

Proposed City Charter Changes

Article V, Section 1: City Officials (Proposition A)

Current Language:

The municipal government of the City shall consist of a City Council composed of a Mayor and seven (7) Councilpersons. Said Mayor and Council shall be elected from the City at large by the qualified voters of the City. The pay of the Mayor and City Council shall be limited to fifty dollars (\$50.00) per meeting attended, plus any actual expenses supported in writing which shall have been presented to the City Council and received approval. A meeting shall be any meeting where a full council is called to attend. It shall not include committee meetings.

Proposed Language:

The municipal government of the City shall consist of a City Council composed of a Mayor and seven (7) Council ~~memberspersons~~. Said Mayor and Council ~~members~~ shall be elected from the City at large by the qualified voters of the City. The pay of the Mayor and City Council shall be limited to fifty dollars (\$50.00) per meeting attended, ~~not including Council Committee meetings~~, plus any actual expenses supported in writing which shall have been presented to the City Council and received approval. A meeting shall be any meeting where a full council is called to attend. ~~It shall not include committee meetings.~~ Meetings of the City Council shall be held in accordance with state law.

Final Language:

The municipal government of the City shall consist of a City Council composed of a Mayor and seven (7) Council members. Said Mayor and Council members shall be elected from the City at large by the qualified voters of the City. The pay of the Mayor and City Council shall be limited to fifty dollars (\$50.00) per meeting attended, not including Council Committee meetings, plus any actual expenses supported in writing which shall have been presented to the City Council and received approval. A meeting shall be any meeting where a full council is called to attend. Meetings of the City Council shall be held in accordance with state law.

Justification:

This section clarifies the amount of payment for City Council members for meetings, and specifies that public meetings are held in accordance with Chapter 551 of the Texas Government Code.

Article V, Section 2: Qualifications (Proposition B & C)

Current Language:

Each of the seven (7) councilmen and mayor shall, on the date of the election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas; shall reside and shall have resided for at least one year preceding the election at which he is a candidate, within the corporate limits of North Richland Hills; and shall not be in arrears in the payment of any taxes or other liability due the city, or be disqualified by reason of any provision of any other section of this Charter. A member of the council ceasing to possess any of the qualifications specified in this section, or any other sections of this Charter, or convicted of a felony before or while in office, shall immediately forfeit his office. No councilman shall hold any other public office except that of notary public, member of the National Guard or any military reserve, or a retired member of the Armed Services.

Proposed Language:

Each of the seven (7) ~~councilman~~ Council members and mayor shall, on the date of the filing deadline election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas and the City of North Richland Hills, Texas; shall reside and shall have resided for at least one year preceding the election at which he or she is a candidate, within the corporate limits of North Richland Hills; and shall not be in arrears in the payment of any taxes or other liability due the city, or be disqualified by reason of any provision of any other section of this Charter. A member of the City eCouncil ceasing to possess any of the qualifications specified in this section, or any other sections of this Charter, or who is convicted of a felony, or is convicted or pleads guilty or no contest to placed on deferred adjudication for a misdemeanor or a felony involving a crime of moral turpitude for fraud, deceit, theft or dishonesty, before or while in office, shall immediately forfeit his or her office. No member of the City Council ~~councilman~~ shall hold any other public office except that of notary public, member of the National Guard or any military reserve, or a retired member of the Armed Services.

Final Language:

Each of the seven (7) Council members and mayor shall, on the date of the filing deadline, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas and the City of North Richland Hills, Texas; shall reside and shall have resided for at least one year preceding the election at which he or she is a candidate, within the corporate limits of North Richland Hills; and shall not be in arrears in the payment of any taxes or other liability due the city, or be disqualified by reason of any provision of any other section of this Charter. A member of the City Council ceasing to possess any of the qualifications specified in this section, or any other sections of this Charter, or who is convicted of a felony, or is convicted or pleads guilty or no contest to a misdemeanor or a felony involving a crime of moral turpitude for fraud, deceit, theft or dishonesty, before or while in office, shall immediately forfeit his or her office. No member of the City Council shall hold any other public office except that of

notary public, member of the National Guard or any military reserve, or a retired member of the Armed Services.

Justification:

- 1) Section 141.001 of the Texas Elections Code requires a candidate for election to be a registered voter in the territory elected from by the filing deadline, unless the home-rule charter expressly conflicts. Currently, a candidate is not required to be a registered voter in NRH to be placed on the ballot, and the candidate only has to meet the current requirements prior to the date of the election. This is inconsistent with and creates a conflict between the Charter and state law. This section would be amended to match state law.
- 2) Section 26.041 of the Local Government Code authorizes a municipality to determine the method for selecting officers and to prescribe the qualifications, duties and tenure of office for officers. City Council serves in a position of public trust and wishes to provide clarity on the process for forfeiture of office for any of its members who are finally convicted of a felony or finally convicted or placed on deferred adjudication for a misdemeanor or felony involving a crime of moral turpitude for fraud, deceit, theft or dishonesty.

Article VI, Section 2: Duties of Mayor-Mayor Pro Tem (Proposition D)

Current Language:

The Mayor Pro Tem shall be selected from among the members of the seven (7) Councilmen; shall be selected at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.

Proposed Language:

The Mayor Pro Tem shall be selected from among the members of the seven (7) ~~Councilmen~~Council members; ~~shall be selected~~ at (i) the first regular meeting following the general City election; (ii) following the swearing in of Council members upon declaration of members elected; or (iii) upon action of the City Council in the event of a vacancy in the position. ~~The Mayor Pro Tem~~ shall, in the absence or disability of the Mayor, perform all the Mayor's duties. The City Council may by ordinance, appoint additional positions from among its remaining members to fulfill the duties of the Mayor or the Mayor Pro Tem, in the absence or disability of either the Mayor, the Mayor Pro Tem, or both.

Final Language:

The Mayor Pro Tem shall be selected from among the members of the seven (7) Council members at (i) the first regular meeting following the general City election; (ii) following the swearing in of Council members upon declaration of members elected; or (iii) upon action of the City Council in the event of a vacancy in the position. The Mayor Pro Tem shall, in the absence or disability of the Mayor, perform all the Mayor's duties. The City Council may by ordinance, appoint additional

positions from among its remaining members to fulfill the duties of the Mayor or the Mayor Pro Tem, in the absence or disability of either the Mayor, the Mayor Pro Tem, or both.

Justification:

This amendment provides clear authority for the City Council to establish a succession plan for the Mayor and Mayor Pro Tem. The need for this succession plan became evident in 2020 during the COVID-19 pandemic, prompting the City Council to approve an ordinance to create additional leadership positions on the City Council. This amendment incorporates language from the ordinance.

Article VI, Section 5: Appointment and Removal of City Secretary (Proposition E)

Current Language:

The Mayor shall appoint and remove the City Secretary and such Assistant City Secretaries as deemed advisable with approval of two-thirds (2/3) majority of the Council. The City Secretary, or an Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him, and those elsewhere provided for in this Chapter.

Proposed Language:

The Mayor shall appoint and remove the City Secretary ~~and such Assistant City Secretaries~~ as deemed advisable with approval of two-thirds (2/3) majority of the Council. The City Secretary, ~~or an Assistant City Secretary,~~ shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him or her, and those elsewhere provided for in this Chapter.

Final Language:

The Mayor shall appoint and remove the City Secretary as deemed advisable with approval of two-thirds (2/3) majority of the Council. The City Secretary shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his or her signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him or her, and those elsewhere provided for in this Chapter.

Justification:

Removing the requirement for the Assistant City Secretary to be appointed. This will bring the position in line with practices for the City Attorney and City Manager who select their own assistants. The City Council will continue to appoint the City Secretary who will be responsible for the staffing and operation of the City Secretary's Office.

Article VI, Section 7: Municipal Court (Proposition E)

Current Language:

There shall be a court known as the municipal court of the City of North Richland Hills, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

- (1) *Judge of the municipal court.* The municipal court shall be presided over by a magistrate to be known as municipal judge who shall be an attorney duly licensed by the State of Texas who shall be a resident of the City of North Richland Hills; such judge shall be elected for a two-year term coinciding with the term of the mayor and shall be elected by a majority vote at the general city election.

Proposed Language:

There shall be a court known as the municipal court of the City of North Richland Hills, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

- (2) (1) *Judge of the municipal court.* The municipal court shall be presided over by a magistrate to be known as municipal judge who shall be an attorney duly licensed by the State of Texas ~~who shall be a resident of the City of North Richland Hills; such.~~ The City Council may appoint one or more municipal judges. The judges shall be appointed by ordinance elected for a two-year term coinciding with the term of the mayor. ~~and shall be elected by a majority vote at the general city election.~~

Final Language:

There shall be a court known as the municipal court of the City of North Richland Hills, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

- (1) *Judge of the municipal court. The municipal court shall be presided over by a magistrate to be known as municipal judge who shall be an attorney duly licensed by the State of Texas. The City Council may appoint one or more municipal judges. The judges shall be appointed by ordinance for a two-year term coinciding with the term of the mayor.*

Justification:

Section 30.00006 of the Government Code requires a municipality to appoint its judges by ordinance and does not make residency in the municipality a requirement for appointment. The current language in the charter conflicts with state law. This section would be amended to reflect state law.

Article VI, Section 7: Municipal Court (Proposition E)

Current Language:

- (2) *Clerk of the Municipal Court.* There shall be a Clerk of the Municipal Court who shall be appointed by or removed by the Mayor and approved by two-thirds (2/3) majority of the Council.

The Clerk shall have power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof. There shall be such deputy clerks of the Municipal Court as may be authorized and appointed by the Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court.

Proposed Language:

~~(2) Clerk of the Municipal Court. There shall be a Clerk of the Municipal Court who shall be appointed by or removed by the Mayor and approved by two thirds (2/3) majority of the Council. The Clerk shall have power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof. There shall be such deputy clerks of the Municipal Court as may be authorized and appointed by the Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court.~~

Final Language:

(This Section Repealed by Charter Amendment Election May 6, 2023)

Justification:

Removing the requirement for the Clerk of the Municipal Court to be appointed by the City Council. This will bring the position in line with practices for hiring other department heads such as the Police Chief or Fire Chief, who are both appointed by the City Manager as is typical in most Texas cities.

Drafting Note: If this is approved, the City Council will be requested to pass an ordinance providing for the appointment of the Clerk of the Court. The ordinance will need to designate the appointment process and outline the duties and authority of the Clerk. Texas Government Code Sec. 30.00009.

