

ORDINANCE NO. 5028

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 4, 13, AND 14 OF THE CITY OF MESQUITE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, by Ordinance No. 4729 approved by the City Council of the City of Mesquite (“**City Council**”) on October 21, 2019, and following review and recommendation by the Personnel Trial Board, the City Council approved and adopted the revised General Government Policies and Procedures Manual (“**Manual**”); and

WHEREAS, by Ordinance No. 4934 approved by the City Council on February 7, 2022, and following review and recommendation by the Personnel Trial Board, the City Council approved and adopted amendments to Chapters 4, 10, 14 and 15 of the Manual; and

WHEREAS, the Human Resources Department now proposes additional amendments to the Manual in Chapters 4, 13, and 14 regarding Employment Policies, Employee Safety and Health, and Employee Benefits, respectively (the “**Amendments**”), and the Amendments are shown in red in the attached Exhibit A, incorporated herein by reference; and

WHEREAS, pursuant to the City’s Charter, Article IX-A, Section 6, the Director of Human Resources presented the Amendments to the Personnel Trial Board for review and recommendation on June 16, 2023, and the Personnel Trial Board voted to recommend adoption of the Amendments; and

WHEREAS, the Director of Human Resources presented the Amendments to the City Manager as recommended by the Personnel Trial Board and the City Manager now presents the Amendments to the City Council for consideration for approval.

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated and adopted as part of this ordinance for all purposes.

SECTION 2. That the Amendments are hereby approved, Chapters 4, 13, and 14 of the Manual are hereby amended as shown in the Amendments, and the amended sections and provisions of the Manual shall now read as shown in the Amendments; in all other respects said Manual and Chapters therein are to remain in full force and effect.

SECTION 3. 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 4. 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 5. That the policy and procedures contained in the Manual, including but not limited to the Amendments, are not intended to create contractual rights between the City of Mesquite and its employees.

SECTION 6. That upon passage of this ordinance all employees of the City of Mesquite shall be notified of the Amendments.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of June 2023.

DocuSigned by:  
*Daniel Aleman Jr.*  
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Daniel Alemán, Jr.  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:  
*Sonja Land*  
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Sonja Land  
City Secretary

DocuSigned by:  
*David Paschall*  
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David L. Paschall  
City Attorney

## **EXHIBIT A**

### **Amendments to Chapters 4, 13, and 14 of the City of Mesquite General Government Policies and Procedures Manual**

## Revisions in the 2020 Policies and Procedures Manual are Listed Below

This does not include updated working not impacting substantive policy.

### → CHAPTER 4: EMPLOYMENT POLICIES

#### Section 4. Nepotism Restrictions, subsection 9

- Adding Finance to the list of Department and divisions with Nepotism Restrictions.

4.3 NEPOTISM RESTRICTIONS	
9.	The following are considered to have divisions:
(a)	Housing and Community Services: <ol style="list-style-type: none"><li>1. Animal Services.</li><li>2. Housing.</li><li>3. Community Services.</li></ol>
(b)	Fire Department: <ol style="list-style-type: none"><li>1. Each individual fire station on the same shift.</li><li>2. Fire Administration.</li><li>3. Fire Prevention.</li><li>4. Emergency Medical Services.</li><li>5. Fire Training.</li><li>6. Emergency Management.</li><li>7. Special strike teams, task forces and/or organizational groups formed for unique special purposes or regional emergency responses that work as a single group under one supervisor.</li></ol>
(c)	Police Department: <ol style="list-style-type: none"><li>1. Each individual patrol <u>platoon</u>.</li><li>2. Special strike teams, task forces and/or organizational groups formed for unique special purposes or regional emergency responses that work as a single group under one supervisor.</li><li>3. Each unique area of specialization <u>are</u> all the same within the Criminal Investigations Bureau.</li><li>4. Each individual dispatch <u>shift</u>.</li><li>5. Each individual detention <u>shift</u>.</li></ol>
(d)	Public Works: <ol style="list-style-type: none"><li>1. Public Works Administration.</li><li>2. Traffic Engineering.</li><li>3. Engineering.</li><li>4. Solid Waste.</li><li>5. Streets.</li><li>6. Equipment Services.</li><li>7. Utilities.</li><li>8. Infrastructure Management.</li><li>9. GIS.</li></ol>
(e)	Parks and Recreation: <ol style="list-style-type: none"><li>1. Parks and Recreation Administration.</li><li>2. Park Services.</li><li>3. Recreation Services.</li><li>4. Golf.</li></ol>
(f)	<u>Finance</u> <ol style="list-style-type: none"><li>1. <u>Municipal Court</u></li><li>2. <u>Accounting</u></li><li>3. <u>Budget</u></li> <li>4. <u>Purchasing</u></li><li>5. <u>Tax</u></li><li>6. <u>Utility Billing</u></li></ol>

### → CHAPTER 4: EMPLOYMENT POLICIES

#### Section 4. CROWN Act Rights, subsection 17

- Addition of employment protection under the CROWN Act.

