, or both, and more often, if necessary,
4 under such rules and regulations as may be prescribed by the board;

5 (4) (A) (i) The creation and maintenance of current eligibles lists
6 for each rank of employment in the departments, in which shall be entered the
7 names of the successful candidates in the order of their standing in the
8 examination. However, for ranks in each department where there may not be
9 openings during an annual period, the board may establish rules to create the
10 eligibles list on an as-needed basis.

11 (ii) No person shall be eligible for examination for
12 advancement from lower ranks to higher ranks until that person shall have
13 served at least one (1) year in the lower rank, except in case of emergency,
14 which emergency shall be decided by the board. The board shall determine the
15 rank or ranks eligible to be examined for advancement to the higher rank.

16 (B) (i) All lists for appointments or promotions as
17 certified by the board shall be and remain in force and effect for the period
18 of one (1) year from the date thereof.

19 (ii) At the expiration of this period, all right of
20 priority under the lists shall cease;

21 (5) (A) The rejection of candidates as eligibles who fail to
22 comply with reasonable requirements of the board in regard to age, sex,
23 physical condition, or who have been guilty of a felony, or who have attempted
24 fraud or deception in connection with the examination.

25 (B) (i) All applicants for appointment and all applicants
26 for reinstatement shall undergo a suitable physical examination.

27 (ii) (a) The examination shall be conducted in the
28 manner and form as provided by law.

29 (b) If no provision has been made by existing
30 law for such examination, then the board may adopt proper rules and
31 regulations to carry this subdivision into effect;

32 (6) Certification to the department head of the three (3)
33 standing highest on the eligibility list for appointment for that rank of
34 service, and for the department head to select for appointment or promotion
35 one (1) of the three (3) certified to him and notify the commission thereof;

1 (7) (A) A period of probation not to exceed twelve (12) months
2 before any appointment is complete and six (6) months before any promotion is
3 complete.

4 (B) During the period, the probationer may be discharged,
5 in case of an appointment, or reduced, in case of promotion, by the chief of
6 the police or of the fire department;

7 (8) (A) Temporary employees without examination with the consent
8 of the commission, in cases of emergency, and pending appointment from the
9 eligibles list.

10 (B) No temporary appointment shall continue longer than
11 sixty (60) days, nor shall successive temporary appointment be allowed except
12 in times of grave danger, of which the commission shall decide;

13 (9) (A) Establishing eligibility lists for promotion based upon
14 open competitive examinations. The exams may include a rating of applicants
15 based on results of written, oral, or practical examinations, length of
16 service, efficiency ratings, and educational or vocational qualifications.
17 Lists shall be created for each rank of service and promotions made from the
18 lists as provided in this section.

19 (B) Advancement in rank or increase in salary beyond the
20 limits fixed for the grade by the rules of the commission shall constitute a
21 promotion;

22 (10) (A) Suspension for not longer than thirty (30) calendar days;
23 and

24 (B) Leave of absence;

25 (11) (A) Discharge or reduction in rank or compensation after
26 promotion or appointment is complete, only after the person to be discharged
27 or reduced has been presented with the reasons for the discharge or reduction
28 in writing.

29 (B) (i) The person so discharged or reduced shall have the
30 right, within ten (10) days from the date of notice of discharge or reduction,
31 to reply in writing.

32 (ii) Should the person deny the truth of the reasons
33 upon which the discharge or reduction is predicated and demand a trial, the
34 commission shall grant a trial as provided in this chapter.

35 (iii) The reasons and the reply shall constitute a

1 part of the trial and be filed with the record;

2 (12) The adoption and amendment of rules after public notice and
3 hearing; and

4 (13) The preparation of a record of all hearings and other
5 proceedings before it, which shall be stenographically reported."
6

7 SECTION 2. All provisions of this act of a general and permanent
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
9 Code Revision Commission shall incorporate the same in the Code.
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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.
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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.
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20 /s/Rep. Wallis, et al
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22 APPROVED: 2-28-95
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