

City of Burkburnett – Civil Service Facts

Burkburnett residents will vote to approve or reject the adoption of the State Civil Service System for the Burkburnett Police Department during a special election on Saturday, May 4, 2019. Early voting will be held on Monday, April 22 through Friday, April 26 from 8 a.m. to 5 p.m. at City Hall. Extended early voting will also be held on Monday, April 29 and Tuesday, April 30 from 7 a.m. to 7 p.m. A petition requesting a vote on whether to adopt the State Civil Service Program for the Police Department was submitted on February 5, 2019. After receipt of a valid petition, the Burkburnett Board of Commissioners was required by state law to place this issue on the May 4, 2019 election ballot. City Manager Lawrence Cutrone has provided the following fact sheet for information purposes only and does not in any way express an opinion for or against adoption of Municipal Civil Service for Police Officers (Chapter 143, Tx. Local Government Code).

Q: WILL CIVIL SERVICE HAVE AN IMPACT ON THE LOCAL BUDGET?

A: There will be increased costs to Burkburnett citizens and/or taxpayers if a Civil Service System is adopted for, including but not limited to, costs associated with administrative support, legal fees, and the provision of facilities for the Civil Service Commission. There will also be changes in pay structure and benefits required under the state law.

Q: WHAT AFFECT WILL CIVIL SERVICE HAVE ON THE CURRENT SALARY STRUCTURE FOR POLICE OFFICERS?

A: Pay structures and compensation policies are currently established by the City Manager in compliance with budgetary guidelines determined by the Board of Commissioners. Under the State Civil Service System for police departments, all Police Officers in the same classification are entitled to the same base salary. All newly-hired officers will start at the same salary, regardless of their experience.

Q: WILL CITY PERSONNEL POLICIES & PROCEDURES CHANGE UNDER CIVIL SERVICE?

A: Yes, the City's personnel policies will change only for Police who will be under a different system than other City employees.

Q: WILL HIRING & PROMOTIONAL PRACTICES DIFFER UNDER CIVIL SERVICE LAW?

A: Texas Local Government Code Chapter 143 establishes the decision-making process for both hiring and promotions, establishes employment classifications, and sets forth the process used for any disciplinary actions, as opposed to allowing the Police Chief or City Manager to make those decisions. Hiring is based on written standardized testing and the highest scoring candidate is generally hired, unless there is a valid reason to bypass that person. Promotions are made from within the department and will be based only on competitive written examinations and seniority.

Q: HOW DOES POLICE CIVIL SERVICE ADDRESS CONDUCT AND DISCIPLINE?

A: Currently, all City employees may face disciplinary actions, including suspensions without pay and termination from employment, for reasons outlined in the City's personnel policies. Under the State Civil Service System, Police Officers would face disciplinary action, including demotion, suspension, or termination, only for reasons outlined in the state law. The Police Chief must provide the Civil Service Commission and the affected employee written notice within 120 hours of the decision and advise the employee of the appeal process. Further, any demotion will require approval by the Civil Service Commission and possibly a public hearing unless the employee voluntarily accepts the demotion.

Q: HOW WOULD THE APPEAL PROCESS WORK?

A: Currently, all City employees may appeal a suspension, demotion, or termination to the City Manager. Under the State Civil Service System for Police Departments, a Police Officer will have 10 days from the time of receiving notice of the discipline to file for an appeal with either the Civil Service Commission or an independent third-party hearing examiner. The Commission or hearing examiner may uphold the discipline only for violation of civil service rules and only after a finding by the commission of the truth of specific charges against the police officer. If the appeal is to the hearing examiner, the City will be responsible for half of the hearing examiner's fees and expenses.

Q: WOULD CIVIL SERVICE AFFECT THE CURRENT PROMOTIONAL PROCESS?

A: Yes. The Burkburnett Police Department currently utilizes oral interviews and/or general assessment processes for promotions. Under the State Civil Service System for Police Departments, promotions are determined only by seniority and competitive written exams. Use of oral interviews, assessment center processes, and job performance evaluations would be prohibited.