

ORDINANCE NO. 729

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ADOPTION, PURSUANT TO ARTICLE IX-A OF THE CITY CHARTER OF THE CITY OF MESQUITE, THE CIVIL SERVICE RULES OF THE CITY OF MESQUITE, AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE FOR ALL INTENTS AND PURPOSES; BY PROVIDING THAT THE PROVISIONS OF SUCH RULES SHALL APPLY TO ALL CLASSIFIED EMPLOYEES OF THE CITY OF MESQUITE AS NAMED THEREIN; BY PROVIDING THAT UNCLASSIFIED EMPLOYEES AS NAMED THEREIN OF THE CITY OF MESQUITE SHALL NOT BE COVERED BY SAID RULES; SAVE THAT ALL EMPLOYEES OF THE CITY OF MESQUITE SHALL BE COVERED BY SECTIONS 9, 10, 11, 12, 14, AND 16 OF SAID RULES; BY PROVIDING THAT ALL EMPLOYEES OF THE POLICE AND FIRE SERVICE OF THE CITY OF MESQUITE SHALL BE COVERED UNDER THE PROVISIONS OF THIS ORDINANCE ONLY TO THE EXTENT THAT THE PROVISIONS HEREOF COVER AREAS NOT PROVIDED FOR UNDER THE STATE FIREMEN'S AND POLICEMEN'S CIVIL SERVICE ACT i. e. ARTICLE 1269M V. A. T. C. S.; PROVIDING FOR THE EFFECTIVE DATES OF THE APPLICABILITY OF THIS ORDINANCE; BY DECLARING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, Article IX-A of the City Charter of the City of Mesquite, Texas, provides for the adoption of a Civil Service System for all employees of the City of Mesquite, and

WHEREAS, the adoption of the Civil Service Rules hereinafter set out is essential to providing stability in the work force of the City of Mesquite.

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

SECTION 1. That the Civil Service Rules of the City of Mesquite, as set forth in Exhibit "A" attached hereto and made a part of this ordinance for all intents and purposes, shall be, and the same are, hereby adopted.

SECTION 2. That the provisions of the Civil Service Rules of the City of Mesquite as hereby adopted shall apply to all classified employees of the City of

Mesquite as therein named save those employees specifically named in Section 4 hereof.

SECTION 3. That the provision of the Civil Service Rules of the City of Mesquite as hereby adopted shall not apply to the unclassified employees of the City of Mesquite as named therein, save that all employees, classified and unclassified, shall be covered by Sections 9, 10, 11, 12, 14, and 16 of said rules.

SECTION 4. That employees of the Police and Fire Service presently working under the Firemen's and Policemen's Civil Service Act of Texas i. e. Article 1260m V. A. T. C. S. shall come under the purview of the Civil Service Act of the City of Mesquite as hereby adopted only in so far as the provisions of this Ordinance cover areas not otherwise covered by the said Article 1269m V. A. T. C. S. Civil Service and Departmental Rules adopted pursuant to said Article, and all conflicts shall be resolved in favor of the State Act.

SECTION 5. That the rights accruing under Paragraph 10.5 of Section 10 of the Civil Service Rules of the City of Mesquite as hereby adopted shall become effective retroactively as of the 1st day of January, 1968.

SECTION 6. That it is the intent of the City Council that the provisions hereof be deemed severable and in the event any such provision shall be declared unconstitutional or invalid for any reason such unconstitutionality or invalidity shall not affect those provisions left standing.

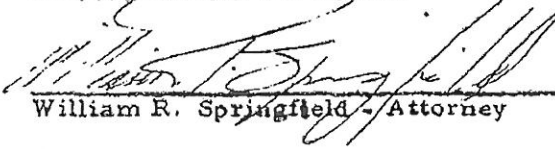
SECTION 7. That the present ordinances of the City of Mesquite are inadequate to insure continuity and stability in the City's work force create an urgency and emergency in the interest of the public health, safety, and welfare, and makes necessary that this ordinance take effect immediately from and after its date of passage.

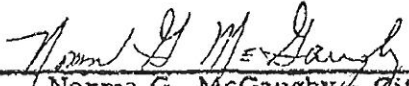
PASSED AND APPROVED by the City Council of the City of Mesquite this the 4 day of March, 1968.


George Boyce Mayor

APPROVED AS TO FORM:

ATTEST:


William R. Springfield Attorney


Norma G. McGaughy City Secretary

CITY SECRETARY FILE

CITY OF MESQUITE

CIVIL SERVICE

RULES AND REGULATIONS

As recommended by the Personnel Board
January, 1968

PREFACE

The purpose of these rules is to set forth the principles and procedures that are to be followed by the City Administration in its personnel program. The personnel rules are an augmentation and clarification of Article IX A of the City Charter and the City's intention of maintaining a merit system of personnel administration. It is intended that these rules not only provide a working guide for officials, but that they shall acquaint the City's employees with the chief personnel objectives and practices of the City.

