

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~~The greatest asset 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 ~~SYSTEM~~ PROVISIONS

~~PERSONNEL RULES AND REGULATIONS~~

FORMALLY APPROVED AND ADOPTED BY
CITY COUNCIL

~~DECEMBER 08, 1998~~ Insert Date Approved

CHAPTER ONE

PERSONNEL RULES AND REGULATIONS CIVIL SERVICE PROVISIONS

1.01 Basic Objectives and Applicability

It is the intent of ~~these rules~~ the 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 ~~regulations~~ provisions rather than each section, subsection, sentence or phrase being interpreted in isolation and out of context. The purpose of the ~~policies~~ 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 Civil Service ~~requirements~~ Provisions and the grievance and appeals process in Chapter ~~107~~ of this manual, all employment with the City is at-will, and an employee may be separated at any time ~~for any reason~~. The masculine pronouns (he, him, his) are used when referring to employees only for reasons of expediency and such reference includes all employees, male or female.

The purpose of the ~~rules and regulations~~ include Provisions includes, but ~~are~~ is not limited to, the following:

- A. To promote and increase efficiency and economy in the service of the City.
- ~~B. To provide fair and equal opportunity to all qualified applicants to enter City employment on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection.~~
- ~~B.C.~~ To develop a program of positive recruitment, advancement and tenure, which will make ~~the~~ service of in the City attractive as a career and encourage each employee to render his best service to the City.
- ~~D.~~ ~~To establish and maintain a uniform plan of classification and compensation based upon the relative duties and responsibilities of all positions in the service of the City.~~
- ~~C.E.~~ 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.F.~~ To provide for the right of employees to file grievances and appeals ~~from actions taken which affect them adversely~~ and to be heard on all eligible matters as defined by the Provisions, ~~with which they are concerned~~.
- ~~E.G.~~ 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, ~~or sex,~~ genetic information, or veteran status.

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 ~~rules and regulations established~~ Provisions established by the Civil Service Commission City Council shall exempt from their application the following positions as specified by the City Manager's Office:

- 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 the ~~Personnel Rules and Regulations~~ Civil Service Provisions as approved by the Civil Service Commission and City Council shall be ~~distributed to each City employee individually, requiring each employee's signature upon receipt.~~ made available as follows:

- A. Copies shall be placed and kept up-to date in all departments, ~~and substations.~~
- 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.

~~DC.~~ All updates and/or changes ~~shall be distributed to all City employees, requiring each employee's signature upon receipt.~~ 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 ~~Administrative Policies~~ Amendments, Modifications and Set Asides

~~The City Manager may make changes needed to operate or further define these policies, procedures, rules, regulations benefits and guidelines in accordance with prudent management.~~ 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 Eules 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 the 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 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]~~^[c2].

1.07 Amendments^[c3]

~~The Personnel Rules and Regulations may be revised or amended as necessary by the City Council upon request by the City Council, Civil Service Commission or the City Manager. All references to the Eules Civil Service Personnel Rules and Regulations Provisions shall mean the Rules and Regulations Provisions as of the last revision. The following procedures are established to provide for necessary changes:~~

- ~~A. The Council may set aside, amend or modify any of these rules and regulations. Its actions shall be documented to the Commission and City Manager in written form with approval signatures. All exceptions will be limited to a particular case unless otherwise noted in the documentation. Any such action on the part of the Council requires no further justification on its part nor can such actions be used to establish a precedent.~~
- ~~B. The Commission may request the Council to set aside, amend or modify the rules and regulations. The request shall be documented to the Council and City Manager with complete justification.~~
- ~~C. The City Manager may request the Council to set aside, amend or modify the rules and regulations provisions. The request shall be documented to the Council and Commission with complete justification.~~
- ~~D. The City Manager and/or Commission shall review and comment to the other and the City Council on all amendments and revisions requested by the other to the Personnel Rules and Regulations. These comments will be in written form and shall~~

~~contain an assessment of the requested change and the recommendation of approval or disapproval.~~

~~E. When a request made by the City Manager or Commission to set aside the rules is of a nature that would adversely affect the employee/employees or deprive certain employees of a competitive opportunity to improve their position, then the Civil Service Commission shall post notice of this request in the City Hall and other places as necessary to assure that all employees have an opportunity to review the request. The notice shall be posted at least fifteen (15) days prior to submission to the Council and the notice shall fully describe the subject of the request. Subsequent to posting, all employees have the right to submit in writing directly to the Commission any comments relative to the request. The Commission shall forward all such comments unedited to the Council as enclosures to the initial request.~~

E.F. 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.

~~When any party exercises its right to request the setting aside of the rules and regulations provisions, no party shall reprimand that party for doing so nor shall any party intimidate another in a manner to discourage the use of these exceptions.~~

~~When the City Council rules provisions on any request, all parties shall accept and conform to the decision in a proper manner.~~

1.078 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 training knowledge, skills and abilities required to perform the job functions. All employees will receive a copy of their particular job description.

PERSONNEL ADMINISTRATION POLICY AND RULES PROVISIONS

1.089 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 System Provisions including appointment, dismissal, disciplinary measures and all other personnel actions necessary to the orderly and expeditious operation of all City functions.

1.0910 Human Resource and Civil Service Officer

The City Manager shall appoint a ~~Human Resource and~~ Civil Service Officer, ~~who will be responsible for maintaining and operating the City's Human Resource and Civil Service System in its daily operation.~~ The ~~Human Resource and~~ 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, maintenance of employee records and such other duties and responsibilities as may be designated by the City Manager.

The records of the ~~Human Resource and~~ Civil Service Officer pertinent to any hearing or appeal before the Commission, as to the operation of the Civil Service System, shall be accessible to the Commission to the extent allowed by law and/or City policy. ~~The Human Resource and Civil Service Officer shall document and/or furnish to the Commission, upon request, information as to the operation of the Civil Service System.~~

1.11 Directors^[c5]

~~The City Manager shall be responsible for the appointment, promotion, demotion, discipline, dismissal, reinstatement, and salary recommendations of all Directors. Directors or their delegated representatives shall in turn be responsible for initiation of all personnel actions within their respective departments.~~

1.102 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 ~~rules~~ provisions.

CHAPTER TWO

DEFINITIONS

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

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 calendar 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 disciplinary action concerning that employee, including but not limited to suspension, demotion, or discharge. An appeal is also the method which an employee must use to obtain a hearing to address any job related discrimination or to address a complain concerning compensation, work hours, working conditions or other treatment received from management or a supervisor which the employee considers to be unjust or unfair.~~

Applicant

A person who, according to established procedure, has made formal written application for employment. ~~This does not include so-called job interest or job opportunity cards.~~

Chapter 2 – Definitions

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 ~~the provisions of the Personnel Rules~~ 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 Eules City Code of Ordinances for the purpose ~~of setting policy, of recommending Civil Service provisions delegating authority~~ 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 ~~System~~ Provisions

The ~~system~~ provisions as created by the City Council and governed by the Commission, including employment, rules and regulations 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.

Chapter 2 – Definitions

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 advance 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 ~~maxi-~~
~~num-~~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~~Dismissal~~

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.

Eligibility List

A list of those qualified for employment in a class.

Employee

~~A person whose relationship with the City is defined as an employment relationship by any applicable federal or state laws or under traditional common law principles of employment.~~ 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, eExtended family includes immediate family, parents, grandparents, grandchildren, brothers and sisters of the employee, and their spouses, ~~and 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 of a calendar year are eligible for the Floating Holiday, which must be taken by December 31 of the same year.

Full-Time Employee

~~An employee who has completed his introductory period is employed in a regular full-time position, and who is a member of the Texas Municipal Retirement System.~~

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.

Human Resource and Civil Service Officer

~~A City employee or official appointed by the City Manager to be responsible to the City Manager for the day-to-day maintenance of the City's Human Resource and Civil Service Systems.~~

Immediate Family

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

Introductory Employee

~~An employee who is serving an introductory period and is employed in either a regular full-time or regular part-time position.~~

Introductory 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 po~~

Job (See Position)

Manager

A person responsible for the work of a division.

Military Leave

~~The leave of absence granted to employees, voluntarily or involuntarily, entering the Armed Forces of the United States or participating in Army or Air National Guard and Reserve training, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), or those employees serving in the Texas National Guard, Texas State Guard or other state militia as defined by Texas Government Code, Chapter 431.~~

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, ~~so~~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.)

Part-Time Employee

~~— A regular part-time employee who has completed his introductory period and is employed in a regular part-time position, and who is a member of a retirement fund.~~

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.

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 maximum 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 ~~Human Resource and/or~~ 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.

Regular Employee

~~An employee who is not serving an introductory period, is employed in either a regular full-time or regular part-time position, and who is a member of the retirement fund.~~

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.

Seasonal Employment

~~A job or position of a temporary or seasonal nature intended to be filled for only as long as it takes to complete the particular job.~~

Separation

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

Series

~~Two or more classes of positions with duties substantially similar in nature and character, but differing in level of difficulty, responsibility and perhaps supervision.~~

Sexual Harassment (Refer to Policy)

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

~~Any unwelcome sexual advances, requests for sexual favors, and other verbal slurs or jokes, or physical conduct of a sexual nature the submission to which is either explicitly or implicitly made a term or condition of employment or which has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.~~

Supervisor

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

Suspension

~~An involuntary absence without pay imposed by an appointing authority for disciplinary purposes.~~ An involuntary absence with or without pay imposed by an appointing authority.

Temporary/Acting 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 calendar days.

Temporary Employment/Employee

~~A position intended to be occupied on an intermittent basis to cover emergency workloads of limited duration, necessary vacation relief and other situations involving fluctuating staff.~~

Transfer

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

~~This term may have either of two meanings:~~

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.

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.

CHAPTER- ~~5~~ THREE

CERTIFICATION, APPOINTMENTS AND STATUS

53.01 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.

53.02 Appointing Authority

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

53.03 Use of Eligibility List

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

53.04 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.

53.05 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 ~~duly~~ posted after such provisional period has elapsed.

53.06 Promotion

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

A. An employee ~~Individuals~~ accepting a promotion shall serve ~~an introductory~~ probationary period before the appointment becomes confirmed. If the employee does not satisfactorily perform the duties of the new position during the ~~introductory~~ 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.

C. If a sworn Police or Fire employee who has been previously ~~When a~~ promoted and is then ~~employee is~~ returned to his former position, the employee who replaced the promoted

employee ~~will~~ **may** also be returned to his former position if he previously held a position within the City of Eules. When all affected employees have been returned to their former positions, any person who has been hired from outside the City of Eules to fill a position to which another employee is restored may receive a non-disciplinary separation from employment.

~~Employees receiving a promotion shall be paid at the entry rate of pay of 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.~~

53.07 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 ~~will be integrated into other departments by transfer.~~ **may be transferred to another department.**

~~Employees subject to cutbacks, and employees exempt from Civil Service who have been promoted from a lower classification subject to these rules and regulations shall be entitled to take a voluntary demotion to their former position.~~

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 ~~to be 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.**

53.08 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.

53.09 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. ~~Transfers to higher level positions shall be deemed to be promotions and transfers to lower positions shall be considered to be demotions and will be governed by regulations regarding same.~~

53.10 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.

~~5.11 Rehire (Should this section be removed to the Administrative Policy?)~~

~~Employees of the City of Euless may be rehired after they have resigned from service, providing their prior service with the City was separated in good standing. The former employee must have demonstrated acceptable prior service with the City of Euless, and the employee must meet the current minimum qualifications of the position for which he is applying.~~

~~Rehires will be provided benefits exactly like those offered new employees. Part-time and seasonal employees are not covered under this policy.~~

DRAFT

CHAPTER SIXFOUR

CONDITIONS OF EMPLOYMENT

64.01 Regulation of Employees

- A. All employees shall hold their positions subject to the ~~rules and regulations~~ provisions established by the City Council.
- B. No full-time 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.

64.02 Physical Fitness 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 - New Hires~~ - 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.

~~Current employees are expected to maintain the same minimum standards required of new applicants for their particular assignments~~ [c1]-

64.03 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 Eules and shall refrain from using their official [c2] 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 Eules or its employees.

64.04 Introductory Probationary Period

- A. All new or reemployed persons covered under the Public Safety Pay Plan shall serve ~~an introductory~~ 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 ~~an introductory~~ a probationary period of twelve (12) months from date of promotion.

- B. All other new or re-employed employees ~~in full-time regular positions shall serve~~ shall serve ~~an introductory~~ a probationary period of six (6) months from the date of employment.

All ~~other regular full-time~~ employees who transfer from one department to another ~~or promote~~ shall serve ~~an introductory~~ a probationary period of six (6) months from the date of transfer or promotion at the Director's discretion.

~~Regular part-time employees shall serve an extended introductory period until completion of the same number of hours required of a regular full-time employee. Any leave of absence without pay shall cause the employee's introductory period to be extended by the total number of days of the leave of absence without pay.~~

- C. ~~An introductory~~ A probationary new employee may be separated from employment at any time during the ~~introductory~~ 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 ~~for other than disciplinary reasons~~ during his ~~introductory~~ probationary period from a position to which he had been promoted or transferred ~~shall be restored~~ may be returned to his former position ~~and rate of pay upon recommendation of the Director without right of appeal or hearing.~~ and rate of pay upon recommendation of the Director without right of appeal or hearing. ~~When a promoted employee is returned to his former position,~~ 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 Eules. 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 and is then 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 Eules. When all affected employees have been returned to their former positions, any person who has been hired from outside the City of Eules to fill a position to which another employee is restored may receive a non-disciplinary separation from employment. ~~Such restoration includes restoration of the employee's former salary, merit increase eligibility date and all other benefits to which he would have been entitled if the promotion or transfer had not occurred.~~

- D.F. The department shall use the ~~introductory~~ 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 ~~introductory~~ probationary period.

~~E.G. Introductory Probationary~~ periods may be extended at the discretion of the Director for a period not to exceed six (6) additional months.

64.05 Attendance

Employees shall be at their place of work in accordance with these ~~rules- 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 ~~Payroll~~ Finance Department.

64.06 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.

64.07 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.

64.08 Photographs

Employees ~~may be photographed after the new employee orientation. Photographs will be used for insurance and benefits identification and will be kept in employee's personnel files~~ 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.

64.09 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 ~~introductory probationary~~ employees. This exclusion does not apply to organizations which advocate the overthrow of any federal, state, or local government by force or violence.

64.10 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.

64.11 Sexual Harassment, Harassment, Discrimination

~~All employees are expressly prohibited from displaying any conduct of a sexual nature which has the purpose or effect of interfering with the work performance of others, or which creates a hostile, offensive, or intimidating work environment for any person.~~

~~Sexual harassment should be reported as quickly as possible to the Human Resource Office or the Director of the department, regardless of whether person reporting, or a co-worker, is the victim.~~

~~Sexual harassment complaints will be taken seriously and immediate action taken with every effort being made to assure confidentiality of sexual harassment complaints. An investigation will be conducted according to the procedures as outlined in the Sexual Harassment Policy.~~

~~Sexual harassment is considered misconduct that could lead to demotion, suspension, or separation. The City of Eules will not retaliate against any employee who, in good faith, files a complaint of sexual harassment. However, false accusations of sexual harassment which are brought in bad faith can have serious effects on innocent men and women, their reputations, and their families. Therefore, false accusations of sexual harassment brought in bad faith may also result in disciplinary action, up to and including separation. (Refer to Sexual Harassment Policy)~~

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.)

CHAPTER ~~NINE~~FIVE

COMPENSATION, EMPLOYEE BENEFITS AND LEAVE PRACTICES

95.01 Holidays

A. Employees, ~~other than temporary and seasonal part-time employees,~~ shall be eligible for paid holidays, as approved by the City Council.

