RESOLUTION NO. 16-60

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE

WHEREAS, the establishment of a personnel policy for the employees of the City of Mesquite is a desirable thing and will tend to be for the best interests of both the employees and the Governing Body of the City of Mesquite; and,

WHEREAS, it is the desire of the City Council of the City of Mesquite to establish this personnel policy and personnel system so that all employees may be fully informed regarding the same; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1: That the attached "City of Mesquite Personnel Policy Establishing a Personnel System" be, and the same is hereby, adopted and made a part of this Resolution, the same as if copied in full herein.

SECTION 2: That hereafter, the rights, duties, privileges and obligations of the employees of the City of Mesquite shall be determined by the provisions of this Resolution and the policy adopted herein.

SECTION 3: That the personnel policy adopted herein shall remain in full force and effect until rescinded, changed, or modified by the City Council of the City of Mesquite.

SECTION 4: That this Resolution shall take effect immediately from and after its passage, as the Charter in such cases provides.

DULY PASSED BY THE GOVERNING BODY OF THE CITY OF MESQUITE on the 18th day of July, 1960.

James Fontenot
Mayor

ATTEST:
Norma G. McGaughy
City Secretary

Excerpt from Minutes of City Council Meeting held September 6, 1960

"17. Mr. Morris moved that the section LEAVES WITH PAY, first sentence of the second paragraph, of the Personnel Policy adopted by the City Council on July 18, 1960 be amended to read as follows: "Employees may not elect to take pay in lieu of time off. Any regular employee leaving the services in good standing following one year of continuous service shall be paid for unused accrued annual leave not to exceed twelve days." Motion was seconded by Mr. Masterson and approved by all voting "aye"."

CITY OF MESQUITE

PERSONNEL POLICY ESTABLISHING A PERSONNEL SYSTEM

STATEMENT OF POLICY

As a matter of policy, employment in the service of the City of Mesquite shall:

(1) Be based on merit and fitness, free of personal and political considerations;

(2) Be subject to behavior, satisfactory performance of work, necessity for the performance of work, and the availability of funds;

(3) Provide just and equitable incentives and compensation, and conditions of employment, with positions having similar duties and responsibilities being compensated for on a uniform basis.

(4) Honor the rights and interests of employees consistent with the best interests of the public and the City.

ADMINISTRATION

The personnel program established herein shall be administered by the City Manager or other person designated by the City Manager.

Each Department Head shall function as Department Personnel Officer and shall be responsible to the City Manager for compliance by his Department's employees and operations with the personnel policies and regulations and with instructions transmitted from time to time verbally or in written memorandum from the City Manager.

Department heads shall recommend to the Manager in matters of employee selection, promotion, disciplinary, and related matters.

CREATION & FILLING OF POSITIONS

All positions and employment in the municipal service are created for the sole purpose of accomplishing the necessary work programs or services of the City as approved in the adopted budget. Necessary funds for the payment of salaries therefor, the providing of essential equipment and other expenses must be available for each position of employment before such position can be considered for authorization. When these funds are available, a request for creation and authorization of a position is to be made and the request granted by the City Manager prior to employment of anyone for the position.

APPOINTMENT

Application for employment will be accepted from anyone who wishes to apply. Persons with physical handicaps, which in the opinion of the City Manager, would impair their work or the safety of themselves or others will not be considered for employment in municipal service.

The maximum and minimum hiring age will depend upon the position to be filled, but in no case shall applicants under 21 years of age be considered for employment in the Police and Fire Services or under 16 years of age for other services of the City. Applicants who are residents of the City of Mesquite shall be given consideration over non-residents, all other qualifications being equal.

All applicants qualifying otherwise for employment in a position must pass a physical examination given at the expense of the City by the City physician. Since physical requirements vary with work requirements of the position, judgment will rest with the physician as to whether the applicant is physically qualified for appointment to a position.

Only when it appears that no other qualified applicants are available, will consideration be given applications for employment of persons related to employees of the City. Under no circumstances are such persons to be employed in the same department.

Former employees of the City will not be given consideration for re-employment, except as provided herein, unless special circumstances warranting such consideration exist in the opinion of the City Manager.

All officials and employees are expected to keep themselves in the state of physical fitness and any employee may be required to submit to an examination by the City physician when need therefor appears.

All appointments and promotions shall be made by and with the approval of the City Manager, except as otherwise provided by the Charter.

All appointments shall be made to one of the classifications of employment:

(1) Regular full time employment:	Requiring service for the normal full work day.
(2) Regular part time employment:	Requiring service for a fraction of the normal full work day.
(3) Temporary employment:	Seasonal employees or employees who have been appointed to complete a specific project which will last for a limited period of time.

PROBATIONARY PERIOD

All appointments, except temporary appointments - original, transfer, promotional or reappointments - shall be made to probationary status.

