

ORDINANCE NO. 4124

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING CHAPTER 13 OF THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL BY DELETING SECTION 13.8(3) IN ITS ENTIRETY AND ADDING A NEW SECTION 13.8(3) REGARDING EMPLOYEE LOSS OF DRIVING PRIVILEGES POLICY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE OF JANUARY 1, 2011.

WHEREAS, pursuant to the City's Charter, Article IX-A, Section 6, the Human Resources Department presented the Personnel Board with the revisions to Chapter 13 of the General Government Policies and Procedures Manual ("Revisions") on November 2, 2010; and

WHEREAS, the Personnel Board voted to recommend the adoption of the Revisions; and

WHEREAS, the City Manager presented the recommended Revisions to the City Council.

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

SECTION 1. That the City Council of the City of Mesquite hereby adopts the revisions to Chapter 13 of the General Government Policies and Procedures Manual by deleting Section 13.8(3) in its entirety and adding a new Section 13.8(3) as recommended by the Personnel Board and presented by the City Manager to read as follows, in all other respects said Manual, Chapter and Section to remain in full force and effect:

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

VIII.
EMPLOYEE VEHICLE/EQUIPMENT OPERATOR STANDARDS

3. Employee Loss of Driving Privileges/Non-Disciplinary Termination/Disciplinary Action
 - a. Employees who are in jobs requiring the driving/operating of a vehicle and who are convicted of or are placed on deferred adjudication for the following will lose their driving privilege and will be given a non-disciplinary termination:

Intoxication Manslaughter involving the operation of a motor vehicle.
 - b. Employees who are in jobs requiring the driving/operating of a vehicle and who are convicted of or placed on deferred adjudication for the following *may* lose their driving privilege and be subject to non-disciplinary termination, or, in the alternative, at the discretion of their Department Director and with the approval of

the City Manager, the employee may keep their driving privileges and be subject to disciplinary action:

- 1) Driving Under the Influence (DUI).
- 2) Driving While Intoxicated (DWI).
- 3) Criminally negligent homicide involving the operation of a motor vehicle.
- 4) Operating a motor vehicle with license suspended or revoked.

Maintenance of driving privileges and determinations relating to discipline shall be based upon due consideration of the following factors:

- 1) The circumstances surrounding the incident leading to the conviction or deferred adjudication;
- 2) The employee's length of employment with the City; and
- 3) The employee's overall employment record with the City.

In all instances when an employee, as a result of conviction, Deferred Adjudication or other action is no longer able to meet the minimum qualifications of their job to operate a vehicle, they will be given a non-disciplinary termination.

- c. Employees who have had their license suspended, revoked or denied for any reason will lose their driving privileges. Except as otherwise provided in this section, these employees will be given fifteen (15) calendar days from the date of suspension, revocation or denial to have their license reinstated by the State of Texas. If after fifteen (15) calendar days, the employee's license and/or driving privileges have not been reinstated, the employee will be given a non-disciplinary termination.

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.

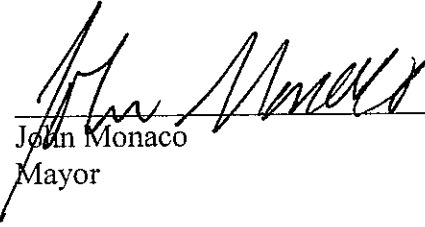
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the policy and procedures contained in the General Government Policies and Procedures Manual 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 manual and all amendments made herein to the General Government Policies and Procedures Manual.

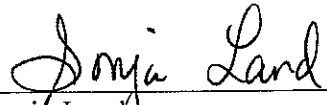
SECTION 6. That this ordinance shall become effective on and after January 1, 2011.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 20th day of December, 2010.



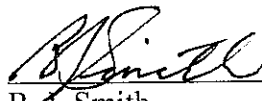
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney