

ORDINANCE NO. O-2019-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, "PERSONNEL/CIVIL SERVICE/TMRS", ARTICLE III., "CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS", DIVISION 2, "CLASSIFICATION PLAN", AMENDING THE CIVIL SERVICE CLASSIFICATION PLAN AND NUMBER OF AUTHORIZED CIVIL SERVICE POSITIONS FOR FISCAL YEAR 2018-2019, AND AMENDING THE DEFINITION OF "FIREFIGHTER"; AND ALSO AMENDING DIVISION 3., "OTHER COMPENSATION", RELATED TO THE SENIORITY AND ASSIGNMENT PROVISIONS FOR THE FIRE DEPARTMENT; 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 Civil Service employees for each position on an annual basis; and

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

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 2., "Classification Plan", is hereby amended by amending the definition of Firefighter in Section 3-40 to read as follows, with no other changes to the Section:

Firefighter means a member of the fire department who was appointed in substantial compliance with Texas Local Government Code Chapter 143 or its successor. It applies only to an employee of the fire department whose position requires substantial knowledge of firefighting and who has met the requirements for certification by the Texas Commission on Fire Protection under Texas Government Code Chapter 419 or successor, including an employee who performs a) fire suppression; b) fire prevention; c) fire training; d) fire safety education; e) fire maintenance; f) fire communications; g) fire medical emergency technology; h) fire photography; i) fire administration; j) fire arson investigation; and does not apply to a secretary, clerk, budget analyst, custodial engineer or other administrative employee. (Ord. No. O-2019-15; 2/13/19)

PART 2: That Tyler City Code Chapter 3, "Personnel/Civil Service/TMRS", Article III., "Civil Service for Firefighters and Police Officers", Division 2, "Classification Plan", is hereby amended by amending Section 3-43 to read as follows:

Sec. 3-43. Classification plan adopted.

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

Police Department Classification	FY 2014-2015 No. of Positions	FY 2015-2016 No. of Positions	FY 2016-2017 No. of Positions	FY 2017-2018 No. of Positions	FY 2018-2019 No. of Positions
Assistant Police Chief I,II,III, IV	3	2	3	3	3
Police Lieutenant I, II, III, IV	6	7	7	7	7
Police Sergeant I, II, III, IV	27	28	27	27	27
Police Officer - Recruit I/II/III/IV/V/VI/VII/VIII/IX/X	157	156	156	156	158
TOTAL	193 *1 Gang grant officer added	193	193	193	195 *2 officers added

Fire Department Classification	FY 2014-2015 No. of Positions	FY 2015-2016 No. of Positions	FY 2016-2017 No. of Positions	FY 2017-2018 No. of Positions	FY 2018-2019 No. of Positions
Assistant Fire Chief I/II/III, IV	2	2	2	2	2
Fire Battalion Chief I/II/III/IV	6	6	6	6	7
Fire Captain - I/II/III/IV	39	39	39	39	39
Fire Driver/Engineer - I/II/III/IV	36	36	36	36	40
Firefighter - Recruit I/II/III/IV/V/VI/VII/VIII/IX/X/XI	66	66	66	66	68
TOTAL	154	154	154	154	156

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. O-97-43; 9/4/97) (Ord. No. O-99-21, 3/3/99) (Ord. No. O-99-29, 4/7/99) (Ord. No. O-99-42, 6/16/99) (O-99-68, 9/1/99) (Ord. O-2000-13, 3/15/00) (Ord. O-2000-63, 9/6/00) (Ord. O-2000-80, 10/18/00) (Ord. O-2000-99, 12/20/2000) (Ord. O-2001-10, 3/7/2001) (Ord. O-2001-10, 3/7/2001) (Ord. O-2001-16, 4/25/2001) (Ord. O-2001-42, 9/5/2001) (Ord. O-2001-48, 10/17/01) (Ord. O-2002-5, 2/6/02) (Ord. O-2002-12, 4/3/02) (Ord O-2002-39, 9/11/02) (Ord O-2003-2, 1/8/03) (Ord. O-2003-21, 5/28/03) (O-2003-56, 11-12-03) (O-2006-10, 1/11/06) (Ord. O-2007-13, 2/14/07) (Ord. O-2007-140, 11/28/07) (O-2008-9, 1/9/08) (Ord. O-2008-46, 4/9/08) (Ord. O-2008-129, 9/24/08) (Ord. O-2008-153, 12/10/08) (Ord. O-2009-106, 10/14/2009) (Ord. O-2010-101, 10/13/10) (Ord. No. O-2011-90, 10/26/11) (Ord. O-2012-27, 3/28/12) (Ord. No. O-2013-98, 10/23/13) (Ord. No. O-2015-34; 3/25/15) (Ord. No. O-2015-103; 11/11/15) (Ord. No. O-2016-92, 09/28/16) (Ord. No. O-2017-107; 11/8/17) (Ord. No. O-2018-35; 4/11/18) (Ord. No. O-2019-15; 2/13/19)

PART 3: 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 3-63 to read as follows:

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
No changes...
- 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)
Firefighter XI (after twenty-one (21) 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 Battalion Chief II (after three (3) years as fire battalion chief)
Fire Battalion Chief III (after six (6) years as fire battalion chief)
Fire Battalion Chief IV (after nine (9) years as fire battalion 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)
Assistant Fire Chief IV (after nine (9) years as assistant fire chief)

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) (Ord. No. 0-2011-90, 10/26/11) (Ord. No. 0-2017-107; 11/8/2017) (Ord. No. O-2019-15; 2/13/19)

PART 4: 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 3-64 to read as follows:

Sec. 3-64. Assignment pay.

- a. Police. No changes...

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 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.

1. 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 (\$150.00).

2. Be assigned to a HazMat station 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, or assigned to the ARFF Program.

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

6. Be assigned to a Technical Rescue Station 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) (Ord. No. O-2019-15; 2/13/19)

7. 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 \$200.00 per month. Any additional assignment pay shall start at the third assignment pay level.

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

9. Be assigned to Fire Administration as 40 hour personnel, a certified firefighter, assigned as the fire department recruiter and fire safety educator (\$150.00).

10. Be a Fire Captain assigned to manage fire vehicle services (Fire Shop) at \$150.00.

11. Be a Fire Captain assigned as the Assistant Fire Marshal (\$150.00).

12. Be a Driver/Engineer scheduled on a 40-hour work week and assigned to the Fire Marshal's office (\$150.00).

13. Be a Fire Captain scheduled on a 40 hour work week and assigned to Fire Administration (\$150.00).

14. 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
No changes...

PART 5: 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 6: This ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED this the 13th day of February, A.D., 2019.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS


ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY