

ORDINANCE NO. 21-R

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, IMPLEMENTING A CIVIL SERVICE CLASSIFICATION SYSTEM IN THE CITY OF ALVIN FOR CERTIFIED POLICE OFFICERS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING CLASSIFICATIONS AND RANKS; SETTING THE INITIAL NUMBER OF AUTHORIZED AND BUDGETED POSITIONS WITHIN EACH RANK; ESTABLISHING CERTAIN SUPPLEMENTAL PAY CATEGORIES; SETTING SICK LEAVE AND VACATION LEAVE ACCRUAL LEVELS; DEFINING CERTAIN TERMS AND SETTING CERTAIN CONDITIONS TO FACILITATE IMPLEMENTATION OF THE CIVIL SERVICE SYSTEM IN THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvin, Texas (the “City”), is a home-rule municipality incorporated and organized under the Constitution and laws of the State of Texas; and

WHEREAS, the voters of the City of Alvin approved and adopted a civil service system for police officers covered by Chapter 143 of the Texas Local Government Code (“Chapter 143”) at a duly called special election held on November 3, 2020; and

WHEREAS, under the applicable civil service statutes, primarily Chapter 143, the City of Alvin is required to adopt by ordinance a civil service classification system for all police officers; and

WHEREAS, the City of Alvin is also required to establish a strength of force for each rank within the classification system established by the City; and

WHEREAS, the City of Alvin is required to set a uniform base pay for each rank within the classification system established by the City; and

WHEREAS, the City of Alvin is further authorized to establish and recognize and appropriate longevity and seniority pay for its classified police officers; and

WHEREAS, the City of Alvin is further authorized to establish and recognize other supplemental pays for its classified police officers as authorized below; and

WHEREAS, the City of Alvin is further authorized to define certain terms and establish certain conditions to implement the civil service systems for police officers;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. CLASSIFIED RANK STRUCTURE AND STRENGTH OF FORCE

A. Pursuant to Section 143.021 of the Texas Local Government Code, the City Council hereby establishes the following classified rank structure for its police officers employed in the Police Department, prescribes the number of authorized positions within each respective rank, and establishes the annual base pay attributable to each classified rank as follows:

| POLICE OFFICER PERSONNEL | | |
|---|--|---------------------------|
| AUTHORIZED CLASSIFIED RANK STRUCTURE | AUTHORIZED & BUDGETED POSITIONS | ANNUAL BASE PAY |
| POLICE OFFICER | 31 | \$51,729.60 |
| CORPORAL/SPECIALIST | 16 | PO base + \$1.80 per hour |
| SERGEANT | 6 | \$65,000.00 |
| LIEUTENANT | 4 | \$81,952.00 |
| CAPTAIN | 2 | \$95,139.20 |

B. The foregoing annual base pay amounts are premised on the annualized work schedule for police personnel that does not trigger an overtime pay obligation under state or federal law. For purposes of payroll administration, the annual base pay specified above shall be converted to an hourly rate of pay using the standard work schedule applicable to each respective rank and used for payroll purposes.

C. If the standard work schedule of a police officer triggers an overtime pay obligation as a component of that schedule, then the City shall compensate those hours at an overtime rate of pay as required by state or federal law.

Section 2. LONGEVITY PAY AND SENIORITY PAY USING SALARY SCHEDULE

A. Unless there is a labor agreement provision to the contrary, a covered civil service employee is entitled to receive longevity pay of \$4.00 per month per year of service in the department, not to exceed 25 years as mandated by Section 141.032 of the Texas Local Government

Code, and Rule 6.02 of the Civil Service Local Rules.

B. Further, as allowed under Section 143.041 of the Texas Local Government Code, seniority pay based on time in each rank step is hereby incorporated from the current Collective Bargaining Salary Schedule as reflected in the attached Exhibit A for all police officers as indicated therein.

C. For purposes of the transition from the current civilian pay plan into the statutory civil service system under Chapter 143, the difference in pay between the base pay established as Step 1 in each recognized rank and the pay designated in each additional step beyond Step 1 in that rank shall be deemed to be the seniority pay component authorized under Section 143.041(c)(1) of the Texas Local Government Code.

D. The effective date for the time-in-step seniority system based on time in Step and eligibility for each Step shall be October 1, 2021. Except as provided by this Ordinance or a subsequent ordinance adopted by the City Council, or subsequent labor relations agreement, thereafter, police officers shall automatically move to the next Step in the classified rank upon completion of twelve (12) months of time in Step for the specified rank, minus any abatement of the Step pay that may be imposed by the City Council for any period.

E. For classified police officers appointed after October 1, 2021, the time in Step shall be governed by the date of entry into Step 1 of the Salary Schedule.

F. The City Council reserves the right, in its discretion, to reduce, modify, freeze, or eliminate the Salary Schedule for any reason.

G. An employee who tests and promotes to a next higher rank in accordance with civil service testing requirements shall be placed at the Step pertaining to the promotional rank that results in the step above the step in the promotional rank in which the employee's current salary is located.

H. The City Council reserves the right to eliminate, adjust and modify the foregoing tables as is allowed by the relevant provisions of Chapter 143.

Section 3. CERTIFICATION PAY

A. As authorized under Section 143.044 of the Texas Local Government Code, the Certification Pay referenced below shall constitute the authorized certification pays for police officers who hold the stated certificate from the Texas Commission on Law Enforcement.

B. Certification pay is for highest level held in each category and is not cumulative. Proof of active certification status must be on file with the Human Resources Department as a condition precedent to receiving the stated pay. Loss or suspension of the certification shall result in the loss of that pay. Employees shall notify the Human Resources Department of loss or

suspension of certification. If certification pay is paid after loss or suspension of the certification, the police officer shall reimburse the City from the date of the loss.

C. Certification pays are stated in monthly amounts but shall be paid in pro-rata amounts synchronized to the pay cycles established in the City’s payroll system.

D. The following certification pays for the police officers are authorized to be paid for holding the certification:

| POLICE DEPARTMENT | | |
|--------------------------|--------------------------|--------------------|
| CERTIFICATION PAY | CRITERIA | MONTHLY PAY |
| Intermediate | TCOLE Certification only | \$50.00 |
| Advanced | TCOLE Certification only | \$100.00 |
| Master’s | TCOLE Certification only | \$150.00 |

E. The City Council reserves the right to eliminate, adjust and modify the foregoing certification pay as is allowed by the relevant provisions of Chapter 143.

Section 4. EDUCATION INCENTIVE PAY

A. As authorized under Section 143.044(c) of the Texas Local Government Code, the following educational incentive pay for police officers who meet the stated criteria are allowed:

| POLICE DEPARTMENT | | |
|----------------------------------|--|-----------------------------|
| EDUCATIONAL INCENTIVE PAY | CRITERIA | ANNUAL PAY (Monthly) |
| Associate Degree | Proof of a degree from an accredited educational institution | \$50.00 |
| Bachelor’s Degree | Proof of a degree from an accredited educational institution | \$100.00 |
| Master’s Degree | Proof of a degree from an accredited educational institution | \$150.00 |

B. Educational incentive pay is for highest level held and is not cumulative. Proof of a certified transcript for the specified degree from an accredited college or university must be on file with the Human Resources Department as a condition precedent to receiving the stated pay.

C. For purposes of this pay, an “accredited college or university” means a college or university that is accredited by a nationally recognized accrediting agency and by the state board of education in the state in which the college or university is located.

D. The City Council reserves the right to eliminate, adjust and modify the foregoing educational incentive pay as is allowed by the relevant provisions of Chapter 143.

Section 5. SICK LEAVE

A. Sick leave accrual shall be calculated in accordance with the minimum requirements of Section 143.045 of the Texas Local Government Code, and unless there is a labor agreement provision to the contrary, shall accrue as stated in the City of Alvin Personnel Policy Manual.

B. A “working day” for purposes of Section 143.045 accrual is hereby defined as a ten (10) hour day for personnel working a forty (40) hour per week work schedule.

C. Pursuant to of Subsection 143.045(b) of the Texas Local Government Code, a police officer may accumulate sick leave without limit and may use the leave if unable to work because of a bona fide illness.

D. Utilization of sick leave shall be managed in accordance with department policy and practice.

E. A police officer who leaves the classified service for any reason shall receive in a lump-sum payment, the full amount of the person’s salary for accumulated sick leave if the person has accumulated not more than 90 days of sick leave. If a police officer has accumulated more than 90 days of sick leave, the police officer shall receive in a lump-sum payment the full amount of the person’s salary for 90 days of accumulated sick leave.

