

2013 1428

ORDER NO: \_\_\_\_\_

DATE: September 3, 2013

STATE OF TEXAS '

COUNTY OF DALLAS '

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 3rd day of September 2013, on motion made by John Wiley Price, District 3, and seconded by Dr. Elba Garcia, District 4, the following Order was adopted:

WHEREAS, Commissioner's Court was briefed on August 27, 2013, regarding a new policy providing clarification and guidance to supervisors, managers, and employees when addressing arrest and/or conviction issues related to staff; and


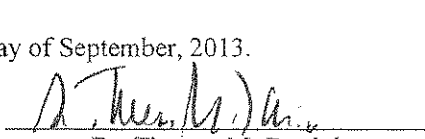
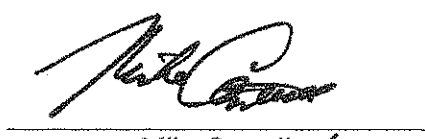
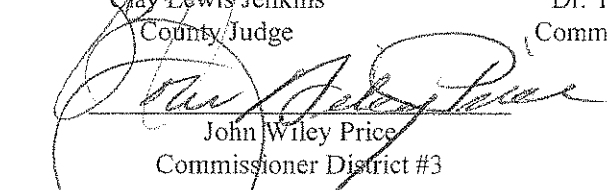
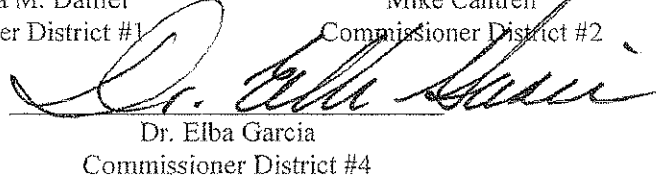
WHEREAS, Employees are required to check with their individual departments to learn if there are other guidelines specific to that department; and

WHEREAS, The policy has followed the standard process with an initial review by the Civil Service Commission, a 30-day review by departments, a review by the legal staff of the District Attorney's Office, and final approval of the Civil Service Commission; and

WHEREAS, Approval of this request supports Dallas County's Strategic Plan Vision 1: Dallas County is a model interagency partner.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Dallas County Commissioners Court hereby approve the Arrest and Convictions policy in Chapter 86, Division 10: Section 86-360 to 86-365 of the Dallas County Code.

DONE IN OPEN COURT this the 3rd day of September, 2013.

 _____ Clay Lewis Jenkins County Judge	 _____ Dr. Theresa M. Daniel Commissioner District #1	 _____ Mike Cantrell Commissioner District #2
 _____ John Wiley Price Commissioner District #3	 _____ Dr. Elba Garcia Commissioner District #4	

Recommended by:   
\_\_\_\_\_  
Mattye Mauldin-Taylor, Ph.D., Director  
Human Resources/Civil Service Department

## **DIVISION 10: ARRESTS and CONVICTIONS POLICY (CURRENT EMPLOYEES)**

### **Sec. 86-360. Purpose of Policy**

Dallas County has a vested interest in its public accountability, public image, and the continuing ability of its employees to perform all assigned job duties. Thus, all Dallas County employees are expected to conduct themselves in a manner deserving of the public's trust. The purpose of this policy is to establish guidelines to be used when an employee has been involved in a criminal matter that may be inconsistent with:

- (1) The employee's ability to continue effectively performing his or her job duties;
- (2) The County's employment policies;
- (3) The County's commitment to provide a safe work environment; or
- (4) The County's positive image and public trust.

### **Sec. 86-361. Policy Application**

This policy applies to all Dallas County employees, and it outlines the County's policy related to the reporting of, resolution of, and actions that may be taken as a result of an arrest, warrant, or criminal conviction. Misdemeanor traffic offenses payable by fine *only* are excluded unless the employee's job duties include operating a County vehicle. If so, the employee should refer to Section 90-173 for driver competency guidelines. *Some County departments may have additional and/or different guidelines to meet specific needs; therefore, employees should also check with the specific department.*

### **Sec. 86-362. Reporting Requirements**

An employee, who knows of an outstanding warrant, is arrested on a misdemeanor or felony charge, is convicted of a criminal offense, or is granted deferred adjudication/probation shall notify his immediate supervisor of the warrant, arrest, deferred adjudication/probation, or conviction by the end of the next business day. If the employee cannot personally notify his or her supervisor, the employee may have another person do so and then follow up personally as soon as the employee can. Failure to inform the supervisor within the designated time period may result in disciplinary action up to and including immediate termination. *Some County departments may have additional and/or different guidelines to meet specific needs; therefore, employees should also check with the specific department.*

### **Sec. 86-363. Resolution of Arrest/Charge/Warrant**

Depending on the circumstances of the arrest, charge, or warrant, the employee may not be permitted to work until such matters are resolved. See Section 86-364. The employee may be placed on leave of absence status until the employee is cleared or convicted of the charge **or** until an internal investigation into the alleged violation concludes. See the Employee Investigations Policy (Section 86-984) and Section 86-364.

An employee who knows or has reason to believe that he or she has an outstanding warrant must immediately notify the employee's supervisor in accordance with Section 86-362. The employee may not continue working until the warrant has been resolved.

To resolve warrant-related issues, an employee may be placed on leave for a limited period of time as determined by the elected official/department head. The recommended time frame is three business days. An employee may be allowed to utilize paid leave time (excluding sick leave) while taking steps to resolve the warrant; however, if no paid leave time is available (excluding sick leave), then the employee will not be paid and the time will be coded as Leave of Absence Without Pay.

An employee must present documentation that a warrant has been resolved to the elected official/department head and Human Resources/Civil Service Department.

#### **Sec. 86-364. Disciplinary Action for Arrests, Convictions, or Warrants**

Dallas County may take disciplinary action, up to and including termination, at any time in response to an employee's arrest, conviction, or warrant.

(a). Factors that will be considered in determining the appropriate disciplinary action include:

- (1) Severity of the alleged act or conviction;
- (2) Relevance of the arrest, warrant, or conviction to the employee's job duties; and
- (3) Impact of the arrest, warrant, or conviction on the County's integrity and public image.

(b). In all cases, disciplinary action must be supported by information obtained from witness reports, police reports, or court records. Decision-makers are required to consult with the Human Resources/Civil Service Department and/or the Civil Division of the District Attorney's Office before taking any disciplinary action.

#### **Sec. 86-365. Confidentiality of Information**

All information obtained for investigative purposes will be treated as confidential to the extent possible under federal and state guidelines.