

# MEMORANDUM

TO: Marshall City Commissioners

FROM: Todd Fitts, City Attorney

DATE: January 12, 2016

SUBJECT: Civil Service Commission – Summary of Duties

---

As requested by Commissioner Smith, I have prepared a brief summary of the duties and responsibilities of the city of Marshall's Civil Service Commission.

The Texas Civil Service system was created in 1947 to "to secure efficient fire and police departments composed of capable personnel who are free from political influence and who have permanent employment tenure as public servants." The law governing the Civil Service system is found in Chapter 143 of the Texas Local Government Code. The "Fire Fighters' and Police Officers' Civil Service Commission" is responsible for the administration of the civil service system.

The Civil Service Commission consists of three members who each serve three year terms. The members are appointed by City Manager and confirmed by the City Commission. The statute sets the qualifications for a person appointed to the Commission. The individual must be: (1) of good moral character; (2) a United States citizen; (3) a resident of the City for more than three years; (4) over 25 years of age; and (5) not have held a public office within the preceding three years.

The Civil Service Commission is a "quasi-judicial body" and hears appeals by firefighters and police officers of disciplinary actions, promotions and other employment matters; it also promulgates civil service rules and regulations concerning the fire and police departments. Some of the specific responsibilities of the Commission are as follows:

- Approve local civil service rules and regulations.
- Elects Chair and Vice-chair of Commission each January; Commission meets on an as needed basis.
- May request investigation and/or inspection to ensure these and the local rules are being obeyed as written.
- Hear and rule upon appeals from disciplinary actions taken by the Department Chiefs; the Commission has the authority to affirm or overturn the Chiefs' decisions.

- Ensure ranks are established for Police and Fire as established by ordinance of the City Commission.
- Establishing age and physical requirements for beginning and promotional positions in Fire/Police Civil Service.
- Establish procedures and eligibility lists for entrance and promotional examinations.
- Hear and rule upon promotional test appeals.
- May order a departmental election for and canvass votes related to an alternate promotional system in Police, if recommended by Police Chief.
- Hear and rule upon "Fitness for Duty" issues.