

THE CITY OF RUSSELLVILLE, ARKANSAS
POLICE AND FIRE CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

EFFECTIVE

FEBRUARY 06, 2008

Amendment Proposed September 27, 2011 and Approved December 27, 2011. (Change to Appendix 6.0, Fire Department, Promotion Prerequisites)

Amendment Proposed April 24, 2012 and Approved June 26, 2012 (Change to Appendix 3.0, Police Department Promotion)

Amendment Proposed July 24, 2012 and Approved September 25, 2012 (Change to Chapter 2, Section III – Certified List.)

Amendment Proposed August 27, 2013 and Approved October 22, 2013 (Change to Section VIII – Promotional Policy and Appendix 1.0 and 3.0.)

Amendment Proposed April 28, 2015 and Approved September 22, 2015 (Changes to entire document)

Amendment Proposed October 25, 2016 and Approved (Changes to Chapter 2, Section VII – Entry Level Policy and Appendix 6.0)

TABLE OF CONTENTS

THE RUSSELLVILLE CIVIL SERVICE COMMISSION	05, 06
CHAPTER 1 - INTRODUCTION TO THE RULES AND ADMINISTRATION OF THE RULES	07
Preamble.	07
I. Mission Statement	07
II. Rules Required by the State of Arkansas	07
III. Adoption and Amendment of Rules	07
IV. Use of Masculine Noun and Pronoun	08
CHAPTER 2 - SELECTION PRACTICES	09
I. General Requirements	09
II. Eligibility Registers	09
III. Certified Lists	09, 10
IV. Requesting and Announcing Examination	10
V. Test Administration	11
VI. Test Validity	11
VII. Entry-level Policy	11
General Requirements and Procedures	11-14
VIII. Promotional Policy	14

General Requirements and Procedures	14-16
CHAPTER 3 - EMPLOYMENT PRACTICES	17
I. Equal Employment Opportunity	17
II. Probationary Period	17
Establishment	17
Reappointment and Reinstatement Probation	17
Probationary Discipline and/or Termination	17
III. Reappointment and Reinstatement	17, 18
IV. Suspension of Competition	18
CHAPTER 4 - EMPLOYEE CONDUCT, DISCIPLINARY ACTION AND GRIEVANCE PROCEDURES	19
I. Discipline and Appeals	19
Executive Head of Department	19
No Discipline Without Cause	19
Appeal to Commission	19
Standard of Review on Appeal	19, 20
II. Hearings and Proceedings	20
CHAPTER 5 - MISCELLANEOUS PROVISIONS	21
I. Political Activity	21
II. Effective Date of Rules and Regulations	21
III. All Prior Rules Superseded	21
IV. Adoption, Amendment or Rescission of Rules	21
V. Department Rules and Regulations	21
VI. Severability	21

CHAPTER 6 – DEFINITIONS

22-24

APPENDICES

25-30

THE RUSSELLVILLE CIVIL SERVICE COMMISSION

Toni Bachman, Commissioner	April 1988 – April 2022
Bert Fleck, Commissioner	April 2007 – April 2020
Jason Ramsey, Commissioner	July 2017 - July 2022
Phillip Lea, Chairman	May 2010 – July 2021
Jim Horton, Commissioner	April 2017 – April 2019
Ray Watkins, Commissioner	April 2017 – April 2021
Wilson Short, Commissioner	September 2018 – September 2022

PAST COMMISSIONERS

Max Cherry	April 1978 – April 1980
Dale Brown	April 1978 – April 1982
Hank Jacobs	April 1978 – April 1984
Johnny Hamilton	April 1978 – April 1986
Larry Lingle	April 1978 – April 1988
Bob Raines	April 1980 – April 1986
Harl Griffith	April 1982 – April 1988
Bill Payton	April 1984 – April 1996
Jim Helms	April 1986 – April 2000
Johnny Hamilton	April 1986 – April 1992
Richard Ruble	April 1992 – April 1999
Richard Setian	April 1998 – August 2000
J.V. McLelland	April 1993 – December 2000
Greg Nelson	April 1999 - April 2001
Bill Srygley	April 2000 – December 2000
Michael Johnston	January 2001 – December 2002
James Carter	September 2000 – January 2009
Harry Simcox	April 2001 – February 2007

Robert Squyres	April 1996 – January 2009
Bill Payton	January 2003 – May 2010
Kathryn Leaphart	February 2009 – March 2010
Joe Morrow	February 2009 – June 2012
Jim Campbell	May 2010 – April 2018
Garrie Kellum	September 2012 - September 2018

CHAPTER 1

INTRODUCTION TO THE RULES AND ADMINISTRATION OF THE RULES

PREAMBLE

The Russellville Board of Civil Service Commissioners (hereinafter sometimes referred to as “ the Commission”) hereby adopts the following rules and regulations governing the police and fire departments of the City of Russellville, Arkansas (hereinafter referred to as “the Department”).

I. MISSION STATEMENT

The mission of Commission is to establish and implement rules and regulations to ensure equitable treatment in hiring, promotion, and disciplinary actions for uniformed employees within the Police and Fire Departments.

II. RULES REQUIRED BY THE STATE OF ARKANSAS

Arkansas Code Annotated Section 14-51-212 establishes the powers and duties of every civil service commission and expressly limits said commissions. Commissions shall not have any control nor shall attempt to exercise any control over the normal and day to day operations of a police or fire department, directly or indirectly.

Arkansas Code Annotated Section 14-51-301, impose on the Commission, among other things, a requirement that it prescribe, amend and enforce written rules and regulations governing the business of the Commission and governing the business of the police and fire departments. Arkansas Code Annotated Section 14-51-301 makes mandatory the inclusion by the Commission in its rules and regulations several specific provisions that are found in paragraphs (b) (1) through paragraph (13). It is the intent of the Commission in adopting these rules to adopt by reference all procedural and substantive rules and regulations, the adoption of which are mandatory under the laws of Arkansas.

Therefore, the Commission hereby adopts and incorporates into the Rules of the Russellville Civil Service Commission by reference, the same as if set forth word for word, the provisions of Arkansas Code Annotated Sections 14-51-212 and 14-51-101 through 14-51-311, as they now exist and as they may subsequently be amended by the Arkansas General Assembly.

III. ADOPTION AND AMENDMENT OF RULES

Any revisions to the rules and regulations set forth herein shall be accomplished pursuant to the following:

A public notice shall be given ten (10) days prior to a called meeting of the Commission for the purpose of amending the rules set forth herein.

IV. USE OF MASCULINE NOUN AND PRONOUN

In order to avoid the sometimes awkward use of he/she, him/her, his/her, when referring to employees in general, the use of the masculine noun or pronoun in these rules shall be interpreted to include the feminine.

CHAPTER 2

SELECTION PRACTICES

I. GENERAL REQUIREMENTS

The entry-level and promotional selection system for Russellville Civil Service positions shall be based solely on merit principles for employment and promotion that will result in the selection of the most qualified person and that will be fair and equitable to all persons. Any hiring or promotion decisions shall be made solely for job-related reasons and only by persons serving in an official capacity under the rules and policies of the Russellville Civil Service Commission. All examinations referred to in these rules shall be open and competitive and shall be designed to test the relative fitness of applicants for such positions.

II. ELIGIBILITY ROSTERS

Any applicant for entry-level or promotional testing and/or examination shall be derived from one of the following rosters:

Entry-level Eligibility Roster

Promotional Eligibility Roster

An applicant for entry-level not listed on the Entry-level Eligibility Roster shall not be eligible for entry-level testing and examination.

An applicant for promotion not listed on the Promotional Eligibility Roster shall not be eligible for promotional testing and examination.

III. CERTIFIED LISTS

Any applicant or candidate eligible to be hired or promoted as a result of entry-level or promotional testing and examination shall be certified by the Commission and be listed on one of the following:

Entry-level Certified List

Promotional Certified List

An applicant who has completed part or all of the entry-level testing and examination process, but is not part of the Entry-level Certified List shall not be eligible to be hired.

An applicant or candidate who has completed part or all of the promotional testing and examination process, but is not part of the Promotional Certified List shall not be eligible for promotion.

Following the entry-level and promotional testing and examination process, the Commission shall prepare the certified lists. Entry level certified lists shall be in full force and effect for the period of one calendar year subsequent to the date of certification. Promotional certified lists shall be in full force and effect for the period of two calendar years subsequent to the date of certification. If upon the date of certification, a prior certified list is still effective, then the current certified list will incorporate the prior list with the appropriate ranking in accordance with Civil Service statutes in regard to promotion. All entry level certified lists and promotional certified lists shall expire one (1) year and two (2) years respectively after the date of certification regardless of the period of time such list may have existed as the sole certified list.

Within ten (10) days following the certification of entry-level or promotional testing and examination to applicants, the certified list shall be posted at the following places: the offices of the applicable department in a conspicuous place available to the public. The posting of the certified list shall be in order of rank.

IV. REQUESTING AND ANNOUNCING EXAMINATIONS

Examinations may be held on the first Monday in April or the first Monday in October, or both, and more often, if necessary, under such rules and regulations as may be prescribed by the board. A.C.A. §14-51-301(3)(B).

Examination requests shall be made by the Department to the Commission. Departments should consider any existing Certified List prior to requesting an exam announcement. The Commission will evaluate the request and if needed will establish the appropriate testing.

The Commission shall make public announcement of open competitive examinations in advance of the opening date for receiving applications. Publicizing an examination for entry-level appointment or promotional eligibility rosters should be accomplished by all economical means available. Normally, thirty (30) days, but a minimum of ten (10) days should be allowed for advertising the development of the eligibility roster. No requests for application will be accepted after the closing date set forth in the advertising.

Announcements shall be posted on official bulletin boards the location of which are to be designated in departmental rules. It shall be the responsibility of the Chiefs of the departments to post and monitor these announcements in such a manner that all employees can see and review them throughout the period designated as open for the acceptance of applications.

V. TEST ADMINISTRATION

A member of the Commission shall be present during the administration of all entry-level and promotional testing and examinations, including but not limited to written tests, practical tests, assessment centers and physical ability testing. The Commission shall bear

ultimate responsibility for administering all entry-level and promotional testing including, grading, calculating, reporting and record keeping.

All testing and examinations shall be conducted impartially, and instructions and/or resource material pertaining to the testing, if applicable, shall be made available to the candidates a minimum of thirty (30) calendar days in advance.

All applicants or candidates shall have the right to see and inspect their own written examination papers given by the Commission, including questions, answers and grades given thereon for a period of thirty (30) days after the test is given. Any review of the examination will be conducted in the presence of at least one Commission member. Taking notes or other records during inspection shall not be permitted.

VI. TEST VALIDITY

Physical Ability Testing: All Physical Ability Testing, current, modified or updated shall be valid and defensible, in accordance with the guidelines set forth by Equal Employment Opportunity Commission and The Americans with Disabilities Act.

Written Exams and Assessment Centers: The same written exam or assessment centers shall not be given either for entry-level or promotion on two successive occasions, nor shall identical examinations be used for examining different positions.

VII. ENTRY- LEVEL POLICY

General Requirements and Procedures

A. Admission to examinations shall be open to all citizens of the United States, who meet the requirements specified in the public notice for filing such application. Age requirements shall be stated in the notice of examination and shall comply with Arkansas Code Annotated § 14-51-301.

B. Each applicant whose application has been accepted shall be placed on an entry-level roster.

C. An applicant convicted of a felony, or a misdemeanor crime of domestic violence shall not be eligible for appointment.

D. The minimum education requirements of an applicant shall be a high school graduate or have passed the General Education Development Test.