F. For purposes of the transition from the current civilian pay plan to the statutory civil service system under Chapter 143 of the Texas Local Government Code, sick leave accrued by a current civilian employee shall be retained by the employee upon transition to the statutory civil service system. For example, if a police officer has accrued 100 hours of sick leave as of September 30, 2021, the police officer shall retain such accrued sick leave on October 1, 2021, for use in the civil service system.

G. The City Council reserves the right to adjust and modify the foregoing sick leave policy as is allowed by the relevant provisions of Chapter 143.

Section 6.

VACATION LEAVE

A. Vacation leave shall be authorized in accordance with the minimum requirements of Section 143.046 of the Texas Local Government Code, and unless there is a labor agreement provision to the contrary, shall accrue in accordance with the City of Alvin Personnel Policy Manual.

B. A “working day” for purposes of Section 143.046 accrual is hereby defined as a ten (10) hour day for personnel working a forty (40) hour per week work schedule.

C. Vacation leave shall be administered according to the following rules:

- i. An employee’s hire date as sworn personnel with the Police Department shall be recorded as the anniversary date for the purpose of vacation accrual.
- ii. The maximum accrual a civil service employee may maintain is equal to, but not greater than, two (2) times his or her annual rate. Civil service employees shall be encouraged to use a substantial portion of their vacation leave each year.
- iii. A police officer in classified service employee may not maintain vacation leave greater than the maximum accrued vacation leave allowed.
- iv. No vacation leave shall be allowed unless previously approved by the Department Head or designee. Department Heads or their designees shall schedule or approve vacations giving due consideration to the needs of the City and the interests of the employee.
- v. A police officer who is separated from City service for any reason shall be paid for any accrued, unused vacation leave up to, but not greater than, the maximum allowed vacation accrual leave.
- vi. Vacation leave may be taken in one-hour increments if authorized by the Department Head or designee.
- vii. Vacation leave shall be charged only for time during which the police officer would ordinarily have worked. For example, City holidays will not be charged against vacation time.
- viii. A police officer being laterally transferred, promoted, or demoted shall retain accrued vacation leave.
- ix. Vacation leave shall not be advanced to a police officer except with the approval of the City Manager.
- x. Except as provided by Chapter 143, vacation leave credits are not transferable to other police officers.
- xi. A police officer under suspension, or on leave without pay, shall not accrue vacation leave.

D. Utilization of vacation leave shall be managed in accordance with department policy and practice.

E. For purposes of the transition from the current civilian pay plan to the statutory civil service system under Chapter 143, vacation leave accrued by a current civilian employee shall be retained by the employee upon transition to the statutory civil service system. For example, if a police officer has accrued 10 hours of vacation leave as of September 30, 2021, the police officer shall retain such accrued vacation leave on October 1, 2021, for use in the civil service system.

F. The City Council reserves the right to adjust and modify the foregoing vacation leave policy as is allowed by the relevant provisions of Chapter 143.

Section 7. ORDER OF AUTHORITY

Upon the implementation date for the City's civil service system, currently set to be deployed on October 1, 2021, police officers shall be managed pursuant to the standards and requirements of the following governing criteria, in precedential order:

- 1) the applicable Collective Bargaining Agreement;
- 2) the civil service statutes, specifically Chapter 143 of the Texas Local Government Code;
- 3) the duly adopted Local Civil Service Rules of the Civil Service Commission so long as not in conflict with any of the foregoing authorities;
- 4) police department policies and practices, so long as not in conflict with any of the foregoing authorities, and
- 5) applicable provisions of the City's Personnel Policy so long as not in conflict with any of the foregoing authorities.

Section 8. ANNUAL BUDGET

The provisions of this Ordinance shall be subject to and in accordance with any annual or routine budget amendments, and any provisions in this Ordinance shall be automatically updated and amended annually in accordance with the annual budget.

Section 9. REPEAL OF CONFLICTING ORDINANCES

A. This Ordinance and the subject matter contained herein shall supersede and hereby repeals any prior Ordinances or administrative directives in conflict with this Ordinance.

B. The provisions of this Ordinance shall also supersede any provisions of the Civil Service Rules and Regulations or Personnel Policy provisions in conflict with the provisions of this Ordinance.

Section 10. SEVERABILITY

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Alvin, Texas, hereby declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 11. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon adoption in accordance with the laws of the State of Texas and the City Charter for the City of Alvin on October 29, 2021.