The policies and rules which follow shall provide a framework for the continued development of the City's career service program, as well as guides for the handling of daily personnel matters; however, they cannot be so precise and complete as to describe every employment situation. The City public service consists of men and women of good will, working together in the common interest of the citizens of the City. In this spirit of harmony, the personnel rules are established to foster wholesome relationships and conditions of employment in the career service of the City of Mesquite. These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever necessary to assure effective administration of a civil service system.

These rules are intended to cover all Classified City employees except those members of the Fire and Police Department who are covered under the State Civil Service Act; however, provisions of these rules which are not in conflict with the State Firemen's and Policemen's Civil Service Act shall also be controlling and applicable to all employees of the Fire and Police Departments.

Section 1. Organization of Personnel Board

1.1 Appointment of Board - The Personnel Board shall consist of three (3) members appointed by the City Council for terms of three (3) years, or until a successor is appointed, from among the qualified voters of the City. Members of the Personnel Board shall also serve as members of the Firemen's and Policemen's Civil Service Commission and terms of appointment to the Personnel Board shall run concurrently with terms of appointment to the Firemen's and Policemen's Civil Service Commission. Vacancies occurring on the Board caused by death, resignation or otherwise shall be filled in the manner specified for original appointments to the Board, but such appointment shall only be for the unexpired term of the replaced Board member.

1.2 Qualifications for Board Membership - Members of the Personnel Board shall hold no other City office except membership on the Firemen's and Policemen's Civil Service Commission. All members of the Board shall be of good moral character, shall have resided in Mesquite for a period of more than three (3) years, shall be more than twenty-five (25) years of age, and shall not have held any public office with the City of Mesquite within the preceding three (3) years. Each member of the Board shall be known to be in sympathy with the application of merit principles to public employment, and shall neither hold nor be a candidate for any other public office or position.

1.3 Personnel Director - There shall be a Personnel Director, who shall have had training and experience in personnel administration, appointed by the City Manager, and who shall administer the Personnel System for the City. The Personnel Director shall provide the necessary staff assistance for the Personnel Board.

1.4 Election of Officers - The Personnel Board shall annually, during the month of January, elect a Chairman and a Vice-Chairman.

1.5 Powers of Personnel Board - The Personnel Board shall have the power and shall be required to:

- A. Perform the services hereinafter provided with respect to the Civil Service Rules.
- B. Perform such other duties with reference to personnel administration not inconsistent with the City Charter, as the City Council may require.

Section 2. Meetings of the Personnel Board

2.1 Notice of Meetings - Notice of meetings of the Board shall be given by the Personnel Director to members of the Board at least forty-eight hours in advance of the time set for each meeting. Meetings shall be held at such

intervals as the Personnel Director deems necessary based on business matters needing to come before the Board.

2.2 Open Meetings - The Board shall meet in the City Council Chambers or other designated location in the City Hall. All meetings of the Board shall be open to the public.

2.3 Order of Business - Two (2) members of the Board shall constitute a quorum to do business at any scheduled meeting. No item of business shall be considered which does not appear on the agenda, unless by unanimous vote to consider such item. In all matters of procedure not controlled by the provisions of these rules, the order of business and conduct of meetings shall be in conformity with Robert's Rules of Order. The Board may, by majority vote, make rules of procedure from time to time for the conduct of meetings and the administration of these Rules.

2.4 Minutes - Minutes of all Board meetings shall be kept, recording the action of the Board on all items of business coming before the Board. The minutes of the Board shall be signed by the presiding officer and the Personnel Director who shall be designated as the Recording Secretary to the Board. In addition, all hearings of employee appeals shall be recorded.

Section 3. Classified and Unclassified Service

The positions in the City of Mesquite shall be separated into an unclassified service and a classified service as follows:

3.1 Unclassified Service - The unclassified service shall comprise the following offices and positions:

- A. Officers, employees, members of Boards, or other persons who are appointed by the City Council pursuant to the City Charter.
- B. The directors of departments and other classifications as listed herein: Director of Public Works, Director of Finance, Director of Parks and Recreation, Fire Chief, Personnel Director, Director of Utilities, Tax Assessor Collector, Police Chief, Attorney, City Librarian, Assistant City Managers, Administrative Assistants, and Administrative Aides.
- C. Persons, firms, or other organizations whose services may be specifically engaged for professional, consultative, or other special services, and all employees performing services for such persons, firms, or other organizations so engaged.

D. Part-time, temporary, and seasonal employees.

3.2 Classified Service - The classified service shall comprise all positions not specifically included in the unclassified service.

Section 4. Applicants for Employment

4.1 Non-Discrimination - No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, or employee, because of his political affiliations, religious beliefs or creeds, race, or fraternal affiliations, provided such opinions, beliefs, or affiliations do not advocate the overthrow of the Government by force or violence.

4.2 Filing of Application - Any person shall be considered for appointment to a vacancy who has filed an application with the Personnel Director in the manner specified in these rules and upon the forms furnished by the Personnel Director.

4.3 Nepotism - No person related within the 2nd degree by marriage or within the 3rd degree by blood to the Mayor or any member of the City Council, shall be appointed to any position in the City. No person related within the 2nd degree by marriage or within the 3rd degree by blood to any employee of the City of Mesquite shall be appointed to any position in the City within the same department or in departments requiring constant cooperation and coordination.

4.4 Residence - Other qualifications being equal, applicants who live inside the City limits of the City of Mesquite shall be given preference over those living outside the City limits when appointment to City positions are being made.

4.5 Rejection of Applicants - The following are declared to be cause for rejection of any applicant seeking employment; that the applicant

- A. Is found to lack any of the minimum qualifications set forth in a notice of examination and/or the established minimum qualifications in the City's classification plan;
- B. Is physically or mentally unfit for the performance of the duties of the position to which he seeks appointment;
- C. Is of unsatisfactory character;
- D. Has been convicted of a felony or any crime involving moral turpitude or disgraceful conduct. If under charges, the charges must be disposed of prior to consideration for employment;

- E. Has made any false statment in any material fact, or practiced, or attempted to practice any deception or fraud in his application, examination, or appointment;
- F. Is addicted to the use of intoxicating beverages or the use of narcotics;
- G. Has failed to report for any requested examination or interview, or has failed to provide information that has been requested during consideration for employment;
- H. Has failed or neglected to pay just debts;
- I. Has received an excessive number of traffic violations.

4.6 Former Employees - Former employees of the City will not be given consideration for reappointment unless special circumstances warranting such consideration exist in the opinion of the City Manager. This section shall not be applicable to employees laid off under conditions set forth in Section 8.3.

4.7 Age - With the exception of part-time, temporary, and seasonal employees, all applicants must be at least 18 years of age and not more than 50 years of age at the time of appointment. When considered to be in the best interests of the City, the City Manager may authorize exceptions to the minimum and maximum age limits.

Section 5. Examinations

5.1 Examining Methods - All appointments to the Classified Service shall be made according to Merit and Fitness. Merit and Fitness will be ascertained by examination or other methods under the direction of the Personnel Director. Examinations may be assembled or unassembled and shall include one or more of the following examining methods:

- A. Written examination, which shall include a written demonstration of each candidate's knowledge and skill in the field for which the test is being held.
- B. Oral examination, which may be used in lieu of, or to supplement the written examination or to obtain information regarding the abilities of the candidates that is not readily obtained in a written examination.
- C. Performance test, which shall include such tests of performance necessary to determine the ability and manual skills of each candidate to perform the work involved and which may be either competitive or qualifying.

- D. Interview, which shall appraise each candidate's experience and personal fitness for the position.
- E. Rating of education, training and experience which shall be based upon information in the application form and such other information as may be secured through the interview or from other sources, and which shall be subject to investigation as to truth and completeness.

5.2 Competitive Examinations - In cases where numerous applicants are seeking employment in a particular class of work, identical competitive examinations shall be used to determine merit and fitness. As the result of such examinations, the Personnel Director shall prepare appropriate eligible lists ranking candidates in the order of their final grades.

5.3 Appointment Procedure - The Personnel Director shall furnish to the appointing department head, the applicants, tests, and files of persons who have been determined qualified through appropriate examinations. However, test grades shall not be the sole criterion used by the appointment authority in reaching an appointment decision.

5.4 Physical Examinations - Before appointment to any position, male applicants, and female applicants where deemed advisable, shall be required to undergo a medical examination by a physician designated by the City at City expense to determine the applicant's health and physical condition to perform the duties of the position being sought. In the event of rejection, the findings of the examining Physician shall be final.

Section 6. Probation

6.1 Probation Required - All original appointments and promotions, shall be made to probationary status.

6.2 Probationary Period - The period of probation for all original appointments and promotions shall be six months.

6.3 Removal During Probation - The department head shall remove during the probation period any employee whose performance does not meet the required work standards established for the position. If an employee promoted to a higher class is found unsuited for the work during the probation period, he shall be reinstated to his former class or a similar class of work provided that permanent status had been attained in the previous classification.

6.4 Probation Reports - Periodic reports on the efficiency of probation employees shall be prepared by the department head and shall be submitted at regular intervals during the employee's probationary period. The Personnel Director shall provide the necessary

forms for making such reports and specify the time intervals for the preparation of such reports. In the absence of a report from the department head that a classified probationary employee is unsatisfactory, such employee shall automatically become permanently employed at the end of the probationary period and shall have full civil service rights and privileges.

6.5 Appeals from Removal during Probation - Employees who are removed from employment to an original appointment during their probationary period, and employees who are reinstated to a former class of employment during probation shall have no rights of appeal of their removal or reinstatement.

Section 7. Promotion

7.1 Policy on Promotions - It shall be the policy of the City to provide promotional opportunities whenever possible to qualified employees. Employees are encouraged to take advantage of these opportunities by qualifying themselves for advancement through training, job performance, interest, and overall service.

