

**ARTICLE 18**  
**FIRE MARSHAL'S OFFICE**

The Association has requested that the Fire Marshal's Office function be located in the Fire Department since the first Meet and Confer negotiation. The City has an opportunity to reorganize the Fire Marshal's Office to the Fire Department.

Challenges to the move include the lack of qualified personnel in the department's classified service. This section adopts provisions to enable the transition.

1. Establishing the Fire Marshal's Office (Initial three years):

- A. To develop the Fire Marshal's Office operations requires an experienced Fire Marshal. To accomplish this, the Fire Chief shall have the right to hire a Fire Marshal outside of the department/classified service.
- B. This appointed Fire Marshal will not be a member of the classified service at appointment and will not have the protections of civil service at employment or for the duration of employment.
- C. Should the Fire Marshal hired as authorized in 1A above separate employment from the position of Fire Marshal prior to serving three years, the Fire Chief shall have the right to hire an additional experienced Fire Marshal(s), outside of the department/classified service, within that three year period.
- D. Any Fire Marshal appointed under this provision will serve as Fire Marshal in an unclassified capacity until he/she leave the City's employment.

2. Fire Marshal's Office (after initial three year period):

Firefighters are encouraged to develop the knowledge, skills, abilities, and credentials for service as Fire Marshal and/or in the Fire Marshal's Office. It is the City's hope that following three years, qualified firefighters will have developed knowledge, skills, abilities, and credentials to serve as the Fire Marshal..

- A. In the event that there are no qualified firefighter candidates to serve as Fire Marshal, the Fire Chief shall have the right to appoint a Fire Marshal from outside of the Department. The decision regarding qualified candidates will be made by the Fire Chief. The Fire Chief will review the decision with the Association President.
- B. Any Fire Marshal appointed from outside the department under 2(A) above, will not be a member of the classified service at appointment and will not have the protections of civil service at employment or for the duration of employment.

**Section 3. Preemption**

The parties agree that the provisions of this Article preempt during the term of this agreement and to the extent of any change or conflict, all contrary state statutes, including TLGC 141, 142, and 143, including but not limited to sections 143.003, 143.014, 143.021, 143.102 and Section 143.085, local ordinances, executive orders, civil service provisions, or rules adopted by the head of the fire department, the City of San Marcos or by a division or agency of the city, such as a personnel board or a civil service commission.