

ORDINANCE NO. 2790

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 9.1, 9.2 AND 10 AND ADOPTING NEW SECTIONS 9 AND 10 THEREBY ESTABLISHING A CLASSIFICATION SYSTEM AND COMPENSATION 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 Sections 9.1, 9.2 and 10 of the City of Mesquite General Government Civil Service Rules and Regulations are deleted and new Sections 9 and 10 are hereby adopted to read as follows, said Rules and Regulations in all other respects to remain in full force and effect.

**SECTION 9. CLASSIFICATION SYSTEM**

**9.1 Classification Plan**

The Personnel Department shall be responsible for the administration, maintenance, and revision of the City's classification and job evaluation program.

1. Classification of Positions

Individual positions (jobs) are grouped, whenever possible, to form classifications. Classifications are comprised of jobs which are substantially similar in form, function, qualifications, training, and other relevant characteristics to be summarized into one job classification.

2. Classification Titles and Codes

- a. Each position shall be assigned a classification title and code.
- b. Official classification titles and codes shall be used for all personnel and financial records and transactions.

**9.2 Classification Plan Administration****1. Responsibility**

- a. The Personnel Department may initiate job analysis studies to determine that classification qualifications and salary grades are current and appropriate.
- b. All assignment of positions to official classifications and salary grades shall be based on analysis conducted and analyzed by the Personnel Department.

**2. Classification Specifications**

- a. The Personnel Department shall prepare class specifications (job descriptions) based upon information gathered from incumbents, supervisors, and other pertinent sources. The operating department shall review the class specification and the Personnel Director shall approve all specifications.
- b. Classification specifications shall outline the knowledge, skills, and abilities required for the position, minimum qualifications for adequate performance of the position, identify the essential job functions, and other pertinent job information. The information in the class specification is not inclusive of every duty performed by the employee but rather a descriptive representation of the position's major job functions.

**3. Reclassification of Existing Positions**

- a. Reclassification of existing positions will only be conducted on an annual basis in conjunction with the annual budget review or as a result of an approved reorganization.
- b. Employees who consider their position to be improperly classified may submit a request for a job analysis study to their supervisor who shall submit the request to their Department Director. If the Department Director finds that the request has merit, a written request to conduct a job analysis study may be submitted to the Personnel Director and will be considered during the annual review period.
- c. Requests for a job study shall document the reasons justifying a study, including what job duties have changed, what new

knowledge, skills, and abilities are required, and how these new responsibilities affect the requirements of the position.

- d. Supervisors are responsible for notifying their Department Heads of changes in jobs which affect the appropriate classification of positions under their supervision.
- e. Department Heads are responsible for notifying the Personnel Department when positions require analysis as a result of changes in function, organizational relationships, work methods, duties, or other responsibilities which affect classification of positions within their area of responsibility.
- f. Where reclassification results in lowering the position's grade, the current incumbent may be provided the opportunity to accept reassignment to a vacant position in the same department. Otherwise, the incumbent shall accept the lower classification with the lower classification's salary grade.
- g. Where reclassification results in moving the position's grade upward, the incumbent must meet all minimum qualifications of the job classification.
- h. The decisions by management to modify, create, or abolish a position or classification is the exclusive prerogative of the City and is not subject to appeal.

4. Classification of Newly Created Positions

- a. Department Heads are responsible for submitting a written request for a job audit of newly created positions to the Personnel Director. The department will submit a comprehensive description of the projected position's responsibilities with the request.
- b. Once a newly created position has been filled, a second review of the position shall occur six (6) months to one (1) year after the incumbent's date-of-hire to ensure that the class specification accurately reflects the duties and responsibilities of the position.

5. Budget Requests

New positions, for which an existing classification does not exist, may be submitted with an estimated job grade and title. However, the final

grade and job classification will be determined as a result of Personnel Department's job analysis and evaluation.

## SECTION 10. COMPENSATION POLICIES

### 10.1 Compensation Definitions

1. Exempt

An employee exempt from minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees primarily include those individuals occupying a bona fide executive, administrative, and professional position under the Fair Labor Standards Act.

2. Nonexempt

An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. Nonexempt employees include hourly employees (where pay is directly related to the number of hours worked) and some nonexempt salaried workers (clerical, supervisory, and paraprofessional job categories).

3. Workday

A work day is any twenty four (24) hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

4. Workweek

A workweek is defined as any fixed and regularly recurring period of seven (7) consecutive days. The workweek for all employees, other than commissioned Fire and Police personnel, begins at 12:01 a.m. on Monday and ends at 12:00 midnight on the following Sunday. The beginning and ending of the workweek is subject to change by the City. The usual and customary hours worked per workweek for regular fulltime employees, except firefighting and emergency medical service personnel, shall be forty (40) hours.

5. Work Schedule

The work schedule for a regular full-time nonexempt employee, except firefighting and emergency medical service personnel assigned to shift duty, is forty (40) duty hours in each workweek and eight (8) hours in each work day. With the written approval of the City Manager,

Department Heads may establish alternate work schedules in their departments.

6. Fire Department Work Period

Firefighting and emergency medical service personnel assigned to shift duty shall work a recurring twenty-seven (27) day work period. The work period shall begin at 7:00 a.m. and conclude at 7:00 a.m. twenty-seven days later.

7. Alternative Work Arrangements

Nonexempt employees performing work at a location other than the customary work place (i.e. home) or work which exceeds their scheduled hours of work must have prior approval from their Department Head before such work occurs. The department is responsible for documenting their approval of alternative work arrangements with nonexempt employees by forwarding a copy of the agreement to the Personnel Department. Employees who violate this section will be subject to disciplinary action.

8. Pay Period

A pay period is designated for accounting purposes only and refers to a period of two (2) work weeks. All employees are paid biweekly with normal pay days occurring every other Friday. Exceptions to pay days may occur due to City observed holidays and official City closures.

9. Hours Worked

Hours worked shall be all time an employee is "suffered or permitted to work" for the City in any job related capacity at any location where the City's business is performed and includes approved overtime.

10. Business Hours of the City

The hours during which City offices and departments shall be open for business shall be determined by the City Manager.

10.2 Determination of Fair Labor Standards Act Status

The Personnel Department shall make the determination concerning a position's exempt or nonexempt status. Requests to review the status of a position must be submitted in writing to the Personnel Director by the

Department Head, or organization equivalent, of the department in which the position is located.

### 10.3 Overtime Policy

For all employees except firefighting and emergency medical service personnel, overtime is defined as time paid in excess of forty (40) hours in a particular workweek. Firefighting and emergency medical service personnel assigned to a twenty-seven (27) day work period shall be paid on an overtime basis for time worked in excess of 204 hours within the work period. The one-half time provisions permitted under the FLSA shall apply. Overtime shall be considered as authorized when submitted in compliance with this chapter and applicable departmental regulations.

### 10.4 Authorization of Overtime

When practical, in the judgement of the Department Head, employee work schedules should be adjusted to avoid payment of overtime. Nonexempt employees must receive prior written approval, from the department's designated official, prior to working overtime. Posted schedules or written departmental policy governing authorization of overtime shall be considered prior written approval. Working unauthorized overtime by nonexempt employees shall be considered grounds for disciplinary action.

### 10.5 Overtime and Compensatory Time

#### 1. When Paid

- a. Comp Time Over 40 Hours: Comp time may be granted, to nonexempt employees, for all paid hours over forty (40) in a workweek. Averaging of hours worked over two (2) workweeks is not acceptable and violates the Fair Labor Standards Act. Comp time shall be accrued on the regular pay day for the period in which the workweek ends unless the correct amount of comp time cannot be determined until some time after the regular pay period has been processed.
- b. Overtime Payments: Temporary or seasonal nonexempt employees whose hours worked per workweek exceed forty (40) hours shall receive overtime pay for the hours paid in excess of forty (40) for that workweek.