Article XIV, Section 1: The Planning and Zoning Commission (Proposition F & G)

Current Language:

There shall be established a planning and zoning commission which shall consist of seven (7) citizens of the City of North Richland Hills who own real property within the city. The members of said commission shall be appointed by the city council for a term of two (2) years. Three (3) members of the planning and zoning commission shall be so appointed each odd-numbered year and four (4) members shall be so appointed each even-numbered year. Vacancies and unexpired terms shall be filled by the city council for the remainder of that member's term. The commission shall elect a chairman from among its membership.

Proposed Language:

There shall be established a planning and zoning commission which shall consist of seven (7) citizens of the City of North Richland Hills ~~who own real property within the city.~~ The City Council may appoint alternate members to the Commission who shall serve in the absence or disability of any commissioner who own real property within the city. The members of said commission, and any alternate commissioner, shall be appointed by the city council for a term of two (2) years. Three (3) members of the planning and zoning commission shall be so appointed each odd-numbered year and four (4) members shall be so appointed each even-numbered year. Vacancies and unexpired terms shall be filled by the city council for the remainder of that member's term. The commission shall elect a chairman from among its membership.

Final Language:

There shall be established a planning and zoning commission which shall consist of seven (7) citizens of the City of North Richland Hills. The City Council may appoint alternate members to the Commission who shall serve in the absence or disability of any commissioner. The members of said commission, and any alternate commissioner, shall be appointed by the city council for a term of two (2) years. Three (3) members of the planning and zoning commission shall be so appointed each odd-numbered year and four (4) members shall be so appointed each even-numbered year. Vacancies and unexpired terms shall be filled by the city council for the remainder of that member's term. The commission shall elect a chairman from among its membership.

Justification:

Eligibility to serve on P&Z should not be based solely on property ownership, but certainly residency. One of the factors that goes into Council's appointments could be property ownership as well. In addition, providing the City Council with the ability to appoint alternate commissioners allows those alternates to have full voting rights and serve in the absence of any commissioner, which will mitigate the lack of a quorum or low attendance for the commission meetings.

Drafting Note: If this provision is approved, Article III, Division 1, Section 2-123 of the City Code will need to be modified to comply with this section.

Article XIV, Section 1: The Planning and Zoning Commission (Proposition H)

Current Language:

The commission shall meet at least once monthly and may schedule additional regular meetings as are required by the level of agenda activity. A quorum for any meeting of the commission shall be a majority of the members. Members of the commission may be removed by the mayor with the consent of the city council after a public hearing and for cause set forth in writing.

Proposed Language:

The commission shall meet at least once monthly and may schedule additional regular meetings as are required by the level of agenda activity. A quorum for any meeting of the commission shall be a majority of the members. Members of the commission serve at the pleasure of the City

~~Council and may be removed by the mayor with the consent of the city council after a public hearing and for cause set forth in writing a majority vote of the City Council.~~

Final Language:

The commission shall meet at least once monthly and may schedule additional regular meetings as are required by the level of agenda activity. A quorum for any meeting of the commission shall be a majority of the members. Members of the commission serve at the pleasure of the City Council and may be removed by a majority vote of the City Council.

Justification:

Make the procedure for removal of a Planning and Zoning Commissioner the same as the procedure for appointing a Planning and Zoning Commissioner to be consistent with other City boards and commissions.

Article VI, Section 3: Duties of City Council (Proposition I)

Current Language:

The duties of the city council are:
(7) To adopt plats.

Proposed Language:

The duties of the city council are:
(7) To approve, or authorize the approval of, plats in accordance with state law.

Final Language:

*The duties of the city council are:
(7) To approve, or authorize the approval of, plats in accordance with state law.*

Justification:

Amend this section to provide the flexibility to allow City Council to define or delegate plat approval authority through the Subdivision Ordinance, as is allowed by state law. This is in conjunction with proposed amendments to Article XIV, Section 2.

Article XIV, Section 2: The Planning and Zoning Commission Powers and Duties (Proposition I)

Current Language:

The planning and zoning commission shall... (3) Exercise control over all platting or subdividing of land within the corporate limits of the city and outside said corporate limits to the extent

authorized by law. Make specific recommendations to the city council whether a plat be approved or denied. The city council shall make final approval or denial of all plats.

Proposed Language:

The planning and zoning commission shall:

~~(3) Exercise control over all platting or subdividing of land within the corporate limits of the city and outside said corporate limits to the extent authorized by law. Make specific recommendations to the city council whether a plat be approved or denied. The city council shall make final approval or denial of all plats~~ be responsible for the approval of plats as authorized by the City Council in accordance with state law and the Subdivision Ordinance.

Final Language:

The planning and zoning commission shall:

(3) be responsible for the approval of plats as authorized by the City Council in accordance with state law and the Subdivision Ordinance.

Justification:

This would give more flexibility to City Council to determine through the Subdivision Ordinance which plats go to Council, which plats can be approved by P&Z, and which plats can be approved by staff. Chapter 212 of the Local Government Code allows municipalities to assign approval of minor plats (defined by the state) to staff. The Planning & Zoning Commission can also be the final authority on plats if the City Council wishes to delegate that responsibility.

Article XVII, Section 2: Definitions (Proposition J)

Current Language:

Any full-time employee of the City is entitled to City Civil Service coverage except any employee directly appointed by the City Council, or any supervisory personnel directly appointed by the City Manager.

Proposed Language:

~~Any full-time employee of the City is entitled to City Civil Service coverage except any employee directly appointed by the City Council, or any supervisory personnel directly appointed by the City Manager. Any full-time, employee, sworn, who is a sworn peace officer in the Police department or Fire department employee, below the rank of Police Captain, or equivalent rank, or a fire fighter in the Fire department below the rank of Fire Division/Battalion Chief, or equivalent rank, or any sworn employee in the service of the City Marshal's Office, who has completed the required one-year probationary period is entitled to Civil Service coverage under this Article. Such employee is hereafter referred to as a "Civil Service Employee".~~

Final Language:

Any full-time employee, who is a sworn peace officer in the Police department, below the rank of Police Captain or equivalent rank, or a fire fighter in the Fire department, below the rank of Fire Battalion Chief or equivalent rank, or a sworn peace officer in the service of the City Marshal's Office, who has completed the required one-year probationary period is entitled to Civil Service coverage under this Article. Such employee is hereafter referred to as a "Civil Service Employee."

Justification:

Removes civilians from the civil service system

Article XVII, Section 12: Probationary and Full-Fledged Employees (Proposition J)

Current Language:

A person who has received appointment to any department hereunder shall serve a probationary period of twelve (12) months. The twelve (12) month probationary period shall begin not on the initial date of hire but shall instead begin on the first working day following the completion of all basic training required by such department.

Proposed Language:

~~A person who has received appointment to any department hereunder~~ Upon initial employment, all Civil Service Employees shall serve a probationary period of twelve (12) months. The twelve (12) month probationary period ~~shall~~ will begin not on the initial date of hire but ~~shall~~ will instead begin on the first working day following the completion of all basic training required by such department.

Final Language:

Upon initial employment, all Civil Service Employees shall serve a probationary period of twelve (12) months. The twelve (12) month probationary period will begin not on the initial date of hire but will instead begin on the first working day following the completion of all basic training required by such department.

Justification:

Updated language

No change in rules

Article XVII, Section 3: Civil Service Commission (Proposition K)

Current Language:

"There is hereby established in the City of North Richland Hills a Civil Service Commission. The Commission shall consist of five (5) members to be appointed by the Mayor of the City of North Richland Hills and such appointment shall be confirmed by a two-thirds (2/3) vote of the City Council of the City of North Richland Hills before such appointments shall be effective. Of these members, Position Two (2) and Position Four (4) shall be appointed from a list or lists of nominees provided to the Mayor of the City of North Richland Hills by the City employee associations. If no list is presented by any association, the Mayor may make the appointment as he deems fit.

The terms of the Commissioners shall be as follows: Position One, one (1) year; Position Two, one (1) year; Position Three, two (2) years; Position Four, two (2) years; and Position Five, three (3) years; or in each case until a successor is appointed, confirmed and qualified.

If a vacancy occurs or if an appointee fails to qualify within ten days after the date of appointment, the Mayor shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

A person appointed to the Commission must:

1. Be of good moral character,
2. Be a resident of the City of North Richland Hills, and resided in said City for at least one (1) year
3. Be a United States citizen,
4. Be at least twenty-one years of age,
5. Not have held any public office with the City of North Richland Hills within the preceding three (3) years,
6. Not have been a paid employee of the City of North Richland Hills within the preceding three (3) years."

Proposed Language:

There is hereby established in the City of North Richland Hills a Civil Service Commission. The Commission shall consist of five (5) members, and alternate members who shall serve in the absence or disability of any member, with all members and alternates to be appointed by the Mayor of the City of North Richland Hills and such appointment shall be confirmed by a ~~two-thirds (2/3)~~ majority vote of the City Council of the City of North Richland Hills before such appointments shall be effective. Of these members, Position Two (2) and Position Four (4) shall be appointed from a list or lists of nominees provided to the Mayor of the City of North Richland Hills by the City employee associations. If no list is presented by any association, the Mayor may make the appointment as he deems fit.

The terms of the Commissioners shall be as follows: Position One, one (1) year; Position Two, one (1) year; Position Three, two (2) years; Position Four, two (2) years; and Position Five, three (3) years; or in each case until a successor is appointed, confirmed and qualified.

If a vacancy occurs or if an appointee fails to qualify within ten days after the date of appointment, the Mayor shall appoint an alternate member ~~person~~ to serve for the remainder of the unexpired term in the same manner as the original appointment.

A member, ~~person~~ or any alternate, appointed to the Commission must:

1. Be of good moral character,
2. Be a resident of the City of North Richland Hills, and resided in said City for at least one (1) year prior to appointment,
3. Be a United States citizen,
4. Be at least twenty-one years of age,
5. Not have held any public office with the City of North Richland Hills within the preceding three (3) years,
6. Not have been a paid employee of the City of North Richland Hills within the preceding three (3) years.
7. Comply with the attendance requirements established by the City Council for City Boards and Commissions

Final Language:

There is hereby established in the City of North Richland Hills a Civil Service Commission. The Commission shall consist of five (5) members, and alternate members who shall serve in the absence or disability of any member, with all members and alternates to be appointed by the Mayor of the City of North Richland Hills and such appointment shall be confirmed by a majority vote of the City Council of the City of North Richland Hills before such appointments shall be effective. Of these members, Position Two (2) and Position Four (4) shall be appointed from a list or lists of nominees provided to the Mayor of the City of North Richland Hills by the City employee associations. If no list is presented by any association, the Mayor may make the appointment as he deems fit.

