

# Civil Service Provisions

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## **PREFACE**

In April of 1973, the City Council of Euless, Texas adopted an ordinance to establish a Civil Service System for all City employees. This action was essentially based on the following rationale and personnel philosophy:

## **RATIONALE**

The basic charter of the elected officials of a community is to serve their community by establishing policy that will provide to all citizens the greatest measure of service and life quality with the available resources.

This charter can be accomplished by finding new resources and by developing present resources to the maximum potential. A Civil Service System will contribute to the development of present resources by recognizing employees as a valid resource with development potential.

## **PERSONNEL PHILOSOPHY**

One of the greatest assets of our community is the potential of our employees. Recognition and enhancement of this asset are of material benefit to the community and also fulfill a moral obligation to each employee. To deal with each employee as a respected individual who is to be justly compensated, politically unencumbered, encouraged and assisted in his progress and discharge of his duties is the objective of City Administration and the City Council. The Civil Service Commission is a means by which this can be assured. Our success may well be measured by the extent that our efforts give meaning and dignity to the employee's life as reflected by his attitude at work and in his home and community relationships.

As the community has a responsibility to its employees, so the employees have a responsibility to the community. The welfare of both depends upon sincerity and effectiveness with which each carries out his responsibility. To encourage a sense of responsibility, a spirit of confidence, and an attitude of cooperation among our employees is a primary personnel goal. The community recognizes the value of the individual employee and provides the essentials which will enable him to achieve the maximum satisfaction in his work. In turn, the individual employee is expected to recognize that his own satisfaction derives from loyal and conscientious service in the performance of his duties.

**CITY OF EULESS**  
**CIVIL SERVICE PROVISIONS**  
**FORMALLY APPROVED AND ADOPTED BY**  
**THE EULESS CITY COUNCIL**  
**DATE: May 28, 2013**

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## CHAPTER ONE

### CIVIL SERVICE PROVISIONS

#### **1.01 Basic Objectives and Applicability**

It is the intent of these Provisions that they be interpreted broadly on the basis of a reasonable approach to specific problems and situations, and that they be considered as a total set of working provisions rather than each section, subsection, sentence or phrase being interpreted in isolation and out of context. The purpose of these Provisions is to bring into the service of the City the high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees, with all the benefits such a program ensures. It should be expressly understood that this manual does not constitute a contract between the City of Euless and its employees, and that except as modified by these Provisions, all employment with the City is at-will, and an employee may be separated at any time. The masculine pronouns (he, him, his) are used when referring to employees only for reasons of expediency and such references include all employees, male or female.

The purpose of these Provisions includes, but is not limited to, the following:

- A. To promote and increase efficiency and economy in the service of the City.
- B. To develop a program of positive recruitment, advancement and tenure, which will make service in the City attractive as a career and encourage each employee to render his best service to the City.
- C. To establish and promote high morale among City employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employee needs and desires.
- D. To provide for the right of employees to file grievances and appeals and to be heard on eligible matters as defined by these Provisions.
- E. To provide each employee with adequate administrative and supervisory direction so that he will be informed periodically as to how well he is performing his duties and will be helped to improve his level of performance and that progressively improved work performance over an extended period will be recognized and rewarded.

#### **1.02 Equal Employment Opportunity**

The City of Euless will not discriminate in recruitment, interviewing, examination, appointment, training, compensation, promotion, transfer, performance appraisals, retention, discipline, or any other aspect of personnel administration on the basis of an employee's or applicant's religious beliefs, race, color, national origin, disability, age, sex, genetic information, or veteran status.

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## **1.03 Motivation and Knowledge of Employees**

Every employee in the City service is working for the same public. Service to the public is the first priority of all City employees and is a key to success in the job. Each employee should have a thorough knowledge of his own job and should possess a profound respect for his work. He should be endowed with the spirit that his effort is of consequence and that his work is of worthwhile value. He should have knowledge of the relations of his job to other employees and to the entire City organization.

## **1.04 Excluded Employees**

The following positions are exempt from the application of these Provisions:

- A. City Manager, Deputy City Manager, Assistant City Manager
- B. Assistants to the City Manager
- C. City Secretary, Deputy City Secretary
- D. City Attorney
- E. City Engineer, Assistant City Engineer
- F. Municipal Judge
- G. Directors, Assistant Directors, Deputy Directors
- H. Police Chief, Assistant/Deputy Police Chief or Police Captains
- I. Fire Chief, Assistant/Deputy Fire Chief, Fire Division Chiefs
- J. Administrators
- K. General Managers
- L. Texas Star Golf Course and Conference Centre employees
- M. Part-time and temporary employees
- N. Interns

## **1.05 Dissemination**

Copies of these Civil Service Provisions shall be made available as follows:

- A. Copies shall be placed and kept up-to date in all departments.
- B. A copy shall be placed and kept up-to date in the Public Library.
- C. A copy shall be placed on the City's intranet website.
- D. All updates and/or changes shall be posted in each department in a conspicuous place for at least seven (7) days and will be available to all employees upon request.

## **1.06 Amendments, Modifications and Set Asides**

The Civil Service Provisions may be amended or modified as necessary by the City Council at the request of the Civil Service Commission. All references to the Euless Civil Service Provisions shall mean the Provisions as of the last revision. The following procedures are established to provide for necessary changes:

- A. At the request of the City Manager, the Civil Service Commission may set aside any of these provisions. Such actions shall be documented in written form, with complete justification and with approval signatures. All exceptions will be limited to a particular case unless otherwise noted in the documentation. Any such

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action on the part of the Commission requires no further justification on its part nor can such actions be used to establish a precedent.

- B. The City Manager may request the Civil Service Commission consider amendments or modifications to the Provisions.
- C. The Commission may make recommendations to the Council to amend or modify the Provisions.
- D. When a decision is made by the Council to amend or modify the Provisions, the approved items will be published, posted, disseminated and records will be maintained by the Civil Service Officer as directed by the Provisions.
- E. Certain job classifications may require no testing since the technical qualifications of the classification are minimal. When, in the judgment of the Commission or City Manager, testing in these classifications would not beneficially contribute to the interest of the public service, such classifications shall be noted to waive testing requirements and otherwise shall be directly placed on the eligibility list. Promotions to such classifications shall then be made on the basis of the performance evaluations and other factors.

## **1.07 Job Descriptions**

Each Director shall have the authority and responsibility to provide job descriptions in his respective department. All positions shall be classified based on the needs of the department and recommendations of that Director. Additional job duties and requirements shall be in accordance with legal guidelines. Employees shall be advised of any changes in their current job description.

Each job or position in the City will have available a written description of the duties, responsibilities, qualifications, and knowledge, skills and abilities required to perform the job functions. All employees will receive a copy of their particular job description.

## **PERSONNEL ADMINISTRATION PROVISIONS**

### **1.08 City Manager**

The City Manager or his designee shall be responsible, through designated representatives, for the day-to-day administration, interpretation and operation of the Civil Service Provisions including appointment, dismissal, disciplinary measures and all other personnel actions necessary to the orderly and expeditious operation of all City functions.

### **1.09 Civil Service Officer**

The City Manager shall appoint a Civil Service Officer. The Civil Service Officer shall be responsible for preparation, implementation, enforcement and interpretation of the Civil Service Provisions and all personnel actions affecting applicants or employees including recruitment, testing, ranking, maintenance of eligibility lists, referrals, processing, and maintenance of employee records and such other duties and responsibilities as may be designated by the City Manager.

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The records of the Civil Service Officer pertinent to any hearing or appeal before the Commission shall be accessible to the Commission to the extent allowed by law and/or City policy.

### **1.10 Civil Service Commission**

The Civil Service Commission shall be responsible for setting policies of the Commission, hearing appeals of employees and such other duties and responsibilities as are specified in these Provisions.

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## CHAPTER TWO

### DEFINITIONS

The words and terms used in these Provisions shall have the meaning indicated as follows unless the context clearly indicates otherwise.

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#### **Accredited Institution of Learning**

An accredited educational institution of learning is one that is officially recognized as meeting the essential requirements and specific standards as approved by an appropriate regional or national agency approved by the U.S. Department of Education.

#### **Acting/Temporary Assignment**

The assumption of responsibilities of another position at the direction of a Director or the City Manager for a period not to exceed ninety (90) consecutive days.

#### **Address**

The street and number of the residence and/or the Post Office Box mailing address if applicable.

#### **Administrative Policy**

An established, guiding principle or procedure established by the City Manager or his designee which is intended to influence and determine consistent decisions and/or actions.

#### **Allocation**

The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibility exercised.

#### **Appeal**

An appeal is the method that an employee must use to obtain a hearing to protest, contest or challenge any suspension, demotion or discharge.

#### **Applicant**

A person who, according to established procedure, has made formal written application for employment.

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## **Appointing Authority**

The City Manager or his designee.

## **Appointment**

The offer to and acceptance by a person of a position in the City service in accordance with these Provisions.

## **Business Days**

The normal Monday through Friday, 8:00 a.m. to 5:00 p.m. day during which the City administrative offices are open for business.

## **Calendar Days**

All days in a month or for a specified period, including weekends and holidays.

## **Call Back**

Unscheduled or emergency return to work outside of normal hours or on a holiday or day off at the order of a supervisor.

## **Civil Service Commission**

The body composed of members appointed by the City Council for periods of time as designated in accordance with applicable Euless City Code or Ordinances for the purpose of recommending Civil Service provisions and serving as an appellate body for employee appeals.

## **Civil Service Officer**

A City employee or official appointed by the City Manager to be responsible to the City Manager for the preparation, implementation, enforcement, interpretation, and the day-to-day maintenance of the City's Civil Service Provisions.

## **Civil Service Provisions**

The provisions as created by the City Council and governed by the Commission, including employment, provisions, and standard procedures.

## **Class**

A group of positions similar in respect to duties, responsibilities, and authority.

## **Classification Plan**

The arrangement of positions into classes together with specifications describing each class.

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## **Compensatory Time**

Time off in lieu of monetary payment for overtime worked which is due under the Fair Labor Standards Act, under an agreement with the employee reached in advanced of such overtime work.

## **Cutback**

Separation of service without fault on the part of the employee because of lack of work, lack of funds, or other problems unrelated to employee job performance or discipline.

## **Days**

Calendar days unless otherwise specified.

## **Demotion**

The movement of an employee from one class to another class having a lower base rate of pay, excluding reclassification.

## **Department**

A major functional unit of the City government.

## **Director**

The person who is responsible for administration of a department or departments. All directors will be appointed by the City Manager.

## **Discrimination**

The inappropriate consideration of an employee's protected group membership with regard to terms, conditions, or privileges of employment.

## **Discharge**

An involuntary separation of any employee from City service by an appointing authority for disciplinary reasons.

## **Division**

A major functional unit of a department.

## **Eligible**

A person who has met all minimum qualifications and successfully passed all competition, including the examination for a class, and whose name is placed on an eligibility list.

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## **Eligibility List**

A list of those qualified for employment in a class.

## **Employee**

An employee, who has completed his probationary period, is employed in a full-time position, and who is a member of the Texas Municipal Retirement System, except for those employees classified in excluded positions as listed in Chapter One, Section 1.04

## **Exempt Employee**

All executive, administrative, and professional employees who are expressly exempted from the Fair Labor Standards Act minimum wage and overtime provisions.

## **Extended Family**

For purposes of the Bereavement Leave policy, extended family includes immediate family, parents, grandparents, grandchildren, brothers and sisters of the employee, and their spouses, or any individual residing in the employee's household.

## **Floating Holiday**

An additional day off with pay selected by the employee and approved by his Director. All personnel employed on January 1<sup>st</sup> of calendar year are eligible for the Floating Holiday, which must be taken by December 31<sup>st</sup> of the same year.

## **Grievance**

A grievance is the method or process which an employee must use to address a complaint concerning a written reprimand, compensation, work hours, working conditions, transfers, job performance reviews, job assignments, or other treatment received from management or a supervisor which the employee considers to be unjust or unfair.

## **Immediate Family**

For purposes of the Sick Leave and Bereavement leave policies, immediate family members shall include the employee's spouse, children, grandchildren, parents, or grandparents living in the employee's household or minor children not living in the employee's household.

***JOB*** (See *Position*)

## **Manager**

A person responsible for the work of a division.

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## **Month**

One calendar month.

## **On Call**

A period of time outside an employee's regular working hours during which the employee is subject to being called back to work. While on call, employees are free to use their time effectively for their own purposes, as long as they can be reached by telephone, beeper, or otherwise. (Refer to departmental policy.)

## **Overtime**

Authorized time worked in excess of the regular work hours for which monetary payment or compensatory time off is received in accordance with state and federal laws. (Refer to FLSA policy.)

## **Pay Period**

The two-week or 14-day period of time beginning on Thursday and ending on Wednesday for which all employees (except shift firefighter personnel) receive their paychecks. Shift firefighter personnel receive paychecks on or about every fifteen (15) days.

## **Physician, Licensed**

A physician licensed by the Texas State Board of Medical Examiners.

## **Position (Job)**

The specific duties, roles, or functions of the job or position which an employee has been hired to perform.

## **Premium Pay**

Premium pay is additional pay such as overtime, acting, out of class, or any other type pay over the regular compensation.

## **Probationary Employee**

An employee who is serving a probationary period.

## **Probationary Period**

The working test period during which an employee is required to demonstrate his fitness for a position by actual performance of the duties of the position.

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## **Proficiency Test**

A demonstration test administered to determine if an applicant possesses the knowledge, skills, and abilities to successfully perform the essential functions of a position either with or without reasonable accommodations.

## **Promotion**

The movement of an employee from one job class to another job class within the same department or pay plan, having a higher rate of pay.

## **Promotion Eligibility**

Meeting the minimum qualifications of the class into which the promotion takes place.

## **Promotional List**

A list of names of City employees who have passed a promotional examination for a class and rank in the order of score earned.

## **Provisional Appointments**

Appointment made to fill a position for an urgent reason, when there is no eligibility list, for a period not to exceed six (6) months.

## **Receipt of Appeal**

Receipt of appeal by the Civil Service Commission is accomplished when correspondence is received by the Civil Service Officer.

## **Reclassification**

A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of substantial changes in the kind, difficulty, and/or responsibility of duties performed in such position.

## **Reemployment (Rehire)**

The reappointment of a former employee into a position.

## **Referral**

The process by which qualified applicants on an appropriate eligibility list are sent to the department for an employment interview.

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## **Reinstatement**

The reappointment of a former employee into the same classification and at the same level as that from which he was previously separated.

## **Resignation**

The voluntary action of an employee which separates him from his position.

## **Residence**

The actual place of abode of the employee.

## **Separation**

Any separation of employment. Separation may include death, discharge, cutback, resignation, retirement or work completion.

## **Sexual Harassment**

As defined in the guidelines of the U.S. Equal Employment Opportunity Commission (EEOC). (Refer to Policy.)

## **Supervisor**

Any person responsible to a superior for directing the work of others.

## **Suspension**

An involuntary absence with or without pay imposed by an appointing authority.

## **Temporary/Acting Assignment**

The assumption of responsibilities of another person at the direction of a Director or the City Manager for a period not to exceed ninety (90) consecutive days.

## **Transfer**

The movement from one position to another within the same job classification or movement from one department to another in the same position.

## **Work Day/Working Day**

Any one shift during which a department is open for business or on which an employee is scheduled to work, excluding holidays and vacation days.

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## **Work Week**

A work week is a fixed and recurring period of seven consecutive 24-hour days, a fundamental element of the Fair Labor Standards Act.

## **Work Period**

A work period is a period ranging from 7 to 28 consecutive days in which overtime needs to be paid only after a specified number of hours are worked by employees engaged in fire protection and law enforcement activities.

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## CHAPTER THREE

### **CERTIFICATION, APPOINTMENTS AND STATUS**

#### **3.01 Appointments**

New employees shall be selected for a position based on the qualifications, education, and experience as specified in the job description. The Human Resources Department shall refer all qualified applicants.

#### **3.02 Appointing Authority**

The City Manager or his designated representative shall be the appointing authority for the City.

#### **3.03 Use of Eligibility List**

The appointing authority shall have authority to appoint an eligible candidate referred to him by the Human Resources Department.

#### **3.04 Regular Appointment**

Regular appointments shall be made from the persons referred on the eligibility list. The eligibility list will consist of names of qualified applicants to any position, including those that do not require a written test. All eligible candidates will be considered for appointment.

#### **3.05 Provisional Appointments**

Whenever there are urgent reasons for filling a vacancy in any position and there is no eligibility list for that position, the appointing authority may appoint a person to fill such vacancy, and if such person is referred by the Human Resources Department as qualified, he may be appointed provisionally for a period not to exceed six (6) months with the understanding that he shall be required to go through the examination process before a regular appointment can be made. Proper notice of an opening in such position shall be posted after such provisional period has elapsed.

#### **3.06 Promotion**

Promotions are in effect appointments to a higher level position and shall have requirements identical to appointments.

- A. An employee accepting a promotion shall serve a probationary period before the appointment becomes confirmed. If the employee does not satisfactorily perform the duties of the new position during the probationary period, he will be returned to his former position and rate of pay upon recommendation of the Director.
- B. Employees receiving a promotion shall be paid at the entry rate of pay for the new position, or such other rate designated by the appointing authority, however in no event at a rate less than their prior rate of pay.

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- C. If a sworn Police or Fire employee who has been previously promoted is returned to his former position, the employee who replaced the promoted employee may also be returned to his former position if he previously held a position with the City of Euless. When all affected employees have been returned to their former positions, any person who has been hired from outside the City of Euless to fill a position to which another employee is restored may receive a non-disciplinary separation from employment.

### **3.07 Cutback**

Directors may cut back employees when necessary due to changes in duties or organization, or lack of work or funds. When possible, employees who are to be cut back in one department may be transferred to another department.

- A. Employees subject to cutbacks may elect to accept a transfer to a vacancy in another classification if they are qualified for the position. These employees shall be given preference for such vacancies.
- B. When cutbacks are required, they shall be based first on demonstrated job performance and efficiency, and second on length of service with the City. Cutbacks shall not be considered as disciplinary action.
- C. Sworn Police and Fire personnel subject to cutbacks, and Police and Fire employees exempt from Civil Service who have been promoted from a lower classification subject to these provisions shall be entitled to take a voluntary demotion to their former position.

### **3.08 Temporary Transfers**

Temporary transfers may be made by Directors or the City Manager when workload or schedule requires such action. Temporary transfers are usually limited to thirty (30) days or less but may be extended upon recommendation of the Director and approval of the City Manager or his designated representative.

### **3.09 Transfers**

Transfers from one position to another within the same job classification or transfer from one department to another in the same position may be made upon recommendation of the Director and approval of the City Manager.

### **3.10 Temporary Assignments**

Temporary assignments may be made by Directors or the City Manager when workload or schedules require such action. Employees temporarily assigned to higher level positions shall begin receiving pay upon the effective date of the temporary assignment at the entry rate for the higher position, or such other rate designated by the appointing authority. However, a temporary assignment shall not exceed a total of ninety (90) consecutive calendar days.

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## CHAPTER FOUR

### CONDITIONS OF EMPLOYMENT

#### **4.01 Regulation of Employees**

- A. All employees shall hold their positions subject to the provisions established by the City Council.
- B. No employee of the City shall engage in any occupation or outside activity which interferes with his employment by the City. Any officer or employee engaging in any occupation or outside activity for compensation shall inform his Director or Manager of the time required and the nature of such activity and the Director shall determine whether or not such activity is compatible with City employment.

#### **4.02 Physical Requirements**

Employees must be able to perform the essential functions of the job, with or without a reasonable accommodation, and must not pose a direct threat to the health and safety of any person, or the safety of property.

- A. Applicants - Upon a conditional offer of employment, all prospective employees must pass a physical and a drug screening. Essential function standards will be established to meet the criteria for the various positions in each department, and they will be job-related and consistent with business necessity.

These standards will be subject to coordination with the hiring department and with the physician. No applicant shall be employed by the City unless and until the examining physician has certified that the applicant meets the minimum standards required to fulfill the essential functions and duties of the position for which the applicant is applying, either with or without reasonable accommodation. The physical will be performed by a physician designated by the City, and will be paid for by the City.

- B. Current Employees - In the interest of safety, or for any other reasonable cause, the Director may require an employee to report to a doctor of the City's choosing for an evaluation in order to determine an employee's ability to perform the essential functions of the job. All such evaluations shall be conducted on City paid time at the City's own expense and will be job-related and consistent with business necessity. Refusal to submit to an examination may be cause for dismissal.

#### **4.03 Political Activity**

Employees of the City may participate in political activities of their own choosing such as voting, contributing to political parties, and attending party precinct and other conventions; however, all employees shall refrain from seeking or accepting nomination or election to any office of the City of Euless and shall refrain from using their official influence publicly in any way, for or against any candidate for such elective offices. Employees are prohibited from engaging in any political activities on City time or in a city uniform. In all other elections employees are encouraged to be discreet in their activities so as not to suggest they speak for the City of Euless or its employees.

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## 4.04 Probationary Period

- A. All new or reemployed persons covered under the Public Safety Pay Plan shall serve a probationary period of twelve (12) months from the date of employment or for twelve (12) months after completion of Police Academy for Police Officers, or Fire Academy or Paramedic Training for Firefighters, whichever comes later.

Public Safety Pay Plan employees that have been promoted within their department shall serve a probationary period of twelve (12) months from date of promotion.

- B. All other new or re-employed employees shall serve a probationary period of six (6) months from the date of employment.

All employees who transfer from one department another or promote shall serve a probationary period of six (6) months from the date of transfer or promotion at the Director's discretion.