2. Recordkeeping

- a. Department Responsibilities: Each department is responsible for ensuring that complete records are maintained of actual hours worked by all nonexempt employees for a period of three (3) years. Records should contain employee's: 1) full name, home address including zip code, date of birth (if under age 19), and occupation; 2) hour and day when workweek begins; 3) total hours worked each workday and workweek; 4) total daily or weekly straight-time earnings; 5) regular hourly pay rate for any week when overtime is worked; 6) total overtime for the workweek; 7) deductions from or additions to wages; 8) total wages paid each pay period; and 9) date of payment and pay period covered. Additionally, FLSA regulations require maintenance of complete records as follows for all exempt employees: 1) full name, home address including zip code, date of birth (if under age 19), sex and occupation in which employed; 2) time of day and day of week on which the employee's work week begins; 3) the basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for remuneration for employment, including fringe benefits and perquisites.
- b. Records: Records must be accurate and available upon request by the Personnel Director.
- c. Supervisors' Responsibilities: Supervisors of nonexempt employees are responsible for monitoring each subordinate's hours worked for each workweek and ensuring that the employee is properly compensated.
- d. Employees' Responsibilities: All employees are responsible for accurately reporting their hours worked each day on their timesheets.

10.6 Overtime Rate Calculation

1. General Provisions

- a. Comp Time: Nonexempt employees, except firefighting and emergency medical service personnel, who work authorized overtime may be compensated for that time by receiving compensatory time off at the rate of 1 and 1/2 hours of compensatory time for every hour of authorized overtime

worked. However, the City may at any time, in its sole discretion, substitute payment for overtime at 1 and 1/2 times the employee's regular rate for compensatory time off, either in whole or in part.

- b. Comp Time Accrual In Public Safety Jobs: Firefighting and emergency medical service personnel will receive payment for overtime at the rate of 1 and 1/2 times their regular rate, and are not eligible for compensatory time without prior Department Head approval. Nonexempt employees engaged in public safety activities, emergency response activities, or seasonal activities who are eligible for compensatory time may accrue up to 80 hours of compensatory time off, after which overtime will be paid at 1 and 1/2 times the employee's regular rate (Reference Section 10.3).
- c. Comp Time Accrual in General Government Jobs: All non-exempt employees eligible for compensatory time will receive payment for overtime at 1 and 1/2 times their regular rate after they have accrued 80 hours of compensatory time off.
- d. Payment for Accrued Comp: Payment for accrued compensatory time may be made at any time, at the City's sole discretion, and shall be paid at the regular rate earned by the employee at the time payment is made.
- e. Comp Payment Upon Termination: Upon termination of employment, nonexempt employees will be paid for unused compensatory time at a rate of compensation not less than the higher of: 1) the average regular rate received by the employee during the three (3) year period immediately prior to termination, or 2) the final regular rate received by the employee.
- f. Exempt Employees: Employees who are exempt from the Fair Labor Standards Act are not entitled to automatically accrue compensatory time.

## 2. Leave Time

- a. General Government Employees: Paid leave time, such as vacation, holidays, sick leave, workers' compensation, will be considered as hours worked for purposes of determining eligibility for overtime payment.



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- f. Exempt Employees: Employees who are exempt from the Fair Labor Standards Act are not entitled to automatically accrue compensatory time.

## 2. Leave Time

- a. General Government Employees: Paid leave time, such as vacation, holidays, sick leave, workers' compensation, will be considered as hours worked for purposes of determining eligibility for overtime payment.

- b. Firefighting and Emergency Medical Service Personnel:  
Time not actually worked will not be considered as worked when calculating FLSA overtime payment for Section 207(k) firefighting and emergency medical service personnel assigned to shift duty.

3. On-Call Time

Employees who are "on-call" are free to use their time effectively for their own purposes, so long as they leave word with the appropriate supervisory officials as to where they can be reached and are able to respond within a reasonable and acceptable time. As such, on-call time is not compensable unless an employee is actually called to work and on-call time which is not worked will not be included for purposes of calculating overtime. An employee who is free to perform personal activities but is required to be available to summons via pagers, phone or radio, is not working while on call.

