

TARRANT COUNTY
SHERIFF'S DEPARTMENT
CIVIL SERVICE RULES

EFFECTIVE OCTOBER 1, 2000

CHAPTER 1
AUTHORITY, HISTORY, PURPOSE, AND AMENDMENT

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1.01 AUTHORITY AND HISTORY

By election on September 30, 1992, and by subsequent order of the Tarrant County Judge canvassing the vote on October 1, 1992, the Tarrant County Sheriff's Department Civil Service System was created. Pursuant to the authority of Sections 158.031 through 158.040 of Subchapter B, Texas Local Government Code, Chapter 158, the Tarrant County Sheriff's Department Civil Service Commission hereby adopts these rules.

1.02 PURPOSE

These rules are prescribed to carry out the function of the Commission as set out in the applicable laws. These rules intend to promote professionalism in the Sheriff's Department and to assure employees in the classified service of the Sheriff's Department fair and impartial treatment at all times, subject to merit system standards, appeal rights, and other provisions as set forth in these rules.

1.03 CONFLICT OF LAW

Nothing in these rules is to be construed as to be in conflict with the laws of the State of Texas or of the United States of America.

1.04 SEVERABILITY

If any rule, section, paragraph, sentence, clause, or phrase of these rules is declared unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portions of these rules. The Commission hereby declares that it would have prescribed and adopted these rules, and each rule, section, paragraph, sentence, clause, and phrase herein, irrespective of the fact that any one or more of the other rules, sections, paragraphs, sentences, clauses, or phrases may be found unconstitutional or void.

1.05 AMENDMENT OF RULES

Amendments to the rules may be made by majority vote of the Commission, in compliance with the Texas Open Meetings Act. Nothing herein shall be construed to require the consent of the Tarrant County Commissioners Court to the rules or amendments of the Commission except where the consent of said Commissioners Court is required by law. Re-numeration does not change the validity of the rules.

1.06 EFFECTIVE DATE

These rules shall be effective October 1, 2000. The prior rules govern disciplinary action for any act of the employee that occurred prior to that date, and the prior rules are continued in effect solely for that purpose.

1.07 COPIES

1. A copy of these rules and a copy of all subsequent rules and amendments shall be made available as soon as practical after adoption to the Commissioners, and to the members of the Tarrant County Commissioners Court, the Sheriff of Tarrant County, and the Tarrant County Criminal District Attorney. A copy shall be maintained in the office of the Secretary of the Sheriff's Department Civil Service Commission for public inspection. The Secretary shall keep on hand adequate copies of the rules for free distribution to employees of the Sheriff's Department requesting same.
2. The official copy of the complete rules will include as an Appendix a copy of Subchapter B, Texas Local Government Code, Chapter 158, entitled "Sheriff's Department Civil Service System," and a copy of the County's tuition reimbursement policy.
3. Each rule in the official copy of the rules shall show the date on which that rule was adopted and, if amended, the effective date(s) on which that rule was amended.

CHAPTER 2
DEFINITIONS

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2.01 APPEAL

means a request in writing by a covered employee of the Sheriff's Department addressed to and filed with the Commission in the manner and within the time provided by these rules, seeking a review or hearing of facts therein represented to constitute a deprivation or impairment of rights vested in such employee as a member of the classified service. An appeal is not a grievance.

2.02 APPLICANT

means a person who is seeking employment or a promotion in the Department.

2.03 CHAIRMAN

means Chairman of the Commission.

2.04 CIVIL SERVICE STAFF

means an employee of the Commission. Where context requires, Civil Service Staff includes an employee of another office or department carrying out the functions of the Commission.

2.05 CLASS

means a group of jobs that have similar duties and responsibilities, and have similar requirements regarding education, experience, knowledge, skills, and abilities. All jobs in a class have similar types of duties, but jobs within the same class may have different grades, titles, and pay ranges.

2.06 CLASSIFICATION

means the structuring of jobs, arranged into appropriate groups according to an overall plan of organization. Where context requires, classification also refers to the process by which the proper class, grade, and title for each job is determined.

2.07 CLASSIFICATION LIST

means a regular, full-time employee occupying a position in the classified service. Except where context requires otherwise, all references to employees in these rules refer only to classified employees.

2.08 CLASSIFIED EMPLOYEE

The classified service includes all regular, non- temporary full-time positions in the Sheriff's Department except those specifically exempt from the classified service by Chapter 158 of the Local Government Code, a constitutional or statutory provision, a court decision, or an Attorney General's opinion. The term also includes any such employee who is on an authorized leave of absence whose specific position is being held by the Department for the employee's return.

2.09 CLASSIFIED SERVICE

The classified service includes all regular, non- temporary full-time positions in the Sheriff's Department except those specifically exempt from the classified service by Chapter 158 of the Local Government Code, a constitutional or statutory provision, a court decision, or an Attorney General's opinion. The term also includes any such employee who is on an authorized leave of absence whose specific position is being held by the Department for the employee's return.

2.10 COMMISSION

means the Tarrant County Sheriff's Department Civil Service Commission.

2.11 COMMISSIONER

means a member of the Sheriff's Department Civil Service Commission who has been duly appointed and has taken office, and whose successor has not been appointed.

2.12 COMPETITIVE EXAMINATION

means an examination in which the candidates are in competition and from which an eligibility list is promulgated.

2.13 CONTRACT TEMPORARY

means an individual contracted to provide temporary services to the County. These individuals are not County employees.

2.14 COUNTY TEMPORARY

means an individual employed by the County to perform a job that has a clearly defined beginning and ending period for a limited time of less than one (1) year.

2.15 DEMOTION

means the movement of an employee to a position that has a lower starting salary or maximum salary. The four major reasons for a demotion normally are:

- Employee's request;
- Position reclassification by Commissioners Court;
- Reduction in Force;
- Disciplinary action.

A demotion also includes the situation where an occupied position is reclassified from one grade to a higher grade and the incumbent is not retained therein.

2.16 DEPARTMENT

means the Tarrant County Sheriff's Department.

2.17 ELIGIBILITY LIST

means the list of persons who have been found qualified through suitable criteria and tests (where applicable) for hire or promotion to positions in the classified service. Separate lists shall be constructed for each position.

2.18 EMPLOYEE

means a person occupying a position in the Sheriff's Department except where the rules state otherwise, employee means classified employee.

2.19 EMPLOYEE LIST

means the eligibility list of persons who have met all minimum basic requirements for initial entry level employment.

2.20 EXAMINATION

means all tests of fitness and qualifications, taken together, that are applied to determine eligibility of applicants for positions of any class in the classified service.

2.21 FULL-TIME EMPLOYEE

means one who has a regularly assigned work schedule of at least 40 hours per workweek.

2.22 HEARING

means a session of the Commission held for the purpose of receiving evidence and reaching a decision with respect to matters or issues appropriately submitted to the Commission for determination.

2.23 MAXIMUM PAY

is the weekly indemnity benefit, as prescribed by state law, supplemented with payment from the County, which when combined, total the law enforcement employee's regular rate of pay. To be eligible for maximum pay such employee must meet the following criteria:

1. Sustain an injury or illness in the course and scope of their official duties,
2. Is unable to work, and is
3. Subject to Article 3, Section 52(e) of the State Constitution.

Employees in these positions will be eligible for maximum pay.

2.25 PERFORMANCE RATING

means the evaluation by an employee's supervisor of the manner in which said employee's service was rendered.

2.26 POSITION

means a job consisting of a group of current duties and responsibilities, assigned or delegated by proper authority, permitting employment of one full-time employee. A position may be occupied, or it may be vacant.

2.27 PROBATIONARY EMPLOYEE

means an employee who has not yet completed a period of probation, whether initial probation after hire, or otherwise, after appointment to the classified position currently occupied.

2.28 PROBATIONARY PERIOD

means the length of time during which an employee is on trial in a working test period and is expected to prove complete fitness for the position. An employee may be in a probationary period after original appointment or after promotion.

2.29 PROJECT EMPLOYEE

means an individual employed by the County for a period of more than one (1) year but not more than two (2) years, unless a special extension has been granted by Commissioner's Court.

2.30 PROMOTIONAL EXAMINATION

means all tests of fitness and qualifications, taken together, that are applied to determine the eligibility of applicants for promotion.

2.31 REGULAR EMPLOYEE

means one who occupies a full-time position of a non- temporary nature.

2.32 REGULAR PART-TIME EMPLOYEE

means an individual employed by the County and has a regularly assigned work schedule between sixteen (16) and twenty- eight (28) hours per workweek with no ending date. These positions are required to be authorized by the Budget and Risk Management Department. Commissioners Court authorization is not required.

2.33 REINSTATEMENT LIST

means an eligibility list of persons who have occupied positions in the classified service, who have separated from the classified service, or who were demoted. The list shall be arranged in order of entitlement to reinstatement.

2.34 RULE

means a rule adopted by the Commission.

2.35 SCORE

means grade attained by a person on an exam, such as for promotion, given by, for, or in the Department.

2.36 SECRETARY

when used alone, means the Secretary of the Sheriff's Department Civil Service Commission. When used in reference to Military Leave, it refers to the federal official indicated by context. When used in context of federal Family and Medical Leave complaints, it refers to the Secretary of Labor.

2.37 SEPARATION

means the voluntary or involuntary discontinuation of employment at the Department for any reason.

2.38 SUBSTITUTE

means these positions are intended to meet the needs of departments that have "as needed" positions with irregular sporadic hours, or relief positions for employees who are temporarily absent.

2.39 SUSPENSION

means the period of time during which an employee is forbidden to work. A suspension may be with or without pay.

2.40 WORKWEEK

means a seven-day period commencing at the beginning of Saturday and continuing through the following Friday.

2.41 TEMPORARY/PART-TIME APPOINTMENT POLICY

I. PURPOSE.

Tarrant County Government employs part-time and temporary employees for a variety of reasons. They are hired for special projects, to help during busy times or to expand or reduce the workforce as business demands. These personnel provide us with a contingent workforce that can be used in administrative support, as well as technical, professional and law enforcement positions.

Tarrant County, in an effort to classify these individuals, has adopted the following categories: Contract Temporary, County Temporary employee, Project employee, Regular Part-Time employee and Substitute. Descriptions of these categories of employment are described below.

II. DEFINITIONS OF TEMPORARY/PART-TIME APPOINTMENTS.

- A. **Contract Temporary.** An individual contracted to provide temporary services to the County. The contract is typically paid through Accounts Payable. The individual's benefits, workers' compensation, and taxes are not the responsibility of the County. These individuals are not County employees.
- B. **County Temporary.** An individual employed by the County to perform a job that has a clearly defined beginning and ending period for a limited time of less than one (1) year and the number of hours may vary based on the needs of the department. County temporary employees shall not, however, work more than twenty-eight (28) hours per workweek. These positions are intended to meet the needs of departments, that have extra or cyclical work, or to fill a vacancy during recruitment. These positions are not authorized positions. However, there must be budgeted funds available. Appointments may terminate at any time prior to the ending date. County temporary employees are not eligible for benefits and have no guarantee of continued employment as a temporary. County temporary employees who have been employed for one (1) year must be terminated and removed from the payroll for a minimum of three (3) months between temporary positions, except where a department or program is being closed or eliminated, and temporary staffing is needed to maintain performance standards. Employees in this classification are required to sign an Employment Status Acknowledgement Form. Except where these rules state explicitly otherwise, individuals employed in this category have no grievance or appeal rights.
- C. **Project Employee.** An individual employed by the County for a period of more than one (1) year but not more than two (2) years, unless a special extension has been granted by Commissioner's Court with limited scope and duration. This is a position where the need for a full-time employee's services is not unending. These positions are authorized by Commissioners Court and are awarded full benefits with the exception of retirement benefits. Project employees have no guarantee of continued employment, but may be terminated at any time prior to the end of the project for any reason. Reasons for making

this type of appointment include, but are not limited to: project work, extraordinary workload, reorganization, uncertainty of future funding, or the need to maintain essential employees who would otherwise be displaced from other parts of the organization. Employees in this classification are required to sign an Employment Status Acknowledgement Form. Except where these rules state explicitly otherwise, individuals employed in this category have no grievance or appeal rights.

An individual hired in this classification who becomes a regular full-time employee will have his/her regular hire date and benefit accrual date reflected as the beginning date of the last period of uninterrupted project service.

All employees who transition from a Project Employee classification to a regular full-time position will also be subject to a probationary period, in accordance with Section 8.05, beginning on the date of their regular full-time appointment. This probationary period is required regardless of the length of time as a project employee, unless waived by the Appointing Authority.

Example: A programmer was hired for a two (2) year project on September 8, 2008. She has become a regular full-time employee as of September 8, 2010. The programmer's regular hire date and benefit accrual date will be recorded as September 8, 2008, she will receive two (2) years' service credit and will be eligible to receive sick and vacation accruals equivalent to that of a regular employee with two (2) years of County service.

- D. **Regular Part-Time Employee.** An individual employed by the County and has a regularly assigned work schedule between sixteen (16) and twenty- eight (28) hours per workweek with no ending date. These positions are authorized by Commissioner's Court. Regular part-time employees are not eligible for benefits and have no guarantee of continued employment. Employees in this classification are required to sign an Employment Status Acknowledgement Form. Except where these rules state explicitly otherwise, individuals employed in this category have no grievance or appeal rights.
- E. **Substitute.** These positions are intended to meet the needs of departments that have "as needed" positions with irregular sporadic hours, or relief positions for employees who are temporarily absent. Substitute employees are not eligible for benefits and have no guarantee of continued employment. Employees in this classification are required to sign an Employment Status Acknowledgement Form. Except where these rules state explicitly otherwise, individuals employed in this category have no grievance or appeal rights.

2.42 INACTIVE EMPLOYEE

An employee who is on an approved leave of absence without pay during a pay period. Benefits will not accrue during this payroll cycle.

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ADMINISTRATION

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3.01 EXEMPT POSITIONS

The rules shall apply to all classified employees except those specifically exempt by law as follows:

- ∫ The position of chief deputy;
- ∫ Four positions of major deputy;
- ∫ One or more positions in the office of departmental legal counsel; and
- ∫ Additional positions in the department; provided, however, that the sheriff may not designate as exempt a total of more than 10 positions.
- ∫ Pursuant to Texas Local Government Code paragraph 158.038 (d), a member of the classified system placed into an exempt position “shall be transferred to the non-exempt position held by the employee immediately before being promoted to an exempt position...**at the time a new sheriff takes office.**”

In order to implement this statutory provision, it is the policy of the Commission that “at the time a new Sheriff takes office” means “within ninety (90) days of the date a new individual takes office as Sheriff.”

When a new Sheriff takes office, as defined above, an employee who formerly held rank in the classified service shall be transferred to his or her last civil service rank at either the employee’s option or the Sheriff’s option. Such a transfer shall be carried out as soon as possible upon either party serving the other with written notice of such a desire.

Outside of this time period, an exempt employee shall be returned to the classified service only through the normal competitive procedures specified by this Commission for the filing of such positions. Unless the exempt employee makes such application and is selected through these procedures, the employee shall be disciplined or terminated at the sole discretion of the Sheriff just as though the employee had never been a member of the classified service.

3.02 MEMBERS AND TERMS OF THE COMMISSION

1. There shall be a three member Commission with one Commissioner appointed by the Sheriff of Tarrant County, one Commissioner appointed by the Criminal District Attorney of Tarrant County, and one Commissioner appointed by the Commissioners Court of Tarrant County. A Commissioner must be at least 25 years old and must have resided in the county for the three years immediately preceding the date on which the person’s term will begin.
2. The term of office is two (2) years. A Commissioner serves until the Commissioner’s successor has been appointed and has qualified.

3. The Sheriff of Tarrant County shall designate one Commissioner to be Chairman of the Commission.
4. A vacancy shall be filled by appointment by the entity that originally appointed the Commissioner, and the appointee shall serve until the expiration of the term of the Commissioner being replaced.
5. A Commissioner may be appointed to a successive term or terms.

3.03 MEETINGS OF THE COMMISSION

The Commission shall hold regular periodic meetings, usually monthly, by call of the Chairman and such special meetings as may be necessary for the transaction of the business of the Commission. If there has been no meeting for ninety (90) days and any Commissioner considers it necessary that the Commission meet, any Commissioner may call a meeting. Meetings are posted and conducted in compliance with the Texas Open Meetings Act. The Commission may use Robert's Rules of Order or any other parliamentary rules as a guide in conducting meetings, but is not bound thereby.

3.04 QUORUM OF THE COMMISSION

Two (2) Commissioners shall constitute a quorum for the transaction of any business, including but not limited to the amendment of rules and the conducting of any meeting or hearing.

3.05 RULES OF THE COMMISSION

The Commission shall make such rules for the proper conduct of its business as it shall find necessary and expedient to carry out its responsibilities.

3.06 PUBLICATION OF RULES, CLASSIFICATION PLANS, AND ELIGIBILITY LISTS

1. All rules and amendments to the rules will be promptly reduced to writing. All approved Classification Plans and Eligibility Lists will be promptly reduced to writing.
2. When the Commission adopts any rules or amendments, or when a classification plan has been approved or amended, or an eligibility list compiled, such shall be published as follows: Copies will be provided by mail to the Sheriff, who will display all such matters on the Sheriff's Department "Intranet" for a period of at least thirty (30) days. The Secretary of the Commission shall also mail copies of rule changes, amendments, and classification plans to each member of the Commission, to the Criminal District Attorney, the Director of Human Resources, and each member of Commissioners Court. Copies will also be available at the office of the Secretary.

3.07 POWERS AND DUTIES OF THE COMMISSION

The Commission shall adopt, publish, and enforce rules regarding:

- ∫ Selection and classification of employees;
- ∫ Competitive examinations;
- ∫ Promotions, seniority, and tenure;
- ∫ Layoffs and dismissals;
- ∫ Disciplinary actions;
- ∫ Grievance procedures;
- ∫ The rights of employees during an internal investigation; and
- ∫ Other matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits, and working conditions of employees.

3.08 THE SECRETARY

1. The Commission shall by order designate a Secretary, who shall not be a separate employee from one already employed by Tarrant County.
2. The Commission, not its Secretary, is the ultimate policy maker with regard to any powers the law entrusts to the Sheriff's Department Civil Service Commission.
3. The Secretary shall:
 - a. Recommend for action by the Commission:
 - i. Rules for the proper administration and development of the merit system for employees in the Sheriff's Department.
 - ii. A classification plan for all positions covered herein, based upon similarity of duties and responsibility.
 - iii. Rules for the establishment and conduct of competitive examinations.
 - iv. Other rules necessary to provide for the efficient administration of the acts of the Commission
 - b. Prepare and recommend to the Commission a personnel performance rating plan.
 - c. Certify names of eligible individuals and compile the eligibility lists.
 - d. Act as administrative officer of the Commission.
 - e. Serve as Secretary to the Commission, see to the keeping of the minutes and records thereof, and in all other proper ways facilitate the actions and proceedings of the Commission.
 - f. Recommend employees for hire as Civil Service Commission Staff if such positions are budgeted for and authorized by the Commissioners Court, and direct and supervise their work.
 - g. In conjunction with the appropriate personnel of the Sheriff's Department, establish and maintain a roster of all Department personnel, showing as to each employee the class, title, and grade of the position held, the salary or pay, any change in class title, pay, or status, and any other necessary data.
 - h. Recommend to the Sheriff training and education programs for employees of the Sheriff's Department.

- i. Direct and control, under the customary financial procedures of the County, expenditures from appropriations for the Commission.

3.09 MINUTES OF THE COMMISSION

1. The Secretary, or the Secretary's designee, shall attend all meetings of the Commission, shall act as its Secretary, and shall record its official action in the minutes. The minutes of the proceedings of the Commission shall be prepared and maintained by the Secretary, subject to the approval of the Commission.
2. Any person may view the minutes of Open Meetings at reasonable times.
3. The certified agenda of Executive (closed door) Sessions are, pursuant to the Open Meetings Act, not available for public inspection.

3.10 APPEALS AND GRIEVANCES TO THE COMMISSION

1. Appeals may be taken as set out in Chapter 12 (Disciplinary Actions, Other Demotions, Separations and Appeals), the Secretary shall immediately notify the Sheriff or the Sheriff's designee and the District Attorney's Office when an appeal is filed.
2. An employee in the classified service who feels aggrieved by an action or inaction by a person within the Sheriff's Department may file a written set out in Chapter 13 (Grievances).
3. Except where the rules require that the Commission docket the matter for a hearing, the Commission may determine a cause on the papers submitted to it, in compliance with the Open Meetings Act.

3.11 RULES OF ORDER

The Commission shall not be bound by any rules of order, evidence or procedures in its meetings, hearings or investigations, except such rules as it may itself establish. The Commission particularly will not be bound by technical rules of evidence.

CHAPTER 4
EMPLOYMENT CRITERIA

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4.01 PURPOSE.

The purpose of this rule is to establish policy and procedures which standardize the hiring process for applicants who seek employment with the Tarrant County Sheriff's Department. It is the policy of the Tarrant County Sheriff's Department to treat every applicant in a respectful and equitable manner during the hiring process while conforming to the legal requirements of Federal, State and local law, and to allow every qualified applicant an equal opportunity to demonstrate his/her suitability for employment.

DEFINITIONS:

4.02 COMPLETED APPLICATION

means the Tarrant County Sheriff's Department application completely filled out with the required attached documentation, submitted to the Department of Human Resources or the Tarrant County Sheriff's Department Personnel and Recruiting Division.

4.03 T.C.O.L.E.

Is an abbreviation for the Texas Commission on Law Enforcement.

4.04 TEMPORARY DISQUALIFICATION

means an applicant is disqualified until all criteria or selection time limits are met. If the criteria are not met prior to December 31 of the year in which the application was first submitted, the application will no longer be processed and will be placed in archives. The applicant will then be required to submit a new application. However, if an applicant requests in December, a pending application may be carried over into the new year.

4.05 APPLICATION PROCESS.

1. **Submission of Application.** An applicant interested in seeking employment within the Tarrant County Sheriff's Department must submit a completed application to: Tarrant County, Human Resources Department, 100 East Weatherford, Fort Worth, Texas 76196, or the Tarrant County Sheriff's Department Personnel and Recruiting Division, Resource Connection, 1500 Campus Drive, Fort Worth, Texas 76119. An application will not be considered complete until it complies with Rule 4.02.
2. After the application is reviewed by recruiting personnel, an applicant who appears to meet departmental requirements may be scheduled for some or all of the following job-related tests:
 - a. **Written Test.** All applicants must pass a current written examination as required for the position applied, unless there is not then in effect a test that has been authorized or adopted by the Commission for the position sought.

Passing scores will be determined before the date of the test. Applicants who do not attain a passing grade on their written test must wait a period of three (3) months from the time they took the written test before being allowed to retake the test.

Applicants for peace-officer positions, as well as current employees seeking peace office status for the first time must attain a passing grade on the National Police Officer Selection

Test (NPOST or POST) developed by Stanard & Associates, Inc., unless they are specifically exempted by the Sheriff or his designee based on prior peace officer experience. Candidates who fail to obtain a passing grade on this test must wait a period of three (3) months from the time they took the written test before being allowed to retake the test.

- b. **Physical Ability.** Deputy and detention officer applicants will be required to take a physical ability test appropriate to the job sought if one has been approved by the Commission.
 - c. **Psychological Testing.** Any applicant will be disqualified if in the opinion of a psychologist acting on the Department's behalf, he/she is unable to be certified within the requirements set by TCOLE. Psychological testing will not be scheduled prior to a conditional job offer being made. Failure of the psychological disqualifies an applicant for one year.
 - d. **Typing Test.** An applicant for a civilian position will be required to take a typing test if it is job related.
 - e. **Background Investigation.** The investigation of an applicant's history regarding employment, education, driving, criminal history, and financial responsibility, or any such area of investigation deemed reasonable and justifiable for purposes of employment.
 - f. **Drug Screen.** A process designed to determine whether or not an applicant has used illegal or unauthorized drugs/chemicals. Drug testing will not be scheduled prior to a conditional job offer being made.
 - g. **Health Assessment.** Testing done by appropriate health providers to determine the health and fitness of an applicant for a particular position. Testing and health assessment will not be scheduled prior to a conditional job offer being made.
 - h. **Oral Interview.** An eligible applicant may be contacted and scheduled for a personal interview with a background investigator for the purpose of verifying all information in his/her application.
- 3. **Completeness of Application.** An application must be filled out completely with all required information included. Any failure to include pertinent information will result in the rejection of the application.
 - 4. **Required Support Information.** All documents requested by the application, such as birth certificate, DD-214 (if applicable) and high school diploma, G.E.D. and/or college transcripts must be attached. Without these documents, the application is incomplete and will not be processed or accepted.
 - 5. **Contradictory or Inconsistent Information.** Contradictory or inconsistent information may serve as grounds for disqualification or may be given appropriate weight in the decision to reject or to approve an applicant. When the contradiction or inconsistency involves information supplied by the applicant or admissions by the applicant, the applicant shall be advised accordingly and given an opportunity to explain. An applicant may be disqualified for dishonesty, serious distortions or purposeful omissions during the selection process. Disqualification: In cases in which an applicant intentionally falsified, inaccurately reported or withheld information he/she shall be permanently rejected.
 - 6. **Cooperation.** An applicant who fails to cooperate fully in submitting accurate information or who fails to submit information updates/changes within ten (10) days of the change and/or who fails to keep scheduled appointments with Personnel and Recruiting staff will be disqualified and will not

be eligible to reapply for ninety (90) days. However, in the event of extenuating circumstances, a decision may be made by a Personnel and Recruiting supervisor to continue the application process. The reasons for this decision will be documented and included in the applicant's file.

7. **Structured Interview.** All applicants must have a passing score on this interview in order to be considered for employment.

4.06 MINIMUM REQUIREMENTS.

Minimum requirements for applicants will be set by Sheriff's Department Standard Operating Procedure and approved by the Commission. Changes in state and federal law supersede the Standard Operating Procedure. Commission approval of the Standard Operating Procedure does not create or acknowledge any property or liberty interest for any applicant.

HIRING PROCESS.

4.07 ACCEPTANCE OF COMPLETED APPLICATION.

The completed application will be submitted to the Personnel and Recruiting Division where it will be stamped with the time and date received. The Human Resources Department shall, and the Personnel and Recruiting Division may, maintain a file of applications received with all support information. Such files will be maintained and/or destroyed in accordance with applicable records regulations or State law.

4.08 EMPLOYEE ELIGIBILITY LIST.

An applicant deemed acceptable for employment by the Sheriff or his/her designee will be placed on an eligibility list according to the date of approval.

4.09 ASSIGNMENTS.

An applicant must be willing to accept any assignment or shift within the Sheriff's Department and to work weekends and holidays. Religious beliefs will be accommodated by the Department in accordance with the law.

4.10 UNFORSEEN SITUATIONS.

It is recognized that no rule will address every possible hiring situation. Situations not covered by these rules will be addressed on a case-by-case basis. In no event will any rule be read to preclude hiring persons when following the usual rules, requirements, or time periods would create or extend a public emergency.

EMPLOYMENT PROCEDURES

4.11 REQUEST TO FILL VACANT POSITIONS.

The Sheriff must submit a personnel requisition form (CS-2) to the Human Resources Department to request a list of eligible applicants to fill all positions. Specifically, for the rank of Corporal, Sergeant or Lieutenant a personnel requisition will be submitted, applicants will be screened against minimum requirements, and promotional tests will be given (usually one (1) time each calendar year) in that order.

Candidates who successfully complete the testing process will (ranked from highest to the lowest cumulative scores) have their names placed on a selections list which will remain in effect for one (12 months) year. As vacancies arise (throughout the year) the Sheriff shall select candidates from the list in accordance with the selection process as outlined in Chapter 6 of the Civil Service Rules.

4.12 JOB POSTING.

- A. **Law Enforcement.** The Human Resources Department, upon receipt of a personnel requisition, will post all job vacancies in the Sheriff's Department for a period of five (5), ten (10), twenty (20) or thirty (30) days except, as noted above, where the Sheriff desires to fill a position from an existing eligibility list. Any request to post a position as "open" will require written justification. The posting notice will include the title, job code, starting pay range, closing date, job summary, qualifications, any special physical requirements and any skill or performance tests that apply. To enhance applicant flow, job postings will be shared on Tarrant County's website and, when appropriate, with external organizations and platforms outside of the County.

Note: No posting is required for Deputy Sheriff vacancies that are filled by candidates who have successfully completed the Sheriff's Cadet Program.

- B. **Non-Law Enforcement.** The Department of Human Resources, upon receipt of a personnel requisition may, at the option of the Sheriff, post job vacancies for non-law enforcement positions internally for existing departmental employees for three (3) calendar days or for County employees for a period of five (5) calendar days. However, if the positions remain unfilled after the five (5) calendar days or if the option to post internally is not used, the vacant position will be posted for the General Public for a period of five (5) calendar days except, as noted in the provision of Section 4.12, where the Sheriff desires to fill a position from an existing eligibility list. Non-Law Enforcement positions may be posted for up to thirty (30) days, OR until Human Resources receives a sufficient number of applications, whichever comes first. All requests for 'open' postings must be accompanied by written justification. The posting notice will include the title, job code, starting pay range, closing date, job summary, qualifications, any special physical requirements, and any skill or performance tests that apply. To enhance applicant flow, job postings will be shared on Tarrant County's website and, when appropriate, with external organizations and platforms outside of the County.

These timelines are intended to ensure adequate visibility and access for potential applicants.

1. Internal Departmental Postings: A minimum of three (3) calendar days
2. Internal County-Wide Postings: A minimum of five (5) calendar days
3. External Postings: A minimum of five (5) calendar days

Typing tests will be administered by the Human Resources Department and by other designated agencies when such requirements are in job descriptions.

4.13 APPLICATIONS.

Applications are only accepted for positions for which the Sheriff's Department is currently recruiting. Each applicant for an open position must submit a completed application and any other required documents prior

to the closing date for each position for which they wish to be considered. Resumes will not be accepted in lieu of the completed application.

4.14 PRE-SCREENING AND CERTIFICATION.

1. The application(s) for each position will be pre-screened by the Human Resources Department and referred to the department with a certified list, if the applicant(s) meet the minimum qualifications for the position. Certification lists for promotions will be active for one (1) year, and for all other positions six (6) months. Subsequent vacancies during this time may be filled from the current list(s) in effect. The Sheriff may also request a new posting even if a current list is in effect.
2. Any written and/or oral examinations authorized by the Tarrant County Sheriff's Department Civil Service Commission will be given to an applicant or employee in regards to employment or continued employment at a time and place determined by the Sheriff or his designee.