The terms of the Commissioners shall be as follows: Position One, one (1) year; Position Two, one (1) year; Position Three, two (2) years; Position Four, two (2) years; and Position Five, three (3) years; or in each case until a successor is appointed, confirmed and qualified.

If a vacancy occurs or if an appointee fails to qualify within ten days after the date of appointment, the Mayor shall appoint an alternate member to serve for the remainder of the unexpired term in the same manner as the original appointment.

A member, or any alternate, appointed to the Commission must:

1. *Be of good moral character,*
2. *Be a resident of the City of North Richland Hills, and resided in said City for at least one (1) year prior to appointment*
3. *Be a United States citizen,*
4. *Be at least twenty-one years of age,*
5. *Not have held any public office with the City of North Richland Hills within the preceding three (3) years,*
6. *Not have been a paid employee of the City of North Richland Hills within the preceding three (3) years.*
7. *Comply with the attendance requirements established by the City Council for City Boards and Commissions*

Justification:

- Allows for appointment of alternate members
- Removes 2/3rd requirement
- Commissioner must be resident for at least one year prior to appointment. Same as City Council
- Language added to emphasize importance of attending meetings

Article XVII, Section 3A: Removal of Commissioners (Proposition K)

Current Language:

Civil Service Commission members may be removed by a two-thirds (2/3) vote of the City Council for failure to remain qualified under the provisions of Sections 3 or failure to maintain interest in this Commission as manifested by good attendance.

Proposed Language:

Civil Service Commission members may be removed by a ~~two-thirds (2/3) majority~~ vote of the City Council for failure to remain qualified under the provisions of Sections 3 of this Article. ~~or failure to maintain interest in this Commission as manifested by good attendance.~~

Final Language:

Civil Service Commission members may be removed by a majority vote of the City Council for failure to remain qualified under the provisions of Sections 3 of this Article.

Justification:

Allows removing Commissioner by simple majority vote of the City Council.

Article XVII, Section 4: Organization of Commission (Proposition K)

Current Language:

The Commissioners shall within ten (10) days after the qualification of the membership, and annually thereafter during the month of January, elect a Chairman and a Vice Chairman from within their own ranks.

Proposed Language:

The Commissioners shall ~~within ten (10) days after the qualification of the membership, and annually thereafter during the month of January,~~ meet at least annually and elect a Chairman and a Vice Chairman from within their own ranks.

Final Language:

The Commissioners shall meet at least annually and elect a Chairman and a Vice Chairman from within their own ranks.

Justification:

Removes requirement to meet 10 days after appointment.

Article XVII, Section 5: Powers and Responsibilities (Proposition L)

Current Language:

The Civil Service Commission shall recommend policies, procedures, rules and regulations to the City Council for approval. The Commission shall operate always within the bounds of the City Charter, the Constitution and the laws of the State of Texas and the Federal Constitution.

Proposed Language:

~~The Civil Service Commission shall recommend policies, procedures, rules and regulations to the City Council for approval. The Commission shall operate always within the bounds of the City Charter, the Constitution and the laws of the State of Texas and the Federal Constitution. The Civil Service Commission shall have the following duties and responsibilities:~~

(1) Recommend civil service rules governing the initial employment of Civil Service Employees, the promotional processes, and the disciplinary appeal process for Civil Service Employees to the City Council for approval.

(2) Operate within the bounds of the City Charter, the Constitution and the laws of the State of Texas and the Federal Constitution.

(3) The Commission shall have the authority to report on all matters deemed by the Commission to be appropriate to the enforcement of this Article and to determine compliance herewith. Any

three (3) Commission members may request that an item be placed on the Commission's meeting agenda for discussion and action by the Commission.

(4) Hear Civil Service Employee appeals of disciplinary terminations, disciplinary suspensions, and disciplinary demotions.

(5) Shall not interfere with or provide instructions regarding the operation of any City department or provide any direction to any member of the City Staff outside of the formal responsibilities of the Commission.

Final Language:

The Civil Service Commission shall have the following duties and responsibilities:

1. *Recommend civil service rules governing the initial employment of Civil Service Employees, the promotional processes, and the disciplinary appeal process for Civil Service Employees to the City Council for approval.*
2. *Operate within the bounds of the City Charter, the Constitution and the laws of the State of Texas and the Federal Constitution.*
3. *The Commission shall have the authority to report on all matters deemed by the Commission to be appropriate to the enforcement of this Article and to determine compliance herewith. Any three (3) Commission members may request that an item be placed on the Commission's meeting agenda for discussion and action by the Commission.*
4. *Hear Civil Service Employee appeals of disciplinary terminations, disciplinary suspensions, and disciplinary demotions.*
5. *Shall not interfere with or provide instructions regarding the operation of any City department or provide any direction to any member of the City Staff outside of the formal responsibilities of the Commission.*

Justification:

Gives Commission authority to:

- Establish procedures for initial hiring, promotions, and disciplinary procedures
- Report on matters deemed important by the Commission
- Hear disciplinary appeals
- Commission should not interfere with operations of department

Article XVII, Section 5A: Commission Investigations; Oaths and Subpoena Power (Proposition M)

Current Language:

"The Commission may make investigations concerning, and report upon all matters touching, the enforcement and effect of the provisions of this Article, and the rules and regulations prescribed hereunder. In the course of such investigation the Commission or designated Commissioner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the producing by them of books, papers, documents, and accounts pertaining to the investigation, and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for the like depositions in civil actions in the court of original and unlimited jurisdictions to civil suits of the United States; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a magistrate in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed a violation of this Article, and punishable as such."

Proposed Language:

~~"The Commission may make investigations concerning, and report upon all matters touching, the enforcement and effect of the provisions of this Article, and the rules and regulations prescribed hereunder. In the course of such investigation the Commission or designated Commissioner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the producing by them of books, papers, documents, and accounts pertaining to the investigation, and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for the like depositions in civil actions in the court of original and unlimited jurisdictions to civil suits of the United States; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a magistrate in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed a violation of this Article, and punishable as such."~~

The Commission may make inquiries and enforce the provisions of this article, and the rules and regulations prescribed hereunder. The commission shall have the power to administer oaths, subpoena and require the attendance of witnesses and the producing by them of books, papers, documents, and accounts pertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for the like depositions in civil actions in the court of original and unlimited jurisdictions to civil suits of the United States; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a magistrate in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this article, and punishable as such. The Commission may adopt rules and regulations to specify the processes and procedures for conducting its investigations or exercising its subpoena power.

Final Language:

The Commission may make inquiries and enforce the provisions of this article, and the rules and regulations prescribed hereunder. The commission shall have the power to administer oaths, subpoena and require the attendance of witnesses and the producing by them of books, papers, documents, and accounts pertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for the like depositions in civil actions in the court of original and unlimited jurisdictions to civil suits of the United States; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a magistrate in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this article, and punishable as such. The Commission may adopt rules and regulations to specify the processes and procedures for conducting its investigations or exercising its subpoena power.

Justification:

Provides Commission with subpoena power.

Article XVII, Section 9: Examination for Eligibility Lists; Promotions; Vacancies (Proposition N)

Current Language:

The Commission shall make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as herein prescribed. All eligibility lists for applicants for original positions in the City shall be created only as a result of such examinations, and no appointments shall ever be made for any position in such Departments except as a result of such examination, which shall be based on the applicant's knowledge of and qualifications for the job for which he is making application as shown by competitive examinations in the presence of all applicants for such position, and shall provide for thorough inquiry into the applicant's general education and mental ability. All applicants considered must meet all requirements and qualifications set out in these rules.

An applicant who has served in the Armed Forces of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grades, on initial employment applications only.

Appropriate physical examinations shall be required of all applicants for beginning or promotional positions as required in the qualifications and the examinations shall be given by a physician appointed by the Commission and paid by such City; and in the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians appointed by the Commission, but at the expense of the applicant, and whose findings shall be final. The age and physical requirements shall be set by the Commission in accordance with provisions of this law and shall be the same for all applicants.

Appropriate physical examinations shall be required of all applicants for beginning positions. The examinations shall be given by a physician appointed by the City Manager and paid by the City. In the event of rejection by such physician, the applicant may call for further examination by a board of three physicians appointed by the City Manager but at the expense of the applicant and whose findings shall be final.

Proposed Language:

~~The Commission shall make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as herein prescribed. All eligibility lists for applicants for original positions in the City shall be created only as a result of such examinations, and no appointments shall ever be made for any position in such Departments except as a result of such examination, which shall be based on the applicant's knowledge of and qualifications for the job for which he is making application as shown by competitive examinations in the presence of all applicants for such position, and shall provide for thorough inquiry into the applicant's general education and mental ability. All applicants considered must meet all requirements and qualifications set out in these rules.~~

~~An applicant who has served in the Armed Forces of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grades, on initial employment applications only.~~

~~Appropriate physical examinations shall be required of all applicants for beginning or promotional positions as required in the qualifications and the examinations shall be given by a physician appointed by the Commission and paid by such City; and in the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians appointed by the Commission, but at the expense of the applicant, and whose findings shall be final. The age and physical requirements shall be set by the Commission in accordance with provisions of this law and shall be the same for all applicants.~~

~~Appropriate physical examinations shall be required of all applicants for beginning positions. The examinations shall be given by a physician appointed by the City Manager and paid by the City. In the event of rejection by such physician, the applicant may call for further examination by a board of three physicians appointed by the City Manager but at the expense of the applicant and whose findings shall be final.~~

~~The Commission shall recommend to the City Council for adoption by Ordinance, the Rules and Regulations governing the filling of all Civil Service positions, promotions, original appointments, re-appointments, transfers or demotion, including method of examination and eligibility lists. The City Council shall make the final determination on the adoption of such rules.~~

Final Language:

The Commission shall recommend to the City Council for adoption by Ordinance, the Rules and Regulations governing the filling of all Civil Service positions, promotions, original appointments,

re-appointments, transfers or demotion, including method of examination and eligibility lists. The City Council shall make the final determination on the adoption of such rules.

Justification:

Removed.

Charter procedures have been added to Civil Service Rules.

Section 4.02.

