

ORDINANCE NO. 1995

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF EULESS, CHAPTER 58, "PERSONNEL", ARTICLE II, "CIVIL SERVICE SYSTEM"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Euless has previously adopted a civil service system that governs personnel administration of covered employees pursuant to a uniform policy; and

WHEREAS, the Civil Service Commission of the City of Euless has recommended revisions to the civil service provisions; and

WHEREAS, the City Council desires to adopt the amendments set forth herein to provide consistency with the civil service provisions that it deems to be in the best interest of the employees of the City of Euless.

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

SECTION 1.

That Article II, "Civil Service System" of Chapter 58, "Personnel" of the Code of Ordinances of the City of Euless, Texas is hereby amended in its entirety to read as follows:

Sec. 58-26. - Civil service commission.

There is established a civil service commission to be comprised of three permanent members and as many alternate members as the city council shall appoint. Alternate members shall serve in the absence of permanent members and shall be called to serve in the order of their seniority. When sitting as commissioners, alternate members shall have the same power and authority as permanent members. The members of the commission shall be residents of the city and shall be appointed by the city council for a term of three years. The initial members of the commission shall be appointed for terms of one, two and three years, respectively, and all subsequent appointees shall be appointed for a full three-year term so that one member of the commission shall be appointed in each year. The city council shall have the authority to

remove any member of the civil service commission at any time, without cause. The city council shall also fill, for the unexpired term thereof, any vacancies which may arise for any reason in the membership of the commission. The commission members shall receive no compensation other than travel expenses and other expenses incurred in the discharge of their duties. A majority of the members shall constitute a quorum.

Sec. 58-27. - Chairman of the civil service commission.

Annually a chairman shall be elected among the members of the commission. It shall be the function of the chairman to preside over meetings of the civil service commission and to report periodically to the city council.

Sec. 58-28. - Provisions of the civil service commission.

The civil service commission, with the advice and counsel of the city attorney and the city manager, shall prepare provisions consistent with this article for the administration of the civil service system as established hereby, which provisions shall become final upon approval of the city council. The commission and/or the city manager shall, from time to time, review such provisions and recommend modifications, amendments and changes thereto with the advice of the other to the city council, which modifications, amendments and changes shall become final upon approval of the city council. Such provisions shall establish procedures for:

- (1) The proper conduct of the business of the commission;
- (2) A system for the testing, examination and qualification of applicants for positions within the city;
- (3) Certification to the appointing authority of those applicants qualified pursuant to the provisions of such commission;
- (4) The establishment of provisions constituting cause for demotion, suspension or discharge of employees;
- (5) Establishing a system of job descriptions and salary classifications, providing for vacations, sick leave, promotion, demotion, seniority, tenure, cutbacks, leaves of absence, discharge, suspensions and disciplinary action; and
- (6) Procedures for the filing and determination of employee grievances and appeals.

Sec. 58-29. - Employment requisites.

No person making application for entrance into the civil service system of the city or seeking advancement therein shall be discriminated against as a result of religion, age, race, color, sex, national origin, disability, genetic information or veteran status.

Sec. 58-30. - Status of present employees.

This article shall in no way invalidate, modify or affect any prior act or ruling of the civil service commission nor any act or ruling of city officials pursuant to prior provisions of the civil service system.

Sec. 58-31. - Exemptions from provisions.

The provisions established for the civil service system shall exempt from their application the following:

- (1) City Manager, Deputy City Manager, Assistant City Manager;
- (2) Assistants to the City Manager;
- (3) City Secretary, Deputy City Secretary;
- (4) City Attorney;
- (5) City Engineer, Assistant City Engineer;
- (6) Municipal Judge;
- (7) Directors, Assistant Directors, Deputy Directors;
- (8) Police Chief, Assistant/Deputy Police Chief, Police Captains;
- (9) Fire Chief, Assistant/Deputy Fire Chief, Fire Division Chiefs;
- (10) Administrators;
- (11) General Managers;
- (12) Texas Star Golf Course and Conference Centre employees;
- (13) Part-time and temporary employees; and
- (14) Interns.

Sec. 58-32. - Political activity of employees.

No person under the civil service system shall be under any obligation to contribute to any political fund or to render any political service while in such employ. No employee shall seek or accept nomination or election to any office of the city nor shall any employee directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political purpose whatsoever involving election to office with the city; nor shall any employee take part in political management or affairs or campaigns involving election to office with the city other than to cast his vote or express privately his opinion. No political activity shall be conducted in violation of the civil service provisions. The civil service provisions shall not prevent an employee from signing a petition for or endorsing for publication the election or recall of an elective official of the city, provided such employee does not circulate such petition or endorsement instrument.

Sec. 58-33. - Prohibited acts.

No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of the civil

service provisions, or in any manner commit or attempt to commit any fraud preventing the impartial application of such system; nor shall any person, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position of employment with the city. No person shall further defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under the civil service system or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the civil service system.

SECTION 2.

CUMULATIVE CLAUSE. This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

PUBLICATION CLAUSE. The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause, and effective date clause of this Ordinance in the official newspaper of the City of Euless as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 5.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Eules City Council on the 28th day of May 2013, by a vote of ___ ayes, ___ nays and ___ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney