

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 1597 of 2001
HOUSE BILL 2388

5 By: Representative J. Elliott
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR ADOPTION OF RULES BY THE
10 CIVIL SERVICE COMMISSION TO PROTECT THE
11 CONFIDENTIALITY OF SELECTION AND PROMOTION
12 EXAMINATIONS OF MUNICIPAL POLICE AND FIRE
13 DEPARTMENT PERSONNEL; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO PROVIDE FOR ADOPTION OF RULES
16 BY THE CIVIL SERVICE COMMISSION TO
17 PROTECT THE CONFIDENTIALITY OF SELECTION
18 AND PROMOTION EXAMINATIONS OF MUNICIPAL
19 POLICE AND FIRE DEPARTMENT PERSONNEL.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 14-51-301(b) concerning rules providing for
26 examination of municipal police and fire department personnel, is amended to
27 read as follows:

28 (b) These rules shall provide for:

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

31 (B)(i) No person shall be eligible for appointment to any
32 position on the fire department who has not arrived at the age of twenty-one
33 (21) years or who, except as provided in subdivision (b)(1)(C) of this
34 section, has arrived at the age of thirty-two (32) years;

35 (ii) No person shall be eligible for appointment on
36 the police department affected by this chapter who has not arrived at the age

1 of twenty-one (21) years;

2 (C) Provided, however, the maximum age limit for
3 appointment to any position with a fire department in subdivision
4 (b)(1)(B)(i) of this section shall not apply to:

5 (i) Any person who has at least two (2) years of
6 previous experience as a paid firefighter with another fire department and
7 whose years of experience as a paid firefighter when subtracted from the
8 person's age leaves a remainder of not more than thirty-two (32) years; or

9 (ii) Any person who is applying for a position with
10 a fire department in which the primary functions of the job involve duties
11 which are administrative, managerial, or supervisory in nature;

12 (2)(A) ~~Open competitive examination~~ examinations to test the
13 relative fitness of applicants for the positions;_

14 (B)(i) The examinations to be protected from disclosure
15 and copying except that the Civil Service Commission shall designate a period
16 of time following the conclusion of testing in which an employee taking an
17 examination shall be entitled to review his or her own test results.

18 (ii) During the employee review process the employee
19 may not copy test questions in any form whatsoever.

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

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

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

33 (ii) No person shall be eligible for examination for
34 advancement from lower ranks to higher ranks until that person shall have
35 served at least one (1) year in the lower rank, except in case of emergency,
36 which emergency shall be decided by the board. The board shall determine the

1 rank or ranks eligible to be examined for advancement to the higher rank.

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

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

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

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

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

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

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

22 (7)(A) A period of probation not to exceed twelve (12) months
23 before any appointment is complete and six (6) months before any promotion is
24 complete.

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

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

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

34 (9)(A)(i) Establishing eligibility lists for promotion based
35 upon open competitive examinations.

36 (ii) The examinations to be protected from disclosure

1 and copying except that the Civil Service Commission shall designate a period
2 of time following the conclusion of testing in which an employee taking an
3 examination shall be entitled to review his or her own test results.

4 (iii) During the employee review process the
5 employee may not copy test questions in any form whatsoever.

6 ~~(iii)~~(iv) The exams may include a rating of
7 applicants based on results of written, oral, or practical examinations,
8 length of service, efficiency ratings, and educational or vocational
9 qualifications.

10 ~~(iii)~~(v) Lists shall be created for each rank of
11 service and promotions made from the lists as provided in this section.

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

15 (10)(A) Suspension for not longer than thirty (30) calendar
16 days; and

17 (B) Leave of absence;

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

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

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

28 (iii) The reasons and the reply shall constitute a
29 part of the trial and be filed with the record;

30 (12) The adoption and amendment of rules after public notice and
31 hearing; and

32 (13) The preparation of a record of all hearings and other
33 proceedings before it, which shall be stenographically reported.

34 (14) A review of complaints filed by any citizen pursuant to
35 rules promulgated by the commission, including rules that give the commission
36 the authority to consider certain personnel issues in executive session, and

1 to establish any necessary appellate procedures.

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APPROVED: 4/13/2001