The regular period of probation shall be six months, during which time the employee's ability to fulfill the required responsibilities shall be assessed. A longer or shorter period of probation may be specified for certain designated positions or for extension of the probation period in individual cases. No probationary period may extend beyond twelve months.

An employee shall be retained beyond the probationary period and granted permanent status only if the department head affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status.

Employees satisfactorily completing the probationary period shall acquire permanent status and enjoy the accompanying privileges and benefits.

Temporary employees shall be entitled to none of the privileges and benefits of permanent status.

PROMOTIONS

When a vacancy occurs and qualified permanent employees in the service of the City make application for the position, such employees will be given consideration over applicants from outside the service of the City, when all other qualifications are equal.

RESIGNATIONS

To resign in good standing an employee must give his supervisor or department head at least two weeks' notice. The resignation must be in writing and must contain reasons for leaving the employment of the City.

REDUCTION IN FORCE

Whenever there is lack of work or funds, requiring reductions in the number of employees, lay-offs shall be made on the basis of length and quality of service. Whenever possible, employees will be offered other work of similar character and pay.

In all cases, except for disciplinary reasons, an employee shall be given two weeks notice before being laid off, the two weeks to include any accrued vacation leave for which the employee is eligible.

Any employee laid off without prejudice because of reduction in forces shall be given first consideration for reinstatement when new positions are created in the same classification.

DISCIPLINARY ACTION

Employees are subject to disciplinary action in the form of reprimand, suspension, demotion or dismissal.

Employees are subject to disciplinary suspension without pay and forfeiting all benefits not to exceed 15 days for cause where cause is not sufficiently grave as to merit dismissal.

Employees are subject to removal for acts of incompetency, inefficiency or negligence of duty, insubordination, habitual tardiness or absenteeism, discourtesy to the public or to fellow employees while in the line of duty, refusal to pay or ignoring of just debts, actions showing lack of good moral character or lack of high level of personal conduct both on and off the job, failure to report a vehicle accident, conviction of a criminal charge, fraudulent use of sick leave, or other causes or accumulation of minor infractions, which, in the opinion of the City Manager, are sufficient grounds for dismissal. Dismissals will be made by the City Manager. Any employee discharged will be notified of the reason or reasons for such discharge, and will be given a fair hearing before the City Manager upon such reasons for discharge if request for such hearing is made in writing by such discharged employee.

SALARIES

Salary schedules shall be established by the City Council. Salary ranges will be set for each position at the beginning of each fiscal year. Within salary ranges, the City Manager shall have the authority to grant merit increases and shall review salaries with the Department Heads at least once each six months for this purpose. Merit increases will be based on the employee's attitudo, initiative, ability and willingness to work. No automatic increases will be given. Cost of living adjustments will be made by the City Council and will change the salary ranges rather than the individual salaries.

HOLIDAYS

Six holidays, and such other days as may be designated from time to time by the City Council, shall be observed as official holidays by employees of the City of Mesquite:

New Years Day	January 1st
San Jacinto Day	April 21st
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	Last Thursday in November
Christmas Day	December 25th

Whenever a holiday falls on Saturday or Sunday allowance of an extra day, if any, shall be determined by the governing body.

All employees shall receive full pay for each holiday observed by the City. Employees who, because of the nature of their work are required to be on duty on a holiday shall receive compensatory time off for time worked. Part time employees shall observe holidays with pay on the same basis (pro rated) as full time employees. However, no employee will be paid for a holiday unless he has been in pay status on the working day immediately preceding and following the holiday. Holidays that occur during an approved leave of absence with pay, except an "emergency leave", are not charged as days of leave taken.

LEAVES WITH PAY

(1) Annual Leave - Annual leave with full pay shall be earned by regular employees in good standing at the rate of one day per month of service and may not be accumulated to exceed two work weeks. In computing earned annual leave no recognition will be given for service in excess of the normal tour of duty. Annual leave shall begin to accrue immediately upon appointment, but may not be used until completion of six months of service. Preferably, annual leave should be used in the full amount at one time.

Employees may not elect to take pay in lieu of time off. Any employee leaving the services in good standing shall be paid for unused accrued annual leave not to exceed twelve days. Annual leave shall be scheduled with the City Manager or his authorized representative to the convenience of the employee in so far as possible and in so far advance as possible, but in either event so as not to cause interference with the normal functioning of the City's operation.

(2) Sick Leave - Sick leave with full pay shall be earned by employees in good standing at the rate of one day per calendar month service and may be accumulated to a total of 90 days. Sick leave time shall begin to accrue immediately upon appointment but may not be used until the initial six-month probationary period has been satisfactorily served, and then only in the amount actually earned, unless an advance of leave is approved by the City Manager. In case of the separation of an employee who is indebted for unearned leave as the result of such an advance, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any unpaid salary. Sick leave may be granted only for absence from duty because of personal illness. Upon request by his supervisor, an employee shall supply a statement from the attending physician as to the nature of the illness, and indicating recovery from the illness whenever the employee can safely return to work. An employee shall submit to a physical examination by the City physician when requested by his supervisor to do so. Employees

suffering from extended illness shall supply their supervisor with a progress report from the attending physician at such intervals as the report may be requested.

Sick leave shall not be granted when an injury is incurred while performing work for compensation for an employer other than the City of Mesquite, for the purpose of maternity, or for sickness, disease, or disability caused by intemperate habits or immoral conduct. Employees leaving the service of the City shall not be paid for accumulated unused sick leave.

(3) Injury Leave - Employees sustaining injury arising out of or in the course of the performance of his job in the services with the City shall be granted injury leave. Such leave shall not be charged to either annual leave or sick leave. The term of the leave shall depend upon the character, degree and potential duration as the result of the injury, as determined in consultation with the City Health Officer and/or other physician retained by the City.

(4) Emergency Leave - Emergency leave with pay up to a maximum of three calendar days shall be granted permanent employees in the case of death or the imminence of death in the immediate family. Immediate family shall be defined as husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or other member of kinship who may be residing under the same roof with an employee at time of death.

Death of relatives not included in the immediate family shall be considered individually and such time allowed as circumstances warrant.

(5) Special Leave - Special leave with pay may be granted employees to follow a course of study related to his career with the City, or to attend professional conferences and meetings, or to visit other cities in the interest of the City when approved by the City Manager.

(6) Court Leave - Employees called upon for jury service will receive their regular salary from the City during such service.

An employee who is summoned as a witness to appear on behalf of any city, the State, or Federal Government shall be granted court leave and will receive their regular salary from the City during such service.

All fees paid and expenses reimbursed by the court shall be retained by the employee, provided that the City did not furnish travel, meals, room hire, and miscellaneous expenses, in which case expenses borne by the City and reimbursed by the court shall be reimbursed to the City.

(7) Military Leave - Regular employees, who are members of the National Guard, official Militia of Texas, or any of the Reserve Components of the Armed Forces of the United States, when ordered or authorized by proper authorities, shall be entitled to leave with pay during any period when they shall be engaged in field training or encampment, or when ordered to duty with troops for field exercises or for instruction. This leave is limited to fifteen calendar days during any one calendar year.

Military leave with pay benefits shall not include employees engaged in temporary or part-time employment with the City or any employee who may be entering upon military leave for an indefinite period as a result of draft or enlistment.

LEAVES WITHOUT PAY

Leaves of absence without pay may be granted at the discretion of the City Manager.

MISCELLANEOUS RULES AND REGULATIONS

(1) Changes in Address and Telephone - Employees should notify the City Manager's office of changes in address or telephone number so that they may be reached at all times by either telephone or mail.

(2) Changes in Dependents - Any changes in dependents or marital status should be reported by employees to the City Manager's office so that the Federal Withholding Exemption Certificate may be kept up to date.

(3) Absences from Duty - An employee absenting himself from duty shall promptly notify his supervisor not later than on the first day of absence.

(4) Political Activities - City employees shall not be appointed or retained on the basis of their political activity. Employees are expected to exercise their legal right to vote, but shall not engage in any unusual political activity, either on or off duty, and they shall not participate in municipal election campaigns. Any employee choosing to become a candidate for any elective public office will be expected to first leave the services of the City.

(5) Outside Employment - Employees may not carry on concurrently with their public service any private business or undertaking, attention to which might adversely affect the time or quality of their work in the City service, nor may they engage in outside employment that is directly or indirectly related to the function of their City activity where the possibility of embarrassment to the City might exist.

(6) Restrictions Regarding Outside Compensation - No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by any employee for the performance of his duty. If a reward, gift or other form of remuneration is made available to the employee, it should be credited to a designated employee fund and then only with the approval of the City Manager.

(7) Use of Official Badge or Credentials - Officials or employees who wear a badge or other official insignia or who bear credentials as evidence of their authority and/or identity, shall not permit such badge or insignia to be used or worn by any other person, or to otherwise leave their possession without approval by the head of their department. The department head shall not grant such approval except as to persons regularly and formally appointed to the position designated by the badge or insignia.

(8) Use of City Equipment or Facilities - City equipment and facilities shall be used for official purposes only.

(9) Marriage of City Employees - If two City employees marry, it will be required that one or the other of them resign from his or her position with the City Government.

(10) Pregnancy - Pregnancy is not considered grounds for a leave of absence. Employees who become pregnant must, by the end of the third month of pregnancy, submit to the Department Head, a doctor's written statement giving the approximate date of birth and a recommended time to stop work. In any case the employee must resign by the end of the sixth month of pregnancy. Although a resignation is required from the expectant mother, she may be re-employed in the position formerly held, if vacancy exists, within 150 days of termination at her request, with probation period waived.

(11) Intent & Purpose of Policy - The intent and purpose of this policy is to provide equitable incentives and conditions of employment. In the event that it shall be determined that the strict adherence to the policy would work in conflict with this purpose, a variance may be authorized by the City Manager.