

ORDINANCE NO. O-2023-14

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

WHEREAS, Section 143.041 of the Texas Local Government Code provides that each police officer and fire fighter is entitled to longevity or seniority pay; and

WHEREAS, it is considered in the public interest to amend the method for determining seniority pay for police officers by including prior service credit when eligible; and

WHEREAS, prior service credit as a part of seniority pay is designed to attract additional qualified applicants who have prior experience as a police officer and would therefore require less the training time than an applicant who lacks previous experience.

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

PART 1: That Tyler City Code Chapter 3, "Personnel/Civil Service/TMRS", Article III., "Civil Service for Firefighters and Police Officers", Division 3, "Other Compensation", is hereby amended by deleting Sec. 3.6. Seniority pay in its entirety and replacing it to read as follows:

Sec. 3-6. Seniority pay.

A. Police.

In addition to base salary, Police Officers 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 according to the Job Classification Schedule set out below in Subsection A.2.

1. Current Lengths of Service in Job Classification of Police Officer shall mean, solely for the purposes of Seniority Pay, either:

- a The amount of completed and unbroken whole years of service since the date the employee was hired in a current Tyler Police Officer Civil Service position; **or**
- b. The amount of completed and unbroken whole years of service since the date the employee was hired in a current Tyler Police Officer Civil Service position **plus** the number of completed and unbroken whole years of Prior Service Credit the employee may receive, as determined and approved by the Tyler Chief of Police.

(1) Prior Service Credit. The Chief of Police shall make the final determination as to whether an applicant meets the criteria to receive Prior Service Credit. The Chief's

decision regarding Prior Service Credit shall be final and as such is not appealable to the Civil Service Commission.

(a) To be eligible to receive Prior Service Credit, a Police Officer must apply for the prior service credit and provide the Department with adequate evidence to satisfactorily meet the following criteria:

(i) Must have at least two (2) years of continuous service as a paid, full-time certified peace officer in another law enforcement agency, including out of state agencies, as approved by the Chief of Police; prior service does not include time with the City of Tyler Police department; and

(ii) Must have been in a position where the officer had the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties; and

(iii) Must not have more than a 180-day break in service from the date the officer left the former law enforcement agency and posting date the of the Tyler Police Department Civil Service eligibility. Any breaks greater than 180 days in service as a paid, full-time certified peace officer in a law enforcement agency will not be considered for Prior Service Credit eligibility.

(b) Police officers eligible for the Prior Service Credit may receive up to but no more than seven (7) years of prior service credit.

(c) Police Officers who are approved for Prior Service Credit will be placed at a step commensurate with a current City of Tyler Police Officer with equal Lengths of Service. Thereafter, employees will progress within the pay structure according to the City of Tyler's approved Civil Service pay plan schedule. Newly hired Police Officers are eligible to begin receiving Seniority pay on the date the officer reports to work.

(d) The receipt of Prior Service Credit by a newly hired Police Officer does not change the probationary period or status of a probationary officer. The probationary period for newly hired police officers receiving Prior Service Credit shall be twelve months, except that it shall be eighteen months if the officer is required to attend the Basic Police Academy for initial certification by the Texas Commission on Law Enforcement. Additionally, the term of a newly hired officer's probationary period shall have no impact on the calculation of Seniority pay.

(e) Prior service credit is for pay purposes only. Actual work experience in another law enforcement agency shall not be considered for promotional eligibility requirements, departmental seniority, leave calculations, transfers or other such accruals/programs which utilize years of service in its calculation.

2. Job Classification Schedule for Police Officers (Lengths of Service)

Police Officer I (after one (1) year of service)

Police Officer II (after two (2) years of service)
Police Officer III (after three (3) years of service)
Police Officer IV (after five (5) years of service)
Police Officer V (after seven (7) years of service)
Police Officer VI (after nine (9) years of service)
Police Officer VII (after eleven (11) years of service)
Police Officer VIII (after thirteen (13) years of service)
Police Officer IX (after fifteen (15) years of service)
Police Officer X (after seventeen (17) years of service)
Police Officer XI (after nineteen (19) years of service)
Police Officer XII (after twenty-one (21) years of service)
Police Officer XIII (after twenty-three (23) years of service)
Police Officer XIV (after twenty-five (25) years of service)
Police Sergeant II (after three (3) years as sergeant)
Police Sergeant III (after six (6) years as sergeant)
Police Sergeant IV (after nine (9) years as sergeant)
Police Lieutenant II (after three (3) years as lieutenant)
Police Lieutenant III (after six (6) years as lieutenant)
Police Lieutenant IV (after nine (9) years as lieutenant)
Assistant Police Chief II (after three (3) years as assistant police chief)
Assistant Police Chief III (after six (6) years as assistant police chief)
Assistant Police Chief IV (after nine (9) years as assistant police chief)

B. Fire - In addition to base salary, Firefighter 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 Firefighter, according to the following schedule:

1. Job Classification Schedule for Firefighter (Length of Service)

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)

Firefighter XII (after twenty-three (23) years of service)

Firefighter XIII (after twenty-five (25) 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)

2. **Current Length of Service** means the amount of time since the employee was hired in their current Tyler Firefighter Civil Service position, however prior service does not include time with the City of Tyler Fire 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) (Ord. No. O-2019-88; 10/8/19) (Ord. No. O2023-13; 2/08/2023).

PASSED AND APPROVED this 8th day of February , A.D., 2023

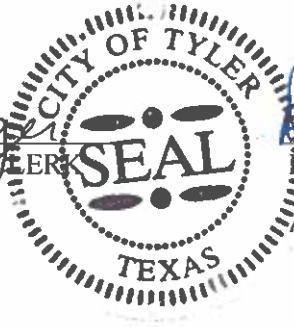
Donald P. Warren

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

ATTEST:

APPROVED:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



Deborah G. Pullum
DEBORAH G. PULLUM, CITY

ATTORNEY