SELECTION PROCESS

4.15

The Sheriff will be responsible for deciding whom to interview from the list of eligible applicants that are provided by the Human Resources Department. Final selection for each position will be made from this list of applicants. If the Sheriff does not select an applicant from the list, written justification must be provided to the Human Resources Department, after which a new list will be provided to the Sheriff. If there is more than one position in the same class that is being recruited for, the Sheriff may select applicant from the same list.

PROMOTIONS

4.16 DEFINITION.

A promotion is any personnel action resulting in movement to a position affording higher starting salary or greater rank and/or providing for greater skill or responsibility. It is the County's policy to give qualified employees advancement opportunities whenever possible. Therefore, job vacancies are posted for a period of not less than ten (10) calendar days. Interested employees should notify their immediate supervisor and submit an application to the Human Resources Department to have their qualifications reviewed. Qualified employees' applications shall be sent to the Sheriff or supervisor where the vacancy exists. Interviews are scheduled at the discretion of the department.

4.17 SALARY.

An employee that is promoted will be placed in the appropriate new grade and salary.

4.18 NOTIFICATION.

Employees who are promoted to a position in another department must give the Sheriff two (2) weeks prior notice before transferring between departments unless a mutual agreement of lesser or greater notice is made between the affected Appointing Authorities.

CHAPTER 5
CERTIFICATION AND APPOINTMENT

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5.01 POWER TO APPOINT.

All original appointments and reinstatements to the classified service shall be made by the Sheriff, under and in conformity with the provisions of the Civil Service law and these rules.

5.02 CERTIFICATION STANDARDS

1. *Original Appointment to Classified Service:* Candidates shall be hired in accordance with the date of their approval for employment by the Sheriff or the Sheriff's designee.

The Sheriff or the Sheriff's designee shall conduct pre-employment background investigations, as needed and as required by law, to determine candidates' abilities to meet and to adhere to the high standards of conduct of this Department.

2. *Promotions Within the Classified Service:* The Sheriff or the Sheriff's designee shall promote employees within the classified service on the basis of their ranking on the Eligibility List.

5.03 PROMOTIONAL ORDER

1. The Secretary of the Civil Service Commission shall assemble candidates into a list, based on a composite of all required scores and past experience.

In the event of a tie in the scores of two (2) or more candidates for promotion, the candidate who was employed first shall be ranked higher on the list, and the fact of that determination shall be noted on the list. In the event that two (2) or more candidates for promotion remain tied, the candidate who currently ranks highest within the Department shall be ranked higher on the list, and the fact of that determination shall be noted on the list. In the event that two (2) or more candidates for promotion remain tied, the candidate who has served longest in their current rank shall be ranked higher on the list, and the fact of that determination shall be noted on the list. In the event that two (2) or more candidates still remain tied, an interview of both candidates shall, if considered helpful by the Sheriff or the Sheriff's designee, be conducted by the Sheriff or the Sheriff's designee to break the tie.

2. The Sheriff or the Sheriff's designee shall promote employees from the appropriate list as set forth in 6.09.
3. A candidate shall not be passed over in a manner that constitutes unlawful discrimination nor that violates these Rules. However, a candidate who is unsuited to the open position in the opinion of the Sheriff or the Sheriff's designee is not required to be promoted.

5.04 REINSTATEMENT POLICY/PROCEDURE

1. **Definition.** Reinstatement is the re-employment of a former regular full- time non-probationary employee without requiring the employee to go through the competitive selection process for 180 days from the employee's separation date (for employees whose position requires TCOLE licensing, or twelve (12) months (for employees whose position does not require TCOLE licensing).
2. **Purpose.** A reinstatement policy is maintained by the Sheriff's Department Civil Service Commission in order for the County to:

- a. Rehire former employees who voluntarily left the Sheriff's Department in good standing;
- b. Rehire employees who have been laid off or involuntarily separated because of lack of work or funds or due to an occupational or non- occupational illness or injury;
- c. Rehire former employees who were improperly separated or dismissed; and
- d. Reinstatement employees to their former positions who have been voluntarily demoted in lieu of layoff.

5.05 PROCEDURE.

Former employees whose position requires TCOLE licensing and who were in good standing at the time of separation from a Bureau, and who are within 180 days of separation may, upon completion of a satisfactory background check, be considered for reinstatement. Former employees whose position does not require TCOLE licensing and who were in good standing at the time of separation from a Bureau may be considered for reinstatement within twelve (12) months of separation.

Employees who meet the minimum requirements may request in writing to the Secretary, to have his/her name restored to the appropriate eligibility list if a vacancy exists in the same Bureau for the same or a lower-class position. The Secretary shall place the former employee's name on a reinstatement list and forward the list and the employee's application to the Sheriff for consideration.

All hiring decisions are made by the Sheriff's Department and are considered final. Applicants who are not selected from a reinstatement list within 180 days (for positions requiring a TCOLE license) or twelve (12) months (for positions not requiring a TCOLE license) from their separation date will not receive any further consideration under this policy.

Employees who are reinstated may be eligible for the restoration of sick leave benefits in accordance with Section 7.39 and their salary level at the time of separation. However, if the employee is reinstated to a position in a lower class, the salary shall be in set accordance with the County's policy on demotions. Exception: If the employee's previous salary is below the current allowable hire-in or step rate, the employee may be paid up to the current hire-in or step rate.

Coverage for healthcare benefits (medical, dental, life insurance, etc.) will be restored in accordance with applicable benefit plan provisions. Benefit plan coverage is typically effective on the first day of the month after thirty (30) consecutive calendar days of active, regular employment. If you terminate your employment but are re-hired within thirty (30) days or if you are a civil service reinstatement, your coverage will automatically be reinstated to the same election that you had prior to termination, effective on the first day of the month after your return to work.

Employees separated from service due to shortage of positions shall be placed on a reinstatement list as outlined in Chapter 15.02.

A former employee who left in good standing and who is applying beyond the proper time period for reinstatement based upon separation date and the nature of his or her position, will, if rehired, be considered a new hire. Employees who are seeking to return to County employment in a higher position will have to go through the competitive selection process.

5.06 ADJUSTED HIRE DATE.

Beginning April 1, 2002, former employees who are or have been reinstated or re-employed into regular full-time positions by Tarrant County will be assigned an adjusted hire date (which will become the new hire date) for the purpose of determining the benefit accrual rates (i.e., vacation).

1. The adjusted hire date will be determined by:
 - a. Subtracting the amount of time the employee was away from County service from the total previous County service time (i.e., an employee who previously worked ten (10) years for Tarrant County is reinstated after a two (2) year absence would return with eight (8) years of service) to obtain the amount of benefits service credit in years and months.
 - b. The benefits service credit is then subtracted from the re- employment or reinstatement date in order to arrive at the adjusted hire date.
04/01/02 – 8 years = 04/01/94 (adjusted hire date)
 - c. The employees' period of absence will be calculated based on the 15th of the month (i.e., from the first to the fifteenth the employee will receive full credit for the month; **from the sixteenth to the end of the month**, service will be calculated beginning the following month).
2. The adjusted hire date will be used to:
 - a. Calculate eligibility for service awards: **the employee will be eligible for the next level of service award which was not given during the previous employment period.**
 - b. Determine the accrual rate for vacation leave.
 - c. Determine the sick leave payout upon termination or employment.

NOTE: Review dates for law enforcement personnel will be one (1) year from the date of the adjusted hire date.

3. If the length of time between the termination date and the date of re- employment or reinstatement is more than the period of prior service, there is no need to calculate and adjusted hire date.
4. Time spent as a temporary or part-time employee will not be considered when calculating the adjusted hire date, with the exception of uninterrupted service as a project employee in accordance with Section 2.41 II. C.

FORFEITURE OF REINSTATEMENT ELIGIBILITY.

Former employees who decline an offer of a position under the reinstatement rules lose their eligibility for any further consideration for reinstatement.

CHAPTER 6
PROMOTIONS AND ELIGIBILITY

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DEFINITIONS:

6.01 POLICY

It is the policy of the Commission to encourage promotion from within the Department, but not to foreclose the possibility of hiring qualified outside candidates at any level.

6.02 POSTING

When a position within the classified service is open, it shall be posted, except as provided in 16.04.

6.03 TESTING

If a promotional test is approved by the Commission, inside and outside candidates must take the test to be considered.

6.04 ELIGIBILITY FOR SUPERVISORY LAW ENFORCEMENT PROMOTIONS

To be eligible to take a test for promotion to sergeant, lieutenant, or similar non-exempt positions, an applicant must meet the following prerequisites:

1. Applicants must be licensed by the Texas Commission on Law Enforcement as a peace officer or jailer in good standing, or as required by the position posting.
2. Applicants must have at least one 3.0 or better personnel evaluation in the year preceding the promotional examination.
3. Applicants must be available for shift work.
4. Applicants must have a minimum of one (1) years' experience, or its equivalent in the grade just below the position sought or as specified in the position posting.
5. Persons hired from outside the Department shall have and document appropriate training and experience indicating that they have the knowledge, skills and ability to perform the essential functions of the job.

6.05 PROCEDURES FOR SELECTION

1. The Tarrant County Sheriff's Department Civil Service Commission will cause to have conducted a promotional selection process at dates and times as may be deemed necessary by the Civil Service Commission for the purpose of maintaining an eligibility list of candidates qualified for promotion.
2. The Tarrant County Sheriff's Department Civil Service Commission shall annually provide a list of standard promotional study materials to the Civil Service Commission for distribution not-later-than the 15th of January. Additional study materials required for promotional processes will be posted not-less-than sixty (60) days prior to any proposed promotional process.
3. Notification as to location, date, and time for the promotional selection process to be administered will be posted at each roll call location, on the Tarrant County Sheriff's Office intranet and at the Human Resources Department.
4. These procedures may be suspended or modified by the Commission if the immediate need for staffing cannot be met in a reasonable time if all requirements are followed.

6.06 PROMOTIONAL SELECTION PROCESS

1. Accommodations: The purpose of the selection process is to choose the best qualified candidate, the one who, with or without reasonable accommodation for any disability, has shown merit and

potential that most fits the needs of the Department. An applicant seeking accommodation for any part of the process should notify the Secretary of the Civil Service Commission in writing of the nature of the requested accommodation. Accommodation requests for written tests should be submitted fourteen (14) days prior to the testing date, and shall include documentation necessary to assess the need for accommodation.

2. Written Examination: A written examination will be administered which may include, but not be limited to, questions pertaining to law enforcement practices and procedures, criminal and applicable civil law, supervisory principles, and Departmental policies and procedures. The written examination selected and developed in coordination with the Sheriff's Department shall be administered as determined by the Tarrant County Civil Service Commission at the location, date and time designated in the official Civil Service announcement.

A minimum passing score as coordinated with the Sheriff's Department will be announced prior to the date of the exam. A candidate who does not meet the minimum passing score will not be eligible to participate in additional promotional selection processes as may be conducted by the Sheriff's Department to further evaluate candidates' suitability for promotion or selection.

If there is not in effect a test that has been authorized or adopted by the Commission, no test shall be required.

3. Candidates achieving the top five to fifteen minimum or above passing scores may continue to additional promotional selection processes as may be conducted by the Sheriff's Department to further evaluate candidate's suitability for promotion or selection. If fewer than five (5) apply and make the minimum passing written score, all who pass will proceed to additional promotional processes as noted above.
4. The additional promotional selection processes as may be conducted by the Sheriff's Department to further evaluate candidates suitability for promotion or selection will commence at the location, date and time designated in the Sheriff's Department promotional process letter to those candidates who successfully passed the written examination, and are placed on the eligibility list for consideration by the Sheriff's Department.
5. The Sheriff shall appoint a Board of Assessors and alternates with the concurrence of the Secretary of the Commission. The Sheriff may appoint a pool of qualified assessors from among senior Sheriff's Department staff, from senior law enforcement officials from other comparable agencies or institutions or from professional groups with expertise required for evaluating specialized competencies. The pool of assessors may be revised and reappointed every two (2) years or when vacancies necessitate appointment of replacement assessors.
6. The Board of Assessors shall assess each candidate appearing before them and assign a numerical rating based upon his/her problem solving ability, communication skills, and presentation as demonstrated by the candidate in each additional promotional selection process as may be conducted by the Sheriff's Department to further evaluate candidates suitability for promotion or selection.
7. Upon completion of each additional promotional selection process, Sheriff's Department staff will record each candidate's score. Records will be maintained in accordance with the Texas statute.
8. The Sheriff and the Sheriff's staff will make available to the Secretary of the Civil Service Commission each candidate's date of hire.

9. The Secretary of the Commission will verify with TCOLE the current license status of each candidate. Licensure requirements must be met prior to the first day of the month in which the written examination is administered.

6.07 SHERIFF'S DEPARTMENT SELECTION PROCESSES

In addition to available Civil Service tests, the Sheriff's Department may conduct additional promotional selection processes as may be needed to further evaluate candidate's suitability for promotion or selection. The Department should consider tenure and professional licenses held when evaluating candidate's suitability for promotion. Additional processes may include but are not limited to the following:

		<u>Possible Points</u>		
		<u>Corporal</u>	<u>Sergeant</u>	<u>Lieutenant</u>
1.	Civil Service Test	40%	35%	30%
2.	Written Exercise	30%	30%	30%
3.	Structured Interview	30%	35%	40%
		100%	100%	100%

The point weightings assigned to promotional process components evaluate candidate's knowledge, application of knowledge and interpersonal leadership abilities. The Civil Service test measures knowledge of supervisory, management, leadership, ethical practices and serves as the gateway to candidate participation in additional Sheriff's Office selection processes. The written exercise evaluates practical application of problem analysis, decision making and written communications skills in responses to real-world operational scenarios. The structured interview evaluates candidate's ability to clearly articulate responses to questions about their qualifying experience and experiences, and respond to and defend their responses to issues confronting contemporary law enforcement agencies. All processes are relevant to the rank being evaluated.

6.08 SELECTION LIST

Candidates will be ranked on a selection list, in descending order, based upon the cumulative scores obtained from the Civil Service test and additional selection processes. The Board of Assessors will decide ties on the list. Selection lists shall be posted on the completion date of the additional selection processes conducted by the Sheriff's Department, and remain in effect until the eligibility list expires (twelve (12) months), or until the posting of the next eligibility list.

Reasons for Removal from Selection List shall be:

1. Promotion;
2. A sustained finding of misconduct of Level 3 or above;
3. Performance appraisal of less than three (3);
4. Declining promotion;
5. Resignation or termination from Department;
6. Voluntary request of employee; or
7. Expiration of the list.

Any employee on Leave of Absence will maintain his or her position on the eligibility list, but will not

be eligible for promotion until he or she returns to active duty.

6.09 PROMOTION

The Sheriff shall select from the appropriate promotional list a candidate from the top three ranked employees on the list.

Any candidate passed over three (3) successive times shall be removed from the list, but if already an employee, shall have the right to appeal to the Civil Service Commission. The question before the Commission shall be whether the applicant should stay on the list.

If the passed-over candidate is successful, the candidate shall automatically receive the next promotion when a vacancy to that rank may occur.

If the passed-over candidate is unsuccessful, the candidate shall remain removed from the eligibility list.

6.10 OTHER POSITIONS

Non-peace officer positions shall, whenever possible, be filled by competitive examination and interview. This shall not be necessary as to entry level positions.

CHAPTER 7

HOURS IN WEEK, OUTSIDE EMPLOYMENT, OVERTIME, LEGAL HOLIDAYS AND LEAVES OF ABSENCE

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7.01 FMLA AND ADA COMPLIANCE NOTE

Nothing herein shall be read to contravene the Family and Medical Leave Act, the Texas Commission on Human Rights Act and/or the Texas Labor Code, nor any other federal or state law to the extent that those Acts apply to employees of the Department.

7.02 HOURS IN WORKWEEK

The number of hours constituting the workweek for a full-time employee of the Tarrant County Sheriff's Department is generally forty (40) hours. The workweek begins on Saturday and goes through the following Friday.

To address exigent situations, an employee's supervisor may temporarily adjust the workweek of any individual employee or group of employees to require overtime in addition to regular work hours, resulting in a normal workweek of over 40 hours.

7.03 EMPLOYMENT OUTSIDE OF THE DEPARTMENT

No employee of the Department may contract for, or be engaged in, any work of any kind outside regular work hours for compensation, unless specifically authorized to do so by the Sheriff or the Sheriff's designee. This includes "courtesy officer" work for apartment complexes, condominiums or homeowner's associations, regardless of whether the officer receives free or reduced rent or compensation in any other form. The same rule applies to an UNPAID position related to security carrying a badge or gun, wearing the Sheriff's uniform, or any position related to the person's employment with the Sheriff's Department or status as a licensed peace officer or jailer. This review is necessary because of conflicts laws and dual office holding laws. However, permission to work outside will not be unreasonably withheld if the outside work is not in conflict with the employee's position. The Sheriff or the Sheriff's designee shall maintain within the Sheriff's Department a permanent record of all outside employment which has been authorized, which shall be available to the Civil Service Commission upon request.

Requests for authority to work outside the Department shall be in writing. Grants or denials of authorization shall be in writing.

7.04 OVERTIME

Any employee filling a position allocated to any class for which a monthly salary schedule is established may be required to work in excess of the number of hours prescribed for full-time employment by order of the Sheriff or an officer in the employee's supervisory chain of command. However, a peace officer may not be required to work more hours during a calendar week than the number of hours in the normal workweek of the majority of other County employees forty (40) hours). The Sheriff may require a peace officer to work more hours than allowed (forty (40) hours) if the Sheriff determines an emergency exists that requires the officer to work extra hours. A peace officer who elects to work extra hours during a calendar week shall be compensated on a basis consistent with overtime provisions of the county personnel policy.

The method of compensation for overtime shall be in accordance with the prevailing policy established by Commissioners Court, in accordance with federal and state law.

In order to meet emergency situations, an employee's supervisor may temporarily adjust the hours of any individual employee or group of employees to provide for different schedules of hours or for overtime services outside of regular work hours, provided that such adjustments do not result in the requiring of less than the hours per week prescribed for full-time employment and provided further that employment in excess of the hours prescribed for full-time employment be predicated entirely on the operating needs of the department. The schedule of work and procedure prescribed by the Sheriff will be designed to eliminate excessive or unnecessary use of overtime.

In case of the death of an employee who, at the time of death, has authorized overtime compensation due under the existing rules, payment for such overtime will be made in accordance with prevailing Tarrant County Policy established by Commissioners Court.

Nothing herein shall be read to require an hourly employee to work without overtime compensation as the law requires. Nothing herein shall be read to require that a salaried worker be paid overtime compensation that is not required by law.

Wage/hour compensation issues may be resolved by the procedure set out at Chapter 20.

7.05 HOLIDAYS

Holidays for employees of the Tarrant County Sheriff's Department will be designated by Commissioners Court.

The Sheriff may require some or all employees of the Department to report for work on any holiday. In all such cases, the employees who work on such holidays receive compensation as established by the Commissioners Court.

7.06 LEAVES OF ABSENCE

1. Generally leaves of absence may be granted by the Sheriff on application of the employee concerned on appropriate County forms. Leaves of absence will be subject to the needs of the Department. Any leave granted may be canceled before its expiration date, in which event proper effort will be made to notify the employee promptly of such cancellation. An employee on leave will keep the Department apprised of how to contact the employee.

The request for leave of absence, together with the reasons for the request, the period of leave desired, will be made in writing on the forms prescribed.

2. Leaves of absence fall into the categories, and are subject to the provisions, set forth below.

DEFINITIONS:

7.07 "DAY"

Means an eight (8) hour work day, unless otherwise assigned or specified.

7.08 “HOLIDAYS”

Are defined by law or designated by Commissioners Court.

7.09 “HOURS”

Means working or work hours, unless otherwise specified.

7.10 “PAID SERVICE”

Includes actual time worked and those portions of holidays, leaves of absence, and compensatory time off followed by return to duty for which an employee receives compensation at a monthly rate, provided that paid service shall not include overtime worked or standby time.

7.11 “PAY PERIOD”

Shall be as authorized by the Commissioners Court.

7.12 “SICK LEAVE”

Means a paid absence from duty of an employee occasioned by:

1. An individual’s illness, injury or exposure to contagious disease resulting in incapacitation of the performance of assigned duties.
2. An individual’s receipt of required medical or dental care or consultation which is not available except during working hours.
3. An individual’s discharge of customary obligations arising from the death of an immediate family member.
4. The illness or injury of an immediate family member (son, daughter, spouse, parent, or spouse’s parent) requiring the individual’s care or the critical or terminal illness of an immediate family member which necessitates the individual’s presence.

7.13 “CONTINUOUS SERVICE”

Means County Service uninterrupted by separation from County Service. However, continuous service immediately prior to separation of a regular employee because of disability, layoff, or work related injury, shall be counted in computing the continuous service of such regular employee if returned to County service within three (3) years of such separation.

The term also includes the time that an elected official is in office, if and when the official becomes a classified employee without a break in service. This means that the accrual rate of such an official-turned-employee, would be based on the total amount of continuous service worked in an elected or appointed capacity. The official would only accrue benefits upon becoming a classified employee.

7.14 “TWELVE MONTHS OF CONTINUOUS SERVICE”

Means a period of twelve (12) months of continuous service including service at a monthly, daily, hourly, or other rate of pay, and leaves of absences with pay or without pay if less than thirty (30) days duration, followed by return to duty. Provided, however, that neither this definition nor any other provision will be read to contravene the Family and Medical Leave Act, nor any other applicable law.

7.15 “ELIGIBLE EMPLOYEE”

Means a regular, full-time employee who has completed twelve (12) months of continuous service during present employment and has returned to duty.

7.16 “PRESENT EMPLOYMENT”

Means the period starting with the employee’s most recent entry into the County service and continuing until separation from such service. However, continuous service immediately prior to separation of a regular employee because of disability, retirement, or layoff shall be counted in computing the duration of present employment, if the employee returns to County service within three (3) years of such separation.

7.17 “VACATION”

Means paid vacation.

7.18 “VACATION CREDIT”

Means the right to vacation.

7.19 “SON OR DAUGHTER”

Means a biological, adopted, or foster child, a stepchild, a legal ward, or child of a person standing “in a parental capacity” in loco parentis, less than eighteen (18) years of age who is either under age eighteen (18) years OR eighteen (18) years of age or older and “incapable of self-care because of a mental or physical disability”.

7.20 “SPOUSE”

means a husband or wife as defined or recognized under Texas state law, including common law marriage. (A person is not a spouse merely because they are an employee’s cohabitant. A person is not a spouse unless married to the employee. If an employee claims a status inconsistent with what is officially recorded on County records, the employee must provide appropriate documented proof of that change in status.)

GENERAL PROVISIONS:

7.21 ENTITLEMENT

Employees are entitled to leaves of absence only as specified in this Chapter.

7.22 DEPARTMENT DESIGNATES TIME OF LEAVE

The time when any leave of absence other than injury leave, court leave, military leave and emergency leave may be taken will be designated by the Sheriff or the employee's chain of command.

7.23 SUBMISSION OF REQUESTS

Each request for leave of absence shall:

1. Be submitted in writing to the Sheriff or the Sheriff's designee on the appropriate form as prescribed by the Commissioners Court or its designee;
2. Designate the date and time at which the absence is to begin and end;
3. Be signed by the employee and approved or disapproved in writing and signed by the Sheriff or the Sheriff's designee;
4. Be accompanied by a doctor's statement if in excess of three (3) consecutive working days for sick leave or if a request for a leave of absence without pay for injury or illness of the employee;
5. Be submitted to the Sheriff or the Sheriff's designee except requests for vacation or leave without pay for three (3) consecutive workdays or less; provided, however, that a request for sick leave for three (3) consecutive workdays or less shall be submitted if the sick leave is requested pending determination of entitlement to injury leave or as a substitute for vacation as provided in this chapter.

7.23 MEDICAL STATEMENTS

A medical statement is required for illnesses in excess of three (3) consecutive workdays. Workdays are considered consecutive when they immediately follow one another or when the only day or days between them are holidays, scheduled days off, or other days not worked. It may also be required anytime the Sheriff or the Sheriff's designee reasonably suspects abuse of leave privileges. Employees receiving Quarantine and Isolation Leave shall follow the advice and return to work directives issued by the County's Local Health Authority or their designee.

7.25 MEDICAL RELEASES

A medical release will be required prior to the return to work for:

1. Any periods of sick leave in excess of two (2) calendar weeks; or
2. Any leaves of absence involving injuries which incapacitates the employee from performing assigned job duties.

RESIGNATION UPON FAILURE TO RETURN AFTER LEAVE:

7.26 AUTOMATIC RESIGNATION

Any employee who fails to report for duty within one (1) working day after the expiration of an authorized leave of absence (whether sick, vacation, or any other paid or unpaid absence from work) will be separated from employment, and such will be considered in effect a resignation as of the last day of said leave. However, the Sheriff or the Sheriff's designee may cancel such separation if it is deemed that circumstances warrant such cancellation. The decision of the Sheriff or his designee will be final and not appealable to the Civil Service Commission.

7.27 DISCIPLINARY ACTION

Nothing in this section shall preclude the Sheriff or the Sheriff's designee from taking disciplinary action against an employee, pursuant to Chapter 12 for Absence Without Leave.

VACATION:

7.28 EMPLOYEES WHO MAY EARN VACATION

1. Only eligible employees may earn vacation credit or become entitled to vacation. Eligible employees include full-time, probationary and regular employees, whether or not the employee is entitled to overtime pay under the federal Fair Labor Standards Act. Probationary employees may use vacation as soon as it is earned.
2. Temporary or Part-Time employees are not eligible to earn vacation pay.
3. When an employee is changed from full-time status to temporary or part-time status, such employee shall not be entitled to any vacation and shall discontinue earning vacation credit. Such employee shall be paid the monetary value of all unused vacation credit up to a maximum of twice the employee's current annual accrual rate (see 7.31) which includes any vacation earned but not credited at the time of the change in rate of pay because of a change in status.
4. When an employee is changed from temporary or part-time status to regular full-time status, such employee shall begin to receive vacation credit effective the date of the status change based on the provisions of this chapter.
5. Where the rate of pay of an employee who is not an eligible employee is changed from a monthly rate to an hourly rate of pay, such employee shall not be entitled to any vacation and none of the prior paid service will be counted in computing any vacation credit.

7.29 COMPUTATION OF VACATION

Effective April 1, 2002, employees shall be entitled to receive vacation credit and vacations on the following basis:

Annual Accrual Rate	Continuous Service
10 days per year	0 through 5 years
15 days per year	More than 5; no more than 10 years
20 days per year	More than 10; no more than 15 years
25 days per year	Over 15 years

1. Employees who have zero (0) through five (5) years of continuous service will be granted a vacation of ten (10) working days per year. Employees who have six (6) months employment in the Department may at the discretion of the Sheriff or the Sheriff's designee be granted a vacation of five (5) working days.
2. Employees who have more than five (5) but no more than ten (10) years of continuous service will be granted a vacation of fifteen (15) working days per year.
3. Employees who have more than ten (10) but no more than fifteen (15) years of continuous service will be granted a vacation of twenty (20) working days per year.
4. Employees who have over fifteen (15) years or more of continuous service will be granted a vacation of twenty-five (25) working days per year.

5. Vacation will be accrued per pay period in an amount that will equal the employee's current annual accrual rate.
6. A change in the rate of vacation earned by an eligible employee shall be made only at the beginning of the pay period following the employee's eligibility for the higher rate. It shall be the responsibility of the Sheriff's Department to maintain adequate records of employee's vacation and sick leave usage.
7. New hires in the positions of Executive Chief Deputy-Confinement, Senior Chief and Chief of Staff will receive a vacation rate of fifteen (15) working days per year for the first five (5) years.

7.30 GRANTING VACATION, VACATION SCHEDULES, HOLIDAYS

1. The time when vacation may be taken shall be determined by the Sheriff or the Sheriff's designee. Vacation schedules shall be arranged by the Sheriff or the Sheriff's designee with particular regard to the needs of the service, and, so far as possible, with the wishes of the employee.
2. All vacation granted to or taken by an employee shall be charged against the individual's vacation balance.
3. Paid holidays immediately proceeding, immediately following, or wholly within the vacation period shall not be charged as vacation.

7.31 ACCUMULATION OF VACTION

Effective February 6, an eligible employee may accumulate unused vacation days from year to year as set forth below:

1. Vacation may be accrued up to a maximum amount of 400 hours for employees whose most recent hire date is on or after March 1, 2024.
2. There will be no maximum accrual limit for vacation leave for eligible employees hired prior to March 1, 2024.

7.32 VACATION REQUEST

Request for vacation by an employee shall be submitted in advance to the Sheriff or the Sheriff's designee. No vacation shall be granted to, or taken by, an employee without the consent of the Sheriff or the Sheriff's designee.

7.33 USE OF VACATION LEAVE

Vacation leave may only be used in quarter-hour increments by non-exempt employees and in daily increments by exempt employees. When exempt employees are combining vacation leave with other leave balances to complete a full day off, vacation may be used in less than daily increments. (Daily increments are the number of hours worked scheduled on each work day for an exempt employee.)

7.34 SEPARATION FROM COUNTY SERVICE

Upon separation from County service, for any reason, an employee shall be paid the monetary value (up to the maximum amount of twice the employee's current annual accrual rate) of all entitled vacation including vacation based upon paid service during the pay period in which the separation occurs and for which the

employee has not received vacation credit. Reinstated employees are not eligible for restoration of any vacation balances which remain following said payoff.

SICK LEAVE

7.35 COMPUTATION OF SICK LEAVE

Effective February 6, 2024, an eligible employee may accumulate unused sick/personal leave from year to year as set forth below:

1. Sick/personal leave may be accrued up to a maximum amount of 1,440 hours for employees whose most recent hire date is on or after March 1, 2024.
2. There will be no maximum accrual limit for sick/personal leave for eligible employees hired prior to March 1, 2024.