4. Waiting Time

Employees who arrive at work before their scheduled hours; who are working approved overtime, are not eligible for compensation for that period of time. Supervisors are responsible for ensuring that employees do not perform work outside their scheduled work hours without prior approval. Disciplinary action may be taken against employees and/or supervisors who fail to comply with scheduled hours of work.

5. Rest Periods

Rest or break periods of less than twenty (20) minutes are considered compensable and are included in hours worked for purposes of calculating overtime. Employees may be granted two (2) fifteen minute breaks each day. Scheduling of breaks is at the discretion of the Department Head.

6. Inactive Hours

An employee shall not receive pay for inactive hours. Inactive hours are those hours which the employee was regularly scheduled to work but does not work due to inclement weather, equipment breakdown or other sufficient reasons as determined by the Department Head. Hours that the employee may serve pending a determination of whether or not it is possible to work shall be charged as hours worked and compensated appropriately. Hours will not be considered inactive unless the employee is completely relieved from duty until a date

specified time and allowed to leave the job for a period of time long enough to use the time as he or she sees fit.

7. Meal Periods

Uninterrupted meal periods of more than thirty (30) minutes during which an employee is completely relieved from duty are not compensable and will not be included in hours worked for purposes of calculating overtime. However, if an employee is required to work, the meal period will be compensated and included in hours worked for purposes of calculating overtime.

8. Travel Time

- a. Between Home and Work Site: Under ordinary circumstances, time spent by an employee traveling between home and work and returning home is not compensable. However, if an employee has gone home after completing a day's work and is subsequently called out on an emergency time spent traveling to and from the location where work is performed will be compensable.
- b. One Job Site to Another: Travel by an employee from one job site to another job site during the work day is compensable. When an employee is required to travel out of town for one day, time spent traveling from home to the location of a common carrier is not compensable, but all other travel time is compensable. Where employees travel overnight on business, travel time during normal working hours, on non-working days as well as regular working days, is compensable. Time spent traveling outside of regular working hours is not compensable and will not be included in hours worked for purposes of calculating overtime.

9. Training Time

- a. Exclusion Criteria: Time spent by employees in training programs, lectures and safety meetings is not counted as working time if: 1) it occurs outside the employee's regular working hours; 2) attendance is voluntary; 3) the employee does no productive work while attending; and 4) the program, lecture, or meeting is not directly related to the employee's job. Moreover, even if all of the above requirements are not met, attendance outside of regular working hours at specialized or follow-up training, required by the law of a higher level of government, will be considered non-compensable and will not

be included in hours worked for purposes of calculating overtime.

- b. If Training Required: Training must be considered hours worked if the employee is required to attend by the City or if the employee is led to believe that continuance of employment or present working conditions would be adversely affected by nonattendance.
- c. Self Development Excluded: Training may not be considered hours worked if the employee, on his/her own initiative, attends an independent school, college, meeting, or independent trade school after hours.

10. Volunteer Service

- a. For Nonexempt Employees: Nonexempt employees who, with the approval of their Department Head, performs work outside of their scheduled work hours shall be compensated for this time regardless of the employee's voluntary intentions. Supervisors who know or have reason to believe that work is being performed away from the customary work place must count the time as hours worked.
- b. Time Compensated: Nonexempt employees will not be compensated for volunteer work unless those volunteer duties are the same type of services that the employee regularly performs as part of his or her job. Employees are responsible for requesting approval to perform volunteer services, for which they expect to be compensated, and securing approval from their department prior to performing said volunteer service.

11. Processing Complaints or Appeals

Time spent adjusting grievances at City required meetings, during a nonexempt employee's regular hours of work, is compensable time. Time spent adjusting grievances outside of an employee's regular work schedule is work time only if the time spent by the employee has been required by the City.

## 10.7 Compensatory Time

1. Use of Compensatory Time
  - a. Authorizing Comp Time: An employee who has accrued compensatory time may request the use of compensatory time off at any time. The department shall grant the use of compensatory time as requested by the employee unless the employee's absence from work would be unduly disruptive of departmental operations.
  - b. Disciplinary Actions: Employees on disciplinary suspension without pay may not use accrued compensatory time to recuperate the time lost due to the disciplinary suspension.
2. Payment for Compensatory Time
  - a. At Termination: See Section 10.6 (1) (e).
  - b. Promotions: Nonexempt employees who are promoted or reclassified into an exempt position shall continue to be allowed to use any previously accumulated compensatory time which was gained while employed in a nonexempt status until all time has been depleted subject to Section 10.6 (d). Upon termination unused compensatory time will be paid in conformance with 10.06 (1) (e).

## 10.8 Salaried Employees

All full-time employees of the City classified as exempt are paid on a salaried basis. The inclusion of an hourly rate in the compensation plan does not designate an employee as being paid on an hourly basis under applicable wage and hour laws, but merely is an accounting convenience.

## 10.9 Pay Plan Administration

The Personnel Department shall be responsible for the administration, maintenance, and revision of the City's compensation program.

1. Pay for New Employees
  - a. Base Pay: All new employees shall be employed at the base rate of pay (first step) of the salary grade in effect for the particular position to which the appointment is made. Requests

for variance shall be in writing and referred to the Personnel Director who shall analyze the request and recommend appropriate action to the City Manager.

- b. Probation Period: Regular employees, upon initial appointment, are subject to a six (6) month probationary period (Fire and Police commissioned personnel are governed by the provisions of the Texas Local Government Code, Chapter 143). Upon successful completion of the probationary period the employee is eligible for a salary increase commensurate with their level of performance. Upon completion of probation the employee's next performance review shall be conducted in twelve (12) months.

## 2. Pay for Promotions

- a. Minimum Increase: A promotion is defined as a change from a pay grade with a lower midpoint to a pay grade with a higher midpoint. Promoted employees shall receive the base rate of pay of the higher salary grade. In cases where the base rate of the higher salary grade is lower than the individual's current salary, the individual's current salary shall be increased by five (5%) percent. Requests for a variance shall be in writing and referred to the Personnel Director who shall analyze the request and recommend appropriate action to the City Manager.
- b. Probationary Period: Promotions are subject to a minimum six (6) month probationary period. Upon completion of probation the employee's next performance review shall be conducted in twelve (12) months.

## 3. Pay for Reclassifications

A reclassification may occur when there is a major change in the kind, difficulty, and/or responsibilities of an individual's job. Requests for a reclassification job audit shall be submitted by the Department Head in writing and referred to the Personnel Director who shall analyze the job and recommend appropriate action to the City Manager.

- a. If No Grade Change: Reclassification actions which do not change the position's salary grade shall result in no increase to the incumbent's salary.
- b. If Grade Changes: Reclassification actions which adjust the salary grade upward shall be governed by the provisions set forth in Section 10.9 (2) of this chapter.

#### 4. Pay Upon Demotion

A demotion is defined as the voluntary or involuntary movement of an employee to a pay grade with a higher midpoint to a pay grade with a lower midpoint.

##### a. Disciplinary

1. Maximum Pay: Regular employees who are disciplinary demoted, shall retain a rate of pay no greater than the pay grade maximum for the position to which they are demoted. For purposes of this section, career steps are not considered part of the pay grade maximum.
2. Probation: Disciplinary demotions are subject to a six (6) month probationary period. Upon successful completion of the probationary period, the employees next performance review will occur in twelve (12) months.

##### b. Non-disciplinary

1. Maximum Pay: Regular employees who receive a non-disciplinary demotion shall receive the highest salary in the new pay grade which does not exceed the rate of pay being received immediately prior to demotion (career steps are considered part of the pay grade for non-disciplinary demotions only). The performance review date shall not change for non-disciplinary demotions.

#### 5. Temporary Positions

Temporary or seasonal employees who are moved to a regular position in a different class, with a lower salary range, shall be paid a salary commensurate with the employee's qualifications. The pay received may not exceed the midpoint of the salary range. A six (6) month probationary period must be observed. Upon successful completion of probation, a merit review must be conducted and an increase commensurate with the level of performance administered. Upon passing probation the individual's annual merit review date shall be twelve (12) months from the probationary review date.

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6. Out-of-Class Pay

- a. Minimum Increase: Any regular employee who is assigned temporarily to work in a regular position with a higher pay grade midpoint than his or her own shall be compensated at the base salary of the higher salary grade. If the base salary is lower than the employee's current salary, the employee shall receive an additional five (5%) percent of their current salary.
- b. Minimum Time Period: An employee temporarily assigned to serve in a higher level position must: meet the positions' minimum qualifications; be qualified to and actually perform the full range of duties of the higher level position; perform the positions' duties for two (2) or more complete work days to be eligible for out-of-class pay. Once eligible, all days worked in the higher classification shall be compensated at the out-of-class rate. The two (2) day waiting period does not apply to employees subject to provisions of the Texas Local Government Code, Chapter 143.
- c. Maximum Time Period: No employee shall be allowed to work in a higher classification for more than thirty (30) calendar days. Department Head requests for extended out-of-class pay shall be in writing and referred to the Personnel Director who shall analyze the request and recommend appropriate action to the City Manager. Employees subject to provisions of the Texas Local Government Code, Chapter 143, shall not be subject to the thirty (30) day maximum restriction.
- d. On-the-Job Training: Employees performing the duties of a higher classification for purposes of on-the-job training are not eligible for out-of-class pay.
- e. Positions Excluded: The positions of City Manager, Assistant City Manager, City Council appointed positions, and Department Directors or their organizational equivalents are excluded from out-of-class pay provisions.
- f. Prior Authorization: All job assignments requiring out-of-class pay require prior authorization of the Department Head.

7. Training and Incentive Pay

- a. Minimum Requirements Excluded: Training and incentive pay shall not be paid for certifications, licensures, etcetera



which are minimally required qualifications of the position, as specified in the official job description.

- b. Implementation Approval: Department Head requests to implement training and incentive programs shall be in writing and referred to the Personnel Director who shall analyze the request and recommend appropriate action to the City Manager.

8. Stability Pay

- a. Program Abolished: On October 1, 1983, the City's stability pay program was abolished. All stability pay accrued as of that date remains in force and effect for those employees entitled thereto by virtue of past services. Stability accrued during the calendar year 1983 will be at current pay rate as of September 30, 1983, rather than base rate. Stability pay so computed, shall be frozen at that level throughout each employee's future tenure.
- b. Payment Calculation: Employees in service on December 1, 1983 will be paid the difference between longevity paid in the calendar year and any frozen stability pay calculated.
- c. Upon Retirement: Employees retiring from service during the calendar year shall be paid the prorated difference between longevity and frozen stability pay based upon the actual number of full months worked during the calendar year.
- d. Retirement Defined: For purposes of this section, retirement is defined as a separation from employment after which an employee receives a monthly annuity from the Texas Municipal Retirement System. In the event the employee was not a member of the Texas Municipal Retirement System, "retirement" is defined as a voluntary separation of employment after fifteen (15) or more years of service with the City of Mesquite.

9. Longevity Pay

All regular employees are eligible to participate in the City's longevity program. Longevity pay shall be earned at the rate of four (\$4.00) dollars per month per year of service commencing with such employee's employment anniversary date.

