



CITY OF
FAYETTEVILLE
ARKANSAS

MEETING AGENDA

Civil Service Commission

August 21, 2025

8:30 A.M.

Hybrid Meeting - Rock Street Public Meeting Room

Members: Spencer Brown - Chair, John Montes - Vice-Chair, Stan Adelman – Secretary, Bo Bittle, Jana Detherage, Tommie Flowers Davis and Warren McDonald

City Staff: Fire Chief Brad Hardin, Chief of Police Mike Reynolds, City Attorney Kit Williams, Michele Bechhold, Civil Service Commission Staff Liaison, Amanda Gray, Civil Service Commission Staff Liaison

1. Consider revisions to the Civil Service Commission Rules & Regulations as reflected in the attached memos and Proposed Changes document.

Zoom Meeting Information:

https://fayetteville-ar.zoom.us/webinar/register/WN_1h_jK-8jR0a4LRVmYHjKaQ

Webinar ID: 870 6548 9789



TO: Civil Service Commission

THRU: Missy Hutcheson, HR Director

FROM: Michele Bechhold, Asst. HR Director

DATE: July 28, 2025

SUBJECT: Proposed Revisions to the Civil Service Commission Rules & Regulations

This memo outlines proposed revisions to the Civil Service Commission Rules & Regulations from the HR Department. The revisions are included in a separate document, 2025 Proposed Changes to the Civil Service Commission Rules & Regulations.

The changes requested are outlined below.

1. Section 1:07(c) is revised to reflect the Division of Law Enforcement Standards and Training's clarification that certain medical providers in addition to licensed physicians may perform the pre-employment physical exam. New wording is proposed to include vision and hearing exams as part of the physical examination.
2. Section 1:07(e) addressing a hearing test for fire candidates is proposed for deletion due to inclusion in the proposed changes to Section 1:07(c).
3. Section 3:02 revisions are recommended to reflect changes to state code about the scheduling of examinations.
4. Section 3:04(a) revisions are recommended to reflect changes to state code regarding notification to the Commission and scheduling of exams when eligibility lists are created on an as-needed basis.
5. Section 8:02 reflects a request to remove the requirement to physically post paper notices of a public hearing to consider amending Civil Service Commission Rules & Regulations.

Thank you for your consideration of these proposed changes.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Fayetteville Civil Service Commissioners**

CC: **Mike Reynolds**, Police Chief
Brad Hardin, Fire Chief
Missy Hutcheson, Human Resources Director
Michele Bechhold, Assistant HR Director

FROM: **Kit Williams**, City Attorney

DATE: **July 30, 2025**

RE: **Civil Service Commission Rules Change Needed**

A.C.A. § 14-51-301 (b)(3)(B) has been substantially amended by Senate Bill 374 of the 2025 Legislative session. Prior to its passage, civil service commissions state wide had much discretion over how applicants would be hired initially and later promoted. Your rules pursuant to the prior law called for physical fitness tests before written exams and interviews would be used to rank applicants. The Chiefs were then limited to selecting new recruits or promoting police or fire officers from the top three of the eligibles lists.

The new law has removed substantial parts of your previous authority and directed that "the commission shall only have an indirect role in an examination... which exclude the commission from: (a) Engaging in interviews; or (b) Proctoring exams." A.C.A. 14-51-301 (b)(3)(B). It does state that the "commission may observe an examination...." *Id.*

I believe that the Fayetteville Civil Service Commission's interviews of prospective officers and those seeking promotions is one of the major reasons our Police Officers and Fire Fighters have achieved such high levels of excellence and professionalism. I also realize that our constantly growing number of officers needed for our rapidly growing city meant ever increasing time burdens for our Civil Service Commissioners needed to interview so many officers and applicants. This new law unburdens you from the previous interview requirements placed

upon you by your current *Rules and Regulations of the Civil Service Commission of the City of Fayetteville*.

Although it is not crystal clear, by far the safest interpretation of the new law is that the Civil Service Commission's only true remaining role and power is to conduct hearings to review disciplines meted out by the Chiefs. I have reviewed the proposed changes presented by the Chiefs and believe they are consistent with the new law.



MEMORANDUM

TO: Michele Bechhold - Fayetteville Civil Service Commission Secretary

FROM: Mike Reynolds – Chief of Police

A handwritten signature in black ink that reads "Mike Reynolds".

DATE: July 1, 2025

SUBJECT: Civil Service Rule Change Proposals

The Fayetteville Police Department would respectfully request several changes to the Rules and Regulations of the Civil Service Commission of the City of Fayetteville as outlined in this memorandum, along with the attached Civil Service Commission Rules document with proposed text and strikethrough deletions:

1. Section 1:01 (d) and (e) changes would be used to mirror the specific language used in the Arkansas Commission on Law Enforcement Standards and Training (CLEST) standards.
2. Section 1:02 (e) additional language should be added to specify the applicant provide a copy of a valid driver's license.
3. Section 1:04 (2) new language will be used to adjust for the Civil Service Commission Interview being removed from the hiring process and the score adjustment necessary regarding both non-certified and certified police applicants.
4. Section 1:05 (a) and (b) new language will be used to adjust for the Civil Service Commission Interview being removed from the hiring process and only the written test and police interview being used to score the applicants.
5. Section 1:07 (b) language would be added to articulate the applicant must be "recommended for employment" by their psychiatric or psychological examination, as the current language of "pass" is not applicable.
6. Section 2:02 (a), (b), (c), and (d) changes are being recommended to require Sergeant promotional process applicants to be a Corporal before the testing date, and to align the requirement for years at the rank of Sergeant before promoting to be three (3) years, to be consistent with the years of service required with the ranks of Lieutenant and Captain. This

also requires an adjustment to the continuous service years required at each rank before promotion.

7. Section 2:03 (a), (b), and (c) changes are being recommended to add new language of “applicant in good standing” and a definition of “good standing.”

8. Section 2:04 (a) changes are being recommended to reflect the statutory removal of the Civil Service Interview from the promotional testing process, the addition of an Assessment Center Evaluation, a definition of what the Assessment Center evaluation would entail, and a change to the scoring weights of each section of the process.

9. Section 2:09 changes are being recommended to reflect new legislation that specifies the probationary period for promotions is twelve (12) months.

10. Section 3:07 changes are being recommended to the language to reflect new legislation that specifies the Civil Service Commission is statutorily excluded from engaging in interviews or proctoring promotional exams. Language has been amended to specify the administration and grading of exams will be the responsibility of the City of Fayetteville’s Human Resources staff.



MEMORANDUM

TO: Michele Bechhold – Fayetteville Civil Service Commission

FROM: Brad Hardin – Fire Chief 

DATE: 7/9/2025

SUBJECT: CSC Rules Change

With the legislative changes to the civil service law, the Fayetteville Fire Department request the following changes:

1. Section 104(a)(1) increase the written points to 70.
2. Section 104(a)(2)(i) remove the civil service commission (CSC) interview.
3. Section 104(a)(2)(ii) increase the department interview points to 30
4. Section 204(B)(1,2,3,4) increase the department evaluation by 20 points and the written test by 10 points.

**PROPOSED CHANGES
TO THE
CIVIL SERVICE COMMISSION
RULES AND REGULATIONS**

**RULES AND REGULATIONS
OF THE CIVIL SERVICE
COMMISSION OF
THE CITY OF FAYETTEVILLE**

ADOPTED DECEMBER 20, 2023

Table of Contents

Article 1 **Probationary Appointment Policy**

1:01	Qualification for Applicants
1:02	Application
1:03	Examination Requirements
1:04	Examinations
1:05	Scoring and Placement into Certification List
1:06	Selection
1:07	Employment Requirements
1:08	Probationary Period
1:09	Special Qualifications

Article 2 **Promotional Policy**

2:00	General
2:01	Fire Department
2:02	Police Department
2:03	Application for Promotion
2:04	Competitive Examination
2:05	Promotional Eligibility Ranking
2:06	Removal from Promotional Eligibility List
2:07	Candidate Selection
2:08	Appointment of Department Chief
2:09	Promotional Probationary Period
2:10	Time of Promotion
2:11	External Applicant Requirements

Article 3 **Examination Policy**

3:01	Examination Standards
3:02	Examination Dates
3:03	Notices
3:04	Notices for Vacancies when New Eligibility List Needed
3:05	Test Restriction
3:06	Impartiality

3:07	Exam Administration
3:08	Access to Test Scores
3:09	Certification of Candidates
3:10	Posting of Certified Candidates
3:11	Fraud or Deception

Article 4 **Temporary Promotions and Appointments**

4:01	Duration of Temporary Promotions and Appointments
4:02	Short Term and Emergency Promotions and Appointments

Article 5 **Conduct, Discipline and Grievance Procedure**

5:01	Prohibited Conduct
5:02	Authority of Discipline
5:03	Disciplinary Action
5:04	Justification for Discipline
5:05	Response
5:06	Records of Proceedings
5:07	Hearing Determination
5:08	Grievance Hearing
5:09	Citizen Complaint
5:10	Complaint Against the Chief

Article 6 **Reinstatement Policy**

6:01	Physical Exam Required
6:02	Rehire of Former Employee

Article 7 **Miscellaneous Provisions**

7:01	Record Retention
7:02	City Personnel Policy
7:03	Headings and Subheadings
7:04	Arkansas State Code

**TABLE OF CONTENTS
(CONTINUED)**

**Article 8
Amendment and Adoption of Rules**

8:01 Procedure

8:02 Public Hearings

8:03 Dissemination of Rules

**RULES AND REGULATIONS
OF THE CIVIL SERVICE COMMISSION OF
THE CITY OF FAYETTEVILLE**
ADOPTED December 20, 2023

ARTICLE 1.

PROBATIONARY APPOINTMENT POLICY

1:01 QUALIFICATION FOR APPLICANTS

All applicants for appointment to the Fayetteville Fire or Police Department must meet the following qualifications:

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under the Compact of Free Association (Marshall Islands);
- (b) Provide documentary proof that applicant will be not less than 21 years of age by the test date. Individuals 18 through 20 years of age may apply for appointment to the Fire Department if they meet specific criteria listed in (g) below;
- (c) Have graduated from an accredited High School, have passed the General Education Development (GED) Test indicating High School graduation level, or have completed a minimum of 12 hours of college coursework at an accredited institution with at least a "C" average;
- (d) Be free of a felony record. A felony record means having entered a plea of guilty, been found guilty, or otherwise having been convicted of an offense, the punishment for which could have been imprisonment in a federal or a state penitentiary. For police applicants, the fact that an individual has received a pardon or their record has been expunged shall not release the individual from having a felony record for the purpose of this rule;
- (e) Be of good moral character as determined by a thorough background investigation;
- (f) Ark. State Code provides that no person who has arrived at the age of thirty-five (35) shall be eligible for appointment to the Fire Department except where the applicant is already a paid firefighter. The maximum age of thirty-five (35) shall not apply to:
 - 1. Any person who has at least two (2) years of previous experience as a paid firefighter with another department and whose years of experience as a paid firefighter, when subtracted from the person's age leaves a remainder of not more than thirty-five (35) years; or

Deleted: Have never been convicted of a felony;

Deleted:

Deleted: for the Police Department

Deleted: ;

2. Any person who is applying for a position within the Fire Department in which the primary function of the job involves duties that are administrative, managerial, or supervisory in nature.
 3. A current or former service member of the regular or reserve component of the uniformed services of the United States as defined under [10 U.S.C. § 101](#) who is within three (3) years of separation or retirement from the regular or reserve component of the uniformed services of the United States.
- (g) Applicants for the Fire Department who are 18 through 20 years of age must have attained certification as an Emergency Medical Technician either through the State of Arkansas Department of Health or through the National Registry of Emergency Medical Technicians or possess one of the following prior to application:
1. Medical certification or license at a higher level (paramedic, nurse, etc.)
 2. 12 college credit hours
 3. Firefighter I and Firefighter II certification through IFSAC or Pro-Board
 4. A minimum of two years' honorable service in the US Armed Forces including National Guard.
- (h) Police department applicants must meet all minimum standards for employment for police officers set by the Arkansas Commission on Law Enforcement Standards.

COMMENT:

- A. U.S. Citizenship or status as a nonimmigrant legally admitted to the United States under the Compact of Free Association (Marshall Islands) is required by the Minimum Standards for employment for police officers set by the Arkansas Commission on Law Enforcement Standards.
- B. Minimum Standards requires all police officers must be at least 21 years of age. Ark. Code Ann. Sec. 14-51-301 requires a minimum age of 18 for appointment to any position on the fire department.
- C. The Code states only that the Rules prescribed by the Board (Commission) shall provide for the rejection of candidates as eligible who fail to comply with reasonable requirements of the Board as outlined in Ark. Code Ann. Sec. 14-51-301.

Minimum standards set no maximum age for Police.

- D. Ark. Code Ann. Sec. 14-51-301 prohibits appointments of a convicted felon and Minimum Standards prohibit appointment of a person “convicted by any state or by the Federal Government of a crime, the punishment for which could have been imprisonment in a federal penitentiary or a state prison”.

1:02 APPLICATION

All applicants for police officer who are not already Certified Law Enforcement Officers or applicants for firefighter who are not already Certified Firefighter I and Firefighter II and certified Emergency Medical Technicians (EMT) must submit to the City the properly completed application form no later than the published deadline. As used throughout the Rules and Regulations of the Civil Service Commission, a certified Firefighter I and II must possess a currently valid certification through the International Fire Services Accreditation Congress (IFSAC) or Pro-Board and a certified EMT must possess a currently valid certification as an Emergency Medical Technician either through the State of Arkansas Department of Health or through the National Registry of Emergency Medical Technicians. An application from a Certified Law Enforcement Officer or Certified Firefighter I and II with EMT certification may be considered by the Police or Fire Department when received. The following documents must be supplied to the City to make the application properly completed. The Civil Service Commission may waive the necessary inclusion of any such document:

- (a) A completed application form;
- (b) A copy of the applicant’s birth certificate, naturalization record, or unexpired United States passport or United States passport card, or unexpired Marshall Island Passport or U.S. Immigration Form I-94;
- (c) A copy of the applicant’s high school diploma, college diploma, high school transcript showing graduation date, General Education Development (GED) Certificate, or a transcript from an accredited institution documenting a minimum of 12 hours of completed college coursework with at least a “C” average as a substitute for a high school diploma or GED certificate;
- (d) If the applicant has been in the military service of the United States, a copy of the discharge paper from such service;
- (e) A copy of the applicant’s driver’s license. This document must be valid at the time the application is accepted.
- (f) Applicants for the Fire Department must provide a copy of EMT certification or a copy of documentation that meets one of the requirements listed below:

1. A higher level medical license or certification (Paramedic, Nurse, etc.)
2. College transcript reflecting earning at least twelve college credit hours
3. IFSAC Firefighter I and II certificates
4. Accredited Fire Academy Certificate of completion (NFPA, Pro-Board, etc.)
5. Military discharge papers (DD-214) or if currently serving, other documentation which reflects a minimum of two years' honorable service in the Armed Forces including National Guard.

- (g) Applicants for the Fire Department must provide a copy of proof of passing the Candidate Physical Ability Test (CPAT). This document must be valid at the time the application is accepted.
- (h) At the time of formal application, police applicants for all positions are to be informed in the written or electronic application cover sheet of all elements of the selection process, the expected duration of the selection process, and the agency's policy on reapplication. Candidates should also be made aware that sensitive or confidential aspects of their personal lives may be explored.

COMMENT:

- A. Each of the enumerated documents with the exception of (f) and (g) is required by Minimum Standards.
- B. CALEA standards require certain information be communicated to the applicants about the selection process.

1:03 EXAMINATION REQUIREMENTS

- (a) Prior to taking the oral examinations explained in Section 1:04, all applicants must pass the preliminary background investigation to determine good moral character; and
- (b) Prior to taking the oral examinations, all non-certified applicants must also pass the test(s) developed and validated pursuant to currently accepted professional standards, and;
- (c) Prior to taking the oral examinations, all applicants must pass a physical fitness assessment established by the department.

COMMENT:

- A. Ark. Code Ann. Sec. 14-51-301 requires the Commission Rules and Regulations to provide for the rejection of candidates who fail to meet reasonable requirements of the Commission in regard to physical fitness.

1:04 EXAMINATIONS

- (a) An applicant who is not already a Certified Law Enforcement Officer or a Certified Firefighter I and II and a certified EMT shall be tested and evaluated as follows:

(1) Police Department

- (i) The first part shall consist of a written exam(s) for a total of 50 points.

Written examination minimum passing scores will be set by Human Resources or their Police Department designee in accordance with professional standards and norms recommended by the testing service for each respective test. Raw or percentile scores will be converted by a mathematical ratio to a 50 point range.

Deleted: or Fire

- (ii) The second part shall consist of an oral interview for a total of 50 points.

Deleted: 2) An oral interview consisting of two tests

Deleted: value

Deleted: i. An oral interview with the Commission for a total of 30 points,

Deleted: ii.

Deleted: or the Fire Chief

The Police Chief or their appointed representatives will evaluate the suitability of an applicant for appointment. The evaluation will be based upon prior experience, education, specialized skills applicable to the job, potential and other qualifications necessary and beneficial for the position.

Deleted: for a total of 20 points.

(2) Fire Department

- (i) The first part shall consist of a written exam(s) for a total of 70 points.

Written examination minimum passing scores will be set by Human Resources or their Fire Department designee in accordance with professional standards and norms recommended by the testing service for each respective test. Raw or percentile scores will be converted by a mathematical ratio to a 70 point range.

- (ii) The second part shall consist of an oral interview for a total of 30 points.

The Fire Chief or their appointed representatives will evaluate the suitability of an applicant for appointment. The evaluation will be based upon prior experience, education, specialized skills applicable to the job, potential and other qualifications necessary and beneficial for the position.

- (b) An applicant who is a Certified Law Enforcement Officer in good standing or a Certified Firefighter I and II with EMT certification in good standing may opt in writing to forgo the written test and rely solely upon the oral interview, described as follows:

Deleted: s

- (1) Because a Certified Law Enforcement Officer in good standing and a Certified Firefighter I and Firefighter II (both required) with EMT certification in good standing have already established they have the competence and knowledge necessary to perform the essential functions of the position, no written test is necessary nor will be administered to them. Instead, to test their relative fitness for the positions, these applicants will be subject to careful and extensive examination by panels of police officers or firefighters to evaluate their knowledge, skills, ability, and suitability for appointment.

- (2) An oral interview for a total value of 100 points.

Deleted: consisting of two tests

These qualified applicants shall be interviewed by the Police Chief or Fire Chief or their appointed representatives to evaluate the suitability and competence of such applicant for appointment. The evaluation will be based upon the applicant's prior experience, education, service record, qualifications, accomplishments, and any specialized skills.

Deleted: i. An oral interview with the Commission for a total of 40 points.

Deleted: ii.

Deleted: for a total of 60 points

COMMENT:

- A. Ark. Code Ann. Sec. 14-51-301 requires the Commission Rules and Regulations to provide for open competitive examination to test the relative fitness of applicants for the position, and rejection of candidates as eligible who have attempted fraud or deception in connection with the examination. Ark. Code Ann. Sec. 14-51-306 requires that all examinations be fair and impartial, and such as to test the qualifications of the applicants for the particular service and position to be filled.

1:05 SCORING AND PLACEMENT INTO CERTIFICATION LIST

- (a) All applicants receiving a combined total of at least 70% on the written examination (where applicable) and oral interview, shall be declared to have passed the examination. The names of all persons receiving a passing score on the examination shall be placed on the eligibility list in order from the highest total combined score to the lowest.

Deleted: s

- (b) An applicant who is a certified Police Officer or a certified Firefighter I and II with EMT certification who opts to forego the written exam, and who passes their oral interview, shall be inserted into the existing certification list based upon the points scored during their oral interview.

Deleted: properly

Deleted: properly

Deleted: s

Deleted: s

COMMENT:

- A. Ark. Code Ann. Sec. 14-51-301 requires the Rules and Regulations to provide for the creation of eligibility lists for employment for which shall be entered the names of successful candidates in the order of their standing in the examination.

1:06 SELECTION

An individual has three (3) business days to respond to written communication from the Chief or his/her designee sent to the email address provided in their application. Upon failure to respond, the Chief may remove the individual from the certification list. When a position becomes vacant, the Chief of the respective department may select, for appointment, one (1) of the highest five (5) individuals on the eligibility list. After selection of an individual to fill a position, all remaining applicants for appointment, including those certified but not selected by the Chief will remain on the eligibility list. The applicant selected for appointment will be given written notice and has three (3) calendar days to accept the appointment. Upon failure to accept appointment, that individual shall forfeit all rights under the eligibility list. The Chief may select from the five (5) highest individuals then certified. This procedure shall be repeated until a selected individual from a list accepts appointment. The Chief shall notify the Commission of the person appointed. The Police Chief may remove an individual from the Police Officer certification list subject to the provisions of Section 1002 3. (e) of the Rules and Regulations of the Commission on Law Enforcement Standards and Training.

COMMENT:

- A. Ark. Code Ann. Sec. 14-51-301 requires the Commission Rules and Regulations to provide for certification to the department head of the five (5) standing highest in the eligibility list for appointment and for the department head to select, for appointment one (1) of the five (5) certified and notify the Commission thereof.
- B. An applicant selected for appointment who does not accept the appointment within the time prescribed by this section, must file a new application pursuant to Section 1:02 and be recertified pursuant to Section 1:03 – 1:06 of these Regulations.

1:07 EMPLOYMENT REQUIREMENTS

Before employment by the respective department, each applicant must complete and pass, to the satisfaction of the Chief of the respective department:

- (a) A comprehensive background investigation;

(b) A detailed psychiatric or psychological examination, and be recommended for employment by the examiner;

Deleted: ;

(c) A physical examination by a licensed physician, nurse practitioner, or a physician assistant to include vision and hearing that meets CLEST requirements for police candidates and NFPA requirements for fire candidates;

Deleted: and meet physical requirements

(d) Fingerprinting and submission of those fingerprints to the FBI and State fingerprint files to check for criminal records, police candidates only;

Deleted: ;

Deleted: .

(e) Aerial ladder climb, for fire candidates only;

Deleted: (e) A hearing test by a certified ENT, a licensed Audiologist, or other certified medical technician; for fire candidates only¶

(f) Failure of any applicant to complete/pass to the satisfaction of the Chief sub-paragraphs a, b, c, d, and e will result in removal from the certification list.

Deleted: f

Deleted: 75-foot

Deleted: ;

Deleted: g

Deleted: e,

Deleted: f

COMMENT:

A. (a), (b), (c) and (d) are required by Minimum Standards.

1:08 PROBATIONARY PERIOD

An applicant appointed to a position of firefighter must serve a probationary period of twelve (12) months before the appointment is complete. An applicant appointed to a position of police officer must serve a probationary period of eighteen (18) months before the appointment is complete. The head of the respective department, or the Acting Authority, may discharge the appointee during the probationary period by written notice for any reason.

COMMENT:

A. Ark. Code Ann. Sec. 14-51-301 requires the Commission Rules and Regulations to provide for a period of probation of not to exceed twelve (12) months before any appointment is complete for firefighters and twenty-four (24) months for police officers. The Police Chief requested to extend the probationary period to eighteen (18) months rather than twenty-four (24) months. During the probationary period, the employee may be discharged by the Chief, or Acting Authority, of the respective department. Any discharge must be backed by written documentation from the respective Chief or Acting Authority.

1:09 SPECIAL QUALIFICATIONS

In the case of a vacancy in a position requiring peculiar or exceptional qualification of scientific, professional or expert character, upon satisfactory evidence that competition is impractical and the position can best be filled by the selection of some person designated and of recognized attainment, the Commission may, by a majority vote, suspend competition and certify such person as eligible to fill said vacancy. Such appointee shall be deemed the best one available.

COMMENT:

- A. This section follows the language of Ark. Code Ann. Sec. 14-51-307.

Deleted: ¶

Formatted: Left

ARTICLE 2.

PROMOTIONAL POLICY

2:00 GENERAL

- (a) Only current sworn Civil Service members of the Fayetteville Police and Fire Departments are eligible to take the respective departmental promotional examinations. However, if there are only two or fewer applicants for a specific job vacancy, the Civil Service Commission may open the promotional examination to currently employed qualified applicants who meet Section 2:11 standards provided herein from Police and Fire Departments other than the Fayetteville Police and Fire Departments.

The Chiefs of the Police and Fire Departments are hereby each designated as the position of authority in administering each respective Department's role in the promotional process.

- (b) In order to ensure fairness and impartiality, any police or fire promotional candidate shall have the right to appeal in writing the results of each promotional element as listed in the promotional announcement to the Civil Service Commission within ten (10) calendar days of the initial posting of the certification list on the City's web site. Within fifteen (15) calendar days of receipt of such appeal, the Civil Service Commission shall schedule an appeal hearing date for this and any other similar appeals. Neither the Chief nor the appealing applicant shall be entitled to any representation, but both may address the Commission and call witnesses who will be questioned only by the Commission. The Commission shall make a determination consistent with ensuring that a fair and impartial promotional process has occurred. No one shall be

promoted until all appeals having the potential to affect said promotion are final. The Commission's decision shall be final with no right of appeal.

COMMENT:

- A. Subsection (b) is required to meet CALEA standards.

2:01 FIRE DEPARTMENT

In the Fire Department, no person shall be eligible for examination for advancement from a lower rank to a higher rank until that person has attained EMT certification and the certification of Fire Fighter I & II, or their equivalent.

- (a) No person shall be eligible for examination for advancement to the rank of Driver/Operator until that person has completed a minimum of three years of continuous service at the rank of Fire Fighter with the Fayetteville Fire Department and has successfully completed the IFSAC Driver/Operator program, preceding the date of the written promotional examination. The IFSAC Instructor-I course will also be required after December 31, 2022.
- (b) No person shall be eligible for examination for advancement to Fire Captain until that person has completed five (5) years continuous service with the Fayetteville Fire Department and has successfully attained and held the rank of Driver/Operator with the Fayetteville Fire Department for two (2) continuous years immediately preceding the date of the written promotional examination and has successfully completed International Fire Service Accreditation Congress, (IFSAC), Instructor-I. After December 31, 2022, Fire Officer I, Incident Safety Officer, Inspector I, and NIMS ICS 300 & 400 will also be required.
- (c) No person shall be eligible for examination for advancement to Battalion Chief until that person has completed at least eight (8) years continuous service with the Fayetteville Fire Department immediately preceding the date of the written promotional examination and has successfully attained and held the rank of Fire Captain for three (3) continuous years immediately preceding the date of the written promotional examination. After December 31, 2023 an Associate's Degree, or higher, from an accredited college or university will be required.
- (d) No person shall be eligible for examination for advancement to the rank of Division Chief until that person has completed at least ten (10) years of continuous service as a full-time employee with the Fayetteville Fire Department immediately preceding the date of the first promotional interview and has successfully attained and held the rank of Battalion Chief for one (1) year immediately preceding the date of the first promotional interview. After December 31, 2024, a Bachelor's Degree from an accredited college or university will be required.

