

ORDINANCE NO. 2785

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CITY OF MESQUITE GENERAL GOVERNMENT CIVIL SERVICE RULES AND REGULATIONS BY DELETING THE PRESENT SECTIONS 7, 11, 12 AND 14 AND ADOPTING NEW SECTIONS 7, 11, 12 AND 14 THEREBY DEFINING PROMOTION, TRANSFER AND DEMOTION, RESIGNATION, COMPLAINT PROCEDURE AND RETIREMENT ELIGIBILITY; 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 Sections 7, 11, 12 and 14 of the City of Mesquite General Government Civil Service Rules and Regulations are deleted and new Sections 7, 11, 12 and 14 are hereby adopted to read as follows, said Rules and Regulations in all other respects to remain in full force and effect.

**SECTION 7. PROMOTION/TRANSFER/DEMOTION**

**7.1 Promotion**

Promotional decisions shall be made on the basis of applicants' relative knowledge, skills, abilities, training, and experience. Promotions shall be job related and the utmost effort shall be made to ensure decisions are valid, reliable, and objective.

**1. Defined**

A promotion is the advancement of an employee from a position in a lower pay grade to a position in a higher pay grade.

**2. Promotional Posting**

Departments may request that the Personnel Department post a vacancy "Promotional Only", thereby restricting consideration to current City employees. Promotional postings shall be handled in accordance with the provisions of Chapter 4.

**3. Performance Appraisals**

Performance appraisals shall be considered when evaluating applicants qualifications for referral to departments for promotional vacancies.

4. Change in Salary

Promoted employees shall be placed at the minimum of the new pay grade or receive the equivalent of a 5% increase, whichever is greater, unless such increase would place the employee above the pay grade maximum in which case the employee will be placed at the pay grade maximum for the new position.

5. Release of Promoted Employee to New Position

An employee selected for promotion must provide the releasing department with at least two weeks' notice before assuming the new position. If both departments are in agreement, the notice period may be increased or reduced.

6. Selection Techniques

The Personnel Director shall ensure that all provisions of this manual are followed when filling a promotion vacancy. The Personnel Director shall determine the best methods for testing and evaluating an applicant's minimum qualifications.

7.2 Transfer

A transfer is an assignment of an employee from one position to another, not involving promotion or demotion. A transfer may be for administrative convenience or upon the written request of the employee to any posted vacancy for which they meet the minimum qualifications.

1. Interdepartmental transfers and transfers not within the same classification must be approved by the City Manager.
2. Intradepartmental transfers, within the same classification, must be approved by the Department head.
3. Transfers shall not be allowed unless the employee fully meets the minimum requirements of the job description and successfully completes all required testing.

7.3 Demotion

1. Defined

A demotion is the reassignment of an employee from a position in a higher pay grade to a position in a lower pay grade.

2. Disciplinary demotions will be handled in conformance with procedures established in Chapter 8 (8.2A4).
3. Voluntary demotions must be requested in writing. With the approval of the City Manager, an employee may be administratively reassigned. Any special provisions concerning future reinstatement shall be in writing, approved by the City Manager, and included in the employees personnel file. Employees voluntarily reassigned must fully comply with all requirements and testing for their reassigned position. The decision to grant a voluntary demotions rests with the City.

## SECTION 11. RESIGNATIONS

### 11.1 Notice

A resignation is defined as a timely written notice to the employee's supervisor of intention to terminate or retire from employment. To be considered timely and to allow for an orderly transfer of functions, employees are required to provide at least ten (10) workdays notice prior to their last actual work day. The written resignation shall include: the requested effective date of the resignation, the reason/s for resigning, and signature of the employee. Resignations are not grievable or appealable.

### 11.2 Acceptance

Upon receipt by an authorized supervisor, the notation "Accepted", date received, and signature of the supervisor will be placed on the document and promptly forwarded to the Personnel Department.

### 11.3 Resignation Withdrawal

An employee wishing to request the withdrawal of an "Accepted" resignation shall submit a written statement to the department outlining the basis for the request. Once a resignation is tendered by the employee and accepted by the department, it may not be withdrawn unless all concerned parties thereafter agree in writing.

### 11.4 Failure to Notify

Failure to comply with provision 11.1 Notice, or other requirements of Chapter 11, will result in employee's forfeiture of accrued benefits or leave to which they would normally be eligible for upon termination except those required by law.

**11.5 Resignation in Lieu of Discharge**

A resignation in lieu of discharge will be considered as separation for misconduct, as specified in Chapter 8.2 (4).