7.36 USE OF SICK LEAVE

1. Sick leave credit shall be available for use when it is earned. This includes use by probationary employees.
2. The use of sick leave is subject to the approval of the Sheriff or the Sheriff's designee, which shall not be unreasonably withheld.
3. Sick leave may only be used in quarter-hour increments by non-exempt employees and in daily increments for exempt employees. When exempt employees are combining sick leave with other leave balances to complete a full day off, sick leave may be used in less than daily increments. (Daily increments are the number of hours worked scheduled on each workday for an exempt employee.)
4. Sick leave may be used for the illness of the employee or the illness of the employee's spouse, son or daughter and parent. (Parent means the biological parent of an employee or one who stands or stood in place of a parent to an employee when the employee was a child.)
5. No paid sick leave shall be granted in excess of the employee's sick leave credits.
6. Pregnancy is a condition warranting the granting of sick leave.
7. An employee who becomes incapacitated for work due to illness or injury for more than three (3) consecutive calendar days while on paid vacation may substitute sick leave credits for vacation provided the request for sick leave substitution is accompanied by a doctor's statement or other evidence satisfactory to the Sheriff or the Sheriff's designee verifying the incapacity.
8. Paid holidays immediately proceeding, immediately following, or wholly within the period for which sick leave is granted shall not be regarded as part of such period of sick leave.
9. Effective September 30, 2001, there will be a payout limit on the amount an employee is eligible to receive upon termination (see 7.40).
10. Sick/personal leave may be used for personal reasons at the discretion of and upon the approval of the Sheriff.
11. Employees hired after September 30, 2001, will not be entitled to bonus vacation. On April 1, 2002, bonus vacation will be eliminated.

7.37 REQUEST FOR SICK LEAVE

1. Each request for sick leave shall set forth the reasons for the request and such further information as the Sheriff or the Sheriff's designee may require.
2. Any abuse of sick leave privileges such as malingering and other non- authorized uses shall constitute grounds for dismissal from employment. A physician's statement may be required:
 - a. Prior to return from an absence of two (2) weeks or more.
 - b. Prior to return from any absence that involves an injury that incapacitates the employee from performing assigned duties.
 - c. When the Sheriff or the Sheriff's designee, or the employee's supervisor, reasonably suspects abuse of sick leave privileges.

7.38 CANCELLATION OF SICK LEAVE CREDITS

An employee's sick leave credit shall be canceled (subject to the provisions of this chapter) upon separation from County service.

7.39 RESORATION OF SICK LEAVE CREDITS

An employee may have sick leave credit restored (subject to the provisions of this chapter) to the extent of the accumulated credits at the time of the individual's separation if the employee returns to duty within three (3) years after separation for other than a disciplinary separation. If an employee becomes an elected official and later becomes an employee again, the time served as an elected official will serve to bridge the gap between periods served as an employee, but will not accrue additional sick leave. No employee will be eligible for restoration of any unused sick leave credit if they were paid any percentage of sick leave at the time of separation.

Example: An employee who leaves in good standing and has over five (5) years of service and receives compensation for a percentage of his/her sick leave and returns within three (3) years, will have a zero balance.

7.40 COMPENSATION FOR UNUSED SICK LEAVE

Employees who separate from County service or who are elected to County office, may be paid, subject to termination in good standing or retirement in good standing, after the following years of adjusted County service (Accrual Continuous Service Date), if applicable, for their unused sick leave at these rates.

<u>Years of Service</u>	<u>Sick/Personal Pay Out Rate</u>	<u>Pay Out Maximum</u>
Over 5 years	15.5%	72 hours
Over 6 years	18.0%	104 hours
Over 7 years	20.5%	136 hours
Over 8 years	23.0%	176 hours
Over 9 years	25.5%	224 hours
Over 10 years	28.8%	280 hours

Over 11 years	30.5%	320 hours
Over 12 years	33.0%	384 hours
Over 13 years	35.5%	440 hours
Over 14 years	38.0%	512 hours
Over 15 years	40.5%	584 hours
Over 16 years	43.0%	664 hours
Over 17 years	45.5%	744 hours
Over 18 years	48.0%	832 hours
Over 19 years	50.0%	848 hours
Over 20 years	50.0%	856 hours
Over 21 years	50.0%	864 hours
Over 22 years	50.0%	872 hours
Over 23 years	50.0%	880 hours
Over 24 years	50.0%	896 hours
Over 25 years	50.0%	912 hours
Over 26 years	50.0%	928 hours
Over 27 years	50.0%	944 hours
Over 28 years	50.0%	960 hours
Over 29 years	50.0%	976 hours
Over 30 years	50.0%	992 hours
Over 31 years	50.0%	1008 hours
Over 32 years	50.0%	1024 hours
Over 33 years	50.0%	1040 hours
Over 34 years	50.0%	1056 hours
Over 35 years	50.0%	1072 hours
Over 36 years	50.0%	1088 hours
Over 37 years	50.0%	1104 hours
Over 38 years	50.0%	1120 hours
39 years and over	50.0%	1136 hours

Example 1: An employee who has worked for the County for twenty (20) years and has a sick leave balance of 1200 hours. The employee will receive 50% of their balance or 600 hours.

Example 2: An employee worked for the County for over thirty (30) years and has a sick leave balance of 2880 hours. In this example, the employee will receive a payout of 992 hours since 50% of 2880 hours (1440 hours) exceeds the maximum payout of 992 hours.

LEAVES OF ABSENCE WITHOUT PAY

7.41

A. Bona Fide Temporary Disabilities

1. An employee may be granted leave without pay for a maximum period of ninety (90) cumulative business days (exclusive of any weekends and County observed holidays) for any bona fide temporary disability including: pregnancy, illness, or a disabling injury one time during his/her career with the County. No employees count will start prior to October 2, 2003.

Example: If an employee is on a leave of absence for 89 business days and returns for one (1) week and then goes on leave again, the count will start on day ninety (90).

2. A request for leave of absence must be submitted in writing by an employee for the approval of the Sheriff must be accompanied by a Doctor's statement certifying the need for the leave of absence. Request for leave must include the true reason for which a leave of absence is needed and an employee is prohibited from accepting other employment while on leave.
3. Although the maximum period of time for a disability leave of absence without pay is ninety (90) days, a leave of absence is limited to the length of time required to recover, if earlier.
4. After every Doctor's appointment, an employee must provide the supervisor with a Certification of Continuing Disability or prognosis from the individual's physician. In addition, the employee must contact the supervisor at two (2) week intervals during the length of the disability.
5. An employee who returns to work within the ninety (90) day period is guaranteed the same or similar job upon release by the individual's physician. An employee who does not return within this period of time shall no longer be employed by the County after the ninety (90) day period is over. However, any such employee may apply for reinstatement in accordance with Chapter 5.
6. A medical release is required prior to an employee's return to work from a disability leave without pay.
7. An employee who does not comply with the provisions of this policy may be terminated.

B. FURLOUGH

1. Authority and Justification
 - a. The Appointing Authority may place employees on an unpaid furlough (leave of absence without pay – furlough) during periods of financial hardship or when notified that a funding source will become unfunded for a temporary period of time. Employees will retain their classification and may be reinstated to their original position if funding becomes available; however, if only partial funding becomes available, reinstatement may be limited and subject to operational needs and available resources.
 - b. With approval from the Budget and Risk Management Department, the Appointing Authority must submit written justification to the Director of Human Resources outlining the financial necessity of the furlough. Such justifications will only be accepted during periods when a verified funding deficit has not been formally recognized by the Budget and Risk Management Department.
 - c. The furlough must be approved by both the Budget and Risk Management Department and the Appointing Authority. Once approved, the furlough leave should be documented in the employee's personnel file.
 - d. The action of being placed on furlough does not constitute a separation from County employment.
2. Duration and Reinstatement
 - a. The furlough period is limited to a maximum of one (1) year. If the furlough period reaches its maximum duration of one (1) year without reinstatement, the employee will be separated in good standing as a layoff in accordance with Chapter 15 of the Civil Service Rules.
 - b. Employees may be recalled earlier if funding becomes available.

- c. The employee's position classification (e.g., full-time, parttime, temporary) will remain unchanged during the furlough period.
 - d. Reinstatement will be in accordance with Section 15.02 of the Civil Service Rules.
 - e. Reinstatement may be with or without backpay. The institution of backpay will depend on the funding sources, what funds are available at the time of reinstatement, and any limitations on such funds.
- 3. An employee may choose to resign in lieu of accepting a furlough. In such cases, the resignation must be submitted in writing and will be considered voluntary and in good standing. The standard two (2) weeks' notice requirement will be waived for resignations submitted under this provision. The employee will not be eligible for reinstatement under furlough provisions and will be subject to standard rehire policies. Documentation of the resignation must be maintained in the employee's personnel file. Leave and Paid Time Off:
All forms of paid leave (sick/personal, vacation, including paid leave substituted for FMLA, holiday, and other types of paid leave pursuant to the Civil Service Rules) scheduled during a furlough are canceled and converted to furlough status. Employees may not use paid leave while on furlough.
- 4. Work Restrictions:
Appointing Authorities may not require furloughed employees to perform their job duties while on furlough. Similarly, employees may not volunteer to perform their job duties on a non-pay basis while on furlough.
- 5. Employee Notification:
Departments must provide written notice to affected employees prior to the start of the furlough, including:
 - a. Reason for the furlough
 - b. Expected duration (if known)
 - c. Statement of employee's eligibility to retain certain benefits as outlined in Civil Service Rules 7.43, 7.44, 7.45, and 7.46.

7.42 OTHER LEAVES OF ABSENCE WITHOUT PAY

- 1. An employee may be granted a leave without pay for period not to exceed one (1) year for such purposes as education, assisting another public jurisdiction, or any other reason considered sufficient by the Sheriff or the Sheriff's designee, when such leave is in the best interest of the Department.
- 2. An employee's job is guaranteed only during the initial ninety (90) cumulative consecutive days of leave without pay, unless such employee has specified in the leave request that the ending date of the leave will be beyond the ninety (90) day period. When the ending date is specified to be beyond the initial ninety (90) day period, an employee's job will not be held open.
- 3. A request for leave without pay under this section must be made in writing by an employee to the Sheriff or the Sheriff's designee prior to the beginning of their leave. The request must state the true reasons for which the leave is needed. An employee is prohibited from accepting other employment while on leave, unless that other employment is the stated reason for the leave and such has been approved by the Sheriff or the Sheriff's designee.

4. An employee desiring to return to work outside the ninety (90) day period must request to be placed on a reinstatement list by making a written request to the Department of Human Resources at least one (1) week prior to the end of the leave of absence without pay. The Department of Human Resources will try to place the employee within sixty (60) days of the request for reinstatement. However, if reinstatement is not achieved during this period of time, the employee will be separated from employment effective at the end of the leave of absence without pay. This reinstatement procedure is only applicable to Leave of Absences under this subsection.

General Provisions:

7.43 BENEFITS

Paid leave benefits do not accrue while an employee is on leave without pay, except where otherwise specified for a particular type of leave.

7.44 MEDICAL, DENTAL, AND LIFE INSURANCE

These types of insurance may be continued during leave of absence without pay. The County will pay its portion of insurance premiums for employees on leave without pay as long as:

1. The employee works any part of the month; or
2. The employee is on paid leave any part of the month.

If an employee does not receive pay for an entire calendar month—meaning they do not work or have any accrued leave available to maintain paid status during that month—they will be responsible for the full cost of their insurance premium, including the portion normally paid by the County. In such cases, the employee will have the option to voluntarily elect continuation of coverage through COBRA, subject to the applicable rates in effect at that time.

Similarly, upon termination of employment, the employee will have the voluntary option to elect COBRA continuation coverage. If elected, COBRA coverage will begin on the first day of the month following either the termination date or the date the employee is placed in an inactive status. **RETIREMENT.** Contributions to the retirement plan are not made during a leave of absence without pay.

7.45 RETIREMENT

Contributions to the retirement plan are not made during a leave of absence without pay.

7.46 SENIORITY

An employee's seniority is frozen while on a leave of absence without pay, except as otherwise required by law.

MANDATORY LEAVE

7.47 COMPULSORY LEAVE

1. When there exists a reasonable basis to believe that an employee is mentally or physically incapacitated to perform assigned duties, the employee may be required by the Sheriff or the Sheriff's designee to submit to examination by a licensed physician or other expert designated and approved by the Commission, or a referral designated by such licensed physician or expert and approved by the Secretary to the Commission. The Sheriff or the Sheriff's designee shall have the right, subject to approval of the Commission, to compel such employee to take in accordance with this rule sufficient leave of absence until such employee is fit to perform assigned duties.
2. An employee placed on compulsory leave may apply for reinstatement if the leave extends beyond the granted twelve (12) weeks or until after the employee's benefits have been expended, whichever is greater, and a physician or expert selected by the Commission has determined the employee fit for duty.
3. At the recommendation of the physician or expert, the employee may be offered another existing position within the Sheriff's Department or County if the employee meets the job requirements and is able to perform the essential job functions.
 - a. An employee accepting a job in a lower classification will have his or her pay adjusted in accordance with the Salary Administration Guidelines.
 - b. The original job occupied by the employee will be held for a maximum initial period of twelve (12) weeks or until the employee's benefits have been expended, whichever is greater. An employee that is not able to return during this period of time shall no longer be guaranteed the original job position, except as may otherwise be required by law.
4. In all cases, a physician or expert selected by the Commission will make the final determination as to fitness for duty.

7.48 ADMINISTRATIVE LEAVE

The Appointing Authority or designee may place an employee on administrative leave with pay if any of the following situations occur:

1. Concern that an employee's continued presence in the workplace could result in an immediate threat or harm to the employee, co-workers, or the public;
2. During an active investigation where it's in the best interest of the department and County to have the employee away from the work location;
3. Employee misconduct, workplace disagreements, or other serious offenses which warrant employee(s) removal from work premises until a resolution is reached;
4. In cases where an examination may be required to assess an employee's fitness for duty; or
5. Traumatic incidents, for the purposes of this section, includes on-the-job shootings and accidents, or any other job-related incident that results in serious bodily injury or death to any person

Administrative Leave, with pay, may be granted for a period of up to fourteen (14) work days under situations 1-4 above; Administrative Leave as described under situation 5 shall be limited to no more than

three (3) work days. After Administrative Leave, if the situation is not resolved and the employee is required to be off work longer, the employee may be placed on Suspension with Pay in accordance with Chapter 7 of the Tarrant County Civil Service Rules or Chapter 12 of the Tarrant County Sheriff's Office Civil Service Rules, if the situation meets the criteria for Suspension with Pay. Nothing in this rule prohibits the Appointing Authority from using Suspension with Pay without first using Administrative Leave.

The Appointing Authority or designee shall present documentation to the Human Resources Director prior to placement of an employee on Administrative Leave (or as soon as practicable after placement on such leave). Such documentation shall cite the reason(s) for placement of the employee on Administrative Leave.

In no case shall Administrative Leave be granted solely because paid leave is not available.

Administrative Leave shall not be used for purposes of overtime calculations, to extend Leave without Pay, or to designate or extend holiday leave.

COURT LEAVE

7.49 General Provisions

After submitting in the manner prescribed by the Department proof of the period of the required attendance, a regular employee is entitled to Court Leave when he or she is required by summons, subpoena, or court order to attend a local court as a prospective juror, or as a witness in a court action to which he or she is not a party.

7.50 Court Leave Limitation:

1. Court Leave shall be limited to:
 - a. Required attendance before Federal, State, County and Municipal Courts;
 - b. Time in attendance at Court together with reasonable travel time between Court and work if attendance is for less than a full day and the employee can reasonably be expected to return to work.
 - c. Serving on a Grand Jury with the Sheriff's approval. The County will not compensate the employee for this time and the employee will be required to use his/her own paid time. NOTE: Court Leave shall be paid to an employee who is required by summons to serve on a Grand Jury.
2. Court Leave shall not include attendance:
 - a. When the employee is paid an expert witness fee;
 - b. Which is part of the employee's official duties in connection with assigned County employment (in such a case, the attendance shall be considered hours worked);
 - c. Any court action to which the employee is a party.

7.51 COURT LEAVE COMPENSATION

Court Leave compensation shall consist of full pay during the period of such leave.

MILITARY LEAVE

7.52 GENERAL PROVISIONS

All County employees who serve in the military shall receive the employment and re-employment benefits granted under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any other applicable federal and state laws.

7.53

1. MILITARY LEAVE

Any County employee who is a member of the Texas military forces, a reserve component of the armed forces (including the U.S. Army, Navy, Air Force, Marines, Coast Guard, Army National Guard, and Air National Guard), or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in reserve drills, annually scheduled active duty for training, funeral duties, or other authorized duties ordered by proper authority. Such leave shall not exceed 15 workdays in a fiscal year.

2. STATE ACTIVE-DUTY LEAVE

In accordance with Texas Government Code § 437.202, an employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team who is called to state active duty by the Governor or another appropriate authority in response to a disaster shall be entitled to a paid leave of absence from the person's duties not to exceed seven (7) workdays in a fiscal year.

State Active-Duty Leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered pursuant to other forms of military leave.

7.54 ADDITIONAL PROVISIONS

Tarrant County is proud of its employees who serve in the military. As such, nothing in Tarrant County's military leave policy is intended to limit Tarrant County's obligations, or an employee's rights, under applicable federal or state law.

An employee should present their military orders to the Appointing Authority or their designee as soon as possible in order for the employee to receive their leave entitlement.

An employee shall only utilize Military Leave and State Active-Duty Leave for the hours that the employee would otherwise have worked and received pay.

All forms of military leave eligibility will be prorated for all employees based proportionally on the number of hours in the employee's regularly scheduled bi-weekly pay period.

During Military Leave or State Active-Duty Leave, the employee shall not be subjected to loss of time, personal time, sick leave, or vacation time, and is entitled to be restored to the position that the employee held when ordered to duty.

Employees may use paid leave while deployed, if approved by their Appointing Authority.

Tarrant County's rules relating to military leave are in no way intended to limit Tarrant County's obligations under applicable federal or state laws.

7.55 SUPPLEMENTAL PAY

1. Eligible employees who are called to active duty status directly from County service and have used fifteen (15) days of annual Military Leave pay and/or the seven (7) workdays of State Active-Duty Leave pay, if applicable, may receive supplemental military pay to cover the difference between the employee's County pay and total military pay as reported on their Leave and Earnings Statement (LES). The supplemental pay will be paid on the County's bi-weekly pay schedule. Employees that are deployed to active duty must provide a copy of all Leave and Earnings Statement (LES) documents to the Payroll and Benefits Service Center before the supplemental pay is activated. The military pay supplement will continue until the employee is no longer actively deployed or separates from their County employment.
2. The Commissioners Court reserves the right to continue supplemental military pay to the extent that monies are available to be appropriated, and may discontinue supplemental pay at any time. A person who ceases to be employed by the County because the person resigned, retired, or is terminated for a reason that is not a direct consequence of the person's call to active duty is not entitled to supplemental military pay.
3. The supplemental pay policy was established September 2, 2002.

Benefits

7.56

For absences of less than thirty (30) days, benefits continue as if the employee has not been absent.

7.57 SENIORITY

Employees returning from a military leave, seniority will be restored to the previous level plus credit for service time spent on military leave.

7.58 PENSION RIGHTS (Retirement Benefits with TCDRS)

Tarrant County participates in the Texas County and District Retirement System (TCDRS). As an employee of a TCDRS-covered employer, County employees have pension rights under USERRA through the TCDRS program.

Military service counts toward retirement eligibility.

Employee retirement accounts remain active with TCDRS during a military leave of absence. Restoration of missed service time and the usual employee funding toward retirement is addressed when an employee returns from active duty. This is done through an application process with TCDRS.

Restoration of service time must be requested and approved through the retirement system. To establish service time under USERRA, TCDRS members must meet the following requirements:

- The individual was employed by a TCDRS-covered employer when the individual was called to active duty and the employer had proper notice, and;
- The individual applied for re-employment with the same employer within 90 days of military service release, and;
- The individual discharged from active duty was under honorable conditions.

It does not cost anything to reinstate service time. Once TCDRS establishes eligibility, time will be credited to show no break in service during the military leave of absence. After service is established, repayment of employee contributions attributable to the period of service can be made until December 31 of the fifth calendar year following the re-employment date.

Repayment of employee contributions is optional. Calculation of an employee's missed "deposits" will be based on the rate of pay that the employee would have received during the period of his or her military service. Any deposits made by the employee will get employer matching at the time of retirement.

7.59 VACATION PAY

An employee's period of military service will be credited toward vacation accrual, and the employee will receive their accruals upon their return to work. Return to work is defined as physically reporting to County service.

7.60 SICK/PERSONAL

An employee's period of military service will be credited toward sick/personal leave accrual, and the employee will receive their accruals upon their return to work. Return to work is defined as physically reporting to County service.

7.61 HOLIDAY PAY

Employees on military leave of absence are not entitled to holiday pay when inactive as defined in Chapter 2.

Example: An employee who elects to use vacation or personal leave in a pay period is in a paid status.

7.62 WAGES AND WAGE INCREASES

Employees who are re-employed or re-instated after military leave of absence are entitled to the pay they would have received had they remained continuously on the job. If the pay for the job has been increased during the military service, the employee is entitled to the increase.

7.63 HEALTH CARE BENEFITS (MEDICAL, DENTAL AND LIFE INSURANCE, FLEXIBLE SPENDING, LONG TERM DISABILITY, ETC.)

Health plan benefits continue as usual when an employee is absent from work for thirty (30) or fewer days due to uniformed service obligations. During such absences, the employee will be required to pay the normal employee share of premiums, i.e., the employee's monthly cost for any health plan benefits. If the employee is absent from work while performing service in the military for thirty- one (31) or more days, employee health benefits will be discontinued. Coverage normally ends on the last day of the month that the employee worked before changing to active military leave status. If elected, however, existing County-based health plan coverage for the employee and any covered dependents may be continued for up to twenty-four (24) months while in the military. An election to continue the coverage must be made under the health plan's COBRA provisions which offer coverage at a monthly cost equal to one-hundred two percent (102%) of the full premium (employee and employer share). Continuation of coverage is not required to guarantee reinstatement of health benefits when returning from a military leave of absence of fewer than five (5) years. Employee health benefits will be reinstated in accordance with applicable benefit plan provisions. Coverage typically begins on the first day of the month following re-employment.

7.64 RE-EMPLOYMENT RIGHTS

Any person who enters upon active duty, whether or not voluntarily, in the Armed Forces of the United States in response to an order or call to active duty shall, upon such person's relief from active duty under honorable conditions, be entitled to re-employment, provided the total of such active duty does not exceed five (5) years.

An employee's maximum period may exceed five (5) years for the following types of uniformed service:

1. Service required beyond five (5) years to complete an initial period of obligated service;
2. Service from which a person, through no fault of the person, is unable to obtain a release within the five (5) year limit;
3. Required training for reservists and National Guardsmen;
4. Service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations;
5. Service under an order to, or to remain, on active duty (other than for training) because of a war or national emergency declared by the President or Congress;
6. Active duty (other than for training) by volunteers supporting "operational missions" for which selected reservists have been ordered to active duty without their consent;
7. Service by volunteers who are ordered to active duty in support of a critical mission or requirement in times other than war or national emergency and when no involuntary call-up is in effect; and
8. Federal service by members of the National Guard, called into action by the president to suppress an insurrection, repel an invasion, or to execute the laws of the United States.
9. Pursuant to the Uniformed Services Employment and Re-Employment Rights Act (USERRA) a returning employee shall be placed in the same or similar position he/she would have held had he/she remained continuously employed. Should the requirements of the position change during the employee's absence, the Appointing Authority must provide reasonable training efforts to qualify the employee for the position. If the employee cannot meet the minimum qualifications after reasonable efforts have been made, the employee may be placed in a similar

position as long as he/she meets the minimum requirements of the position. If a position is not available, a layoff may occur to create a vacancy. In any case, if two (2) or more persons left the same position in order to enter the Armed Forces, the person who left such position first shall have priority rights to be re- employed.

7.65 ELIGIBILITY REQUIREMENTS

In order to qualify for re-employment, employees on military leave must meet the following requirements:

1. Must have been employed in a position other than temporary before leaving for active duty.
2. Must receive a certification of satisfactory completion of military service if not a member of the Reserved Armed Forces of the United States.
3. Must apply for re-employment after discharge (based on days or years of service) from military service within the specified time frame or after release from hospitalization that lasted no more than two (2) years after discharge.
4. Must be able to perform the duties of their former position with or without a reasonable accommodation and must give a reasonable amount of time for training depending on the amount of time he/she was gone.
5. They must have given notice to their employer that they were leaving the job for uniformed service (unless giving notice is precluded by military necessity or otherwise is impossible or unreasonable). Notice includes the submission of the appropriate orders from the concerned Military Branch when they are issued to the employee.

7.66 RETURN TO WORK

Employees returning from military leave must apply for re-employment within specified time limits.

7.66 A. DEFINITION OF RETURN TO WORK

Means an employee who has met all eligibility requirements and has physically reported for County Service to assume his/her same or similar position held prior to being deployed.

1. For service of less than thirty-one (31) days, the employee must report for work at the beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an eight (8) hour rest period following safe transportation home from military duty.
2. For service of 31 to 180 days, application for reinstatement must be submitted not later than fourteen (14) days after completion of military duty.
3. For service of 181 or more days, application for reinstatement must be submitted not later than ninety (90) days after completion of military duty.
4. However, these time limits may be extended for two (2) years or more when an employee suffers service-related injuries that prevent him/her from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

7.67 RETURN TO WORK EXCEPTIONS

Tarrant County is not required to re- employ a person if:

1. Circumstances have so changed as to make re-employment impossible or unreasonable; or
2. Re-employment of any individual would create an undue hardship on the County; or
3. The employment from which the person leaves to serve in the Uniformed Services is for a brief non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period of time.

WORKERS' COMPENSATION

7.68 WORKERS' COMPENSATION LEAVE

All County employees are covered by the Texas Workers' Compensation Act and are entitled to receive all benefits as prescribed by law. No provision contained herein shall be interpreted to give any employee less protection or fewer benefits than required by law.

1. Coverage under the Act does not apply in instances where an employee has intentionally injured him/herself nor shall coverage apply if the employee was in a state of intoxication (unless such intoxication is induced for training in a controlled environment) when the injury was sustained.
2. Employees who are off on Workers' Compensation and who are simultaneously engaged in other employment must report such employment to their immediate supervisor. Said employees are prohibited from receiving compensation while on workers' compensation if such compensation is derived from work that directly conflicts with the existing medical restrictions. Employees determined to be engaged in such employment may be subject to termination.

7.69 ACCIDENT AND INJURY REPORTING

1. **Employee Responsibility:** Employees must comply with the Tarrant County Workers' Compensation Medical Program. All on-the-job accidents, injuries, or occupational diseases, no matter how slight, shall be immediately reported to the supervisor on an Employee's Statement of Injury Form. Employees must also complete the Workers' Compensation Provider Panel Verification Form and submit it to their supervisor. Failure to report any injury or occupational disease may result in a delay or denial of benefits.
2. **Supervisor Responsibility:** Supervisors will ensure that a Supervisor's First Report of Injury Form is completed and forwarded to the Budget and Risk Management Department immediately but no later than twenty-four (24) hours after notice of an accident, injury, or occupational disease.
3. **Budget and Risk Management.** The Budget and Risk Management Department will file the appropriate reports with the County's Workers' Compensation Administrator and the Texas Department of Insurance/Division of Workers' Compensation as provided by law.

7.70 TREATMENT OF INJURIES

1. **Minor Injuries:** In case of a minor injury, an employee will obtain first aid treatment from the designated area in the workplace or from a designated Primary Treating Provider from the County's provider panel, and report back to work as soon as possible following medical care.
2. **Other than Minor Injuries:** In cases where further medical attention is required, an employee shall:

- a. Seek medical attention from a Primary Treating Provider from the County's provider panel or from an emergency medical facility if emergent medical attention is necessary.
- b. After the treatment is received:
 - 1) If an employee is released for full duty work, such employee shall return to work and give the supervisor the signed Work Status Report Form. A copy of this form shall immediately be forwarded to the Budget and Risk Management Department.
 - 2) If an employee is not released for full duty work, such employee shall call the supervisor after receiving treatment and give the expected date of return. Such employee shall ensure the supervisor receives a signed Work Status Report Form from the doctor or hospital confirming the individual's inability to return to work or restricted release.
 - 3) In all cases, an employee shall complete the Employee's Statement of Injury Form and the County's Provider Panel Verification Form and give it to the supervisor immediately.
3. **Medical Appointments.** After every doctor's appointment where the employee's work status is evaluated, the employee must provide the supervisor and Sheriff's personnel office with the updated work status report form. In addition, the employee must contact the supervisor at two (2) week intervals while off work.
4. **Medical Release.** Prior to an employee's return to work following medical care for a job-related accident, injury, or occupational illness, the employee shall be required to provide the supervisor and Sheriff's personnel office with a written release to return to work from the treating physician. Releases may be for:
 - a. Full Duty: An employee is able to perform all essential functions of assigned job duties with or without reasonable accommodations.
 - b. Restricted Duty: If available, an employee may be returned to restricted duty in accordance with the Workers' Compensation Return to Work Temporary Medical Assignment (RTW/TMA) policy and procedures. Additionally, please refer to the Sheriff's Department's return to work temporary medical assignment policy. This policy and procedure can be accessed via the employee portal.

7.71 EMPLOYMENT STATUS OF LAW ENFORCEMENT "OFFICIALS"

(Employees). This section includes the Sheriff, Deputy Sheriffs, Detention Officers, Constables, Deputy Constables, and other County or precinct law enforcement officials, in accordance with Article 3, Section 52(e) of the Texas Constitution.

1. If the Sheriff, Deputy Sheriff, Detention Officer, Constable, Deputy Constable, or other County or precinct law enforcement employees are injured during the course of their official duties, said officials are entitled to the following benefit: During any hospitalization or incapacity suffered as a result of that injury, the employee shall continue to receive a regular salary in accordance with state law and County policy until the term of the office when the injury was sustained expires or the employee is no longer incapacitated, whichever occurs first.
2. Regular salary shall be paid to the affected official as follows:
 - a. The workers' compensation third-party administrator shall pay Temporary Income Benefits (TIBS) directly to the employee in accordance with the rules and regulations applicable to

the relevant Workers' Compensation laws. The County will pay, in accordance with its regular payroll procedures, the difference between the normal bi-weekly salary of the employee (including longevity) and the weekly Temporary Income Benefits paid to the employee under the Workers' Compensation provisions. (As used in this rule, "salary" includes the normal full-time wages of an hourly worker or the predetermined amount received each pay period by a salaried employee.) In no event shall an employee be entitled to more than 100% of his or her normal salary during that week unless the employee earns overtime pay. FICA, FIT, and any voluntary deductions will be calculated based on the County's supplement of the workers' compensation pay. The mandatory 7% TCDRS deduction will continue to be calculated on the full salary (TIBS and County supplement).