7.2 Method of filling - Positions above the entrance level may be filled by promotion, or by recruitment from outside the City service, with a view toward the selection of the best available candidate for each position. Notices of promotional opportunities shall be prepared and posted throughout the various City departments for at least 48 hours in order that employees may become aware of such openings.

7.3 Selection Techniques - The Personnel Director shall use one or more of the examining techniques as set forth in Section 5 of these rules when filling a vacancy by promotion. The Personnel Director shall determine the best method of selection and applicants shall be considered only on merit and fitness.

7.4 Efficiency Reports - The immediate supervisor shall prepare at designated times during the year efficiency reports on each employee on a form prescribed by the Personnel Director indicating thereon the employee's manner of job performance during the period covered by the report. Efficiency reports shall be carefully evaluated in determining an employee's qualifications and eligibility for promotion to a higher classification.

Section 8. Demotions, Suspensions, Dismissal and Lay Off

8.1 Grounds for Disciplinary Action - Any employee who has completed the probationary period may be demoted, suspended, reduced in pay or class

or dismissed from his employment by the department head with the approval of the City Manager. The following are declared to be grounds for demotion, suspension, reduction in pay or class, and dismissal from the classified service of the City:

- A. Conviction of a felony or other crime involving moral turpitude;
- B. Violation of any of the provisions of the charter of the City of Mesquite;
- C. Incompetency, inefficiency, or negligence in the performance of duty;
- D. Discourtesy to the public while in line of duty;
- E. Drinking of intoxicants while on duty or intoxication in public while off duty;
- F. Conduct prejudicial to good order;
- G. Refusal or neglect to pay just debts;
- H. Absence without leave, habitual tardiness or excessive absenteeism;
- I. Acts of insubordination or refusal or failure to carry out instructions;
- J. Misappropriation, destruction, theft, or conversion of City property whether on or off duty;
- K. Violation of any of the Civil Service Rules and Regulations;
- L. Actions showing lack of good moral character both on and off the job;
- M. The presence of some physical or mental ailment which incapacitates the employee in the proper performance of his duties.

8.2 Suspension - Any person holding a position in the classified service may be suspended without pay for cause for reasonable periods of time not exceeding fifteen (15) calendar days by order of the department head and approval of the City Manager.

8.3 Lay-Off - Whenever there is lack of work or funds, requiring reductions in the number of employees in a City department, lay-offs shall

be made in the department on the basis of length of service. Probationary employees, if any, shall be considered first for lay-off. Whenever possible, employees will be offered other work of similar character and pay. An employee shall be given two weeks notice before being laid off.

An employee laid off because of reduction in forces shall be placed on an eligibility list for re-employment and shall be given first consideration for re-employment when new positions are created or vacancies occur in the same classification.

8.4 Notice - In every case of suspension, demotion, reduction in pay or class, or dismissal of a classified employee, the department head shall file with the Personnel Director within seventy-two hours, excluding Saturdays, Sundays, and holidays, a Notice of the action and cause or causes for the action.

8.5 Notice to Employee - When demanded within ten (10) days from notification by the suspended, demoted, reduced, or dismissed classified employee, it shall be the duty of the department head to furnish him, within seventy-two hours, excluding Saturdays, Sundays, and holidays, a written statement of the action and cause or causes for the action.

8.6 Employee's Right to Appeal - A suspended, demoted, reduced, or dismissed classified employee shall have the right to a public hearing before a Trial Board concerning the charge or charges brought against him providing that said appeal is made in writing to the Trial Board within ten (10) days, after notification of suspension, demotion, reduction, or dismissal. The Trial Board shall hear the appeal and render a decision within thirty (30) days from the date of appeal.

8.7 Organization of Trial Board - The Trial Board shall be composed of two members of the Governing Body of the City, selected by the Governing Body, and either the Chairman or Vice-Chairman of the Personnel Board. The Trial Board shall have jurisdiction to hear and decide all appeals made to them by a discharged, suspended, or reduced officer or employee in the Classified Service. The employee may be represented by counsel and shall have the right to an open hearing and, to compel the attendance of such witnesses as he may require to testify in his behalf. The Trial Board shall elect a Chairman who shall preside at the hearing and the Trial Board shall determine the rules of procedure to be followed during the hearing. The Trial Board may either sustain, reverse, modify, or amend the action against the employee as to them may seem just and equitable after all the facts and circumstances have been determined. The judgment and decision of the majority of the Trial Board shall be final.

Section 9. Classification and Compensation Plan

9.1 Classification Plan

- A. Classification of positions - All positions in the City's service shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skill, personal qualities, and the same rate of compensation are applicable thereto.
- B. Interpretation of Class Specifications - Each class specification shall outline the main characteristics and requirements of positions in the class and shall give examples of specific duties which employees holding such positions may properly be required to perform. The class specification shall be descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks of related kind or character or of lesser skills. In determining the class to which a position shall be allocated, the specification of each class shall be considered in its entirety and in relation to the specifications of other classes in the classification plan. The statement of Employment Standards in a class specification is intended to be used in determining the eligibility of candidates for examinations and for use in determining the relative value of positions in a class with positions in other classes.
- C. Administering and Maintaining the Classification Plan - The Personnel Director shall be responsible for administering and maintaining the classification plan. The Director shall make necessary reviews and prepare reports to the City Manager recommending appropriate action to assure that the classification plan is kept current and that any important changes in duties and responsibilities in any existing positions and of new positions are reflected in the classification plan.
- D. Employee Requests for Classification Adjustments - Should the duties and responsibilities of a position materially change, an employee or his department head may request a reclassification of the position. An employee's request shall be submitted to the employee's department head and shall set forth the reasons justifying a reclassification and a recommendation for reclassification. The recommendation shall be forwarded to the Personnel Director who shall study the position in question and submit his recommendations and those of the department head, to the City Manager who shall make a final determination. An employee initiating a request for reclassification shall be notified of the decision reached.

- E. Changes Requiring Approval of the City Council - The City Council shall adopt in ordinance form a classification plan for all employee's in the City's service and shall establish the various salaries to be paid all positions in the classification plan. The City Council may adopt ordinances from time-to-time amending the ordinance establishing the classification plan in order to provide for changes in class salaries and the creation or abolishment of classes of employment.

9.2 Compensation Plan

- A. Salary Schedules - The pay of City employees shall be on the basis of appropriate salary schedules as established by ordinance passed by the City Council. Each salary schedule shall consist of a base rate, growth steps, and a maximum rate. The growth steps within the various schedules shall be determined by taking into account the frequency with which growth in a position can be measured and should be compensated, the rate at which this growth takes place, and the span of time over which this growth normally continues within the limits of the class.

B. Administration of the Salary Plan -

1. On original appointment to any position the salary shall be at the base rate of the appropriate salary range. The City Manager may approve initial compensation at a higher rate within the appropriate salary schedule when the experience, skill, or temporary conditions of the labor market justify the action.
2. Whenever an employee is assigned to duty in a position of a different class not previously held by him and such change is not in the nature of a promotion, he shall receive the base rate in the established salary schedule for the class or such other rate within the salary schedule as he may be entitled to by reason of crediting him with such prior service as is found to meet the following conditions: The character and nature of the duties of the position to which the employee was assigned are similar to those of the new position; the service in the former position provided experience which is valuable to the performance of the new position.
3. In any case where an employee is promoted to a position of a class with a higher salary schedule

and more responsible duties, the entrance salary rate shall be at the lowest step in the higher salary schedule that will provide an increase of at least three (3%) percent over the salary received immediately prior to the promotion.

4. Advancement of salary of an employee within a salary schedule shall be based on the achievement of minimum periods of service as set forth for the appropriate salary schedule and satisfactory performance of the duties of the position. The department head shall recommend in writing to the City Manager the advancement in salary rate of each employee in his department who has met the required minimum period of service and shall include a certification as to the employee's manner of work performance during a reasonable period of time immediately prior to the effective date of the recommended advancement in salary. In the event that the work performance of an employee has not been satisfactory, the department head may recommend that the advancement in salary be deferred pending improvement in performance.
 5. When it can be clearly demonstrated that an employee's service has been of an unusual and exceptional quality, he may be advanced to a higher salary step within a salary schedule without regard to the established minimum periods of service as set forth in the appropriate salary schedule, upon recommendation of the department head and approval of the City Manager.
 6. When an employee's anniversary date of employment is between the first and fifteenth of the month, inclusive, his anniversary date for salary advancement consideration shall be considered to be the first of the month, and where the anniversary date is on or after the sixteenth of the month, his anniversary date shall be considered to be the first of the following month.
- C. Stability Payments - Employees shall receive longevity or stability pay at the rate of 1/2 percent of their base rate of pay at the end of one year of service, plus 1/2 of 1 percent of the base rate for each year of service thereafter, subject to the following conditions and limitations.
1. The stability payment shall be made once each year to eligible employees, on or about December 1, and shall be payable only to those actually in service

on that date. The first stability payment shall be made after one year of service and shall be 1/2 percent of the base rate of pay of the employee.

2. The maximum credit allowed for the stability factor shall be for 20 years of service or 10 percent of the base pay of an employee.
3. Employees whose base rate and length of service make them eligible for stability pay greater than the amount paid during the year for longevity, shall be paid the difference between the amount already paid for longevity and the amount of stability pay for which they are eligible.

- D. Overtime - It shall not be the general policy of the City to have employees regularly work frequent or considerable overtime. However, when employees are required to work overtime they shall receive compensation at the rate of one and one-half (1-1/2) times their regular pay for the time worked or at the discretion of the employee, shall receive compensatory time off for the time worked. Overtime shall be defined as time worked in excess of 40 hours in a seven calendar day period. Employees who are called from off duty after the end of the regular work shift shall receive a minimum of one hour of overtime.
- E. Compensatory Records - Records shall be maintained by the Personnel Director showing compensatory time earned and used by employees.

Section 10. Working Hours, Attendance, and Leave

10.1 Work Week - The working time of employees shall be forty hours per week with special provisions made in departments that require additional hours to meet existing conditions or emergency contingencies.

