

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 1/26/87

HOUSE BILL 1236

By: Rep. Givens AS ENGROSSED 2/10/87

"AN ACT TO AMEND SECTION 3 OF ACT 28 OF 1933, AS AMENDED [ARK. STAT. 19-1603] TO ALLOW CIVIL SERVICE COMMISSION FOR POLICE AND FIRE DEPARTMENTS TO BASE PROMOTIONS ON CRITERIA OTHER THAN ON OPEN COMPETITIVE EXAMINATION ONLY; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 3 of Act 28 of 1933, as amended, the same being Arkansas Statutes 19-1603, is hereby amended to read as follows:

"Section 3. The Board of Civil Service Commissioners herein provided shall prescribe, amend and enforce rules and regulations governing the fire and police departments of their respective cities, and said rules and regulations shall have the same force and effect of law. They shall keep a record of its examinations and shall investigate the enforcement and effect of this act and the rules as provided for herein.

These rules shall provide:

1st. For the qualifications of each applicant for appointment to any position on the police or fire department; provided however, that no person shall be eligible for appointment to any position on the fire department who has not arrived at the age of twenty-one (21) or who is over thirty-one (31) years of age except that in any city having a population of not less than 19,000 nor more than 20,000 according to the 1970 decennial Federal Census, the minimum age for appointment to any position in the fire department shall be eighteen (18) years; and no person shall be eligible for appointment on the police department affected by this Act who has not arrived at the age of twenty-one (21) years or who is over the age of forty-five (45) years; provided further that this age limit shall not apply to any person employed on the police or fire department at the time of the passage of this Act.

2nd. For open competitive examination to test the relative fitness of applicants for such positions.

3rd. For public advertisement of all examinations by publication of notice in some newspaper having a bona fide circulation in such city and by posting of notice at the city hall at least ten (10) days before the date of said examinations. Said examinations may be held on the first Monday in April and/or the first Monday in October, and more often if necessary, under such rules and regulations as may be prescribed by the Board of Civil Service Commissioners.

4th. For the creation of eligible lists for each rank of employment in said departments in which shall be entered the names of the successful candidates in the order of their standing in the examination. No person shall be eligible for examination for advancement from a lower to a higher rank until he shall have served at least one (1) year in the lower rank except in case of emergency, which emergency shall be decided by the Board of Commissioners. All lists for appointments or promotions as certified by the Board of Civil Service Commissioners shall be and remain in force and effect for the period of one (1) year from the date thereof and at the expiration of said period all right of priority under said lists shall cease.

5th. For the rejection of candidates of eligibles who fail to comply with reasonable requirements of the Board in regard to age, sex, physical condition or who has been guilty of a felony, or who has attempted fraud or deception in connection with the examination. All applicants for appointment and all applicants for reinstatement shall undergo a suitable physical examination. Said examination to be conducted in the manner and form as now provided by law, provided that, if no provision has been made by existing laws for such examination, then the Board of Civil Service Commissioners may adopt proper rules and regulations to carry this provision into effect.

6th. For certification to the Department Head of the (3) three standing highest on the eligibility list for appointment for that rank of service; and for said Department Head to select for appointment one (1) of the three (3) certified to him and notify the Commission thereof; and for the promotion or advancement of the one standing highest on the eligibility list for that rank of service.

7th. For a period of probation of not to exceed twelve (12) months before any appointment is complete and six (6) months before any promotion is

complete, during which period the probationer may be discharged, in case of an appointment, or reduced, in case of promotion, by the Chief of the Police or of the fire department.

8th. For temporary employees without examination with the consent of the commission, in cases of emergency, and pending appointment from eligible list. But no temporary appointment shall continue longer than 60 days nor shall successive temporary appointment be allowed except in times of grave danger of which the commission shall decide.

9th. For establishing eligibility lists for promotion based on open competitive examinations. The exams 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. Lists shall be created for each rank of service and promotions made therefrom as provided herein. Advancement in rank or increase in salary beyond the limits fixed for the grade by the rules of said commission shall constitute a promotion.

10th. For suspension for not longer than 30 days, and for leave of absence.

11th. For discharge or reduction in rank or compensation after promotion or appointment is complete, only after the person to be discharged, or reduced, has been presented with the reasons for such discharge or reduction in writing.

The person so discharged or reduced shall have the right within ten (10) days from the date of notice or discharge or reduction to reply in writing and should said person deny the truth of such reasons upon which such discharge or reduction is predicated and shall demand a trial, said Commission shall grant a trial as provided hereinafter. The reasons and the reply shall constitute a part of said trial and be filed with the record.

12th. For the adoption and amendment of rules after public notice and hearing.

13th. For the preparation of a record of all hearings and other proceedings before it, which hearings or proceedings shall be stenographically reported.

The commission shall adopt such rules not inconsistent with the act for necessary enforcement of the act."

SECTION 2. All laws and parts of laws in conflict with this Act are

hereby repealed.