- C. A probationary new employee may be separated from employment at any time during the probationary period without right of appeal or hearing except in cases involving alleged discrimination.
- D. Notwithstanding any other provisions of this section, an employee rejected during his probationary period from a position to which he had been promoted or transferred may be returned to his former position and rate of pay upon recommendation of the Director without right of appeal or hearing, the employee who replaced the promoted employee will also be returned to his former position if he previously held a position with the City of Euless. A promoted employee serving a probationary period may appeal a termination for disciplinary reasons.
- E. If a sworn Police or Fire employee who has been previously promoted is returned to his former position, the employee who replaced the promoted employee may also be returned to his former position if he previously held a position with the City of Euless. When all affected employees have been returned to their former positions, any person who has been hired from outside the City of Euless to fill a position to which another employee is re-stored may receive a non-disciplinary separation from employment.
- F. The department shall use the probationary period to closely observe and evaluate the work of all employees and to encourage their effective adjustment to the job and the service of the City. Directors shall retain only those employees who meet an acceptable standard of work during their probationary period.
- G. Probationary periods may be extended at the discretion of the Director for a period not to exceed six (6) additional months.

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## **4.05 Attendance**

Employees shall be at their place of work in accordance with these provisions in general or departmental regulation. All departments shall maintain accurate daily attendance records of employees and furnish a time sheet, which is forwarded to the Finance Department.

## **4.06 Personnel Records**

Personnel records for all City employees are kept on file in the Human Resources Department. Information in the personnel files is held in strict confidence and subject to the Public Information Act. If an employee wishes to see his file, he may make an appointment with the Human Resources Department, and view his file in the presence of an authorized Human Resources Department employee. Records may not be removed from the Human Resources Department. Employees may request copies be made of their personnel file at their own expense.

## **4.07 Driving Records**

Driving records will be checked on all applicants who may be required to drive city vehicles, or drive any vehicle on City business. All such employees are required to maintain a safe driving record at all times. Driving records will be checked periodically throughout employment with the City.

## **4.08 Photographs**

Employees are photographed at the time of new hire induction. Photographs may be placed on the City's intranet website. Photographs will be updated periodically as budgets will allow.

## **4.09 Employee Organizations**

An employee may not be prohibited from joining or required to join an employee organization. Joining or not joining an employee organization is not grounds for retaining or not retaining an employee. This applies to all employees including probationary employees. This exclusion does not apply to organizations which advocate the overthrow of any federal, state, or local government by force or violence.

## **4.10 Resignation Provision**

An employee may resign from City employment for any reason. The employee should submit a written notice of resignation to his supervisor two (2) weeks prior to the date of resignation. If two (2) weeks' notice is not given, an employee may not be eligible for rehire. Before receiving a final paycheck, separating employees must turn in all City property.

## **4.11 Sexual Harassment, Harassment, Discrimination**

The City is committed to providing a work environment in which people are treated with dignity, decency and respect, and is free from sexual harassment and any other form of illegal harassment or intimidation. The City will not tolerate unlawful discrimination or harassment of any kind. (See appropriate administrative policy.)

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## CHAPTER FIVE

### COMPENSATION, EMPLOYEE BENEFITS AND LEAVE PRACTICES

#### 5.01 Holidays

- A. Employees shall be eligible for paid holidays, as approved by the City Council.
- B. Employees wishing to observe religious holidays not listed hereon, shall at their option be given time off without pay or have the time charged to compensatory time off or vacation time off, unless to do so would create an undue hardship on the department.
- C. Paid holidays include:

New Year's Day	January 1 <sup>st</sup>
Spring Holiday	Friday designated by City Manager. (Firefighters may observe September 11 <sup>th</sup> as the Spring Holiday)
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Thanksgiving Holidays	Fourth Thursday and Friday in November
Christmas Eve	Subject to City Manager's Approval
Christmas Day	December 25 <sup>th</sup>
Floating Holiday	See Definition

Such other days as the City Council may from time to time determine.

- D. Any unused holiday hours as of the end of the calendar year will be forfeited.

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## 5.02 Vacations

Vacation leave shall begin to accrue at the end of the first pay period of employment. No new employee shall be paid any vacation leave earned if he leaves the service of the City, voluntarily or otherwise, during his probationary period.

Effective September 1, 1991 state law mandates police officers and firefighters accrue vacation at a rate of three (3) weeks per year from date of hire.

### Hours for vacation leave will accrue as follows:

1-5 years @ 80 hours per year divided by the number of pay periods for the current year for regular employees

1-15 years @ 120 hours per year divided by the number of pay periods for the current year for police officers and non-shift firefighters

6-15 years @ 120 hours per year divided by the number of pay periods for the current year for regular employees

16+ years @ 160 hours per year divided by the number of pay periods for the current year for regular employees

### Due to the shift differential for Firefighters, the following accrual rates for vacation will apply:

1-15 years @ 180 hours per year divided by the number of pay periods for the current year

16+ years @ 240 hours per year divided by the number of pay periods for the current year

The increased rate of vacation accrual will begin on the 5th anniversary but may not be used until the 6th year anniversary date.

Example: At 5 years, ten (10) days of vacation is available to be used.

At 6 years, fifteen (15) days of vacation is available to be used.

- A. Upon separation of service with the City, either voluntarily or otherwise, an employee who has completed the introductory period shall be paid all unused vacation leave to date of separation, but in no event to exceed two years of annual accrual.
- B. Maximum carryover – No employee will be permitted to carry over more than two (2) year's accrual into any new anniversary year.

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### 5.03 Sick Leave

The intent of sick leave is to preclude a loss of income for absences due to illness or injury during the employee's regular work week or work period.

A. Hours for sick leave will accrue as follows:

1-20 years @ 120 hours per year divided by number of pay periods for the current year (except for shift Firefighters)

20+ years @ 160 hours per year divided by number of pay periods for the current year (except for shift Firefighters)

The total annual accrual for sick leave is 120 hours for 1 - 19 years of employment and 160 hours for 20+ years of employment.

Due to the shift differential for Firefighters, sick leave will accrue as follows:

1-20 years @ 180 hours per year divided by number of pay periods for the current year

20+ years @ 240 hours per year divided by number of pay periods for the current year

The total annual sick leave accrual for Firefighters is 180 hours for 1 - 19 years, and 240 hours for 20+ years.

Sick leave may be accumulated to a maximum of 130 days (1040 hours). Due to the shift differential for shift firefighters, sick leave may be accumulated to a maximum of 130 days, or 65 firefighter shifts (1560 hours); and any unused sick leave accumulated during the calendar year shall be carried to the employee's credit for the next year provided it does not exceed the maximum of 130 days or 65 firefighter shifts (1560 hours).

- B. Sick leave days shall be used for absences during the regularly scheduled work week or work period due to employee disability resulting from illness or injury, to the extent of the total number of days the employee has accumulated, and any other requirements are met. No employee shall be entitled to use paid sick leave due to ordinary tiredness or restlessness.
- C. Sick leave may be used for medical, dental or ocular appointments. Absence for appointments during working hours for this purpose must be authorized by the Director or Manager.
- D. Employees may use up to three (3) annual sick leave days for immediate family members. Shift firefighters may use up to 36 hours.
- E. Employees who use their sick leave without just cause as it is earned, or fail to accumulate it may be dismissed from the City.

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- F. On separation from the service of the City, voluntarily or otherwise, no employee shall receive any pay for any accumulated sick leave.

Separation of an employee's continuous service, except by reason of temporary cutback for lack of work or funds, shall cancel all sick leave accrued to the time of such separation regardless of whether or not such person subsequently reenters the City's service.

### **5.04 Worker's Compensation**

If an employee sustains a compensable injury in the course of his employment or contracts an occupational disease, he may be granted workers' compensation benefits including injury leave, income and medical benefits as prescribed by the Texas Worker's Compensation Act. Additional information is available in the Worker's Compensation operational policies. (All references to "injury" which follow include occupational disease.)

- A. An employee unable to work due to a work related injury and found to have a compensable injury, shall continue to earn vacation and sick leave at the regular rate.
- B. Injury Leave shall be limited to six (6) months.

### **5.05 Jury Leave**

Employees who are required by law to render Jury Service shall receive their regular pay during such period and the time spent in such service shall be reported as Jury Service.

### **5.06 Military Leave**

An employee who performs duty, voluntarily or involuntarily, in the uniformed services shall be allowed leave for all active duty, active duty for training, inactive duty training (such as drills), and initial active duty training as required by law. The employee will be provided with paid time off as required by law. An employee desiring such leave shall request leave as far in advance as is possible in order that provisions may be made concerning work while the employee is on military leave. An employee on military leave is still considered to be employed during such period of training plus regular reasonable travel to return to his employment.

### **5.07 Leave of Absence**

An eligible employee may be granted a leave of absence for specific reasons, such as illness or disability, for other reasons deemed valid under the Family and Medical Leave Act (FMLA), or for other reasons deemed valid by the City Manager or his designee.

- A. Two types of leave:
1. An FMLA Leave, as required by law. (See the FMLA Policy.)
  2. A Non-FMLA Leave, which may be granted as an extension once FMLA leave is exhausted or for reasons other than those covered under the FMLA.

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### B. Pay During an Approved Leave

An employee must use accrued benefits such as sick leave, vacation, holiday or comp time, depending on the reason for the leave. If an employee has exhausted accrued benefits, appropriate for the reason leave was granted, the remainder of a leave of absence without pay may be granted. A leave of absence not to exceed six (6) months shall only be granted on the recommendation of the Director or Manager and approval of the City Manager.

### C. Benefits During an Approved Leave

Benefits such as vacation, sick leave and longevity will continue to accrue during a paid FMLA or paid Non-FMLA leave. When accumulated leave is exhausted, the leave may continue on an unpaid basis but eligibility for continued accruals ceases until the employee returns to work.

### D. Health Insurance During an Approved Leave

While on FMLA leave, the City will maintain the employee's group health coverage on the same terms as if the employee had continued to work. If the employee is using accrued time, their premiums will be deducted as usual from their paycheck. If an employee is unable to use paid leave or does not have enough paid leave to cover their FMLA leave, the employee must make full premium payment timely.

While on a Non-FMLA leave, the employee's group health coverage will be maintained as long as either, 1) premiums can be deducted as usual from their paycheck, or, 2) the employee makes premium payment timely.

### E. Other Employment During Leave

While on FMLA leave or Non-FMLA leave, an employee may not work at another job out-side of the City or take on supplemental employment. If an employee violates this policy, the City may deny reinstatement of employment to the employee.

### F. Failure to Return from Leave/Unauthorized Absence without Leave

If an employee does not plan to return to the City at the conclusion of his leave, he must notify the Human Resources Department in writing as soon as practicable. In absence of written notification, failure to return from leave shall be interpreted as a resignation. Unauthorized absence without leave or being absent without leave will be considered as an automatic resignation. Such resignation may be rescinded by the Director if the employee presents satisfactory reasons for his absence within three (3) calendar days of the date his automatic resignation became effective.

### G. Abuse of Leave

Cases of bad faith, falsification of documents, or fraudulent information related to leaves of absence may result in but are not limited to: revocation of the leave, refusal to reinstate employment, recovery of City costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

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## **5.08 Administrative Leave**

During an investigation an employee may be placed on administrative leave with or without pay, upon notice, for the duration of the investigation, when such action is deemed to be in the best interest of the City.

## **5.09 Time Off for Examinations**

All persons in the City service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations with the City of Euless.

## **5.10 Special Leave With Pay**

Directors may grant employees special leave with pay and actual expenses to attend professional conferences, conventions or short schools, or to visit other cities in the interest of the City, as authorized by the City Manager. Such employee shall properly complete an expense allowance form as prescribed by the City. Paid leave will not be granted to attend labor union conferences or to participate in legislative lobbying.

## **5.11 Bereavement Leave**

Following the loss of an immediate or extended family member, (see definitions of Immediate and Extended Family), an employee may request bereavement leave with pay. The employee's Director authorizes the use of bereavement leave. All eligible employees may be granted paid bereavement leave up to twenty-four (24) hours, (thirty-six (36) hours for shift Fire personnel), per calendar year. If additional time is needed, the employee may request to use accrued vacation, compensatory time or accrued holidays.

## **5.12 Performance Evaluations**

There shall be an evaluation of each employee's work six (6) months after starting regular employment, and a minimum of annually thereafter, in accordance with the Performance Evaluation and Compensation Policy.

In the event an employee receives an overall rating of "needs improvement" on his evaluation, such employee must be reevaluated within a period not to exceed six (6) months. If the employee's performance is still unsatisfactory, appropriate action will be taken. A copy of all evaluations must be placed in the employee's personnel file.

## **5.13 Compensation**

- A. Basic Salary – Employee(s) basic salary shall be in accordance with the salary ranges of the current approved schedule.
- B. Pay System - Employees, except shift firefighters, are paid as soon as possible after the end of each fourteen (14) day pay period. Shift firefighters are paid after each fifteen (15) day pay period. If a payday falls on an official City holiday, employees may be paid on the preceding day.

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- C. Longevity Pay - All eligible employees shall be paid longevity pay as specified in the current salary schedule or special administrative regulation issued by the City Manager and approved by the City Council.

Longevity pay shall be calculated as of the first of December for each calendar year of service at the rate of:

\$ 5.00 per month of service after 1st year employment,

\$10.00 per month of service after 6th year employment,

except for earned longevity payable upon separation or retirement.

- D. Supplementary Allowances:

1. Uniform Allowance – The City will provide for uniforms, special clothing, safety equipment and cleaning services in certain departments.

Generally, these allowances are limited to the Departments of Police and Fire; however, other departments may extend this allowance to some degree. Employees should refer to their supervisor for the specific applicability of this allowance to their assignment.

The City reserves the right to issue, suspend or revoke this special allowance at any-time to any employee where no conflict exists with preemptive law.

2. Tuition Reimbursement - The City will provide a program for tuition reimbursement to encourage and promote the hiring and retention of qualified, trained personnel.

### **5.14 Special Compensation**

- A. Overtime - Employees required and authorized to work overtime (time in excess of their normal work week or work period) shall be compensated under the regulations of Fair Labor Standards Act.
- B. Separation Pay - Employees who are leaving the Civil Service System may qualify for separation pay by resigning in accordance with these Provisions. This separation pay shall consist of any normal salary earned, including basic salary, overtime, longevity pay, unused vacation and holidays. Separation pay shall be made at the next pay period after separation.

### **5.15 Retirement and Insurance**

- A. Texas Municipal Retirement System - The City of Euless is a member of the Texas Municipal Retirement System. This retirement plan provides a dependable retirement program for employees of the member Texas municipalities. Participation in T.M.R.S. is mandatory for all eligible employees. Participating employees contribute seven (7) percent of their gross wages each pay period to their retirement fund. Refer to the specific benefit materials for further details.

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All participants will receive an annual statement of their account which will reflect the participant's equity and projected retirement income. Participant contributions are recoverable when leaving the system for reasons other than qualified retirement. Certain disability benefits are also provided in this system.

- B. Social Security - Regular employees are not participants in the Federal Social Security System, except for Medicare deductions only, as of April 1, 1986. Effective July 1, 1991, the Federal law mandates all employees not covered under the Texas Municipal Retirement System to be covered under a federally approved qualifying retirement program.
- C. Insurance - The general description of the insurance programs stated herein is not a contract. The detailed provisions affecting these programs are stated in other contracts and laws. For detailed assistance, employees may contact their supervisor or the Human Resources Department.
  - 1. Life Insurance - Group life insurance is provided to all full time employees as specified by the City Manager.
  - 2. Medical Insurance - The City provides group medical insurance for all full-time employees, eligible dependents and partially subsidizes the cost of such insurance as specified in policies and documents issued to each employee. Refer to the individual policy for further details.
  - 3. Worker's Compensation - All employees are covered by Worker's Compensation. This program is required by State Law and generally protects an employee from loss incurred due to a job related injury or disease.

# Civil Service Provisions

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## CHAPTER SIX

### PROMOTIONAL EXAMINATIONS

#### 6.01 Promotional Examinations

As the needs of the service may require, promotional examinations may be conducted from time to time. Examinations are limited to regular employees of the City or to regular employees of a department (if there is a sufficient number). If promotional eligibles separate from City employment, their names shall be removed from promotional eligibility lists.

#### 6.02 Promotion Eligibility

Candidates for promotional testing must meet the minimum requirements as stated in the job description except as allowed by Sections C and D below:

A. Positions excluded from promotional testing are:

- |                          |                           |
|--------------------------|---------------------------|
| 1. Fire Division Chiefs  | 4. Firefighter II         |
| 2. Fire Training Chiefs  | 5. Police Captains        |
| 3. Fire Battalion Chiefs | 6. Senior Police Officers |

B. Included positions are:

- |                         |                           |
|-------------------------|---------------------------|
| 1. Fire Captain         | 4. Police Lieutenant      |
| 2. Fire Lieutenant      | 5. Police Sergeant        |
| 3. Fire Driver Engineer | 6. Police Senior Corporal |

C. This section applies to Police Department: If the number of candidates for selection is fewer than three (3), the City may waive or modify the eligibility requirements to allow all candidates of the same rank to test. If there are still fewer than three (3) candidates for testing, the City may then reach down to the next lower level in rank for promotional testing.

D. This section applies to Fire Department: If the number of candidates for selection is fewer than three (3), the City may waive or modify the eligibility requirements. If there are still fewer than three (3) candidates for testing, the City may then reach down to the next lower level in rank for promotional testing. The list will consist of three groups.

1. Group I will be all employees who meet all requirement for promotion and are in the immediate job classification below the job classification for which the examination is being given.
2. Group I (a) will be all employees who meet all requirements as in Group I except time in grade.

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3. Group II is all employees who meet all requirements for promotion and who have at least two years of service in the job classification immediately below the eligible class in Group I and Group I (a).

Example:

- a. For a promotional examination for Fire Lieutenant, Group I and Group I (a) candidates would be from the classification of Driver Engineer. Group II candidates would then be from the Firefighter II classification.
- E. Notwithstanding any other provision herein, in the event that fewer than three (3) eligible candidates appear for testing, the test may be canceled.

### **6.03 Types of Examinations**

Reasonable accommodations will be provided when necessary in the administration of all examination and tests.

All examinations shall be competitive and may consist of one or more of the following forms of examination:

- A. Interviews and Oral Exams
- B. Written Tests
- C. Performance Tests
- D. Physical Assessment
- E. Psychological Examination\*\*
- F. Assessment Centers

\*\*Per ADA requirements for job relatedness and business necessity

### **6.04 Written Test Construction**

Examinations, when applicable, shall be provided by the Civil Service Officer and shall be based on:

- A. The duties of the position sought.
- B. Material available in departments
- C. Material based on posted study material
- D. Departmental study courses or other special training or other city subsidized educational programs

### **6.05 Reading List**

At least ninety (90) calendar days prior to the date a promotional examination is held the Civil Service Officer shall post a reading notice that lists the sources from which the examination will be taken.

### **6.06 Notice of Examination**

Notice of promotional examination shall be given a minimum of sixty (60) calendar days prior to the test date and will remain posted for a minimum of fifteen (15) calendar days. Notice shall be posted in plain sight at City Hall, Police Stations, Fire Stations, and such other buildings as necessary to be accessible to employees. The notice must show the

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position for which the examination is to be held, and the date, time, and place of the examination.

### **6.07 Sign up for Promotional Testing**

A sign up list of eligible candidates for promotions shall be posted along with the Notice of examination. All promotional candidates wishing to test shall sign the list indicating their intent test. The list shall be returned to the Human Resources Office a minimum of forty-five (45) calendar days prior to the scheduled test date. Any complaint regarding the list of eligible candidates must be submitted to the Civil Service Officer within fifteen (15) calendar days of the posted notice. The Civil Service Officer will review the complaint and validate the list of eligible candidates within five (5) business days of the complaint.

### **6.08 Conduct of Examinations**

Examinations shall be conducted as follows:

- A. Under the direction of the Civil Service Officer or his designated examiner(s).
- B. Free from the participation or influence of any unnecessary persons.

### **6.09 Supplementary Responsibilities**

At the request of the Civil Service Officer, it shall be the duty of Directors of Departments to assist in the preparation and conduct of examinations.

### **6.10 Late Arrival to Examination**

In the event of a written test, no candidate will be admitted after the posted examination time. Candidates given individual reporting times for practical examinations, who fail to arrive at the appointed time, will not be allowed to test.

### **6.11 Collusion or Cheating**

The examiner conducting an examination may warn a candidate whom he suspects of cheating. If such candidate persists in suspicious conduct, or it can be established that a candidate is cheating, the examiner shall gather the test material from the candidate, refuse to allow him to continue, and the candidate will be subject to disciplinary action.

### **6.12 Grading and Review of Examination Process**

- A. All examinations, i.e., multiple part and combination of written and practical examinations, shall be graded, when possible, at the place of the examination and a passing grade of seventy (70) percent shall be requisite on each portion of the test for any candidate to be placed on the eligibility list.
- B. Any candidate may review any portion of the written examination immediately following the grading of the examination, for a period not to exceed two (2) hours.
- C. For written examinations, the candidate shall be permitted to compare his answer sheet with a "key" answer sheet. The candidate may also examine a copy of the examination to confirm the fact that he received full credit for his correct answers.

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The candidate shall not be permitted to make photocopies of the examination or “key” answer sheet, and will only be allowed to document those questions he answered incorrectly and finds ambiguous or doubtful.

- D. The application and examination records of candidates are confidential records which may be reviewed by appropriate appointing authorities in accordance with procedures established by the Human Resources Department, or when required by state or federal law or a court of competent jurisdiction.
- E. Any candidate may file a complaint with the Civil Service Officer within two (2) business days following the completion, grading, and posting of Preliminary Results of each section of the examination process. The Civil Service Officer, after consulting with the Director and the City Manager, will issue a final ruling on the complaint within two (2) business days.
- F. Tests results for each section of the examination process will be posted within two (2) business days following completion of testing and upon resolution of any complaint received.

### **6.13 Seniority and Education Points**

- A. Application for education points must be submitted by the candidate on or before the date of the written test. The cut-off date of both seniority and education points eligibility is the date of the written exam. Within five (5) business days, or as soon thereafter as practicable, following the date of the written exam, the Civil Service Officer will post the final seniority and education points.
- B. Seniority and educational points will be calculated as follows:
  - 1. One-half (.50) point for each full year of employment with the department for which the test is given, (up to five [5] points), will be added to the final overall score of the promotional examination.
  - 2. A total of five (5) points for education:
    - a. Five (5) points for Bachelor’s Degree from an accredited institution of learning.
    - b. Three and three-quarter (3.75) points for 90 hours from an accredited institution of learning.
    - c. Two and one-half (2.50) points for an Associate’s Degree, or sixty (60) hours from an accredited institution of learning.
    - d. One and one-quarter (1.25) point s for thirty (30) from an accredited institution of learning.
  - 3. A maximum of ten (10) points for seniority and education will be added to the final combined scores.

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## **6.14 Establishment of Eligibility**

Following the conclusion of all phases of the promotional exam, the Civil Service Officer shall prepare an eligibility list consisting of the names of persons successfully passing the examination, arranged in order of final rating earned, from the highest score down to the lowest passing score. The final rating shall be determined by the total of the scores earned by each applicant for each part of the examination, based upon the relative value assigned to each part of the examination before the examinations are given.

## **6.15 Final Examination Results Notice**

Within two business days, or as soon thereafter as practicable, each candidate shall receive written notification of the final results of his examination and an eligibility list will be posted.

Grades and identification numbers for promotional examinations shall be posted by the Civil Service Officer in the City Hall and in the department for which the examination was given.

## **6.16 Promotion Eligibility Lists**

Promotion eligibility lists shall consist of the names of employees in order of eligibility. The top three (3) candidates will be submitted for consideration to the Director. If there are fewer than three (3) candidates, all eligible candidates will be submitted. The department head may choose to bypass the top candidates. If he chooses to bypass the top candidates, he must submit written justification to the City Manager.

## **6.17 Effective Date of Promotion Eligibility List**

A promotion eligibility list shall be in effect from the date on which it is approved by the Civil Service Officer.

## **6.18 Duration of Promotion Eligibility List**

An eligibility list may be maintained for one (1) year unless exhausted sooner.

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## CHAPTER SEVEN

### DISCIPLINE, GRIEVANCE AND APPEALS

#### 7.01 Discipline Defined

Discipline means dismissal, demotion, suspension, reduction of salary within range, or a reprimand, which is filed in the employee's personnel file in the Human Resources Department.

#### 7.02 Grounds for Discipline

An employee is responsible for efficient performance of his job functions and good conduct. Many factors are considered in determining whether disciplinary action is warranted. The list below includes some of the offenses which will lead to disciplinary action. The list is illustrative and not exhaustive.

- A. Fraud in securing appointment
- B. Incompetency or unsatisfactory job performance
- C. Inefficiency
- D. Unauthorized absence
- E. Excessive use of sick leave
- F. Inexcusable neglect of duty
- G. Insubordination
- H. Failure to obey a lawful order
- I. Dishonesty
- J. Intoxication, unauthorized use of drugs or alcohol, being under the influence of drugs or alcohol while on duty, or any violation of the City's Alcohol and Controlled Substances Policy
- K. Conviction or placement on deferred adjudication (including conviction after a plea of nolo contendere) of a felony or a misdemeanor involving moral turpitude
- L. Disorderly, immoral or illegal conduct
- M. Misuse or willful damage to City property or waste of time, supplies or equipment
- N. Violation of safety rules or procedures

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- O. Discourteous treatment of the public or of other employees
- P. Conduct which reflects adversely on the City
- Q. Failure to return at the expiration of a leave of absence or being absent without leave shall be considered as an automatic resignation. Such a resignation may be rescinded by the department head if the employee presents satisfactory reasons for his absence within three (3) calendar days of the date his automatic resignation became effective.
- R. Violation of City or departmental rules and regulations or policies
- S. Unauthorized actions prejudicial to City interests
- T. Conflict of interest
- U. Engaging in any act which violates the City's policies, including but not limited to the City's policies regarding nondiscrimination and sexual harassment

### **7.03 Disciplinary Action**

When appropriate, an immediate supervisor may issue a verbal or written reprimand. The supervisor must determine whether the more informal verbal or the formal written reprimand is appropriate. All disciplinary action will be taken in a timely manner. Factors to be considered in determining the level of any disciplinary action include:

- A. The employee's position
- B. The employee's length of employment and time in position
- C. The nature and seriousness of the conduct
- D. The circumstances surrounding the conduct
- E. When the conduct occurred
- F. Prior conduct
- G. Prior disciplinary action
- H. Any other contributing social or environmental conditions

#### Written Disciplinary Action

If it is determined that formal written disciplinary action is appropriate, it shall be documented and placed in the employee's personnel file, specifying:

- A. The date, time, place, and description of the incident requiring the reprimand or disciplinary action
- B. The discipline to be imposed

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- C. The effective dates
- D. The right of the employee to file a grievance or an appeal, if the action is subject to the grievance or appeal procedures.

The employee must sign the written disciplinary action form and a copy must be sent to the Human Resources Department. If the employee refuses to sign the form, it should be so stated on the form. A copy shall be served personally to the employee or mailed to him at his last known address by certified mail, return receipt requested.

### Types of Disciplinary Action

During an investigation, hearing or trial of an employee on any disciplinary, civil or criminal cause, action or charge, an employee may be suspended without pay, or placed on administrative leave with or without pay, upon notice, for the duration of the proceedings, when such action is deemed to be in the best interest of the City.

#### A. Demotion:

An employee may be demoted for just cause and in the interest of good discipline. Demotion may be accomplished by reducing the employee's pay within the pay grade of the position he holds or by assigning him to a position of lower grade, or both. An employee who is so demoted shall be given written notice by his Director or Manager of the reasons of such action. An employee may request or accept voluntary demotion when assignment to less difficult or responsible work would be to his advantage or in the interest of the City.

#### B. Suspension:

An employee may be suspended for just cause and in the interest of good discipline. If an employee is suspended, the Director must schedule the start of the suspension as soon as practicable. In the event the delay is more than thirty (30) calendar days, the Director will file the reasons for the delay with the Human Resources Department. A copy will be given to the employee.

#### C. Discharge:

An employee may be discharged from employment for just cause when appropriate, depending on the circumstances. All discharge decisions must be approved by the Director and the City Manager or his designee.

### **7.04 Appeal Procedures**

Employees serving a probationary period are not eligible for appeal.

- A. Appeals – Any eligible employee may file an appeal to protest, contest, or challenge a demotion, suspension, or discharge. The appeal shall be filed with the Civil Service Officer. The appeal shall be in hard copy, signed and dated by complainant and in legible writing, printed or typed giving the following information.

1. Date, time, place and detailed description of the incident

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2. Specify the nature of the appeal
3. Explain why the action is considered unjust/unfair.

- B. Appeals to the Director – The employee may request a hearing with the Director. The request for a Director hearing must be filed with the Civil Service Officer within three (3) business days of the immediate supervisor's decision, or imposed disciplinary action or conduct. The Civil Service Officer shall date stamp the appeal when received, shall determine whether the request states a valid ground of appeal, and whether the appeal was timely filed. Upon Determination that the appeal is valid, the Civil Service Officer shall forward the appeal to the Director.

The Director will schedule and conduct a hearing within ten (10) business days from the date the Director receives the appeal from the Civil Service Officer.

In the event the Director is unavailable, his designee shall conduct a hearing and provide a response in the time required.

Following the hearing, the Director will review the appeal and respond in writing within two (2) business days from the date the appeal is heard by the Director.

- C. Appeals to the City Manager – An appeal by an employee must be delivered to the Civil Service Officer within three (3) business days after the date of the Director's written decision. The Civil Service Officer shall date stamp the appeal when received, shall determine whether the request states a valid ground of appeal, and whether the appeal was timely filed. Upon determination that the appeal is valid, the Civil Service Officer shall forward the appeal to the City Manager.

The City Manager will schedule and conduct a hearing within ten (10) business days from the date the City Manager receives the appeal from the Civil Service Officer.

Following the hearing, the City Manager shall review the appeal and respond in writing within two (2) business days from the date the appeal is heard by the City Manager.

In the event the City Manager is unavailable, his designee shall conduct a hearing and provide a response in the time required.

- D. Appeals to the Commission - If the appeal is not resolved to the employee's satisfaction at the City Manager's level, the employee has recourse to appeal to the Civil Service Commission. Requests for a Commission hearing must be filed with the Civil Service Officer within three (3) business days from the date of the City Manager's written decision. The Civil Service Officer shall date stamp the appeal when received, shall determine whether the request states a valid ground of appeal, and whether the appeal was timely filed.

Upon determination that the appeal is valid, the Civil Service Officer will notify Commission members within five (5) business days to schedule a meeting to hear the appeal.

The Civil Service Officer shall post a notice for at least seventy-two (72) hours prior to the scheduled time of hearing.

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When a hearing date has been scheduled, the Civil Service Officer shall acknowledge, in writing, to the employee and the City Manager, receipt of the appeal, and the date and time of the hearing. The hearing shall be held within twenty (20) business days after the date the Civil Service Officer receives the appeal, unless unable to establish a quorum. If a quorum cannot be established within twenty (20) business days, the hearing shall be held as soon as practical. Notice of the hearing shall be posted for at least seventy-two (72) hours prior to the scheduled hearing.

- E. Hearings Before the Commission - The hearing before the Commission shall proceed as follows:
1. During the hearing, the City Manager or his designee shall present the City's position and the employee or his designee shall present the position of the employee. The Commission shall consider all evidence presented and shall extend equal privilege to both parties.
  2. The City Attorney will advise the Commission as needed during the hearing.
  3. The Commission shall render its decision on the appeal at the conclusion of the hearing or any continuance thereof. Copies of the appeal and the Commission's decision shall be forwarded to the City Manager and the employee.

An appeal is a mature and proper way to resolve a difference in opinion; therefore, neither the person filing an appeal nor the person cited in the appeal should ever attempt to use these provisions as a means to resolve a personality conflict or to air menial differences. The guaranteed right to appeal without consequence is a privilege which the Commission will guard carefully and no abuse of the privilege or of the person using the privilege will be tolerated. The decision of the Commission is final.

### **7.06 Grievance Procedures**

A grievance is the method available to an employee to address a complaint concerning a written reprimand, compensation, work hours, working conditions, transfers, job performance reviews, job assignment, or other treatment received from management or a supervisor which the employee considers to be unjust or unfair.

Any employee may file a grievance within their department following the chain-of-command. The employee has three (3) business days to file a grievance. The grievance shall be in hard copy, signed and dated by complainant and in legible writing, printing or typing giving the following information:

- A. Date, time, place and detailed description of the incident
- B. Specify the nature of the grievance
- C. Explain why the action is considered unjust/unfair

The supervisor must respond within three (3) business days excluding the date of receipt and forward the grievance and response to the employee and the next level of supervision. If the employee wishes to grieve the supervisor's decision, he has three (3)

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business days excluding day of receipt to file a written grievance with the next level of supervision. This process will be repeated within the chain of command until it reaches the Director. The Civil Service Officer shall be notified of any grievance filed with the Director. The Director has five (5) business days excluding the date of receipt to respond to the employee. The City Manager will be consulted prior to a final decision being made and will be copied once the final decision is made. The Director's decision is final.

If the employee reports directly to the Director, the employee may request a review of the decision by the City Manager. The request shall be in legible writing and contain a copy of the original grievance. The City Manager must respond within ten (10) business days. The decision of the City Manager is final.

In the event the supervisor, Director, or City Manager is unavailable, his designee shall review the grievance and respond within the required timeline.

All time frames related to the filing of a grievance can be waived by the concurrence of the Director and the employee. If an employee fails to receive a response to a grievance within the specified timeframe, and no extension has been mutually agreed upon, the employee may file the grievance with the next level of supervision within his chain of command.

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## CHAPTER EIGHT

### **DUTIES, RESPONSIBILITIES, AND OPERATION PROCEDURES**

#### **8.01 Duties and Responsibilities**

The Eules Civil Service Commission, in accordance with applicable City Ordinances, will be responsible for:

- A. Proper conduct of Commission business
- B. Serving as a review board for all appeals to the Commission

The City Manager and the Civil Service Officer shall be responsible for:

- A. Preparation, implementation, enforcement and interpretation of these Provisions
- B. Systems for testing, examination, and qualification of applicants for employment
- C. Certification of qualified applicants
- D. Policies, procedures, rules and regulations for general employee conduct, discipline or dismissal of employees, and provisions for discipline or dismissal of employees
- E. Establishment of a system for job descriptions, classifications, and compensation
- F. Provisions for employee fringe benefits
- G. Employee personnel actions including promotion, demotion, seniority, tenure, cutbacks, dismissals, suspensions, and other disciplinary action
- H. Submitting additions, revisions, or amendments to these Provisions for approval
- I. Performing such duties as are requested by the Commission incidental to the conduct of business of the Commission

#### **8.02 Conduct of Business of the Commission**

The Commission shall be organized in accordance with applicable City Ordinances.

- A. Meetings - The Commission meetings shall be planned, conducted and documented as follows:
  - 1. Meetings shall be called by the chairman, with notice given in accordance with State Law, and these Provisions.
  - 2. Emergency meetings may be called by the chairman with notice given in accordance with State Law and these rules.

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3. Meetings shall comply with applicable statutes, including, but not limited to, the Texas Open Meetings Act.
  4. Meetings shall be held in facilities approved by the City Council.
  5. All meetings shall be documented by approved minutes.
  6. In any meeting wherein any party plans to call witnesses, the list of witnesses shall be provided to the Civil Service Officer 72 hours prior to the scheduled meeting time.
- B. Publishing Provisions - Upon final approval by the Council of these Provisions, or subsequent changes thereto, the Civil Service Officer shall proceed as follows:
1. Publish all approved items.
  2. Post published items in City buildings which are designated by the City Manager as primary work stations for employees.
  3. Forward copies of all published items to the City Manager, Directors and branch work stations.
  4. Maintain extra copies for review by employees and citizens of Euless.
- C. Investigations - The Commission, with approval of the Council, shall provide for investigations to determine compliance with these Provisions or when approved by the City Council for other purposes.
- In the conduct of investigations, the Commission may require, during normal working hours:
1. The attendance of witnesses.
  2. The production documents pertinent to the investigation.
- D. Maintenance and Retention of Records - Maintenance and retention of records will be in compliance with federal and state guidelines and records retention requirements and will remain consistent with guidelines required by the City's Records Management Program.
- E. Reports - The City Manager and the Civil Service Officer shall provide, at the Commission's or Council's request, prompt and complete reports on matters under consideration or to keep the Mayor and Council informed on these Provisions.