

**Chapter 86**

**PERSONNEL AND EMPLOYMENT\***

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**\*Cross references:** Any order providing for salaries or employee benefits not codified in this Code, or otherwise related to employees saved from repeal, § 1-8(a)(5); administration, ch. 2; financial matters, ch. 70; personnel benefits, payroll and compensation, ch. 82; sheriff's department civil service rules and regulations, app. A; employment, app. A, ch. II, § 2.00; compensation, app. A, ch. III, pt. I, § 3.00 et seq.; leave policies, app. A, ch. IV, § 4.00 et seq.; personnel conduct and affairs, app. A, ch. V, § 5.00 et seq.; employees retirement system and group insurance, app. A, ch. VI, § 6.00 et seq.

**State law references:** County personnel and employment, V.T.C.A., Local Government Code §§ 151.001--180.003.

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## ARTICLE I. IN GENERAL

**Sec. 86-1. Definitions.** (This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009; Court Order #2011 1463 – August 30, 2011; Court Order #2017-0089, January 17, 2017; Court Order #2018 1438, December 4, 2018)

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

*Class* means and consists of all jobs regardless of department locations that are sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be accorded the same pay scale under like conditions, and to require substantially the same education, experience and skills on the part of the incumbents.

*Classification* means a hierarchical structure of jobs, usually arranged into classes or pay grades according to a job evaluation.

*Classified employee* means as follows:

- (1) *Category A employee* includes, but is not limited to, administrative secretary, executive secretary, administrative assistant, deputy constables hired after August 19, 2003, positions in information technology reporting to the CIO and performing information technology job duties, chief deputy or first assistant of the county judge, county commissioners and elected officials. These job titles and others designated by commissioners court do not fall under the jurisdiction of the civil service system. Additionally, Category A classified employees are excluded from coverage afforded in employment procedures relating to job posting, reduction-in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures of this Code.
- (2) *Category B employee* includes department heads who report to the Commissioners Court, assistant department heads in departments that report to the Commissioners Court, assistant public defenders, employees who were hired after June 7, 2011 into Information Technology positions in the Information Technology Department at grade IT11 or higher and, employees who were hired or promoted after December 4, 2018 into positions on the E Schedule grade K or higher, ET Schedule grade KM or higher, Engineering Schedule grade PE 11 or higher, or the Open Pricing Schedules E1 and E2.

Category B employees are excluded from coverage afforded in reduction-in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures.

Other than a department head, a Category B employee who: (1) held a Category B position as of December 4, 2018; (2) has five or more years of continuous service; (3) held a Category C position immediately before accepting a Category B position; and (4) is terminated for reasons other

than just cause, shall be given the opportunity to accept a demotion to the employee's prior Category C position, provided that such a vacancy exists. If no vacancy exists, then the Reduction-In-Force Reinstatement policy (Section 86-628) will apply.

- (3) *Category C employee* includes all other regular, full-time employees as defined in the V.T.C.A., Local Government Code §§ 158.001--158.040 who are paid from county funds. Category C employees are covered by all sections of this Code.
- (4) *Category D employee* includes all regular, full-time employees paid from other than county funds, such as grants, contracts, etc. Category D employees are covered by all sections of this Code, except that they are not eligible for a grievance determination that awards back pay and/or reinstatement beyond the termination date of the funding sources.

*Continuous service* means uninterrupted active employment. Such things that constitute a break in service are termination, retirement, leave of absence without pay, any break in service where retirement contributions are withdrawn, and layoff due to reduction-in-force where separation has been for more than one year. Military duty as described in section 82-511, Armed forces active duty, may be counted toward continuous service for the purpose of sick or vacation accruals or service awards.

*Effective date of employment* means the day from which an employee's time in grade and length of service is calculated in order to accumulate leave.

*Effective date of termination* means the last actual day the employee worked for the county or the last day of any authorized leave time approved by commissioners court. The leave time must be court ordered through commissioners court. Any accrued leave benefits that are eligible for payment as of the employee's termination date will be paid on the employee's last paycheck. (See also subsection 82-498 and section 82-507).

*Employee* means a person who obtains a position by appointment and who is not authorized by statute to perform governmental functions involving an exercise of discretion in the person's own right, unless the person is included by a local civil service rule under section 86-51. The term does not include deputy constables or elected officials.

*Employee classification* means:

- (1) The following four definitions of employees, to be used for payroll as well as civil service purposes:
  - a. *Regular full-time employee*: An individual employed by the county on a continuing basis without limitation as to duration of employment and has a regularly assigned work schedule of 40 hours per week or more, less authorized leave without pay.
  - b. *Temporary full-time employee*: An individual employed by the county to perform a job for a limited period of time, generally not to exceed 1,000 hours and who has a regularly assigned work schedule of 40 hours per week or more. Temporary employees are generally not eligible for paid leave (vacation, sick, holiday), or insurance benefits. Specific benefits should be reviewed for

individual employee eligibility.

**Note:** Exempt employees who occupy court approved positions under a **Job Sharing** arrangement shall be included under this definition and paid on a salaried basis equivalent to the percentage of time they are scheduled to work. Unless it is court approved, the salary for the positions included in a job sharing arrangement shall not exceed the salary for the full time position they are replacing.

- c. *Regular part-time employee:* An individual employed by the county on a continuing basis, without limitation as to duration of employment and who has a regularly assigned work schedule of less than 40 hours per week. Part-time-employees are generally not eligible for paid leave (vacation, sick, holiday), or insurance benefits. Specific benefits should be reviewed for individual employee eligibility.
  - d. *Temporary part-time employee:* An individual employed by the county to perform a job for a limited period of time, generally not to exceed 1,000 hours, and who has a regularly assigned work schedule of less than 40 hours per week. Part-time-employees are generally not eligible for paid leave (vacation, sick, holiday), or insurance benefits. Specific benefits should be reviewed for individual employee eligibility.
- (2) The four classifications in subsection (1) of this definition can be combined in the following manner to classify employees:
- a. Regular, full-time employee;
  - b. Temporary, full-time employee;
  - c. Regular, part-time employee;
  - d. Temporary, part-time employee.
- (3) Departments will determine and identify on all required forms or electronic entries, which one of the four classifications to which the employee belongs.

*Initial Employment probationary period* for civilian employees means the period of time consisting of the first six months of employment with the county, beginning with the employee's date of employment as a regular, full-time employee. For licensed law enforcement personnel, it consists of the first twelve months of employment. During this initial probationary period, employees must demonstrate their ability to satisfactorily perform the assigned job duties. For Sheriff's Department law enforcement personnel, please refer to Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations. **(This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009).**

*Excluded employee* means all the county elected officials and employees who do not meet the definition of the term "employee" in the V.T.C.A., Government Code § 158.001, or by the state attorney general's opinions, are excluded from the civil service system. Additionally, all temporary, full-time employees; regular part-time employees; or

temporary, part-time employees are excluded from the system. The term does includes deputy constables hired after August 19, 2003 who are excluded from the civil service system.

*Inactive employee* means an employee who is on approved leave of absence without pay in excess of 31 continuous days, but not to exceed 180 days, and who does not accrue length of service credit for benefit purposes. Leave of absence creates a delay in merit increase and retirement vesting.

*Termination of employment* means the discontinuance of an employee's service with the county as a result of resignation, dismissal, reduction-in-force, retirement or death.

(Admin. Policy Manual, § A(2.00--2.07, 2.09--2.12); Ord. No. 2003-1467, 8-19-2003; Ord. No. 2006-029, 1-3-2006; Ord. No. 2008-0162, 1-22-2008; Ord. No. 2008-1745, 9-16-2008; Ord. No. 2009-0205, 1-27-2009)

**Cross references:** Definitions generally, § 1-2.

**Secs. 86-2--86-30. Reserved.**

## **ARTICLE II. CIVIL SERVICE\***

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**\*State law references:** County civil service, V.T.C.A., Local Government Code § 158.001 et seq.

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### **DIVISION 1. GENERALLY**

#### **Sec. 86-31. Purpose of article.**

The civil service system is a systematic method of appointing employees to office and promoting them for competency and performance. This article is designed to delineate and clarify the procedures for administering the civil service system on a day-to-day basis for those employees who fall under the jurisdiction of the system. (See article I of this chapter).

(Admin. Policy Manual, § A(1.00))

#### **Sec. 86-32. Nondiscriminatory intent of genderized language.**

In this article the pronouns "he," "him," "his" or "their" are used to signify both male and female individuals, are used only to condense the language of this text, and are not to be construed to be discriminatory.

(Admin. Policy Manual, § A(1.01))

#### **Sec. 86-33. Violation of article provisions.**

The rules in this article are presently in force for all employees under the civil service system which have been approved by the county civil service commission. Violations of this article will result in disciplinary action ranging from verbal counseling to termination depending on the severity of the violation.

(Admin. Policy Manual, § A(1.06))

#### **Secs. 86-34--86-50. Reserved.**

## **DIVISION 2. CIVIL SERVICE COMMISSION\***

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**\*Cross references:** Boards, committees, commissions, § 2-31 et seq.; civil service commission rules of practice, § 86-1007.

**State law references:** Civil service commission, V.T.C.A., Local Government Code §§ 158.008, 158.009.

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### **Sec. 86-51. Authority and function of commissioners court.**

The commissioners court is the legally authorized, elected body of five officials (one county judge and four commissioners) who manage the county's governmental entity. The commissioners court is authorized under V.T.C.A., Government Code §§ 158.001--158.015 to establish a three-member civil service commission, with one member designated to act as chairperson, which shall make, publish and enforce rules relating to:

- (1) The definition of a county employee;
- (2) Selection and classification of county employees;
- (3) Competitive examination;
- (4) Promotions, seniority and tenure;
- (5) Layoffs and dismissals;
- (6) Disciplinary actions;
- (7) Grievance procedures and other procedural and substantive rights of employees; and
- (8) Other matters having to do with selection of employees and their advancement, rights, benefits and working conditions.

(Admin. Policy Manual, § A(1.02, 1.03))

### **Sec. 86-52. Established; composition.**

The county civil service commission was established on April 3, 1975, under authority of section 86-51. The three-member commission shall be comprised of members of the county commissioners court. Present members of the commission are on file with the clerk of commissioners court and the county human resources/civil service department. The secretary to the commission is the county director of human resources/civil service.

(Admin. Policy Manual, § A(1.04))

**Sec. 86-53. Meetings.**

Meetings shall be on a once monthly, or as needed basis; shall comply with V.T.C.A., Government Code § 552.001 et seq., Open Meetings. Two commission members shall be present to constitute a quorum.

(Admin. Policy Manual, § A(1.05))

**Sec. 86-54. Appointment of director of human resources/civil service department.**

The civil service commission, with the approval of the commissioners court, shall appoint a director of human resources/civil service who shall be responsible for recommending the implementation of pertinent human resources/civil service rules and regulations to the civil service commission and for administering those approved rules, through his staff, on a day-to-day basis.