Article XVII, Section 16: Indefinite Suspensions (Proposition O & P)

Current Language:

The Head of the Department shall have the power to suspend indefinitely any employee under his supervision or jurisdiction for the violation of Civil Service Rules. The officer making such order of suspension shall file a written statement within five (5) days with the Commission, giving the reasons for such suspension, and furnish a copy thereof to the employee affected by such act, said copy to be delivered in person to such suspended officer or employee by said Department Head. Said order of suspension shall inform the employee that he has ten (10) days after receipt of a copy thereof within which to file a written appeal with the Commission. The Commission shall hold a hearing and render a decision in writing within thirty (30) days after it received said notice of appeal. Said decision shall state whether or not the suspended employee shall be permanently or temporarily dismissed from the department or be restored to his former position or status in the classified service in the department. In the event that such suspended employee is restored to the position or class of service from which he was suspended, such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

In the event of an appeal by the suspended employee, a written statement shall be filed by the Department Head with the Commission, pointing out the Civil Service rule alleged to have been violated by the suspended employee, and the alleged acts of the employee which the Department Head contends are in violation of the Civil Service rules. It shall not be sufficient for the Department Head merely to refer to the provisions of the rules alleged to have been violated and in case the Department Head does not specifically point out the act or acts complained of on the part of such employee, it shall be the duty of the Commission promptly to reinstate him. No employee shall be suspended or dismissed by the Commission except upon a finding by the Commission of the truth of the specific charges against such employee.

In the event the Commission orders that such suspended employee be restored to his position as above provided, it shall be the duty of the Department Head immediately to reinstate him as ordered and in event the Department Head fails to do so, the employee shall be entitled to his salary just as though he had been regularly reinstated.

In the event such Department Head willfully refuses to obey the order of reinstatement of the Commission, and such refusal persists for a period of ten (10) days, it shall be the duty of the City Manager to discharge such Department Head from his employment with the City.

The Commission may punish for contempt any Department Head who willfully refuses to obey any lawful order of reinstatement of the Commission, and such Commission shall have the same authority herein to punish for contempt as has the Justice of the Peace.

Proposed Language:

The Head of the Department shall have the power to suspend indefinitely any employee under his supervision or jurisdiction for the violation of Civil Service Rules. The ~~officer~~ Department Head making such order of suspension shall file a written statement within five (5) days with the Commission, giving the reasons for such suspension, and furnish a copy thereof to the employee affected by such act, said copy to be delivered in person to such suspended officer or employee by said Department Head. Said order of suspension shall inform the employee that he or she has ten (10) days after receipt of a copy thereof within which to file a written appeal with the Commission. The Commission shall hold a hearing and render a decision in writing within ~~thirty (30)~~ forty five (45) days after it received said notice of appeal. Said decision shall state whether or not the suspended employee shall be permanently or temporarily dismissed from the department or be restored to his or her former position or status in the classified service in the department. In the event that such suspended employee is restored to the position or class of service from which he was suspended, the Commission may determine if such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

In the event of an appeal by the suspended employee, a written statement shall be filed by the Department Head with the Commission, pointing out the Civil Service rule alleged to have been violated by the suspended employee, and the alleged acts of the employee which the Department Head contends are in violation of the Civil Service rules. It shall not be sufficient for the Department Head merely to refer to the provisions of the rules alleged to have been violated. ~~and in case the Department Head does not specifically point out the act or acts complained of on the part of such employee, it shall be the duty of the Commission promptly to reinstate him.~~ No employee shall be suspended or dismissed by the Commission except upon a finding by the Commission of the truth of the specific charges against such employee.

In the event the Commission orders that such suspended employee be restored to his or her position as above provided, ~~it shall be the duty of the Department Head immediately to reinstate him as ordered and in event the Department Head fails to do so,~~ the employee shall be entitled to his salary just as though he had been regularly reinstated within ten (10) days of the date of the Commission's order of reinstatement and shall be entitled to full compensation for the actual time lost as a result of the suspension at the rate of pay provided for the position or class of service from which he or she was suspended. The employee shall also be entitled to restoration of, or credit for, any other benefits lost (i.e. sick leave, vacation, etc.) to which he or she would have been entitled to as a result of the suspension.

~~In the event such Department Head willfully refuses to obey the order of reinstatement of the Commission, and such refusal persists for a period of ten (10) days, it shall be the duty of the City Manager to discharge such Department Head from his employment with the City.~~

~~The Commission may not order an employee to be reinstated if the charges against the employee include any criminal charges or violations of any local, federal or state laws (except minor traffic citations), unless such charges have reached final disposition and the employee has been found not to have engaged in criminal conduct. The Commission may punish for contempt any Department Head who willfully refuses to obey any lawful order of reinstatement of the Commission, and such Commission shall have the same authority herein to punish for contempt as has the Justice of the Peace.~~

Final Language:

The Head of the Department shall have the power to suspend indefinitely any employee under his supervision or jurisdiction for the violation of Civil Service Rules. The Department Head making such order of suspension shall file a written statement within five (5) days with the Commission, giving the reasons for such suspension, and furnish a copy thereof to the employee affected by such act, said copy to be delivered in person to such suspended officer or employee by said Department Head. Said order of suspension shall inform the employee that he or she has ten (10) days after receipt of a copy thereof within which to file a written appeal with the Commission. The Commission shall hold a hearing and render a decision in writing within forty-five (45) days after it received said notice of appeal. Said decision shall state whether or not the suspended employee shall be permanently or temporarily dismissed from the department or be restored to his or her former position or status in the classified service in the department. In the event that such suspended employee is restored to the position or class of service from which he was suspended, the Commission may determine if such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

In the event of an appeal by the suspended employee, a written statement shall be filed by the Department Head with the Commission, pointing out the Civil Service rule alleged to have been violated by the suspended employee, and the alleged acts of the employee which the Department Head contends are in violation of the Civil Service rules. It shall not be sufficient for the Department Head merely to refer to the provisions of the rules alleged to have been violated. No employee shall be suspended or dismissed by the Commission except upon a finding by the Commission of the truth of the specific charges against such employee.

In the event the Commission orders that such suspended employee be restored to his or her position as above provided, the employee shall be reinstated within ten (10) days of the date of the Commission's order of reinstatement and shall be entitled to full compensation for the actual time lost as a result of the suspension at the rate of pay provided for the position or class of service from which he or she was suspended. The employee shall also be entitled to restoration of, or credit for, any other benefits lost (i.e. sick leave, vacation, etc.) to which he or she would have been entitled to as a result of the suspension.

The Commission may not order an employee to be reinstated if the charges against the employee include any criminal charges or violations of any local, federal or state laws (except minor traffic citations), unless such charges have reached final disposition and the employee has been found not to have engaged in criminal conduct.

Justification:

Increases requirement to hold disciplinary hearing and render decision from 30 to 45 days

Eliminates language requiring prompt reinstatement by Dept. Head of employee for not pointing out specific acts

Language added not allowing Commission to reinstate employees convicted of criminal charges

Article XVII, Section 18: Appeal to District Court (Proposition Q)

Current Language:

In the event any employee is dissatisfied with the decision of the Commission, he may, within ten (10) days after the rendition of such final decision, file a petition in the court of appropriate jurisdiction, asking that his order of suspension, dismissal, or demotion be set aside. Such cases shall be advanced on the docket of such court and shall be given a preference setting over all other cases and shall be tried under the Substantial Evidence Rule.

Proposed Language:

In the event any employee is dissatisfied with the decision of the Commission, he may, within ten (10) days after the rendition of such final decision, file a petition in District Court in Tarrant County ~~the court of appropriate jurisdiction,~~ asking that his or her order of suspension, dismissal, or demotion be set aside, reversed, or modified. Such cases shall be ~~advanced on the docket of such court and shall be given a preference setting over all other cases and shall be~~ tried under the Substantial Evidence Rule, or any applicable rules of evidence or procedure which govern the filing of an action in District Court.

Final Language:

In the event any employee is dissatisfied with the decision of the Commission, he may, within ten (10) days after the rendition of such final decision, file a petition in District Court in Tarrant County asking that his or her order of suspension, dismissal, or demotion be set aside, reversed, or modified. Such cases shall be tried under the Substantial Evidence Rule, or any applicable rules of evidence or procedure which govern the filing of an action in District Court.

Justification:

Language inserted stating that Tarrant County is the appropriate venue to hear appeals.

Article XVII, Section 6: Secretary of Civil Service (Proposition R)

Current Language:

"The director of Personnel of the City of North Richland Hills shall perform all such work incidental to, and provide all facilities necessary for the conduct of Civil Service business."

Proposed Language:

The ~~d~~Director of ~~the Personnel~~ Human Resources Department (or its named successor) of the City of North Richland Hills shall perform all such work incidental to, and provide all facilities necessary for the conduct of Civil Service business.

Final Language:

The Director of the Human Resources Department (or its named successor) of the City of North Richland Hills shall perform all such work incidental to, and provide all facilities necessary for the conduct of Civil Service business.

Justification:

Updated language.

Article XVII, Section 19: Demotions (Proposition R)

Current Language:

The Department Head shall have the right to demote any employee under his jurisdiction. Any employee, so demoted, has the right to appeal to the Commission for reversal of such demotion.

Proposed Language:

The Department Head shall have the right to demote any Civil Service Employee under his or her jurisdiction. Any Civil Service Employee, so demoted, has the right to appeal to the Commission for reversal of such demotion.

Final Language:

The Department Head shall have the right to demote any Civil Service Employee under his or her jurisdiction. Any Civil Service Employee, so demoted, has the right to appeal to the Commission for reversal of such demotion.

Justification:

Language added.

No change to employee rights.

Article XVII, Section 20: Disciplinary Suspension (Proposition R)

Current Language:

The head of a department shall have the power to suspend any employee under his jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days. The employee shall have the same rights of appeal granted him under Section 16.

Proposed Language:

The Department ~~Head of a department~~ shall have the power to suspend any Civil Service Employee under his or her jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days. The employee shall have the same rights of appeal granted him under Section 16.

Final Language:

The Department Head shall have the power to suspend any Civil Service Employee under his or her jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days. The employee shall have the same rights of appeal granted him under Section 16.

Justification:

Language added.

No change to employee rights.

Article XVII, Section 5B: Responsibilities (Proposition S)

Current Language:

The Civil Service Commission:

- Shall recommend rules and regulations for conduct of all Civil Service business.
- Shall make investigations to ascertain compliance with the Civil Service system.
- Shall make annual inspections of institutions, departments, offices, places, positions, and employments affected by the Civil Service system.
- Shall develop recommended classifications for all employees in conjunction with the City Manager and department heads.
- Shall conduct hearings upon receipt of a qualified appeal.
- Shall make provisions for the conduct and grading of examinations.
- Shall create the register of eligibles.

- Shall make provisions for physical examinations.
- Shall publish and make available rules and regulations, classifications and seniority lists.
- Shall make periodic reports to Council.
- Shall maintain an open door policy to all Civil Service employees for information concerning the program.
- Shall maintain at all time the proper relationship to the Council and acknowledge that the Commission's function is limited to conducting a program approved by the Council.
- Shall keep private all personnel records.
- Shall maintain continuous surveillance of other cities, surveys, statistics, and other sources of information necessary to assure recommendations adequate to keep this program current.
- Shall resign immediately when circumstances arise that prohibit any Commissioner from the faithful, objective and honest conduct of his appointment or when unusual circumstances arise which would cause his presence to reduce the dignity of the Commission.
- Shall uphold the rights of all cited herein.
- Shall conduct meetings in accordance with the rules and regulations established by the Commission and/or City Council.
- Shall, in conjunction with the Department Head, determine the ability of an employee to continue in duties, based on physicians' report of examination/physical fitness tests to determine his physical condition/fitness.
- Shall investigate and act on letters of exception to set aside the rules of this program.
- Shall refrain from taking action on petty grievances, and from meddling in departmental affairs.
- Shall recommend salary ranges and other benefits for employees, to the City Council by June 1 of each year.

Proposed Language:

~~The Civil Service Commission:~~

~~— Shall recommend rules and regulations for conduct of all Civil Service business.~~

~~— Shall make investigations to ascertain compliance with the Civil Service system.~~

~~— Shall make annual inspections of institutions, departments, offices, places, positions, and employments affected by the Civil Service system.~~

~~— Shall develop recommended classifications for all employees in conjunction with the City Manager and department heads.~~

- ~~_____ Shall conduct hearings upon receipt of a qualified appeal.~~
- ~~_____ Shall make provisions for the conduct and grading of examinations.~~
- ~~_____ Shall create the register of eligibles.~~
- ~~_____ Shall make provisions for physical examinations.~~
- ~~_____ Shall publish and make available rules and regulations, classifications and seniority lists.~~
- ~~_____ Shall make periodic reports to Council.~~
- ~~_____ Shall maintain an open door policy to all Civil Service employees for information concerning the program.~~
- ~~_____ Shall maintain at all time the proper relationship to the Council and acknowledge that the Commission's function is limited to conducting a program approved by the Council.~~
- ~~_____ Shall keep private all personnel records.~~
- ~~_____ Shall maintain continuous surveillance of other cities, surveys, statistics, and other sources of information necessary to assure recommendations adequate to keep this program current.~~
- ~~_____ Shall resign immediately when circumstances arise that prohibit any Commissioner from the faithful, objective and honest conduct of his appointment or when unusual circumstances arise which would cause his presence to reduce the dignity of the Commission.~~
- ~~_____ Shall uphold the rights of all cited herein.~~
- ~~_____ Shall conduct meetings in accordance with the rules and regulations established by the Commission and/or City Council.~~
- ~~_____ Shall, in conjunction with the Department Head, determine the ability of an employee to continue in duties, based on physicians' report of examination/physical fitness tests to determine his physical condition/fitness.~~
- ~~_____ Shall investigate and act on letters of exception to set aside the rules of this program.~~
- ~~_____ Shall refrain from taking action on petty grievances, and from meddling in departmental affairs.~~
- ~~_____ Shall recommend salary ranges and other benefits for employees, to the City Council by June 1 of each year.~~

Final Language:

(This Section Repealed by Charter Amendment Election MAY 6, 2023)

Justification:

“Responsibilities” now addressed in Section 5 “Powers and Responsibilities”

Article XVII, Section 10: Method of Filling Positions (Proposition S)

Current Language:

All vacancies in the classified service shall be filled by re-employment, promotion, original appointment, transfer or demotion.

When a vacancy occurs in any department where such vacancy is to be filled from an eligibility list, the head of the department shall request in writing from the Personnel Department the names of the three persons having the highest grades on the eligibility list. Upon receipt of a requisition for an employee, the Personnel Department shall certify the three eligible having the highest ranking on the eligibility list for the class of the vacancy to be filled. In the event there are less than three names remaining on a current eligibility list, then the remaining names shall be certified to the department head. The department head shall appoint the eligible with the highest ranking, except where the department head has a valid reason for not appointing said eligible. In such case he shall, before appointment, file his reasons in writing for rejection of the eligible or eligibles with the Personnel Office. All eligibility lists shall remain in existence for one (1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given.

Proposed Language:

~~All vacancies in the classified service shall be filled by re-employment, promotion, original appointment, transfer or demotion.~~

~~When a vacancy occurs in any department where such vacancy is to be filled from an eligibility list, the head of the department shall request in writing from the Personnel Department the names of the three persons having the highest grades on the eligibility list. Upon receipt of a requisition for an employee, the Personnel Department shall certify the three eligible having the highest ranking on the eligibility list for the class of the vacancy to be filled. In the event there are less than three names remaining on a current eligibility list, then the remaining names shall be certified to the department head. The department head shall appoint the eligible with the highest ranking, except where the department head has a valid reason for not appointing said eligible. In such case he shall, before appointment, file his reasons in writing for rejection of the eligible or eligibles with the Personnel Office. All eligibility lists shall remain in existence for one (1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given.~~

Final Language:

(THIS SECTION REPEALED BY CHARTER AMENDMENT ELECTION MAY 6, 2023)

Justification:

Removed

Charter procedures are in current Civil Service Rules

Section 4.03

Section 5.01

Section 5.02

Article XVII, Section 14: Promotions: Filling Vacancies (Proposition S)

Current Language:

SECTION 14. PROMOTIONS: FILLING VACANCIES.

The Commission shall recommend to the City Council for adoption by Ordinance the Rules and Regulations governing promotions. The City Council shall make the final determination on the adoption of such rules after receipt of such recommendation by the Commission. not change, amend, delete, or alter the Civil Service Rules and Regulations without the recommendation of the Civil Service Commission.

A. Police/Fire Promotions.

All promotional examinations for sworn positions in the Police or Fire Service shall be open to all employees who have held a continuous position for two years or more in the classification immediately below the classification for which the examination is to be held. However, where there are less than three members in the next lower position with two years of service in that position, then all employees in such lower classification shall be eligible to take the examination. If, after extending the examination to all employees in the classification immediately below the position being tested, and there is still an insufficient number to take the examination, then the examination shall be extended to all employees in the second lower classification to that for which the examination is to be held.

B. All Other Promotions.

All promotional examinations, except for sworn police and fire positions, shall be open to all employees who have held a continuous position for one or more years in the classification immediately below the classification for which the examination is to be held. However, where there are less than three members in the next lower position with one year of service in that position, then all employees in such lower classification shall be eligible to take the examination. If, after extending the examination to all employees in the classification immediately below the position being tested, and there is still an insufficient number to take the examination, then the examination shall be extended to all employees in the second lower classification to that for which the examination is to be held.

All applicants for any promotional position as described in Section 14a and Section 14b of this Article shall be given one point for each year of seniority in their department, but never to exceed ten points.

C. Efficiency Reports.

The Commission shall formulate procedures and rules for semi- annual efficiency reports. In departments where an oral review board has been established and approved by the Commission, the oral interview grade may be substituted for the efficiency report grade.

D. Examination of Applicants.

1. Method of Examination - when Assessment Center Exercise is not used.

All applicants for a position shall be given an identical examination which may include either a written examination and/or an oral interview by an interview board. Seventy percent of the questions must be answered correctly to pass the written examination. Each applicant must pass any written test used in order to be considered for appointment. All questions in the written examination shall be prepared and composed in such a manner that the grading of the examination papers can be promptly completed immediately after the holding of the examination and shall be prepared so as to test the knowledge of the applicants concerning information and facts, and all of said questions shall be based upon material which has been made available to all members of that department involved and shall be based upon the duties of the position sought and upon any study courses given by such departmental schools of instruction and upon the applicant's efficiency. When one of the applicants taking an examination for promotion has completed their written examination, the grading of such examination shall begin, and all of the examination papers shall be graded as they are completed, at the place where the examination is given and in the presence of any applicants who wish to remain during the grading. The grade which shall be placed on the eligibility list for each applicant shall be computed by adding such applicant's points for seniority and their credit based on the average of his last two (2) semi-annual efficiency reports or oral interview to their grade on such written examination. Each applicant shall have the opportunity to examine their examination and their answers thereto together with the grading thereof and if dissatisfied shall, within five (5) days, appeal the same to Commission for review in accordance with the provisions of this Article. All oral examinations shall be recorded "live" and turned in to the Commission, along with the examining board critiques and findings, for transcription and filing. No person shall be eligible for promotion unless they have served in such department for at least two (2) years immediately preceding the day of such promotional examination in the next lower position or other positions specified by the Commission. In the Police and Fire Departments, no person with less than four (4) years actual service in such department shall be eligible for promotion to the rank of Captain. Provided, however, that the requirements of two (2) years service in the department immediately preceding the date of promotional examination shall not be applicable to those persons recalled on active military duty for a period not to exceed twenty-four (24) months. Such persons shall be entitled to have time spent on active military duty considered as duty in the department concerned. However, any person whose absence for active military duty exceeds twelve (12) months, shall be required to serve ninety

(90) days upon returning to the department before they shall become eligible to participate in a promotional examination, such period being considered essential for bringing them up to date on equipment and techniques. No person shall be eligible for appointment as Chief of the Fire or

Police Department who has not been a bona fide fire fighter in a fire department or a bona fide law enforcement officer for five (5) years in the State of Texas.

2. Method of Examination - when Assessment Center Exercise is used.

An Assessment Center Exercise shall consist of a qualifying written examination and other exercises approved by the Personnel Director. Applicants must answer correctly seventy percent of the questions to pass the written examination and to be eligible for the Assessment Center. If more than eight applicants pass the written examination, only the top eight scorers will be permitted to advance to the remaining exercises of the Assessment Center. In the event the written examination results in a tie among two or more persons for the eighth highest score, the individual's seniority in the department shall be the tie-breaker in determining the applicant who will be permitted to continue in the Assessment Center Exercises.

The maximum achievable score for the written examination shall be equal to but not exceed the maximum achievable score for each of the remaining exercises. The grade which shall be placed on the eligibility list for each applicant shall be the sum of all points awarded by an Assessment Center Board plus written test score and applicable seniority points.

E. Eligibility List

Upon written request by the Heads of the Departments for a person to fill a vacancy in any classification, the Commission shall certify to the Head of the Department the three (3) names having the highest grades on such eligibility list for such classification for the vacancy requested to be filled and the chief administrative officer shall appoint the person having the highest grade, except where such chief administrative officer has valid reason for not appointing such highest name, and in such cases he shall, before such appointment, file his reasons in writing, for rejection of the higher name or names, with the Commission, which reasons shall be valid and subject to review by the Commission upon the application of such rejected person.

The name of each person on the eligibility lists shall be submitted to the Head of the Department three (3) times; and if passed over three (3) times with written reasons filed thereafter and not set aside by the Commission he shall thereafter be dropped from the eligibility list. All eligibility lists shall remain in existence for one

(1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given.

F. Examinations to Create Eligibility Lists

The Commission shall proceed to hold examinations to create eligibility lists within ninety (90) days after a vacancy in any classification occurs, or new positions are created, unless an eligibility list is in existence.

Proposed Language:

~~SECTION 14. PROMOTIONS: FILLING VACANCIES.~~

~~The Commission shall recommend to the City Council for adoption by Ordinance the Rules and Regulations governing promotions. The City Council shall make the final determination on the adoption of such rules after receipt of such recommendation by the Commission, not change, amend, delete, or alter the Civil Service Rules and Regulations without the recommendation of the Civil Service Commission.~~

~~A. — Police/Fire Promotions.~~

~~All promotional examinations for sworn positions in the Police or Fire Service shall be open to all employees who have held a continuous position for two years or more in the classification immediately below the classification for which the examination is to be held. However, where there are less than three members in the next lower position with two years of service in that position, then all employees in such lower classification shall be eligible to take the examination. If, after extending the examination to all employees in the classification immediately below the position being tested, and there is still an insufficient number to take the examination, then the examination shall be extended to all employees in the second lower classification to that for which the examination is to be held.~~

~~B. — All Other Promotions.~~

~~All promotional examinations, except for sworn police and fire positions, shall be open to all employees who have held a continuous position for one or more years in the classification immediately below the classification for which the examination is to be held. However, where there are less than three members in the next lower position with one year of service in that position, then all employees in such lower classification shall be eligible to take the examination. If, after extending the examination to all employees in the classification immediately below the position being tested, and there is still an insufficient number to take the examination, then the examination shall be extended to all employees in the second lower classification to that for which the examination is to be held.~~

~~All applicants for any promotional position as described in Section 14a and Section 14b of this Article shall be given one point for each year of seniority in their department, but never to exceed ten points.~~

~~C. — Efficiency Reports.~~

~~The Commission shall formulate procedures and rules for semi-annual efficiency reports. In departments where an oral review board has been established and approved by the Commission, the oral interview grade may be substituted for the efficiency report grade.~~

~~D. — Examination of Applicants.~~

~~1. — Method of Examination — when Assessment Center Exercise is not used.~~

~~All applicants for a position shall be given an identical examination which may include either a written examination and/or an oral interview by an interview board. Seventy percent of the questions must be answered correctly to pass the written examination. Each applicant must pass any written test used in order to be considered for appointment. All questions in the written examination shall be prepared and composed in such a manner that the grading of the examination papers can be promptly completed immediately after the holding of the examination and shall be prepared so as to test the knowledge of the applicants concerning information and facts, and all of said questions shall be based upon material which has been made available to all members of that department involved and shall be based upon the duties of the position sought and upon any study courses given by such departmental schools of instruction and upon the applicant's efficiency. When one of the applicants taking an examination for promotion has completed their written examination, the grading of such examination shall begin, and all of the examination papers shall be graded as they are completed, at the place where the examination is given and in the presence of any applicants who wish to remain during the grading. The grade which shall be placed on the eligibility list for each applicant shall be computed by adding such applicant's points for seniority and their credit based on the average of his last two (2) semi-annual efficiency reports or oral interview to their grade on such written examination. Each applicant shall have the opportunity to examine their examination and their answers thereto together with the grading thereof and if dissatisfied shall, within five (5) days, appeal the same to Commission for review in accordance with the provisions of this Article. All oral examinations shall be recorded "live" and turned in to the Commission, along with the examining board critiques and findings, for transcription and filing. No person shall be eligible for promotion unless they have served in such department for at least two (2) years immediately preceding the day of such promotional examination in the next lower position or other positions specified by the Commission. In the Police and Fire Departments, no person with less than four (4) years actual service in such department shall be eligible for promotion to the rank of Captain. Provided, however, that the requirements of two (2) years service in the department immediately preceding the date of promotional examination shall not be applicable to those persons recalled on active military duty for a period not to exceed twenty four (24) months. Such persons shall be entitled to have time spent on active military duty considered as duty in the department concerned. However, any person whose absence for active military duty exceeds twelve (12) months, shall be required to serve ninety~~

~~(90) days upon returning to the department before they shall become eligible to participate in a promotional examination, such period being considered essential for bringing them up to date on equipment and techniques. No person shall be eligible for appointment as Chief of the Fire or Police Department who has not been a bona fide fire fighter in a fire department or a bona fide law enforcement officer for five (5) years in the State of Texas.~~

~~2. Method of Examination – when Assessment Center Exercise is used.~~

~~An Assessment Center Exercise shall consist of a qualifying written examination and other exercises approved by the Personnel Director. Applicants must answer correctly seventy percent of the questions to pass the written examination and to be eligible for the Assessment Center. If more than eight applicants pass the written examination, only the top eight scorers will be permitted to advance to the remaining exercises of the Assessment Center. In the event the~~

~~written examination results in a tie among two or more persons for the eighth highest score, the individual's seniority in the department shall be the tie-breaker in determining the applicant who will be permitted to continue in the Assessment Center Exercises.~~

~~The maximum achievable score for the written examination shall be equal to but not exceed the maximum achievable score for each of the remaining exercises. The grade which shall be placed on the eligibility list for each applicant shall be the sum of all points awarded by an Assessment Center Board plus written test score and applicable seniority points.~~

~~E. Eligibility List~~

~~Upon written request by the Heads of the Departments for a person to fill a vacancy in any classification, the Commission shall certify to the Head of the Department the three (3) names having the highest grades on such eligibility list for such classification for the vacancy requested to be filled and the chief administrative officer shall appoint the person having the highest grade, except where such chief administrative officer has valid reason for not appointing such highest name, and in such cases he shall, before such appointment, file his reasons in writing, for rejection of the higher name or names, with the Commission, which reasons shall be valid and subject to review by the Commission upon the application of such rejected person.~~

~~The name of each person on the eligibility lists shall be submitted to the Head of the Department three (3) times; and if passed over three (3) times with written reasons filed thereafter and not set aside by the Commission he shall thereafter be dropped from the eligibility list. All eligibility lists shall remain in existence for one~~

~~(1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given.~~

~~F. Examinations to Create Eligibility Lists~~

~~The Commission shall proceed to hold examinations to create eligibility lists within ninety (90) days after a vacancy in any classification occurs, or new positions are created, unless an eligibility list is in existence.~~

Final Language:

(This Section Repealed by Charter Amendment Election May 6, 2023)

Justification:

Removed

Charter procedures are in current Civil Service Rules

- Section 3.02
- Section 3.05
- Section 5.01
- Section 5.02
- Section 5.03

Charter procedures have been added to Civil Service Rules

- Section 3.05
- Section 5.02

In Personnel Policy Manual Chapter 17 “Performance Appraisal”

Article XVII, Section 22: Political Activities (Proposition S)

Current Language:

Employees while on duty with the City of North Richland Hills shall not be permitted to take active part in the political campaign of another for an elective position of the City of North Richland Hills. The term active means making political speeches, passing out cards, or other political literature, writing letters, actively and openly soliciting votes and making derogatory remarks about candidates for such elective positions. Provided that the Commission or the City shall not further restrict the rights of the employees of the City to engage in political activities except as herein expressly provided.

Employees coming under the provisions of this Article are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official of the City coming under the provisions of this Article who attempts the same shall be guilty of violating the provisions of this Article.

Proposed Language:

~~Employees while on duty with the City of North Richland Hills shall not be permitted to take active part in the political campaign of another for an elective position of the City of North Richland Hills. The term active means making political speeches, passing out cards, or other political literature, writing letters, actively and openly soliciting votes and making derogatory remarks about candidates for such elective positions. Provided that the Commission or the City shall not further restrict the rights of the employees of the City to engage in political activities except as herein expressly provided.~~

~~Employees coming under the provisions of this Article are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official of the City coming under the provisions of this Article who attempts the same shall be guilty of violating the provisions of this Article.~~

Final Language:

(This Section Repealed by Charter Amendment Election May 6, 2023)

Justification:

Removed and being added to Article XVIII “General Provisions”, Section 15, “Political Activities” of the City’s Charter making it applicable to all City employees.

Article XVII, Section 22A: Leave of Absence (Proposition S)

Current Language:

No employee shall be refused reasonable leave of absence without pay for the purpose of attending any school, conventions or meeting, the purpose of which is to secure more efficient department and better working conditions for the personnel thereof, nor shall any rule ever be adopted affecting their Constitutional right to appear before or petition the Legislature provided that the employee's absence shall not create a personnel shortage.

Proposed Language:

~~No employee shall be refused reasonable leave of absence without pay for the purpose of attending any school, conventions or meeting, the purpose of which is to secure more efficient department and better working conditions for the personnel thereof, nor shall any rule ever be adopted affecting their Constitutional right to appear before or petition the Legislature provided that the employee's absence shall not create a personnel shortage~~

Final Language:

(This Section Repealed by Charter Amendment Election May 6, 2023)

Justification:

In Personnel Policy Manual Chapter 15.01 “Employee Benefits”, Section VI “Leave Without Pay”.

Article XVII, Section 22B: Military Leave of Absence (Proposition S)

Current Language:

The Civil Service Commission on written application of any employee shall grant military leave of absence without pay to such member to enable him to enter military service of the United States in any of its branches in time of National emergency or crisis, such leave of absence to continue during the period of active military service of such member. Any such member receiving military leave of absence hereunder shall be entitled to be returned to the position in the department held by him at the time the leave of absence is granted, upon the termination of his active military service, provided he receives an Honorable Discharge and remains physically and mentally fit to discharge the duties of that position; and further provided he makes application for reinstatement within ninety (90) days after his discharge. Upon being returned to said position, such member shall receive full seniority credit for the time spent in the military service. During the absence from the department of any such member to whom military leave of absence shall have been granted

by the Civil Service Commission the position in the department held by such member shall be filled in accordance with the other provisions of the Civil Service Article subject to the person filling such position being replaced by the member to whom military leave of absence has been granted upon his return to active duty with the department. Any person so replaced and remaining with the department and by reason of such replacement being returned to a position lower in grade or compensation shall have a preferential right for subsequent appointment or promotion to the same or similar position of that from which he has been replaced over any eligibility list for such position, provided he remains physically and mentally fit to discharge the duties of such position.