- (e) No person shall be eligible for examination for advancement to the rank of Assistant Fire Chief until that person has completed at least ten (10) years of continuous service as a full-time employee with the Fayetteville Fire Department immediately preceding the date of the first promotional interview, and has successfully attained and held the rank of Battalion Chief or Division Chief for two (2) years immediately preceding the date of the first promotional interview. After December 31, 2024 a Bachelor's degree from an accredited college or university will be required.
- (f) In the event a vacancy occurs for Fire Captain, Battalion Chief, Division Chief or Assistant Fire Chief and only one person of lower rank meets the requirements prescribed hereby, the Commission may, at its discretion, alter the section 2:01 (a), (b), (c), (d) or (e) to permit consideration of a greater number of applicants. In the event that more than one vacancy occurs in a particular rank, this paragraph will apply to mean that there must be at least one more candidate than the number of vacancies open at the time of examination.
- (g) No person shall be eligible for examination for advancement from a lower to a higher rank until that person shall have served at least one (1) year in the lower rank. In case of emergency, as determined by the Commission, the Commission may permit persons who do not fulfill this requirement to be tested for the higher rank.
- (h) For purposes of Section 2:01 (a), (b), (c), (d), or (e) continuous service shall be defined to include paid holidays, paid vacation time, paid or unpaid sick leave, leave time resulting from a work related injury or illness, Uniformed Services Employment and Re-employment Rights Act leave, leave granted under the Family & Medical Leave Act, formally granted educational leave, or paid or unpaid personal leave granted by the department.

A single or multiple disciplinary suspension(s) incurring a cumulative maximum of ten 24 hour shifts or less within five (5) years immediately preceding the date of the promotional exam shall constitute an unbroken period of service and shall not be deemed a break in service.

2:02 POLICE DEPARTMENT

No person shall be eligible for examination for advancement from a lower rank to a higher rank within the Police Department until that person has successfully completed a basic course in law enforcement at an accredited college, university or state recognized law enforcement academy.

- (a) No person shall be eligible for examination for advancement to Police Sergeant until that person has at least five (5) years continuous experience as a police officer, and has attained the rank of Corporal with

the Fayetteville Police Department, immediately preceding the promotional exam date.

- (b) No person shall be eligible for examination for advancement to Police Lieutenant until that person has at least ~~eight (8)~~ years continuous experience as a Fayetteville Police Officer, ~~three (3)~~ of which have been in the capacity of a Sergeant immediately preceding the date of the promotional exam.
- (c) No person shall be eligible for examination for advancement to Police Captain until that person has at least ~~eleven (11)~~ years continuous experience as a Fayetteville Police Officer, three (3) of which have been in the capacity of a Lieutenant immediately preceding the date of the promotional exam.
- (d) No person shall be eligible for examination for advancement to Deputy Chief of Police until that person has at least ~~fourteen (14)~~ years continuous experience as a Fayetteville Police Officer, three (3) of which have been in the capacity of a Captain immediately preceding the date of the promotional exam.
- (e) In the event a vacancy occurs for a Police Sergeant, Police Lieutenant, Police Captain or Deputy Chief of Police and only one person of lower rank meets the requirements prescribed hereby; the Commission may at their discretion alter the section 2:02 (a), (b), (c) or (d) service eligibility standards for that particular test to permit consideration of a greater number of applicants. In the event that more than one vacancy occurs in a particular rank, this paragraph will apply to mean that there must be at least one more candidate than the number of vacancies open at the time of examination.
- (f) In case of emergency, as determined by the Commission, the Commission may permit persons who do not fulfill this requirement to be tested for the higher rank.
- (g) For purposes of sections 2:02 (a), (b), (c), or (d), continuous service shall be defined to include paid holidays, paid vacation time, paid or unpaid sick leave, leave time resulting from a work related injury or illness, Uniformed Services Employment and Re-employment Rights Act leave, leave granted under the Family & Medical Leave Act, formally granted educational leave, or paid or unpaid personal leave granted by the department.

A single or multiple disciplinary suspension(s) incurring a cumulative maximum of 30 working days or less within five (5) years immediately preceding the date of the promotional exam shall constitute an unbroken period of service and shall not be deemed a break in service.

Deleted: seven (7)

Deleted: two (2)

Deleted: ten (10)

Deleted: thirteen (13)

2:03 APPLICATION FOR PROMOTION

An applicant in good standing must submit an application for promotion by the published deadline. An applicant is considered to be in good standing if the applicant meets the following criteria:

- (a) Applicant must have attained at least a "Meets Expectations" rating for the last two annual city employee performance evaluations within the two-year period immediately preceding the promotional application deadline;
- (b) Applicant has received no disciplinary action at or above the level of written reprimand within the one-year period immediately preceding the promotional application deadline;
- (c) Applicant is not on a performance development plan at the time of the promotional application deadline, and has not been on a performance development plan within the one-year period immediately preceding the promotional application deadline.

Deleted: A Civil Service application for promotion must be submitted by the published deadline.

Deleted: (a)

Deleted: s

Deleted: (b)

2:04 COMPETITIVE EXAMINATION

When a written examination minimum passing score is required by the Rules of the Commission, it will be set by Human Resources or their Police or Fire Department designee in accordance with professional standards and norms recommended by the testing service for each respective test. Raw or percentile scores will be converted by a mathematical ratio to the appropriate point range.

(a) Police Department

Promotion shall be based upon open competitive examination consisting of a written examination (totaling 40 points), Departmental Evaluation (totaling 60 points), and Assessment Center evaluation (totaling 50 points). Of the total 150 points, 90 points must be achieved by the candidate in order to be certified for promotion. Further, of the 90 combined points for the Assessment Center evaluation and written exam, a score of not less than 60 points must be achieved in order for the candidate to be certified for promotion.

The Assessment Center may evaluate the applicants in some or all of the following areas: oral communication, police operations/supervisory knowledge, planning and organization, interpersonal relations, initiative, creativity, problem analysis, judgement, leadership, etc. The evaluation may include some or all of the following: various scenarios, oral presentations, or structured interview.

Upon request, the Civil Service Commission will be provided access to any and all personnel records pertaining to the promotional candidates.

Deleted: A.

Deleted: 60

Deleted: Civil Service Commission Interview (totaling 40 points), and

Deleted: , and

Deleted: 50

Deleted: 100

Deleted: Civil Service Commission Interview

Deleted: and

(b) Fire Department

Deleted: B.

Promotion shall be based upon a competitive examination process as outlined below for ranks from Driver Operator to Assistant Fire Chief. A candidate must achieve a total point score of not less than 105 points in order to be certified for promotion.

1. Driver Operator

Written test: 40 points

Departmental Evaluation: 90 points

Fire Department Interview: 20 points

Deleted: 30

Deleted: 70

Deleted: Civil Service Commission Interview: 30 points¶

2. Captain

Written test: 40 points

Departmental Evaluation: 90 points

Fire Department Interview: 20 points

Deleted: 30

Deleted: 70

Deleted: Civil Service Commission Interview: 30 points¶

3. Battalion Chief

Written test: 40 points

Departmental Evaluation: 50 points

Fire Department Interview: 60 points

Deleted: 30

Deleted: 30

Deleted: Civil Service Commission Interview: 30 points¶

4. Division Chief and Assistant Fire Chief

Fire Chief Interview: 150 points

Deleted: 120

Deleted: Civil Service Commission Interview: 30 points¶

Upon request, the Civil Service Commission will be provided access to any and all personnel records pertaining to the promotional candidates.