E. Fire Department applicants shall possess a current or attain within one year of hire date, certification as a Firefighter II per the requirements of the Arkansas Fire Training Academy and a State of Arkansas Basic Emergency Medical Technician license.

F. An individual shall not be permitted to take the entry-level test or examination if his name is not on the Entry-level Eligibility Roster or has not presented proper identification prior to testing.

G. All applicants shall sign a test and consent form prior to physical ability testing.

H. All entry-level applicants shall undergo written test, physical ability test and oral interview. The testing and examination process shall be as follows:

Police Department

Phase 1: Physical Ability Test – Administered by the Commission, the PAT is a pass/fail test. A minimum time must be achieved to proceed to the written and oral interview phases.

Phase 2: Written Examination: Administered by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the written examination.

Phase 3: Oral Interview: Administered by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the oral interview.

Fire Department

Phase 1: Fitness Appraisal Test – The Fitness Appraisal Test measures the candidate's flexibility, dexterity, and body-weight ratio. The test consists of push-ups, sit-ups, sit and reach and body fat analysis. To qualify, candidates must fall within either a Tier 1 or Tier 2 category.

Phase 2: Physical Ability Test – Administered by the Commission, the PAT is a pass/fail test. A minimum time of 6 minutes and 15 seconds must be achieved to proceed to the oral interview phase.

Phase 3: Written Examination – Administered by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the written examination. (Note: Five (5) additional points will be granted to applicants test scores that possess a valid Firefighter II certificate from the Arkansas Fire Training Academy and/or five (5) additional points for holding a license for Basic Emergency Medical Technician from the State of Arkansas for a total of ten (10) points.)

Phase 4: Oral Interview – Conducted by the Commission, a minimum total point score of 70 percent must be achieved in order to certify as passing the oral interview.

Final Scoring

For the police and fire department entry-level testing and examination, the

written and oral phases shall have a weight factor of 50% each. Any applicant receiving a minimum score of 70% on each of the above examinations shall have their names placed on the Entry-level Certified List in order from the highest total score on the two examinations to lowest total score.

I. An applicant shall be personally interviewed prior to employment by the Chief or his representative.

J. The Chief of the department is responsible for submitting a revised ranking to the Commission when candidates are promoted or no longer eligible for employment or promotion.

K. These three (3) eligible candidates may then be screened in the appropriate departmental fashion for any out factor that might cause for their removal from an eligibility list.

L. After selection of an individual to fill the position, all remaining applicants for appointment, including those submitted but not selected or deleted, shall remain on the Entry-level Certified List until the list expires.

M. Following a conditional offer of employment and prior to appointment, all applicants selected shall submit themselves to a physical examination and drug screening by a licensed physician and obtain from the physician certification confirming that the applicant meets the department's physical requirements.

Police Department: Following a conditional offer of employment, applicants shall undergo the prescribed psychological testing to determine his suitability for employment as a police officer.

Fire Department: All fire selections shall conform to the physical standards set forth in the National Fire Protection Association Standard 1582.

N. The Commission may refuse to examine, disqualify, or remove applicants name from eligibility roster if:

- a. Eligible declines the appointment when offered under such conditions as indicated previously he would accept.
- b. Eligible cannot be located by the postal authorities; it shall be deemed impossible to so locate an eligible when a communication mailed to his last known address is returned.
- c. Failing the department's physical or mental examinations to determine if the essential job functions can be performed.
- d. Eligible is a current abuser of alcohol or who is a current user of illegal drugs or non-prescribed or controlled drugs.

- e. Eligible fails a drug test or refuses to take a drug test.
- f. Eligible has been convicted of a felony or of a misdemeanor crime of such nature that it would tend to undermine the public confidence in the City government.
- g. Eligible has made a false statement or omission of material fact in his application.
- h. Eligible has used, or attempted to use, political pressure or bribery to secure an advantage in the examination or appointment.
- i. Eligible has directly or indirectly obtained information regarding examinations to which, as an applicant, he was not entitled.
- j. Eligible fails to successfully pass a department background investigation.
- k. Eligible has convictions during the past three years of serious traffic violations, i.e. DWI, DUI, Reckless Driving, Fleeing etc., or a pattern of moving violations, i.e. speeding, failure to yield, Stop Sign, Careless Driving, etc...

VIII. PROMOTIONAL POLICY.

General Requirements and Procedures

- A. The Russellville Civil Service Commission shall announce, by notice, a promotion selection process to the classifications in the Police Department as follows: Sergeant, Lieutenant, Captain and Major. The Commission shall announce, by notice, a promotion selection process to the classifications in the Fire Department as follows: Firefighter-Driver, Captain, Battalion Chief and Assistant Chief.
 - 1. For each rank, all applicants for the specific rank shall be administered the written test at the same time and location and on the same date.
 - 2. At least sixty (60) days before the date of the written test for those ranks requiring a written test, the Civil Service Commission shall announce the sources of material used in construction of the written test.
 - 3. Job descriptions for all Civil Service positions within the Police Department and Fire Department shall be available from the HR Coordinator's office or the Police/Fire Administration office.
 - 4. Included in the promotional testing within the Department will be a practical assessment center administered by officers from other departments. These officers

shall be of the same rank or higher than the rank being tested. This shall be included in the total scoring.

- B. An eligible member of the Department desiring to be examined for promotion shall sign his/her name in the designated area on or attached to the Civil Service notification no less than ten (10) days prior to testing.
- C. To be eligible to compete for promotion to all civil service positions, the candidate must be in a permanent status. He must have served in the classification of and for the time indicated in Appendix 1.0 for the Police Department and Appendix 2.0 for the Fire Department. Service in the lower rank or classification on the basis of temporary appointment or on the basis of probationary appointment or promotion shall not be considered service for the purpose of determining if an individual has served the requisite period in the lower classification.
- D. To be eligible to compete for promotion to all civil service positions, the candidate shall also meet the minimum requirements of the classification, as set forth in the Police Department and Fire Department policies and as approved by the Commission. These minimum requirements may include, but are not limited to the following: hours of training, formal education, job-specific education, certification, licensing and performance appraisals (see Appendix 1.0 Police prerequisites and Appendix 2.0 Fire prerequisites).
- E. The Chief shall confirm the eligibility of the candidates for promotion and shall submit the final Promotional Eligibility Roster to the Chairman of the Civil Service Commission.
- F. Although a physical and/or psychological examination is not required generally as a prerequisite to promotion, the Commission reserves the right to require any applicant for promotion to undergo a suitable physical and/or psychological examination. This is in order to determine whether the applicant can fulfill the physical and psychological functions and obligations of the rank to which such person has applied for promotion. Such examination may be required either before or after the promotional examination or during the probationary period after the promotion has been made.
- G. The Commission shall conduct or cause to be conducted, for all those ranks listed in Appendix 1.0 and 2.0, a structured interview process for those candidates eligible. This structured interview process may include all or part of the following: oral interview and/or practical assessment evaluation, or “assessment center” format. Structured interview rating criteria may vary depending which rank is to be filled by the promotion and/or which Department is promoting. Criteria shall be pertinent to rank and shall remain consistent for all candidates eligible and applying for promotion to the said rank.
- H. A composite score shall be used in the ranking of the candidates for promotion. The maximum composite score is 100 points. The possible points for each promotion

factor are indicated in Appendix 3.0 for the Police Department and Appendix 4.0 for the Fire Department.

The examination process shall proceed as follows:

1st Phase: Written Examination

2nd Phase: Assessment Center

- (1) A minimum total point score of 70 percent must be achieved in order to certify as passing the written examination.
 - (2) A minimum total point score 70 percent must be achieved in the structured interview process in order for an applicant to be considered for promotion.
- I. All persons receiving at least 70 percent on both examination phases shall be placed on a promotional certified list. Names on the Promotional Certified List will be ranked according to the highest total examination score to lowest total examination score. If identical scores on any applicable examinations are received, then ranking on the lists shall be determined by service time with the department or there are identical amounts of service time; in such instances ranking on the list shall be by lot.
 - J. When a position becomes vacant and subject to being filled by promotion, the Chief shall select any one of the three (3) candidates ranked highest on the Promotional Certified List for appointment for such service. If such member of the Department fails to accept such appointment, the person standing next highest on the Promotional Certified List shall be given consideration as one of the three (3) candidates ranked highest on the Promotional Certified List for appointment for such rank of service. Selection will again be made from these three (3) candidates. A member who refuses to accept the promotion shall forfeit all rights under said certified list.
 - K. Promotion to any rank in service shall not be complete for a period of six (6) months, and the Chief may reduce in rank any promoted member of the Department during that six (6) month period for just cause. In the event of reduction, any promotions made in the lower ranks as a result of the initial promotion shall likewise be reduced unless the authorized number of positions in the lower ranks has been raised. A written notice to the affected employee of such reduction in rank shall be given by the person making the reduction and such notice shall state the reasons for such action.
 - L. Pursuant to Arkansas Code Annotated § 14-51-301(9)(v)(b) Promotions shall be made within sixty (60) calendar days of a vacancy created by death, termination, resignation, demotion, retirement, or promotion unless the position is determined to be eliminated.

CHAPTER 3

EMPLOYMENT PRACTICES

I. EQUAL OPPORTUNITY EMPLOYER

The Civil Service Rules and Regulations shall be administered in such manner as to comply fully with all Equal Employment Opportunity laws and regulations.

II. PROBATIONARY PERIOD

A. Establishment

Pursuant to the provisions of Arkansas Code Annotated Section 14-51-301, the Commission shall establish probationary periods for all positions in the classified service at the time the class is created.

Employees of the Department shall be on probation for a period of one year from their last date of hire. During such probationary period, an employee may be disciplined, discharged, or his employment otherwise terminated, by the Chief for any reason whatever without recourse to the review and appeal procedures specified in Chapter 4, Section III; provided however, that the reasons for any action taken pursuant to this provision, shall be documented by the Chief, in writing, after his personal investigation for the causes thereof. A copy of this written documentation shall be provided to the Chairman of the Commission and will become a part of the employees' permanent personnel record.

B. Reemployment and Reinstatement Probation

Individuals reemployed by reinstatement pursuant to the provisions of stated in Chapter 3, Section IV, shall serve a probationary period of one year in the same manner as is required of new appointments.

C. Probationary Discipline and/or Termination

1. An employee may be disciplined and/or terminated by the Chief at any time during the probationary period by submitting a written report to the Civil Service Commission and the employee specifying the reason the employee is found unsatisfactory and such removal or discipline shall be final.
2. There shall be no appeal of any kind from the action of the Chief removing or disciplining an employee during ~~or at the end of~~ the probationary period.

III. REAPPOINTMENT AND REINSTATEMENT

- A. Former employees less than one year from date of separation: The Commission will consider the reinstatement by either the Police Department or Fire Department, a former employee who has left employment providing that he

makes a written application by certified mail prior to one year of separation, to the Chief of the respective department. After the Chief reviews the employee's personnel file, work record and most recent work experience, he may submit a request to the Commission for approval. It is understood that both the above conditions must be met and a request by the Chief is his option. A decision by the Commission will be communicated to the Chief in writing. The time of separation shall not count toward the former employee's seniority. Example: An employee leaves the department with three (3) years seniority. This former employee is gone for nine (9) months then is reinstated. He will start with three (3) years seniority.

- B. Rank or classification: The rank or classification of a former employee who has been reinstated shall be determined by the Chief, but shall be no higher than the rank or classification at the time of departure from the department.
- C. Former employees with one or more years of separation from the department: After separation of one or more years from the service of the department, a former employee must make application and go through the Civil Service test and examination process and be considered a new applicant.