- b. In the event that the term expires first, the injured employee will be eligible to receive the balance, if any, of a 180-calendar day leave of absence which would have begun on the first day of a work-related injury or illness absence following the injury date. The remaining time will be without the pay and benefits described above and will be administered in accordance with the Texas Workers' Compensation Law and the County's Healthcare Benefits section. If there is no time remaining, the employee shall be separated from County service.
3. In the event that an employee is unable to return to work, because of a workers' compensation injury following a 180-calendar day paid workers' compensation injury leave of absence, the department may proceed to fill the employee's position. With regard to employment status, wages and benefits, Tarrant County will comply with Article 3, Section 52(e) of the Texas Constitution. After the 180-calendar day workers' compensation injury leave is exhausted, the employee will be transferred into a maximum pay position. At that time, the Appointing Authority will collect the employee's County ID, keys and any County property that the employee has and deactivate the employee's access to all County buildings and any electronic devices.
4. In the event that a separated employee desires to and is able to return to work, the individual must apply for reinstatement as provided in the reinstatement section of the applicable Civil Service Rules.
5. Employees who receive a restricted release and are offered a Temporary Medical Assignment (TMA) position with comparable pay yet refuse such an offer may have salary and benefits discontinued.
6. Employees who resign their employment while on workers' compensation injury leave are no longer eligible to receive full salary in accordance with Article 3, Section 52(e) of the Texas Constitution. They will, however, continue to receive workers' compensation benefits through the County's third-party administrator, in accordance with the Texas Workers' Compensation Law until such benefits expire.

7.72 BENEFITS FOR LAW ENFORCEMENT OFFICIALS (Employees)

1. **OFFICIALS.** This section includes the Sheriff, Deputy Sheriffs, Detention Officers, Constables, Deputy Constables, and other County or precinct law enforcement officials in accordance with Article 3, Section 52(e) of the Texas Constitution.

2. **HEALTHCARE BENEFITS.** Employee healthcare benefits may remain in effect during the workers' compensation injury leave of absence provided the appropriate monthly premium costs for the benefit plans are paid by the employee. Benefit plan provisions regarding qualifying life/work events and continuation of coverage under COBRA will apply.
3. **VACATION.** Vacation will continue to accrue for any months in which an employee is on paid workers' compensation injury leave.
4. **SICK LEAVE.** Sick leave will continue to accrue for any months in which an employee is on paid workers' compensation injury leave.
5. **RETIREMENT.** Retirement service credit and employee deposits for TCDRS will continue for any months the employee is on paid workers' compensation injury leave.
6. **STRUCTURE ADJUSTMENT.** While an employee is on workers' compensation leave structure adjustments will be suspended. The employee will receive the appropriate structure adjustment upon receipt of a full regular County paycheck following his/her return to work.
7. **STEP INCREASES.** While the employee is on workers' compensation leave step increases will be suspended. The employee will receive the appropriate step increase upon receipt of a full regular County paycheck following his/her return to work. Step Increases are not automatic, and the Appointing Authority has the option of awarding or withholding the increase based on the employee's productivity and performance.
8. **LONGEVITY.** Longevity will continue to accrue and be paid for any months in which an employee is on paid workers' compensation injury leave.
9. **UNIFORM ALLOWANCE.** While an employee is on workers' compensation injury leave the uniform allowance will be discontinued.
10. **AUTOMOBILE ALLOWANCE.** While an employee is on workers' compensation injury leave, if applicable, automobile allowance will be discontinued.
11. **CELL PHONE ALLOWANCE.** While an employee is on workers' compensation injury leave, cell phone allowances, if applicable, will be discontinued.
12. **PREMIUM PAY.** If an employee is receiving premium pay or shift pay, as defined in the Salary Administration Guidelines, and is injured on the job, premium pay will be included in workers' compensation pay in accordance with the Texas Workers' Compensation law.

7.73 EMPLOYMENT STATUS OF NON-LAW ENFORCEMENT EMPLOYEES

1. All employees will be allowed to use accrued sick leave during the waiting period, which is the first seven (7) calendar days of incapacity, until Workers' Compensation benefits are started. In the event that all sick leave has been exhausted, employees may use any other leave available.
2. Employees with at least six (6) months of County Service may qualify for a salary supplement in addition to Workers' Compensation during the first sixty (60) days following the seven (7) days waiting period. The total of both the Workers' Compensation benefit and the supplement may not exceed the approved percentage as outlined by the rules and regulations applicable to the relevant Worker's Compensation laws.
3. If it is determined to be medically necessary by an employee's physician, an employee is eligible for a workers' compensation injury leave of absence of up to 180-calendar days (cumulative) as a result of a job-related illness or injury. An employee who returns to work

during this 180-day period will be eligible for the same or a similar position provided that the employee is still capable of performing the duties of the position.

4. An employee who is unable to return to work within this 180-day period shall be separated from County service; however, the individual may apply for reinstatement as provided in the Civil Service Rules, for up to one (1) year following the 180-day period and is entitled to all the same rights of reinstatement as is enjoyed by other separated employees. After one (1) year, such employee may apply for re-employment for available positions with Tarrant County.
5. If at any time during the workers' compensation injury leave of absence, it is determined that an employee is permanently unable to resume regular job duties, the employee shall be:
 - a. Given up to thirty (30) days to make application for other positions within the County if the medical reports indicate that "other" types of employment are feasible (this (30)-day period is not intended to extend beyond the 180-day maximum workers' compensation injury leave of absence allowed under the policy), or;
 - b. Informed of their option to pursue a service retirement or disability retirement if appropriate, or;
 - c. Terminated. The Appointing Authority shall in every case work closely with the Budget and Risk Management Department in determining the "best" option for the employee, the department, and the County.

7.74 BENEFITS FOR NON-LAW ENFORCEMENT EMPLOYEES

1. **HEALTHCARE BENEFITS.** Employee healthcare benefits may remain in effect during the leave of absence provided the appropriate monthly premium costs for the benefit plans are paid by the employee. Benefit plan provisions regarding qualifying life/work events and continuation of coverage under COBRA will apply.
2. **VACATION.** An employee's accrued vacation will remain in their account; however, no additional vacation will accrue for any period in which an employee is on leave without pay.
3. **SICK LEAVE.** An employee's accrued personal/sick will remain in their account; however, no additional sick leave will accrue for any period in which an employee is on leave without pay.
4. **RETIREMENT.** While an employee is on leave without pay, no credit accrues to the retirement plan (TCDRS) for the individual's account or benefit.
5. **STRUCTURE ADJUSTMENT.** While an employee is on workers' compensation leave structure adjustments will be suspended. The employee will receive the appropriate structure adjustment upon receipt of a full regular County paycheck following his/her return to work.
6. **MERIT INCREASE.** While the employee is on workers' compensation leave the merit increase will be suspended. The employee will receive the appropriated merit increase upon receipt of a full regular County paycheck following his/her return to work. Merit Increases are not automatic, and the Appointing Authority has the option of awarding or withholding the increase based on the employee's productivity and performance.
7. **AUTOMOBILE ALLOWANCE.** While an employee is on leave without pay, if applicable, the automobile allowance will be discontinued.
8. **CELL PHONE ALLOWANCE.** While an employee is on leave without pay, if applicable, the cell phone allowance will be discontinued.

9. **LONGEVITY.** Longevity will continue to accrue and be paid for any months in which an employee is on paid workers' compensation injury leave.
10. **UNIFORM ALLOWANCE.** While an employee is on workers' compensation injury leave the uniform allowance will be discontinued.
11. **PREMIUM PAY.** If an employee is receiving premium pay or shift differential, as defined in the Salary Administration Guidelines, and is injured on the job, premium pay will be included in workers' compensation pay in accordance with the Texas Workers' Compensation law.

EMERGENCY LEAVE

7.75 GENERAL PROVISIONS

1. An authorized absence with pay may be granted for up to three (3) days (or up to 24 hours), by the Sheriff or the Sheriff's designee for a death which occurs in the immediate family of a regular employee at any time after the employee's hire date. The immediate family is defined as the employee's spouse, employee's or spouse's parents (including step- parents), grandparents (including great-grandparents), step-grandparents (including step-great-grandparents), brothers, sisters (including step-brothers and step- sisters), children (including step and adopted children), and grandchildren (including step-grandchildren).
2. Employees, subject to the approval of the Sheriff or the Sheriff's designee, may also be allowed to take up to four (4) hours off with pay to attend the funeral of a co-worker, if the funeral takes place during regular work hours.
3. While an employee is on emergency leave, vacation and sick leave continues to accrue.
4. Paid Emergency Leave is an additional benefit; use of paid sick leave or vacation for longer periods of leave may be granted in accordance with the policies relating to those types of leave.

FAMILY AND MEDICAL LEAVE:

7.76 FAMILY AND MEDICAL LEAVE (FML)

The following policy is prescribed and authorized by the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), hereafter referred to as "FMLA" or "the Act", and is dependent on the federal and state court decisions and interpretations of the Act and the Regulations adopted by the Wage and Hour Division of the United States Department of Labor (29 Code of Federal Regulations Part 825). In the event that this policy varies from the Act, the Regulations or the Court decisions, the policy will yield to the Act, the Court decisions, and the Regulations. The Family and Medical Leave Act will be adhered to the full extent required by law.

DEFINITIONS: The following definitions are drawn from the Act's definitions for the same word or words, and are to be used as a guide. The following definitions should not be applied to other subjects in these Rules except as specifically noted.

7.77 “ACTIVE DUTY”

Means duty under a call or order to active duty under a provision of law referred to in Section 101 (a) (13) (B) of title 10, United States Code. This refers to a member of the National Guard or Reserves who is under a call or order to active duty in support of a contingency operation.

7.78 “APPROPRIATE LEAVE”

Means the type of paid leave an employee is eligible to use given the circumstance initiating eligibility (i.e., personal illness, spouse’s illness, etc.).

7.79 “CONTINGENCY OPERATION”

Means a military operation that is either designated by the Secretary of Defense as a contingency operation or becomes a contingency operation as a matter of law (DOD).

7.80 “COVERED SERVICE MEMBER”

Means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or a serious injury or illness incurred in the line of duty or active duty. In instances of a Qualifying Exigency, covered service member means one who is on “active duty” status.

7.81 “ELIGIBILITY”

Means an eligible employee is an employee of Tarrant County who:

1. Has been employed with Tarrant County in a paid status for at least twelve (12) months. The twelve (12) month is calculated on an accumulated basis and not consecutively. Periods of employment prior to a break in service of seven (7) years or more shall not be counted in determining whether the employee has met the twelve (12) month requirement unless the break in service is caused by fulfillment of National Guard or Reserve military service obligation or if a written agreement exists concerning the employer’s intention to rehire the employee after the break in service; and
2. Has been employed for at least 1,250 service hours during the twelve (12) month period preceding the commencement of the leave.

7.82 “EMPLOYEE”

Means any individual employed by Tarrant County except the individual who is not subject to the Civil Service laws of the State of Texas as implemented by Tarrant County and who:

1. Holds an elective office of Tarrant County; or
2. Is selected by a Tarrant County elected official to be a personal staff member;
3. Is appointed by an elected official to service on a policy-making level; or
4. Is an immediate advisor to the elected official as it would apply to the constitutional or legal powers of the elected official’s office.

7.83 “HEALTH CARE PROVIDER”

Means a doctor of medicine or osteopathy, who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the U.S. Department of Labor (DOL) to be capable of providing healthcare services including podiatrists, dentists, clinical psychologists, optometrists, and chiropractors. Note: chiropractors are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as shown by X-ray to exist. All of the aforementioned must be authorized to practice in the state and perform within the scope of their practices as defined under state law.

Also included are nurse practitioners, nurse midwives, clinical social workers, and physician assistants who are authorized to practice under state law and who perform within the scope of their practices as defined under state law, and Christian Science practitioners listed with The First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement.

Others included are any health care provider from whom Tarrant County or Tarrant County’s group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and a health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law. The phrase “authorized to practice in the State” as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

Any one of the following healthcare providers may complete a Medical Certification for service-member caregiver leave: a Department of Defense (DOD) healthcare provider; a U.S. Department of Veterans affairs (VA) healthcare provider; a DOD TRICARE network authorized private healthcare provider; or a DOD non-network TRICARE authorized private healthcare provider.

7.84 “INCAPACITY”

Means an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom and include the inability to perform the essential functions of the employee’s position. Incapacity also includes absences from work to receive medical treatment for the serious health condition during the absence for treatment.

7.85 “NEXT OF KIN”

Used with respect to an individual, means the nearest blood relative of that individual.

7.86 “OUTPATIENT STATUS”

With respect to a covered service member, means the status of a member of the Armed Forces, including the National Guard or Reserves, assigned to:

1. a military medical treatment facility as an outpatient, or
2. a unit established for the purpose of providing command and control of members of the Armed Forces, including the National Guard or Reserves, receiving medical care as outpatients.

7.87 “PARENT”

Means the employee’s or covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis when the employee was a child. This definition does NOT include parents- in-law.

7.88 “QUALIFYING EXIGENCY LEAVE

(QE Leave) refers to employees who meet the FML eligibility requirements (which are governed by federal regulations) and may be entitled to use up to twelve (12) work weeks of their Military Family Leave entitlement each FML year to address the following:

1. Short-notice deployment (up to seven (7) workdays of leave);
2. Attending certain military events;
3. Arranging for alternative childcare;
4. Addressing certain financial and legal arrangements;
5. Periods of rest and recuperation for the service member’s active duty status;
6. Attending certain counseling sessions;
7. Attending post-deployment activities (available for up to ninety (90) calendar days after the termination of the covered service member’s active duty status;
8. Other activities arising out of the service member’s active duty or call to active duty and agreed upon by the County.

7.89 “SERIOUS HEALTH CONDITION”

Means an illness, injury, impairment, or physical or mental condition involving:

1. Any situation resulting in in-patient care (an overnight stay in a hospital, hospice, or residential medical facility), including any period of incapacity and subsequent treatment, or
2. Continuing treatment by a health care provider in the following situations:
 - a. A period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to that condition that involves either:
 - 1) two (2) or more visits to the health care provider within thirty (30) days of the first day of incapacity (unless extenuating circumstances exist); or
 - 2) at least one (1) treatment by a health care provider during an “in-person” visit within seven (7) calendar days of the first incapacity that results in a regimen of continuing treatment under the supervision of the health care provider;
 - b. Incapacity due to pregnancy or for prenatal care;
 - c. Any period of incapacity or treatment due to a chronic serious health condition;
 - d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of but not necessarily treatment by a health care provider (e.g., Alzheimer’s, stroke, terminal disease); or

- e. Any period of absence required to receive multiple continuing treatments by a health care provider or provider of health services under orders of or referral by a health care provider or for a condition that would likely result in a period of incapacity of more than three (3) consecutive, full days if untreated (e.g., chemotherapy, radiation, kidney dialysis, physical therapy, or severe arthritis).
- f. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on-or-off-the job, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, or recovery from childbirth.
- g. Incapacity due to an injury or illness incurred by a member of the Armed Forces, including a member of the National Guard or Reserves, in the line of duty of active duty, that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

“7.90 “SON OR DAUGHTER”

Means a biological, adopted, or foster child, a stepchild, a legal ward, or child of a person standing “in a parental capacity” in loco parentis, less than eighteen (18) years of age who is either under age eighteen (18) **OR** eighteen (18) years of age or older and “incapable of self-care because of a mental or physical disability.

For purposes of taking QE Leave or Service Member Caregiver Leave, the son or daughter must be on active duty or call to active duty status, but may be any age.

7.91 “SPOUSE”

Means a husband or wife as defined or recognized under Texas state law, including common law marriage. (A person is not a spouse merely because they are an employee's cohabitant. A person is not a spouse unless married to the employee. If an employee claims a status inconsistent with what is officially recorded on County records, the employee must provide appropriate documented proof of that change in status.)

7.92 REASONS FOR FAMILY AND MEDICAL LEAVE

The Sheriff or the Sheriff's designee must grant FML for any of the following reasons:

1. To care for the employee's son or daughter after birth, adoption, or acceptance of a son or daughter for foster care;
2. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
3. Because of a serious health condition that makes the employee unable to perform the functions of his/her position.

4. To care for the spouse, parent, son or daughter, or next of kin, of the employee, if such spouse, parent, son or daughter or next of kin incurred the injury or illness on active duty in the Armed Forces, including the National Guard or Reserves.
5. To participate in activities related to a covered service member's deployment and post-deployment as part of his or her "active duty" or "call to active duty" status. (See 4.53 "Definitions" section: **Qualifying Exigency Leave.**)

7.93 ADVANCE NOTICE

1. An employee must provide at least a thirty (30) calendar day advance written request to their supervisor before Family and Medical Leave is to begin if the need for the leave is foreseeable. If a thirty (30) calendar day notification is not possible, written notice must be given as soon as possible. The employee will make such notification, or, if physically unable to do so, may have a family member make such notification on their behalf. Should the employee fail to provide written notice or is unable to provide notice of their leave to their supervisor, the supervisor may designate the leave as Family and Medical Leave.
2. All leave, paid or unpaid, taken once notice is given of the need for FML will be counted against the annual leave entitlement under FML.
3. Under certain circumstances, the County may designate leave as FML even if the employee does not. Such designation will be made in discussion with the supervisor and the Human Resources/FML Authority.

7.94 MEDICAL CERTIFICATION

Medical Certification is required when a request for FML is made due to the birth of an employee's son or daughter, the employee's own serious health condition, or to care for a seriously ill spouse, son or daughter, or parent. A new certification is required for each subsequent leave year if the FML is for an ongoing serious health condition beyond the initial diagnosis and certification period.

1. Required medical certification is the appropriate FML Certification of Health Care Provider Form (WH-380E, WH-380-F or WH-385). These forms are available on the County Employee Website in the HR Documents Library. The forms must be completed in full by the employee's (or the ill family member's) health care provider.

Additional documents in the FML package are the Medical Authorization Forms, which are also available in the Family and Medical Leave section of the Tarrant County Employee Website. These signed authorizations give the healthcare provider representing Tarrant County permission to contact the employee's or family member's healthcare provider as part of the FML eligibility determination process, if needed.

2. Certification documents may accompany the leave request but must be received by the Human Resources Department within fifteen (15) calendar days after FML is requested. If the employee fails to provide the required medical certification within the allotted time, FML may be delayed until such certification is provided.
3. If the employee is on FML for more than thirty (30) calendar days, the supervisor will request the employee to submit a medical certification that validates the need for the employee to continue to remain off duty unless the amount of time specified on the initial certification is

greater. Under certain circumstances, such as the supervisor receiving information which casts doubt on the validity of the certification or circumstances described by the previous certification have changed significantly [e.g., the duration or frequency of absences, the severity of the condition, or complications, etc.] re-certification may be required at reasonable intervals. See (4) below.

4. If the Sheriff (or his or her designee) doubts the validity of a medical certification, or simply desires the opinion of another provider, the employee may be required to obtain a second opinion at the County's expense. The requirement for the employee to obtain a second opinion will be a joint decision of the supervisor and the Director of Human Resources. The Director of Human Resources will designate the health care provider (whom the County cannot regularly employ or have under contract on a regular basis) who will provide the second opinion.
5. Any employee absences related to approved FML, but taken after a physician's FML release date, shall not be deemed as approved FML without documentation from the physician to certify the additional leave period.
6. A fitness for duty certification from a health care provider is required before an employee returning from FML leave for their own serious health condition may return to work. A fitness-for-duty certification is required after pregnancy-related leave only if the leave was for the employee's own serious health condition that prevented them from performing their job; however, this requirement does not apply to FML leave taken for bonding with a newborn child. Employees on an intermittent/reduced leave schedule may also be required to provide certification as permitted under 29 C.F.R. §825.312(f) of the Act. Employees will be notified in writing if a Fitness-for-Duty release is required.

7.95 QUALIFYING EXIGENCY CERTIFICATION

Exigency Certification is required when a request for Military FML is made due to the deployment and post- deployment of a covered service member who is an employee's 1) spouse, 2) son or daughter of any age; or 3) parent.

Required certification is the Certification of Qualifying Exigency for Military FML Form (WH-384) which can be found on the Tarrant County Employee Website in the HR Documents Library. With the form, the employee must attach a copy of the covered service member's active duty orders or other documentation issued by the military. The military documentation must show that the covered service member is on "active duty" or "call to active duty" status in support of a contingency operation and include the dates of the member's active duty service.

7.96 ADOPTION OR FOSTER CARE DOCUMENTATION

The employee requesting FML for adoption or foster care reasons must give his or her supervisor a letter or other document from the agency through which s/he is adopting or receiving a foster care son or daughter, attesting to the fact that the employee has applied and has been accepted to become an adoptive or foster parent. The supervisor must receive such a letter or document within fifteen (15) calendar days after the employee's request for FML. Failure to provide such information within fifteen (15) calendar days may delay FML until such information is provided.

7.97 LEAVE DURATION

An eligible employee is entitled to use a total of twelve (12) work weeks of FML during any twelve (12) month period. The twelve (12) month period will be measured forward from the date the employee's initial FML begins.

An employee who uses Family and Medical Leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, is entitled to a one time combined total of twenty-six (26) workweeks of leave within a single twelve (12) month period, to care for the service member who is undergoing medical treatment, recuperation, or therapy, is in outpatient status or is on a temporary disability retirement list for a serious injury or illness. This leave runs concurrently with other FMLA qualifying leave.

When using Military FML with other FML leave, the total will not exceed a total of twenty-six (26) workweeks. This leave may also be taken intermittently or on a reduced leave scheduled, if medically necessary. If the employee does not take all twenty-six (26) weeks during the twelve (12) month period, the remaining weeks are forfeited. The twenty-six (26) week leave entitlement is to be applied on a per-covered service member, per-injury basis.

An eligible employee is entitled to use a total of twelve (12) work weeks of Qualified Exigency (QE) Leave during any twelve (12) month period. QE leave may be taken on an intermittent or reduced leave basis.

1. If both husband and wife are employed by Tarrant County and are otherwise eligible for an FML, the husband and wife may be limited to a combined total of twelve (12) weeks of leave during the twelve (12) month FML period if the leave is taken:
 - a. for birth of the employee's son or daughter or to care for the child after birth;
 - b. for placement of a son or daughter with the employees for adoption or foster care, or to care for the child after placement;
 - c. to care for the employee's parent with a serious health condition.
Where personal illness or illness of a son or daughter is the reason for the leave, each spouse is eligible for the full twelve (12) weeks, if needed.
2. If both husband and wife are employed by Tarrant County, and are requesting Military FML, the husband and wife may be limited to a combined total of twenty-six (26) weeks during the twelve (12) month FML period.
3. If both husband and wife are employed by Tarrant County, and are requesting Qualifying Exigency Leave, the husband and wife may be limited to a combined total of twelve (12) weeks during the twelve (12) month FML period.
4. An employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of the twelve (12) month period beginning on the date of the birth or placement. Any such FML leave must be concluded within this one (1) year period. The Appointing Authority will determine if the employee must take the time intermittently or all at once.
5. FML may be taken as prescribed by the certification from the attending health care provider in intermittent periods such as for medical appointments or for chemotherapy. Regularly scheduled work missed due to the use of intermittent FML shall be counted toward an employee's FMLA leave entitlement. However, an employee is allowed to make up time to compensate for lost wages if the FMLA leave was unpaid.

6. FML may be taken on a “reduced leave schedule” where the employee’s number of working hours per workweek or workday is reduced to adapt to the certified needs of the employee.
7. If the employee needs additional time off work after the twelve (12) week maximum (or twenty-six (26) workweeks as specified above), the employee may make such a request following the guidance contained in the Rules for paid leave (if the employee still has unused paid leave in the account). If the employee has no paid leave remaining and needs additional time, the employee may make such a request in writing for a Leave of Absence Without Pay subject to the Rules defined in this chapter. If the employee requires additional time, the combined FML leave and leave under the leave of absence without pay together cannot exceed ninety (90) cumulative business days during his or her Tarrant County employment.
8. Performance appraisals and accompanying pay increases may be delayed for those employees on Family and Medical Leave.

7.98 USE OF PAID LEAVE DURING FML

All eligible employees approved for FML, including Military FML and Exigency FML, will be required to use all appropriate paid leave, including sick/personal leave and vacation, if any, before going into an unpaid leave status. In many instances, it consists of paid time, if any, and unpaid leave combined together. It should be noted that sick leave may only be used as paid leave for the serious health condition of the employee, his/her spouse, son, daughter or parent. Those employees who are off duty due to work related injury or illness will be carried in accordance with the provisions of the Workers’ Compensation policy with such time running concurrent with Family and Medical Leave, and running concurrently with maximum salary leave, if any.

7.99 CONTINUATION OF MEDICAL BENEFITS

The County will maintain the employee’s same medical benefits coverage (if any) while the employee is on unpaid FML on the same conditions as coverage would have been provided had the employee been on paid status pursuant to the following provisions and conditions.

1. The employee continues to pay their share of their medical benefits premium while on FML in an unpaid status in the same manner as employees on regular “leave with pay.” Written notice of the terms and conditions under which an employee must make these payments will be provided to the employee. However, where timeliness of the leave does not coincide with receipt of the written notice, the employee may want to contact the Human Resources Department prior to beginning the leave to determine the terms and conditions under which they must make these payments.
2. An employee may choose not to keep medical benefits coverage during FML. However, when an employee returns to duty, the employee is entitled to have medical benefits reinstated on the same terms as before taking the FML, without any qualifying period, physical examination, exclusions of pre- existing conditions, unless such exclusions were already applicable. If the employee wishes to have medical benefits reinstated, the reinstated medical benefits will become effective on the first day of the month following the employee’s return to work.

3. If the employee's payment of their health benefits premium is more than thirty (30) calendar days late (that is, thirty (30) calendar days after the last work day of the month in which payment was due), the obligation for Tarrant County to maintain that insurance will cease.
4. Tarrant County will recover, from the employee, its share of medical benefits premiums paid during a period of unpaid FML if the employee fails to return to work after the employee's FML entitlement has been exhausted or expires, unless the reason the employees does not return to work is due to:
 - a. The continuation, recurrence, or onset of a serious health condition which could entitle the employee to leave under FML; or
 - b. Other circumstances beyond the employee's control.
5. In the event the employee does not return to County service after FML (or work hours are reduced), the employee may be eligible to continue health insurance coverage (medical, dental, and Section 125 medical reimbursement account elections) for self and dependents through COBRA. Employees who express an interest in COBRA will receive a notice regarding applicable premiums and coverage.
6. An employee who returns to work for at least thirty (30) calendar days is considered to have "returned" to work.

7.100 EFFECTS ON OTHER BENEFITS

- 1.**Retirement.** While the employee is on paid leave during FML, leave time is included in calculating eligibility for vesting and/or retirement.
- 2.**Sick Leave.** Sick leave benefits do not accrue for any period during which an employee is on unpaid FML.
- 3.**Vacation.** Vacation benefits do not accrue for any period in which the employee is on unpaid FML.
- 4.**Dental Insurance.** While the employee is on unpaid FML, the individual must continue to pay premiums for dental insurance if continued coverage is desired.
- 5.**Life Insurance.** While the employee is on unpaid FML, the individual must pay the life insurance premiums if continued coverage is desired.

7.101 RETURN RIGHTS

When an employee returns from FML, the employee is entitled to be returned to the same position the employee held when leave began (if the position remains available), or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

1. If the employee gives written notice that s/he unequivocally will not return to work, all obligations to that employee under the FML Act will cease at the time of such notice.
2. An employee who is approved for FML and wants to return to work must provide a written notice of his or her intent to return to work at least one (1) day before the expected return date. An employee returning from FML occasioned by the employee's serious health condition will be required to present a medical certification from the employee's health care provider stating that the employee can resume work. The employee may be denied restoration to employment until s/he submits the required medical certification to the supervisor.

7.102 NOTICE TO EMPLOYEE OF FML REQUIREMENTS

When an employee provides notice to his or her supervisor of the need for FML, the supervisor will give the employee the following documents:

1. the Family and Medical Leave Policy;
2. the FML Request Form (CS-10);
3. the appropriate FML Certification Form(s);
4. the employee's job description (to attach to the medical certification if the FML request is for the employee's own serious condition);
5. the Medical Authorization Form.

All FML forms can be found on the Tarrant County Employee Self-Service Website under Countywide Forms in the Human Resources tab. Employee job descriptions can be accessed via the "Job Opportunities" link on the Tarrant County website at www.tarrantcounty.com.

7.103 RIGHT TO FILE A COMPLAINT

If the employees feel their rights under the Act have been violated, they may file a written complaint with the Commission or (if the employee is not a Civil Service employee) the Sheriff or the Sheriff's designee. If the written complaint has been on file for at least one (1) week, the Commission or the Sheriff or the Sheriff's designee (as applicable) will begin a hearing of the complaint without delay, and will render a decision after deliberation, but by one (1) work day after that hearing. Written notice will advise the employee of the decision, which will also include additional sources of relief should the decision not be favorable to the employee. Such sources of relief include an employee's option to file a complaint with the Secretary of Labor or to file a private lawsuit. The law has a two (2) year statute of limitations both for private lawsuits and filing a complaint with the Labor Department.

Denial of a leave of absence from duty requested by an employee who has been in the Tarrant County Sheriff's Department for less than one (1) year immediately preceding the date of leave is not appealable or grievable to the Civil Service Commission.

7.104

Employees cannot waive the taking of FML, nor may the County induce employees to waive future FMLA claims.

PEACE OFFICERS' MENTAL HEALTH LEAVE

7.105 PEACE OFFICERS' MENTAL HEALTH LEAVE

Chapter 614, Texas Local Government Code, Subchapter A-1 provides financial protections to peace officers accessing mental health leave who experience a traumatic event in the scope of employment. The statute entitles peace officers of law enforcement agencies to mental health leave without a deduction in salary or other compensation effective September 1, 2021.

The Tarrant County Commissioners Court, being the County's policy development and budgetary control body, is the final authority in defining the Mental Health Leave Policy as prescribed by Chapter 614, Government Code, Subchapter A-1 relating to mental health leave for peace officers. The Commissioners Court may authorize exceptions to this policy or amend this policy at any time.

7.106 DEFINITIONS

- A. Law Enforcement Agency is an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.
- B. Peace Officer is an individual described by Article 2.12, Code of Criminal Procedure, who is elected or employed by or appointed by a political subdivision.

7.107 POLICY GUIDELINES

Peace Officers who experience a traumatic event in the scope of employment will be eligible for mental health leave. The following events will qualify for Mental Health Leave. This list is not all inclusive. Management may deem other unique situations as qualifying events with approval from Human Resources.

- A fatal auto accident or event
- Catastrophic injuries or events
- On-the-job shootings

Officers will receive all employment benefits and compensation including leave accruals, pension benefits, and health plan benefits for the duration of the mental health leave. While on mental health leave, the Officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balances will not be reduced. The paid leave under this policy will be the employee's base rate of pay.

Mental Health Leave will not exceed twenty-four (24) hours of leave for an approved traumatic event. Mental Health Leave will run concurrent with Administrative Leave, if any, as described in the Civil Service Rules, Chapter 4 or the Sheriff's Civil Service Rules, Chapter 7.

Mental Health Leave should remain confidential and treated as protected health information (PHI).

Officers using Mental Health Leave are encouraged to access mental health services available through the County's health plans and Employee Assistance Program as well as mental health services provided in the community.

Employees on Mental Health Leave may be eligible for worker's compensation benefits and/or protection pursuant to the Family Medical Leave Act. Employees should contact Human Resources for additional information. Payments to employees under this Policy are subject to recoupment to the County by the employee in the event a determination is made that an employee received compensation from more than one source.

7.108 ADMINISTRATIVE GUIDELINES

- A. This policy will be implemented and administered collaboratively by the impacted departments: Human Resources, Auditor's Office, and the County departments employing Peace Officers.
- B. All departments that have an employee eligible for this leave must comply with all policies, procedures, and guidelines.
- C. The Commissioners Court, as the policy-making authority, may amend this policy as needed.

QUARANTINE AND ISOLATION LEAVE

7.109 POLICY STATEMENT

Chapter 180, Texas Local Government Code, provides financial protections to peace officers, detention officers and emergency medical technicians who are quarantined or isolated as a result of exposure to a communicable disease. The statute requires employers to offer paid leave to these employees and prohibits the exhaustion of personal or vacation leave relating to the paid leave. The paid leave under this policy will be the employee's base rate of pay.

The Tarrant County Commissioners Court, being the County's policy development and budgetary control body, is the final authority in defining the Quarantine Policy under Chapter 180, Texas Government Code relating to quarantine leave for peace officers, detention officers and emergency medical technicians who shall be quarantined due to a possible or known exposure to a communicable disease while on duty. The Commissioners Court may authorize exceptions to this policy or amend this policy at any time.

7.110 DEFINITIONS

- A. Detention Officer is an individual appointed or employed by Tarrant County as County jailer or other individual responsible for the care and custody of individuals incarcerated in a County jail. This shall include employees in the Confinement Bureau of the Sheriff's Office and Detention Division of Juvenile Services.
- B. Peace Officer is an individual described by Article 2.12, Code of Criminal Procedure, who is elected or employed by or appointed by a political subdivision.
- C. Emergency Medical Technician is an individual who is certified as a medical technician under Chapter 773, Health and Safety Code, and is employed by the County.
- D. Health Authority is a physician appointed under the provisions of Section 121.021 of the Health and Safety Code to administer state and local laws relating to public health within the appointing body's jurisdiction.
- E. Communicable Disease means an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment that is required to be reported to the Texas Department of Health by the Texas Health and Safety Section 81.041.7
- F. Quarantine Leave means an officer's time away from work to quarantine or isolate pursuant to this Quarantine and Isolation Policy.

7.111 POLICY GUIDELINES

Peace officers, detention officers and Emergency Medical Technicians who are on Quarantine Leave shall receive all employment benefits and compensation, including leave accruals, pension benefits, and health plan benefits for the duration of the quarantine or isolation. While on Quarantine Leave, an employees' sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave will not be reduced.

Employees on Quarantine Leave are eligible for reimbursement for reasonable costs related to quarantine or isolation, including lodging, medical and transportation. Prior to incurring any costs related to reimbursement pursuant to this policy, employee must contact Budget and Risk Management for additional instructions.

An employee may only be placed on Quarantine Leave by their supervisor, or by the County's Local Health Authority ("LHA") or designee, in accordance with directives provided by the LHA. Supervisors who place an employee on Quarantine Leave must, within two days, obtain an order from the LHA, that supports a need for continued Quarantine Leave.

Employees on Quarantine Leave may be eligible for worker's compensation benefits and/or protection pursuant to the Family Medical Leave

Act. Employees should contact Human Resources for additional information. Payments to employees under this Policy are subject to recoupment to the County by the employee in the event a determination is made that an employee received compensation from more than one source.

An order issued pursuant to this policy is effective until the individual is no longer infected with a communicable disease or, in the case of possible exposure, expiration of the usual incubation period for the disease, unless extended by the LHA based on individualized circumstances.

7.112 ADMINISTRATIVE GUIDELINES

- A. This policy will be implemented and administered collaboratively by the impacted departments, Public Health, Human Resources, Auditor's Office, Budget and Risk Management and the County Administrator's Office.
- B. All departments that have an employee subject to this Quarantine and Isolation Policy must comply with all policies, procedures and guidelines.
- C. The Commissioners Court, as the policy making authority, may amend this policy as needed.

CHAPTER 8
PROBATION

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8.01 PROBATIONARY PERIODS

1. It is the purpose of the probationary period to test the capability and willingness to perform of the newly-hired, transferred, or promoted employee and to provide a set period of time in which to train the probationer in the skills and knowledge necessary to perform the assigned duties. Probation may also be used as a disciplinary tool, and employees or appellants may be placed on disciplinary probation for a period of time upon mutual agreement of the Sheriff's Office and the employee or appellant, as part of an agreed upon settlement of a disciplinary charge under these rules. An employee on disciplinary probation shall be accorded the same status as an employee on "original probation" pursuant to 8.07, for the duration of any agreed upon time period of disciplinary probation. Disciplinary probation may not be imposed by the Tarrant County Sheriff's Department Civil Service Commission, but only through mutual agreement of an employee or appellant and the Sheriff's Office. An employee on disciplinary probation shall have no right of appeal to the Sheriff's Department Civil Service Commission pursuant to Chapter 12 of these rules.
2. There will be no new probationary period following:
 - a. Reduction in rank or return to former assignment following the unsuccessful completion of a probationary period without disciplinary action, except for employees still fulfilling their original probation as newly hired employees.
 - b. Rehiring of employees within one year of layoff if the employee was laid off due to shortage of positions, and if the employee had successfully completed probation prior to being demoted due to a shortage of positions.
 - c. Reinstatement of an employee following separation due to a work- related injury.

DEFINITIONS

The number of hours constituting the workweek for a full-time employee of the Tarrant County Sheriff's Department is generally forty (40) hours. The workweek begins on Saturday and goes through the following Friday.

To address exigent situations, an employee's supervisor may temporarily adjust the workweek of any individual employee or group of employees to require overtime in addition to regular work hours, resulting in a normal workweek of over 40 hours.

8.02 "DIVISION"

Means one of the following components of the Sheriff's Department:

DIVISIONS OF GENERAL SERVICES BUREAU

Personnel and Recruiting Division

Accounting Division

Internal Affairs Division

Property and Evidence Division

Community Relations Division

Warrants Division
Communications Division
Criminal Investigations Division
Patrol Division
Judicial Services Division

DIVISIONS OF CONFINEMENT BUREAU

Belknap Unit
Correction Center Support – Services (Booking/Intake), Bond Desk, Property, Support Laundry, Jail Administration, TDC Desk
Greenbay Unit

8.03 “INTERBUREAU TRANSFER”

Means the transfer from one Bureau to another.

8.04 “WORKING DAY”

In this chapter only means any day Monday through Friday that is not declared a holiday by the Commissioners Court, regardless of whether or not an employee is assigned to work on that day and regardless of whether or not an employee actually works on that day.

8.05 LENGTH OF PROBATIONARY PERIOD

A probationary period shall be 180 days, except for employees promoted or newly hired into peace officer positions, Detention Officer positions, Crime Scene Investigator positions or Dispatcher positions who serve a probationary period of 365 days. Employees reinstated after voluntary separation will likewise serve a probationary period of 180 days.

A probationer who is reassigned duties within the same Bureau, but not promoted, by the Sheriff or supervisory personnel shall not have any probationary period interrupted. An employee who is promoted during a probationary period shall be on probation for the longer of the time remaining in the probationary period in place before promotion, or the applicable probationary period following promotion.

An extended probation may be authorized for newly hired employees and employees promoted into supervisory positions. Such extensions are at the discretion of the Sheriff that shall not exceed 180 days. Any probation extension shall be made in writing and filed with the Civil Service Commission

Means an eight (8) hour work day, unless otherwise assigned or specified.

8.06 EVALUATION OF PROBATIONARY PERIOD

The probationer shall be evaluated at least twice during the probationary period by their immediate supervisor. One evaluation must be at the midpoint of the probationary period and a second evaluation must be not less than ten (10) days prior to the end of the probationary period.

8.07 FAILURE TO COMPLETE PROBATION

1. Original Probation and Promotional Probation: The Sheriff, upon showing of just cause to believe that improper conduct as defined in 12.02 and 12.12 has occurred or upon determining that the employee does not have the necessary skills and abilities to carry out the new job, has the authority to, and shall, return the probationer to the previous rank, transfer the employee to another appropriate position, or terminate employment if the employee is on original probation. Just cause exists if there is documented showing of failure to meet the standards of performance set by the Department, or the documented showing of a lack of willingness to perform required duties, or a lack of dependability, or a combination of any or all of these factors.
2. Interbureau Transfer Probation: An employee transferred from one Bureau of the Department to the other is automatically on probation to determine suitability for the position to which transferred.
3. The Sheriff has the authority to, and may, upon the request of the Bureau Chief, return any employee who fails to complete probation after transfer to the employee's original position, or to any position for which the employee has been shown to possess the required skills.

8.08 NOTICE AND APPEAL OF FAILURE TO COMPLETE PROBATION

1. The employee on probation who receives a notice of return to a prior position, or a notice of transfer to another position, or if on original probation, a notice of termination, may appeal to the Sheriff within five (5) working days.
2. The Sheriff shall have ten (10) working days to review the appeal and make a decision.
3. The decision of the Sheriff shall be final.

NEPOTISM

8.09

A supervisor may not directly or indirectly supervise a relative who is related to the supervisor in any of the following relations:

1. **Forbidden Blood Relatives:** Parents, children, brothers, sisters, grandparents, grandchildren, great-grandparents, great-grandchildren, uncles, aunts, nephews and nieces.
2. **Forbidden Persons Related Only By Marriage:** Husbands, wives, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, spouse's grandparents, spouse's grandchildren, step- children and step-parents.

A person directly supervises a relative when he or she is the immediate supervisor of a relative. A person indirectly supervises a relative when he or she is in the chain of command above the relative's immediate supervisor.

Aunts, uncles, nieces and nephew related only by marriage are not forbidden.

CHAPTER 9
RECORDS AND REPORTS

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9.01 OFFICIAL ROSTER.

The Department shall maintain a complete official roster of employees, showing each employee's name, address, telephone number, Bureau and Division assignment.

9.02 ACCESS TO DEPARTMENT AND COMMISSION RECORDS.

The Civil Service Commission shall have access to the official roster for routine use which is compatible with the purpose for which the roster was compiled, as necessary to carry out the Commission's duties.

As provided by Government Code § 552.022, the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body is public information. However, where the specific assignment of an employee, if publicly known, would compromise the safety of that employee or the functioning of the Department, the specific assignment will not be publicly released, except as required or authorized by law.

As to peace officers, no information relating to the home address, home telephone number, social security number, or information that reveals whether the employee has family members shall be publicly released. As to non-peace officer employees, no information relating to the home address, home telephone number, social security number, or information that reveals whether the employee has family members shall be publicly released if the non-peace officer employee has elected in writing to close such information to public access under the Public Information Law, Government Code § 552.024, by filing a written election to close such information with the Tarrant County Human Resources Department and with the Department. An employee may elect, in writing, to close or open public access to that employee's information in accordance with the Public Information Law; an employee shall provide such election in writing to both the Tarrant County Human Resources Department and the Tarrant County Sheriff's Department.

Nothing herein shall prevent the disclosure of the roster to other government officials or departments as may be necessary for the performance of any government function. Nothing herein shall preclude the disclosure of information in response to, or in the course of, official inquiries or proceedings. Nothing herein shall be read to be in contravention of the Texas Public Information Law, Chapter 552, Texas Government Code, formerly known as the Open Records Act, or any other law.

9.03 DESTRUCTION OF RECORDS.

Records pertaining to a complaint and the investigation of such shall be kept permanently. Records pertaining to any examination, eligibility list or lists and general miscellaneous correspondence may be destroyed after five (5) years, if permitted by law. Drafts may be destroyed earlier if permitted by law.

9.04 PERSONNEL RECORDS.

In this section, “employee record” means any letter, memorandum, or document maintained by the Department that relates to a Department employee.

An employee record relating to disciplinary action taken against an employee or to alleged misconduct by the employee that is placed in the employee’s permanent personnel file shall be removed from the employee’s file (and moved to an administrative file) if a court or an administrative body of competent jurisdiction, including the Sheriff’s Department Civil Service Commission, determines that:

1. The disciplinary action was taken without just cause, or
2. The charge of misconduct was not supported by sufficient evidence. Provided, however, that no document will be destroyed contrary to law.

CHAPTER 10
PROHIBITIONS AND PENALTIES

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10.01 UNLAWFUL DISCRIMINATION FORBIDDEN.

No person shall be denied employment or promotion or in any way favored or discriminated against by reason of political opinion or affiliation, or by reason of race (including hair texture or protective hairstyles such as braids, locks, and twists), color, sex, religion, national origin, disability, military, or Vietnam veteran status.

No person shall use his or her official authority or influence to coerce political action of any person or body. No person shall coerce an employee to participate in, or to refrain from participating in, a political campaign.

10.02 POLITICAL ACTIVITY.

1. No employee shall be obligated to contribute to any political fund or candidate, nor render any political service, and no person shall be removed or otherwise prejudiced for refusing to do so.
2. No employee shall solicit contributions for, nor be solicited to contribute to, any political party, candidate, or campaign during work hours, nor in any manner that constitutes improper use of county property.
3. Political opinion or affiliation is not grounds for any adverse employment action, including but not limited to separation or demotion.
4. An employee who becomes a candidate for election to public office shall notify the Sheriff promptly. An employee shall take appropriate precautions to ensure that no candidacy or other political activity of the employee will give the appearance of, or result in, the improper use of the employee's position, nor of County property.
5. It is presumed that an employee's political activity, including candidacy for public office, will not by itself impair an employee's ability to perform his or her duties. Political activity, including a candidacy, is only prohibited when, on its specific facts when taken in context, it is actually (not merely potentially) sufficiently hostile, abusive, or insubordinate as to disrupt significantly the continued operation of the office by having an effect upon the employee's performance, on others' performance, on discipline, or on harmony among coworkers. In evaluating particular political activity or a particular candidacy, the Sheriff or the Sheriff's designee shall balance the employee's interest in engaging in the political activity against the disruption caused by that activity to the effective and efficient fulfillment of the government's public responsibilities. The Sheriff or the Sheriff's designee, shall consider relevant factors, including at least:
 - a. The degree to which the employee's candidacy involves a matter of public concern;
 - b. Whether close working relationships are essential to fulfilling the responsibilities of the employee's assignment, and the extent to which the employee's candidacy may have actually affected these relationships;
 - c. The time, place, and manner of the employee's political campaigning activities;
 - d. The context in which the employee's activities were carried out; and

- e. The employee's actual responsibilities within the Department.
- 6. If, on balance, it appears that an employee's political activity or candidacy in fact presents an actual conflict with the employee's duties such that the balance tips against the employee, and if it further appears that the conflict presents a real, current, and insurmountable barrier that can only be resolved by the separation of the employee from the Department, the employee will be separated from employment. Upon making such determination that separation is necessary, the Sheriff or the Sheriff's designated representative shall promptly notify the employee in writing. The employee may appeal such determination to the Commission within five (5) calendar days of receipt of the written determination. The Commission may conduct a hearing to review the Department's determination, or may decide the issue at a meeting called for that purpose on written statements submitted by the employee and the Department, but in any event the Commission shall promptly notify the employee of its decision.

10.03 FRAUD PROHIBITED.

No person shall willfully or corruptly, alone or in cooperation with any other person or persons:

1. Defeat, deceive or obstruct any person in respect to his or her rights in relation to any examination or appointment in the Department;
2. Willfully falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified pursuant to the law or these rules, or the service rating of any employee or applicant, or aid in doing so, or willfully make any false representation concerning the same, or concerning any person examined;
3. Furnish any person any special or secret information or item for the purpose of either improving or injuring the prospects or chances of such person or another person in connection with any examination or appointment;
4. Impersonate any other person or permit or aid in any manner any other person to impersonate him or her in connection with any examination, test, review, appointment, or request for examination; or
5. Accept, provide, or assist in the accepting or providing of, urine or any other bodily fluid, or other real or simulated biological or chemical substance, or item for or in connection with any testing, identifying, or processing such that the results of any test, measure, or examination would fail to reflect the true information attributable to the person required to submit to the test, measure, or examination.

CHAPTER 11
EMPLOYEE RIGHTS DURING INTERNAL AFFAIRS INVESTIGATIONS

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DEFINITIONS:

11.01

“EMPLOYEE” means a classified employee as defined in 2.09, but does not include a probationary or temporary employee.

11.02

“COMPLAINANT” means a person claiming to be victim of discrimination or misconduct by an employee, or another person acting on information and belief, including but not limited to an officer of the Sheriff’s Office.

11.03

“INVESTIGATION” means the formal administrative investigation, conducted by the Internal Affairs Division of the Sheriff’s Office, of the alleged misconduct by an employee that may result in disciplinary action against that person pursuant to Chapter 12.

11.04

“INVESTIGATOR” means an agent or employee of the Office who is assigned to conduct an investigation.

11.05

“DISCIPLINARY ACTION” means a disciplinary suspension, disciplinary demotion, disciplinary separation or termination, reprimand, disciplinary transfer, disciplinary reassignment, or any combination of those actions, unless context requires otherwise.

11.06

For purposes of this chapter, **“NORMALLY ASSIGNED WORKING HOURS”** includes those hours during which a covered employee is actually at work or at the person’s assigned place of work, but does not include any time when the person is off duty on authorized leave, including sick leave.

11.07

“WARNINGS” include Miranda warnings and/or Garrity warnings, as context requires. A person being questioned under Miranda is suspected of criminal activity, has a right to remain silent, and may have an attorney present at questioning. A person questioned under Garrity is required to answer fully and truthfully and may be disciplined as insubordinate for failure to do so, and is not entitled to have an attorney present in the interview room. Persons who commit perjury may be prosecuted criminally for perjury, regardless of whether a warning was given, and regardless of whether the warning was a Miranda or a Garrity warning. Statements made under Garrity may be used administratively or civilly against the declarant, and may be used against anyone other than the declarant, but may be used against the declarant criminally only in a perjury prosecution or to impeach the declarant’s testimony. Statements made under Miranda may be used for any purpose.

CONDUCT OF INVESTIGATIONS:

11.08

An investigator shall not question an employee unless the complainant signs a written complaint. If the employee refuses to sign the written complaint, this refusal shall be documented, and the notation shall be signed by the witness and another investigator or supervisor.

11.09

A person shall not be assigned to conduct an investigation if the person is the complainant, the ultimate decision-maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct. This requirement applies to all levels of discipline, including first-, second-, and third-level discipline, without exception.

11.10

Before an investigator may question an employee who is the subject of an investigation, the investigator must inform the employee in writing of the nature of the investigation and provide the name(s) of the person(s) who complained against the employee. Unless the situation requires an immediate investigation because of exigent circumstances or involves a First or Second Level Discipline, an employee will be permitted 24 hours notice that they are scheduled for questioning. The employee may consult an attorney prior to questioning but the employee is not entitled to have an attorney present in the interview room if the interview is conducted under Garrity.

11.11

An investigator may not question an employee who is the subject of an investigation at that employee's home without:

1. Notifying that employee that they have the right to refuse questioning conducted at his/her home, and
2. Obtaining written permission from that employee.

11.12

An investigator may question an employee who is the subject of an investigation only during the employee's normally assigned working hours unless:

1. The exigent nature of the investigation, as determined by the Sheriff or his designee, requires interrogation at another time; and
2. The employee is compensated for the time spent in questioning on the same basis as for normally assigned working hours.
3. An employee being on leave for any reason during the course of an investigation may be considered an exigent circumstance as previously referred to in 11.12 (1).

11.13

An employee who is the subject of an investigation shall be informed of the identities of each investigator participating in questioning the employee. The employee who is the subject of an administrative (non-criminal) investigation shall be informed of their Garrity rights in writing. Refusal of the employee to sign an acknowledgment of receipt of Garrity rights shall subject the employee to discipline for insubordination.

This requirement applies to third-level discipline and may also be applied to first- and second-level discipline when deemed necessary by the investigator.

11.14

A questioning session of an employee who is the subject of an investigation may not be unreasonably long. In determining reasonableness, the gravity and complexity of the investigation must be considered. The investigators shall allow reasonable interruptions to permit the employee to attend to personal physical necessities.

11.15

An investigator may not threaten or discuss possible disciplinary action with an employee who is the subject of an investigation during an interrogation. However, an investigator may inform an employee that failure to truthfully answer reasonable questions directly related to the investigation or to fully cooperate in the conduct of the investigation may result in disciplinary action.

POLYGRAPH:

11.16

No employee may be suspended, discharged or subjected to any other form of employment action by the Department because the employee refuses to submit to a polygraph examination as part of an internal investigation regarding the conduct of the employee unless:

1. The complainant submits to and passes a polygraph examination (unless the complainant is physically or mentally incapable of being polygraphed); or
2. The employee is ordered to take an examination under 11.18 or 11.19.

11.17

For the purpose of this section, a person passes a polygraph examination if, in the opinion of the polygraph examiner, no deception is indicated regarding matter critical to the matter under investigation.

11.18

The Sheriff or the Sheriff's designee may require the employee to submit to a polygraph examination under this subsection if:

1. The subject matter of the complaint is confined to the internal operations of the Department; and
2. The complainant is an employee or appointee of the Department; and
3. The complaint does not appear to be invalid based on the information available when the polygraph is ordered.

11.19

The Sheriff or the Sheriff's designee may require the employee to submit to a polygraph examination under this subsection if the Sheriff or the Sheriff's designee considers the circumstances to be extraordinary and the Sheriff or the Sheriff's designee believes that the integrity of an employee or the Department is in question. The Sheriff or the Sheriff's designee shall provide the employee with a written explanation of the nature of the extraordinary circumstances and how the integrity of an employee or the Department is in question.

11.20

The results of an investigation that do not result in disciplinary actions against an employee may be placed in that employee's personnel file only if it is therein noted that the complaint was determined to be without merit, unfounded, not sustained, or has resulted in the exoneration of the employee.

11.21

The Sheriff's Department may not consider work time missed from regular duties by an employee due to participation in the conduct of an investigation in determining whether to impose disciplinary action or determining the severity of a disciplinary action.

11.22

The Department shall not conduct any investigation on a complaint in which the date of the incident is over 180 days old unless the Department can show the Secretary of the Civil Service Commission that the Department did not know about the incident prior to the complaint being filed. Any complaint brought by an individual (as opposed to a complaint brought by the Department regarding an incident previously unknown to command staff) 180 days or more after the incident occurred will not be the subject of discipline.

11.23

From the initial date a complaint is served on an employee under investigation, the Department has sixty (60) calendar days in which to complete the investigation and for the Board of Disciplinary Review (or in the case of a discipline that is less than a level three, a supervisor in that employee's chain of command) to determine what discipline shall be recommended and/or imposed. If the Department can show the Secretary of the Civil Service Commission that more time is needed, an extension may be granted by the Secretary.

11.24

An employee may not be given a criminal (Miranda) warning until the investigator suspects that criminal charges might be filed, at which time the warning must be given, before further questioning of the employee.

11.25

If an employee who is the subject of an investigation is questioned, the Department may make an audio recording of the entirety of the questioning session. The Department must record the entire questioning session and provide a copy of the tape to that employee within 10 business days of the request.

VIOLATIONS:

11.26

If the Department or any investigator violates any provision of this Chapter while conducting an investigation, then the Commission must be informed and may, in its discretion, reverse any third level disciplinary action taken against the employee.

11.27

Use as Evidence. Polygraph results are not admissible by any party in any disciplinary hearing before the Civil Service Commission. Proof of attempts to circumvent a polygraph test is admissible. Attempts to

circumvent a polygraph test shall be considered insubordination and may be the subject of disciplinary action.

CHAPTER 12

DISCIPLINARY ACTIONS, OTHER DEMOTIONS, SEPARATIONS AND APPEALS

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12.01 DISCIPLINARY ACTION DEFINED.

A disciplinary action is any action taken against an employee by the Department due to improper conduct by the employee that will result in separation or termination, suspension without pay, demotion, reduction in rank or refusal to rehire. A disciplinary suspension by the Sheriff without pay may not exceed ninety (90) work days.

However, the Commission may order a reinstatement of a terminated employee without back pay even if the result is that the employee will have been unpaid for over ninety (90) work days.

12.02 IMPROPER CONDUCT DEFINED.

Improper conduct includes any of the below-listed reasons and shall be grounds for disciplinary action. Just cause exists when one or more of the listed types of improper conduct have been documented by incident or evaluation reports or other supporting data.

1. Absence without leave;
2. Incompetency or inefficiency;
3. Insubordination;
4. Drinking alcoholic beverages while on duty; or intoxication while on duty, or while on call, or on or off duty while in the possession of a firearm or other weapon. A blood level of .02 shall be considered intoxication. A person who, because of young age, is not permitted to drink alcoholic beverages by law may be disciplined for illegal consumption of any alcoholic beverages. Refusal to take a test when requested to do so will result in a presumption of .02 intoxicated blood level. Intoxication may also be shown by testing;
5. Neglect of duty;
6. Negligence or willful damage to, or misuse of, public property or waste of supplies or equipment;
7. Violation of any law relating to duties of the employee or violation of any Civil Service Rule, Order, or Policy, or laws or rules relating to use of sick, vacation or other leave privileges, or relating to abuse of workers comp leave or benefits;
8. Fraud in securing appointment of self or others;
9. Dishonesty;
10. Use of illegal drugs, or controlled substances except as prescribed by a physician;
11. Conviction of a misdemeanor or a felony except for a class "C" misdemeanor, [for purposes of this provision, conviction includes being placed on probation or deferred adjudication or any other finding other than acquittal or unconditional dismissal of the charge];
12. Employees of the Sheriff's Office are required to maintain control of their actions and never abuse inmates, prisoners, citizens or fellow employees;
13. Failure to currently meet Tarrant County Sheriff's Office job requirements and licensing requirements by TCOLE;
14. Failure to achieve and maintain weapons proficiency as required by State law and Departmental policy;
15. Violation of, or willful disregard of, any lawful regulation or order made and given by a Department supervisor;
16. Discrimination or harassment in violation of Chapter 10 (Civil Service) or sexual harassment in violation of Chapter 18 (Civil Service);

17. Violation of the County's Workplace Violence Policy;
18. Just cause, as determined by the employee's conduct;
19. Conduct unbecoming an officer;
20. Has failed to keep in effect driver's license required in order to operate County vehicles, trucks, or personal auto;
21. Failure to demonstrate professional behavior that supports team effort and enhances team behavior, performance and productivity;
22. While on or off duty and in civilian clothes, duty weapons must be carried in a concealed fashion;
23. Employees shall not fraternize with inmates or Labor Detail participants and their families, including but not limited to:
 - a. Communicating with inmate's or participant's family;
 - b. Providing use of cellular phone to inmate's or participant's family;
 - c. Becoming romantically involved with inmate's or Labor Detail participant's family;
 - d. Performing errands for inmate's or participant's family;
 - e. Nothing in this rule prohibits employees from conducting their official duties.
24. Permission of the Sheriff is required for any commercial testimony using or referring to status as a Sheriff's Deputy or employee, using the Sheriff's Office uniform or equipment;
25. Employees shall not investigate criminal cases or other situations involving themselves or those close to them, regardless of their official job function;
26. Employees shall not refer bail bondsmen, attorneys, wrecker companies or any commercial service while acting in an official capacity;
27. Employees on Tarrant County property shall not be solicited, on or off the job, without the permission of the Sheriff;
28. No employee shall engage in behavior that results in justifiable unfavorable criticism of the Sheriff's Office;
29. Employees are required to report criminal activity or policy violations involving other employees;
30. Supervisors are expected to actively supervise and be role models for subordinate employees;
31. Employees are required to report changes of home address and home telephone numbers to their supervisor. It is the responsibility of the notified supervisor to insure the Sheriff's Personnel Office is notified as soon as possible, but in any event, within five (5) working days of changes;
32. Employees are responsible for knowing what is defined as Improper Conduct in the Civil Service Rules.

12.03 ELIGIBILITY TO APPEAL.

Any employee in classified service who has satisfactorily completed the probationary period may file an appeal when a question of just cause exists in matters of discipline involving termination, reduction in rank, or suspension without pay.

First and second level disciplines are not appealable through the Civil Service Commission. The appeal of first and second level disciplines must be brought forth to the following officials in this order for Confinement: Executive Chief Deputy of the Division, Executive Chief Deputy of the Bureau, and to the Sheriff. The appeal of first- and second-level disciplines must be brought forth to the following officials in this order for Operations: Executive Chief Deputy of the Division, Senior Chief, and to the Sheriff. The Sheriff's decision is final for Confinement and Operations appeals. The appeal must be initiated within

seven (7) business days from receipt of the discipline. Each level of official has seven (7) business days to respond (written or oral) from their receipt of the appeal. If the seventh business day falls on a holiday or weekend, the deadline is extended to the next business day.

12.04 PROGRESSIVE DISCIPLINE.

The purpose of this Progressive Discipline System is to ensure that discipline is imposed consistently and equitably, with the intention of correcting deficient performance and securing compliance with the working rules.

Types of Disciplinary Action:

12.05 GENERALLY.

Prior to suspension without pay, demotion, or termination, the appointing authority (depending on the severity of the employee's actions) may use lesser forms of disciplinary action. However, nothing in this paragraph shall prohibit the appointing authority from proceeding to the third level of discipline that includes suspension without pay, termination, or demotion, if the employee commits a major offense that warrants such discipline.

12.06 FIRST LEVEL DISCIPLINE.

This level deals with minor offenses. This level of discipline should be documented and signed by the supervisor and employee and allow for the employee to respond. Documentation should be distributed to the employee, Personnel and the immediate supervisor.

12.07 SECOND LEVEL DISCIPLINE.

This level of discipline deals with serious offenses or continuation of minor offenses that were not corrected in the first level of discipline. The second level of discipline may be used without the use of first level discipline when the offense is serious enough to warrant it. This level of discipline should also be documented in writing and include the signature of the supervisor and the employee. The employee should also be allowed to respond in writing to the discipline. Documentation should be distributed to the employee, Personnel, and the immediate supervisor.

12.08 THIRD LEVEL DISCIPLINE.

Third level discipline deals with major offenses or a continuation of serious offenses that were not corrected in the first or second level of progressive discipline. This level may be used without the use of the first or second level when the severity of the offense makes this level of discipline appropriate. Documentation should be distributed to the employee, Personnel and the immediate supervisor. Discipline that may be administered at this level includes:

1. **Demotion.** The movement of the employee from their present position to one with a lower starting salary and/or a lower maximum salary. A demotion also results in salary reduction as outlined in the Salary Administration Guidelines.

2. **Suspension Without Pay.** This is an ordered absence from duty without pay. This level of discipline requires a written notice and the right of the employee to respond before the suspension occurs. Suspensions without pay for FLSA exempt employees must be for a minimum of the length of one (1) full shift. Suspensions without pay for FLSA non-exempt employees must be for a minimum of eight (8) hour increments.
3. **Termination.** This is the most severe action of all. Termination is involuntary separation from the public service for rule violation, misconduct, or unsatisfactory job performance.

12.09 SUSPENSION WITH PAY.

The Sheriff's Office may order the employee to be absent from duty while in full pay status during the investigation or disciplinary process. This may be ordered when an immediate response is needed to a suspected but not fully substantiated allegation, when the investigation is under way, or when the proposed discipline is under appeal to the Sheriff.

12.10 DOCUMENTATION OF DISCIPLINARY ACTION.

1. Any officer or employee in the classified service may be removed, suspended without pay, or reduced in rank or compensation by the Appointing Authority after the probationary period has been served by an order in writing stating the following:
 - a. The cause for the discipline;
 - b. The specific reason supporting the cause;
 - c. The discipline to be imposed;
 - d. The effective date, and
 - e. The right of the employee to appeal to the Civil Service Commission for an appeal of this order (refer to Chapter 12).
2. The items 1 a-d above should also be used as a guide for documenting first and second level discipline.
3. Prior to imposition of third level discipline, a non-probationary employee will be given written notice of the charges and the opportunity to respond to the charges either orally or in writing. Exceptions to the right of rebuttal will occur when the employee's termination occurs as a result of the exhaustion of leave without pay benefits or when termination occurs as a result of the employee's failure to report to work for one (1) working day without notification to the supervisor. Employees are allowed five (5) calendar days in which to respond under this rule. Any response should be addressed to the Sheriff and delivered to the Internal Affairs Division of the Sheriff's Office.
4. A final decision letter should then be forwarded to the employee after the employee's response along with the notice of the employee's right to appeal the decision to the Civil Service Commission.
5. The final decision letter shall be filed with the Civil Service Commission and a copy thereof shall be personally served on the employee forthwith or mailed to the employee's usual place of residence.
6. Any order terminating, demoting, removing, suspending without pay, or reducing an employee in rank or compensation is considered filed with the Commission when it has been received by the Secretary of the Commission or designated agent.

7. Prior to the final imposition of the Board of Disciplinary Review's recommended discipline, if the Sheriff and the employee reach a mutually agreed upon decision to impose a lesser third level discipline, then the employee is barred from appealing that discipline to the Civil Service Commission. The employee shall acknowledge in writing that by accepting the lesser discipline his/her right to appeal that discipline is waived.

12.11 JUST CAUSE AND NOTICE.

No employee shall be subject to any disciplinary action except when there is just cause to believe that improper conduct has occurred. The cause for disciplinary action shall be in writing. The written notice shall particularly state the reason(s) the Sheriff feels that disciplinary action is necessary.

At the completion of the disciplinary action process, a copy of the final action shall become a part of the employee personnel file. The reports and investigative notes shall be kept in the Sheriff's Office Internal Affairs Division for the appropriate retention period.

An employee may also be removed because of inability or incapacity to perform essential job functions. This is not disciplinary action but it may be appealed as if it were disciplinary action.

12.12 EMPLOYEE RIGHT OF APPEAL OF DISCIPLINARY ACTION.

An employee receiving third level disciplinary action as defined by §12.09 has the right to appeal that decision in writing, within seven (7) calendar days (exclusive of designated County or State holidays, and any full-day official County closures, such as for inclement weather or declared emergency) from the date of the final decision letter is issued by the Appointing Authority. The final decision letter is "issued" when it is delivered to the employee by hand delivery or mailed certified mail, return receipt requested to the employee's home address that is on file with Human Resources. The appeal must be filed by U.S. mail or hand delivered to: Tarrant County Human Resources Department, 100 East Weatherford, Suite 301, Fort Worth, Texas 76196, or by email sent to the Civil Service inbox: HRCivilService@tarrantcountytx.gov. An appeal is considered filed timely only if the appeal is actually received by the Human Resources Department within the appeal period, regardless of whether the appeal is submitted by mail, email, or hand delivery.

1. The Commission, upon timely receipt of an appeal, shall docket the matter for its next regular meeting or may set a special meeting to take up the matter. Continuances may be granted for good cause. An appeal must be filed within seven (7) calendar days from the date of the final decision letter.
2. The appeal is immediately placed on the agenda in the order received, provided the written appeal has been on file for at least fourteen (14) calendar days prior to the next scheduled hearing.
3. An appeal may be rejected by the Secretary of the Commission if determined not to be an appealable issue. Appeals submitted solely on the basis of TCOLE licensure revocation shall not be heard, as the Commission lacks authority to review, modify, or overturn state licensing actions, and an employee who is no longer legally licensed is ineligible to serve in any position requiring such licensure. The Commission will receive all evidence presented by the employee, as well as a written notification of the Secretary's determination. The Commission may overturn the decision of the Secretary and schedule a hearing for the appellant at the next regular meeting. The appellant will receive a written notification of all action taken.

4. A hearing date cannot be postponed or changed without the consent of the Commission. Except as hereinafter provided, either party requesting a continuance of the hearing date shall file a written Motion for Continuance with the Secretary of the Civil Service Commission. The Motion for continuance will be filed no later than the close of business five (5) business days preceding the hearing date. Each Motion for Continuance must set forth the reasons the continuance is sought and must be verified. In no event may any case be continued for more than twelve (12) months from its initial appearance on the Civil Service Commission's docket, except by written order of the Civil Service Commission after a specific showing of good cause. Absent such a written order, any case not decided by the Commission within twelve (12) months from its initial appearance on the docket shall be dismissed and the original proposed discipline be upheld.
 - a. The first continuance, on behalf of the employee, may be granted upon good cause shown. However, any subsequent motion for continuance must be accompanied by a waiver of right to back pay during the period of time inclusive of the date the matter was continued on the second agenda, to the time of the next scheduled meeting. The Civil Service Commission, may upon good cause shown by the employee or their representative, dismiss the provision requiring the back pay waiver.
 - b. A first request of continuance by the County shall be granted upon good cause shown. Any subsequent request for continuance by the County may result in the County owing back pay if the Appointing Authority is overruled by the Civil Service Commission.
5. A hearing date may be canceled under specific circumstances. The Chair shall have the authority to cancel any scheduled meetings of the Civil Service Commission upon determining that no substantive or time-sensitive business requires Commission action. When hearings have been set for that meeting, the Chair may exercise this authority only if all parties to each scheduled hearing have submitted written, agreed continuances to the Commission.
 - a. Each party to the appeal shall be informed when only two (2) commissioners (quorum) will be in attendance at the hearing. Either party to the appeal may request to delay the hearing until all three (3) commissioners are present. Notice of an objection needs to be filed prior to a hearing where a quorum of two (2) is present.
 - b. The Secretary of the Commission shall provide the Chair with all relevant information regarding scheduled hearings, agreed continuances, any appellant request for the presence of all three (3) Commissioners, and any other pending business pertinent to meeting cancellation. Upon the Chair's determination that cancellation is warranted, the Secretary shall issue timely written notice of the cancellation to all Commissioners and to all parties affected by the continuance or cancellations. The Secretary shall also ensure that all meeting cancellation notices are posted in accordance with applicable Open Meetings Act (OMA) requirements pursuant to Texas Government Code §551.043 and any related County posting procedures. In the event a meeting is cancelled, any hearing previously scheduled for that meeting shall be automatically continued to the next regularly scheduled Commission meeting.
6. The Civil Service Commission has the power to conduct such investigations as is deems necessary.
7. The Civil Service Commission shall vote in Open Session. The Secretary shall forward written documentation of the Commissioners final decision to the employee and the Sheriff within seven (7) calendar days after the end of the hearing.

8. The Civil Service Commission has the power to summon the Sheriff and any Sheriff's Office employee as a witness. The Commission also has the power to require any testimony, or production of any tangible records or objects in the possession of a party which are not protected by a legal privilege. The Commission may enforce this provision by imposing discipline against classified employees, referring other employees to the Sheriff for consideration of discipline, and/or by ruling against the Sheriff or an employee in the matter under consideration.

The Commission also has the power to issue subpoenas as provided in *Texas Local Government Code §158.0355*.

9. The Civil Service Commission may:
 - a. Uphold the disciplinary action of the Sheriff;
 - b. Modify disciplinary action as it may deem appropriate;
 - c. Reinstatement the employee with or without back pay; or
 - d. Grant any relief requested that is properly before the Commission.
 - e. In rendering a final decision regarding a disciplinary action by the Sheriff's Office, the Commission may only sustain, overturn, or reduce the disciplinary action. The Commission may not enhance a disciplinary action.
 - f. The Commission may approve and ratify any agreement between the Sheriff's Office and the employee or appellant, including any agreement in which an employee or appellant agrees, as part of a settlement of a disciplinary charge under these rules, to waive future rights under these rules or to a future period of disciplinary probation under Rule 8.01. However, the Commission may not impose disciplinary probation without the mutual agreement of the employee/appellant and the Sheriff's Office.
10. Reinstatement with back pay, as it applies specifically to an appeal before the Civil Service Commission, refers to returning the employee to the same job assignment they held at the time of the disciplinary action. Unless otherwise ordered by the Commission, this reinstatement includes all back wages and salary, with no loss of vacation or sick leave accruals. The employee may also be eligible for restoration of sick leave in accordance with Section 7.39. However, it does not include pay for any overtime hours the employee did not actually work. Coverage for healthcare benefits (medical, dental, life insurance, etc.) will be restored in accordance with applicable benefit plan provisions.

12.13 CONDUCT OF HEARING

1. The Sheriff or his designee shall be entitled to have representation and appear personally, and present evidence. The Sheriff's argument and evidence shall be presented first.
2. The appellant shall be entitled to have representation and appear personally, and present evidence. The appellant or appellant's representative may request the presence of any person whom the appellant believes possesses information relevant to the issues before the Commission. If the Sheriff objects to the relevancy of one (1) or more requested witnesses, the Commission shall make the final determination regarding relevancy. The appellant shall be allowed to decide if the hearing shall be open to the public or closed. If the appellant chooses to have a closed hearing, the following people are authorized to be present:

- a. Commission Members;
 - b. Appellant and his/her Representative;
 - c. Civil Service Staff;
 - d. Secretary of the Commission;
 - e. Sheriff's Office Representative(s) and their Counsel;
 - f. Court Reporter;
 - g. Witnesses during the time of their own testimony.
3. Any person outside the employment of the County may likewise file charges alleging a violation of Rule 12.02 and calling for the imposition of third level discipline against any employee or officer in the classified service. The charges may be filed directly with the Civil Service Commission. The complainant shall be entitled to have representation, appear personally, and present evidence.
 4. Appeal hearings are not formal in nature, therefore, technical rules of evidence shall not apply to such hearings or investigations and no informality in any of the proceedings or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved, or governed by the Commission.

The Sheriff and appellant shall have two (2) hours each to present his/her case. The two (2) hours shall include opening statements, closing statements, direct examination of witnesses, and any cross examination of adverse witnesses. Prior to the meeting, if more time is desired by either party than is authorized by these rules, the Commission may grant additional time if good cause is cited for the extension of time. The requesting party must appear before the Commission to request additional time. If the additional time is granted, the appeal will be heard at the next regular scheduled meeting date in the order in which the appeal was received. Additionally, only one (1) hearing will be heard before the Commission at each meeting. All other appeals will be automatically continued until the next regular scheduled meeting date.

5. The Commission shall be authorized to suspend, demote or terminate said employee. The finding and decision of the Commission shall be immediately certified to the Sheriff from whose order the appeal is taken, and the Sheriff shall immediately comply with the decision of the Commission.
6. No appellant may possess a firearm in any facility where a Civil Service hearing is conducted or where a Civil Service appeal is being heard except that representative of the Tarrant County Sheriff's Office who are not the subject of any action before the Commission may possess a firearm.

12.14 INVESTIGATION

- A. The employee, Sheriff or his designee, or his/her representative will be allowed to present pertinent facts of evidence and have witnesses to testify on their behalf. Each side will be allowed to cross-examine all witnesses and provide a rebuttal to the facts presented. The employee or his/her representative must submit in writing a list of all witness currently employed by the County so that they may be notified and required to attend the meeting at least three (3) working days prior to the next scheduled meeting. No witness list shall be carried forward to the next meeting. Witnesses are limited to only those persons who have actual knowledge of the facts.

- B. For purposes of the hearing, the appellant or the appellant's counsel must provide all exhibits intended for presentation. All exhibits must be labeled in numerical order. The appellant shall provide seven (7) legible copies of each exhibit. These copies will be distributed as follows:
- i. One (1) copy to each Commissioner;
 - ii. One (1) copy to the Appointing Authority's Counsel;
 - iii. One (1) copy for the appeal file;
 - iv. One (1) copy to the Secretary of the Commission;
 - v. One (1) copy for the podium where testimony is taken.

12.15 AMENDMENT OF CHARGES

At any time before the employee's appeal is submitted to the Commission for decision, the Appointing Authority may, with the consent of the Commission, serve on the employee and file with the Commission an amended or supplemental statement of charges. If the amended or supplemental charges present new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense thereto, but the individual shall not be entitled to file a further answer unless the Commission or the hearing board or officer so orders. Any new causes or allegations shall be deemed, controverted and any objections to the amended or supplemental charges may be made orally at the hearing.

12.16 DISCOVERY

1. An employee who has appealed to the Commission shall have the right to inspect and/or make copies of any non-privileged document in the possession of or under the control of the Sheriff's Office which is relevant to such appeal and which would be admissible into evidence at a hearing on such appeal. The employee shall also have the right to interview persons or employees having actual knowledge of the acts or omissions upon which the removal, suspension without pay, or reduction in rank or compensation was based.

Each interview is limited to generally one (1) hour, with any form of audio, video, or other type of tape recording prohibited. All documents copied by the County for an employee who has appealed to the Commission are subject to fees set by the Texas Open Records Act. The Sheriff's Office or representative shall have the same rights to inspect and/or make copies of documents and interview employees having actual knowledge of the acts or omissions as well as the employee who has appealed to the Commission as described above. Interviews for employees and inspections of documents shall be at a reasonable time and place for both the employee and Sheriff's Office or representative.

2. The Commission is empowered to compel any person to appear and testify before the Commission or to order the production of documents in accordance with Texas Local Government Code §158.0355. Furthermore, if the appellant or grievant or appellant's or grievant's representative otherwise requests the presence of any individual employed by the Sheriff's Office who may possess knowledge of relevant facts or the production of documents from the Sheriff's Office, and the requested witness fails to appear or the documents are not produced, it would be reasonable for the Commission to infer that any offer of proof made by the appellant or grievant or appellant's or grievant's representative could be confirmed by the individual or the documents.

3. The failure of a requested witness to appear who is not employed by the Sheriff's Office or the refusal to produce documents that are not in possession of or under the control of the Sheriff's Office would not be a basis for supporting any inference by the Commission.

12.17 EXCEPTIONS.

Actions that do not result in loss of monetary benefits or direct compensation shall not be considered appeals, although they may be pursued as grievances.

CHAPTER 13
GRIEVANCES

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13.01 PURPOSE

The purpose of this rule is to provide a forum for classified employees of the Tarrant County Sheriff's Department to present a grievance to the administrators of that Department without fear of reprisal, for prompt and fair consideration.

13.02 BASIC ASSUMPTIONS

It is assumed:

1. That any classified employee of the Tarrant County Sheriff's Department may initiate a grievance.
2. That the grievance procedure is a positive process which seeks to improve morale, discipline, and the functioning of the Department.
3. That the administrators of the Tarrant County Sheriff's Department have the right to maintain efficient operations to meet law enforcement needs.
4. That the basic responsibility for resolving grievances lies with the employee and the employee's supervisor.
5. That the employee may present witnesses on his or her behalf and may be represented by a person of the employee's choosing in all proceedings pertaining to his or her grievance.
6. That the Sheriff of Tarrant County will monitor all levels of this grievance procedure and will insist up on compliance with all its requirements.

13.03 DEFINITIONS

A GRIEVANCE is an action arising from a complaint an employee has concerning the administration of policies, procedures, rules, regulations, and operations of the Sheriff's Department, or a violation of the Code of Conduct affecting the employee, but does not include the following:

1. Departmental decisions that should be considered as appeals of disciplinary action resulting in loss of pay (See Chapter 12);
2. Salaries and economic benefits;
3. Discrimination complaints based on race (including hair texture or protective hairstyles such as braids, locks, and twists), color, sex, religion, national origin, age, disability, military, or Vietnam veteran status;
4. Personnel evaluation; or
5. Promotional examination issues (Chapter 6).

13.04 GRIEVANCE PROCESS

To file a grievance, employee must file it:

1. Within fifteen (15) calendar days of the action or inaction giving rise to the grievance;
2. By letter or memo; and
3. To his or her direct supervisor, with a copy to the Sheriff and to the Internal Affairs Division.

4. Each grievance and all documents related thereto will be maintained by the Internal Affairs Division.
5. Upon receipt of the written grievance, the employee's direct supervisor will arrange a meeting with the employee within five (5) calendar days.
6. If the grievance is resolved at the meeting, both parties shall reduce the resolution to writing and attach it to the original grievance and forward it to the Internal Affairs Division. The matter will then be considered concluded. If the grievance is unresolved, the employee may within five (5) calendar days appeal to the officials in the following order: Chief Deputy, Executive Chief Deputy and to the Sheriff. The original grievance, the statements and any other attachments will be reproduced and forwarded by the supervisor to the next official in the grievance process. Each level of official has five (5) calendar days to respond (written or oral) from their receipt of the appeal.
7. The employee has five (5) calendar days to appeal the decision of each official to whom the appeal was presented in the grievance process. All documents related to the grievance must be attached to the grievance when the grievance is presented to each official in the grievance process.
8. Upon receipt of the appeal, the Sheriff will review all of the facts pertaining to the grievance and has fourteen (14) calendar days to render a decision. If the Sheriff's decision sustains the employee's grievance, the Sheriff shall notify the employee in writing and shall also notify the appropriate officials stating the reasons for the decision. The decision of the Sheriff shall be final. Copies of the letter and all documents will then be sent to the Internal Affairs Division.
9. Failure of the Sheriff's department chain of command to act within the time limits established by this Chapter will give the employee the right to proceed to the next official in the process. Failure of the employee to act within the time limit established by this Chapter terminates the grievance process.

CHAPTER 14
PERFORMANCE EVALUATIONS

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14.01 PURPOSE

The performance evaluation shall serve as a means whereby individual supervisory personnel and individual employees will objectively review the performance of employees in relation to their duty assignments.

The performance evaluation shall further be a means of ascertaining and encouraging improvement in performance by individual personnel, and as a means for ensuring effective supervision.

14.02 FREQUENCY

Performance evaluation reports shall be prepared on an annual basis for all permanent employees not on probation. This does not include contract temporary personnel.

Performance evaluation reports shall also be prepared during probationary periods in accordance with Chapter 8, Probation.

14.03 RATING STANDARDS

Specific rating standards shall be applied uniformly in rating the efficiency and performance of each employee in accordance with the procedure adopted by the Civil Service Commission.

14.04 FACTORS RATED

The specific factors rated shall be applied uniformly in rating the efficiency and performance of each employee in accordance with the procedure adopted by the Commission. Factors to be rated shall be suggested by the Sheriff and the Sheriff's staff.

14.05 REVIEW

Upon completion of the performance evaluation, the rater shall conduct a meeting to review said performance evaluation with the subject employee in complete privacy. During this meeting, any progress, goals, suggestions for improvements and deficiencies shall be covered.

Any changes in performance rating must be initialed in ink by the employee and the rater.

14.06 SIGNATURES

Upon completion of the review of the performance evaluation report, the subject employee shall be afforded an opportunity to enter any comments in the appropriate space. The employee shall also indicate whether he or she does or does not wish to discuss the performance evaluation report with the reviewer. The rater and subject employee shall sign and date all copies of the report. The employee's signature indicates that the conference has been held and an opportunity afforded to read the report. If the employee refuses to sign for any reason, the refusal shall be recorded on the report, after which it shall be forwarded to the Administration Office, and to the Personnel Department, and shall be available to the Commission.

14.07 RECONSIDERATION OF RATINGS

Should the employee request a review of said performance evaluation report with the reviewer, the request shall be granted within five (5) work days.

Any changes or modifications of ratings at this level must be initialed by the reviewer and employee.

If the employee, after discussing the performance evaluation report with the reviewer, feels need for further review, the employee may appeal immediately in writing to the Bureau Commander. The Bureau Commander's decision shall be final.

14.08 COMMISSION MAY REQUEST COPY

A copy of all performance evaluations shall be forwarded to the Internal Affairs Division, to the Personnel Department, and shall be available to the Civil Service Commission upon request.

CHAPTER 15

TENURE, LAYOFFS AND REDUCTIONS IN RANK, RESIGNATIONS, RETIREMENT, DEMOTIONS AND SENIORITY

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15.01 TENURE OF CLASSIFIED EMPLOYEES.

1. Every employee who is legally employed in accordance with the provisions of the Civil Service law and these rules and who successfully completes his or her working test period shall have indefinite tenure of employment in the classified service during meritorious service, except as provided in these rules or applicable law.
2. The Sheriff or the Sheriff's staff shall report to the Commission on each appointment in the classified service and on each promotion, reduction, disciplinary suspension, transfer, separation, reinstatement or other change in employment on such forms as are prescribed by the Tarrant County Auditor.

15.02 LAYOFFS AND REDUCTION IN RANK.

1. Employees may be laid off or reduced in rank:
 - a. For reasons of economy or lack of work; or
 - b. Where there are more employees than positions in any class within the department.
2. The order of layoff or reduction shall be:
 - a. Employees in the classified service shall be laid off or reduced in rank within the department on the basis of inverse order of seniority in that rank or at a higher rank within the department, cost center, or division which the layoff or reduction in force is to be made. The order of layoff of general fund employees within the same job title or position in which the reduction of forces is to be made shall be:
 - 1) all temporary employees regardless of job title or position;
 - 2) all probationary employees regardless of job title or position that are employed in the same broad categories where the reduction will occur as defined by the County's pay systems (i.e. Exempt, Non-Exempt, and Law Enforcement, and
 - 3) regular employees.

For example, if a sergeant is to be reduced in rank, the newest sergeant shall be laid off or reduced in rank first. But, if the newest sergeant had previously served at a higher rank, such as when a multiple-rank reduction is possible, the time served at a higher rank is counted as if served at the sergeant's rank.

- b. All promotional rank in the classified service of the department - Captain, Lieutenant, and Sergeant - shall be reduced to the next lower rank until the shortage of positions is adjusted.
- c. If seniority in rank is the same, then the person with the least seniority in the Department is laid off or reduced first. If a tie remains, the person whose most recent performance evaluation is lowest is laid off first. If a tie still exists, the order of layoff shall be determined by the Sheriff.
- d. Notwithstanding, the foregoing provisions, the Sheriff may designate certain positions in advance that are not subject to these provisions. Said provisions are limited to those that require special knowledge and/or special training and/or special skills and/or special certifications and/or specific education unique to the position. Said designations shall be filed with the Secretary of the Civil Service Commission and subject to approval of the Civil Service Commission. Additionally, the Sheriff may apply to the Civil Service Commission for additional designations of this character if he discovers the need for such after a situation arises

in which Chapter 15 must be applied. If the Civil Service Commission finds that the positions meet the criteria outlined above they shall approve these additional exemptions from the manner in which Chapter 15 would otherwise operate. An employee in a specialized position has no Civil Service rights to remain in that position as opposed to an assignment in a parallel non-specialized position and may be laterally transferred to a position identical in rank, but which is not specialized. These positions are as follows:

Lieutenant, Communications
Lieutenant, Community Affairs, D.A.R.E.
Lieutenant, Training Coordinator

3. Reinstatement Lists:

- a. The names of employees laid off or demoted in accordance with this rule shall be entered on a list by the Sheriff's Department in the inverse order of their laying off or reduction of rank. In other words, the last one to be laid off will be the first one to be rehired.
- b. Any new certifications or promotions in the affected class will come from the appropriate reinstatement list, if any, without regard to the current eligibility list, until the reinstatement list is depleted.
- c. Any employee refusing reinstatement to the classified service or promotion to previous rank shall be dropped from the reinstatement list.
- d. Any employee scoring unsatisfactory on their last two performance evaluations shall not be eligible to be placed on a reinstatement list.
- e. Any employee refusing to accept reduction in rank during layoff terminates employment and the employee shall not be eligible for placement upon a reinstatement list.

15.03 RESIGNATION FROM CLASSIFIED SERVICE:

1. Upon the voluntary resignation by an employee from the classified service, the employee shall submit to the Sheriff a formal resignation giving two weeks' written notice. The two weeks' notice may be waived by the Sheriff. The Sheriff shall forward a copy of such resignation to the Commission, along with a report of separation of such employee. The receipt of such formal resignation and separation report shall constitute resignation from the Sheriff's Department in good standing.
2. Upon receipt of the resignation, the Secretary of the Commission may conduct such investigation as he/she may deem proper and necessary to ascertain that the resignation was submitted in good faith by the employee. The date of such resignation and the findings of the investigation, if deemed necessary, shall be incorporated in the employee personnel record.
3. The Sheriff shall not request or receive any undated or future dated resignation for possible future action. Any resignation found to have been filed with the Sheriff without a date or with a future date, and that is not intended to be a voluntary resignation to be acted upon at the time of filing, shall not be accepted by the Commission as a resignation. Each separation under such circumstances shall be deemed a dismissal and provisions of these rules relating to dismissals shall apply.

4. Whenever resignations within any Division or identifiable subdivision of the Department are, in the opinion of the Commission, excessive, it shall be the duty of the Commission, and it shall have the power, to investigate the cause of such resignation.
5. A copy of documents showing the resignation shall be immediately forwarded to the Auditor and Human Resources.

15.04 RETIREMENT.

1. Any person in the classified service who shall become eligible to retire and who shall be retired or pensioned under the provisions of any applicable retirement laws shall be deemed for the purpose of these rules to have been separated as a member of the Sheriff's Department in good standing.
2. Any previously classified employee who retired because of disability, at a date earlier than the specified retirement period, and has recovered to the extent that in the opinion of a physician appointed by the Commission the employee is able to perform the essential functions of the job formerly handled by such employee, the employee may be reinstated as an employee, when an opening occurs. Said employee will not accrue any seniority for the period while on retirement.

15.05 DEMOTIONS DUE TO INABILITY TO PERFORM DUTIES.

When an employee can no longer perform the essential duties of his or her assigned position, he or she may, upon request of the Sheriff or upon his or her own initiative, be transferred to a vacant position, the duties of which he or she is able to perform, in a class carrying the same or a lower rate of pay. This is not a disciplinary action. However, transfer or demotion for inability to perform the essential duties of the assigned position may be appealed in the same manner as if the change was a disciplinary action.

15.06 PLACEMENT ON REINSTATEMENT LIST OF EMPLOYEE INVOLUNTARILY DEMOTED.

In the event of forced or involuntary demotion of an employee, the employee so demoted shall be placed on a reinstatement list as prescribed by Rule 15.02, (3).

15.07 VOLUNTARY DEMOTION.

1. An employee promoted to any rank may request that he/she be voluntarily demoted and returned to the rank from which he/she was last promoted. Any such request for a voluntary demotion must be made in writing to the Sheriff, with a copy to the employee's Bureau Commander and the Commission, and must be received by the Sheriff before the end of the employee's promotional probationary period for the rank from which the demotion is sought.
2. Upon receipt of the request for a voluntary demotion, the Secretary of the Commission may make inquiry as he/she deems appropriate to ensure that the request was made voluntarily and in a timely manner. Unless the Secretary determines that the request was not made voluntarily or in a timely manner, the voluntary demotion shall be immediately effective.

15.08 SENIORITY.

1. Seniority within a position shall be calculated from:
 - a. Date of hiring for entry level positions;
 - b. Date of promotion to new grade for all other positions.
2. Re-Hire Seniority Policy:
 - a. Department seniority for former Sheriff's Office employees who are reinstated within one (1) year (less than 365 days) of their separation date will be determined by adjusting their original "hire date", minus the length of time they were not employed by the Sheriff's Office.

