

ORDINANCE NO. O-2010-101

AN ORDINANCE AMENDING CHAPTER 3, "PERSONNEL/CIVIL SERVICE", ARTICLE III., "CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS", DIVISION 2, "CLASSIFICATION PLAN" FOR FY 09-10 & FY 10-11 AND DIVISION 3, "OTHER COMPENSATION", OUTLINING ASSIGNMENT PAY AND ADDITIONAL STEPS IN THE CLASSIFICATION PLAN; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 143 of the Texas Local Government Code requires the City Council to approve a Fire and Police Civil Service employee classification plan and authorize the number of employees for each position on an annual basis; and

WHEREAS, the number and classification of authorized positions can only be changed by City ordinance; and

WHEREAS, the kinds of Assignment Pay can be amended as needed by the City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: Chapter 3, "Personnel/Civil Service", Article III., "Civil Service for Firefighters and Police Officers", Division 2, "Classification Plan", Section 3-43, Classification Plan Adopted", is hereby amended to read as follows:

DIVISION 2. CLASSIFICATION PLAN

Sec. 3-43. Classification plan adopted.

The following is adopted as the classification plan for Tyler Civil Service employees.

Police Department Classification	FY 2009-2010 No. of Positions	FY 2010-2011 No. of Positions
Assistant Police Chief I,II,III	3	3
Police Lieutenant I, II, III, IV	5	5
Police Sergeant I, II, III, IV	27	27
Police Officer - Recruit I/II/III/IV/V/VI/VII/VIII/IX/X	151	+ 4 = 155
TOTAL	186	190
Fire Department Classification	FY 2009-2010 No. of Positions	
Suppression Division		
Assistant Fire Chief I/II/III	+1 = 2	2
District Chief I/II/III/IV	6	6
Fire Captain – I/II/III/IV	38	38
Fire Driver/Engineer – I/II/III/IV	36	36
Firefighter - Recruit I/II/III/IV/V/VI/VII/VIII/IX/X	66	66
Prevention Division		

Assistant Fire Marshal I/II/III/IV	2	2
Deputy Fire Marshal-I/II/III/IV	3	3
TOTAL	153	153

The number and base salary of positions allocated to each classification shall be as set by the City Council in each new fiscal year budget, and classification ordinance.*

The position of Fire Marshal is a non-civil service position. Nothing herein shall be construed to create the Civil Service position of Fire Marshal. (Ord. 0-97-43; 9/4/97) (Ord. No. 0-99-21, 3/3/99)(Ord. No. 0-99-29, 4/7/99) (Ord. No. 0-99-42, 6/16/99) (0-99-68, 9/1/99) (Ord. 0-2000-13, 3/15/00) (Ord. 0-2000-63, 9/6/00) (Ord. 0-2000-80, 10/18/00) (Ord. 0-2000-99, 12/20/2000) (Ord. 0-2001-10, 3/7/2001) (Ord. 0-2001-10, 3/7/2001) (Ord. 0-2001-16, 4/25/2001) (Ord. 0-2001-42, 9/5/2001) (Ord. 0-2001-48, 10/17/01) (Ord. 0-2002-5, 2/6/02) (Ord. 0-2002-12, 4/3/02) (Ord 0-2002-39, 9/11/02))Ord 0-2003-2, 1/8/03) (Ord. 0-2003-21, 5/28/03) (0-2003-56, 11-12-03) (0-2006-10, 1/11/06) (Ord. 0-2007-13, 2/14/07) (Ord. 0-2007-140, 11/28/07)(0-2008-9, 1/9/08) (Ord. 0-2008-46, 4/9/08) (Ord. 0-2008-129, 9/24/08) (Ord. 0-2008-153, 12/10/08) (Ord. 0-2009-106, 10/14/2009)(Ord. 0-2010-101, 10/13/10)

PART 2: Chapter 3, "Personnel/Civil Service", Article III., "Civil Service for Firefighters and Police Officers", Division 3, "Other Compensation", is hereby amended to read as follows:

Sec. 3-60. Educational incentive pay for firefighters and police officers. If a firefighter or police officer receives educational incentive pay, they shall not be eligible to receive certification pay.

