

Civil Service for Texas Peace Officers

In 1947, the Texas Legislature recognized the need to establish a more professional fire and police service. For this reason, during the 50th Legislative session, HB 34 was passed allowing the voters of municipalities of 10,000 or more residents to vote to adopt civil service.

While Civil Service is often confused with collective bargaining, and meet and confer, it is a completely separate set of statutes designed to help municipalities establish more professional police and fire departments who are free from political influence when discharging their duties.

Establishment of Clear Rules and Procedures:

Rather than operating under an ad hoc system of department rules and hiring practices used at the discretion of the head of the police department, civil service establishes clear and defined rules for hiring, firing, promoting, demoting, and terminating.

Under civil service, all police applicants must take the same examinations before being commissioned by a police department. It helps ensure that promotions are not arbitrary and based on politics. If an officer puts in for a promotion, they must take the same examination as their peers with the goal of the most qualified individual receiving the promotion.

Civilian Oversight through the Civil Service Commission:

Upon the establishment of civil service, a three-person civil service commission is created. Commissioners are appointed by the municipality's chief executive and confirmed by the governing body of the municipality, where they serve staggered three-year terms.

Under a civil service agency, the chief runs the police department; the council approves the budget (pay and positions); and the civil service commission sets rules for testing, hiring, firing, promotion, and hears certain appeals.

If a disciplinary action has been taken by the chief, the Chief must state specific violations of civil service statute that was violated.

Should an officer disagree with the action taken by the Chief, they can appeal to the Civil Service Commission or request arbitration. In the instance an officer chooses to go to arbitration, a single independent professional is chosen by agreement of both parties. If the parties chose to go this route, the arbitrator's decision is final.

Adoption of Civil Service:

As important as Civil Service can be for a department, Texas sets a relatively high bar for municipalities to adopt Civil Service for Police and Fire Fighter Departments.

First, only municipalities of 10,000 or more are eligible to seek out civil service for these agencies.

The first step in the road to civil service is to collect signed petitions from at least 10% of voters who voted in the most recent municipal election in order to trigger a civil service election.

Once the City Council has certified the petitions, civil service must be put on the ballot for the next city-wide election.

Once on the ballot, the measure must be voted by a majority of voters in that municipality.

Finally, once civil service has been adopted, the voters have the option to repeal civil service after one year after its adoption.

Closing:

73 years ago, Texas established Chapter 143 of the Local Government Code to assist local governments in creating more professional police and fire departments.

Civil Service is not about collective bargaining and strong unions. It is about the professionalism of police and fire departments, and transparent government. Wherever it is implemented, the departments have been better off for it.

Ultimately it is up to the voters of each municipality to choose civil service for their police and fire departments, or to do away with the system.

It is the position of the Texas Municipal Police Association that municipalities should have the choice to adopt or disband civil service depending on what they feel is best for their citizens.

We also applaud municipalities who strive to secure efficient fire and police departments composed of capable personnel who are free from political influence through the adoption of Civil Service.