PASSED and APPROVED on this 21st day of October 2021.

CITY OF ALVIN

ATTEST:

Paul A. Horn, Mayor

Dixie Roberts, City Secretary

APPROVED AS TO FORM:

Suzanne L. Hanneman, City Attorney

EXHIBIT A

ALVIN POLICE OFFICERS ASSOCIATION
2019 – 2021 SALARY SCHEDULE (Proposed October 1, 2019)

| POLICE OFFICER | Pct Inc | Starting | 1 Year | 2 Year | 3 Year | 4 Year | 5 Year | 6 Year | 7 Year | 8 Year | 9 Year |
|----------------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Current (10/01/2018) | - | \$ 23.44 | \$ 24.28 | \$ 25.12 | \$ 25.97 | \$ 26.81 | \$ 27.65 | \$ 28.50 | \$ 29.37 | \$ 30.21 | \$ 31.06 |
| Effective Oct 2019 | 2% | \$ 23.91 | \$ 24.77 | \$ 25.62 | \$ 26.49 | \$ 27.35 | \$ 28.20 | \$ 29.07 | \$ 29.96 | \$ 30.81 | \$ 31.68 |
| Effective Oct 2020 | 2% | \$ 24.39 | \$ 25.26 | \$ 26.13 | \$ 27.02 | \$ 27.89 | \$ 28.77 | \$ 29.65 | \$ 30.56 | \$ 31.43 | \$ 32.31 |
| Effective Oct 2021 | 2% | \$ 24.87 | \$ 25.77 | \$ 26.66 | \$ 27.56 | \$ 28.45 | \$ 29.34 | \$ 30.24 | \$ 31.17 | \$ 32.06 | \$ 32.96 |

| SERGEANT | Pct Inc | Starting | 1 Year | 2 Year | 3 Year | 4 Year | 5 Year | 6 Year | 7 Year |
|----------------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|
| Current (10/01/2018) | - | \$ 29.45 | \$ 30.72 | \$ 31.38 | \$ 32.01 | \$ 32.65 | \$ 33.28 | \$ 33.94 | \$ 34.58 |
| Effective Oct 2019 | 2% | \$ 30.04 | \$ 31.33 | \$ 32.01 | \$ 32.65 | \$ 33.30 | \$ 33.95 | \$ 34.62 | \$ 35.27 |
| Effective Oct 2020 | 2% | \$ 30.64 | \$ 31.96 | \$ 32.65 | \$ 33.30 | \$ 33.97 | \$ 34.62 | \$ 35.31 | \$ 35.98 |
| Effective Oct 2021 | 2% | \$ 31.25 | \$ 32.60 | \$ 33.30 | \$ 33.97 | \$ 34.65 | \$ 35.32 | \$ 36.02 | \$ 36.70 |

| LIEUTENANT | Pct Inc | Starting | 1 Year | 2 Year | 3 Year | 4 Year | 5 Year |
|----------------------|---------|----------|----------|----------|----------|----------|----------|
| Current (10/01/2018) | - | \$ 37.13 | \$ 38.41 | \$ 39.06 | \$ 39.69 | \$ 40.34 | \$ 40.95 |
| Effective Oct 2019 | 2% | \$ 37.87 | \$ 39.18 | \$ 39.84 | \$ 40.48 | \$ 41.15 | \$ 41.77 |
| Effective Oct 2020 | 2% | \$ 38.63 | \$ 39.96 | \$ 40.64 | \$ 41.29 | \$ 41.97 | \$ 42.60 |
| Effective Oct 2021 | 2% | \$ 39.40 | \$ 40.76 | \$ 41.45 | \$ 42.12 | \$ 42.81 | \$ 43.46 |

| CAPTAIN | Pct Inc | Starting | 1 Year | 2 Year | 3 Year |
|----------------------|---------|----------|----------|----------|----------|
| Current (10/01/2018) | - | \$ 43.10 | \$ 44.36 | \$ 45.01 | \$ 45.63 |
| Effective Oct 2019 | 2% | \$ 43.96 | \$ 45.25 | \$ 45.91 | \$ 46.54 |
| Effective Oct 2020 | 2% | \$ 44.84 | \$ 46.15 | \$ 46.83 | \$ 47.47 |
| Effective Oct 2021 | 2% | \$ 45.74 | \$ 47.08 | \$ 47.76 | \$ 48.42 |