a. Educational incentive pay within the Police Department

1. A member of the Police Department, except the Chief, shall receive *one hundred dollars (\$100.00)* per month in addition to his base salary upon the successful completion of at least sixty (60) semester hours in an accredited college or university or upon the successful completion of courses leading to an associate degree; provided, however, the course of study must include a minimum of twelve (12) semester hours in police science or other law enforcement fields of study, such as courses dealing with technical support and administrative staff services, having been completed. The phrase "technical support," as used herein, shall mean fields of study which deal with criminal laboratory analysis and interpretations, the technical criminal aspects of identification and photograph, the technical phases of police radio communications, and any other field of study relating to police technical support which is directly related to the proper and efficient operation of the Police Department as may be determined by the Chief. The phrase "administrative staff services," as used herein, shall mean fields of study which deal with police administration, police personnel, including nonclassified personnel, and police training procedures including basic and in-service training. This phrase shall also include fields of study which deal with police press relations, police community relations and any other administrative field of study which may be directly related to the proper and efficient operation of the Police Department, as may be determined by the Chief.

2. A member of the Police Department, except the Chief, shall be entitled to receive *one hundred fifty dollars (\$150.00)* per month in addition to his base salary upon the successful completion of one hundred twenty (120) semester hours in an accredited college or university and the attainment of a bachelor's degree, provided that such degree is in connection with a major in police science or other law enforcement fields of study as fully described above.

b. Educational incentive pay within the fire department

1. A member of the Fire Department, except the Chief and Fire Marshal, shall receive *one hundred dollars (\$100.00)* per month in addition to his base salary upon the successful completion of at least sixty (60) semester hours in an accredited college or university or upon the successful completion of courses leading to an associate degree; provided, however, the course of study must include a minimum of twelve (12) semester hours in fire science or other fire protection fields of study, such as courses dealing with technical support and administrative staff services, having been completed. The phrase "technical support," as used herein, shall mean fields of study which deal with fire suppression, fire prevention, fire prevention education, enforcement of building, fire, and other codes related to the protection of life or property, photography, arson, or fire investigation, criminal identification, polygraph training, the technical phases of fire and emergency radio communication, and any other field of study relating to fire technical support which is directly related to the proper and efficient operation of the Fire Department as may be determined by the Chief. The phrase "administrative staff services," as used herein, shall mean fields of study which deal with fire administration, fire personnel, including nonclassified personnel, and fire training procedures including basic and in-service training. This phrase shall also include fields of study which deal with fire press relations, fire community relations and any other administrative field of study which may be directly related to the proper and efficient operation of the fire department, as may be determined by the Chief.

2. A member of the Fire Department, except the Chief and Fire Marshal, shall be entitled to receive *one hundred fifty dollars (\$150.00)* per month in addition to his base salary upon the successful completion of one hundred twenty (120) semester hours in an accredited college or university and the attainment of a bachelor's degree, provided that such degree is in connection with a major in fire science, fire protection, or other field of study as fully described above.

c. Academic average. In order to qualify for incentive pay under the provision of this section, the applicant must have maintained a "C" average in the course of study for which he is applying for incentive pay benefits.

d. Administration. In order to qualify for incentive pay under the provisions of this section, the employee shall apply to their Chief. The Chief may require transcripts, certified transcripts, course descriptions or other appropriate proof of the applicant's qualifications under the terms of this section. The department head shall recommend approval or disapproval and forward the application to the City Manager for final approval. In the event that the department head recommends disapproval, the employee shall be entitled to an administrative hearing of this decision before the City Manager upon such terms and conditions as the City Manager may prescribe. (Ord. No. O-96-8, 2-7-96) (0-2010-101, 10/13/10).

Sec. 3-61. Certification pay for classified firefighters and police officers. If a firefighter or police officer receives educational incentive pay, they shall not be eligible to receive certification pay.

a. All classified firefighters and police officers shall be entitled to receive additional certification pay after having received a certificate as hereinafter described from either the Texas Commission on Fire Protection Personnel Standards and Education (TCFPPSE) or the Texas

Commission on Law Enforcement Standards and Education (TCLESE) as appropriate. The rate of certification pay shall be in accordance with the following schedule:

Certification Pay	Certification Qualification Requirement	
	Police	Fire
\$50.00		Intermediate Certificate
\$75.00	Intermediate Certificate (additional requirement that 12 college semester hours or training points must be in police science)	Advanced Certificate
\$125.00	Advanced Certificate (some additional requirements as indicated above)	Masters Certificate
\$150.00	Master Peace Officer Certification	

b. In order to qualify for certification pay under the provisions of this section, the employee shall apply to their Chief. The Chief may require appropriate proof to the applicant's having obtained the certificate for which the certification pay is requested. The employee shall be entitled to receive certificate pay from the date of which a complete application is submitted to the Chief. In the event the department head disapproves the application, the employee may appeal such decision to the City Manager. (Ord. No. O-96-8, 2-7-96, Ord. No. 0-98-76, 9-2-98) (Ord. No. 0-2000-64, 9-6-2000) (0-2010-101, 10/13/10)

Sec. 3-62. Longevity pay. (No changes)

Sec. 3-63. Seniority pay.

In addition to base salary, Police Officers and Firefighters will receive seniority (or step) pay as set in each fiscal year budget based upon their current lengths of service in the job classification of Police Officer and Firefighter, according to the following schedule:

- a. Police
 - Police Officer I (after one (1) year of service)
 - Police Officer II (after two (2) years of service)
 - Police Officer III (after five (5) years of service)
 - Police Officer V (after seven (7) years of service)
 - Police Officer V (after nine (9) years of service)
 - Police Officer VI (after eleven (11) years of service)
 - Police Officer VII (after thirteen (13) years of service)
 - Police Officer VIII (after fifteen (15) years of service)
 - Police Officer IX (after seventeen (17) years of service)
 - Police Officer X (after nineteen (19) years of service)
 - Police Sergeant II (after three (3) years as sergeant)
 - Police Sergeant III (after six (6) years as sergeant)
 - Police Sergeant IV (after nine (9) years as sergeant)
 - Police Lieutenant II (after three (3) years as lieutenant)
 - Police Lieutenant III (after six (6) years as lieutenant)

Police Lieutenant IV (after nine (9) years as lieutenant)
Assistant Police Chief II (after three (3) years as assistant police chief)
Assistant Police Chief III (after six (6) years as assistant police chief)

- b. Fire
- Firefighter I (after one (1) year of service)
 - Firefighter II (after two (2) years of service)
 - Firefighter III (after five (5) years of service)
 - Firefighter IV (after seven (7) years of service)\
 - Firefighter V (after nine (9) years of service)
 - Firefighter VI (after eleven (11) years of service)
 - Firefighter VII (after thirteen (13) years of service)
 - Firefighter VIII (after fifteen (15) years of service)
 - Firefighter IX (after seventeen (17) years of service)
 - Firefighter X (after nineteen (19) years of service)
 - Fire Driver/Engineer II (after three (3) years as driver/engineer)
 - Fire Driver/Engineer III (after six (6) years as driver/engineer)
 - Fire Driver/Engineer IV (after nine (9) years as driver/engineer)
 - Fire Captain II (after three (3) years as fire captain)
 - Fire Captain III (after six (6) years as fire captain)
 - Fire Captain IV (after nine (9) years as fire captain)
 - Fire District Chief II (after three (3) years as fire district chief)
 - Fire District Chief III (after six (6) years as fire district chief)
 - Fire District Chief IV (after nine (9) years as fire district chief)
 - Assistant Fire Chief II (after three (3) years as assistant fire chief)
 - Assistant Fire Chief III (after six (6) years as assistant fire chief)
 - Deputy Fire Marshal II (after three (3) years as deputy fire marshal)
 - Deputy Fire Marshal III (after six (6) years as deputy fire marshal)
 - Deputy Fire Marshal IV (after nine (9) years as deputy fire marshal)
 - Assistant Fire Marshal II (after three (3) years as assistant fire marshal)
 - Assistant Fire Marshal III (after six (6) years as assistant fire marshal)
 - Assistant Fire Marshal IV (after nine (9) years as assistant fire marshal)

Current length of service means the amount of time since the employee was hired in his/her current Civil Service position, i.e., it does not include prior service with the department. (Ord. No. O-96-8, 2-7-96; Ord. No. O-99-29, 4-7-99) (0-2003-56, 11-12-03) (0-2010-101, 10-13-10)

Sec. 3-64. Assignment pay.

a. Police.

1. Regular (off of probation). Police Officers, except the Chief, may receive as many as three of the following additional assignment pay types. For the first assignment they will receive one hundred dollars (\$100.00) per month. For a second assignment they will receive an additional seventy five dollars \$75.00) per month. For a third assignment they will receive an additional fifty dollars (\$50.00) per month:

(a) Receive the special assignment of Field Training Officer and actually perform the specialized duties of training another officer (either full-time or part-time),

or be a part-time Field Training Officer when training, or be designated as the Field Training Officer Coordinator;

(b) Be accepted as and remain a member of the Special Operations Team.