2:05 PROMOTIONAL ELIGIBILITY RANKING

All persons who qualify for promotion under Section 2:04 shall be placed on the promotional eligibility list. Names on the promotional eligibility list will be ranked from the highest total score to lowest total score. If identical scores are received, then ranking shall be determined by seniority.

2:06 REMOVAL FROM PROMOTIONAL ELIGIBILITY LIST

Candidates shall be removed from the promotional eligibility list if, for the time frame covered by that list, they become ineligible for promotion due to a demotion or due to a disciplinary action stating they are ineligible for promotion.

2:07 CANDIDATE SELECTION

When a position becomes vacant and subject to being filled by promotion, the head of the respective Department shall select for appointment one of the three persons ranked highest on the promotional eligibility list for such rank of service. If such member of the Department fails to accept such appointment within three

(3) calendar days, the Chief may choose from the 3 highest names remaining on the promotional eligibility list.

2:08 APPOINTMENT OF DEPARTMENT CHIEF

In the event of an appointment to the position of Chief of either Department, the act of selection and appointment shall be made by the Mayor.

2:09 PROMOTIONAL PROBATIONARY PERIOD

A promotion to any rank in service shall not be complete for a period of ~~twelve~~ (12) months and any member promoted to a higher rank cannot step-up or work in a higher rank until the probationary period has been successfully completed. The Chief may reduce in rank, any promoted member of the Department during this initial ~~twelve~~ (12) month period for any reason with written documentation. The respective Chief shall provide written notice of such reduction in rank to the individual being reduced, the Civil Service Commission, and Human Resources. This notice shall state the reasons for such action. Such notice shall not be considered as granting to the member being reduced in rank the right to a hearing before the Commission or appeal there from, nor shall the requirement of stating the reasons therefore be considered as to require such reduction to be for good cause.

Deleted: six (6)

Deleted: six (6)

2:10 TIME OF PROMOTION

When there is an existing eligibility list, 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, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act. Promotion shall be made from the eligibility list in effect on the date that the vacancy occurs if possible.

COMMENT:

A. This section follows the language of Ark. Code Ann. Sec.14-51-301.

2:11 EXTERNAL APPLICANT REQUIREMENTS

The Commission may open a promotional examination to employees of other Police and Fire Departments if there are insufficient internal applicants pursuant to Section 2:00. Such external applicants must satisfy all requirements set forth in these Rules for the particular position, as well as the age limitations set forth in Section 1:01, and will be evaluated in accordance with the same procedures and criteria specified for internal applicants seeking promotion. Provided, however, that in lieu of the Departmental Evaluation required by Section 2:04, an external applicant must consent to: (a) release by his or her present and former employers to the Fayetteville Police or Fire Department, a true and correct copy of his or her personnel files; and (b) interviews by senior officers of the Fayetteville Police or Fire Department with his or her present and former supervisors and fellow

officers concerning his or her job performance. Evaluation of the personnel files and interviews shall be conducted by those senior officers who conduct the Departmental Evaluation under Section 2:04. The evaluation shall be conducted according to the same standards and have the same maximum point value as the Departmental Evaluation for that rank. Provided further, that Section 2:09 is inapplicable and that the probationary period set forth in Section 1:08 shall apply.

ARTICLE 3.

EXAMINATION POLICY

3:01 EXAMINATION STANDARDS

All examinations referred to in these Rules shall be open and competitive and shall be designed to test the relative knowledge, aptitude and proficiency of applicants for such positions.

3:02 EXAMINATION DATES

The Department Chief will determine the need for appointment and promotional examinations.

Deleted: Appointment and promotional examinations may be given for the respective Departments approximately every six months, and special examinations may be given at any time, the necessity of which is determined by the Department Chief.

3:03 NOTICES

The Secretary of the Commission shall issue, at least fourteen (14) days before the application deadline, a notice of entry level examinations, stating the date, time, location and purposes thereof, which shall be published in a newspaper having a bona fide circulation in the city of Fayetteville. Notices of both entry level and promotional examinations shall be posted at least fourteen (14) days before the application deadline in the City Administration Building of the City of Fayetteville. Notices of entry level and promotional examinations shall be posted on the City's website.

3:04 NOTICES FOR VACANCIES WHEN NEW ELIGIBILITY LIST NEEDED

(a) If the Commission creates an eligibles list on an as-needed basis and a vacancy is created as a result of death, termination, resignation, demotion, retirement or promotion, the Fire Chief or Police Chief shall notify the Civil Service Commission within five (5) business days of the scheduling of an examination to establish an eligibles list from which an appointment or promotion shall be made unless the position is determined to be eliminated or not funded by the Fayetteville City Council.

Deleted: If a vacancy is created as a result of death, termination, resignation, demotion, retirement or promotion, and there is not an eligibility list sufficient to fill the vacancy, the Fire Chief or Police Chief shall notify the Civil Service Commission within five (5) business days of such vacancy and the need for testing. The Civil Service Commission shall schedule an examination to establish an eligibility list from which an appointment or promotion shall be made unless the position is determined to be eliminated or not funded by the Fayetteville City Council.

(b) Notices for police promotions shall be posted prominently and in a timely fashion. They shall be posted at least fourteen (14) days before the application deadline. The announcement of the police promotional process shall include a concise description of the vacancy and include the salary and duties, responsibilities, knowledge, skills, and abilities required. It shall provide a reading list of study materials that interested employees

may obtain. The announcement shall clearly demonstrate what candidates can expect about the testing process to include expected duration and format of tests, interviews, and assessment centers and numerical weight assigned to each element of the process.

COMMENT:

- A. (a) of this Section follows the language of Ark. Code Ann. Sec.14-51-301.
- B. (b) of this Section is required to meet CALEA standards.

3:05 TEST RESTRICTION

An applicant may not take both fire and police entry-level examinations at the same testing period. An applicant may take the examination for the same department more than once in a 12 month period. The new score will override any previous score.

3:06 IMPARTIALITY

All examinations shall be conducted impartially and instructions pertaining to the examinations shall be made available to all candidates.

3:07 EXAM ADMINISTRATION

Commissioners may be present during the administration of all written appointment and promotional examinations for observation purposes only. The Commission is statutorily excluded from engaging in interviews or proctoring exams. If an exam is proctored by a third party, advance notice as determined by the third party is required if any Commissioner(s) would like to be present during an examination. This allows time to complete any authorization process that may be required by the proctoring facility or testing company for individuals other than the candidates to be present during the examination. The administration of examinations and the grading of objective portions of examinations will be the responsibility of the City's Human Resources staff. City Human Resources staff may delegate the administration and grading duties of entry level and promotional examinations to personnel within the Police and Fire Departments, a third party proctoring entity or a testing company.

Deleted: given by the Commission

Deleted: The Commission shall normally delegate the administration of examinations and the grading of objective portions of examinations to City Human Resources staff.

Deleted: of Fayetteville's

3:08 ACCESS TO TEST SCORES

- (a) All examinees shall have the right to see their score on each part of the exam, and shall be permitted access to the range of scores on each portion of the examination upon completion of the testing process.
- (b) Within ten (10) calendar days of the initial posting of a promotional certification list on the City's website, promotional candidates shall be entitled to review their own test results. During the employee review process, the employee may not copy test questions in any form whatsoever.

3:09 CERTIFICATION OF CANDIDATES

As soon as is practicable after any examination, the Commission shall complete their review of the examination eligibility lists. The lists shall then be certified and such lists shall be in full force and effect for the period of one (1) calendar year subsequent to the date of certification. If upon the date of certification, a prior eligibility list is still effective, the Commission shall integrate the new list with the existing list, in order of examination grades, so that only one list shall exist for appointment or promotional purposes. All eligibility lists shall expire one year after the date of certification regardless of the period of time such list may have existed as the sole eligibility list. In no event shall a candidate's name remain on the certified list for a period longer than one year; unless that candidate has re-tested within the provisions of these Rules.

3:10 POSTING OF CERTIFIED CANDIDATES

Once the Commission certifies an eligibility list, it shall be posted by 5:00pm on the next business day to the City's website.

3:11 FRAUD OR DECEPTION

Any applicant for appointment or any member eligible for promotion who has attempted any fraud or deception with reference to the examination process shall be ineligible for appointment or promotion, respectively, and in the cases of existing members of either Department, shall be subject to disciplinary action, including termination.

ARTICLE 4.

TEMPORARY PROMOTIONS AND APPOINTMENTS

4:01 DURATION OF TEMPORARY PROMOTIONS AND APPOINTMENTS

A temporary promotion or appointment for a vacancy created by death, termination, resignation, demotion, retirement or promotion shall not be made for longer than sixty (60) days when there is a current eligibles list, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act. If an appeal is filed for a vacancy created by a termination or demotion, the vacancy may be filled by a temporary promotion or appointment until all appeals in connection with the termination or demotion are exhausted.

4:02 SHORT TERM AND EMERGENCY PROMOTIONS AND APPOINTMENTS

- (a) A vacancy that is created by vacation, bereavement leave, medical leave, military leave or suspension may be filled by a temporary promotion on a day-to-day basis as vacancies occur.

- (b) In cases of emergency, temporary employees without examination may be temporarily appointed by the Chief of the respective department with consent of the Civil Service Commission.

COMMENT:

A. This Article follows the language of Ark. Code Ann. Sec.14-51-301.

ARTICLE 5.

CONDUCT, DISCIPLINE AND GRIEVANCE PROCEDURE

5:01 PROHIBITED CONDUCT

All employees of the Fire and Police Departments are subject to the City's Personnel Policies, as well as any other City policies or written standards governing employee behavior; this includes but is not limited to the City's sexual harassment policy.

The following list of items relating to failure in conduct is representative but not limited to those considered to be adequate grounds for disciplinary action. No employee of the Fire or Police Department shall:

- (a) Use intoxicating liquor, beer or wine while on duty;
- (b) Make unlawful use of a controlled substance, either while on or off duty;
- (c) Gamble while on duty;
- (d) Willfully fail to obey any lawful and reasonable direction given by a superior having authority to give such direction;
- (e) Be disrespectful or discourteous in manner, action or attitude toward superiors, fellow employees or private citizens while on duty;
- (f) Be absent from duty at any time without leave;
- (g) Exhibit incompetence, incapacity, inefficiency or ineptitude in the performance of job duties;
- (h) Use or drive any machine, vehicle or apparatus of the Department carelessly, or maliciously, or in such a manner as to collide with and injure the person or property of any citizen;
- (i) Engage in conduct detrimental to the efficiency or morale of the Department;

- (j) Exhibit dishonesty or deception, or falsify any report or record;
- (k) Fight with another employee of the Department;
- (l) Engage in any political activity when on duty, when in uniform or when acting in an official capacity;
- (m) Use physical force against any citizen except such as necessary to perform official duties and responsibilities;
- (n) Violate any Departmental rule or regulation or personnel policy set out by the Chief of the Department and approved by the municipal governing body;
- (o) Violate any federal, state or local law;
- (p) Abuse sick leave or other paid time off benefit;
- (q) Steal;
- (r) Engage in any sexual activity while on duty;
- (s) Use position with department or departmental resources to endorse a product or service without prior approval of the Department Chief.
- (t) Work their part-time job, be at their part-time place of employment, be gainfully employed at a place other than the City of Fayetteville, or provide any type of labor or service to another fire or police department during a period of absence taken from the City of Fayetteville for the purpose of caring for oneself or another due to a medical situation, unless prior written approval is granted by the respective Chief, or his/her designee after consulting with Human Resources to ensure compliance with the Family Medical Leave Act and other relevant legal considerations. This paragraph shall include all situations covered by the Family Medical Leave Act.

5:02 AUTHORITY OF DISCIPLINE

Members of the Police and Fire Departments may be disciplined by the heads of the respective Departments, or the Acting Authority, for violation of the Rules of the Civil Service Commission, the Rules of the respective Departments and for any other lawful purpose.

5:03 DISCIPLINARY ACTIONS

Disciplinary action may include any of the following: supervisor counseling, oral reprimand, written reprimand to be placed in the employee's employment records, suspension for not longer than thirty (30) calendar days, with or without pay, reduction in rank or compensation and/or discharge.

5:04 JUSTIFICATION FOR DISCIPLINE

Any member reduced in rank or compensation (a suspension without pay shall not be considered a reduction in pay), suspended for twenty-four (24) or more consecutive work hours or discharged after promotion or appointment is complete for disciplinary reasons, shall be served with written notice of the action to be taken and the reasons for such discharge, reduction in rank, or compensation or suspension signed by the Chief (or in the Chief's absence, by the Assistant Fire Chief, Deputy Chief of Police or Acting Authority).

5:05 RESPONSE

The person so discharged, reduced in rank or compensation, or suspended for twenty-four (24) or more consecutive work hours for disciplinary reasons, shall have the right within ten (10) calendar days from the date of such written notice to reply in writing to the Commission. The Commission shall have fifteen (15) calendar days to respond to any request for a trial. Should said person deny the truth of the facts upon which discharge or reduction is predicated and demand a trial, the Commission shall grant a trial pursuant to the provisions of Ark. Code Ann. 14-51-301 and 14-51-308 (Repl. 1968), as such sections may hereinafter be amended.

5:06 RECORDS OF PROCEEDINGS

- (a) The written notification of disciplinary action, the reply to such notice and/or the request for hearing shall constitute a part of said hearing and shall be made a part of the record of the hearing. The City Attorney shall make arrangements to have such hearing stenographically reported. All witnesses shall testify under oath.
- (b) The attorney representing the employee and the attorney representing the Chief shall review the record including the investigatory file pertaining to the disciplinary hearing. At a date before the hearing determined by the Civil Service Commission, both attorneys shall individually designate which, if any, documents they will present to the Civil Service Commission during the hearing and who each attorney intends to call as a witness. Both attorneys shall present their designated documents during the hearing and be limited to these designated documents and witnesses, unless for good cause shown, the Chair of the Civil Service Commission allows additional evidence.

5:07 HEARING DETERMINATION

As soon as is practicable after such hearing, the Commission shall announce its decision and notice thereof will be presented in writing to the person requesting the hearing or to such person's representative.

5:08 GRIEVANCE HEARING

- (a) Any member of the Police or Fire Departments can request a grievance hearing to review a suspension of less than 24 consecutive work hours by submitting a written explanation to the Civil Service Commission within ten days of receiving such disciplinary action stating why such discipline was unwarranted or otherwise improper. The Civil Service Commission shall meet to briefly review this written request and any written response thereto by the Chief and then shall determine by majority vote whether or not to grant an informal grievance hearing to resolve any dispute.
- (b) If a grievance hearing is granted by the Civil Service Commission, a hearing will be scheduled as soon as possible. Neither the Chief nor the employee shall be entitled to any representation, but both may call witnesses who will be questioned only by the Commission. No transcript shall be made of this hearing.
- (c) The Civil Service Commission may affirm the disciplinary action, dismiss and remove the discipline, reduce the discipline or increase it (but only up to a maximum of 23 consecutive work hours with loss of pay). The Commission's decision shall be final with no right of appeal.

5:09 CITIZEN COMPLAINT

- (a) Complaints by any citizen against a member of the Police Department shall be filed in writing with the Commission within ninety (90) calendar days from the date of the incident on which the complaint is based. Such complaints shall set out, in detail, the specific nature of the complaint and the factual basis therefore. Upon receipt of such a complaint, the Commission shall immediately forward the complaint to the Chief of Police for investigation. The Chief shall then conduct a thorough investigation of the complaint and shall file a written report of the results of said investigation with the Commission within thirty (30) calendar days, unless the head of OPS authorizes an extension. Said report shall specifically state each, if any, violation of Civil Service Regulations, Departmental Regulations or Federal, State or local laws. Complainants will be notified as to the verification of receipt of the complaint, status of a complaint and results of any investigation upon conclusion.
- (b) Within fifteen (15) calendar days from the date on which verification of receipt of said results of investigation is mailed to the complainant, he may file a written request with the Commission for a hearing on his complaint. Said request shall specifically state the evidence which the complainant desires to present to the Commission and the facts which such evidence would establish. Within ten (10) calendar days from receipt thereof, the Commission shall consider said request. If a majority of the full Commission votes in favor of granting the request, the Commission shall set a date for the hearing, which date shall be within thirty (30) calendar days. Refusal of the Commission to grant the request of a complainant for a hearing shall not be construed as giving the complainant any rights of appeal to courts of law or equity other than as provided by law.

5:10 COMPLAINT AGAINST THE CHIEF

Upon receipt of a complaint against the Chief or Acting Chief of either Department, the Commission shall immediately forward the complaint to the Mayor for investigation and action.

ARTICLE 6.

REINSTATEMENT POLICY

6:01 PHYSICAL EXAM REQUIRED

Before any member of the Fire Department or the Police Department is reinstated to the Department following a leave of absence, (that status of employment where the individual receives no pay from the City of Fayetteville), whether the leave of absence shall have been based upon a physical disability or otherwise, such member may be required to submit to a physical examination by a licensed physician of the City's choice, at the City's expense, and obtain from the physician, certification that the member is capable of performing the functions of the position to which he or she would be reinstated.

6:02 REHIRE OF FORMER EMPLOYEE

- (a) Any member of the Fire Department or Police Department who severs his or her employment with the Department, must make application pursuant to Sec. 1:02 and be certified pursuant to Sec. 1:03 – 1:06 of these regulations.
- (b) The Civil Service Commission may grant the Police Chief's or Fire Chief's request to rehire a former Fayetteville police officer or firefighter who severed his or her employment in good standing and is available to promptly begin work as a police officer or firefighter when the Chief demonstrates to the Civil Service Commission the immediate benefits of hiring a police officer or firefighter who can promptly begin police or fire duties.

ARTICLE 7.

MISCELLANEOUS PROVISIONS

7:01 RECORD RETENTION

The Secretary of the Civil Service Commission, together with the Mayor of the City, shall be charged with maintaining records of all proceedings, including examination, of the Civil Service Commission.

The Secretary of the Commission shall appoint a stenographer to be present at each general business meeting whose job will be to transcribe the minutes of the meeting.

For the purposes of physical security, testing materials for entry level testing shall be maintained in a secure manner by either Human Resources or the respective department. Promotional testing materials shall be maintained in a secure manner by Human Resources.

Records for candidates not selected for appointment shall be maintained in a secure manner for a period of not less than four years.

For those police applicants that are hired, the candidate's background information shall be made part of their permanent records and shall be maintained in a secure manner. For police applicants not selected for employment, their background information shall be kept for a requirement of not less than four years in a secure manner.

For those applicants that are hired, records of medical examinations and psychological examinations shall be included with the employee's confidential medical documentation and shall be stored in a secure manner. For those applicants not selected for employment, records of medical examinations and psychological examinations shall be stored in a secure manner for a period of not less than four years.

COMMENT:

Paragraphs 3-6 are required to meet CALEA standards.

7:02 CITY PERSONNEL POLICY

The number of full-time equivalent positions within each of the respective Departments, the pay policies and fringe benefits policies are all matters which the Commission considers to be within the scope of the authority of the governing body of the City of Fayetteville. Specifically, the Board adopts by reference the City's Personnel Policies, as well as any other City policies or written standards governing employee behavior; this includes but is not limited to the City's sexual harassment policy. This applies to the policies and written standards as now exist or as may hereafter be amended, except as such policy may be affected by other Rules contained herein.

7:03 HEADINGS AND SUBHEADINGS

The headings and subheadings used are inserted for the convenience of reference only and are not to be considered in construction of the provisions hereof.

7:04 ARKANSAS STATE CODE

In the unlikely event of a conflict between the local Civil Service Commission Rules and Regulations and State law, State law will control.

ARTICLE 8.

AMENDMENT AND ADOPTION OF RULES

8:01 PROCEDURE

The Rules of the Commission shall be adopted and amended only after a majority vote of the entire Commission.

8:02 PUBLIC HEARINGS

Prior to the adoption of these Rules and amendments hereto, a public hearing shall be held on such proposal. Notice of the public hearing shall be given by publication at least five (5) days prior to the date of such public hearing in a newspaper having a bona fide circulation in the City. Such notice shall be posted on the City's website and all Civil Service employees of the City of Fayetteville must be notified by Human Resources by City email at least thirty (30) days prior to the meeting or hearing. Such Notice, as published and posted, shall state the date, time, place and purposes of such public hearing and shall state that copies of the Rules to be considered may be inspected at the office of the City Clerk during business hours, prior to the date of such hearing. Copies of the Rules to be considered shall also be available for review on the City's website.

Deleted: in the City Administration Building, Fire Department and Police Department of the City of Fayetteville, as well as

8:03 DISSEMINATION OF RULES

After the Rules have been amended, a complete set of the amended Rules shall be made available to all members of the Commission, Mayor and the Chiefs of the Fire and Police Departments within thirty (30) days of this adoption.