

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

589

By: Senator Hardin

For An Act To Be Entitled

"AN ACT TO AMEND SECTION 14-51-301 OF THE ARKANSAS CODE;  
REPEALING THE POPULATION EXCLUSION AND REQUIRING PROMOTION  
LISTS TO BE PREPARED IN ADVANCE; TO REQUIRE PROMOTION OFF  
ELIGIBILITY LISTS TO BE BY STANDING ON ELIGIBILITY LISTS  
IN CLUSTERS OF THREE; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 14-51-301 of the Arkansas Code is hereby amended  
to read as follows:

"14-51-301. Rules and regulations generally.

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  
examination 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; 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 the positions.

3rd. For public advertisement of all examinations by publication of  
notice in some newspaper having a bona fide circulation in the 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 this period, all right of priority under said lists shall cease, and to also require that promotion lists be prepared in advance of the expiration of the existing promotion list so that a new list shall be certified as the current list expires and that the new list shall be used by the Chief for any vacancies in any rank. The Chief shall not delay any promotion due to the expiration of the old list or the certification of the new list.

5th. For the rejection of candidates as eligibles who fail to comply with reasonable requirements of the board in regard to age, sex, physical condition or who have been guilty of a felony, or who have 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 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 three (3) standing highest on the eligibility list for appointment for that rank of service: and to provide that the initial three (3) on the annual eligibility list and each subsequent cluster of three must be exhausted or promoted before any person lower on the eligibility list may be promoted.

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 sixty (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 upon 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 the commission shall constitute a promotion.

10th. For suspension for not longer than thirty (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 the 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 provisions of this Act of a general and permanent

nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.