

ORDINANCE NO. 2756

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 4 AND ADOPTING A NEW SECTION 4 THEREBY ESTABLISHING EMPLOYMENT POLICIES; 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 4 of the City of Mesquite General Government Civil Service Rules and Regulations is deleted and a new Section 4 is hereby adopted to read as follows, said Rules and Regulations in all other respects to remain in full force and effect.

**SECTION 4. EMPLOYMENT POLICIES**

**4.1 Equal Opportunity of Employment**

All applicants with the City of Mesquite will be considered for employment based upon their ability to meet the minimum qualifications of the job for which they are applying. The City of Mesquite does not consider race, religion, sex, color, national origin, age or the presence of a non-job-related mental/medical condition or disability when assessing an applicant's qualifications.

**4.2 Applicant Defined**

All individuals, both current City employees and non-City employees, who have submitted a properly completed application or job bid form to the Personnel Department and who meet the requirements of acceptance established in Chapter 4 are considered applicants.

**4.3 Nepotism Restrictions**

The City will not hire or promote to any regular position:

1. An applicant who is related within the second degree by marriage or within the third degree by blood to an employee, where both would report within the same division or organizational equivalent.
2. An applicant who is related within the second degree by marriage or within the third degree by blood to an employee where such appointment would place the applicant within the relative's supervisory chain of command.
3. An applicant who is related within the second degree by marriage or within the third degree by blood to the Mayor or any member of the City Council.
4. An applicant where a familial relationship exists requiring a close working relationship or which has a potential for developing a conflict of interest or any familial relationship deemed not in the best interests of the City of Mesquite by the City Manager.
5. Nepotism restrictions do not apply to employees classified as seasonal.

**4.4 Former Employees**

Former employees of the City shall not be given consideration for re-employment unless special circumstances warranting such consideration exist in the opinion of the City Manager.

**4.5 Rejection or Discontinuance of Processing**

The following are grounds for rejection or discontinuance of processing of a job candidate. Although not intended to be an exhaustive list, examples for grounds of rejection or discontinuance of processing of a job candidate include, but are not limited to the following. Such rejection or discontinuance may occur at any time in the employment process.

1. **Impairment:** Inability of the applicant to perform the essential duties of the job due to medical, psychological or physical impairments even with reasonable accommodations.
2. **Minimum Requirements:** Failure to meet the minimum requirements for the position as prescribed by the Personnel Director.
3. **Falsification, Deception, Fraud:** Falsification of any material fact or any attempt to practice deception or fraud by the applicant on the application and/or supplements during interviews with any representative of the City, during examinations or during any phase of the employment process.
4. **Nepotism:** Failure to disclose familial relationships are grounds for disqualification and/or discharge.
5. **Incomplete Processing or Documentation:** Failure to report for interviews or examinations and failure to provide information or documentation requested by the City.
6. **Closing Date:** Failure to submit an application or Job Bid by the posted closing date.
7. **Driving Record:** Failure to meet the City's driving requirements for those positions which require the operation of equipment in the performance of their duties.
8. **Criminal History:** Conviction, deferred adjudication, or placement on probation for a felony or crime other than traffic violations where such history represents a risk to the City of Mesquite or where such history is in conflict with the responsibilities and duties of the job.
9. **Neglect of Debts:** Failure to pay or neglect of just debts.
10. **Previous Disciplinary Action:** Although not intended to be an exhaustive list, examples for grounds of rejection or discontinuance of processing of a job candidate include, but are not limited to the following: involuntary termination from previous employer(s) for inadequate performance of duties; misconduct; job abandonment; attendance related problems; insubordination; fighting; violation of safety rules; theft of employer property; or using, soliciting, or possessing alcohol or drugs while at work.
11. **Work Schedule:** Inability or unwillingness of the applicant to work the required work schedule.
12. **Work History:** History of instability as evidenced on the completed application and supplements.
13. **Incomplete Application:** Failure to complete the application and supplements in the manner prescribed.
14. **Examinations:** Inability to pass all required examinations.
15. **Character:** Unsatisfactory character.

16. Other: Failure to meet any other requirements deemed necessary by the Personnel Director.

4.6 Dual Employment

Current employees of the City of Mesquite may occupy only one non-exempt position with the City at any given time.

4.7 Vacancies

1. Requisition For Job Applicants

Departments will notify the Personnel Department of vacancies by submitting a completed Requisition for Job Applicants form. Submission of a requisition shall occur as soon as the department is aware of a need to fill a position. Departments requesting a change in a position's job requirements must submit a written request for a job audit to the Personnel Director prior to the job being posted.

2. Recruitment Activities

Recruitment activities may include but are not limited to: newspaper advertisements, recorded job line, Job Opportunities Postings, notification of relevant professional/technical groups. All recruitment advertising will be placed by the Personnel Department. All other recruitment activities initiated by departments must be approved by the Personnel Department prior to implementation.

3. Job Posting

The Personnel Department will distribute Job Opportunities announcements among appropriate City facilities. Departments are responsible for providing a bulletin board or posting area to ensure that employees receive proper notification of job opportunities.

Job Opportunities Postings for the general public will be posted and applications accepted for a period of time which ensures that an adequate number of applicants has been recruited. Promotional Job Opportunities will be posted and job bids accepted for a period of time sufficient to allow qualified employees to apply. In the event of an emergency, after three days the Personnel Director may close positions without notice and cease acceptance and review of applications for positions as deemed necessary, even if the job posting notice originally indicated that job bids would be accepted for a longer period of time.

4.8 Employment Applications

1. Proof of Employment Eligibility and Identity

In compliance with the Immigration and Reform Control Act of 1986, the City shall employ only American citizens and aliens who are authorized to work in the United States. All persons hired by the City shall be required to show proof of employment eligibility and identity as a condition of employment.

2. Submitting Applications

a. Application Required

The Personnel Department accepts applications only for posted vacancies. All interested applicants for a posted vacancy must complete a City of Mesquite Application for Employment. The responsibility for preparation, distribution and review of the application process rests with the Personnel Department.

No hiring department may consider an applicant whose application has not been processed in accordance with Chapter 4.

b. Resume Acceptance

Resumes will not be accepted for posted vacancies.

c. Job Bid Form

Applicants currently employed with the City must complete and submit to Personnel and their supervisor a Job Bid form prior to the posting deadline. It is the responsibility of the employee to update their Employee file in the Personnel Department to reflect their current qualifications for the position being sought. Applicants not meeting the required qualifications shall not be referred to the department for consideration.

d. Position Interest Form

If a job seeker is interested in a position which is not currently posted they may complete a Position Interest Form. Completion of the Position Interest Form does not confer applicant status upon the job seeker. The Personnel Department will attempt to notify the interested party if the position becomes vacant within a reasonable time following submission of the form. Notification is provided as a courtesy and completion of a Position Interest Form in no way constitutes an agreement by the City to notify the job seeker.

3. Acceptance of Applications

a. Incomplete Applications

Applications and supplements must be completed in full; incomplete applications and supplements will not be considered for employment. An application is considered incomplete if responses have not been provided to all entries on the employment application and supplements; if the job seeker has not signed and dated all designated areas; and necessary diplomas, licensure, certification, or other requested documents have not been furnished.

b. Property of City

Once an application, supplement, or any other documentation is submitted to the Personnel Department for employment consideration it becomes the property of the City of Mesquite.

c. Information Verification

The Personnel Department may, at its discretion, contact an applicant or any relevant source to obtain information omitted from the application. All information provided is subject to verification and investigation.

4.9 Verification of Minimum Qualifications

All applicant information submitted in the prescribed manner will be reviewed to determine if the applicant is able, either with or without reasonable accommodations, to perform the essential functions of the job. The decision as to whether an applicant is able, either with or without reasonable accommodations, to perform the essential functions of the job and meets the required minimum qualifications for referral to the department, shall be the sole responsibility of the Personnel Department.

4.10 Applicant Testing

The Personnel Department shall have the sole responsibility for developing, purchasing, administering, and grading all tests. Departments may not test, except as authorized by the Personnel Director. Personnel shall only test for authorized vacant positions.

4.11 Applicant Processing

1. Processing Procedures

The Personnel Director shall designate proper procedures to be followed for processing of applications. These procedures may include but are not limited to: returning of applications to the Personnel Department, disclosure of applicant information to individuals other than appropriate hiring authority, verification of application information, conducting and reporting of interview results, training of selecting officials, sending letters of rejection, and procedures related to the employment process.

2. Personnel Department Referral

An applicant may not be considered for employment by the hiring department unless the individual has complied with all procedures specified for submission of an application and has been referred to the hiring department by the Personnel Department.

4.12 Employment Interviews

The hiring department shall adhere to the following guidelines:

1. Granting Interviews

No interview may be granted an individual unless they have been referred to the hiring department by the Personnel Department.

2. Interview Documentation

The hiring department must complete an assessment on each individual interviewed in the manner and form designated by the Personnel Director.

3. Retention of Applications

Departments are not authorized to retain applications and resumes regardless of the manner and source of receipt. Upon selection of the applicant to fill the vacancy, all applications and resumes shall be returned to the Personnel Department.

4.13 Position Appointments

1. Job Offers

No individual may be offered a position with the City of Mesquite prior to consideration of all applicants referred to the hiring department. Only an individual who has completed the pre-employment process, as prescribed in Chapter 4, may be given a conditional offer of employment. All job offers are conditioned upon the applicant passing all required physicals and drug tests.

2. Physicals

The Personnel Director shall designate the proper procedures for scheduling of physicals, monitoring and disseminating results, and approving/disapproving hiring decisions.

3. Payroll

The hiring department is responsible for completing status change, payroll, and personnel forms on all employee actions. The appropriate forms shall be forwarded to the Personnel Department by the effective date of the action. No department may place an individual on payroll who has not successfully completed processing by the Personnel Department.

4. Orientation

The Personnel Department shall be responsible for developing and conducting employee orientation for all new employees with the City of Mesquite.

5. Employee Identification

Employees may be required to be photographed and fingerprinted, at the City's expense, for identification purposes.

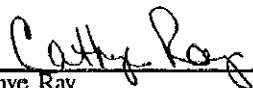
4.14 Residency Requirements

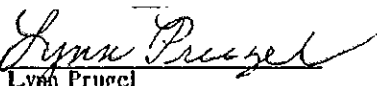
- 1. The City Manager may designate certain positions where it is appropriate that the incumbents assume residency within the Mesquite city limits.
- 2. The City Manager may establish rules governing response time for certain positions which may be subject to standby duty or immediate response capability.
- 3. Any employee hired or transferring into a position with residency or response requirements shall comply with the established standards prior to completion of the probationary period.
- 4. Any employee subject to residency or response requirements must remain in compliance with these restrictions during the term of their employment with the City of Mesquite.


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 employment policies 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 19th day of August, 1991.

  
Cathye Ray  
Mayor

ATTEST:  
  
Lynn Prugel  
City Secretary

APPROVED:  
  
B.J. Smith  
City Attorney