~~B. A new employee whose first working day is the day after a paid holiday shall not be paid for that holiday.~~

~~C. An employee who is separating from his employment and whose last day as a paid employee is the day before a holiday shall not be paid for that holiday.~~

~~D. As many employees as possible shall be given each holiday off without loss of pay, unless doing so would cause an undue hardship to the City. All regular employees, except employees of the Fire and Police Departments, who are required to work on a holiday which is a work day, shall in addition to their regular pay for that day, be paid for the actual time worked.~~

~~E. An employee who is on leave of absence without pay shall not be paid for official holidays.~~

~~F. When an official holiday occurs on a scheduled work day of a regular part-time employee, such employee shall be entitled to the holiday and shall receive pay for the number of hours he normally would have worked.~~

~~G. An employee who is absent without permission or without making advance arrangements on the scheduled working day immediately preceding or following a holiday shall lose pay for the holiday as well as for the other day or days off. H. When the City Council declares a special holiday, it shall be observed as provided above.~~

~~I. 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.

~~J. C.~~ Paid holidays include:

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

1. ~~New Year's Day~~ January 1
2. ~~Spring Break~~ Friday designated by City Manager
3. ~~Memorial Day~~ Last Monday in May
4. ~~Independence Day~~ July 4th
5. ~~Labor Day~~ First Monday in September
6. ~~Thanksgiving Holidays~~ Fourth Thursday and
7. Friday in November
8. ~~Christmas Day~~ December 25
9. ~~Floating Holiday~~ See Definition

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

~~K.D. No holidays will be carried over to a following year. Any unused holiday hours as of the end of the calendar year will be forfeited~~^[c1].

95.02 Vacations

Vacation leave shall begin to accrue at the end of the first pay period of employment. ~~but no employee shall be allowed to use any vacation leave until he has completed one (1) year's service. Exceptions may be made at the Director's discretion.~~ No new employee shall be paid any vacation leave earned if he leaves the service of the City, voluntarily or otherwise, during his introductory 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. ~~used [c2]~~

~~A. Directors and Managers shall schedule vacations giving due consideration to the needs of the needs of the service department and the ability of the remaining staff to perform the work of the division. The employee shall be permitted to take his vacation at such time in the judgment of the Director or Manager as will best serve the interests of the City and the employee.~~

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.

~~C. Official holidays occurring during a vacation shall be added to the vacation time. D. Earned vacation time shall not be approved in periods of less than one half days unless such schedule will not interfere with the duties of the departments or such schedule is necessary to meet an emergency. E. No cash payment for unused vacation leave shall be made except upon separation, retirement or death of an employee. Cash payments in lieu of vacation to persons currently employed shall not be permitted without City Manager approval.~~

B. Maximum carryover – No employee will be permitted to carry over more than two (2) year's accrual into any new anniversary year.

95.03 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. ~~Sick leave days shall be used for absences during the regularly scheduled work week 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.~~

~~Employees may use up to three (3) of the fifteen (15) annual sick leave days for immediate family members living in the employee's household.~~

~~Pay for each day of sick leave utilized will be calculated at the employee's straight time hourly rate. An employee scheduled to work in excess of his regular scheduled work week at premium pay who is absent due to illness or injury shall not be entitled to sick pay for that day.~~

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 shall accumulate to an employee during his first six months of service and may be granted during such first six month period at the Director's discretion.~~
- ~~C. After an employee's accumulated sick leave has been exhausted, unused vacation leave or compensatory time off may be used as sick leave when requested. When absence due to illness exceeds the amount of paid leave earned and authorized, the employee shall be placed on leave of absence without pay. 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.~~
- ~~D.C. Sick leave may be used for medical, dental or ocular appointments when immediate attention is required. Absence for appointments during working hours for this purpose must be authorized by the Director or Manager.~~
- ~~E.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. ~~A Director or Manager may require of an employee a signed statement from a licensed physician attesting to any illness of such employee or his immediate family member for which sick leave is used. A Director or Manager may disallow sick leave pay in the absence of satisfactory proof. Also, should an employee miss more than three (3) consecutive work days, or two (2) firefighter shifts, the Director or Manager may require the employee to furnish a statement from the attending physician confirming the employee's ability to resume his job duties before permitting the employee to return to work. The supervisor may also request a physician's note at any time.~~
- F. On separation from the service of the City, voluntarily or otherwise, no employee shall receive any pay for any accumulated sick leave.
- ~~G. No City employee shall be entitled to use paid sick leave due to ordinary tiredness or restlessness.~~

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.

95.04 ~~Occupational Disability or Injury Leave/Medical Care~~ Worker's Compensation

~~If an An~~ employee ~~sustains a compensable injury injured~~ in the course of his employment ~~or contracts an occupational disease, he may~~ shall be granted ~~occupational disability or injury leave and medical aid and hospital services~~ ~~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. ~~All employees~~ ~~An employee unable to work due to a work related injury and found to have a compensable injury, while on occupational injury or disability leave~~ shall continue to earn vacation and sick leave at the regular rate.

B. ~~An employee who is injured on the job must report the accident or injury to his supervisor immediately. The supervisor will direct the employee to obtain the necessary medical treatment.~~

C. ~~When an employee is injured on the job, the job foreman or supervisor shall complete the First Report of Injury required by the Worker's Compensation Act within the time limits established. Subsequent reports must be filed according to the Act. Where an accident causes serious bodily injury or death to an employee, the Director and the Insurance Department must be notified immediately.~~

D. ~~An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within his current classification.~~

E. ~~It is the responsibility of the employee to contact his supervisor while he is on occupational injury leave once every five business days, if he is physically able to do so.~~

F.B. Injury Leave shall be limited to six (6) months.

G. ~~Injury Leave shall not be deducted from accrued sick leave or vacation time.~~ H. ~~After the six months limit~~ ~~on Injury Leave has been exhausted, the employee may use his accrued sick leave or vacation time.~~

9.05 ~~Return to Work~~

~~An employee who has been off work due to an on-the-job injury for any length of time, or any employee who is off work for more than three (3) consecutive days for a non-job related injury may be required to get a doctor's full release prior to returning to work, (except for firefighters who may be required to get a full release after two consecutive shifts off).~~

95.065 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.

9.07 Rest Periods

~~If authorized by their immediate supervisors, employees may take two 15-minute rest periods each work day. Such rest periods shall be considered a privilege and not a right and shall never interfere with proper performance of the work responsibilities and work schedules of each department. Rest periods shall not be accumulated nor used for other than their intended purpose~~

9.08 Extended Leave of Absence

~~Extended leave of absence not to exceed six months shall only be granted on the recommendation of the Director or Manager and approval of the City Manager. This rule of employment applies to all regular full-time employees.~~

95.096 Military Leave^[c6]

~~An employee who is a member of an armed forces reserve organization or the National Guard shall be allowed leave for all required military training duty. The employee desiring such leave shall request the same 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. No compensation shall be paid for weekend drill or training duty. Those employees going to summer encampment training shall be granted up to two calendar weeks of leave without pay in a calendar year. The employee may choose to use accrued leave, i.e. vacation, holidays, and comp time. 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 ~~the same 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.~~

9.10 Absence Without Pay

- ~~A. Directors shall be responsible for accurate reports of the employees who are absent from duty and shall show in the column provided in the biweekly report absentees who are not entitled to pay under the prevailing working policy.~~
- ~~B. Benefits shall not accrue while an employee is on extended leave of absence without pay, except for the provisions under the Family and Medical Leave Act policy.~~

9.11 Revocation of Leave

~~A leave of absence may be revoked by the Director upon evidence submitted that the cause for granting leave was misrepresented or has ceased to exist.~~

9.12 Unauthorized Absence Without Leave

~~Unauthorized absence without leave, 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 Director if the employee presents satisfactory reasons for his absence within three days of the date his automatic resignation became effective.~~

9.13 Reasons for Granting Leave of Absence Without Pay

- A leave of absence without pay may be granted for any of the following reasons:
 - A. — Illness or disability.
 - B. — For reasons deemed valid under the Family and Medical Leave Act.
 - C. — For other reasons deemed valid by the City Manager or his designee.
- A leave of absence may not be granted to accept other employment.

65.07 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.

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, a leave of absence without pay may be granted. A leave of absence not to exceed six 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, employee makes 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 outside 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 their leave, they 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 shall 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) 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.

65.08 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^{(c7)(c8)}.

95.1409 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 Eules.

95.1510 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.

95.1611 Emergency Bereavement Leave^(c9)

~~In the event that a catastrophic event such as death or serious injury occurs which involves an immediate or extended family member, the employee may request emergency leave with pay. All regular, part-time and introductory employees may be granted paid emergency leave up to three (3) working days, per calendar year. (Firefighters may be granted up to one and one-half [1.5] firefighter shifts.) Temporary employees may be granted up to three (3) working days unpaid emergency leave per calendar year. If additional time is needed, the employee may request use accrued comp time or vacation. (Refer to policy Following the loss of an immediate or extended family member, (see definitions of Immediate and Extended Family^(c10)), 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.

95.4713 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.
- C. Longevity Pay - All eligible employees shall be paid longevity 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 will 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.

95.1814 Special Compensation

- A. Overtime - Employees required and authorized to work overtime (time in excess of their normal ~~work shift or~~ 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 the ~~Personnel Rules and Regulations- Civil Service 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.

95.1915 Retirement and Insurance

- A. ~~Retirement System—The general descriptions of the retirement programs stated herein are 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 Resource Department.~~ B 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 ~~regular full-time, and some part-time el-~~ igible [employees]^[c12]. 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.

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 ~~and death benefits~~ are also provided in this system.

- ~~G-B.~~ Social Security - Regular employees are not participants in the Federal Social Security System, except for ~~MEDICARE~~ 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.
- ~~D-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 ~~Insurance~~ Human Resources Department.

1. Life Insurance - Group life insurance is provided ~~at City's expense~~ to all full time employees ~~based on annual earnings~~ as specified in administrative regulations issued by the City Manager and approved by the City Council.
2. ~~Medical~~^[c13] 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. ~~The group policy covers hospitalization, surgery, other hospital expenses, doctor's costs and major medical.~~ Refer to the individual policy for further details.
3. ~~Major~~^[c14] Medical ~~For information, refer to administrative regulations and individual insurance policies. Employee dependents are provided the same medical insurance coverage as employees with the employee paying the cost for dependent coverage.~~
- 4.3. Worker's Compensation - All employees are covered by Worker's Compensation, ~~as of July 1, 1974.~~ This program is required by State Law and generally protects an employee from loss incurred due to ~~injury on the job~~ a job related injury or disease. ~~This protection covers, with limitations, loss of life, limb and income.~~

CHAPTER ~~FOUR~~SIX

PROMOTIONAL EXAMINATIONS

4.016.01 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.

4.026.02 Police and Fire 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. Battalion Chiefs | |
| 2. Police Captains | |
| 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. Police Officer | 5. Firefighter |
| 2. Police Corporal | 6. Firefighter II |
| 3. Police Sergeant | 7. Driver Engineer |
| 4. Police Lieutenant | 8. Fire Lieutenant |
| | 9. Fire Captain |
| 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 ~~less~~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 ~~less~~fewer than three (3) candidates for testing, the city may then reach down to the next lower levels in rank for promotional testing.

D. 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.

~~D.~~

1. Group I will be all employees who meet all requirements 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.
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). ~~For example: a promotional examination for Lieutenant: Group I and Group I (a) candidates would then be from the classification of Driver Engineer, and Group II candidates would then be from the Firefighter II classification, Group I, Group I (a), and Group II employees meeting all requirements, i.e. certification and time in grade, would be eligible to sign the list indicating their intent to test. If less than three candidates from Group I appear to take the test, all candidates from Group I (a) will then be admitted to sit for the exam. If there are less than three total candidates from Groups I and I (a) combined, all candidates from Group II will be allowed to test. In the event that, less than three eligible candidates appear to take the test, the test will be canceled.~~

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.

4.03 Examination Materials

~~All examination and related materials will be listed in a reading list by the Human Resource Department at the request of the department for which the test is being held.~~

4.046.03 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. Performance Evaluations~~
- ~~F.E. Psychological Examination**~~
- F. Assessment Centers

**Per ADA requirements for job relatedness and business necessity

4.056.04 Written Test Construction

Examinations, when applicable, shall be provided by the ~~Human Resource~~ Civil Service Officer and shall ~~meet the following requirements~~ be based on:

- ~~A. Identical for any given test for any classification and a given category.~~
- ~~B. 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~~

4.06 Other Tests

- ~~A. Shall include such reports and physical tests as are necessary to validate the general physical fitness job-related requirements which are consistent with business necessity, as specified in any particular classification.~~
- ~~B. In addition to written examinations for promotion to a supervisor or managerial position, the City may also utilize an assessment center which may include oral interviews.~~
- ~~C. Practical tests may be used to evaluate any candidate's knowledge and ability in classifications requiring a skilled trade, craft or useful art which is job related and consistent with business necessity.~~

4.096.05 Reading List

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

4.106.06 Notice of Examination

Notice of ~~fire and police~~ promotional examination shall be given a minimum of sixty (60) days prior to the test date. ~~However, shorter notice may be given for positions other than fire and police promotional examinations.~~ and will remain posted for a minimum of fifteen (15) days. Notices shall be posted in plain sight at City Hall, Police Stations, Fire Stations, and such other buildings as necessary to be accessible to employees ~~and job applicants.~~

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

4.116.07 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 to test. The list shall be returned to the Human Resources Office a minimum of forty-five (45) days prior to the scheduled test date. ~~No candidate shall be allowed to test unless compliance with this section is followed.~~ Any complaint regarding the list of eligible candidates must be submitted to the Civil Service Officer within fifteen (15) 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.

4.076.08 Conduct of Examinations

Examinations shall be conducted as follows:

- A. Under the direction of the ~~Human Resource~~ Civil Service Officer or his designated examiner/examiners.
- B. Free from the participation or influence of any unnecessary persons.

4.206.09 Supplementary Responsibilities

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

4.126.10 Late Arrival to Examination

~~In no event shall a candidate be admitted after the examination has commenced or, in the event of a written test, after the posted examination time.~~ 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.

4.136.11 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 positively 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.

4.14 Review of Written Examination Process

- ~~A. Any competitor may review any portion of the examination within two (2) hours immediately after the grading of the examination.~~
- ~~B. For written examinations, the competitor shall be permitted to compare his answer sheet with a “key” answer sheet. The competitor may also examine a copy of the examination to confirm the fact that he received full credit for his correct answers. The competitor shall not be permitted to make photocopies of the examination or “key” answer sheet, and will only be allowed to document those questions he finds ambiguous or doubtful.~~
- ~~C. The application and examination records of competitors are confidential records which may be reviewed by appropriate appointing authorities in accordance with procedures established by the Human Resource Department, or when required by state or federal law or a court of competent jurisdiction.~~

4.156.12 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. ~~When possible, at the place of the examination.~~ 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.
- a. C. ~~Final grades for promotional examinations shall be structured and posted 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.~~
 - ~~b. Three and three-quarter (3.75) points for 90 hours of college at an accredited college or university.~~
 - ~~c. Two and one-half (2.50) points for an Associate's Degree, or sixty (60) hours at an accredited college or university.~~
 - ~~d. One and one-quarter (1.25) points for thirty (30) hours of a college at an accredited college or university.~~
 - 3. A maximum of ten (10) points for seniority and education will be added to the final combined scores. 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. 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.

G.

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 ~~the close of the complaint process for that section, or~~ 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) days, or as soon as 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:

A.

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.

b.

e-3. A maximum of ten (10) points for seniority and education will be added to the final combined scores.

4.086.14 Establishment of Eligibility

~~As soon as possible after the conclusion of an examination, the Human Resource Department shall prepare and keep available 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 grade. 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. Whenever identical ratings are earned, the tie is broken by the weighing of various factors such as experience, education, and other factors as determined by the Director.~~
Following the conclusion of all phases of the promotional exam, the Human Resources Department 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.

4.166.15 Final Examination Results Notice

~~Within two business days, or as soon thereafter as practicable, after all parts of an examination have been completed, each competitor candidate shall receive written notification of the final results of his examination and an eligibility list will be posted. [Eligibility lists will not be posted for non-competitive positions (such as: Police Corporal and Firefighter II).]~~

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

4.176.16 Promotion Eligibility Lists

~~Promotion eligibility lists shall consist of the names of employees duly qualified for higher level positions. Promotion eligibility list may be limited to all City employees or to employees of a single department at the Directors request. [Eligibility list will not be posted for non-competitive positions (such as: Police Corporal or Firefighter II).] 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.~~

4.186.17 **Effective Date of Promotion Eligibility List**

A promotion eligibility list shall be in effect from the date on which it ~~is approved by the Human Resource Department was~~ certified by the Civil Service Officer.