IV. SUSPENSION OF COMPETITION

In the case of a vacancy in a position requiring peculiar or exceptional qualifications of a scientific, professional, or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some person designated who is of recognized attainment, the board may, by a majority vote, suspend competition in this case. However, the suspension shall not be general in its application, and each case must be handled on its own merits. A.C.A. §14-51-307.

CHAPTER 4

DISCIPLINE AND APPEAL PROCEDURES

I. DISCIPLINE AND APPEALS

A. Executive Head of Department – The Chief is hereby designated as the executive head of his police or fire department. The Commission hereby delegates to the Chief the power and authority to utilize discipline, up to and including discharge, to enforce departmental rules and regulations as approved by the Mayor and/or City Council, if any, and to insure that the employees of the Department conduct themselves in their relations with each other, with their superiors, and with the public, in a manner consistent with the highest standards set forth by their respective professions.

B. No Discipline Without Cause – Suspension Pending Investigation. Except for probationary employees, no employee of the Department can be disciplined or discharged without just cause. However, the Commission recognizes that circumstances can exist which would dictate the immediate suspension of an employee from duty, pending the outcome of an investigation and a decision by the Chief as to discipline. The Chief is, therefore, authorized to summarily suspend an employee from duty pending the outcome of the investigative, decision and appeal procedures herein set forth.

C. Appeal to Commission.

Pursuant to Arkansas Code Annotated § 14-51-308, No civil service employee shall be discharged, reduced in rank or compensation, or suspended for three (3) days or more without being notified in writing of the discharge, reduction in rank or compensation, or the suspension for three (3) or more days and its cause.

In the case of suspension, discharge, or reduction, the affected or accused person shall have written notice of the action at the time action is taken.

Within ten (10) days after the notice in writing is served upon the officer, private, or employee, the person may request a trial before the board of civil service commissioners on the charges alleged as the grounds for discharge, reduction or suspension for three (3) days or more if he so desires.

In the event a request for trial is made, the municipal civil service commission shall fix a date for the trial not more than fifteen (15) days after the request is made.

In the event of a trial, the officer, private, or employee requesting the trial shall be notified of the date and place of the trial at least ten (10) days prior to the date thereof.

D. Standard of Review on Appeal. The discipline imposed, in any case by the Chief will not be disturbed by the Commission except upon a finding of one of the following:

- (1) the disciplined employee did not engage in a violation of a reasonable departmental policy, rule or regulation, did not engage in misconduct, or did not engage in poor work performance; or

(2) the discipline imposed was, considering all the facts and circumstances of the case, too severe; or

(3) the Chief otherwise acted in an unreasonable, arbitrary, or capricious manner in regard to the particular case.

The Commission is authorized to uphold the Chief's decision, modify the decision by increasing or decreasing the punishment imposed, or completely reverse the decision with the power to reinstate the employee with pay.

The decision of the Commission shall be by majority vote.

The employee shall have the right to appeal the Commission's decision to the Circuit Court within whose jurisdiction the Commission is situated, provided such appeal is authorized under Arkansas Law.

IV. HEARINGS AND PROCEEDINGS

A record shall be made of all disciplinary hearings and other proceedings brought before the Commission, which hearings or proceedings shall be stenographically reported.

CHAPTER 5

MISCELLANEOUS PROVISIONS

I. POLITICAL ACTIVITY

Employees shall not be prohibited from engaging in political activities except when on duty, when in uniform, or when acting in an official capacity; nor will they be denied the right to refrain from engaging in political activities. Employees are cautioned, however, that opinions expressed can only be personal opinions, and employees cannot represent themselves as speaking for expressing and opinion of any other employee or of any City department.

II. EFFECTIVE DATE OF RULES AND REGULATIONS

The effective date of these rules and regulations shall be applicable on and after a public hearing and adoption by the Commission

III. ALL PRIOR RULES SUPERSEDED

These rules and regulations shall be the Civil Service Rules and Regulations of the City of Russellville and shall supersede all prior Civil Service Rules and Regulations.

All present Rules shall continue in full force and effect pending adoption of these Rules and amendments thereto. Upon the adoption of these Rules and amendments thereto, existing Rules in conflict therewith shall be rescinded.

IV. ADOPTION, AMENDMENT OR RESCISSION OF RULES

The Commission shall have the power to adopt, amend or rescind these Rules, or any part thereof, by a majority vote of the Commission.

V. DEPARTMENT RULES AND REGULATIONS

All civil service employees shall be governed by rules and regulations set out by the Chief after rules and regulations have been adopted by the governing bodies of their respective municipalities. A.C.A. § 14-51-302

VI. SEVERABILITY

In the event any part herein is determined by a court of competent jurisdiction to be in violation of, or unenforceable under, any law of the State of Arkansas or the United States, that part so determined shall be null and void and other provisions hereof shall continue in full force and effect.

CHAPTER 6

DEFINITIONS

APPEALS: The procedure as prescribed by these regulations for appealing disciplinary actions.

APPLICANT: A person who has filed application for examination and employment.

APPOINTMENT: The designation of a person, by due authority, to become an employee in a position.

ASSESSMENT CENTER: An evaluation method that tests the skills and abilities of a candidate or applicant. The testing may consist of job simulation, job function or operational scenario. The evaluation process is subjective and/or objective in nature. The practical assessment is administered by outside officers of the same rank or higher than those being tested.

CANDIDATE: A person who has applied for and qualified to take an examination.

CERTIFIED LIST: A record or listing of the names of those persons who have successfully passed the entry-level or promotional testing and examination process in a specified class or position, arranged in order of their relative rating

CHIEF: The Department Head of the Fire or Police Department.

CLASSIFICATION: A recognized type of employment within the City service, designated to embrace all positions sufficiently similar with respect to duties, authority and responsibilities, in which (a) similar requirements as to education, experience, knowledge and ability are required of incumbents; (b) similar tests of fitness maybe used in choosing qualified appointees; and (c) similar compensation is paid.

COMMISSION: The Russellville Civil Service Commission or a member of that body.

DAYS: Reference to a number of days shall mean scheduled work days unless otherwise specified herein.

DEMOTION: Change of employment to a classification and/or rank and/or position having a lower pay grade. May be voluntary or involuntary.

DEPARTMENT: The Russellville Fire Department and/or the Russellville Police Department.

DEPARTMENT HEAD: The Fire Chief and/or the Police Chief.

DISCHARGE: The termination of an employee's employment by the City.

ELIGIBLE: A person who has met the minimum requirement for appointment or promotion.

ELIGIBILITY ROSTER: A listing of eligible persons, who have met the applicant criteria for entry-level or promotional testing and examination.

EMPLOYEE: Any person working in the service of the City of Russellville who is paid a wage.

ENTRY-LEVEL: A position in which an applicant is testing to fill a vacancy at the lowest rank or classification.

EXAMINATION: A written or oral test that assists in determining the fitness of applicants for positions of such classifications.

JOB DESCRIPTION: A document outlining the requirements of the job including training, education, experience and other requirements. The description also includes essential functions of the position and responsibilities.

MINIMUM QUALIFICATIONS: The requirements of training, experience, education and other qualifications, including those to be measured by an appropriate examination, as prescribed in the job description for the class of position.

PHYSICAL ABILITY TEST: A scientifically based, valid test used to determine a candidate's physical fitness and ability related to the position he is testing for.

POSITION: A titled entity authorized by appropriate authority, having assigned to it a specific job, pay grade and organizational location.

PROBATIONARY PERIOD: The designated period of time after an applicant is appointed or an employee is promoted from the Certified List, in which the employee is required to demonstrate his fitness for the position by the actual performance of duties.

PROMOTION: An assignment of an employee from one position in one classification, to a position in another classification having a higher salary rate.

PUBLIC NOTICE: A written notice placed upon a bulletin board or other prominent place, including a newspaper, located in a place accessible to the public during business hours.

RANK: The title and designation given to a classification, each position allocated to such a class and to the incumbent of any such position. Its meaning is set forth in the corresponding general duties and tasks statement in the classification, and it is always used and understood in that sense.

REINSTATEMENT: The reemployment of a former permanent employee with the rights and benefits provided in these rules for reemployment.

REAPPOINTMENT: The reemployment of a former permanent employee without consideration of former city employment relative to seniority, wages and benefits.

RESIDENCE: The actual place of abode of the employee.

SENIORITY: The status of an employee required by continuous service with the government, which may be considered in promotion or layoff.

STRUCTURED INTERVIEW: A part of the promotional testing and evaluation process that includes oral interview and/or practical assessment. The structured interview process is dependent on the rank being tested for promotion and/or which Department is promoting.

SUSPENSION: An enforced leave of absence for disciplinary purposes or pending investigation charges. This leave of absence may be with or without pay.

TERMINATION: A separation from employment of an employee.

TEST: A process used to determine the relative fitness of an applicant for appointment or promotion, which may include any of the following: written, oral, structured, practical, or physical ability.

VALIDITY: A scientific process used to establish the fairness and defensibility of a test such as the Physical Ability Test.

WRITTEN EXAMINATION: A part of the entry-level and promotional testing and evaluation process that includes one or more of the following: study skills, reading comprehension, listening comprehension and writing skills.

APPENDICES

APPENDIX 1.0

POLICE DEPARTMENT

PROMOTION PREREQUISITES

Sergeant

Candidate(s) testing for the rank of Sergeant must possess the CLEST General Certificate and have at least five (5) years total certified law enforcement experience. Three of these years must be with the Russellville Police Department.

Lieutenant

Candidate(s) testing for the rank of Lieutenant must possess the CLEST General Certificate and have completed eighty (80) hours of approved law enforcement supervisory training. Candidate(s) must have completed the six (6) month probationary period as Sergeant prior to testing. Candidate(s) must serve in the rank of Sergeant two years prior to promotion.

Captain

Candidate(s) must possess the CLEST General Certificate and have completed one hundred twenty (120) hours of approved law enforcement supervisory training. Candidate(s) must also have completed the six (6) month probationary period as a Lieutenant prior to testing. Candidate(s) must serve in the rank of Lieutenant two years prior to promotion.

Major

Candidate(s) must possess the CLEST Advanced Certificate and completed one hundred sixty (160) hours of approved law enforcement supervisory or management training. Candidate must also have completed the six (6) month probationary period as a Captain prior to testing. Candidate(s) must serve in the rank of Captain two years prior to promotion.

APPENDIX 2.0

FIRE DEPARTMENT

<u>PROMOTED TO:</u>	<u>ELIGIBLE CLASSIFICATION:</u>	<u>MINIMUM SERVICE IN PRIOR CLASSIFICATION:</u>
FIREFIGHTER-DRIVER	FIREFIGHTER	3 YEARS (NON-PROBATIONARY)
CAPTAIN	FIREFIGHTER-DRIVER	2 YEARS
BATTALION CHIEF	CAPTAIN	2 YEARS
ASSISTANT CHIEF	BATTALION CHIEF	2 YEARS

APPENDIX 3.0

POLICE DEPARTMENT

<u>PROMOTION TO:</u>	<u>STRUCTURED INTERVIEW</u>	<u>WRITTEN</u>
SERGEANT	30%	70%
LIEUTENANT	40%	60%
CAPTAIN	40%	60%
MAJOR (ASST CHIEF)	50%	50%

APPENDIX 4.0

FIRE DEPARTMENT

	<u>Assessment Center</u>	<u>Written</u>
<u>Firefighter/Driver</u>	<u>30%</u>	<u>70%</u>
<u>Captain</u>	<u>40%</u>	<u>60%</u>
<u>Battalion Chief</u>	<u>40%</u>	<u>60%</u>
<u>Assistant Fire Chief</u>	<u>50%</u>	<u>50%</u>

APPENDIX 5.0

FIRE DEPARTMENT

PROMOTION PREREQUISITES:

FIREFIGHTER-DRIVER: OFFICER 1, BASIC PUMP OPERATIONS, DEFENSIVE DRIVING, RFD DRIVER/OPERATOR PUMPER AND AERIAL APPARATUS CERTIFICATION, NFIRS SELF STUDY COURSE:Q-494.

CAPTAIN: OFFICER 1, INSTRUCTOR 1, INCIDENT COMMAND

BATTALION CHIEF: OFFICER 1, OFFICER 2, INSTRUCTOR 1, HAZMAT TECHNICIAN, INCIDENT COMMAND

ASSISTANT FIRE CHIEF: FIRE OFFICER I & II, INSTRUCTOR I, INCIDENT COMMAND, PARAMEDIC, HAZMAT TECHNICIAN, ADVANCED CARDIAC LIFE SUPPORT INSTRUCTOR

APPENDIX 6.0

FIRE DEPARTMENT

WHO CAN APPLY

Qualified candidates must meet the following criteria (Per Arkansas Code 14-51-301):

Citizenship. Qualified applicant must be a citizen of the United States of America.

Age. Eligible candidates are those applicants who have reached their twenty-first (**21**) birthday, but have not reached their thirty-fifth (**35**) birthday on the closing day of application submittal. Candidates who have at least two (2) years of previous experience as a **career/full-time** Firefighter with another fire department and whose years of experience when subtracted from the candidate's age leaves a remainder of not more than thirty-two (32) years are acceptable.

Education. A minimum of a high school diploma or General Education Development Test.

Conviction Free. Qualified candidates must not have been convicted of any felonies or a misdemeanor crime of domestic violence.

All candidates are subject to a complete and thorough background check as part of the selection process.

Testing Process

The testing process is administered by the Russellville Civil Service Commission.

Firefighter Standards and EMT Credit. In addition to the below testing phases, an additional five (5) points will be granted to a candidate's total score that possess a valid Firefighter II certification from the Arkansas Fire Training Academy. In addition, five (5) points will be granted to applicants who hold a valid license for Basic Emergency Medical Technician from the State of Arkansas. (NOTE: The attainment of Firefighter II and Basic EMT is required within one year from the date of appointment.) Documentation of either above shall be submitted in hard copy along with City Application Form to the Fire Department Administrative Assistant.

Testing is broken into the following three phases:

Phase 1: Fitness Appraisal Test. The Fitness Appraisal Test measures the candidate's flexibility, dexterity, and body-weight ratio. The test consists of push-ups, sit-ups, sit and reach and body fat analysis. To qualify, candidates must fall within either a Tier 1 or Tier 2 category.

All candidates must sign a consent form prior to the Fitness Appraisal Test.

Phase 2: Written Examination. The written examination is administered by the Civil Service Commission. A minimum score of 70 percent must be achieved in order to certify as passing the written examination.

Phase 3: Physical Agility Test (PAT) and Oral Interview. The Physical Agility Test is a pass/fail test (SEE PAGE 9 FOR DETAILS). A maximum time of 6 minutes and 15 seconds is permitted for the test (See Physical Agility Test Overview). The Oral Interview is administered by the Civil Service Commission. A minimum score of 70 percent must be achieved in order to certify as passing the written examination

NOTE: During all phases of testing a valid driver's license must be presented to test administrators prior to being admitted to the testing area. All candidates must present the license to the test administrator upon request.

RUSSELLVILLE FIRE DEPARTMENT TIERED MEDICAL ASSESSMENT PARAMETERS

NAME: _____ DATE: _____

CANDIDATE CATEGORY: _____

Health Goals	Tier 3 *		Tier 2		Tier 1	
Body Fat %	Male ≥ 25% Female ≥ 32%		Male 17-24% Female 21-31%		Male 6-16% Female 14-20%	
Blood Pressure 2 readings	Systolic ≥160	Diastolic ≥110	Systolic 140-159	Diastolic 91-99	Systolic 120-139	Diastolic 80-90
FEV1/FVC Ratio	<60%		60-75%		≥75%	
Fasting Glucose	≥250		110-249		65-109	

Tier 3 – If the candidate fails to meet any of the values in the shaded area, the candidate will not be considered for employment.

Tier 2 – If the candidate meets these values, the candidate will be considered for employment pending further evaluations and improvement to Tier 1 criteria.

Tier 1 – If the candidate meets these values the candidate will be considered for employment pending further evaluations.

* In addition to the above Tier 3 parameters, the preexisting medical conditions in the attached document starting with section 6.4 will also be considered Tier 3 category.

Physician Comments:

Physician Signature:

TIER 3 PREEXISTING MEDICAL CONDITIONS

Candidates with Tier 3 medical conditions shall not be certified as meeting essential medical requirements for the job description of Firefighter

6.4 Eyes and Vision

6.4.1 Tier 3 medical conditions shall include the following:

- (1)* Far visual acuity less than 20/40 binocular, corrected with contact lenses or spectacles, or far visual acuity less than 20/100 binocular for wearers of hard contacts or spectacles, uncorrected
- (2)* Monocular vision / DOT Regulation
- (3) Any eye condition that results in the candidate not being able to safely perform one or more of the essential job tasks

6.5* Ears and Hearing.

6.5.1 Tier 3 medical conditions shall include the following:

- (1) Chronic vertigo or impaired balance as demonstrated by the inability to tandem gait walk
- (2) On audiometric testing, average hearing loss in the unaided better ear greater than 40 decibels (dB) at 500 Hz, 1000 Hz, 2000 Hz, and 3000 Hz when the audiometric device is calibrated to ANSI Z24.5, Audiometric Device Testing
- (3) Any ear condition (or hearing impairment) that results in the candidate not being able to safely perform one or more of the essential job tasks

6.8 Lungs and Chest Wall.

6.8.1 Tier 3 medical conditions shall include the following:

- (1) Active hemoptysis
- (2) Current empyema
- (3) Pulmonary hypertension
- (4) Active tuberculosis
- (5) An FVC or FEV1 less than 70 percent predicted independent of disease as it prevents the safe use of SCBA due to increased minute ventilation requirements leading to the earlier than expected depletion of air in the SCBA cylinder
- (6)* Obstructive lung diseases (e.g., emphysema, chronic bronchitis, asthma) with an FEV1/FVC less than 0.75, with both FEV1 and FVC below normal (less than 0.80) as defined by the American Thoracic Society (see references in Annex D)
- (7)* Hypoxemia — oxygen saturation less than 90 percent at rest or exercise desaturation by 4 percent or to less than 90 percent (exercise testing indicated when resting oxygen is less than 94 percent but greater than 90 percent)
- (8)* Asthma — reactive airways disease requiring bronchodilator or corticosteroid therapy for 2 or more consecutive months in the previous 2 years.

(9) Any pulmonary condition that results in the candidate not being able to safely perform one or more of the essential job tasks

6.9 Heart and Vascular System.

6.9.1 Heart.

6.9.1.1 Tier 3 medical conditions shall include the following:

- (1)* Coronary artery disease, including history of myocardial infarction, angina pectoris, coronary artery bypass surgery, coronary angioplasty, and similar procedures
- (2)* Cardiomyopathy or congestive heart failure, including signs or symptoms of compromised left or right ventricular function, including dyspnea, S3 gallop, peripheral edema, enlarged ventricle, abnormal ejection fraction, and/or inability to increase cardiac output with exercise
- (3)* Acute pericarditis, endocarditis, or myocarditis
- (4)* Syncope, recurrent
- (5)* A medical condition requiring an automatic implantable cardiac defibrillator or history of ventricular tachycardia or ventricular fibrillation due to ischemic or valvular heart disease, or cardiomyopathy
- (6) Third-degree atrioventricular block
- (7)* Cardiac pacemaker
- (8) Idiopathic hypertrophic subaortic stenosis
- (9) Any cardiac condition that results in the candidate not being able to safely perform one or more of the essential job task

6.9.2 Vascular System

6.9.2.1 Tier 3 medical conditions shall include the following:

- (1)* Hypertension with evidence of end organ damage or not controlled by approved medications
- (2) Carotid artery stenosis or obstruction resulting in greater than or equal to 50 percent reduction in blood flow
- (3)* Any other vascular condition that results in inability to safely perform one or more of the essential job tasks

6.10 Abdominal Organs and Gastrointestinal System.

6.10.1 Tier 3 medical conditions shall include the following:

- (1) Presence of uncorrected inguinal/femoral hernia regardless of symptoms
- (2) Any gastrointestinal condition that results in the candidate not being able to safely perform one or more of the essential job tasks

6.14 Extremities.

6.14.1 Tier 3 medical conditions shall include the following:

- (1) Bone hardware such as metal plates or rods supporting bone during healing
- (2) History of total joint replacement

- (3) Amputation or congenital absence of upper-extremity limb (hand or higher)
- (4) Amputation of either thumb proximal to the mid-proximal phalanx
- (5) Amputation or congenital absence of lower-extremity limb (foot or above)
- (6) History of more than one dislocation of shoulder without surgical repair or with history of recurrent shoulder disorders within the last 5 years with pain or loss of motion, and with or without radiographic deviations from normal
- (7) Any extremity condition that results in the candidate not being able to safely perform one or more of the essential job tasks

6.15 Neurological Disorders.

6.15.1 Tier 3 medical conditions shall include the following:

- (1) Ataxias of heredo-degenerative type
- (2) Cerebral arteriosclerosis as evidenced by a history of transient ischemic attack, reversible ischemic neurological deficit, or ischemic stroke
- (3) Hemiparalysis or paralysis of a limb
- (4)* Multiple sclerosis with activity or evidence of progression within previous 3 years
- (5)* Myasthenia gravis with activity or evidence of progression within previous 3 years
- (6) Progressive muscular dystrophy or atrophy
- (7) All epileptic conditions including simple partial, complex partial, generalized, and psychomotor seizure disorders other than as allowed in

6.15.1.1

- (8) Any neurological condition that results in the candidate not being able to safely perform one or more of the essential job tasks

6.15.1.1 A candidate with epileptic conditions shall have had complete control during the previous 5 years.

6.15.1.2 To be medically qualified a candidate shall meet all of the following:

- (1) No seizures for 1 year off all anti-epileptic medication or 5 years seizure free on a stable medical regimen
- (2) Neurologic examination is normal
- (3) Imaging (CAT or MRI scan) studies are normal
- (4) Awake and asleep EEG studies with photic stimulation and hyperventilation are normal
- (5) A definitive statement from a qualified neurological specialist that the candidate meets the criteria specified in 6.15.1.2(1) through 6.15.1.2(4) and that the candidate is neurologically cleared for fire-fighting training and the performance of a fire fighter's essential job tasks

6.17 Blood and Blood-Forming Organs

6.17.1 Tier 3 medical conditions shall include the following:

- (1) Hemorrhagic states requiring replacement therapy
- (2) Sickle cell disease
- (3) Clotting disorders

(4) Any hematological condition that results in a person not being able to safely perform essential job task

6.18 Endocrine and Metabolic Disorders.

6.18.1 Tier 3 medical conditions shall include the following:

- (1)* Type 1 Diabetes Mellitus
- (2) Diabetes not treated with insulin, which is not controlled as evidence by Hemoglobin A1C (HbA1C) measurement
- (3) Any endocrine or metabolic condition that results in a person not being able to safely perform essential job task