

COURT ORDER

14

ORDER NO: 2012 1049

DATE: June 19, 2012

STATE OF TEXAS

COUNTY OF DALLAS

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 19th day of June, 2012, on motion made by Dr. Elba Garcia, District #4, and seconded by John Wiley Price, District #3, the following Order was adopted:

WHEREAS, Commissioners Court was briefed on June 5, 2012, regarding the Dallas County Civil Service Commission approval of and immediate inclusion in the Dallas County Code the attached policy provision to the Reduction In Force Policy, Section 86-628 – Reinstatement; and

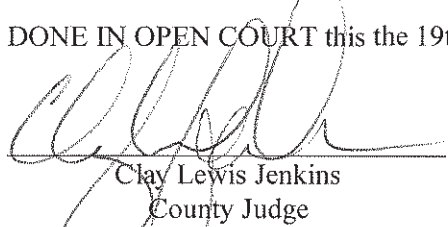
WHEREAS, The change addresses civil service covered employee’s reinstatement privileges for up to one year to their previously held position when the employee accepts a demotion in lieu of termination, with current civil service covered employees who previously accepted a demotion in lieu of termination having reinstatement privileges to their previously held positions for one (1) year from policy effective date of May 21, 2012; and

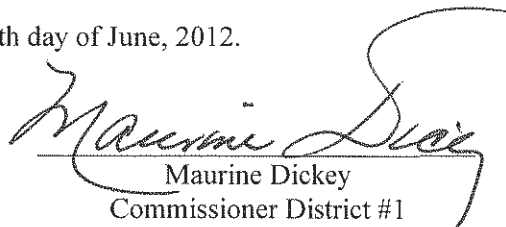
WHEREAS Upon review, Commissioners Court approved immediate adoption of the policy changes for inclusion in the Dallas County Code to provide clarification and guidance to all County employees; and

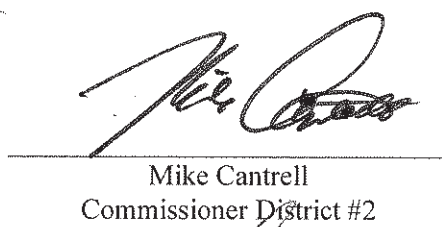
WHEREAS The policy has been reviewed by the Civil Section of the District Attorney’s Office, with recommendations in these policies consistent with Dallas County’s Strategic Plan Vision 1.5: Maintain a strong, motivated Dallas County Workforce.

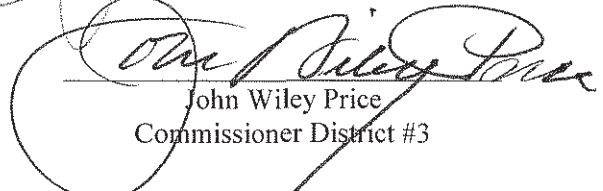
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Dallas County Commissioners Court *hereby approve the revised policy language of the Reduction In Force Policy (Section 86-628 -- Reinstatement) included in Attachment A for immediate inclusion in the Dallas County Code.*

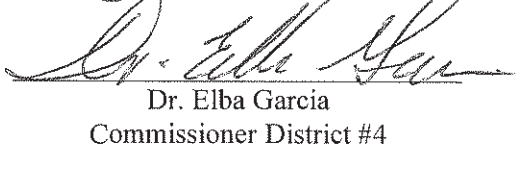
DONE IN OPEN COURT this the 19th day of June, 2012.


Clay Lewis Jenkins
County Judge

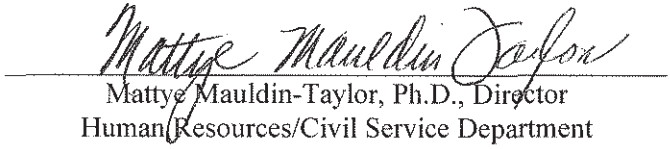

Maurine Dickey
Commissioner District #1


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 9 REDUCTION-IN-FORCE

Sec. 86-621. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Reduction-in-force means a decrease in the number of authorized employees resulting from a discontinuance of services, organizational changes or change in funding authorization, and is not to be considered a disciplinary action.

(Admin. Policy Manual, § A(3.23))

Cross references: Definitions generally, § 1-2.

Sec. 86-622. Changes in position authorization.

Changes in position authorization required in a reduction-in-force will be determined by the commissioners court and will be initiated by the ordered reduction of budgeted funds, or the reduction of positions authorized in a specific department.

(Admin. Policy Manual, § A(3.24))

Sec. 86-623. Referral for reassignment.

Employees occupying positions to be deleted due to a reduction-in-force in one county department/section shall be referred for reassignment to other position openings for which they are qualified in the same or other sections/departments by coordinating this action with the human resources/civil service department.

(Admin. Policy Manual, § A(3.25))

Sec. 86-624. Retention.

Retention of employees will be based on job performance. Those employees who have demonstrated excellence in job performance shall be given preference in retention. When levels of job performance are equal, then length of service shall be the determining factor. If job performance documentation does not exist, then tenure (length of service) shall be the determining factor.

