

ORDINANCE NO. O-2023-98

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 3, "PERSONNEL/CIVIL SERVICE/TMRS," ARTICLE III, "CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS", DIVISION 3, "OTHER COMPENSATION", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, UPDATING AND AMENDING PROVISIONS RELATED TO CERTIFICATION PAY AND ASSIGNMENT PAY FOR FIREFIGHTERS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the City of Tyler is a civil service city established pursuant to State law and the Tyler City Charter; and

WHEREAS, the City of Tyler has established different types of compensation for Firefighters and Police Officers in City Code Chapter 3, Article III., Division 3; and

WHEREAS, it is important to amend certain provisions related to certification and assignment pay for Firefighters;

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

PART 1: That Tyler City Code Chapter 3, "Personnel/Civil Service/TMRS", Article III., "Civil Service for Firefighters and Police Officers", Division 3, "Other Compensation", is hereby amended by amending Section 3-61 to read as follows:

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 (TCFPSE) 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 |
| \$75.00 | <i>Intermediate Certificate</i> (additional requirement that 12 college semester hours or training points must be in police science) | <i>Intermediate Certificate (Ord. No. 0-23-98; 10/11/23)</i> |
| \$125.00 | <i>Advanced Certificate</i> (some additional requirements as indicated above) | <i>Advanced Certificate (Ord. No. 0-23-98; 10/11/23)</i> |
| \$150.00 | <i>Master Peace Officer Certification</i> | <i>Masters Certificate (Ord. No. 0-23-98; 10/11/23)</i> |

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. O-2000-64, 9-6-2000) (O-2010-101, 10/13/10) (Ord. No. O-2023-98; 10/11/23)

PART 2: That Tyler City Code Chapter 3, “Personnel/Civil Service/TMRS,” Article III., “Civil Service for Firefighters and Police Officers”, Division 3, “Other Compensation”, is hereby amended by amending subsection b. of Section 3-64 related to Fire Assignment Pay, with no other changes to the Section, to read as follows:

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)*
 - (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 work 80 percent or more of their regular duty assignment after 1400 hours) \$100.00/month*
- (b) *Night shift (Those personnel who work 80 percent or more of their regular duty assignment after 2300 hours) \$200.00/month*
- (c) *Day shift (Those personnel who workday shift, defined as shifts that start between 0559 and 1759 hours) do not receive a shift differential.*

b. *Fire.*

1. *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 dollars (\$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.*

- (a) *Be a Fire Battalion Chief who works forty-hour per week shift and is assigned by the Fire Chief to the Training Division to assist the Assistant Fire Chief (\$250.00). (Ord. No. O-2023-98; 10/11/23)*
- (b) *Be assigned to a HazMat station and remain as a member of the Hazardous*

Materials Response Team.

(c) *Be assigned to the Fire Marshal's office and be certified as a Peace Officer, Arson Investigator, Firefighter, and Inspector. If assigned and receiving administration 40-hour week pay (\$250.00). Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2023-98; 10/11/23)*

(d) *Be ARFF certified and be assigned to work at the Airport, or assigned to the ARFF Program.*

(e) *Be assigned by the Fire Chief to the Fire Tactical Medical Unit detailed to the Police Special Operations Team and remain a member.*

(f) *Be assigned to a Technical Rescue Station and remain a member of the technical rescue team.*

(Ord. O-99-29: 4-7-99) (Ord. O-2001-32, 8/1/01) (O-2004-47, 6/30/04) (O-2010-101, 10/13/10) (Ord. No. O-2019-15; 2/13/19)

(g) *Be assigned to a Recruit Training Station and obtain and maintain Fire Instructor II; or assigned to the Training Division as an In-Service Fire Training Instructor II. He or she shall receive (\$225.00) per month. Any additional assignment pay shall start at the third assignment pay level. (Ord. No. O-2023-98; 10/11/23)*

(h) *Be appointed by the Fire Chief and remain at the Chief's pleasure to represent the department as the full-time Black Belt designee.*

(i) *Be assigned to Fire Administration as 40-hour personnel, a certified firefighter, assigned as the fire department recruiter and fire safety educator (\$250.00). Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2023-98; 10/11/23)*

(j) *Be a Fire Captain assigned to manage fire vehicle services (Fire Shop) a (\$250.00). (Ord. No. O-2023-98; 10/11/23)*

(k) *Be assigned as the Assistant Fire Marshal (\$250.00). Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2023-98; 10/11/23)*

(l) *Be a Firefighter Engineer scheduled on a 40-hour work week and assigned to the Fire Marshal's office (\$250.00). Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2023-98; 10/11/23)*

(m) *Be a Fire Captain scheduled on a 40-hour work week and assigned to Fire Administration (\$250.00). Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2019-15; 2/13/19) (Ord. No. O-2023-98; 10/11/23)*

(n) *Be assigned to the Bomb Squad (EOD) team. (\$150.00) Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2023-98; 10/11/23)*

(o) Be assigned to the Duty Chief rotation. (\$100.00) (Ord. No. O-2023-98;10/11/23)

(p) Be assigned as FM 7 backup. (\$100.00. Any additional assignment pay shall start at the second assignment pay level. (Ord. No. O-2023-98;10/11/23)

1. Be certified as a bilingual employee.

Employees that wish to be tested for bilingual pay are to schedule testing through the Career Development supervisor. The minimum qualification to receive 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 himself/herself simply with some circumlocutions, accent, though often faulty, if intelligible. The employee can usually handle elementary constructions quite accurately but does not have a thorough or confident control of the grammar.

(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)
(Ord. No. O-2019-15; 2/13/19)

c. Police and Fire

1. All Police and Fire sworn personnel may receive special assignment for Lean Sigma projects at the following levels:

- (a) Green Belt \$75.00 per month
- (b) Black Belt I (part-time) \$125.00 per month
- (c) Black Belt II (full-time) \$415.00 per month

(Ord. No. 0-2011-90, 10/26/11)

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: That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.

PASSED AND APPROVED this 11th day of October, A. D., 2023



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

