

AN ORDINANCE

ADOPTING FOR THE CITY OF LAREDO A FIREMEN AND POLICEMEN CIVIL SERVICE PROGRAM; PROVIDING FOR THE ESTABLISHMENT OF A CIVIL SERVICE COMMISSION; DEFINING ITS POWERS AND DUTIES; ESTABLISHING A DIRECTOR OF FIREMEN'S AND POLICEMEN'S CIVIL SERVICE AND PROVIDING FOR HIS POWERS AND DUTIES; PROVIDING FOR EXAMINATIONS AND FILLING OF POSITIONS AND PROMOTIONS; PROVIDING PROCEDURE CONCERNING SUSPENSIONS, DEMOTIONS AND DISCHARGES; PROHIBITING STRIKES; PROVIDING FOR PENALTIES; AND REPEALING ALL CONFLICTING ORDINANCES.

WHEREAS, the City Council of the City of Laredo, believing it to be in the best interest of the City of Laredo that a Firemen's and Policemen's Civil Service program be established for the city, ordered an election to be held to determine whether the provisions of Article 1269m of the Revised Civil Statutes, Chapter 325, Acts of the Fiftieth Texas Legislature, 1947, as amended, should be adopted; and,

WHEREAS, on the 5th day of April, 1960, at the regular municipal election, voters of the City of Laredo were asked to determine whether such program should be adopted and the resulting vote was in favor of the adoption of Firemen's and Policemen's Civil Service.

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

I. ADOPTION OF ACT.

That there is established for the City of Laredo a FIREMEN'S AND POLICEMEN'S CIVIL SERVICE PROGRAM which shall be governed by the provisions of Article 1269m of the Revised Civil Statutes of Texas, as amended.

II. DEFINITIONS.

The following definitions will govern interpretation of this ordinance:

1. "Fireman" shall mean any member of the Fire Department appointed to such positions in substantial compliance with the provisions of Sections 9, 10, and 11 of Article 1269m, and who is employed on a full time basis, who draws compensation for his services as a member of such department or who is entitled to Civil Service status under Section 24 of Article 1269m, as amended.

2. "Policeman" means any member of the Laredo Police Department appointed to such position in substantial compliance with the provisions of Section 9, 10, and 11 of Article 1269m, as amended, who is employed on a full time basis, who draws compensation for his services as a member of such department, or who is entitled to Civil Service status under Section 24 of Article 1269m, as amended.

3. "Commission" means the Firemen's and Policemen's Civil Service Commission.

4. "Director" means Director of Firemen's and Policemen's Civil Service.

III. CREATION OF FIREMEN'S AND POLICEMEN'S CIVIL SERVICE COMMISSION.

1. There is hereby established a Firemen's and Policemen's Civil Service Commission which shall consist of three members, one who shall be appointed to serve a term of one year, one who shall be appointed to serve a term of two years, and one who shall be appointed to serve a term of three years. Upon expiration of their respective terms of office, succeeding member of such Commission shall be appointed for three year terms. Members shall serve until a successor is appointed, confirmed, and qualified. The Mayor shall fill, with confirmation of the City Council, all vacancies caused by death, resignation, or any other cause, or for failure of any appointee to qualify within ten days after such appointment. Vacancies shall be filled for the unexpired term of the Commissioner whose place has become vacant.

2. All Commissioners shall be of good moral character, above the age of twenty-five years, a resident of Laredo for three years, and shall not have held public office within the preceding three years.

IV. PROCEDURES OF COMMISSION.

1. The Commissioners shall, within ten days after qualifying, and annually thereafter, during the month of January, elect a Chairman and Vice-Chairman.

2. Two members of the Commission shall constitute a quorum.

3. The Commission shall, after public hearing and subject to approval of the City Council, make such rules and regulations for the efficient conduct of its business as it may deem proper; however,

no rule or regulation shall ever permit the appointment of any person without good moral character, or of any person mentally or physically unfit or of a person incompetent to discharge the duties of such appointment or employment. The Commission shall prescribe rules defining grounds for removal or suspension of firemen and policemen, but any such rule must involve one or more of the following: conviction of a felony or other crime involving moral turpitude; violation of provisions of the City Charter; incompetency; neglect of duty; discourtesy to the public or fellow employees while in the line of duty; acts showing lack of good moral character; drinking intoxicants on duty or intoxication while off duty; conduct prejudicial to good order; refusal or neglect to pay just debts; absence without leave; shirking duty or cowardice, violation of any rules and regulations of the Fire Department or Police Department or of special orders.

4. The Commission may make investigations to determine whether new rules and regulations should be adopted or existing rules and regulations amended; and once each year the Commission shall make a thorough inspection and evaluation of the workings of the Fire Departments and Police Departments as pertains to the Civil Service program. Such inspections or investigations may be made by the whole Commission, or any member thereof designated for that purpose, and in any such investigation the Commission, or Commissioners conducting same shall have power to administer oaths, subpoena witnesses and evidentiary material and to cause depositions to be taken of persons within or without the State of Texas.

5. The Commission shall provide for classification of all firemen and policemen according to a classification set up by ordinance of the City Council and according to the number of positions which the City Council allocates to each classification. The positions in all classifications shall be filled by examination according to this ordinance and all persons in each classification shall be paid the same basic salary.

6. The Commission shall cause all rules and regulations promulgated by it to be published, and a copy of same shall be mailed to the head of the Fire Department and a copy shall be mailed to the head

of the Police Department and one copy shall be posted at the Police Station, one at the Fire Station, and one at each branch Fire Station.

7. The Commission shall provide for competitive examinations and preparation of eligibility lists to be made solely from results of such examinations. Any applicant with an honorable discharge from the Armed Forces of the United States shall receive five points in addition to the grade made by him on the competitive examination.

8. Appropriate physical examinations shall be required of all applicants for beginning or promotional positions. Such examination shall be by a physician appointed by the Commission, and in case of rejection the applicant, may at his own expense, be examined by a board of three physicians appointed by the Commission whose findings shall be final.

9. The Commission on written application, may grant military leaves of absence and it may make, subject to the approval of the City Council rules concerning application for and granting of military leaves of absence.

10. The Commission shall, subject to the approval of the City Council provide rules and regulations for sick and injury leaves of absence.

V. DIRECTOR OF FIREMEN'S AND POLICEMEN'S CIVIL SERVICE.

1. There is hereby created the office of Director of Firemen's and Policemen's Civil Service, which shall be filled by appointment by the Commission of some person meeting the same requirements as provided for member of the Commission, except that the Director may be an employee of the City. A member of the Commission may serve as Director if so appointed by the Commission.

2. The Director shall be subject to removal by the Commission at any time. He shall serve as Secretary to the Commission and perform such work as may be required of him by the Commission and this ordinance.

VI. APPLICATION OF ORDINANCE.

1. All firemen and policemen shall be under Civil Service protection except the Chief of Police and Fire Chief.

2. All Firemen and Policemen presently employed by the city and who have been so employed for a period of at least six (6) months shall enjoy the status of Civil Service employees without taking an examination for the position they occupy.

VII. METHOD OF FILLING POSITIONS.

1. No person shall be certified as eligible for a beginning position who has reached his thirty-sixth birthday, and no person shall be certified who cannot intelligently read and write the English language.

2. Upon occurrence of a vacancy in the Fire Department or Police Department, the head of such department shall request, in writing, of the Commission names of suitable persons from the eligibility lists. The Director shall certify to the Mayor as Chief Executive of the City of Laredo, the names of the three persons having the highest grade on the eligibility lists and the Mayor shall make an appointment from those names. Whenever such appointment is made of one not holding the highest grade of the three, the reasons shall be put in writing and filed with the Commission, and a copy furnished to the individual or individuals having a higher grade than that of the appointee.

3. Upon certification and appointment the record of the appointee shall be forwarded to the Mayor and the head of the department involved. Such records shall show date of notice of examination, date on which the appointee took the examination, names of persons conducting the examination, relative position of the appointee on eligibility list, date of physical examination, physician making such examination, and result of examination, date on which request for filling such vacancy was made, date on which appointee was notified to report for duty and date on which his pay is to begin.

4. Any person appointed to the Fire and Police Department under the Civil Service System shall serve a probationary period of six (6) months, and after the probationary period has been served, he shall become a full fledged Civil Service employee.

5. Ten days in advance of any entrance or promotional examination the Commission shall post notice of such examination at the City Hall.

6. The Commission shall make rules and regulations governing promotions and shall hold promotional examinations in accordance with the provisions of Section 14, Article 1269m of the Revised Civil Statutes.

VIII. REMOVALS, SUSPENSIONS, DEMOTIONS, AND REDUCTIONS IN FORCE.

1. The head of the Fire Department or Police Department may remove or suspend indefinitely for violation of Civil Service rules, any employee of the department, but he shall within one hundred and twenty (120) hours thereafter file a written statement with the Commission and furnish a copy to the employee giving reason for such action. The order shall inform the employee that he has ten days within which to file a written appeal with the Commission, and upon receipt of such appeal the Commission shall hold a hearing and render a decision in writing within thirty days after notice of appeal is received.

2. Any fireman or policeman dissatisfied with the decision of the Commission may appeal from same by filing a petition in the district courts of Webb County.

3. Upon recommendation in writing and after hearing, the Commission may demote any Civil Service employee.

4. The head of either department shall have power to suspend temporarily any employee by filing a written statement with the Commission.

5. The Commission shall make rules concerning reductions in force and reinstatement of employees.

IX. POLITICAL ACTIVITIES.

1. An employee in the Fire and Police Departments shall not be permitted to take an active part in any political campaign of another for an elective position of the city. The term "active part" means making political speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes and making public derogatory remarks about candidates for such elective positions.

2. Firemen and Policemen coming under the provisions of Article 1269m and this ordinance are not required to contribute to any political funds or render any political service to any person or party what-

soever, and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so.

X. STRIKES PROHIBITED.

It shall be unlawful from and after passage of this Act for any firemen or policeman to engage in any strikes against the City of Laredo.

XI. PENALTY.

Firemen or policemen, coming under the provisions of this Act, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, after conviction, be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars or by confinement in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

XII. SEVERABILITY.

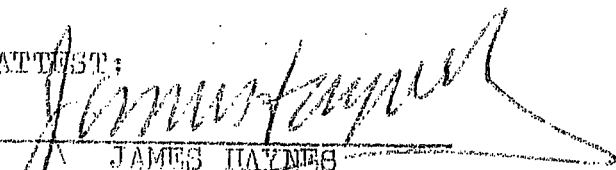
Should any portion of this ordinance be invalid or unconstitutional, then the remainder shall not be affected thereby.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS, this the 2nd day of August, 1960.

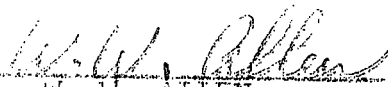


J. C. MARTIN, JR.
Mayor

ATTEST:



JAMES HAYNES
City Secretary



W. W. AGLLEN
City Attorney