- a. Eligibility: Full-time regular employees who have completed a full continuous year with the City are eligible for longevity pay.
10. **Holiday**
- a. Eligibility: Only employees in regular full-time positions are eligible for paid holidays. Holiday pay shall be received for those holidays officially observed by the City.
  - b. Absences: A new employee whose first scheduled day is the day after a holiday shall not be paid for that holiday. An employee must work the day before and the day after the holiday to receive holiday pay. Employees in an authorized paid leave status will receive holiday pay.
  - c. Working on Holiday: As many employees as possible shall be given each holiday off without loss of pay. Employee who, because of the nature of their work cannot be given time off shall, at the discretion of the Department Head, receive holiday time in addition to their regular rate of pay for the actual time worked or have their holiday rescheduled at a later date.
  - d. Alternate Holidays: Employees wishing to observe religious holidays not officially observed by the City shall, at their option and with the approval of the Department Head, be given time off without pay or the time charged to their accrued vacation or compensatory time.
  - e. Termination: An employee who is terminating employment, and whose last day as a paid employee is the day before a holiday shall not be paid for that holiday. An employee whose last day is on that holiday shall not receive holiday pay unless they actually work on that holiday.
  - f. Official Holiday: The day the City observes the holiday shall be considered the "holiday" for all City employees.
  - g. On Regular Day Off: If an employee's regular day off falls on a holiday, the department may compensate the employee in one of the following ways: 1) the employee may be paid an additional eight (8) hours; or 2) the employee may schedule another day off from their regular assigned work schedule.
  - h. Disciplinary Action: Employees who are off without pay due to a disciplinary suspension shall not receive holiday pay.

Employees who are off without pay, for any reason, the day before or the day after the holiday shall not receive holiday pay or accrue holiday pay.

- i. Determination of other Compensation Issues: Questions regarding compensation that are not covered by the above regulations shall be referred in writing to the Personnel Director for determination.

11. Emergency Call Back Pay

- a. Defined: Defined as times at which a nonexempt employee is called back to work after/before regular working hours or required to work a double shift due to the absence of another employee.
- b. Pay: Employees called back shall receive a minimum of two (2) hours at the rate of time and one-half pay.
- c. Multiple Call Backs: Employees may not receive more than two (2) call back credits in any eight (8) hours work period. A multiple call back occurs when an employee returns home and is recalled to their work site. Responding to a recall after being released but prior to returning home does not constitute a multiple call back.
- d. Department Records: Departments are responsible for documenting the call back reasons and maintaining documentation in the department for a period of three (3) years.

12. Inclement weather

- a. City Policy: The City is responsible for providing Police, Fire, Water, Sewer, Sanitation and other services to the citizens of Mesquite with or without inclement weather conditions. Given these responsibilities it is the City's policy to be open for business under all types of weather conditions.
- b. Reporting to Work: All employees shall be required to work on their normally scheduled work days regardless of inclement weather conditions unless instructed otherwise by their Department Head or supervisor.
- c. Supervisory Notification: Department Heads are responsible for ensuring that their operations are adequately staffed during

periods of inclement weather. Employees who miss work or expect to be late for work due to inclement weather conditions must notify their Department Head or supervisor immediately. Failure to properly notify may result in disciplinary action.

- d. Time Missed: Employees who miss work due to inclement weather may use accrued vacation or compensatory time to compensate for the lost time. Employees with no vacation or compensatory time accrued shall not be reimbursed for the lost time.

13. Transfer Pay

- a. Lateral Transfers: Lateral transfers shall not result in an increase in salary nor a change in anniversary date; however, they shall be subject to a probationary period of six (6) months. If the employee's anniversary date falls within the probationary period, their anniversary date shall be changed to the probationary review date.
- b. Demotion: Transfers that result in an employee moving into a lower salary grade shall be treated as a demotion and governed by said policies.

10.10 Pay for Performance

1. Overview

The performance pay system is established for purposes of rewarding those employees who demonstrate and maintain a high level of performance. The amount of the increase received shall be commensurate with the performance review. Merit increases may be deferred, pending improvement in performance, when processed in accordance with established disciplinary procedures.

2. When Conducted

- a. New Employees: New employees shall receive a written performance review prior to completion of a six (6) month probationary period. A merit increase may be granted upon successful completion of probation.

- b. Annual Review: Upon successfully completing probation, performance reviews shall be conducted annually beginning twelve (12) months from the date of the last probation review and will continue until separation from the City service.
- c. Procedure Required: Performance reviews shall be documented on the forms and in the manner designated by the Personnel Department.

3. Longevity Effective Dates

- a. Determination of Longevity: When an employee's anniversary date of employment is between the first (1st) and fifteenth (15th) of the month, inclusive, the date for longevity increase consideration shall be considered the first (1st) of the month. Where the anniversary date falls on or after the sixteenth (16th) of the month, the date for increase shall be considered to be the first (1st) of the following month. Promotions and demotions will result in a new merit anniversary date.
- b. Change in Status: Changes in employment status from temporary or part-time to a regular appointment shall be treated as a new hire and subject to the same procedures.

4. Merit Increase Effective Dates

Merit increases are normally effective the first pay period following the anniversary date. With the exception of nonclassified employees, no merit increase shall be processed without the submission of the appropriate performance review forms to the Personnel Department.

- a. First Seven Days: Should the anniversary date fall within the first seven (7) days of the payroll period, the merit increase shall be effective that payroll period.
- b. Last Seven Days: Should the anniversary date fall within the last seven (7) days of the payroll period, the merit increase shall be effective the following payroll period.

5. Non-Periodic Increases

Non-periodic increases may be granted to employees who clearly demonstrate service of an unusual and exceptional quality upon recommendation of the Department Head and approval of the City

Manager. Non-periodic increases may not exceed one (1) per employee per fiscal year.

6. Career Ladders

- a. Defined: Defined as an alternative form of a merit increase for individuals who have reached the top of their salary range.
- b. Five Year: Commissioned Fire and Police personnel who have completed five (5) years service with the City are eligible for a three (3%) percent merit increase in pay provided the following requirement has been met:
  - 1. Have been at the pay grade maximum for twelve (12) months and not received a step increase.

Commissioned Fire and Police personnel are also eligible for the seven (7) and twelve (12) year steps after meeting the requirements stated above.

- c. Seven Year: Regular full-time employees who have completed seven (7) continuous years service with the City are eligible for consideration of a three (3%) percent merit increase in pay provided all of the following requirements have been met:
  - 1. Performance evaluation rating is "meets standards" or above;
  - 2. Have been at the pay grade maximum for twelve (12) months and not received a merit increase.
- d. Twelve Year: Regular full-time employees who have completed twelve (12) continuous years service with the City are eligible for consideration of a four (4%) percent merit increase in pay provided all of the following requirements have been met:
  - 1. Performance evaluation rating is "meets standards" or above;
  - 2. Have been at the pay grade maximum for twelve (12) months and not received a merit increase.

**10.11 Distribution of Payroll Checks**

## 1. Release of Employee's Checks

A designated individual may pick up a current employee's pay check if the employee specifies in writing that the person may do so. The designated individual, if unknown to the party authorized to release the check, will be required to provide valid photographic identification.

## 2. Termination Checks

- a. Pick Up: Termination checks will be distributed to the terminated employee at the Personnel Department.
- b. City Property: Departments are responsible for obtaining all City property from terminated employees prior to release of their termination check.
- c. Mailing Check: Terminated employees who are unable to pick up their final check in person must inform the Personnel Department of this situation and make arrangements for the final check to be sent to them via registered mail. Prior to release of all final checks the terminated employee must have returned all City property to their designated department or authorized the deduction of an amount sufficient to reimburse the City. The employee is responsible for ensuring that the address on file with the Personnel Department is current.
- d. Involuntary Discharge: All employees who are discharged involuntarily shall receive all wages due them six (6) days after the date of termination. All employees who voluntarily leave employment with the City shall be paid on the next regularly scheduled pay day.

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 a classification system and compensation 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February, 1992.

Cathy Ray  
Cathye Ray  
Mayor

ATTEST:

Lynn Prugel  
Lynn Prugel  
City Secretary

APPROVED:  
B.J. Smith  
B.J. Smith  
City Attorney

00262



DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February, 1992.

Cathy Day  
Cathy Ray  
Mayor

ATTEST:

Lynn Prugel  
Lynn Prugel  
City Secretary

APPROVED:  
B.J. Smith  
B.J. Smith  
City Attorney

00176