

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1017

4 By: Representatives Wallis and Hall
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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."
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Subtitle

13 "AN ACT TO REMOVE THE MAXIMUM AGE FOR
14 ELIGIBILITY FOR CIVIL SERVICE
15 APPOINTMENT TO A POSITION ON A MUNICIPAL
16 *POLICE OR* FIRE DEPARTMENT."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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
35 of notice in some newspaper having a bona fide circulation in the city and by

1 posting of notice at the city hall at least ten (10) days before the date of
2 the examinations.

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

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

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

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

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

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

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

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

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

33 (6) Certification to the department head of the three (3)
34 standing highest on the eligibility list for appointment for that rank of
35 service, and for the department head to select for appointment or promotion

1 one (1) of the three (3) certified to him and notify the commission thereof;
2 (7)(A) A period of probation not to exceed twelve (12) months
3 before any appointment is complete and six (6) months before any promotion is
4 complete.

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

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

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

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

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

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

25 (B) Leave of absence;

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

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

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

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

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

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

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8 SECTION 2. All provisions of this act of a general and permanent
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
10 Code Revision Commission shall incorporate the same in the Code.

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12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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21 */s/Rep. Wallis, et al*
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