4.196.18 **Duration of Promotion Eligibility List**

~~An eligibility list expires three (3) months after the position tested for is filled, or may remain effective up to six (6) months if specifically requested by a Director.~~—An eligibility list may be maintained for one (1) year ~~for Police and Firefighter positions,~~ unless exhausted sooner.

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CHAPTER ~~8~~ SEVEN

DISCIPLINE, GRIEVANCE AND APPEALS

8.017.01 Discipline Defined

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

8.027.02 Grounds for Discipline

~~The tenure of each employee shall be subject to his good behavior and the rendering by him of efficient service.~~ 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. ~~Dishonesty.~~ Failure to obey a lawful order
- I. Dishonesty
- ~~J.~~ J. Intoxication, unauthorized use of drugs or alcohol, ~~or~~ being under the influence of drugs or alcohol while on duty, or any violation of the City's Alcohol and Controlled Substances Policy
- ~~J-K.~~ J-K. Conviction or placement on deferred adjudication (including conviction after a plea of nolo ~~contendere~~ contendere) of a felony or ~~of~~ a misdemeanor involving moral turpitude.
- ~~K-L.~~ K-L. Disorderly, immoral or illegal conduct ~~while on duty.~~
- ~~L-M.~~ L-M. Misuse or willful damage to City property or waste of time, supplies or equipment.
- N. Violation of safety rules or procedures

~~M.O.~~ Discourteous treatment of the public or of other employees.

~~N.P.~~ Conduct ~~while not on duty~~ which reflects adversely on the City.

~~O.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) days of the date his automatic resignation became effective. ~~Disciplinary action need not be taken following an automatic resignation.~~

~~P.R.~~ Violation of City or departmental rules and regulations or policies.

~~Q.S.~~ Unauthorized actions prejudicial to City interests.

~~R.T.~~ Conflict of interest.

~~S.U.~~ Engaging in any act ~~violative of which violates~~ the City's ~~nondiscrimination~~ policies, including ~~but not limited to the City's policies regarding nondiscrimination and acts of~~ and sexual harassment^[c1].

8.037.03

Disciplinary Action

~~In the interest of good discipline and efficiency, and for just cause, 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. The seriousness of the violation should determine the level at which the disciplinary action would begin. Factors to be considered in determining the level of any disciplinary action include:~~

~~The Manager or supervisor should notify the employee as soon as possible after the date the supervisor is made aware of any alleged incident which is cause for reprimand or other disciplinary action.~~

~~Any disciplinary action taken shall be documented in writing which is placed in the employee's personnel file, specifying:~~

~~A. The^[c2] employee's position~~

~~B. The employees 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 ~~alleged~~ incident requiring the reprimand or disciplinary action.
- B. The discipline to be imposed.
- C. The effective dates.
- D. ~~The right of the employee to appeal.~~ The right of the employee to file a grievance or an appeal, if the action is subject to the grievance or appeal procedures.

~~The written disciplinary action shall be filed with the Human Resource Department and a copy shall be served personally to the employee or mailed to him at his last known address by certified mail, return receipt requested.~~

~~If the disciplinary action takes the form of a verbal or written reprimand, an acceptable disciplinary action form should be used. The incidents leading up to the disciplinary action, the action taken at this time, and the employee's statement should be included on this disciplinary form. 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][c3][c4][c5].

8.04-A. Demotion:

An employee may be demoted for just cause and in the interest of good discipline. Demotion may be accomplished by reducing his 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 for 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.

~~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) 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.

8.057.04 Appeals Procedures

~~Employees shall have the right to appeal a disciplinary action as specified in Chapter 10.~~ 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 suspension, demotion or discharge. The appeal shall be in hard copy, signed and dated by complainant and in legible writing, printing or typing giving the following information.

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

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 ap-

peal 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^[c6].

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 Director or 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.

- B.** The Civil Service Officer shall post a notice for at least seventy^[c7]-two (72) hours prior to the scheduled time of hearing.

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^[c8].

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 personal 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 person using the privilege will be tolerated. The decision of the Commission is final.

8.06 – Suspensions

If an employee is suspended for disciplinary reasons, the Director may delay the start of the suspension under the following requirements:

- A. The delay must not be more than ten (10) calendar days.
- B. Immediate suspension would cause disruption in department operations.
- C. Specific reasons for the delay must be filed in writing with the Human Resource Department and a copy given to the employee at the same time as the written disciplinary action.

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) 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 appeal to 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 is a direct report 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 ~~TEN~~EIGHT

DUTIES, RESPONSIBILITIES, AND OPERATION PROCEDURES

408.01 Duties and Responsibilities

The Eules Civil Service Commission, in accordance with applicable Eules City Code of 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, ~~and enforcement~~ and interpretation of the ~~Personnel Rules and Regulations~~ Civil Service 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 ~~Rules, regulations, and procedures provisions~~ for discipline or dismissal of employees^[c1].
- 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 the ~~Personnel Rules and Regulations~~ Civil Service Provisions for approval-
- I. Performing such duties as are requested by the Commission incidental to the conduct of business of the Commission-

408.02 Conduct of Business of the Commission

The Commission shall be organized in accordance with applicable Eules City Code of 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 ~~rules provisions~~.

2. Emergency meetings may be called by the chairman with notice given in accordance with State Law and these rules.

~~3. The order of business shall be:~~

~~a. Invocation~~

~~b. Approval of minutes~~

~~c. Old business~~

~~d. New business~~

~~e. Floor open to discussion and comments~~

~~f. Adjourn~~

~~4.3.~~ Meetings shall comply with applicable statutes, including, but not limited to, the Texas Open Meetings Act.

~~5.4.~~ Meetings shall be held in facilities approved by the City Council.

~~5.6.~~ All meetings shall be documented by approved minutes.

~~7. In any meeting wherein any party plans to call witnesses, the list of witnesses shall be provided to the Civil Service Officer within 72 hours prior to the scheduled meeting time.~~

B. **Publishing ~~Rules and Regulations~~ Provisions**- Upon receipt of final approval from the Council of (a) the initial ~~rules and regulations~~ Provisions, or (b) 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.~~^[c2]

4. The Civil Service Officer shall maintain extra copies for review by employees and citizens of Eules.

C. **Investigations** - The Commission, with approval of the Council, shall provide for investigations to determine compliance with ~~this the~~ Civil Service ~~System~~ Provisions or when approved by the City Council for other ~~purposes~~^[c3].

In the conduct of investigations, the Commission may require, during normal working hours:

1. The attendance of witnesses.

2. The production ~~of books and papers~~ 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 record retention requirements and will remain consistent with guidelines required by the City's Records Management Program.

E. **Reports** - ~~Reports shall be required in the conduct of the business of the Commission or Council as follows:~~

~~1. To the Civil Service Officer~~—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 the Civil Service Provisions.

~~2. To the City Council~~—The City Manager ~~and the Civil Service Officer~~ shall provide, when requested by the Council, a report/reports to keep the Mayor and Council informed on the Civil Service System.

F. **Appeals**^[c4] ~~Procedures~~—Employees may file appeals to the Director, City Manager, and Civil Service Commission and the City Council, in that order.

~~1. Appeals~~—Any employee may file an appeal to request a hearing concerning a suspension, involuntary demotion, separation, interpretation or application of the Civil Service Provisions, or discrimination. See Definitions on discrimination. The appeal shall be in legible writing, printing or typing giving the following information.

a. ~~Date, time, place and detailed description of the alleged incident.~~

b. ~~Specify the nature of the appeal.~~

c. ~~Explain why the action is considered unjust/unfair.~~

~~2. Appeals to the Director~~—The employee may request a hearing with the Director. The request for a Director hearing must be filed with the Director within two (2) business days of the immediate supervisor's decision, or imposed disciplinary action or conduct.

~~The Director will schedule and conduct a hearing within ten (10) business days from the date the appeal is received, and respond in writing to the appeal within two (2) business days after said hearing.~~

~~3. Appeals to The City Manager~~—An appeal by an employee must be delivered to the Civil Service Officer within two (2) business days after the date of the Director's written decision. The Civil Service Officer shall date stamp the appeal and forward 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.~~

~~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 Director or City Manager is unavailable, these time periods shall begin to run on the first business day the Director or City Manager becomes available.~~

~~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 Commis-~~

~~sion hearing must be filed with the Civil Service Officer within two (2) business days from the date of the City Manager's written decision.~~

~~Upon receiving a request for a hearing before the Commission, the Civil Service Officer shall first 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 not less than seventy two (72) hours prior to the scheduled time of hearing.~~

~~4. **Hearings Before the Commission**—After receipt of an appeal, the Commission shall proceed as follows:~~

- ~~a. Schedule a date and time to hear the appeal.~~
- ~~b. 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 not more than fifteen (15) business days after the date the Civil Service Officer receives the appeal. Notice of the hearing shall be posted not less than 72 hours prior to the scheduled hearing. 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.~~
- ~~c. 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.~~
- ~~d. The City Attorney may be requested to advise the Commission during conduct of the hearing. Requests for assistance of the City Attorney will be submitted to the City Manager.~~
- ~~e. If the employee or City Manager is not satisfied with the Commission's decision, the employee or the City Manager has recourse to appeal to the City Council. Requests for a Council hearing must be filed with the City Secretary within two (2) business days from the date of the Commission's written decision. The City Secretary shall notify the Council members within five (5) business days of receipt of a request for a Council hearing.~~

~~5. **Hearing Before the City Council**—After receipt of an appeal the matter shall be placed as an item on the next regularly scheduled City Council agenda which meets posting requirements of State law, for scheduling of a hearing.~~

- ~~a. The Council 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 on the date of the next regularly scheduled meeting following the meeting during which the hearing was scheduled. A final decision will be rendered not more than two (2) business days from the conclusion of said hearing. Copies of Council's decision shall be forwarded to the City Manager and the employee.~~

~~b. During the hearing, the employee or his designee shall present the position of the employee and the City Manager or his designee shall present the position of the City. The Council shall consider all evidence presented and shall extend equal privilege to both parties.~~

~~c. The City Attorney may advise the Council during the conduct of hearings.~~

~~6. An appeal is a mature and proper way to resolve a variance in opinion; therefore, neither the person filing an appeal nor the person cited in the appeal should ever attempt to use these system 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 and the Council will guard carefully and no abuse of the privilege or of persons using the privilege will be tolerated.~~

~~The decision of the Commission is final.~~

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