

ORDINANCE NO. 2724

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CITY OF MESQUITE GENERAL GOVERNMENT CIVIL SERVICE RULES AND REGULATIONS BY DELETING THE PRESENT SECTION 8.1 AND ADOPTING A NEW SECTION 8.1 THEREBY ESTABLISHING GROUNDS FOR TERMINATION OF CITY EMPLOYEES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the present Section 8.1 of the City of Mesquite General Government Civil Service Rules and Regulations is deleted and a new Section 8.1 is hereby adopted to read as follows, said Rules and Regulations in all other respects to remain in full force and effect.

8.1 Grounds For Termination

Grounds for termination include but are not limited to the following. The City reserves the right to determine the degree of violation and take appropriate action to maintain the functions and order of the organization.

A. DISCIPLINARY TERMINATIONS

Discharge of a regular full-time employee, resulting from disciplinary termination, is appealable to the City's Trial Board as set forth in these rules.

1. Unsatisfactory Attendance:

Abuse of approved leave; tardiness; failure to report to work without timely notification; failure to follow procedures for requesting or using leave; unauthorized absence from work site.

2. Negligence or Indifference in Performing Job:

Neglect of duty; loafing; carelessness; lack of initiative; lack of cooperation; failure to remain at work station; sleeping or otherwise being inactive during working hours; inefficiency; performing or conducting personal business during working hours; abuse of eating and/or rest periods; interfering with work of others; discourteous treatment of the public or other employees.

3. Incompetence or Unsatisfactory Work Performance:

Inability to perform the duties of the job; inefficient or unproductive behavior; violation of departmental work rules; deliberate or careless damage to property or equipment; unsatisfactory quality or quantity of work; inability to work effectively with other employees; inability to adjust or adapt to changing work requirements; failure to make requested changes in job performance; repeated disciplinary action for minor infractions of policy or procedure; incurring an expense or liability for the City without proper authorization.

4. Insubordination:

Failure or refusal to perform assigned work or fully comply with instructions or orders as requested by appropriate authorities; failure or refusal to fully cooperate with official investigations. Acts of defiance towards a superior including but not limited to arguing about assignments, talking back, walking away from or ignoring superior while being addressed, deliberate attempts to undermine or put the supervisor in a false light.

5. Violation of Safety Rules:

Smoking in prohibited areas; unauthorized removal of safety guards, fire extinguishers or other equipment designed to protect employees or equipment; failure to use safety equipment or to follow safety practices or rules; careless, neglectful or improper use of tools or equipment; causing injury or damage to person or property through negligence or deliberate action; causing a preventable accident or injury; failure to report maintenance deficiencies or properly maintain equipment; operating equipment in an unsafe manner; violation of traffic laws.

6. Dishonesty:

Stealing, or taking City property or property of other employees without prior authorization; misuse of funds; misrepresentation; cheating; providing false, misleading or omitting material information during course of an official investigation; forging or otherwise falsifying official reports, records or documents; misusing paid leave; unauthorized use of official documents or information; releasing or making known in any manner confidential information without authorization; failure to properly account for City documents or property; misuse or usurpation of authority, employee identification or business card; duplication, removal, or destruction of documents or property without authorization.

7. Disturbance:

Fighting, using profane, abusive or threatening language; using unnecessary loud or boisterous language; offensive or lewd conduct; spreading false reports or otherwise disrupting the harmonious relations of the workplace; possession of unauthorized firearms or lethal weapons on the job; engaging in disruptive personal behavior.

8. Alcohol or Drugs:

Violation of the City's Substance Abuse Policy; failure to pass a drug test required as a condition of continued employment; possessing, buying or selling, using, possession or transferring illegal drugs or drug paraphernalia while performing assigned duties, during working hours or while on breaks or lunch periods; consuming or being intoxicated by use of drugs or alcohol while performing assigned duties or while operating vehicles or equipment during working hours; reporting for work while under the influence of drugs or while intoxicated from consumption of alcoholic beverage(s); alcohol or drug intoxication in public while off duty if such behavior adversely reflects upon their employment as a City employee.

9. Unlawful Conduct:

Conviction or disposition other than acquittal, including probation or deferred adjudication, of any criminal offense except class C misdemeanor traffic offenses; engaging in any unlawful activity or actions showing lack of good moral character; indecent, provocative or offensive behavior or any unlawful activities.

10. Conduct Inconsistent With Interests of the City of Mesquite:

Violations of the City Charter, Civil Service Rules and Regulations, City and departmental policies and directives or other policies addressed in this manual; actions which demonstrate disloyalty to the goals and objectives of the City.

11. Solicitation:

Solicitation of funds or anything of value for personal profit from either employees or the public during work hours; solicitation of funds or anything of value from either employees or the public during work

hours without prior authorization; solicitation of other employees for membership in employee organizations during work hours; using the City's name or position to promote personal business.

12. Financial Obligations:

Disruption in the workplace resulting from failure to pay just debts and obligations.

13. Personal Appearance:

Failure to dress appropriately and in good taste in relation to assigned job duties; failure or refusal to wear assigned uniforms in the manner prescribed.

14. Acceptance of Gifts:

Accepting significant gifts or gratuities from individuals or firms with which the City does business or an individual or firm seeking City business.

15. Sexual Harassment:

Violations of the City's Sexual Harassment policy in any manner; failure to cooperate in the conduct of an investigation of sexual harassment.

16. Political Activity:

Using one's position or personal influence for or against any candidate for public office; directly or indirectly coerce, attempt to coerce, command or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, or person for political purpose; seek or hold an office of public trust, or partisan office in any jurisdiction, where such service would constitute a conflict of interest with City employment, with or without remuneration.

17. Secondary Employment:

Engaging in activities related to secondary employment during normal duty hours or while performing secondary employment which would reflect unfavorably upon the City or impair performance of job duties; use of City facilities, equipment, supplies or time for engaging in secondary employment; use of information gained during employment for personal profit or gain.

18. Derelection of Duty:

Failure to report and take appropriate corrective or disciplinary action; failure to observe and give effect to the policies of the organization; failure to report or document violations of policy or procedure.

B. NONDISCIPLINARY TERMINATION

Discharge of a regular full-time employee, resulting from nondisciplinary termination, is not appealable to the City's Trial Board.

1. Job Abandonment:

Absence for two consecutive work days without approved leave.

2. Failure to Maintain Minimum Job Requirements:

Failure to maintain or secure licenses or certifications required as a condition for performing the job.

3. Failure to Successfully Complete Probationary Period:

Any actions during the probationary period, including those described in Section 8.1 A or B, indicative of inability, incapability or unwillingness to perform the duties and responsibilities of the job in the manner prescribed by the City.

4. Medical or Psychological Incapacity:

The presence of a medical or psychological condition which significantly restricts or inhibits the proper performance of assigned job duties.

5. Layoff:

A reduction in authorized positions as described in Section 8.3 of this manual.


6. Hardship:

Inability of the employee to return from any injury or illness to unrestricted duty, within prescribed policies, where such failure creates a hardship for the City.

SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. The fact that the present ordinances of the City of Mesquite do not provide an adequate policy concerning termination of City employees, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, on the 18th day of February, 1991.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney