

ORDINANCE NO. 3410

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL CHAPTER 4, REGARDING EMPLOYMENT, CHAPTER 6 REGARDING PROBATIONARY PERIOD, CHAPTER 7 REGARDING PROMOTION/TRANSFER/DEMOTION, CHAPTER 9 REGARDING CLASSIFICATION, CHAPTER 10 REGARDING COMPENSATION AND CHAPTER 19 REGARDING GENERAL PROVISIONS/FAMILY AND MEDICAL LEAVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE OF JANUARY 1, 2001.

WHEREAS, the City of Mesquite has adopted a General Government Policies and Procedures Manual; and

WHEREAS, Chapter 1 of the Policies and Procedures Manual provides for the revision of the policies and procedures set forth in such manual by adoption of ordinance; and

WHEREAS, it has been determined that the policies and procedures for City employees are in need of revision.

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

SECTION 1. That the General Government Policies and Procedures Manual is hereby revised by amending Chapter 4, regarding Employment, Chapter 6 regarding Probationary Period, Chapter 7 regarding Promotion/Transfer/Demotion, Chapter 9 regarding Classification, Chapter 10 regarding Compensation and Chapter 19 regarding General Provisions/Family and Medical Leave as follows; said Policies and Procedures Manual in all other respects to remain unchanged.

- (1) Amend Chapter 4 by deleting the current Section 4.7(2) in its entirety and inserting a new Section 4.7(2) to read as follows:

CHAPTER 4

EMPLOYMENT

4.7 Vacancies

2. All recruitment activities should be coordinated through the Human Resources Department.

- (2) Amend Chapter 4 by deleting the current Section 4.8(2) in its entirety and inserting a new Section 4.8(2) to read as follows:

4.8 Employment Applications

2. **Submitting Applications:**

a. Application

The Human Resources Department normally accepts applications and resumes only for posted vacancies. Resumes will be accepted for purposes of initial consideration for general government positions. All applicants must complete a City of Mesquite Application for Employment prior to beginning employment. The responsibility for preparation, distribution and review of the application process rests with the Human Resources Department.

b. Job Bid Form

Applicants currently employed with the City must complete and submit to Human Resources Department 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 Human Resources 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.

c. 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 Human Resources 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) Amend Chapter 4 by deleting the current Section 4.10 in its entirety and inserting a new Section 4.10 to read as follows:

4.10 Applicant Testing

The Human Resources Department will have the responsibility for evaluating and approving all employment related tests.

- (4) Amend Chapter 4 by deleting the current Section 4.11(1) in its entirety and inserting a new Section 4.11(1) to read as follows:

4.11 Applicant Processing

1. **Processing Procedures:** The Human Resources Director will establish procedures to be followed for processing of applications. The Human Resources Department will be responsible for communicating to the departments the applicant processing procedures.

- (5) Amend Chapter 4 by deleting the current Section 4.12(2) in its entirety and inserting a new Section 4.12(2) to read as follows:

4.12 Employment Interviews

2. **Interview Documentation:** The hiring department must complete a written assessment on each individual interviewed in the manner and form approved by the Human Resources Director.

- (6) Amend Chapter 4 by deleting the current Sections 4.13(1) and 4.13(4) in their entirety and inserting new Sections 4.13(1) and 4.13(4) to read as follows:

4.13 Position Appointments

1. **Job Offers:** All applications, received by the departments, should be considered for employment prior to an individual being given a conditional offer of employment. 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 medical examinations, drug tests, reference checks and background investigations.
4. **Orientation:** The Human Resources Department shall be responsible for developing and conducting a general employment orientation for all new employees with the City of Mesquite. Departments are responsible for developing and conducting department specific orientations which can cover departmental policies and procedures.

- (7) Amend Chapter 4 by deleting the current Section 4.14 in its entirety and inserting a new Section 4.14 to read as follows:

4.14 Residency Requirements

To the extent permitted by Federal and State law, the City Manager may:

1. Designate certain positions where it is appropriate that the incumbents assume residency within the Mesquite city limits.
 2. Establish rules governing response time for certain positions which may be subject to standby duty or immediate response capability.
 3. Require any employee hired or transferring into a position with residency or response requirements to comply with the established standards prior to completion of the probationary period.
 4. Require any employee subject to residency or response requirements to remain in compliance with these restrictions during the term of their employment with the City of Mesquite.
- (8) Amend Chapter 4 by deleting the current Section 4.15 in its entirety.
- (9) Amend Chapter 6 by deleting it in its entirety and inserting a new Chapter 6 to read as follows:

Chapter 6

PROBATIONARY PERIOD

6.1 Purpose of Probation

Probation is a period of time which is granted all full-time original and transferred employees to demonstrate their ability to successfully perform the duties of the job and that they can successfully operate within the work environment. Part-time and Seasonal employees are always "at will" and as such do not serve a probation.

6.2 Length of Probation

All probationary periods shall be for not less than six (6) months.

6.3 Failure of Probation

A. Original Probation

All newly hired full-time employees will serve a period of probation of not less than six (6) months. Employees serving an original probation are considered "at will" and may be terminated without cause or appeal. In addition, certain benefits or leave usage may not be available to employees on original probation. Employees promoted while serving an original probation will have their original probation period extended for a period of time of six (6) months from the date of promotion during which time the employee shall remain "at will."

B. Transfer Probation

Employees who are promoted, given a lateral transfer or demoted, will serve a probationary period of not less than six (6) months. Only employees serving a promotion probation are eligible for an increase after completing their probationary period. Employees failing a transfer probation may, at the City's discretion, be considered for transfer to a vacant position for which they meet the minimum qualifications. Employees serving a transfer probation who fail to successfully complete the probation, where other employment with the City is not feasible or available, may be terminated according to the policies described in Chapter 8 pertaining to full-time employees.

6.4 Documentation

Department supervisors should make every effort to complete probationary evaluations in a timely manner. Regardless of when the probationary evaluation was completed, employees shall not be deemed to have completed the probationary period until so certified by the department. Departments will document in writing and submit to the Human Resources Department all probationary and performance decisions on the form and in the manner prescribed by the Human Resources Department. Probationary employees shall be appraised in writing after approximately three (3) months of employment and at the conclusion of the probationary period, when a recommendation to terminate or extend probation shall be made.

6.5 Extension of Probation

Subject to review and approval by the Human Resources Director, an employee's probationary period may be extended for a period not to exceed

ninety (90) days. The extension of an employee's probationary period is not grounds for filing an appeal or grievance. The department may request an extension of the probationary period for "just cause." If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed.

6.6 Job Bidding

Except when approved by the Department Directors and Director of Human Resources, probationary employees are not eligible to bid for another position with the City until successful completion of their mid-probationary review. Employees promoted while serving an original probation will have their original probation period extended for a period of time of six (6) months from the date of the promotion during which time the employee shall remain "at will."

- (10) Amend Chapter 7 by deleting Section 7.3 in its entirety and inserting a new Chapter 7.3 to read as follows:

CHAPTER 7

PROMOTION/TRANSFER/DEMOTION

7.3 Demotion

1. **Defined:** A demotion is defined as the voluntary or involuntary movement of an employee from a pay grade with a higher midpoint to a pay grade with a lower midpoint.
2. Disciplinary demotions will be handled in conformance with procedures in Chapter 8 (8.2A4).
3. Voluntary demotions must be requested in writing. Employees requesting a voluntary demotion must meet all of the testing and job requirements for their new position. The decision to grant a voluntary demotion rests with the City.
4. **Voluntary Demotions:**
 - a. Voluntary demotions will require an appropriate salary reduction to be determined by the Department Head and Director of Human Resources.

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- b. The demoted employee's salary should not be greater than the maximum of the lower pay grade.
 - 5. **Involuntary Demotions:** Involuntary demotions may or may not require a salary reduction and will be reviewed on a case by case basis by the Department Head and Director of Human Resources.
- (11) Amend Chapter 9 by deleting Section 9.2(3)(a) in its entirety and inserting a new Section 9.2(3)(a) to read as follows:

CHAPTER 9

CLASSIFICATION

9.2 Classification Plan Administration

- 3. **Reclassification of Existing Positions**
 - a. Reclassification of existing positions may occur at any time with the written approval of the City Manager.
- (12) Amend Chapter 10 by deleting Section 10.1(4), Section 10.6(5) and Section 10.6(7) in its entirety and inserting a new Section 10.1(4), Section 10.6(5) and Section 10.6(7) to read as follows:

CHAPTER 10

COMPENSATION

10.1 Compensation Definitions

- 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 Saturday and ends at 12:00 midnight on the following Friday. The beginning and ending of the workweek is subject to change by the City. The usual and customary hours worked per workweek for full-time nonexempt employees, except for firefighting and emergency medical service personnel, shall be forty (40) hours.

10.6 Overtime Rate Calculation

5. **Rest Periods:** At the discretion of the Department Head, employees may be granted two (2) fifteen (15) minute paid rest periods each day. Rest period schedules shall be granted by the department. Rest periods may not be combined with the normally scheduled meal period for purposes of extending the meal period. Employees who do not receive rest periods may not alter their normal work day by leaving early and/or arriving late.
7. **Meal Periods:** Uninterrupted meal periods of at least 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 by his/her supervisor to work during the meal period, he/she will be compensated.

- (13) Amend Chapter 19 by inserting a new Section 19.1(D)(3) to read as follows:

CHAPTER 19

GENERAL PROVISIONS/FAMILY AND MEDICAL LEAVE

19.1 Family and Medical Leave

D. Leave Requests

3. Human Resources Responsibility:

- a. The Human Resources Department is responsible for determining all employee leaves of absence which may meet the qualifications of the FMLA.
- b. Absent a formal employee request, if it is determined by the Human Resources Department that an employee's leave of absence is covered by the FMLA, the employee will be notified of such in writing.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That, as with all policy and procedures contained in the General Government Policies and Procedures Manual, the provisions of this ordinance are not intended to create contractual rights between the City of Mesquite and its employees.

SECTION 5. That upon passage of this ordinance all employees of the City of Mesquite shall be notified of the revisions made herein to the General Government Policies and Procedures Manual.


SECTION 6. That the present policies and procedures of the City of Mesquite are in need of revision, creates an urgency and an emergency and necessitates that this ordinance become effective on and after January 1, 2001.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of December, 2000.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney