

## City Proposal (Date 6.17.21)

### ARTICLE 39 Civilianization

#### Section 1.

Notwithstanding any provision in this agreement to the contrary (if any), and without altering any other provision of this Agreement, the City ~~was~~ is authorized to civilianize the following positions or units, and any civilianization action ~~heretofore~~ taken by the City ~~is hereby~~ continues to be ratified and approved by the Association.

1. Court Liaison
2. Facilities Management
3. Communications
4. Research and Planning
5. Municipal Integrity
6. Crime Scene Unit
7. UCR/Report Review
8. Youth Services
9. Vehicle Storage

In addition to the listed functions above, the administrative services positions titled Service and Support Office as reflected on the attached Organizational Chart, shall be a civilian position irrespective of the fact that portions of the job description carried out by that position have previously been the responsibility of sworn civil service personnel. It is understood and agreed, however, that the civilian position shall at no time supervise or command sworn civil service personnel.

~~The City agrees to maintain staffing levels in the Crime Scene Unit at no less than 30% sworn officers, not to include supervisors, it being understood that any reduction in the percentage of sworn officers shall be by attrition or enhanced authorized staffing only. It is understood and agreed, however, that when the Chief implements the UED program under Article 11, this percentage may be reduced pro rata with the transfer of personnel to other assignments in accordance with Article 11 Section 7. The Chief will meet with Association representatives from time to time to make sure that implementation protocols and procedures for patrol and dispatch sufficiently provide for the safety of officers, the safety of civilian employees and the public generally, and effective prosecution. The lead incident commander of the shooting investigation team shall be a sworn Officer.~~

~~Officers and Detectives assigned to Vehicle Storage, Communications and Youth Services at the time of the City Council approval of this Agreement who also receive shift differential pay will retain the shift differential pay if they are involuntarily reassigned due to civilianization of the units until they voluntarily transfer to a job assignment without shift differential.~~

The Crime Scene Unit shall maintain sworn supervisors, regardless of sworn staffing levels. Any reduction in the current sworn Crime Scene Unit non-supervisory positions shall be by attrition. The lead incident commander of the shooting investigation team shall be a sworn Officer. The City shall notify the Association President at least ninety (90) calendar days prior to civilianization of ~~Vehicle Storage, Communications, Youth Services and~~ jobs traditionally performed by sworn officers and shall consult, and reach mutual agreement, with the Association President over the effects of such civilianization. The City agrees the effect of civilianization shall not reduce the authorized number of sworn Police Officers, Detectives or Supervisors.

## **Section 2.**

The City of San Antonio may additionally utilize civilians in any position created in the future, that does not require the individual to have and exercise the power of arrest under the standards for distinguishing between classified and civilian positions set forth in *Lee v. City of Houston*, or any later decision by the Supreme Court of Texas.

## **Section 3. Preemption**

It is expressly understood and agreed that all provisions of this Article shall preempt any statute, Executive Order, local ordinance, City policy or rule, which is in conflict with or is inconsistent with this Agreement and the procedures developed hereunder, including for example and not by way of limitation, any contrary provisions of Chapters 141, 142, and 143 of the Texas Local Government Code, including but not limited to Sections 143.001 through 143.027 and 143.041 through 143.047.

Date: \_\_\_\_\_

\_\_\_\_\_  
For the City

\_\_\_\_\_  
For the Association