

ORDINANCE NO. 4991

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 4983 BY AMENDING THE 2022-23 PAY PLAN FOR FIRE PERSONNEL TO PROVIDE FOR AND RECOGNIZE A LATERAL ENTRY PROGRAM FOR THE MESQUITE FIRE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING EFFECTIVE DATES THEREOF.

WHEREAS, the Rules and Regulations of the City of Mesquite Fire Fighters' and Police Officers' Civil Service Commission (the "**Local Rules**") establish certain minimum eligibility requirements for beginning positions as a firefighter in the Fire Department of the City of Mesquite, Texas ("**City**"); and

WHEREAS, Section .041 of the Local Rules provides for seniority pay within the ranks of the Fire Department and the City's pay plan for firefighters, adopted by Ordinance No. 4983 approved by the City Council on September 6, 2022, establishes increasing pay steps based upon the number of years of service as a firefighter; and

WHEREAS, the recruitment of firefighters for beginning positions in the City's Fire Department has become increasingly challenging and when attempting to hire experienced firefighters for beginning positions, the City's Fire Department is not currently able to effectively compete with other agencies that offer a lateral hiring program for the beginning firefighter rank; and

WHEREAS, increasing the City's ability to compete for and hire experienced firefighters who are already licensed by the State of Texas will result in substantial cost savings, operational efficiencies, and other benefits for the Fire Department and City residents; and

WHEREAS, on October 6, 2022, the City's Fire Fighters' and Police Officers' Civil Service Commission ("**Commission**") met for the purpose of considering amending the Local Rules to establish the parameters of a Lateral Entry Program applicable to the Fire Department and did approve such an amendment by Resolution No. 01-2022, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference; and

WHEREAS, the effectiveness of the Commission's amendment to the Local Rules is conditioned on the City Council amending the pay plan for firefighters to provide for and recognize the Lateral Entry Program for the City's Fire Department; and

WHEREAS, the Commission and City staff recommend amendment of the pay plan for such purposes, which is in the best interests of the City and its citizens.

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

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SECTION 1. The statements, facts, findings, and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. Ordinance No. 4983 and the 2022-23 pay plan for fire personnel as more fully described in Exhibits A and B thereto are hereby amended to the extent necessary for the purpose of providing for and recognizing the Lateral Entry Program for the Mesquite Fire Department as provided in the Commission's Resolution No. 01-2022 and, except as amended hereby, Ordinance No. 4983 shall remain in full force and effect.

SECTION 3. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force immediately upon approval by the City Council.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of October 2022.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

Sonja Land

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Sonja Land

City Secretary

DocuSigned by:

David L. Paschall

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David L. Paschall

City Attorney



T E X A S

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RESOLUTION NO. 01-2022

EXHIBIT 1

A RESOLUTION OF THE CITY OF MESQUITE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION (THE "COMMISSION") ADOPTING AN AMENDMENT TO THE RULES AND REGULATIONS OF THE COMMISSION TO ADD NEW SECTION .023(b) ESTABLISHING THE ELIGIBILITY REQUIREMENTS AND APPLICABLE RULES FOR HIRING BEGINNING FIREFIGHTERS WHO HAVE PRIOR EXPERIENCE WITH OTHER EMPLOYERS; ESTABLISHING THE SENIORITY COMPENSATION FOR NEW LATERAL HIRES IN THE FIRE DEPARTMENT; AUTHORIZING THE DEPARTMENT HEAD TO MANAGE AND MODIFY THE LATERAL HIRING CRITERIA, RULES, AND ELIGIBILITY IN THE BEST INTERESTS OF THE DEPARTMENT; AND AUTHORIZING THE DIRECTOR OF CIVIL SERVICE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THIS RESOLUTION.

WHEREAS, the Rules and Regulations of the City of Mesquite Fire Fighters' and Police Officer's Civil Service Commission (the "Local Rules") establishes certain minimum eligibility requirements for beginning positions as a firefighter in the Fire Department of the City of Mesquite, Texas ("City"); and

WHEREAS, Section .041 of the Local Rules provides for seniority pay within the ranks of the Fire Department; and

WHEREAS, the City's pay plan for firefighters establishes increasing pay steps based upon the number of years of service as a firefighter; and

WHEREAS, the recruitment of firefighters for beginning positions in the City's Fire Department has become increasingly challenging; and

WHEREAS, when attempting to hire experienced firefighters for beginning positions, the City's Fire Department is not currently able to effectively compete with other agencies that offer a lateral hiring program for the beginning firefighter rank; and

WHEREAS, increasing the City's ability to compete for and hire experienced firefighters who are already licensed by the State of Texas will result in substantial cost savings, operational efficiencies, and other benefits for the Fire Department and City residents; and

WHEREAS, the Commission desires to amend the Local Rules to add a new Section .023(b) to establish the parameters of a lateral hiring program applicable to the Fire Department as

more fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MESQUITE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION:

SECTION 1. Conditioned on the City Council amending the pay plan for firefighters to provide for the following Lateral Entry Program, the Commission hereby amends the Local Rules by adding the following new Section .023(b):

.023(b). Fire Department Lateral Entry Program

1. The Fire Department may establish a Lateral Entry Program for beginning firefighters that provides step pay credit for prior experience as a State of Texas certified firefighter.
2. To be eligible for employment with the Fire Department as a beginning firefighter under the Lateral Entry Program, an applicant:
 - a. must be currently certified in Basic Structure Fire Suppression by the Texas Commission on Fire Protection;
 - b. must be currently certified by the Texas Department of State Health Services as either an EMT-Paramedic or Licensed Paramedic;
 - c. must have at least one continuous year of service as a paid, full time State of Texas certified firefighter in an agency approved by the Fire Chief;
 - d. must complete and satisfy all other requirements for a beginning position in the Fire Department in accordance with these Rules and Chapter 143 of the Texas Local Government Code, including all entry-level testing, examination, background investigation, and reviews required for hiring; and
 - e. must be approved by the Fire Chief to participate in the Lateral Entry Program in his sole discretion and satisfy all other requirements and conditions of the program which may, from time to time, be established by the Fire Chief.
3. An applicant hired as a beginning firefighter under the Lateral Entry Program shall be placed on the firefighter pay step equivalent to the applicant's number of full years of approved experience as a State of Texas certified firefighter. Only full years of service with each prior employer shall be counted; partial years shall not be counted, combined, or aggregated in any way. For example, if an applicant has one year and eight months of approved experience with one employer and two years and four months of approved experience with another employer, the applicant shall be treated as having a total of 3 years of approved experience and may be placed no higher than pay step B3 when first employed by the City of Mesquite.
4. The Fire Chief is authorized to adopt any internal Department rules, regulations, policies, and procedures applicable to the Lateral Entry Program he may deem

appropriate and/or necessary. Such policies and procedures may include, but are not limited to, provisions establishing further eligibility requirements or criteria used to determine acceptable prior experience. The Fire Chief has sole discretion to make the final determinations regarding an applicant's eligibility for the Lateral Entry Program and the amount of approved experience that will be used to determine the starting pay step offered to the applicant. The Fire Chief may discount or reduce the number of years of experience that will be approved based upon factors to be determined and weighted by the Fire Chief. For instance, the Fire Chief may determine that a particular applicant with five years of experience as a State of Texas certified firefighter in a small or volunteer department is ineligible for the Lateral Entry Program or, alternatively, will only be approved for a lower number of years of experience for purposes of the Lateral Entry Program.

5. The Fire Chief may impose limits on the number of applicants, if any, to be offered employment under the Lateral Entry Program at any given time.
6. The Lateral Entry Program is for seniority pay purposes only to determine placement into the City's existing pay schedule for firefighters. Work experience with any employer other than the City of Mesquite shall not be considered for promotional eligibility requirements, departmental seniority, leave determinations, paid time off, transfers, probationary purposes, longevity pay, or any other accruals or programs that utilize years of service or experience as a criteria. Departmental seniority for lateral entry firefighters will begin on their Civil Service hire date with the City of Mesquite Fire Department.

SECTION 2. The foregoing amendment is effective on the date of the City Council action required by Section 1 and the Director of Civil Service is hereby instructed and authorized to take all actions necessary to implement this Resolution following such City Council action.

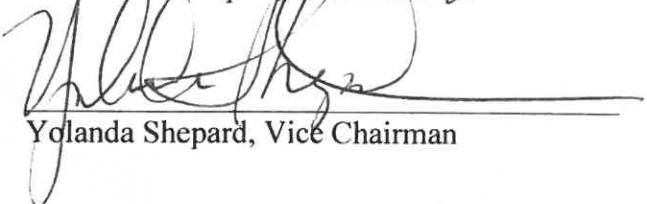
DULY RESOLVED by the City of Mesquite Fire Fighters' and Police Officers' Civil Service Commission on the 6th day of October, 2022.



Patricia DeLaGarza, Chairman



Matthew Holzapfel, Commissioner



Yolanda Shepard, Vice Chairman