Proposed Language:

~~The Civil Service Commission on written application of any employee shall grant military leave of absence without pay to such member to enable him to enter military service of the United States in any of its branches in time of National emergency or crisis, such leave of absence to continue during the period of active military service of such member. Any such member receiving military leave of absence hereunder shall be entitled to be returned to the position in the department held by him at the time the leave of absence is granted, upon the termination of his active military service, provided he receives an Honorable Discharge and remains physically and mentally fit to discharge the duties of that position; and further provided he makes application for reinstatement within ninety (90) days after his discharge. Upon being returned to said position, such member shall receive full seniority credit for the time spent in the military service. During the absence from the department of any such member to whom military leave of absence shall have been granted by the Civil Service Commission the position in the department held by such member shall be filled in accordance with the other provisions of the Civil Service Article subject to the person filling such position being replaced by the member to whom military leave of absence has been granted upon his return to active duty with the department. Any person so replaced and remaining with the department and by reason of such replacement being returned to a position lower in grade or compensation shall have a preferential right for subsequent appointment or promotion to the same or similar position of that from which he has been replaced over any eligibility list for such position, provided he remains physically and mentally fit to discharge the duties of such position.~~

Final Language:

(This Section Repealed by Charter Amendment Election May 6, 2023)

Justification:

In Personnel Policy Manual Chapter 15.01 "Employee Benefits", Section XII "Military Training Leave".

Article XVIII, Section 15. – Political Activity (Proposition S)

Current Language:

(1) No appointed or hired employee on the payroll of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he be solicited for this purpose; nor shall he take active part in any political campaign relating to an election to a City office.

(2) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment or promotion or any examination conducted therefor.

(3) Any person who either by himself or with others willfully violates any provision of the foregoing Sections 15 (1) or 15 (2) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he is an officer or employee of the City at the time of such violation he shall immediately forfeit the office or position he holds.

Proposed Language:

1) No appointed or hired employee on the payroll of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he or she be solicited for this purpose. No appointed or hired employee, nor any Civil Service Employee while on duty or in uniform, nor shall he take active part in any political campaign relating to an election to a City office. The term “active” means making political speeches, passing out cards or other political literature, writing correspondence or making comments in support or against a political campaign (including communications through social or traditional media), wearing campaign buttons, circulating or signing a petition, actively and openly soliciting votes and making derogatory remarks about candidates for such elective positions.

(2) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment or promotion or any examination conducted therefor.

(3) No Civil Service Employee is required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official of the City coming under the provisions of this Article who attempts the same shall be guilty of violating the provisions of this Article.

(34) Any person who either by himself or with others willfully violates any provision of this the foregoing Sections 15 (1) or 15 (2) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he is an officer or employee of the City at the time of such violation he shall immediately forfeit the office or position he holds.

Final Language:

1) No appointed or hired employee on the payroll of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he or she be solicited for this purpose. No appointed or hired employee, nor any Civil Service Employee while on duty or in uniform, shall take active part in any political campaign relating to an election to a City office. The term "active" means making political speeches, passing out cards or other political literature, writing correspondence or making comments in support or against a political campaign (including communications through social or traditional media), wearing campaign buttons, circulating or signing a petition, actively and openly soliciting votes and making derogatory remarks about candidates for such elective positions.

(2) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment or promotion or any examination conducted therefor.

(3) No Civil Service Employee is required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official of the City coming under the provisions of this Article who attempts the same shall be guilty of violating the provisions of this Article.

(4) Any person who either by himself or with others willfully violates any provision of this Section 15 shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he is an officer or employee of the City at the time of such violation he shall immediately forfeit the office or position he holds.

Justification:

Information was originally in Article XVII, Section 22. – Political Activities and is being added to Article XVIII "General Provisions", Section 15, "Political Activities" of the City's Charter making it applicable to all City employees.

Article XVII, Section 23: Publishing of Civil Service Rules and Regulations (Proposition T)

Current Language:

The Commission shall recommend to the City Council all Civil Service Rules and Regulations for adoption by ordinance. Upon adoption by the City Council, a copy of the Civil Service Rules and Regulations shall be distributed to each department head. The Director of Personnel shall keep on hand copies of said rules and regulation for distribution to all requesting same, and said rules and regulations shall be kept available for inspection by any interested citizen.

Proposed Language:

The Commission shall recommend to the City Council all Civil Service Rules and Regulations for adoption by ordinance. Upon adoption by the City Council, a copy of the Civil Service Rules and Regulations shall be ~~distributed to each department head~~ made available for all Civil Service Employees. The Director of ~~Personnel~~ Human Resources shall keep on hand copies of said ~~r~~Rules and ~~r~~Regulations for review ~~distribution~~ to all requesting same. ~~and said rules and regulations shall be kept available for inspection by any interested citizen.~~

Final Language:

The Commission shall recommend to the City Council all Civil Service Rules and Regulations for adoption by ordinance. Upon adoption by the City Council, a copy of the Civil Service Rules and Regulations shall be made available for all Civil Service Employees. The Director of Human Resources shall keep on hand copies of said Rules and Regulations for review to all requesting same.

Justification:

No longer requires physical distribution of rules but to be made accessible for review.

Article XVII, Section 24: Status of Present Employees (Proposition U)

Current Language:

All employees of North Richland Hills, at the time of passage of this Article are entitled to Civil Service classification, shall enjoy the status of Civil Service employees without having to take any competitive examinations for the position occupied at the time, provided such employees have been in the service of said City for more than six (6) months.

Proposed Language:

~~All~~ Any full-time employee of the City of North Richland Hills who is a sworn peace officer in the Police department below the rank of Police Captain or equivalent rank, any fire fighter in the Fire department below the rank of Fire Battalion Chief or equivalent rank, or a sworn peace officer in the service of the City Marshal's Office, Employees of North Richland Hills, at the time of passage of this Article is entitled to Civil Service classification, ~~shall enjoy the status of Civil Service employees~~ without having to take any competitive examinations for the position ~~they currently occupied. occupied at the time, provided such employees have been in the service of said City for more than six (6) months.~~

Final Language:

Any full-time employee of the City of North Richland Hills who is a sworn peace officer in the Police department below the rank of Police Captain or equivalent ranks, any fire fighter in the Fire department below the rank of Fire Battalion Chief or equivalent rank, or a sworn peace officer in

the service of the City Marshal's Office, at the time of passage of this Article is entitled to Civil Service classification, without having to take any competitive examinations for the position currently occupied.

Justification:

Updated language

No change to employee rights

Article XVII, Section 25: Sick and Injury Leaves of Absence (Proposition V)

Current Language:

Permanent and temporary employees in the classified service shall be allowed a total of sick leave with full pay computed upon a basis of ten (10) working hours allowed for each full month employed in a calendar year, so as to total one hundred (120) working hours to an employee's credit each twelve (12) months.

Employees shall be allowed to accumulate one hundred twenty (120) working hours of sick leave with pay in one (1) calendar year.

Sick leave with pay may be accumulated without limit and may be used while an employee is unable to work because of any bona fide illness. The section shall not prevent the commission from recommending to the City Council any plan designed to benefit or compensate employees for any accumulated sick leave.

In order to facilitate the settlement of the accounts of deceased employees of the City of North Richland Hills, all unpaid compensation due such employee at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence and such payments shall be a bar to recover by any other person of amounts so paid.

First, to the beneficiary or beneficiaries designated by the employee in writing to receive such compensation filed with the Civil Service Commission prior to the employee's death;

Second, if there be no such beneficiary, to the widow or widower of such employee;

Third, if there be no such beneficiary or surviving spouse, to the child or children of such employee, and descendants of deceased children, by representation;

Fourth, if there be none of the above, to the parents of such employee, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there be none, to the person or persons determined to be entitled thereto under the laws of descent and distribution of the State of Texas.

Further, the City Council of the City of North Richland Hills may provide injury leaves of absence with full pay for periods of time commensurate with the nature of injuries received while in line

of duty for at least one (1) year. At the expiration of said one (1) year period, the City Council may extend such injury leave, at full or reduced pay.

Proposed Language:

~~Permanent and temporary employees in the classified service shall be allowed a total of sick leave with full pay computed upon a basis of ten (10) working hours allowed for each full month employed in a calendar year, so as to total one hundred (120) working hours to an employee's credit each twelve (12) months.~~

~~Employees shall be allowed to accumulate one hundred twenty (120) working hours of sick leave with pay in one (1) calendar year.~~

~~Sick leave with pay may be accumulated without limit and may be used while an employee is unable to work because of any bona fide illness. The section shall not prevent the commission from recommending to the City Council any plan designed to benefit or compensate employees for any accumulated sick leave.~~

~~In order to facilitate the settlement of the accounts of deceased employees of the City of North Richland Hills, all unpaid compensation due such employee at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence and such payments shall be a bar to recover by any other person of amounts so paid.~~

~~First, to the beneficiary or beneficiaries designated by the employee in writing to receive such compensation filed with the Civil Service Commission prior to the employee's death;~~

~~Second, if there be no such beneficiary, to the widow or widower of such employee;~~

~~Third, if there be no such beneficiary or surviving spouse, to the child or children of such employee, and descendants of deceased children, by representation;~~

~~Fourth, if there be none of the above, to the parents of such employee, or the survivor of them;~~

~~Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there be none, to the person or persons determined to be entitled thereto under the laws of descent and distribution of the State of Texas.~~

Civil Service ~~Employees in the classified service~~ shall be allowed a total of sick leave with full pay computed upon a basis of ten (10) working hours allowed for each full month employed in a calendar year, so as to total one hundred (120) working hours to an employee's credit each twelve (12) months.

Civil Service Employees shall be allowed to accumulate one hundred twenty (120) working hours of sick leave with pay in one (1) calendar year.

Sick leave with pay may be accumulated without limit and may be used while a Civil Service Employee is unable to work because of any bona fide illness.

Further, the City Council of the City of North Richland Hills may provide injury leaves of absence with full pay for Civil Service Employees for periods of time commensurate with the nature of injuries received while in line of duty for at least one (1) year. At the expiration of said one (1) year period, the City Council may extend such injury leave, at full or reduced pay.