(c) Be accepted as and remain a member of the Hostage Negotiations Team, including Crisis Negotiator.

(d) Be accepted as and remain a member of the Traffic Unit.

(e) Be accepted as and remain a Canine Officer.

(f) Be accepted as and remain a Bicycle Officer.

(g) Be certified as a Bi-lingual employee.

(h) Reserved

(i) Be an Investigator.

(j) Reserved

(k) Be a Public Information Officer.

(l) Be a Narcotics Officer.

(m) Be a Training Officer.

(n) Be a Personnel Officer.

(o) Be a Crime Scene Investigator

(p) Be a Community Response Officer (Crime prevention)

(q) Be a Polygraph Examiner.

(l) Be an Accident Investigator

(r) Reserved

(s) Be an Honor Guard Officer

Employees that wish to be tested for bilingual pay are to schedule testing through the Career Development supervisor. The minimum qualification to receive the bilingual assignment pay is a level 2 designation on the U.S. Foreign Service Institute scale. This level will be determined by taking an average of the verbal and written portions of the test. A level 2 designation is the ability to satisfy routine social demands and limited work requirements. The employee can handle with confidence, but not with facility, most social situations including introductions and casual conversations about current events, as well as work, family and autobiographical information. The employee can handle limited work requirements, needing

help in handling any complications or difficulties. The employee can get the "gist" of most conversations on non-technical subjects and has a speaking vocabulary sufficient to express themselves simply with some circumlocutions; accent, though often faulty, is intelligible. The employee can usually handle elementary constructions quite accurately but does not have a thorough or confident control of the grammar.

(Ord. No. O-2000-14, 3/15/00) (Ord. No. O-2000-64, 9-6-2000) (Ord. No. O-2005-35, 5/11/05) (O-2010-101, 10-13-10)

2. Shift Differential. After successful completion of training all police personnel (sworn and non sworn) are eligible to receive additional shift differential pay as follows:

(a) Evening shift (Those personnel who start their regular duty assignment at or after 1400 hours) \$100.00/month

(b) Night shift (Those personnel who start their regular duty assignment at or after 2300 hours) \$200.00/month

(c) Day shift (Those personnel who work day shift, defined as shifts that start between 0559 and 1359 hours, do not receive a shift differential.

3. Enhanced Physical Fitness. Regular Police Officers (off of probation), except the Chief, may receive \$25.00 per month after a six-month evaluation period by accepting the assignment of enhanced physical fitness by meeting the department's physical fitness standards for incumbent officers as established by the Thomas and Means fitness study conducted in 2002. Those standards are as follows:

- (a) 1.5 mile run 15:42 min:sec
- (b) 300 meter run 67.0 seconds
- (c) 1 RM Bench press ratio .78
- (d) 23 push-ups
- (e) 20 sit-ups
- (f) Agility run 20.3 seconds
- (g) Vertical jump 18.5 inches

(Ord. No. O-2005-35, 5/11/05) (O-2010-101, 10/13/10)

b. Fire. Firefighters, except the Chief, may receive as many as three of the following additional assignment pay types. For the first assignment they will receive one hundred (\$100.00) per month unless otherwise specified. For a second assignment they will receive an additional seventy five dollars (\$75.00) per month. For a third assignment they will receive an additional fifty dollars (\$50.00) per month.

1. Be the Captain who works forty-hour per week shift and is assigned by the Fire Chief to the Training Division to assist the Assistant Fire Chief (\$150.00).

2. Be accepted and remain as a member of the Hazardous Materials Response Team.

3. Be assigned to the Fire Marshal's office and be certified as a Peace Officer, Arson Investigator, Firefighter, and Inspector.

4. Be ARFF certified and be assigned to work at the Airport.
5. Be accepted as and remain a member of the Police Special Operations Team.
6. Be accepted as and remain a member of the technical rescue team.
(Ord. O-99-29: 4-7-99) (Ord 0-2001-32, 8/1/01) (0-2004-47, 6/30/04) (0-2010-101, 10/13/10)

Secs. 3-65 - 3-69 Reserved

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: This ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED this 13th day of October, A. D., 2010.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER
CITY CLERK



APPROVED:


GARY C. LANDERS
CITY ATTORNEY