4.17 CROWN Act Rights
<u>It is unlawful for any City employee to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against an individual, based on the individual's hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locks, cornrows, twists, braids, Bantu knots, and Afros).</u>

→ **CHAPTER 13: EMPLOYEE SAFETY AND HEALTH**

**Section 13.5-Return to work Following Injury/Illness, subsection 1 – Full Duty**

- Updated verbiage for Fitness-for-Duty.

<p>13.5 RETURN TO WORK FOLLOWING INJURY/ILLNESS</p>
<p>The purpose of this section is to establish guidelines for an employee's return-to-work for full or modified duty after suffering an on- or off-the-job injury/illness.</p> <ol style="list-style-type: none"><li>1. <b>Full Duty:</b> As soon as the employee is released by their medical provider to return to work full duty, they are to contact their supervisor to determine a return-to-work date. <u>A Fitness-for-Duty exam by a second medical provider, paid for by the City, could be required to return to full duty.</u></li><li>2. <del>Modified Duty: As determined by the department head, and where available, modified duty may be assigned to</del></li></ol>

→ **CHAPTER 14: EMPLOYEE BENEFITS**

**Section 14.-Holidays, subsection 2**

- Addition of Juneteenth Holiday

<p>14.2 HOLIDAYS</p>
<ol style="list-style-type: none"><li>1. <b>City Observed Holidays:</b> Regular and probationary full-time employees are paid eight (8) hours of holiday pay (straight time) regardless of whether they work 8-, 10- or 12-hour days when based on a 40-hour workweek.<ol style="list-style-type: none"><li>a. <b>City Holidays:</b> The City of Mesquite observes the following holidays:<ul style="list-style-type: none"><li>• New Year's Day (January 1)</li><li>• Martin Luther King Day (3rd Monday in January)</li><li>• Memorial Day (last Monday in May)</li><li>• <b>Juneteenth Day (June 19)</b></li><li>• Independence Day (July 4)</li><li>• Labor Day (1st Monday in Sept.)</li><li>• Thanksgiving Day (4th Thurs. in November)</li><li>• Thanksgiving Friday (Friday after Thanksgiving)</li><li>• Christmas Day (December 25)</li><li>• 2nd Day Christmas (either December 24 or December 26 as determined by the City)</li><li>• Floating Holiday (Selected individually by regular full-time employees)</li></ul></li></ol></li></ol>

→ **CHAPTER 14: EMPLOYMENT BENEFITS**

**Section 14. Vacation and Catastrophic Family Sick Leave Bank, subsection 3**

**Section 14. Vacation and Catastrophic Family Sick Leave Bank, subsection 4**

- Updating eligibility requirements.

## VACATION AND CATASTROPHIC FAMILY SICK LEAVE BANK

3. **Vacation and Catastrophic Family Sick Leave Bank Procedures**

Application Requirements: An employee is eligible to apply for the Vacation and Catastrophic Family Sick Leave Bank when all of the following conditions are met:

- The employee has been in a full-time position with the City for no less than two (2) years;
- The employee or employee's immediate family has a catastrophic illness or injury<sup>1</sup> and is covered under the Family Medical Leave Act (FMLA);
- The employee has exhausted all accrued sick leave (if applicable);
- The employee has exhausted all accrued vacation leave, excluding compensatory time;
- If an employee is on approved FMLA leave for an eligible family member, and has exhausted all of their available family sick leave and vacation accruals, they may submit a written request to the Director of HR and Benefits Manager, accompanied with a doctor's statement certifying need of employee's additional absences, to utilize their accrued sick leave for consideration.
- The employee has been, or will be, placed on leave without pay for at least eight (8) hours (one work day);
- The employee has not exhausted the maximum allowable hours established under the Vacation and Catastrophic Family Sick Leave Bank policy guidelines for the current year and contingent upon there being donated hours in the City of Mesquite Leave Bank as set forth herein;
- The Vacation and Catastrophic Family Sick Leave Bank application has been approved by the employee's director;
- The condition is not an on-the-job injury covered by Worker's Compensation insurance;
- The employee applying for vacation or catastrophic family sick leave donations must also have the required medical certification on file in the HR office; and
- The employee has exhausted all vacation or catastrophic family sick leave awarded under a prior award before the employee may apply for a subsequent award.
- Planned medical procedures are not considered catastrophic and does not qualify for Vacation and Catastrophic Family Sick Leave Donation.