Final Language:

Civil Service Employees shall be allowed a total of sick leave with full pay computed upon a basis of ten (10) working hours allowed for each full month employed in a calendar year, so as to total one hundred (120) working hours to an employee's credit each twelve (12) months.

Civil Service Employees shall be allowed to accumulate one hundred twenty (120) working hours of sick leave with pay in one (1) calendar year.

Sick leave with pay may be accumulated without limit and may be used while a Civil Service Employee is unable to work because of any bona fide illness.

Further, the City Council of the City of North Richland Hills may provide injury leaves of absence with full pay for Civil Service Employees for periods of time commensurate with the nature of injuries received while in line of duty for at least one (1) year. At the expiration of said one (1) year period, the City Council may extend such injury leave, at full or reduced pay.

Justification:

Updated language.

No change to employee rights.

Beneficiary settlement of accounts addressed in Personnel Policy Manual Chapter 15.01 "Employee Benefits", Section XI "Death Benefits".

Article XVII, Section 25A. Vacations (Proposition W)

Current Language:

Those employees having completed one (1) but less than three (3) years of consecutive service with the City shall be entitled to two (2) weeks vacation with pay each year; those employees having completed three (3) but less than eight (8) years of consecutive service with the City shall be entitled to three (3) weeks vacation with pay each year; those employees having completed eight (8) but less than twenty (20) years of consecutive service with the City shall be entitled to four (4) weeks vacation with pay each year; and those employees having completed twenty (20) or more years of consecutive service with the City shall be entitled to five (5) weeks vacation with pay each year.

For the purposes of this Section, a week shall be defined as a normal work week for all employees in each of the designated classifications.

Proposed Language:

Those employees having completed one (1) but less than three (3) years of consecutive service with the City shall be entitled to two (2) weeks vacation with pay each year; those employees having completed three (3) but less than eight (8) years of consecutive service with the City shall be entitled to three (3) weeks vacation with pay each year; those employees having completed eight (8) but less than twenty (20) years of consecutive service with the City shall be entitled to four (4) weeks vacation with pay each year; and those employees having completed twenty (20) or more years of consecutive service with the City shall be entitled to five (5) weeks vacation with pay each year.

For the purposes of this Section, a week shall be defined as a normal work week for all employees in each of the designated classifications.

Nothing in this Chapter shall prevent the City Manager from increasing vacation accruals on either a temporary or permanent basis as is deemed appropriate.

Final Language:

Those employees having completed one (1) but less than three (3) years of consecutive service with the City shall be entitled to two (2) weeks vacation with pay each year; those employees having completed three (3) but less than eight (8) years of consecutive service with the City shall be entitled to three (3) weeks vacation with pay each year; those employees having completed eight (8) but less than twenty (20) years of consecutive service with the City shall be entitled to four (4) weeks vacation with pay each year; and those employees having completed twenty (20) or more years of consecutive service with the City shall be entitled to five (5) weeks vacation with pay each year.

For the purposes of this Section, a week shall be defined as a normal work week for all employees in each of the designated classifications.

Nothing in this Chapter shall prevent the City Manager from increasing vacation accruals on either a temporary or permanent basis as is deemed appropriate.

Justification:

Allows City Manager to increase accruals either on a temporary or permanent basis.

Article XVII, Section 26. Employees Prohibited from Striking: Disciplinary Actions (Proposition X)

Current Language:

It shall be unlawful from and after the passage of this Article for any employee coming under the provisions of this Article to engage in any strike against the City of North Richland Hills.

Employees who shall violate any of the provisions of this Article shall be guilty of a misdemeanor and shall, after conviction, be fined not less than ten dollars (\$10.00) or more than two hundred

dollars (\$200.00) or by confinement in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

And in addition to such fine, any employee who has been convicted in any trial court of competent jurisdiction of the violation of any provision of this Article shall thereby be automatically released and discharged from such department and shall thereafter be ineligible to receive any pay or compensation out of any City funds, and in the event of an appeal from any such conviction, such employee shall during the course of such appeal, remain released and discharged from such department, and shall remain ineligible to receive any pay or compensation out of any City funds, provided, however, in the event such conviction is reversed and overturned on the merits, then in that event and only in such event, such employee shall be entitled to the difference in pay and compensation which would have been received but for the release and discharge, and the pay actually received working elsewhere, if less where a good faith effort has been made by such employee to secure and hold other employment, during the period of time from the date of conviction to the date of judgment on appeal, not to exceed six (6) months, the determination of such to be made by the Civil Service Commission, and such sum to be liquidated damages for such release and discharge.

Proposed Language:

It shall be unlawful from and after the passage of this Article for any employee coming under the provisions of this Article to engage in any strike against the City of North Richland Hills.

All disciplinary actions for violations of this Article shall be in accordance with the North Richland Hills Personnel Policy Manual and Civil Service Rules and Regulations.

~~Employees who shall violate any of the provisions of this Article shall be guilty of a misdemeanor and shall, after conviction, be fined not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00) or by confinement in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.~~

~~And in addition to such fine, any employee who has been convicted in any trial court of competent jurisdiction of the violation of any provision of this Article shall thereby be automatically released and discharged from such department and shall thereafter be ineligible to receive any pay or compensation out of any City funds, and in the event of an appeal from any such conviction, such employee shall during the course of such appeal, remain released and discharged from such department, and shall remain ineligible to receive any pay or compensation out of any City funds, provided, however, in the event such conviction is reversed and overturned on the merits, then in that event and only in such event, such employee shall be entitled to the difference in pay and compensation which would have been received but for the release and discharge, and the pay actually received working elsewhere, if less where a good faith effort has been made by such employee to secure and hold other employment, during the period of time from the date of conviction to the date of judgment on appeal, not to exceed six (6) months, the determination of such to be made by the Civil Service Commission, and such sum to be liquidated damages for such release and discharge.~~

Final Language:

It shall be unlawful from and after the passage of this Article for any employee coming under the provisions of this Article to engage in any strike against the City of North Richland Hills.

All disciplinary actions for violations of this Article shall be in accordance with the North Richland Hills Personnel Policy Manual and Civil Service Rules and Regulations.

Justification:

Makes it unlawful for Civil Service employees to strike.

Civil Service employees violating this section will be disciplined in accordance with the Civil Service Rules and Regulations.

Article XVIII, Section 6: Official Newspaper (Proposition Y)

Current Language:

The Council shall have the power to designate by resolution a newspaper of general circulation in the City as the official newspaper, and shall cause to be published therein all ordinances, notices and other matters which are required to be officially published by this Charter, the ordinances of the City, or the Constitution or laws of the State of Texas.

Proposed Language:

The Council shall have the power to designate by resolution a newspaper of general circulation in the City as the official newspaper, and shall cause to be published therein all ordinances, notices and other matters which are required to be officially published by this Charter, the ordinances of the City, or the Constitution or laws of the State of Texas. The caption of adopted ordinances that assess fines, fees, or penalties shall be published at least once in the city's official newspaper. The caption shall be a summary of the purpose of the ordinance and include the penalty for violation of the ordinance.

Final Language:

The Council shall have the power to designate by resolution a newspaper of general circulation in the City as the official newspaper, and shall cause to be published therein all ordinances, notices and other matters which are required to be officially published by this Charter, the ordinances of the City, or the Constitution or laws of the State of Texas. The caption of adopted ordinances that assess fines, fees, or penalties shall be published at least once in the city's official newspaper. The caption shall be a summary of the purpose of the ordinance and include the penalty for violation of the ordinance.

Justification:

Specify that the caption of adopted ordinances that assess fines, fees or penalties shall be published at least once in the city's official newspaper. This amendment is in accordance with

Chapter 52 of the Local Government Code and will allow the city to realize cost savings, as currently these items are published twice.

All Sections (Proposition Z)

Current Language:

All Sections - Use of the word "Councilperson" or "Councilmen" or "Councilman" - Article V Sec 1, 2,

Proposed Language:

Change "~~Councilperson~~" to Council member individually of "~~Councilmen~~" "~~Councilman~~" to Council members plural in all sections in which it is reference in the Charter.

Justification:

The City Council is composed of a Mayor and seven (7) Council members. For consistency, to remain gender neutral, and to conform to long-standing practice, these officials should be referred to collectively in the Charter as Council members or individually as a Council member. For clarity, the Mayor and Council members are collectively referred to as the City Council.

Article XVII, Section 16A: Purpose of Law: Hearings (Proposition Z)

Current Language:

It is hereby declared that the purpose of the Civil Service law is to secure to North Richland Hills efficient municipal departments, composed of capable personnel, free from political influence, and with permanent tenure of employment as public servants. The members of the Civil Service Boards are hereby directed to administer the Civil Service law in accordance with this purpose; and when sitting as a Board of Appeals for a suspended or aggrieved employee, they are to conduct such hearing fairly and impartially under the provisions of this law, and are to render a fair and just decision, considering only the evidence presented before them in such hearing.

Proposed Language:

~~It is hereby declared that the purpose of the Civil Service law is to secure to North Richland Hills efficient municipal departments, composed of capable personnel, free from political influence, and with permanent tenure of employment as public servants. The members of the Civil Service Boards are hereby directed to administer the Civil Service law in accordance with this purpose; and when sitting as a Board of Appeals for a suspended or aggrieved employee, they are to conduct such hearing fairly and impartially under the provisions of this law, and are to render a fair and just decision, considering only the evidence presented before them in such hearing.~~ The purpose of the Civil Service law set forth in this Charter is to ensure that Civil Service Employees

are capable of performing their duties, remain free from political influence and enjoy permanent tenure of employment as public servants. The members of the Civil Service Commission are hereby directed to administer the Civil Service law in accordance with this purpose; and when sitting as a Board of Appeals for a suspended or aggrieved employee, they are to conduct such hearing fairly and impartially under the provisions of this law, and are to render a fair and just decision, considering only the evidence presented before them in such hearing.

Final Language:

The purpose of the Civil Service law set forth in this Charter is to ensure that Civil Service Employees are capable of performing their duties, remain free from political influence and enjoy permanent tenure of employment as public servants. The members of the Civil Service Commission are hereby directed to administer the Civil Service law in accordance with this purpose; and when sitting as a Board of Appeals for a suspended or aggrieved employee, they are to conduct such hearing fairly and impartially under the provisions of this law, and are to render a fair and just decision, considering only the evidence presented before them in such hearing.

Justification:

Requires Commission to be fair and impartial and ensure due process.