

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2686

5 By: Representatives Woods, Burris, Cornwell, Pennartz, Pierce
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND § 14-51-301 CONCERNING CIVIL
10 SERVICE FOR POLICE AND FIRE DEPARTMENTS; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 TO AMEND § 14-51-301 CONCERNING CIVIL
14 SERVICE FOR POLICE AND FIRE DEPARTMENTS.
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-51-301 is amended to read as follows:

21 14-51-301. Rules and regulations generally.

22 (a)(1) The board provided for in this chapter shall prescribe, amend,
23 and enforce rules and regulations governing the fire and police departments
24 of their respective cities.

25 (2) The rules and regulations shall have the same force and
26 effect of law.

27 (3) The board shall keep a record of its examinations and shall
28 investigate the enforcement and effect of this chapter and the rules as
29 provided for in this section.

30 (b) These rules shall provide for:

31 (1)(A) The qualifications of each applicant for appointment to
32 any position on the police or fire department.

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



1 (ii) No person shall be eligible for appointment on
 2 the police department affected by this chapter who has not arrived at the age
 3 of twenty-one (21) years.

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

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

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

14 (2)(A) Open competitive examinations to test the relative
 15 fitness of applicants for the positions.

16 (B)(i) The examinations are to be protected from
 17 disclosure and copying, except that the civil service commission shall
 18 designate a period of time following the conclusion of testing in which an
 19 employee taking an examination shall be entitled to review his or her own
 20 test results.

21 (ii) During the employee review process, the
 22 employee may not copy test questions in any form whatsoever;

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

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

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

36 (ii)(a) No person shall be eligible for examination

1 for advancement from a lower rank to a higher rank until that person shall
 2 have served at least one (1) year in the lower rank, except in case of
 3 emergency, which emergency shall be decided by the board. The board shall
 4 determine the rank or ranks eligible to be examined for advancement to the
 5 higher rank.

6 (b) If the board designates an effective
 7 period for eligible lists of more than one (1) year under subdivision
 8 (b)(4)(B)(i) of this section, a person shall be eligible for examination for
 9 advancement from a lower rank to a higher rank if the person is within twelve
 10 (12) months of meeting the time in service requirement for eligibility.
 11 However, if that person takes the examination and then is placed on the
 12 eligible list for promotion, the person shall not be promoted from the
 13 eligible list until the person meets the minimum service time requirement in
 14 the lower rank as established by the board.

15 (B)(i)(a) Unless the board designates a longer effective
 16 period for eligible lists that is not less than one (1) year, nor more than
 17 two (2) years, all lists for appointments or promotions as certified by the
 18 board shall be effective for the period of one (1) year.

19 (b)(1) If the period of the eligible list is
 20 for more than one (1) year, the time period shall be established and
 21 certified before a component of the test is administered to an employee.

22 (2) After the eligible list is
 23 certified, the time period shall not be extended.

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

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

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

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

34 (b) If no provision has been made by existing
 35 law for such examination, then the board may adopt proper rules and
 36 regulations to carry this subdivision (b)(5) into effect;

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

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

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

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

15 (B) No temporary appointment of employment or promotion
 16 shall continue longer than sixty (60) days, nor shall successive temporary
 17 appointments be allowed except in times of grave danger, of which the
 18 commission shall decide;

19 (9)(A)(i) Establishing eligibility lists for promotion based
 20 upon open, competitive examinations.

21 (ii) The examinations to be protected from
 22 disclosure and copying, except that the civil service commission shall
 23 designate a period of time following the conclusion of testing in which an
 24 employee taking an examination shall be entitled to review his or her own
 25 test results.

26 (iii) During the employee review process, the
 27 employee may not copy test questions in any form whatsoever.

28 (iv) The exams may include a rating of applicants
 29 based on results of written, oral, or practical examinations, length of
 30 service, efficiency ratings, and educational or vocational qualifications.

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

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

36 (10)(A) Suspension for not longer than thirty (30) calendar

1 days; and

2 (B) Leave of absence;

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

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

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

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

15 (12) The adoption and amendment of rules after public notice and
16 hearing;

17 (13) The preparation of a record of all hearings and other
18 proceedings before it, which shall be stenographically reported; and

19 (14) A review of complaints filed by any citizen pursuant to
20 rules promulgated by the commission, including rules that give the commission
21 the authority to consider certain personnel issues in executive session and
22 to establish any necessary appellate procedures.

23 (c)(1) The board may prescribe, amend, and enforce rules and
24 regulations that provide for and apply to a category of police officers whose
25 promotion to any rank or grade below that of sergeant is exempted, in whole
26 or in part, from subdivisions (b)(4) and (9) of this section.

27 (2) If the board prescribes the rules and regulations authorized
28 in subdivision (c)(1) of this section, the board shall prescribe criteria for
29 the promotions.

30 (d) The commission shall adopt such rules not inconsistent with this
31 chapter for necessary enforcement of this chapter, but shall not adopt any
32 rule or rules which would authorize any interference with the day-to-day
33 management or operation of a police or fire department.

34
35
36