Example: Jane Doe was employed 6-10-1997 and resigned in good standing on 9-10-2007. Jane Doe is reinstated on February 21, 2008. Her adjusted hire date will be 11-10-1997.
 - b. Department seniority for former Sheriff's Office employees who are absent for one (1) year (365 days) or more will be based on their re- hire date.
 - c. Former employees re-hired under this policy are not eligible to receive an adjusted hire date if they leave the Sheriff's Office a second time for any period of time regardless of length and are subsequently re-hired.
3. Department seniority is specifically for internal use by management in coordinating an employee's shift and/or facility preferences, days off and scheduled leave time.
4. Time in grade with the Sheriff's Office will be the determining factor for seniority when promoted or laterally transferred.
5. Employees hired from other County agencies will use the date of hiring by the Sheriff's Office when coordinating shift, facility, days off or scheduled leave.

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TRANSFERS

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16.01 INTRABUREAU TRANSFERS.

The Bureau Commander is responsible for scheduling and assigning personnel so that the Bureau functions are performed. The Commander has the authority necessary to carry out Bureau functions, including scheduling and assigning personnel.

16.02 INTERBUREAU TRANSFERS.

An employee may request an interbureau transfer, or such a transfer may be made if in the best interest of the Department.

16.03 GRIEVING ASSIGNMENTS.

Assignments will not be made capriciously and/or maliciously, but on demonstrable need. Employees feeling that they have been reassigned capriciously and/or maliciously shall have redress through the procedures set out in Chapter 13. This does not include contract temporary personnel.

16.04 POSTING NOT REQUIRED.

Transfers involving movement to a lateral position or transfers resulting in an involuntary demotion do not require the use of the job posting process.

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EMPLOYEE DEVELOPMENT

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17.01 EMPLOYEE DEVELOPMENT

It shall be the responsibility of the Sheriff and the Sheriff's staff to administer and conduct programs of in-service training and counseling and to insure effective utilization of employees and to promote individual, group, and Departmental efficiency. The Sheriff and the Sheriff's staff shall cooperate with the Civil Service Commission, non-classified employees, and others in the classified service to promote in-service training of employees. Cooperative arrangements with other public agencies, including educational institutions, may be made by the Sheriff or the Sheriff's designee, consistent with applicable law.

Development of employees is necessary to encourage high standards within the Department and to provide quality service to the public. On an individual level, development is necessary to equip employees for advancement in the Department and to stay current in the body of knowledge relevant to official duties.

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18.01 INTENT

It is hereby declared to be the policy of Tarrant County that this Code of Conduct section of the rules be upheld to ensure the proper operation of County government by broadly defining the appropriate conduct of the Sheriff and the employees of the Sheriff's Department as it relates to the conditions of employment of covered employees while they discharge their duties in the public interest. This Code of Conduct section imposes high standards for those who work as paid employees for the public trust. Its overall intent is to define County service as primary when such person's time and efforts are devoted to County tasks, and to attempt to minimize other endeavors that would detract from their energies while involved in any such primary tasks. In order to obtain and ensure maximum possible applicability, both the Commissioners Court and the Civil Service Commission of Tarrant County have acted upon conduct rules that are identical in concept and basic language.

For the purpose of this section, an employee is a person within 2.08. The term does encompass spouse and any dependent children as it pertains to placing the employee in a conflict of interest position pursuant to this policy with their actions.

18.02 NON-DISCRIMINATION

It is the policy of Tarrant County that employees conduct themselves in a manner that avoids any unlawful discrimination on the basis of race (including hair texture or protective hairstyles such as braids, locks, and twists), sex, sexual orientation, gender identity, national origin, citizenship, age, religious preference, physical or mental disability, veteran's status, or on the basis of genetic information and any violation of civil rights to both other employees or to the general public. Courteous and thoughtful interpersonal and official relations are supported by this policy.

18.03 GIFTS

Gifts shall not be accepted from contractors, vendors, or other persons who deal with Tarrant County, except as provided below, in such a way as to cause or appear to cause leverage or influence to be gained through the position of the employee. The intent of this section is to extend the prohibitions of section 36.08 Texas Penal Code Ann. to employees of the County. This section specifically prohibits employees from the taking of tips in exercising their official duty. Exceptions to this section are only those already extended by Section 36.10 Texas Penal Code Ann., which include the giving of gifts between relatives and friends of a purely personal nature and gifts or benefits conferred on account of a professional or business relationship independent of the official status of the recipient. Neither does this section restrict any of the social activities of employees or the designees of elected officials that are designed to promote a legitimate interest of the County either formally or informally, and this section does not apply to any employee receiving any benefit consisting of food, lodging, transportation, or entertainment accepted as a guest and reported if required by law. In summary, this code does not apply to any benefit that is defined as non-applicable according to Section 36.10 Tex. Pen. Code Ann.

18.04 PERSONAL APPEARANCE AND JOB CONDUCT

Every employee of Tarrant County represents the County to the public and to fellow County employees; therefore, personal appearance and conduct on the job should leave the best possible impression at all times. Employees should attempt to dress neatly and appropriately for their jobs, seeking to courteously assist the public whenever contact is made, and efficiently answering inquiries or directing the party to the proper authority. Pleasant telephone manners, good housekeeping, and neat work habits along with supportive work values like punctuality, good attendance, and honesty should be maintained to aid morale and efficiently complement all other employees of Tarrant County and to provide for a more effective service output.

18.05 USE OF COUNTY-OWNED PROPERTY

Any time that County property is used in conjunction with employment, extra care should be exercised to minimize damage to the equipment or waste of supplies. Office machines, maintenance equipment, tools, and other property, should be properly stored and cared for at the close of each business day. No employee of the County shall intentionally or negligently damage County equipment or property. Such action may be grounds for disciplinary action or dismissal depending on the severity of the incident. No employee shall participate in bidding on Tarrant County equipment or property sales or purchases except as provided for Sheriff's sales or public auctions that are open to any citizen.

Employees or officials who are assigned a County-owned vehicle must comply with the County's vehicle policy and state statute on official misconduct, which has the following provisions:

A public servant commits an offense, if with intent to obtain a benefit or with intent to harm another, the individual intentionally or knowingly:

1. Violates a law relating to the individual's office or employment; or,
2. Misapplies anything of value belonging to the government that has come into the individual's custody or possession by virtue of the individual's office or employment.

No facilities, services, equipment or supplies belonging to Tarrant County shall be used by any employee or other person for purposes of, or resulting in, achieving private profit without express prior permission of Commissioners Court as reflected upon the minutes of said Court, which shall provide for fair compensation to the County and which shall reflect the public purpose for such usage with provisions for renewal of the permission based upon competitive access to all interested parties at the end of a reasonable time period as related to the nature of the particular contract or agreement.

18.06 CONFIDENTIALITY

Much of County business is conducted pursuant to public disclosure and freedom of information legislation. To that extent, the product of County business is public business and shall be open unless it pertains to those matters made private by law, personnel grievance matters, except as required to be disclosed by law; or the development and discussion stages of the administrative decision-making process, policy development, and feasibility studies or decisions about alternative action plans prior to their official legislation dictates that such information must often be held in strict confidence, and must not be discussed with others on or off the job except for purposes of necessity on County business. Use of any such confidential information

gained by reason of the position to advance any personal interest, financial or otherwise, or to harm the interests of the County is a violation of this policy.

18.07 OFFICE DONATIONS, POLITICAL CONTRIBUTIONS AND POLITICAL SERVICE

Employees shall not be forced to contribute to or make donations to any fund or collection process. All such funds or collections made during office hours must be approved by the Appointing Authority prior to contact with employees. No employee shall be required to participate in political service or related activity as a condition to obtain or retain their job, nor shall any employee be disciplined, terminated or deprived of any rights for refusal to participate in political service, contribution, or other political activity.

Tarrant County employees shall not be allowed to perform or be involved in political services, campaigning, or related activities during their normal working hours or while directly on the payroll at the specific time such other activities are being performed. Employee must not use County equipment, vehicles, uniforms, or other property in any way for political service or involvement in political service, nor shall employees use their official authority influence for the purpose of interfering with or affecting the results of an election or nomination to public office. No official or employee of Tarrant County shall ever attempt to dictate the political beliefs, affiliations, or the free exercise of the right to vote by employees. This section shall not prohibit any employee from making or receiving private political endorsements during non-duty hours, nor does it prevent any holder of any elective office from making political endorsements that use the official's title.

18.08 OUTSIDE AND COUNTY EMPLOYMENT

1. **OUTSIDE EMPLOYMENT.** Employees of the County shall devote all their time and efforts during their assigned work hours to their specified work for Tarrant County. Employees shall not engage in outside work or employment to an extent that conflicts with the County interest or which adversely affects the employee's availability or usefulness to the County during their regular work hours. County employees should view their employment for the County as primary and not let other endeavors detract from their energies in such primary employment or take any action which adversely affects the department in which they are employed. All employees who have outside means of support or dual sources of income in the form of other employment, or are considering other outside employment, should work closely with their respective department head or elected official on the details of such outside endeavors to assure that no conflict with the County principles as set forth herein will take place. Employees are not permitted to engage in any exchange, purchase, or sale of goods or services with the County as an additional income source beyond their paid employer/employee relationship or services routinely available to any citizen except for overtime or special duty assignments or contracts approved and sanctioned by the Commissioners Court in the minutes; provided, however, that if any County order, rule, or regulation allows any discretion or influence of County action by the employee in the interpretation or enforcement of such order, rule or regulation, any such discretion shall be exercised in favor of the County. Such principles shall also apply to relationships between employees affecting the financial interest of the County.

This section does not prohibit outside employment and personal initiative that are unrelated to an employee's County duties, is specifically not on County time via payroll transmittals, or is

otherwise carefully documented as being outside the restraints addressed herein. The Sheriff shall have the option of prohibiting such outside employment that is in conflict with the employee's duties. Any employee who feels that approval or support of such outside employment is being unreasonably withheld is entitled to use the appropriate grievance procedures to seek resolution of the problem.

If a Sheriff's Department employee intends to commence outside employment as defined below, or if an employee is already pursuing outside employment, he must report such employment immediately to the Chief Deputy over Employee and Community Relations in order for the Sheriff's Department to insure that his outside employment will not interfere with County interests as described above.

In addition, employees pursuing outside employment in law enforcement related positions are required to obtain specific written permission to engage in each such off-duty job. Such permissions must be renewed annually or whenever the character of an officer's duties or quantity of hours worked at an outside job materially changes. The total hours of permissible off-duty work in law enforcement-related positions shall never, in any case, exceed twenty (20) hours per week. These permissions shall also be sought from the Chief Deputy over Employee and Community Relations. "Law enforcement related employment" as used above means any employment in which the individual will wear his or her uniform or a firearm, any type of security guard work or any "courtesy officer" position.

2. **COUNTY EMPLOYMENT.** Tarrant County employees may hold only one designated position or role at a time. This restriction applies to all regular, part-time, temporary, and seasonal positions that are paid by the County, regardless of department or elected office.

The purpose of this policy is to avoid conflicts of interest, prevent dual compensation from public resources, and ensure that job responsibilities are carried out effectively. Employees are expected to dedicate their full time, attention, and effort to their assigned County position during scheduled working hours.

18.09 HARRASSMENT

DEFINITION. Harassment is defined as a situation in which tangible job benefits are granted or withheld based on submission to or rejection of unwelcome requests or conduct based on a statutorily protected characteristic, such as sex; and situations in which the working environment is oppressive, hostile or intimidating to members of a protected group because of the actions of coworkers, supervisors or customers.

It is against Tarrant County policy for any employee or non-employee who deals directly with the County to display conduct which has the purpose or effect of unreasonably interfering with the work performance of others or creating a hostile, intimidating, or offensive work environment for others based upon harassment attributable to gender, color, race (including hair texture or protective hairstyles such as braids, locks, and twists), national origin, citizenship, gender identity, sexual orientation, age, religion, physical or mental disability, veterans status or on the basis of genetic information. Thus, harassment of an employee by another employee or by a non- employee is clearly a violation of County policy. It is against County policy for any employee or official to make unwelcome sexual advances toward another employee or to take part in any personnel actions against them for rejection of a sexual favor, or for alerting proper officials of any sexual harassment. Employees are hereby protected from any reprisals or personnel actions against

them for rejection of a sexual favor, or for alerting proper officials of any physical or verbal conduct of a sexual nature that is interpreted to be sexual harassment. Employees who feel they have been harassed in violation of this County policy should report such violations to their Appointing Authority and/or the County Human Resources Department in accordance with Chapter 10 of these rules. Upon receiving a report of a violation of this policy, an investigation of the allegations will be commenced and be followed to a logical conclusion as an administrative remedy. Violators of this policy may be subject to disciplinary, administrative, or legal action.

18.10 REPRESENTATION OFR AND BEFORE THE COUNTY

Employees of the County are not to appear before an official County Board or Commission as a representative (other than as witness or as provided in this Code) for any private person, group, or interest, or represent directly or indirectly, any such person, group or interest before any department, agency, commission, or board of the County except in their official capacity as an employee. Unless otherwise authorized by law, no employee shall represent others in any action or proceeding against the interests of the County or in any litigation in which the County is a party thereof. Nor may employees purport to represent the County in an official capacity before any entity where potential private gain to that employee may occur or where a County obligation or liability may be incurred, or where such representation detracts from the County, unless they are, in fact, officially and legally representing the County in this official capacity, and are authorized by law, or an appropriate Court Order by the Commissioners Court. The policy does not prevent any employee from initiating a claim or suit against the County or its officials for redress of grievances.

18.11 DISCLOSURE OF INTEREST

Any employee who has a substantial interest, direct or indirect, in any decision or individual or entity involved in any decision pending before such employee, or the body of which the employee is a member, shall not vote or otherwise participate in any consideration of action on the matter. Such employee will, as provided herein, disclose the nature and extent of such interest on an official form or by affidavit prior to any discussion or determination of action on the matter. A "substantial interest in a business" is defined as existing if the interest is ownership in 10 percent or greater of the voting stock or shares, or ownership of \$15,000 or more of the fair market value of the business. Such interest also includes funds received by the employee from the individual or business that exceed 10 percent of the employee's gross income for the previous year. A "substantial interest" also includes real property if that interest is equitable or real ownership with a fair market value of \$2500 or more, and for purposes of this provision a person related in the first or second degree by either affinity or consanguinity as determined by state nepotism laws to the employee is a "substantial interest." Thus, the definitions, prohibitions, and exceptions related to "substantial interest" are applied to all covered employees as provided by law in Sec. 171.002 of the Local Government Code. Failure of any employee of the County to comply with or cooperate fully with such disclosures or violating the conduct standards as to this section which apply to them may constitute grounds for reprimand, discipline, expulsion, removal or discharge.

At any time a potential conflict of interest pursuant to this policy may arise in any year, such affected employee shall file in advance of any determination or action a disclosure statement with the Secretary of the Civil Service Commission reflecting that person's interest in the matter under consideration. The Civil

Service Commission shall maintain all statements as officially filed and retain such for a period of three (3) years after which time they will be returned to the person who filed them or be destroyed. These files shall be open for public inspection during normal business hours at the secretary's office who shall maintain a list of all persons requesting to inspect such files by date as identified along with the file inspected.

18.12 GRIEVANCE PROCESS

Employees who feel they may have been adversely affected by unfair treatment or erroneous or capricious interpretation of this Code of Conduct section or its application or procedures to their circumstance, or who allege unlawful discrimination as specified herein, or who allege knowledge of a violation of this policy code that unfairly affects their employee status may file a sworn grievance. They may file a grievance whether the violation is alleged to have been committed by the Sheriff or any other employee of the Sheriff's Department. The grievance procedure shall be the same as under Chapter 13 grievances.

CHAPTER 19
EQUAL OPPORTUNITY POLICY

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19.01 EMPLOYEE AND APPLICANT RIGHTS

General Provisions. It is the policy of Tarrant County to provide employment opportunities without regard to race (including hair texture or protective hairstyles such as braids, locks, and twists), color, religion, sex, sexual orientation, gender identity, mental or physical disability, age, national origin, veteran's status or on the basis of genetic information. Applicants for employment and employees may file complaints alleging discrimination with the Tarrant County Human Resources Department. Employees may file complaints, based on discrimination, directly with the Department in which the alleged discriminatory action took place or as an Equal Employment Opportunity Complaint in the Tarrant County Human Resources Department. Complaints must be filed in writing within thirty (30) calendar days from the date of the alleged discriminatory incident. Human Resources will notify the other department charged with discrimination within ten (10) working days of the date the complaint was filed.

Although complaints must be prepared on an employee's own time, the Appointing Authority should make every effort to allow the complainant and other employees time, with pay, to attend related meetings as requested by the investigating officer.

This procedure shall be available to all applicants and/or employees except those who have utilized another grievance, appeal or complaint procedure for the same or closely related issue. Nothing in this procedure shall restrict the right to file a complaint with any state or Federal agency responsible for the enforcement of civil rights law.

19.02 COMPLAINTS FILED ORIGINALLY WITH THE TARRANT COUNTY SHERIFF'S DEPARTMENT

Complaints filed with the Sheriff's Department that are not resolved to the satisfaction of the employee alleging discrimination within sixty (60) calendar days may be appealed to the Sheriff's Department Civil Service Commission.

The Secretary of the Commission receives the appeal, reviews the file, and determines whether a complete investigation was conducted before forwarding the complaint to the Civil Service Commission. The Secretary may pursue further evidence to ensure that the Civil Service Commission receives a complete file. The Sheriff's Department Civil Service Commission shall have sixty (60) calendar days from the date of their receipt of the appeal to commence a hearing and recommend a course of action for resolution of the complaint.

19.03 COMPLAINTS FILED ORIGINALLY WITH THE TARRANT COUNTY HUMAN RESOURCES DEPARTMENT

Reviews by the Human Resources Department shall be investigated in the following manner:

1. **Informal Review Process.** The Human Resources Department shall have sixty (60) calendar days to resolve a complaint informally.

The investigation shall include the right to all necessary information to conduct a thorough review. This includes, but is not limited to, the right to interview witnesses and to bring together the complainant and the respondent for discussion of the complaint.

Complaints may be administratively closed for various reasons, such as but not limited to, the following:

- a. The complainant withdraws the complaints;
- b. The complainant does not cooperate in the investigation; or
- c. The complainant cannot be reached after repeated efforts.

Administrative closure of a complaint may be appealed to the Civil Service Commission within seven (7) calendar days of the closure, only where the complainant can provide evidence clearly refuting the reason for closure.

“No Probable Cause” Finding. After the appropriate review process, if there is insufficient evidence to support the charge of discrimination, the complaint shall be closed with a finding of “no probable cause” to believe there was discrimination. The complainant shall be notified in writing of a “no probable cause” finding and may appeal such finding to the Civil Service Commission, only if clear evidence is provided to refute the finding of “no probable cause.” An appeal related to a “no probable cause” finding must be filed with the Civil Service Secretary within fourteen (14) calendar days of the date notated within the notification.

The Commission may extend the complainant’s appeal deadline if it finds that it is in the best interest of the County or upon good cause shown, but an appeal, along with a request to suspend, must be filed within thirty (30) days of the “no probable cause” finding.

The complainant is responsible for maintaining a proper address with the County Human Resources Department. The Commission may extend the complainant’s appeal deadline if it finds that it is in the best interest of the County or upon good cause shown, but an appeal, along with a request to suspend, must be filed within thirty (30) days of the “no probable cause” finding.

2. **Conciliated Settlement.** If a mutually acceptable conciliation is achieved through the efforts of the Human Resources Department, the case shall be closed without appeal rights. A written notice shall indicate the agreement reached and shall be provided to the complainant, the respondent and the appropriate management officials.
3. **Failure to Conciliate.** If conciliation efforts fail, and if the Administrator’s Office determines that further review by the Civil Service Commission is warranted, the Human Resources shall reduce its fact-findings and conciliatory effects to writing, but shall reserve the final interpretation of facts to the Civil Service Commission. Human Resources shall provide the Secretary of the Commission with the relevant documents to be forwarded to the Civil Service Commission. The Civil Service Commission shall have sixty (60) working days from the date of their receipt of the appeal to commence a hearing and recommend a course of action for resolution of the complaint.

CHAPTER 20
GRIEVANCE PROCEDURES WAGE/HOUR COMPLAINTS

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20.01 Grievance Procedure – Wage Hour Complaints

1. **Purpose.** The purpose of the grievance procedure is to settle any wage/hour or compensation issues between the County and an employee within a reasonable time period and to assure efficient work operations and maintain employee morale.
2. **Eligibility.** A grievance may be filed by an employee who claims to have been adversely affected by the improper application or violation of laws, rules, regulations, or procedures which govern wages, hours and employee compensation. This includes County temporary, project employee, regular part-time employee and substitute personnel.
3. **Informal Resolution.** An employee should pursue, if possible, an informal resolution of the complaint, utilizing all available avenues within the Department before filing a formal written grievance to the County Human Resources Department. Inquiries about wages, hours, or employee compensation should be directed to departmental supervision rather than being made directly to the Payroll Department. Supervisors are encouraged to work with employees to resolve grievances informally. Efforts at informal resolution are unrelated to the formal grievance procedure and do not extend the time limit(s) included in the procedure.
4. **Procedure for Filing Employee Grievances**
 - a. Employees are encouraged but not required to submit their grievance to the Sheriff before grieving to the County Human Resources Department. If the Sheriff or designee fails to respond within the time limits set forth herein, the employee may then file a grievance with the next step in the procedure.
 - b. In computing any period of time prescribed or allowed by these grievance procedures, the day of the act, event or default from which the designated period of time for a grievance or response or final decision begins to run shall not be included. The last day of any time period prescribed or allowed by these procedures shall be included, unless it is a Saturday, Sunday, legal holiday or a day on which the County's offices are closed due to weather conditions or other cause as determined by the County Judge.
 - c. A copy of the grievance should be retained by the employee and a copy should be filed in the employee's personnel file. All copies should note the date that the grievance was filed and the date and time the grievance was received by the Sheriff or the County Human Resources Department.
 - d. Procedures.
Step 1:
In order to be considered, a grievance must be submitted on a County-approved form in writing and must be received by the Sheriff or designee within seven (7) calendar days from the date the employee knew, or in the exercise of reasonable diligence, should have known of the occurrence that made the basis of the grievance. The Personnel Department's decision as to the timeliness of a grievance will be final and binding in all instances.

Within seven (7) calendar days from receipt of the grievance, the Sheriff or designee will conduct any investigation deemed necessary, meet with the grievant if necessary, and respond to the grievant in writing on a County-approved form.

Step 2:

If an employee chooses to grieve to the County Human Resources Department, such grievance must be submitted on a County- approved form in writing and must be received by the Director of Human Resources within seven (7) calendar days from the date the Sheriff written response is due (if an initial grievance to the Sheriff is made) or (if a direct appeal to the County Human Resources Department is made) within seven calendar days from the date the employee knew, or in the exercise of reasonable diligence, should have known of the occurrence made the basis of the grievance.

Step 3:

The grievance must state the factual basis for the grievance and must include any supporting documentation. All prior efforts to resolve the complaint should be described fully. All written responses pertaining to the specific complaint must accompany the request for grievance to the Human Resources Department. In addition, the written grievance must include the signature of the aggrieved employee and the name of the employee's representative, if any. The County Human Resources Department will respond with a decision in writing within fifteen (15) calendar days from receipt of the employee's written grievance unless an extension of time for further review is requested and approved.

5. General Provisions

- a. The Grievance Forms provided by the County should be used in pursuing a resolution of the problem addressed.
- b. This grievance procedure does not apply to the job evaluation process, nor does it include grievance of performance appraisal results.
- c. Generally, no meeting or hearing will be called by the Human Resources Department and the grievance will be decided by the Human Resources Department solely on the basis of the written material submitted. All decisions of the Human Resources Department on grievances under this section are final and not subject to appeal to the Tarrant County Sheriff's Department Civil Service Commission.

CHAPTER 21
DRUG-FREE WORKPLACE POLICY

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21.01 Purpose.

Tarrant County has a genuine interest in and concern for the safety and health of its employees. To make a good faith effort to maintain a drug-free workplace and to comply with the Drug-Free Workplace Act, the County has set forth the following policy. Compliance will enhance the safety and health of employees and the public.

21.02 Policy

1. For purposes of this policy, “prohibited substances” include illegal drugs, alcohol, or prescription drugs not taken in accordance with a lawful prescription. An employee shall not have any detectable amount of prohibited substances in the employee’s system while at work, on County premises, or on County business. This policy further prohibits manufacturing, distributing, dispensing, possessing, or using prohibited substances while at work, on County premises, or on County business. Violations of this policy will result in discharge from employment.
2. Employees convicted of a violation of a criminal drug statute in the workplace will notify their supervisor within five (5) working days of such conviction. The supervisor will then notify the Human Resources Department, which will notify the granting agency, if any, within ten (10) days after receiving notice of a conviction.
3. Drug awareness information was developed and employees have been informed about:
 - a. This policy;
 - b. Dangers of drug abuse in the workplace;
 - c. Counseling and rehabilitation available in the area; and
 - d. Penalties for drug abuse violations in the workplace. Employees who have a drug abuse problem are encouraged and expected to obtain treatment and counseling. The County provides free treatment and counseling services through an Employee Assistance Program or employees may elect to seek assistance at their own expense through their health insurance plan or through other sources.

Substance abuse may be considered a serious health condition under some circumstances and may qualify an employee for Family and Medical Leave (FML). Employees with such a health condition may request the use of FML for treatments. It should be noted, however, that FML may only be taken for treatment of substance abuse by a health care provider or on referral by a health care provider. Absences resulting from use of a controlled substance, rather than treatment, do not qualify an employee for FML.

An employee who identifies himself/herself as needing assistance in resolving problems associated with alcohol or controlled substances misuse prior to the time it is apparent that their use has been detected may be given the opportunity to complete counseling or a rehabilitation treatment program. The employee:

 - i. Must be evaluated by a substance abuse professional to ensure that s/he properly follows any rehabilitation program prescribed by the substance abuse professional; and
 - ii. Is subject to unannounced follow-up alcohol and/or controlled substances tests, as appropriate. Refusal to submit to unannounced follow-up alcohol and/or controlled

substances tests is a violation of this policy. It is considered a refusal to submit when the employee fails to provide enough breath or saliva for alcohol testing or urine for controlled substances testing without a valid medical reason or when an employee clearly obstructs the testing process. It is also considered a refusal to test when the employee receives a verified adulterated or substituted specimen test result. All such refusals will result in termination of employment.

4. The correct use of prescribed medications and drugs is not automatically a violation of the policy. As to prescription medications and drugs only, it is the duty of each employee to report to their supervisor the use of any medication labeled with a warning or notice indicating that the medication will or may adversely affect mental functioning, motor skills or judgment. Failure of an employee to notify his or her supervisor before beginning work when taking medication or drugs which may interfere with the safe and effective performance of duties or operation of County vehicles or equipment can result in discipline up to and including termination of employment. Employees may be asked to provide a doctor's statement when required to use a prescription or non-prescription drug that may affect job performance or effectiveness.

21.03 Scope

The County's Drug-Free Workplace Policy applies to all employees in all departments of Tarrant County. This includes County temporary, project employee, regular part-time employee and substitute personnel.

21.04 Definitions

1. **CONTROLLED SUBSTANCE.** Any drug or other substance, or immediate precursor, listed in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).
2. **CONVICTION** is a finding of guilty (including a plea of nolo contendere or no contest) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. **WORKPLACE** includes being on County property, or on or off County property while on duty, or while in a County vehicle.
4. **SUBSTANCE ABUSE PROFESSIONAL (SAP).** A person who evaluates employees who have violated a drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

DEPARTMENT OF TRANSPORTATION (DOT) ALCOHOL/DRUG-TESTING PROGRAM

21.05 Policy

In keeping with its Drug-Free Workplace Policy, Tarrant County carries on its good faith to maintain a drug-free workplace by exercising its right to detect and deter alcohol and drug use by employees who perform safety-sensitive positions through testing procedures prescribed by the Omnibus Transportation Employee Testing Act, a federal law under the jurisdiction of the Department of Transportation. This Act establishes alcohol and drug testing guidelines for employees who perform safety-sensitive functions. This document outlines the County's policy, provisions, and procedures with regard to testing applicants and employees in safety-sensitive positions for alcohol and substance abuse in the workplace. Violations of this policy will result in discharge from employment.

21.06 Scope

This policy applies to all employees in, and applicants for, safety-sensitive positions in all departments of Tarrant County. The testing requirements of this policy specifically apply to all employees of the County who occupy safety- sensitive positions as defined herein, operate a commercial motor vehicle, and/or are subject to commercial driver license requirements.

21.07 Definitions

1. **ADULTERATED SPECIMEN.** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
2. **ALCOHOL.** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
3. **ALCOHOL CONCENTRATION (OR CONTENT).** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy.
4. **ALCOHOL SCREENING DEVICE (ASD).** A breath or saliva device, other than an EBT, this is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.
5. **ALCOHOL USE.** The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
6. **COLLECTION SITE.** The place designated by the County where persons provide a specimen to be analyzed for the presence of drugs and/or alcohol.
7. **CONFIRMATION TEST.** For alcohol testing, means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Note: Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
8. **DRIVER.** Any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner- operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre- employment/pre- duty testing only, the term driver includes a person applying to Tarrant County to drive a commercial vehicle.
9. **EVIDENTIAL BREATH TESTING DEVICE (EBT).** A device approved by the NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, place on NHTSA's Conforming Products List (CPL) for "evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.
10. **MEDICAL REVIEW OFFICER (MRO).** A County-retained, licensed physician who is responsible for receiving and reviewing laboratory results generated by Tarrant County's drug testing program and evaluating medical explanations for certain drug test results.

11. **SCREENING TEST.** In alcohol testing, an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen. In controlled substance testing, an immunoassay screen to eliminate “negative” urine specimens from further consideration.
12. **SAFETY-SENSITIVE POSITION.** A position involving duties which, if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure could clearly result in mistakes that could present a real and imminent threat to the employee’s, co-workers’, and/or the public’s personal health and safety, and which are performed with such independence that it cannot be reasonably assumed that those mistakes could be prevented by a supervisor or another employee. (For purposes of this policy, it has been determined that operating vehicles requiring a commercial driver license is a safety-sensitive function and as such refers to driving, inspecting, servicing, loading or unloading a motor vehicle.)
13. **SUBSTITUTED SPECIMEN.** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
14. **WORKPLACE.** While on County property or while on duty, or while driving a County vehicle.

21.08 Provisions

1. **Training and Education Requirements.** DOT guidelines require that supervisors of employees in safety-sensitive positions have at least two (2) hours of training in alcohol and drug awareness, (sixty (60) minutes of alcohol awareness and sixty (60) minutes of drug awareness). It is the responsibility of the Human Resources Department and the Sheriff to ensure that supervisors are properly trained and that employees have notice of and are familiar with the County's policies and procedures on drugs and alcohol.
2. **Management and Implementation Responsibilities.** The County, together with any outside consultants and contractors, shall be responsible for implementing, directing, administering, and managing its alcohol and drug program within the U.S. Department of Transportation guidelines, the Federal Drug-Free Workplace Act and those requirements of the Texas Department of Insurance/Division of Workers’ Compensation. The Human Resources Department is responsible for administering the policy and procedures as outlined and shall serve as the official contact for the laboratory in collection activities to ensure the effective operation of the testing portion of the program. It is the responsibility of each Appointing Authority, department head, and supervisor to enforce this policy and ensure that alcohol and drug testing procedures are controlled. The Human Resources Department shall maintain test results in separate, confidential files.

TESTING PROCEDURES

21.09 Testing Procedures

1. **DOT Testing Procedures.** The Federal Highway Administration of the Department of Transportation has issued alcohol and controlled substances rules requiring alcohol and drug testing of employees who perform safety- sensitive functions and are required to possess a commercial driver's license. Employees must be tested if they:
 - a. Perform a safety-sensitive function as defined herein.
 - b. Hold a Commercial Driver License.

- c. Drive vehicles over 26,001 Gross Vehicle Weight Rating (GVWR).
- d. Drive vehicles placarded by DOT under hazardous material regulations.
- e. Drive vehicles designed to transport more than 16 passengers, including drivers.

SAFETY SENSITIVE POSITIONS

It has been determined that the following positions within the Sheriff's Department have been identified as safety-sensitive positions. It should be noted however, that other positions may fall within the definition of "safety-sensitive" position and, though not listed below, are bound by the requirements of this policy.

Title

Deputy Sheriff

Detention Corporal

Detention Officer

Labor Detail Specialist

Sergeant Transportation Officer

2. **Required Testing.** The alcohol and controlled substances tests required by the DOT and implemented by Tarrant County include pre-employment, post- accident, random, and reasonable suspicion testing as defined below.

An applicant who refuses to submit to a pre-employment substance abuse test will automatically be eliminated for consideration of employment.

The refusal of an employee in a safety-sensitive position to submit to a post- accident, random or reasonable suspicion alcohol or controlled substances test is a direct violation of policy. It is considered a refusal to submit when the employee fails provide enough breath or saliva for alcohol testing or urine for controlled substances testing without a valid medical reason or when an employee clearly obstructs the testing process. It is also considered a refusal to test when the employee receives a verified adulterated or substituted specimen test result. All such refusals will result in termination of employment.

- a. Pre-Employment. Drug testing is required prior to the first time an employee performs safety-sensitive functions for the County; however, pre-employment alcohol testing is not required.
- b. Post-Accident. Following an accident involving a commercial motor vehicle, the County shall test as soon as practicable each surviving County employee:
 - i. who was performing or suspected of performing safety- sensitive functions with respect to the vehicle, if the accident involved a fatality; or
 - ii. who receives citation under State or local law for a moving traffic violation arising from the accident; if the accident involved:
 - aa) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

bb) one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle; or

- iii. who was performing a safety sensitive function, was involved in the accident, and is reasonably suspected of alcohol or substance abuse.

If subject to post-accident testing, a driver shall remain readily available for testing or may be deemed by the County to have refused to submit to testing. Prior to performing safety-sensitive functions, drivers will receive from the County necessary post-accident information, procedures and instructions to comply with these requirements.

The results of tests, either breath, blood, saliva, or urine, if conducted by federal, state, or local officials or medical personnel having independent authority for such tests, shall be considered to meet the testing requirements for post-accident testing, provided such tests conform to applicable federal, state or local requirements, and the results of the tests are obtained by the County.

- c. **Random.** Just before, during or after the performance of safety- sensitive functions, random unannounced tests will be performed for alcohol. The County shall randomly select a sufficient number of drivers for alcohol testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate (25 percent) for random alcohol testing determined by the Federal Highway Administration (FHWA). For controlled substance testing, the County shall randomly select a sufficient number of drivers during each calendar year in accordance with federal regulations.

The selection of drivers for random testing shall be made by a scientifically valid method, (such as random number table for a computer-based random number generator that is matched with drivers' social security numbers, payroll identification numbers, or other comparable identifying number). Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.

The County shall ensure that random tests are unannounced and that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

During random testing, if an employee is selected for testing and is off work due to a long-term absence (and absence outside of the random testing period) related to layoff, illness, injury, or vacation, the County will skip the employee's name and select an alternate on the random list to be tested. The Appointing Authority must notify the Human Resources Department, in writing, that the employee was ill, injured, laid off or on vacation for the random testing cycle. If an employee is selected for a random test and is not on a long-term absence, s/he shall have the appropriate test(s) administered immediately upon his or her return to perform safety-sensitive duties.

Each driver who is notified of selection for random testing shall proceed to the test site immediately. If the driver is performing a safety-sensitive function at the time of notification, the County shall ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

- d. **Reasonable Suspicion.** If behavior or appearance that is characteristic of alcohol or controlled substance misuse is observed, a reasonable suspicion test must be ordered. The person who makes the determination that reasonable suspicion exists shall not conduct the test. Persons designated to determine whether reasonable suspicion exists shall have had at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances misuse. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol and controlled substance misuse.

TESTING METHODS, VIOLATIONS AND RECORDS

21.10 Testing Methods, Violations and Records

1. **Drug Testing.** The County has arranged for testing to be conducted by a certified laboratory. A split sample urine test is the method used for testing for drugs and drug metabolites. Specimens are divided into two (2) samples, a primary sample and a split sample. These are sent to a County-designated testing site. If the entity conducting the test requires the applicant or employee to complete an authorization for release of drug an/or alcohol testing, the applicant or employee shall authorize the release of such test results to Tarrant County. Failure to authorize the release of testing results to Tarrant County may result in disqualification of application or disciplinary action. If the primary sample tests positive, the MRO will notify the employee to find out if there is a medical reason for the drug use. If the employee can document why the drug is being taken and if the MRO determines it is a legitimate medical use, the test will be reported as negative to the County.

If, on the other hand, the employer is notified of a positive result, the employee has seventy-two (72) hours to request a test of the split specimen. This test is done at the expense of the employee. If this confirmation test is requested, the split specimen is sent to another certified laboratory for the retest. If the analysis of the split sample does not confirm the presence of a drug, the MRO cancels the test and reports this to the DOT, Tarrant County Human Resources, and to the employee.

2. **Alcohol Testing.** DOT rules require breath testing using evidential breath testing devices (EBT) and/or an alcohol screening device ASD performed by a Breath Alcohol Technician (BAT) or Screening Test Technician (STT). A BAT is an individual who administers alcohol testing and/or operates the EBT. The STT is an individual who administers the ASD (Alcohol Screening Device) which detects alcohol in breath or saliva. Two (2) tests are required to determine if the alcohol concentration is above acceptable levels. A result less than 0.02 alcohol concentration is considered a "negative" test. If the results are less than 0.02, the BAT/STT shall date the form and sign it, asking the employee to sign the certification and date the form also. The negative test results will be forwarded to the Human Resources Department in a confidential manner and will be kept in a confidential manner. If the alcohol concentration is greater than 0.02, a second or confirmatory test must be conducted. The County has contracted with an independent, authorized agent to conduct such tests at designated testing/collection sites. The agent will conduct the tests in accordance with U.S. Department of Transportation guidelines.
3. **Testing Violations.** A positive alcohol or drug test result under the auspices of this policy will result in immediate termination of employment.

4. **Employee Testing Records.** Separate and confidential records of all alcohol and drug tests will be maintained. The County maintains the right to document safety and performance problems as they relate to violations of this policy and to enforce this policy through disciplinary action. The willful disclosure of test results to unauthorized persons shall be grounds for discipline up to and including discharge. Employees may have access to their alcohol and drug testing records upon written request. The County shall request the DOT-mandated alcohol and drug records of new hires from their previous employers, and make information regarding an employee's DOT- mandated alcohol and drug tests available from the employee or applicant or as otherwise required by law.

CHAPTER 22
WORKPLACE VIOLENCE POLICY

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22.01 Policy Statement

Tarrant County will not tolerate violence in the workplace. The Commissioners Court, as well as the Tarrant County and Sheriff's Civil Service systems, have adopted this policy.

22.02 Goals and Objectives

The Director of Human Resources (hereafter "Human Resources") shall provide training classes for all interested employees and managers in how to deal with violence in the workplace. Human Resources shall establish a County Workplace Action Team to perform the following tasks:

1. Review and suggest revisions to this policy and other County policies to reduce the risk of violence in the workplace;
2. Respond to incidents of violence providing assistance to employees and victims;
3. Disseminate appropriate information to the media; and
4. Attend department staff meetings as required.

22.03 Definition

Violence includes conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at Tarrant County. Examples of violence include, but are not limited to, the following:

1. All threats or assaults concerning on County premises, regardless of the relationship between the County and the parties involved in the incident;
2. All threats or assaults occurring off County premises involving someone who is acting in the capacity of a representative of the County at the time of the threats of assaults.

Examples of threats or assaults include the following conduct:

1. Hitting, pushing or causing harm to another;
2. Threatening an individual or the property of an individual;
3. Threatening to harm one's self;
4. The intentional destruction or the threat of destruction of property of the County;
5. Making obscene, harassing or threatening communications to others by telephone, fax, conventional mail or other communication medium;
6. Physical displays of aggression that a reasonable person could perceive as menacing, such as throwing things, hitting things or slamming doors;
7. Physical acts or behavior, such as horseplay, that could escalate and become violent;
8. Intimidating or attempting to coerce an individual to engage in acts that are wrongful or illegal;
9. Obsessive behavior, including preoccupation with a grudge or grievance, or unreciprocated romantic interest in another that places an individual in fear of his or her safety;
10. Engaging in harassing behavior such as stalking;
11. The unlawful possession or display of firearms or other weapons or items that could be used as weapons, including making comments about the use of weapons in a manner that could reasonably be perceived as threatening; or

12. Violating the Tarrant County Commissioners Court Order Regarding Firearms and Handguns in County Facilities.

22.04 Inspections

All county work spaces and property are subject to reasonable inspections at all times by departmental officials, supervisors or other authorized officials.

22.05 Responsibility

It is everyone's business to prevent violence in the workplace.

1. Employee Responsibilities

- a. Refrain from acts of violence and seek assistance to resolve personal issues that may lead to acts of violence in the workplace.
- b. Promptly report any violence to managers or supervisors.
- c. Report to managers or supervisors any situations that occur outside of the workplace that may affect workplace safety.
- d. An employee who has obtained a protective order, restraining order or injunction should inform his/her supervisor or manager of the conditions of the order, provide a copy of the order and a description, and if possible, a photograph of the offending party.
- e. Take the precautions necessary to assure one's safety of others if violence appears to be imminent.

2. Management Responsibilities

- a. Obtain emergency assistance, if necessary, including law enforcement, medical care, building security or other assistance as the situation dictates.
- b. Take appropriate action, where possible, to protect employees and others from further violence.
- c. Ensure that all employees know the location of all exits.
- d. Upon receiving reports of violence promptly alert the District Attorney's Office regarding the need for an investigation.

22.06 Joint Responsibilities of Employee and Employer

- a. If a threat, act or altercation constitutes an emergency, call building security or press your alarm button in accordance with your department's instructions. If you do not have security forces in your building, if the security forces are unavailable, or if usage of the button is inapplicable, CALL 911 (determine ahead of time whether an additional 9 must be dialed in order to get 911). After alerting security or 911, then contact a manager or supervisor.
- b. Contact the appropriate department head or elected official.
- c. If physical violence takes place, the appropriate department head or elected official will contact the County Administrator's Office, the Human Resources Director and the District Attorney's Office.
- d. Upon a determination by the County Administrator's Office and District Attorney's Office that no criminal activity has occurred or any law enforcement involvement is necessary, the appropriate department head or elected official should consider immediate notification to the Human Resources Director, who may coordinate a review of the incident with the County Workplace Action Team.

The County's prohibition against threats and acts of violence applies to all persons involved in the County's operation, including but not limited to: Tarrant County personnel, any contract and temporary workers, any other person on Tarrant County property or any employee or person performing work for Tarrant County while away from County property.

Any violations of this policy will result in disciplinary action up to and including discharge from employment.

CHAPTER 23
TUITION REIMBURSEMENT

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TUITION REIMBURSEMENT

23.01 Purpose

In order to enhance the qualifications and improve the productivity of County employees, motivate employees to improve their job-related knowledge and skills, and encourage the hiring, retention and promotion of qualified, well-trained personnel; it is the policy of Tarrant County to provide a program for tuition reimbursement to eligible employees. The Commissioners Court believes that the County, the employee, and the taxpayers will benefit from expanding employees' educational, professional, and vocational development under appropriate circumstances.

23.02 Scope

The Tuition Reimbursement Program is designed to encourage County employees to improve their skills and job performance by enrolling in post-secondary courses which are related to their assigned responsibilities. The program is subject to the availability of funds as appropriated by the Commissioners Court through the annual budget process.

22.03 Administration

The Director of Human Resources, under the supervision of the County Administrator, shall supervise the implementation of this program, including implementation of all necessary forms for the administration of the Tuition Reimbursement Program.

Tuition reimbursement funds will be appropriated on a fiscal year basis. The Director of Human Resources shall attempt to ensure the availability of funds throughout the year. As such, the Director of Human Resources shall take into account the need to reserve funds for subsequent semesters as part of the decision to approve or reject an application. Funding approved by the Commissioners Court for the fiscal year beginning October 1, will apply to educational courses beginning subsequent to that date. The Director of Human Resources may approve requests for reimbursements that exceed the amount appropriated for tuition reimbursement.

22.04 Guidelines

- A. All regular full-time non-probationary County employees -- unless made ineligible by the rules below -- are eligible to participate in the Tuition Reimbursement Program. Employees must complete the initial probationary period as defined by Civil Service Rules. Subsequent probationary periods resulting from an employee transfer to another department will not affect eligibility to participate in the tuition reimbursement program (i.e. the initial probationary period satisfies the policy requirement.)

An employee can register for a course prior to the completion of the probationary period if the first day of class occurs on a date that is at least 180 days after the employee's hire date.

- B. Employees receiving financial assistance from sources such as GI Bill, Veteran's programs, scholarships, grants, or other subsidies are eligible for the Tuition Reimbursement Program; however, reimbursement will be limited to those amounts not covered by these sources.

Student loans are eligible for reimbursement under this policy.

- C. The completion of a course or a degree does not obligate the County to promote the employee to a position with a higher pay grade or to a different position. The benefits derived from the successful completion of coursework may be considered by the hiring authority when opportunities for advancement do occur.
- D. Any employee who resigns, is terminated (voluntarily or involuntarily), or retires prior to completion of a course shall not receive tuition reimbursement.
- E. Elected Officials are not eligible for tuition reimbursement.
- F. The County is under no obligation to allow employees to take a course during work hours. If the approved course is available only during work hours, the following procedure may be applied:
 - 1. With prior approval of the Elected Official or Department Head, the employee may use vacation leave, personal leave, or leave without pay in order to attend the class.
 - 2. Work schedules may be rearranged with prior approval of the Elected Official or Department Head.
 - 3. The County will not compensate employees, or make allowances for tardiness resulting from participation in the Tuition Reimbursement Program.
- G. Applications will be approved for specific courses for the current semester/term. Any changes in course schedule should be submitted within ten (10) days of the registration date.

Employees enrolled in special programs (such as cohorts) having a fixed schedule of coursework, may submit one application along with a schedule of classes at the beginning of the program. A degree plan must also be included. Special programs tuition will be reimbursed according to the published University of Texas @ Arlington graduate tuition rate schedule.

- H. All grade reports and receipts may be held until the final cut-off date for submission at the end of the semester. A total budget impact will be calculated for the semester. When the amount of the tuition reimbursement requests exceeds the available resources, the available funding will be divided by the number of approved applications. Reimbursements will be made on a pro-rated basis.
- I. Reimbursement for courses at private institutions will be limited to an amount equal to the tuition rate charged by the University of Texas at Arlington for a Texas resident.
- J. Internal Revenue Service has established an annual limit on the amount of tuition reimbursement funds that may be earned without taxation of employee income. When this limit is exceeded, income tax will be deducted from the employee's pay. It is the responsibility of the employee to track income derived from tuition reimbursement.

23.05 Course Eligibility

- A. Courses which meet the following criteria will be eligible for reimbursement.
 - 1. Relates directly to the duties of the position currently held by the employee; or
 - 2. Enhances job effectiveness/performance and is not offered in-house; or
 - 3. Relates to the duties of a position to which the employee may reasonably be expected to advance within the County; or
 - 4. Is required for -- or may be used to meet the requirements for -- a degree in a subject directly related to a job or position that is included in Tarrant County's Table of Organization; and
- B. Is offered by a regionally accredited junior college, college, university, technical, or trade school. This includes courses offered virtually (online). A minimum grade of "C" in undergraduate courses or a "B" in graduate courses, is required in order to receive reimbursement.
- C. A maximum of eight (8) courses per calendar year may be submitted for reimbursement.
- D. An employee will not be eligible to repeat courses for which he/she has previously received tuition reimbursement except for courses, such as a seminar for college credit, in which the content changes substantially and for which the institution itself grants credits for subsequent completion.
- E. Review, audit, and continuing education courses are not eligible for reimbursement. Continuing education courses for which a letter grade is awarded are eligible for reimbursement.
- F. Seminars, review, or continuing education courses which result in professional certification are not eligible for reimbursement.
- G. Courses offered via Internet access from accredited colleges, universities, and trade schools will be eligible for reimbursement if all other qualifying criteria are in place. The course must be completed within the allotted semester.
- H. To qualify for doctoral course reimbursement, an employee must document and affirm the selection of a County career path which requires doctoral coursework completion. Doctoral course reimbursement requests will be reviewed and approved by the Director of Human Resources.
- I. Standard course credit hour values will be one (1) hour, two (2) hours, three (3) hours or four (4) hours. Courses taken at institutions using variations of these standard values will require translation into a standard value before reimbursement is calculated.

23.06 Reimbursement Rates/Schedule

- J. The Director of Human Resources, or designee, will establish tuition rates for graduate and undergraduate hours as of September 1st each year based on the rates charged by the University of Texas at Arlington. Students will be reimbursed at these rates or the rates of their own institution or actual rates, whichever is less. If it becomes necessary to prorate funds, anticipated reimbursement will be reduced.

Reimbursement is calculated based on credit hours registered at the beginning of the semester. Flat rate charges are deemed to include tuition and fees; consequently, tuition costs will be calculated, and employees will be reimbursed for tuition only.

- K. Other fees and expenses are specifically excluded from reimbursement. These fees include, but are not limited to: Registration Fees, Late Fees, Change of Class Fees, Parking Fees, Books and Supplies, Transcript Fees, Deposits, Uniform Fees, Photo ID Fees, Health Insurance Fees, Room and/or Board, Laboratory or Other Similar Supplemental Fees, and Travel related

expenses.

- L. The maximum reimbursement per employee will be based on the grade received. An “A” will result in 100% reimbursement, and a “B” will result in 80% reimbursement. For undergraduate courses, a grade of “C” will result in 70% reimbursement and no reimbursement for graduate courses. Grades below “C” will not be reimbursed.
- M. Grades other than standard letter grades (such as P or S) are not acceptable for reimbursement. It will be the responsibility of the employee to have the grade translated into a standard letter grade (A, B, C) by the professor. E-mail correspondence from the professor should come from a recognized college/university e-mail account. Failure to obtain a standard letter grade will result in no reimbursement.
- N. Reimbursement for non-traditional terms (6, 8, 10 weeks as an example) will be reimbursed as outlined in Section VII.

23.07 Applications and End of Term Documentation

Before the Term

- O. The application form and supporting documentation must be submitted to the Human Resources Department at 100 E. Weatherford Street, Fort Worth, Texas. Applications and supporting documentation must be submitted no later than the beginning date of the term. The first day of class is considered the beginning date. Should the calendar due date fall on a Saturday, Sunday or holiday, the cutoff date will roll to the next regular business day, 5:00 p.m.
- P. Employees shall submit the application form, including a description of the employee's career goals and how the course directly relates to those goals or how the course will enhance the employee's skills / knowledge. Employees must submit: 1) a copy of the course description from the class syllabus or college catalog, 2) a document showing the starting and ending dates and ending dates for the class, and 3) a copy of the employee's current job description. The employee's job description may be omitted from applications subsequent to the first application, unless the employee changes positions. If that occurs, a new job description must be included with future submissions.
- Q. Employees pursuing a degree will submit a degree plan with the first application. Courses listed on subsequent applications must match those on the degree plan.
- R. The Director or designee shall notify applicants concerning the status of their application. A denial of an application may be appealed to the County Administrator.

23.08 Revocation of Benefit

Employees who terminate their employment with the County within two years of the last class day of the course(s) taken shall reimburse the County for those course(s) upon termination of employment. The amount owed will be withheld from the employee's final payroll disbursement in an effort to fully reimburse the County. Such withholdings will be made and may result in the net pay being zero. If there remains an outstanding balance, the County will pursue the remaining amount in the form of a promissory note. Unresolved balances will be referred to the Criminal District Attorney's Office for further action.

Employees whose jobs are eliminated while participating in tuition reimbursement shall not be subject to the Revocation of Benefit clause.

SUBCHAPTER B

Texas Local Government Code, Chapter 158

SUBCHAPTER B. SHERIFF'S DEPARTMENT CIVIL SERVICE SYSTEM

§ 158.031. Definitions In this subchapter:

- (1) "Commission" means a sheriff's department civil service commission.**
- (2) "Department" means a sheriff's department.**
- (3) "Employee" means an employee of a sheriff's department. The term includes a deputy sheriff.**

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 158.032. Eligible Departments

A sheriff's department in a county with a population of more than 500,000 may, in accordance with this subchapter, create a civil service system.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 127, § 1, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 597, § 92, eff. Sept. 1, 1991.

§ 158.033. Petition and Election

- (a) If at least 20 percent of the employees of an eligible department under this subchapter sign a petition requesting an election under this section and present the petition to the county judge of the employing county, the judge shall order a departmental election on the question of the creation of a sheriff's department civil service system.**
- (b) The county judge shall hold the election after the 15th day but on or before the 45th day after the date the petition is submitted. The election must be by secret ballot and each employee is entitled to vote at the election.**

(c) The ballots for the election shall be printed to provide for voting for or against the proposition: "Creation of a sheriff's department civil service system."

(d) The county judge shall canvass the votes and declare the result.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 158.034. Appointment of Commission

(a) In a county with a population of less than 2.8 million, if a majority of the employees voting at the election approve the creation of a sheriff's department civil service system, the sheriff, commissioners court, and district attorney shall each appoint one person to serve as a member of the civil service commission that administers the system. In a county with a population of 2.8 million or more, if a majority of the employees voting at the election approve the creation of a sheriff's department civil service system, the sheriff, commissioners court, and district attorney shall each appoint two persons to serve as members of the civil service commission that administers the system, and the three appointing authorities shall appoint one member by joint action requiring the affirmative vote of each of the authorities.

(b) The sheriff shall designate one of the members as chairman of the commission.

(c) Each member of the commission is appointed for a term of two years. However, the initial members of the commission in a county with a population of less than 2.8 million shall determine by lot which two of them will serve a term of two years and which one of them will serve a term of one year. In a county with a population of 2.8 million or more:

(1) the initial member appointed jointly under Subsection (a) serves a term of two years; and

(2) the initial members appointed by each individual appointing authority shall determine by lot which one of the two initial members appointed by the appointing authority will serve a term of two years and which initial member appointed by that authority will serve a term of one year.

(d) The entity that appointed a member of the commission whose position becomes vacant shall appoint a person to serve the unexpired part of the member's term.

(e) To be eligible for appointment to the commission, a person must:

(1) be at least 25 years old; and

(2) have resided in the county for the three years immediately preceding the date on which the person's term will begin.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 534, § 1, eff. May 31, 1997.

§ 158.035. Powers of Commission

(a) The commission shall adopt, publish, and enforce rules regarding:

(1) selection and classification of employees;

(2) competitive examinations;

(3) promotions, seniority, and tenure;

(4) layoffs and dismissals;

(5) disciplinary actions;

(6) grievance procedures;

(7) the rights of employees during an internal investigation; and

(8) other matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits, and working conditions of employees.

(b) The commission may adopt or use as a guide any civil service law or rule of the United States, this state, or a political subdivision in this state to the extent that the law or rule promotes the purposes of this subchapter and is consistent with the needs and circumstances of the department.

(c) In a county with a population of 2.8 million or more, a panel of three commissioners shall preside at the hearing and vote on the commission's final decision in any case involving termination, demotion, or recovery of back pay. A panel's decision is the final decision of the commission for purposes of Sections 158.0351 and

158.037. The commission shall adopt rules prescribing the commission's procedures for assigning members to a panel. A panel may not include more than one member who was appointed to the commission by the same individual appointing authority.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 218, § 1, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 893, § 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 534, § 2, eff. May 31, 1997.

§ 158.0351. Procedures After Felony Indictment or Misdemeanor Complaint

(a) This section applies only to a county with a population of 2.8 million or more.

(b) If an employee is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor, the sheriff may temporarily suspend the person with or without pay for a period not to exceed 30 days after the date of final disposition of the specified felony indictment or misdemeanor complaint.

(c) The sheriff shall notify the suspended employee in writing that the person is being temporarily suspended for a specific period with or without pay and that the temporary suspension is not intended to reflect an opinion on the merits of the indictment or complaint.

(d) An employee indicted for a felony or officially charged with the commission of a Class A or B misdemeanor who has also been charged by the sheriff with a civil service rule violation directly

related to the indictment or complaint may delay the civil service hearing for not more than 30 days after the date of the final disposition of the indictment or complaint.

(e) If the sheriff temporarily suspends an employee under this section and the employee is not found guilty as charged in the indictment or complaint in a court of competent jurisdiction, the employee may appeal to the commission for recovery of back pay. The commission may:

(1) award all or part of the back pay, even if the employee is a deputy sheriff whose appointment as a deputy was revoked under Section 85.003(c); or

(2) modify or uphold the decision by the sheriff.

(f) Acquittal or dismissal of an indictment or a complaint does not mean that an employee has not violated a civil service rule and does not negate the charges that may have been or may be brought against the employee by the sheriff.

(g) Conviction of a felony is cause for dismissal, and conviction of a Class A or B misdemeanor may be cause for disciplinary action or dismissal.

Added by Acts 1993, 73rd Leg., ch. 893, § 2, eff. Sept. 1, 1993.

§ 158.036. Compensation and Staff

The members of the commission serve without compensation, but the commissioners court shall reimburse each member for actual and necessary expenses incurred in performing the member's duties. The commissioners court shall provide the commission with adequate office space and sufficient funds to employ an adequate staff and to purchase necessary supplies and equipment.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 158.037. Appeals

(a) An employee who, on a final decision by the commission, is demoted, suspended, or removed from a position may appeal the decision by filing a petition in a district court in the county within 30 days after the date of the decision.

(b) An appeal under this section is under the substantial evidence rule, and the judgment of the district court is appealable as in other civil cases.

(c) If the district court renders judgment for the petitioner, the court may order reinstatement of the employee, payment of back pay, or other appropriate relief.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 68, § 3, eff. Sept. 1, 1997.

§ 158.0371. Review Under Substantial Evidence Rule

(a) The same standards described by Section 158.0121 apply to an appeal under Section 158.037.

(b) The procedures for review under Section 158.037 are the same as provided by Section 158.0122.

(c) The commission may require a party who appeals a decision under Section 158.037 to pay the cost of preparing the commission record in the same manner provided by Section 158.0123.

Added by Acts 1997, 75th Leg., ch. 68, § 4, eff. Sept. 1, 1997.

§ 158.038. Exemptions

(a) A person who is an employee of a department on the date that a civil service system is adopted under this subchapter in the department may not be required to take a competitive examination or perform any other act under this subchapter to maintain the person's employment.

(b) The sheriff of a county with a population of 2,000,000 or less may designate as exempt from the civil service system:

- (1) the position of chief deputy;**
- (2) four positions of major deputy;**
- (3) one or more positions in the office of departmental legal counsel; and**
- (4) additional positions in the department; provided, however, that the sheriff may not designate as exempt a total of more than 10 positions.**

(c) The sheriff of a county with a population of more than 2,000,000 may designate as exempt from the civil service system:

- (1) the position of chief deputy;**
- (2) one or more positions in the office of departmental legal counsel; and**
- (3) additional positions in the department, not to exceed 25 in number, that have been determined by the civil service commission to be administrative or supervisory positions; provided, however, that the sheriff may not designate as exempt any position in the deputy classifications of captain or below. The designation of any such additional exempt position by the sheriff shall not diminish the number of positions within the deputy classifications of captain or below.**

(d) At the time a new sheriff takes office, an employee holding an exempt position may be transferred to the nonexempt position held by the employee immediately before being promoted to an exempt position. A person who was not an officer in the department when appointed to an exempt position may be transferred only to an entry level position in accordance with the system's civil service rules.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg.,

ch. 810, § 1, eff. Aug. 26, 1991.

§ 158.039. Dissolution of System

(a) If, after a civil service system under this subchapter has been in effect in a department for at least one year, 20 percent of the employees of the department petition the county judge to dissolve the system, the judge shall order a departmental election on the question of the dissolution of the department's civil service system.

(b) The county judge shall hold the election after the 15th day but on or before the 45th day after the date the petition is submitted. The election must be by secret ballot and each employee is entitled to vote at the election.

(c) The ballots for the election shall be printed to provide for voting for or against the proposition: "Dissolution of the sheriff's department civil service system."

(d) The county judge shall canvass the votes and declare the result.

(e) If the proposition is approved by a majority of the employees voting at the election, the county judge shall declare the sheriff's department civil service system dissolved.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 158.040. Exclusivity

A civil service system created under this subchapter and in effect applies to the department to the exclusion of a civil service system in that county created under Subchapter A or another law.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.