**11.6 Job Abandonment**

Absence for two (2) or more consecutive days, without prior authorization constitutes job abandonment and will result in the employee's termination. Termination for job abandonment is considered as failure to notify (Chapter 8.1 (B)).

**11.7 Oral Resignations**

In instances where only an oral resignation is tendered or actions by the employee indicate their intent to resign, the supervisor shall promptly communicate the facts in writing to the Personnel Director for inclusion in the employee's personnel file. Oral resignations shall be considered as failure to notify (Chapter 11 (11.4)).

**11.8 Retirement**

To permit an orderly transfer of duties and ensure proper processing of retirement benefits, an employee is expected to submit notification of their retirement in sixty (60) days prior to their last actual work day.

**SECTION 12. COMPLAINT RESOLUTION PROCEDURE**

**12.1 Defined**

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. If a situation occurs that an employee believes is detrimental to his/her employment, the complaint procedure shall be used to bring the concern to management's attention. Employees who fail to follow procedures established in this chapter to air their complaint will be subject to disciplinary action.

**12.2 Departmental Complaint Procedure**

**Step 1**

Discuss the concern with your immediate supervisor.

Step 2

If your concern is not resolved after discussion with your immediate supervisor, you should request a meeting with the next level of supervision as designated by your department head.

Step 3

The final level of departmental discussion will occur at the departmental head level or the organizational equivalent.

12.3 Chain of Command

The only reason for which an employee shall be allowed to bypass the established chain of command in an attempt to resolve their complaint is when the person at the next level in the chain of command is the source of the complaint. Complaints which have not followed the chain of command will be referred to the proper level in the department for processing and, depending on the circumstances, may subject the employee to disciplinary action.

12.4 Informality Encouraged

Departmental complaints and reviews will normally be informal and may be made orally or in writing, depending on the nature of the complaint. The Department, in order to establish the facts or clarify the employee's concern, may request that the complaint be presented in writing.

12.5 Time Limitations

Although no specific time limits are established for reviewing and responding to employee complaints, it is expected that responses will be expeditiously provided to the employee.

12.6 Appeal to the City Manager

If a complaint has not been satisfactorily resolved at the Departmental level, it may be presented for review by the City Manager. All complaints forwarded to the City Manager shall be in writing, clearly stating the employees concern and the relief the employee is seeking. The City Manager will review the written complaint and any action taken by the City Manager shall be considered final.

12.7 Actions Excluded from the Complaint Procedure

The following actions are excluded from the complaint procedure:

1. Involuntary Demotion

2. Suspension
3. Termination
4. Job Abandonment
5. Layoff

#### 12.8 Reprisal Prohibited

Supervisors and other employees are prohibited from penalizing, harassing, or otherwise retaliating against a fellow employee for a good faith use of the complaint procedure described in this chapter.

### SECTION 14. RETIREMENT

#### 14.1 Membership

All regular employees of the City are required to become members in the Texas Municipal Retirement System.

#### 14.2 Vesting

Members with at least ten (10) years of creditable service become "vested" and, if the funds are not withdrawn, are eligible to receive the City's contribution and accrued interest upon retirement.

#### 14.3 Eligibility for Retirement

A member becomes eligible for "service retirement" under the Texas Municipal Retirement System if they have:

- a) at least ten (10) years of creditable service or combined creditable service and has reached sixty (60) or
- b) has at least twenty-five (25) years of service regardless of age.

#### 14.4 Benefits

The amount of the monthly benefit is based on and varies with the total deposits the member has made plus interest, the sums the City has agreed to pay, the member's life expectancy on retirement and which payment plan options the member selects.

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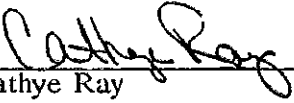
**14.5 Additional Information**

Due to the complexity of questions relating to the retirement program only a brief summary of the program is provided. For additional information contact the Personnel Department.

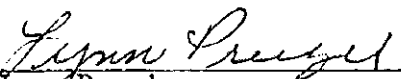
SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. The fact that the present ordinances of the City of Mesquite do not provide adequate policies concerning promotions, transfers and demotions, resignations, complaint procedures and retirement procedures, 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.

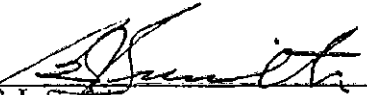
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of January, 1992.

  
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Cathye Ray  
Mayor

ATTEST:

  
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Lynn Prugel  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

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