(Admin. Policy Manual, § A(3.26))

Sec. 86-625. Length of service calculated in layoff ratings.

Length of service of an employee for inclusion in layoff ratings shall be based upon the number of calendar months of continuous county service in the affected employee's current classification. Periods of absence on leave without pay shall not be credited as county service. Length of service in the class for which the layoff is computed shall include service in any other class to be equal to, or greater than the employee's current classification. An employee who resigns from the county service, or is dismissed, (for cause) shall lose all seniority credited to him/her prior thereto, and subsequent reinstatement or reemployment of the employee shall not restore the seniority so lost. Any employee laid off shall, after timely reinstatement, (one year), regain the seniority credit he possessed at the time of layoff.

(Admin. Policy Manual, § A(3.27))

Sec. 86-626. Job performance determining factor in layoff ratings; appeal.

Job performance shall be the determining factor in a layoff rating. The resulting layoff rating shall be the combination of performance ratings derived from documented performance reports in an employee's current classification. Employees may appeal assigned layoff ratings to their department head or civil service

commission as outlined in the rules governing grievances.

(Admin. Policy Manual, § A(3.28))

Sec. 86-627. Reduction-In-Force (RIF) Demotion Option (This section reflects recent court approved policy language: Court Order# 2011 815 May 3, 2011.)

- (a) A regular employee shall, in lieu of being laid off, be allowed to accept a demotion within the same department to a position at a lower job grade or class, providing the demotion does not require any other employee within the same job grade or class who has a layoff rating at least as high as that of the other employee to be laid off;
- (b) Subsection (a) of this section does not apply to employees whose positions are funded by a grant. Employees in grant-funded positions are excluded from bumping employees in regular, full-time positions funded from the general fund but are permitted to bump employees within the same grant;
- (c) The merit date of an employee who transfers or demotes will not be impacted as a result of a reduction-in-force.
- (d) Under this policy, the salary of an employee who accepts a demotion in lieu of termination shall be determined by the department head/elected official but shall not be greater than their current salary nor greater than the maximum of the prescribed salary range of their new position and not less than the minimum of the prescribed range. The employee must meet the qualifications for the new position.
- (e) All employees accepting a demotion in lieu of layoff shall be eligible to receive promotional increases greater than what is allowable under promotional policies, but not to exceed their salary at time of demotion.

(Admin. Policy Manual, § A(3.29--3.31))

Sec. 86-628. Reinstatement (This section reflects recent court approved policy language: Court Order# 2011 815 May 3, 2011.)

- (a) If an employee is terminated or accepts a demotion in lieu of termination due to a reduction-in-force, the employee shall be reinstated based on the following criteria:
 - (1) a vacancy must exist in the same office/department from which the employee was terminated or demoted;
 - (2) must return to work for the county within one year (two years for deputy sheriffs) from the date of termination or must return to the same job code held within one year (two years for deputy sheriffs) from the date of demotion;
 - (3) Employees impacted by a reduction-in-force who accepted a demotion in lieu of termination on/before 5/21/2012 shall have until 5/20/2013 to return to the same job code held prior to the demotion (5/20/2014 for deputy sheriffs). *For example: Employee A previously accepted a demotion in lieu of termination on November 1, 2011. Based on this policy decision, the employee's reinstatement privileges will not end until May 21, 2013 for a total of 18 months. However, should this occur again in the future, the employee will only have reinstatement rights for a period of one (1) year from date of impact.*
 - (4) must be re-hired or reinstated into the same job code held at the time of the termination or demotion;
 - (5) was covered under a civil service system when the reduction-in-force took place; and
 - (6) meets all current job qualifications for the job code.
- (b) All employees being reinstated under this policy will be subject to restoration of benefits and their salary level at time of separation or demotion, if applicable.

- (c) When more than one laid-off or demoted employee qualifies for reinstatement under this section, the preference shall be given to the person laid off or demoted last.
- (d) A reinstated regular, full-time employee who has successfully completed the initial probationary period and is being reinstated under this provision to his/her previously held job code **will not** be required to serve an employment probation period or a performance probationary period. Such reinstatement must occur during the designated time period. If an employee is reinstated or promoted to a different position in the same or another department, then a performance probationary period **will** be required. For more information about employment probationary periods, please refer to Section 86-241 through 242 of the Dallas County Code (and Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations for Sheriff's Department law enforcement personnel).

(Admin. Policy Manual, § A(4.14--4.17))

Sec. 86-629. Separation without prior notice.

If an employee is to be removed due to a reduction in force and an elected official or department head has determined that such employee poses a security risk to the county, such employee may be terminated immediately without prior notice. The elected official or department head desiring immediate termination of such positions, shall submit the position name and title, along with an explanation of the security risk to human resources/civil service, for commissioners court approval. Upon approval by the commissioners court, such employees may be paid up to two weeks of administrative leave for separation from the county without notice.

(Ord. No. 2003-1850, 10-7-2003)
Secs. 86-630--86-650. Reserved.