10.2 Hours of Work - The hours during which City offices and departments shall be open for business shall be determined by the City Manager.

10.3 Overtime - Employees shall work overtime when necessary and overtime on any job shall be allocated as evenly as possible among all employees qualified to do the work. Compensation for overtime shall be in accordance with Section 9 of these rules.

10.4 Holidays - The following holidays, and such other days as may be designated from time to time by the City Council, shall be observed as official holidays by employees of the City of Mesquite:

New Years Day	January 1
San Jacinto Day	April 21
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

- A. When one of the above named holidays falls on Saturday, the holiday shall be observed on the preceding Friday or if it falls on Sunday, it shall be observed the following Monday.
- B. As many employees as possible shall be given each holiday off without loss of pay. Employees, who because of the nature of their work cannot be given compensatory time off, shall, in addition to their regular pay for the holiday, be paid for the actual time worked at their regular rate of pay.
- C. Any employee who is absent without pay on the working day immediately preceding or following a holiday, shall not be paid for the holiday. Holidays that occur during an approved leave of absence with pay shall be charged as holiday and not against the approved leave of absence with pay.
- D. Part-time, temporary, and seasonal employees shall not be eligible for holiday pay except for the actual number of hours worked on a holiday and which shall be at their regular rate of pay.
- E. Employees wishing to observe religious holidays not listed herein shall at their option, and with the approval of the department head and City Manager, be given time off without pay or have the time charged to their vacation.

10.5 Vacations - All regular full time employees shall earn fifteen (15) working days vacation with pay each year subject to the following rules, regulations, and procedures:

- A. Vacation shall be accumulated at the rate of 1-1/4 days leave for each full month of completed service beginning with the first month of employment. An employee who enters the service before the 16th or who leaves the service after the 15th of any month shall earn 1-1/4 days vacation leave for that month.

- B. Vacation shall begin to accrue immediately upon appointment, but may not be used until completion of six (6) months of satisfactory service.
- C. Any employee leaving the services of the City in good standing following one year of continuous service shall be paid for accumulated vacation leave not to exceed twenty (20) working days. The vacation record of a terminating employee shall be calculated to a current basis to determine the amount of vacation due on termination.
- D. Employees shall be expected to take their full vacation in the year in which it becomes due. Vacation leave will be calculated at the end of each calendar year, and under no circumstances shall an employee be credited with more than 30 working days vacation at the end of any calendar year.
- E. Temporary, part-time, and seasonal employees shall not earn vacation leave, nor be entitled to vacation pay upon separation.
- F. Department and division heads shall schedule vacations, giving due consideration to the needs of the service and the ability of the remaining staff to perform the work of the department. The employee shall be permitted to take his vacation at such time, in the judgment of the department head and with the approval of the City Manager, as will best serve the interest of the City and the employee.
- G. Official holidays occurring during a vacation leave shall not be charged against the employee's vacation leave.
- H. Vacation leave may be taken for periods of not less than one (1) day, and one day leave periods will be granted only when such scheduling will not interfere with the duties of the department.
- I. No employee shall be given or entitled to take vacation leave in excess of the actual amount accumulated to his record.
- J. No cash payment for unused vacation leave shall be made except on resignation, retirement, or death of an employee. Cash payments in lieu of vacation of persons currently employed shall not be permitted.

10.6 Sick Leave - All regular full-time employees shall earn fifteen (15) working days of sick leave with pay each year subject to the following rules, regulations, and procedures:

- A. Sick leave shall be accumulated at the rate of 1-1/4 days leave for each full month of completed service beginning with the first month of employment. An employee who enters the service before the 16th of any month shall earn 1-1/4 days sick leave for that month.
- B. Sick leave shall begin to accrue immediately upon appointment and may be used as required.
- C. Sick leave shall be accrued to an employee's record without maximum limitations. Employees leaving the service of the City shall not be paid for unused sick leave.
- D. The use of accrued sick leave is a privilege afforded each employee and not a right. Sick leave shall be used only for the purpose of permitting an employee to be relieved of his duties during actual personal illness and may not be used under any other circumstances. A department or division head may require of an employee a signed statement from a physician attesting to the illness of the employee during the period of time when sick leave is granted.
- E. Temporary, part-time, and seasonal employees shall not accrue sick leave benefits, nor be entitled to sick leave benefits during periods of illness.
- F. Sick leave may be granted for periods of not less than one-half (1/2) day. When an employee works a portion of a day and is ill for the remainder, he shall be charged one day of sick leave if he is absent for a longer time on that day than he works, otherwise, he will be charged one-half day.
- G. No employee shall be given or entitled to take sick leave in excess of the actual amount accumulated to his record. After an employee's accumulated sick leave has been exhausted, and when requested, unused vacation leave may be used as sick leave. When absence due to illness exceeds the amount of sick leave earned and authorized, the pay of an employee shall be discontinued until he returns to work.

- H. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and their time charged to sick leave. Before such a request may be granted, an employee must submit a signed statement from a physician attesting to the illness and specifying the number of days that employee was incapacitated due to the illness. Vacation days unused may then be taken later in the year at such time as may be designated by the employee's department head and approved by the City Manager.
- I. Official holidays occurring during the time that an employee is taking sick leave shall be charged as holidays and not sick leave.
- J. Sick leave shall not be granted in cases involving prolonged complications (in excess of 15 working days) resulting from pregnancy.

10.7 Occupational Disability or Injury Leave - Employees sustaining injuries arising out of the course of employment with the City of Mesquite shall be granted injury leave with pay subject to the following rules, regulations and procedures:

- A. An employee who is able to, but fails to report any injury incurred in line of duty, however minor, to his foreman or supervisor and take such first aid treatment as may be necessary shall not be eligible for injury leave with pay.
- B. Employees sustaining injury shall be examined and receive emergency treatment, if necessary, by the City physician or such other physician as requested by the employee and approved by the City Manager.
- C. The term and duration of any injury leave necessary as a result of a sustained injury shall be determined upon the receipt of a sustained injury shall be determined upon the receipt of a statement of the attending physician and shall depend upon the character, degree and potential duration of the injury.
- D. An employee whose injury necessitates that he be off work seven days or less shall be granted injury leave and paid his full salary during said absence. An employee whose injury necessitates that he be off work more than seven days shall be granted injury leave and shall be paid the difference between his full salary and the weekly compensation provided

through the Texas Employers Liability Law. An employee whose injury necessitates that he be off work for over six months shall be granted injury leave without pay after six months and shall be paid only the weekly compensation provided through the Texas Employers Liability Law.

- E. Upon returning to work from an injury leave of absence, an employee shall submit to a physical examination when requested to do so to determine his physical ability to return to his duties.
- F. Employees while on injury leave shall continue to accrue vacation and sick leave at their regular rate; however, no vacation or sick leave benefits shall accrue after six months of continuous injury leave with pay until such time that the employee returns to his duties.

10.8 Emergency Leave - All regular full time employees shall be granted emergency leave with pay if required up to a maximum of three working days in case of death or serious illness in the employee's immediate family subject to the following rules, regulations and procedures:

- A. Immediate family shall be defined as husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandmother, grandfather, or other members of kinship who may be residing under the same roof with an employee at time of death. Death of relatives other than those mentioned above shall be considered individually and such time allowed as circumstances may warrant.
- B. Emergency leave shall not be granted employees until completion of six (6) months of satisfactory service.
- C. Department heads may require satisfactory proof of serious illness or death of a member of the immediate family and may disallow emergency leave in the absence of such proof.

10.9 Military Leave - All regular full time employees shall be entitled to military leave of absence subject to the following rules, regulations and procedures:

- A. Regular employees, who are members of the National Guard, Official Militia of Texas, or any of the

reserve components of the Armed Forces of the United States, when ordered or authorized by proper authorities, shall be entitled to military leave of absence with pay during any period when they shall be engaged in field training or encampment or when ordered to duty with troops for field exercises or for instruction. This leave of absence with pay shall be limited to fifteen (15) working days during any one calendar year and any absence in excess of this time shall be considered as military leave of absence without pay.

- B. Military leave with pay benefits shall not be granted employees who terminate their employment as a result of draft or enlistment.
- C. Regular employees who are called to active duty with the Armed Forces of the United States shall be granted a military leave of absence without pay and upon release from service with the Armed Forces, such employee shall be re-employed by the City in the same or a similar capacity, provided that an application for re-employment is made within ninety days following termination of service with the Armed Forces and that such employee is physically and mentally suited to perform the required duties of the position.
- D. No military leave of absence shall be granted any employee who voluntarily leaves the employment of the City for the purpose of becoming a member of the Armed Forces except in time of national emergency. During such periods of national emergency, the re-employment privileges and procedures of Paragraph C, Section 9 shall govern.

10.10 Court Leave - Employees who are required by the due process of law to render jury service or court service shall receive their regular pay during such service. All fees paid and expenses reimbursed by the court shall be retained by the employee, providing that the City did not furnish travel, meals, room expense, or miscellaneous expenses in which case expenses borne by the City and reimbursed by the Court shall be reimbursed to the City.

10.11 Leave of Absence Without Pay - All regular full time employees may be granted special leaves of absence without pay under circumstances considered to be in the best interest of the City subject to the following rules, regulations and procedures:

- A. A regular full-time employee may be granted a leave of absence without pay for periods of time not to exceed one year, on recommendation of the department head and approval of the City Manager, to engage in a course of study or for other good and sufficient reasons which are considered to be in the best interest of the City. A request for a leave of absence must include a statement of intent on the part of the employee, indicating the purpose and approximate time of absence.

- B. Regular full-time employees who become pregnant must, by the end of the third month of pregnancy, submit to the department head a physician's written statement giving the approximate date of birth and a recommended date to stop work. In any case, the employee must resign by the end of the sixth month of pregnancy. Although a resignation is required, the employee may be re-employed in the position formerly held or to another position for which she is qualified, if a vacancy exists, provided an application for employment is submitted within 90 days following delivery. In cases of re-employment in the position previously held, the probationary period shall be waived.

10.12. Educational Leave - Department heads may, with the approval of the City Manager, grant employees leave with pay and expense to attend professional conferences, short schools and other training activities and to visit other cities in the interest of the City of Mesquite.

Section 11. Resignation

11.1 Notice of Resignation - Any employee wishing to leave the service of the City in good standing shall file with his department head at least two weeks before leaving a written resignation stating the date the resignation shall become effective and the reasons for leaving the City Service. Accumulated vacation leave shall not be paid on termination to employees who fail to give their department head the required two weeks notice of their resignation.

11.2 Unauthorized Absences - An employee absenting himself from duty for any reason shall notify his supervisor immediately. Unauthorized absences from work for a period of two (2) days may be considered by the department head as a resignation. Such resignations shall be considered as "not in good standing".

Section 12. Political Activities

12.1 Political Activities Limited - Employees are encouraged to exercise their legal right to vote but shall not be permitted to take an active part in any political campaign of another. The term "active part" means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, publicly displaying campaign signs, and making public derogatory remarks about candidates for such elective positions.

12.2 Political Service not Required - Employees shall not be required to contribute to any political fund or render any political service to any person or political party and no person shall be removed, reduced in classification or salary, or otherwise prejudiced for failure to do so.

12.3 Employees Seeking Public Office - Any employee choosing to become a candidate for any elective public office shall first leave the services of the City. An employee, shall automatically forfeit his employment with the City upon filing for any public office.

Section 13. Grievance Procedure

13.1 Appeal Rights of Employee - Employees who have any complaint or grievance concerning working conditions, conditions of employment, salary, or related matters shall have the right of appeal to their immediate supervisor, department head, and the City Manager in the order named. In presenting complaints or grievances, in no case shall any employee circumvent the chain of command.

13.2 Method of Presentation - The grievance procedure shall be simple and informal and grievances may be made either orally or in writing at the discretion of the employee. In other than minor grievances and in order to clearly establish facts, the immediate supervisor, department head, or City Manager may request of the employee that the grievance be reduced to writing.

13.3 Consideration of Grievances - Grievances shall be heard and considered in a manner conducive to quick, equitable, and satisfactory solution of the problems involved. An employee shall be notified within a reasonable time after submitting a grievance of the decision which has been reached. In the case of grievances not reconciled at the lower organizational level, the employee may then exercise his option to appeal the decision to the next higher organizational level.

13.4 Decisions of City Manager - In cases of grievances brought before the City Manager, his decision shall be final except in cases where it is the employee's contention that rights afforded him under these Civil Service Rules and Regulations have been violated. In such cases, grievances may be brought

finally before the Personnel Board, and their decision shall be final.

Section 14. Retirement

Retirement shall be compulsory on December 31st of the year in which an employee becomes 65 years of age or in which he completes 15 years of service, whichever last occurs. Employment beyond this may be continued on an annual basis upon approval by the City Manager until an employee reaches 70 years of age when the following conditions have been met:

1. A written request for continued employment is made by the employee.
2. The employee satisfactorily passes a physical examination administered by a physical appointed by the City.
3. A certification is made by the employee's supervisor and department head indicating that the employee's performance merits his continued employment and that the organization has continued need for his services.

Section 15. Records

15.1 Records Open to the Public - All proceedings of the Personnel Board, the classification and pay plan, and a roster of employees in the City service shall be public records, and subject to reasonable regulation, be open to public inspection.

15.2 Records Not Open to the Public - Applications, examinations, recommendations from former employers, efficiency reports, and such other letters and papers as in the opinion of the Personnel Director should be confidential, shall be kept on file for the use of the Personnel Board and proper City Administrative Officers, but shall not be open for public inspection.

Section 16. General Provisions

16.1 Reporting Changes in Address - Employees shall notify the Personnel Department and the departmental supervisor of changes in address or telephone numbers so that they may be reached at all times by either telephone or mail.

16.2 Gifts to Employees Not Permitted - No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by any employee for the performance of his duty. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund approved by the City Manager.

16.3 Outside Employment - Employees shall not be permitted to engage in other employment where such employment may reflect against the employee's department or the City, or impair the employee's ability to do an effective job in his City employment. Outside employment must be registered with and approved by the employee's department head with information as to where he can be reached in case of emergency.

Section 17. Civil Service Rules

17.1 Preparation of Rules and Regulations - The Personnel Director shall prepare such Civil Service Rules and Regulations as are necessary and shall refer such proposed rules and regulations to the Personnel Board which shall make its recommendations thereon. The City Manager shall then present the Civil Service Rules and Regulations, together with his recommendations to the City Council, and the City Council may by ordinance adopt them with or without amendments.

17.2 Notification to Employees of Rule Changes - Employees shall be notified of all changes in the Civil Service Rules and Regulations within one week after their adoption by the City Council.