



Chapter 143 Civil Service

Provisions of Civil Service

This measure will create a Civil Service Commission, a 3-member board appointed by the city manager and approved by Council, which will adopt rules on hiring, promotion and discipline standards. Commissioners serve staggered 3-year terms.

Firefighters will be required to pass a competitive, state-regulated written and physical examination for employment.

All firefighters in the same rank must make same base pay.

Applicant must be between 18 and 35. Order of hiring is based on test score.

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 one year from date of written examination. Candidates have five business days to file an appeal of test questions to the Civil Service Commission.

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.

Civil Service Commission will hear appeals of discipline, promotion, and demotion unless the firefighter chooses to appeal to a hearing examiner. Chief only has the authority to recommend a demotion; the commission determines if there is probable cause to demote.

DISCIPLINARY ACTIONS UNDER CIVIL SERVICE: Chief must state specific violations of civil service statute, local rules, fire department policies and City policies that were violated, must set out facts and state how the facts demonstrate a violation(s).

Effects on Victoria Fire Dept.

Civil Service Commission, rather than Council or City staff, has final authority over rules adopted. Commissioners may not be removed except for misconduct in office.

Firefighters with less than 6 months of service at the time of adoption will have to re-test to be hired. State standards create greater consistency but less flexibility. Note: The fire department already has testing measures in place for hiring.

Merit or incentive pay programs not allowed unless adopted uniformly across a rank. Lateral hires not allowed.

Eliminates candidates due to age. No re-appointment for firefighters after resignation. If they wish to return, they must retest.

The Victoria Fire Department's existing promotion standards will be replaced. Cannot require specific certifications, education, or assessment centers for promotion.

Less flexibility. Creates added expense for the City if there is an appeal to a hearing examiner.

Firefighter is on paid leave during an investigation into misconduct, including allegations of criminal conduct. Note: The City already has an appeals system in place, in which appeals are made to Human Resources and the city manager's office.

Final determination of disciplinary decisions is removed from City administration. Commission or hearing examiner ruling on a discipline is final and is subject only to limited grounds of appeal to court.

Any decision of the Civil Service Commission is subject to appeal to district court.



Chapter 174: Collective Bargaining

Provisions of Collective Bargaining

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.

City and Fire Union will have 60 days to negotiate an agreement, but they can agree to 15-day extension increments. If unable to reach an agreement, either side may declare an impasse and request arbitration.

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

Dispute resolution defined as part of contract and may include arbitration.

Effects on Victoria Fire Dept.

Firefighters will be the only employees covered by a collective bargaining agreement. City will have to formally negotiate with the Fire Union.

Arbitrator could determine contract obligations.

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

Contract terms would replace standard grievance chain through Human Resources.