The employee can apply to the Vacation and Catastrophic Family Sick Leave Bank no more than two (2) times per twelve (12)-month period with a limit of four (4) weeks per request and the employee will not accrue any paid leave until the employee returns to full duty employment.

Once a request for Vacation and Catastrophic Family Sick Leave Donation is received, the Human Resources Director, their designee, and the Department Director will review the employee's prior years' leave usage. A request will be denied if a pattern of excessive leave usage is determined.

4. **How to Apply for Vacation and Catastrophic Family Sick Leave Bank**

Complete and submitted applications to HR will be processed on a first-come, first-served basis. Awards from the bank may not exceed the following:

- No more than ~~twelve (12)~~ **eight (8)** weeks in a twelve (12)-month period.
- No more than ~~thirty (30)~~ **sixteen (16)** weeks in a City career.

→ **CHAPTER 14: EMPLOYEE BENEFITS****Section 14. Personal Leave, subsection 6**

- Renaming Personal Leave

**EMERGENCY PERSONAL LEAVE**

1. **Eligibility:** All regular full-time employees who have satisfactorily completed six months of service are eligible for **Emergency** Personal Leave, not to exceed 24 hours per calendar year based on a 40-hour work week, for the following reasons:
  - a. **Death or funeral of family member:** To attend the funeral or handle the affairs of the deceased family member. Family member shall include immediate family, extended family or a person who served in "loco parentis." Extended family includes all family members identified in the kinship chart located at the end of Ch. 4.
  - b. **Uncontrollable Property Damage:** Damage caused by "acts of God," i.e. fire, flood, tornado, explosion, vandalism, car wrecks, water damage or burglary.
2. **Approval:** The department directors reserve the right to cancel or not approve **Emergency** Personal Leave. When possible, all leave under this section must be approved in advance according to established departmental policy.
3. **Documentation:** Departments may require satisfactory proof of the need and duration of absence under this section and may disallow **Emergency** Personal Leave in the absence of such proof.
4. **Duration:** Employees are expected to utilize judgment and discretion in determining the duration of absences.
5. **Abuse of Leave:** Abuse of, failure to notify, deception in requesting or unnecessary extension of **Emergency** Personal Leave are grounds for disciplinary action, up to and including termination.

→ **CHAPTER 14: EMPLOYEE BENEFITS**

**Section 14.Pump Act, subsection 24**

- Addition of PUMP Act regulations

**14.24**  
**PUMP Act for Nursing Mothers**

The City of Mesquite shall accommodate the breastfeeding-related needs of employees for up to one year from the birth of a child, including access to appropriate facilities, time, and storage. This accommodation will include for either the mother to breast-feed their child or express breast milk during their normal working hours.

1. **Facilities:** The City will provide accessible, adequate, and private facilities other than a restroom for breast milk expression. Each Lactation Room or designated office space will be free from intrusion, using a locked door or restricted entry access devices. If necessary, the facility will be equipped with suitable lighting and electricity for the pumping apparatus. The City will provide a Lactation Room or designated office space on a case-by-case basis in consultation with the employee and department. Lactation rooms will have access to a nearby sink with running water available to the employee.

2. **Break Time:** Typically scheduled break times and lunch periods for non-exempt employees will be primarily utilized for milk expression, with additional unpaid time using leave time or time to be made up by the employee as mutually agreed upon by the breastfeeding employee and the supervisor. Employees must be completely relieved from duty during unpaid time. Break times can be combined and redistributed if needed and as agreed upon by the employee and her supervisor.

3. **Storage:** The City will provide suitable facilities such as a refrigerator during the employee's daily work period. If a City refrigerator is utilized, the employee's bottles or containers should be clearly labeled with the employee's name. Storage in a City refrigerator is limited to the end of the business day when it is expressed. If employer-provided facilities are unavailable, an employee may store milk in her own cooler.