

Chapter 143 Civil Service

CIVIL SERVICE REQUIREMENTS	EFFECT ON FRISCO FIRE DEPARTMENT
<ul style="list-style-type: none"> Only firefighters who have been with the City for more than 6-months prior to adoption will not be required to take a competitive examination to remain in their position. [143.005] 	<ul style="list-style-type: none"> Firefighters with less than 6 months of service at the time of adoption will have to re-test.
<ul style="list-style-type: none"> All firefighters in the same rank must make same base pay. 	<ul style="list-style-type: none"> No more lateral hires under Chapter 143. More than 23 members hired by Frisco FD on the lateral program since 2020. Merit based pay will not be allowed.
<ul style="list-style-type: none"> Hiring is a written test – general knowledge and aptitude only – and physical ability for new hires. Applicant must be between 18 and 35. Cannot be hired if 36 or older. Order of hiring is based on test score. 	<ul style="list-style-type: none"> Eliminates candidates due to age. No re-appointment for firefighters after resignation. If they wish to return, they must retest.
<ul style="list-style-type: none"> Promotional exams are only through written test. Department can only require two years of experience at the position below that being tested to be eligible for promotion. Promotion ranking is based on test score and seniority points only. List is valid for 1-year from date of written examination. Candidates have five business days to file an appeal of test questions to the Civil Service Commission. 	<ul style="list-style-type: none"> Promotion standards established and supported by Frisco firefighters will be eliminated. Cannot require specific certifications, education, or assessment centers for promotion.
<ul style="list-style-type: none"> For promotion, Chief can consider top 3 candidates on the list. Chief must promote number 1 on the list unless there is a “valid reason” for not selecting number 1 candidate. If candidate is bypassed, an appeal to Civil Service Commission or hearing examiner is available. 	<ul style="list-style-type: none"> Creates added expense for the City to engage in hearing.
<ul style="list-style-type: none"> Civil Service Commission is a 3-member board appointed by the City Manager and approved by Council which hears appeals of discipline, promotion, and demotion unless the firefighter chooses to appeal to a hearing examiner. Chief has only the authority to recommend a demotion; the commission determines if probable cause to demote and then orders appeal hearing; firefighter can appeal to the commission or to a hearing examiner. The commission sets rules for testing, hiring, firing, promotion, and hears certain appeals. 	<ul style="list-style-type: none"> Final determination of disciplinary decisions is removed from Chief and City administration. Firefighter is on paid leave during an investigation into misconduct, including allegations of criminal conduct.
<p>DISCIPLINARY ACTIONS UNDER CIVIL SERVICE:</p> <ul style="list-style-type: none"> Chief must state specific violations of civil service statute, local rules, Fire Department policies and City policies that was violated, must set out facts and state how the facts demonstrate a violation(s). Even if the misconduct includes possible criminal violation, the Chief may not suspend for act that was discovered more than 180 days from date of suspension. Chief is prohibited from suspending a firefighter for misconduct unless suspension is issued within 180 days of the act occurring (except for criminal conduct, above) May impose 1 to 15 days off or indefinite suspension (termination). Firefighter chooses avenue of appeal: <ul style="list-style-type: none"> Civil Service Commission Hearing Examiner 	<ul style="list-style-type: none"> Final determination of disciplinary decisions is removed from Chief and City administration. Hearing examiner ruling is final and is subject only to limited grounds of appeal to court.

Chapter 174 Collective Bargaining

COLLECTIVE BARGAINING REQUIREMENTS

Obligated to confer in good faith regarding compensation, hours, and other conditions of employment and execute a written contract incorporating any agreement reached, if either party requests a written agreement.

Option of binding arbitration if that is voted in.

Involves the negotiation of a comprehensive written agreement between the City and its Fire Union employee representatives.

Statutory collective-bargaining process and authorizes judicial remedies when the parties fail to reach agreement.

Chapter 174 “preempts all contrary local ordinances, executive orders, legislation, or rules adopted by . . . [a] home-rule municipality.”

Waives governmental immunity “to the extent necessary to enforce” its provisions against a public employer.

Strikes, slowdowns, and lockouts are prohibited.

EFFECT ON FRISCO FIRE DEPARTMENT

City of Frisco Firefighters will be the only employees covered by a collective bargaining agreement.

City will have to negotiate in good faith with the Fire Union.

Can impact the City administration’s control over the fire department operations and impact the City’s financial position.

Arbitrator could determine contract obligations.

Costs will be incurred to negotiate contract both in legal fees and staff time.

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