(Admin. Policy Manual, § A(1.07))

**Secs. 86-55--86-90. Reserved.**

## ARTICLE III. EMPLOYMENT PRACTICES\*

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\*State law references: County employment authority, V.T.C.A., Local Government Code § 151.001 et seq.

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### **DIVISION 1. HIRING POLICY (This section reflects court approved policy language: Court Order #2012 0614 – April 10, 2012).**

\*Editor's note: Court Order No. 2001-655, adopted April 3, 2001, amended the employment hiring policy in its entirety, in effect superseding provisions formerly set out as art. III, div. 1, §§ 86-91--86-106, of this chapter, which derived from the Administrative Policy Manual, § A(5.01--5.18). See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 2001-655.

#### **Sec. 86-90. Policy of Dallas County.**

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and other terms or conditions of employment.

(Ord. No. 2009-0241, 2-3-2009)

#### **Sec. 86-91. Purpose.**

The purpose of this policy is to ensure that hiring departments utilize sound, consistent and effective personnel selection methods to identify the best suited applicants to fill vacant positions in the county. This policy complies with applicable federal, state and local laws and statutes.

(Ord. No. 2001-655, §§ 5.00, 5.01, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

#### **Sec. 86-92. Creation of a position.**

- (a) There are two legal county entities involved in the creation of a position in Dallas County. They are:
- (1) Dallas County Commissioners Court – approves departmental requests for new positions; and
  - (2) Dallas County Civil Service Commission – approves the classification, compensation (job grade), and job description of positions for their

inclusion in the County's Compensation System.

- (b) The county defines its organizational structure by positions. Employees carry out the functions and duties of the position, therefore:
  - (1) Every full-time, part-time and temporary employee in the county must be assigned to a position with an assigned position number;
  - (2) There must be at least one funding source for each position and if there is more than one funding source used, the sum of the proportions of all funding sources must total 100 percent; and
  - (3) The county uses an integrated HR/payroll/finance system as a mechanism for position control. In the system, each position has a job title, job code, job grade, job location, and an assigned position number.
  
- (c) When creating a county position, the requesting elected official/department head should follow this process:
  - (1) Initiate a position request with the office of budget and evaluation (OBE);
  - (2) OBE reviews and makes recommendation to Commissioners Court;
  - (3) If Commissioners Court approves the recommendation, OBE then forwards the briefing, court order, and any other applicable information submitted by the department to the Human Resources/Civil Service Department (HR);
  - (4) HR works with the requesting department and forwards recommendation on job description, compensation (job grade), and placement in the county's job classification system to the civil service commission; and
  - (5) If approved by the Civil Service Commission, the Auditor's Office assigns a position number to the position allowing the requesting department to post and/or hire applicants.

(Ord. No. 2001-655, § 5.02, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-93. Job posting.**

Once a position has been created in the county's classification system, all positions (except those defined as category A positions) must be posted or announced through the Dallas County iRecruitment System. The hiring process, a completely automated process (iRecruitment), is designed to provide managers/supervisors or designees the ability to post their vacant positions and receive applications utilizing a paperless process with limited external intervention. Effective January 1, 2009, all departments are required to utilize this hiring system or will work with HR to implement as soon as feasible.

The type of recruiting strategy will determine the length of time a position will be posted. The following guidelines shall apply:

- (1) If the hiring department is interested in recruiting internal and external applicants, the hiring department shall:
  - a. Post non-exempt and exempt positions for the standard posting minimum period of ten or fifteen working days, respectively; or
  - b. Request a reduced number of posting days from HR with the minimum being five working days; or
  - c. Post hard-to-fill and/or other professional positions until filled (typically up to 30 days);
- (2) If the department is only interested in recruiting county employees, the position vacancy will be posted on the iRecruitment Internal Site only for:
  - a. Dallas County employee applicants for a minimum of five (5) working days; or
  - b. Departmental applicants for a minimum of three (3) working days.

(Ord. No. 2001-655, § 5.03, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-94. Request to post.**

To post a position, a manager/supervisor/hiring representative must have the iRecruitment Manager responsibility to access the iRecruitment Module and create and submit a job posting through the iRecruitment System. After submission, the following process shall take place:

- (1) Auditor's Office verifies the availability of funds, existence of the position number and termination status of last incumbent.
- (2) Human resources/civil service department reviews the job title, salary range, location, and closing date. Only job duties and job qualifications approved by the Civil Service Commission shall be included in the job posting as a requirement.

(Ord. No. 2001-655, § 5.04, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-95. Recruitment process - Recruiting strategy.**

The human resources/civil service department and the hiring department may recruit qualified applicants through a variety of sources such as local newspapers and other publications, job fairs and career days. The hiring department may request

additional recruiting efforts by contacting the human resources/civil service department's recruiter. In addition:

- (1) Hiring departments are encouraged to recruit for their positions. When discussing career opportunities with potential applicants, the hiring department shall direct applicants to apply via the county's online recruitment system (iRecruitment).
- (2) HR will work directly with departments when requiring documents with an original signature (e.g., the Sheriff's Department).
- (3) Other factors to be considered:
  - a. Americans with Disabilities Act (ADA). The county's employment and selection process will provide reasonable accommodations to persons with disabilities, in accordance with the Americans with Disabilities Act of 1990 (ADA). Requests for employment accommodation may be made to the employee relations specialist in the human resources/civil service department.
  - b. Minimum age requirements. Persons 16 to 18 years of age may be hired in non-hazardous positions. Occupations declared to be hazardous to persons between 16 and 18 years of age by the Department of Labor include: motor vehicle driver and outside helper, operating power-driven machines, elevators and power-driven hoisting equipment, chain saws, circular saws and guillotine shears, and roofing, and excavation labor. Persons under the age of 16 years will not be employed by the county, unless they are hired through programs approved by commissioners court (i.e., summer youth, work-study, etc.). All appointees shall have attained the minimum age of 16 years and must be able to provide a proof of age certificate (either state issued driver's license or identification card, or birth certificate).
  - c. Selective Service. Every male who is 18 years old, but has not yet attained the age of 26 years old, seeking employment with the county, shall submit documentation verifying his registration or exemption from registration with the Federal Selective Service System.
  - d. Residency requirements. All department heads appointed by and reporting directly to commissioners court and who have a full-time employment date of May 1, 1991, or after, must reside in Dallas County. (See section 86-131 for specific details).
  - e. Nepotism. Applicants who have immediate family members presently working in a department will not be allowed to work in the same department. (See Division 4: Nepotism, for specific details.)

- f. Verification of employment eligibility. Dallas County employs only U.S. citizens and lawfully authorized non-U.S. citizens. All new employees must show employment eligibility verification and complete the Employment Eligibility Verification Form I-9, as required by U.S. Citizenship and Immigration Services, to be in compliance with the Immigration Reform and Control Act of 1986.
- i. I-9 Form: An I-9 Form must be completed within three business days of the employee's hire date. In the event an employee is unable to provide evidence of employment eligibility within the time limits required by law, the employee either will not be hired or will be terminated. Employees who are not eligible to continue employment due to an expired work authorization date will be terminated.
  - ii. Original documents from either list A, or list B and C must be reviewed in the presence of the employee. Photocopied, altered, or laminated documents cannot be accepted. For a list of acceptable documents (as indicated on Form I-9) please visit <http://www.uscis.gov/i-9>. To improve the accuracy and integrity of I-9 information, Dallas County uses an electronic employment verification system called E-Verify.
- g. Criminal charges/outstanding warrants. An applicant or current employee (e.g., seeking promotional, transfer, reassignment opportunities) who has criminal charges pending or who has any outstanding warrant(s) is ineligible for the employment action with Dallas County. For the purpose of this policy intent, minor traffic violations are not considered a misdemeanor criminal charge; however, an outstanding warrant resulting from a minor traffic violation or other criminal charges shall cause the applicant (to include current employees) to be ineligible for employment consideration and/or continued employment (as related to current employees) until the pending criminal charges/outstanding warrants have been resolved through the applicable court system. The individual(s) must provide proof of payment to the department who must provide proof of payment of the fines or proof of payment arrangement for the violation(s) to the human resources/civil service department.
- h. Other outstanding/unresolved issues. An applicant under consideration for hire or current employee (e.g., seeking promotional, transfer, reassignment opportunities) who owes any unpaid fees, fines and/or taxes (e.g., delinquent property taxes) to the county shall cause the individual to be ineligible for employment consideration and/or continued employment (as related to current employees) until he/she has paid the fees and/or fines, or has entered into a payment agreement and/or is current

with the payments. The individual(s) must provide proof of payment to the department who must provide proof of payment or proof of payment arrangements to the human resources/civil service department.

- i. Employees returning to work for Dallas County. Employees returning to work for the county after voluntarily or involuntarily leaving will be treated as a new hire subject to all requirements and new hire processes, unless other specific policies apply. Retired employees wishing to return to work must attest in writing that prior to the date of retirement, there was no pre-arranged agreement made for the retiree's return to work. (See *Section 86-572 – Reemployment Policy*).

(Ord. No. 2001-655, § 5.05, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2012-0614, 04-10-12)

### **Sec. 86-96. Application process--Completion and submission.\***

An applicant must complete and submit an online application (iRecruitment System) to be considered for employment. The information submitted by the applicant in the online application system is utilized by the Human Resources/Civil Service department to ensure all applicants or employees under consideration for hire (promotional, transfer or reassignment opportunities) meet the minimum qualifications. The following applies to the benefits provided to hiring departments by the online application system:

- (1) All online applications and/or resumes of candidates are immediately available for review by managers/supervisors 24 hours/7 days a week. Managers/supervisors can search for and select specific applicants and advance the selected applicant(s) through the application process to eventual hire.
- (2) If a hiring department has several positions posted and determines that an applicant meets the minimum qualifications for position(s) other than the position for which he/she has applied, the hiring department shall notify the applicant to apply for the other posted position(s) through iRecruitment.
- (3) The human resources/civil service department offers on-going training to managers/supervisors on the county's iRecruitment System. Managers/supervisors or designees are encouraged to attend training sessions to ensure proficient utilization of the system.

(Ord. No. 2001-655, § 5.06, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2003-058, 1-14-2003; Ord. No. 2009-0241, 2-3-2009)

## **Sec. 86-97. Interview Process.**

Interviewing and selecting the right candidate is important and ultimately the responsibility of each hiring department. A well-planned interview and selection process seeks information about the applicant's background and ability to perform a job. The hiring department must ensure that all county policies and procedures related to hiring are followed. The following guidelines shall apply specifically to the hiring department:

- (1) Reviewing applications. The hiring department shall carefully and consistently search via iRecruitment and review all applications to select applicants for interviews. Once the hiring manager/supervisor or designee has selected the applicant(s) for interview, the application and registration assessment in iRecruitment should be printed for utilization in the interview process.
- (2) Scheduling interviews. When an applicant is contacted for an interview, he/she should have completed an application for the position through iRecruitment or must do so prior to the interview. The hiring manager/supervisor or designee shall inquire about information provided on the application and registration assessment that may need clarification and advise the applicant to update the necessary field(s) in iRecruitment before coming in for the interview. Applicants should be encouraged to especially review work history to ensure all previous employers are listed.
- (3) Preparing for interviews. The elected official/department head or designee should prepare for the interview by:
  - a. Obtaining a copy of the job description and reviewing the job's essential functions, required skill levels and minimum qualifications;
  - b. Preparing a set of job-related interview questions that are asked of all applicants; and
  - c. Contacting the employment section of the human resources/civil service department if review or assistance with developing interview questions is needed.
- (4) Conducting interviews. The elected official/department head or designee shall conduct the interview(s). The interviewer should first review the application and registration assessment carefully with the applicant to ensure completeness and accuracy of relevant information (i.e., work history, education, criminal history, registration assessment, etc.). Any and all information the hiring manager/ supervisor and applicant would like to have considered as part of the qualification process shall be discussed and finalized during this stage of the hiring process. Equal Employment Opportunity (EEO) guidelines must be adhered to in the interview process. The guidelines are:
  - a. All interview questions must be job-related questions. Based on

an applicant's response to the core questions, the interviewer may ask follow-up questions. The human resources/civil service department recommends the utilization of the interview and evaluation worksheet to document specific facts concerning the applicant's qualifications and rationale for selection;

- b. The contents of the application (employment dates, job titles and detailed descriptions of job duties for current/previous employers, pursuits and completion of education, and all other pertinent information) shall be reviewed and discussed, and if necessary, updated/entered into the iRecruitment system by the candidate prior to the department representative creating a job offer. In situations where an applicant has held more than two positions with a company, it is the responsibility of the interviewer to discuss the position with the applicant and provide a breakdown of the dates and job duties for each position;
  - c. When it appears an applicant may be a finalist for the position, the hiring manager/supervisor should ask the applicant to complete the background release form as well as to obtain his/her high school diploma and official college transcripts. Internal applicants may be requested to sign a release of personnel records form which authorizes release of personnel information (e.g., performance evaluations, attendance records, etc.) to the hiring manager/supervisor.
- (5) Testing. At the request of the department, if testing is required, applicants under consideration for a position will be required to satisfy all applicable performance tests. The Civil Service Commission shall be the final judge of the scope and content of such tests. All performance tests should be reviewed by the human resources/civil service department prior to being administered.
- a. Applicants -- Keyboarding/ten-key. Test scores for applicants will remain on file for six months and may be considered when an applicant applies for future job vacancies during this period;  
Note: Former Dallas County employees will be required to retest, unless separation was due to a reduction-in-force.
  - b. Current employees--Keyboarding/ten-key
    1. An employee's qualifying test scores can be utilized indefinitely (if the test score is available) when applying for other clerical or administrative positions; and
    2. New tests will not be required when an employee transfers to a position requiring the same or less keyboarding/ten key requirements.
  - c. Dallas County only accepts keyboarding/ten-key test scores administered by the human resources/civil service department

(employment division).

- (6) Reference Checks. Hiring managers/supervisors should check (at a minimum) references with the current and former supervisors of the candidate(s) (to include current and former employees) under consideration for hire. Reference information must be documented, provided to HR/CS and retained with other recruitment and selection documents. The goal of the reference check seeks to:
  - a. Verify name and title of person providing the reference;
  - b. Verify employment dates;
  - c. Verify position title;
  - d. Confirm any information and details on the application materials;
  - e. Ask questions that may predict a candidate's performance;
  - f. Verify beginning and ending salaries; and
  - g. Learn new information about a candidate.
  - h. Documented information must be signed and dated by the individual who obtains such information.

Note: Internal applicants may be requested to sign a release of personnel records form which authorizes release of personnel information (e.g., performance evaluations, attendance records, reason for leaving, etc.) to the hiring manager/supervisor. Department records shall not be released unless specifically authorized by the employee.

#### **Sec. 86-98. Selection Process.**

The information obtained in the application, the interview, any selection tests, and employment references will allow the hiring manager to assess candidates' suitability for the position. The following steps will assist the hiring department and the human resources/civil service department in assessing candidates under consideration for employment.

- (1) Application Review by Hiring Department. Due to the cost involved to conduct background investigations hiring departments must carefully review all information presented in the application and registration assessment with the applicant during the interview process prior to creating a job offer (request for salary analysis) through iRecruitment to HR. If corrections (to include information related to the applicant's work history, education, assessment tests, criminal history, professional training, if applicable) are required of the applicant, the hiring manager/supervisor must ensure the corrections are made during this stage of the hiring process. Once the qualification process has been completed and the background investigation has been initiated, no other additional information will be considered.

- (2) Submitting all applicable information to HR (Creating the initial job offer). The hiring department must submit all applicable information/documentation for the selected candidate to the HR department. It is the responsibility of the hiring manager/ supervisor or designee to obtain required documents verifying education (i.e., certified/official transcripts, bar card, etc.) and ensure the completion of the registration assessment, application assessment, and other information related to work history, education, and training prior to creating the initial job offer.
- a. Submission of required documents. The hiring department shall submit all required educational documentation (i.e., official high school diploma and/or official college transcripts, certifications, etc.) and background release form to HR after creating a job offer. For information regarding what HR considers when reviewing education documentation, see Section 86-99.
  - b. If HR determines the candidate meets the minimum qualifications for the position vacancy, the background investigation process is initiated. If HR determines that the candidate does not meet the minimum qualifications, the hiring department will be contacted to review the candidate's qualifications. The hiring manager/supervisor may reject the candidate and terminate the offer in iRecruitment, or may choose to under fill the position. See *section 86-311 (Under Fill Policy) for additional information.*

(Ord. No. 2001-655, § 5.09, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2003-058, 1-14-2003; Ord. No. 2004-1790, 10-5-2004; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2012-0614, 04-10-12) Editor's note: Ord. No. 2009-0241, adopted Feb. 3, 2009, amended the Code by redesignating former § 86-99 as 86-97.

### **Sec. 86-99. Qualification review by Human Resources/Civil Service**

- (a) Employment suitability. The hiring department will evaluate candidate profiles (applications) to identify those candidates qualified for an advertised position. Once the most qualified candidate is determined and an offer letter issued by the hiring department, the HR Department will initiate a criminal background check and verification of employment and vet the results for employment suitability. The evaluation will be based on the following:
- (1) Review of the results of the criminal background check.
  - (2) Review of the verification of employment and evidence of education compared to a candidate's application profile. An applicant's experience is evaluated based on a combination of work experience, education, volunteer work experience, internships, specific skills, certifications, and market rates. Education and experience are given equal weight. One year of experience is equivalent to one year of education and vice versa . Work experience obtained outside of the United

States is reviewed and approved by the HR Department's director on a case-by-case basis by using documentation (e.g., company paycheck stubs, etc.) to validate the experience.

(b) Falsification of records. All required documentation must be provided to, and the authenticity of such documentation verified by the Human Resources Department prior to an applicant being employed by the county. Any applicant who provides false or inaccurate information or documentation when applying for a posted position shall be disqualified from consideration for that position. Any material misrepresentation of facts or failure to report pertinent data on the application form by internal applicants shall be just cause for dismissal.

(d) Completion of salary analysis. Upon satisfactory completion of the background investigation and evaluation of education/work experience and all other applicable qualification factors, a salary analysis will be conducted. The salary analysis involves the following:

(1) The HR Department will provide the hiring manager/supervisor with a salary recommendation that may be offered to a candidate through the Applicant Tracking System.

(2) For jobs requiring licensure or pre-employment assessment, the hiring manager/supervisor may make an offer of employment contingent upon satisfactory completion of the pre-employment requirements.

(e) Hiring departments should refrain from discussing the specific salary to be offered until salary verification is received from the HR Department.

(Ord. No. 2001-655, § 5.07, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2003-058, 1-14-2003; Ord. No. 2005-2452, 12-20-2005; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2017-0963; 08-01-2017; Ord. No. 2017-1060, 08-15-2017; Ord. No. 2022-0679, 06-21-2022, Ord. No. 2026-370, 3-17-2026)

Editor's note: Ord. No. 2009-0241, adopted Feb. 3, 2009, amended the Code by redesignating former § 86-97 as § 86-98, in effect repealing § 86-98, which pertained to application process--distribution and receipt, and derived from Ord. No. 2001-655, § 5.08, adopted April 3, 2001; Ord. No. 2001-1889, adopted Oct. 2, 2001; Ord. No. 2003-058, adopted Jan. 14, 2003. Said ordinance also amended the Code.

### **Sec. 86-100. Completing the Hiring Process.**

Once the human resources/civil service department has determined that a candidate is eligible for hire with Dallas County, the following steps shall be completed:

(1) Making a formal Job Offer in the Recruitment platform. Upon notification of an eligible salary range, it is the responsibility of the hiring department to ensure the following steps occur in the Recruitment platform at least fourteen business days prior to the selected applicant's start date:

- (a) The hiring department must initiate the final job offer to the selected applicant; and
- (b) The selected applicant must accept the offer in the Recruitment platform.

(Example: If a selected applicant is scheduled to begin employment on Monday, November 10th, then the hiring department must have initiated the job offer and the selected applicant must have accepted the job offer in the Recruitment platform by the previous Tuesday, October 27th.)

- (2) Physical examination. A pre-employment physical examination is required for all applicants applying for safety sensitive positions or for positions for which federal or state regulations require pre-employment physical examinations. The physical examination measures whether the applicant meets the physical requirements of the job. The offer of employment is contingent on the candidate passing the physical examination. See Article

III, Division 6, Section. 86-221 (physical examinations) for specific details.

**Sec. 86-101. Forms distribution.**

After completion of applicable forms and the employee physical, if required:

- (1) The hiring department submits the new employee and position change form (Court Order) no later than fourteen days prior to the start date, in order to allow the auditor's office a full week to process the court order and place it on commissioners court's agenda on the next available Tuesday. (Note: The effective date of the new employee and position change form (court order) must fall within the immediate preceding, current or subsequent pay period of the form.)
- (2) Upon the submission of these forms, the auditor's office and the human resources/civil service department proceed with a series of final checks, approvals and signatures; and
- (3) Having been approved by the director of human resources/civil service and the county auditor, the personnel court order is forwarded to the clerk of the commissioners court and prepared for the court's consideration and final action.
- (4) The human resources/civil service department forwards the following forms to the auditor's office, treasurer's office, or other applicable departments after the completion of New Employee Orientation (NEO):
  - a. Employment eligibility verification form I-9;
  - b. Employee's withholding allowance certificate form W-4;
  - c. Texas County and district retirement system member information form;
  - d. Dallas County benefits enrollment worksheet;
  - e. Election to withhold personal information;
  - f. Dallas County identification badge form; and
  - g. Emergency notification form.
- (5) Hiring selection files. The hiring department shall maintain confidential files of the selection process and retain all material related to the position vacancy for three years in accordance with the records retention schedule.

Editor's note: Ord. No. 2009-0241, adopted Feb. 3, 2009, amended the Code by redesignating former § 86-100 as § 86-99.

Editor's note: See the editor's note to § 86-99.-655, § 5.13, 4-3-2001; Ord. No. 2001- 1889, 10-2-2001; Ord. No. 2022-0950, 09-06-2022)

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All new and former employees must serve a probationary period of six months during which their work performance and general suitability for the department are carefully evaluated. For licensed law enforcement personnel, it consists of the first twelve months of employment. *For Sheriff's Department law enforcement personnel, please refer to Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations.*

- (1) It is recommended that the supervisor conduct at least two written performance evaluations during the probationary period. The evaluation should take place:
  - a. No later than the midpoint of the probationary period; and
  - b. No later than 30 days before the completion of the probationary period.
- (2) In addition to these evaluations, the supervisor should conduct an evaluation at any time there is a question concerning the employee's quality of performance or suitability for the department. If at any time during the probationary period, the employee's performance or general suitability for employment in the department is found to be unsatisfactory, the employee will be released as provided in section 86-971.
- (3) Employees who do not receive their formal performance appraisals timely are encouraged to discuss it with their supervisors or to immediately contact their department's human resources representative or the central human resources department.

(Ord. No. 2001-655, § 5.12, 4-3-2001; Ord. No. 2001-1889, 10-2-2001)

## **Internship Policy.**

### **Sec. 86-102. Purpose**

Each department, at the discretion of the elected official/department head, may offer internship opportunities for students and others interested in learning more about the office or department's specific areas of specialization. Such internships may be paid or unpaid as each department defines and develops its own internship program. However, due to some federal oversight of internship programs by the Department of Labor, general provisions and guidelines are provided in this policy section.

### **Sec. 86-103. Policy Application**

Internships are designed to provide an opportunity to others to learn more about the office or departmental operational functions and to observe how theoretical concepts are applied on a day-to-day basis. An internship may be paid or unpaid.

- a) **Unpaid Internships** - the department shall ensure the intern is not displacing a regular employee; there is no guarantee of a job at the end of the internship; the un-paid internship does not provide a financial benefit to the office or department; the intern understands that he/she is not entitled to wages during the internship; the training provided is beneficial to the intern, and is similar to training provided or given in an educational environment.

If all factors listed in the above paragraph (e.g. Unpaid Internship) are met, an employment relationship does not exist under the Fair Labor Standards Act (FLSA), and the Act's minimum wage and overtime provisions do not apply to the intern.

- (b) **Paid Internships** – the department should review all proposed paid internships with the Human Resources/Civil Service Department prior to offering such internships or programs to ensure all pay and benefit issues are addressed.

Whether paid or unpaid, each department is responsible for ensuring its internship program complies with this policy and with other agreements that may be applicable to the internships (contracts with colleges, universities, etc.) In addition, all interns (paid or unpaid):

- (1) Must be at least 15 years of age or have completed his/her freshman year of high school;
- (2) Shall be subject to background checks;
- (3) Shall be required to sign all applicable documents related to their internship at Dallas County; and
- (4) Shall be required during the internship to comply with Dallas County Employee Code of Conduct.

(Ord. No. 2014-0835, 06-17-2014)

**Secs. 86-104 -- 86-109 Reserved.**

## **DIVISION 2. Educational Review by Human Resources**

### **Sec. 86-110. Verification of educational/certification/license qualifications.**

All information provided on employment application will be verified. The candidate is responsible for submitting all required educational documents such as a high school/GED diploma, certified college transcript to verify the number of college hours completed, and/or award of a college degree, or professional/technical

certifications and licenses to the hiring department. The hiring department is responsible for forwarding all educational/professional training documents to HR. When verifying educational credentials of candidates for positions prior to submission to HR, the department must be aware of the following guidelines:

- (1) High school diplomas must be accredited by a nationally or regionally known accrediting organization in the United States. GED diplomas must be administered and awarded through the Department of Education and State GED testing facilities in the United States.
- (2) Candidates who cannot obtain a copy of their high school diploma, who did not obtain a high school diploma/GED, or who's HS/GED diploma cannot be verified as being from an accredited school or accrediting agency recognized by the Texas Education Agency (TEA), may meet this requirement if they have enrolled in and completed at least three (3) core college hours (e.g. English, math, social sciences) with a grade C or better from an accredited institution of higher education as described in number (3) (below). Human Resources/Civil Service will not accept developmental, non-pertinent courses (no Physical Education (PE) or craft classes), in lieu of a high school diploma. Regular credit classes (other than PE or craft classes) will be granted credit as for any other candidate.
- (3) College degrees or college hours completed are only accepted from post-secondary educational institutions that have been accredited to grant degrees by one of the national or regional accrediting agencies in the United States, as recognized by the United States Department of Education. An official transcript that contains the institution's official seal must be provided as proof; and
- (4) Education obtained outside the United States must be converted, at the candidate's expense, to the equivalence of the United States educational level by a recognized accrediting agency or organization in the United States.

**Secs. 86-111--86-130. Reserved.**

### **DIVISION 3. RESIDENCY.**

#### **Sec. 86-131. Requirement for full-time department heads reporting to Commissioners Court.**

All regular, full-time department heads that are appointed by, and report directly to, the commissioners court and have a full-time employment date of May 1, 1991, or after, must reside in the county. This policy applies to the budget officer, the commissioners court administrator, the elections administrator, the director of health and human services, the director of the human resources/civil service department, the chief medical examiner, the director of the office of security and emergency management, the

director of public works, the public defender, the purchasing agent, fire marshal and assistant fire marshals, and the veteran services officer.

(Admin. Policy Manual, § A (6.00); Ord. No. 2005-1839, 9-27-2005)

**Sec. 86-132. Departments not reporting directly to commissioners court.**

All other departments are encouraged, by the commissioners court, to adopt and enforce like rules for employment consideration within their office.

(Admin. Policy Manual, § A (6.01); Ord. No. 2005-1839, 9-27-2005)

**Sec. 86-133. Initial consideration for county employee applicants.**

Qualified applicants who are currently county employees and residents of the county are to be given initial consideration for all available positions. Based upon the quality of applications received, the elected official/department head may elect to extend recruitment efforts to applicants residing outside of the county.

(Admin. Policy Manual, § A (6.02); Ord. No. 2005-1839, 9-27-2005)

**Sec. 86-134. Exception to the residence requirement.**

An exception to the residence requirement may be granted by the Commissioners Court at the time of employment. Such exception may be temporary or permanent.

(Ord. No. 2005-1839, 9-27-2005)

Editor's note: Ord. No. 2005-1839, adopted Sept. 27, 2005, repealed provisions formerly set out as § 86-194 of the Code and added new provisions as § 86-194. Former § 86-194 pertained to job offers to non-county residents and derived from the Administrative Policy Manual, § A (6.03).

**Sec. 86-135. Failure to comply.**

Any employee covered by this policy who fails to comply with the residence requirement will be subject to disciplinary action.

(Admin. Policy Manual, § A (6.06); Ord. No. 2005-1839, 9-27-2005)

Editor's note: Ord. No. 2005-1839, adopted Sept. 27, 2005, repealed provisions formerly set out as § 86-195 of the Code and renumbered provisions formerly set out as § 86-196 as § 86-195 as herein set out. Former § 86-195 pertained to the three-month grace period and derived from the Administrative Policy Manual, § A (6.04, 6.05).

**Sec. 86-136. Advertising and posting residency requirement.**

All affected positions will be advertised and posted with the residency requirement.

(Admin. Policy Manual, § A (6.08); Ord. No. 2005-1839, 9-27-2005)

Editor's note: Ord. No. 2005-1839, adopted Sept. 27, 2005, repealed provisions formerly set out as § 86-197 of the Code and renumbered provisions formerly set out as §§ 86-198--86-200 as §§ 86-196--86-198 Former § 86-197 pertained to address changes and derived from the Administrative Policy Manual, § A (6.07).

**Sec. 86-137. Retention of exemptions.**

Employees hired prior to May 1, 1991, who occupy a position with a residence requirement, and are terminated, but subsequently reemployed, shall not retain their exemption to the residence requirement.

(Admin. Policy Manual, § A (6.09); Ord. No. 2005-1839, 9-27-2005)

Note: See the editor's note following § 86-136.

**Sec. 86-138. Required for all positions having requirement for employees hired prior to May 1, 1991.**

Effective January 1, 1997, any employee hired prior to May 1, 1991, who attains a position having a residence requirement, will be subject to the residence requirement.

(Admin. Policy Manual, § A (6.10); Ord. No. 2005-1839, 9-27-2005)

Note: See the editor's note following § 86-136.

**Secs. 86-139--86-160. Reserved.**

## **DIVISION 4. NEPOTISM\***

\*State law references: Nepotism, V.T.C.A., Government Code § 573.001 et seq.

### **Sec. 86-161. Policy Statement.**

The purpose of this policy is to reduce potential conflicts or perceptions of favoritism that may occur with the hiring of immediate family members in the workplace. The following language will clearly define Dallas County's policy regarding the standards for hiring relatives or employees related by blood, marriage or adoption.

### **Sec. 86-162. Application.**

This policy only applies to department heads appointed by the commissioners court and individuals who are supervised directly or indirectly by those department heads or their designees.

### **Sec. 86-163. Prohibited according to applicable law.**

The hiring of employees shall not violate the laws against nepotism as contained in the state law or other applicable laws. This policy applies to all applicants and employees (regular full-time, temporary full-time, regular part-time or temporary part-time capacity) to include applicants/temporary employees provided through temporary employment agencies. Sheriff's employees should consult the Sheriff's Department Civil Service Rules and Regulations for departmental guidance.

(Admin. Policy Manual, § A(2.13))

### **Sec. 86-164. Immediate family members enumerated.**

Applicants who have any of the following immediate family members (related by blood, marriage or adoption) presently working for the county will not be allowed to work in the same department: parent husband, wife, child, stepchild, brother, sister, nephew, niece, stepbrother, stepsister, half-brother, half-sister, stepparent, cousin, grandparent, grandchild, uncle, aunt and any person serving as parent/guardian, or any relative living in the same household.

For example, John has applied for a security officer position in the Office of Security and Emergency Management Department. His stepmother has a nephew currently employed in the department. John cannot work in the Security and Emergency Management Department because he currently has a cousin (by marriage) currently employed in the department.

(Admin. Policy Manual, § A(2.14))

**Sec. 86-165. Additional persons classified as immediate family.**

Applicants and employees who have any of the following family members (related by blood, marriage or adoption) currently working for the county may work in the same department but may not work in the same section or division, nor may a supervisory relationship exist; parent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. A section or division is defined as a formal organizational structure or unit that has been formally established by the office of budget and evaluation.

For example, John has applied for a position in the Juvenile Detention Center of the Juvenile Department. His sister-in-law is currently employed at the LETOT Center of the Juvenile Department. John may be employed to work in the Juvenile Department because he and his sister-in-law would be employed in a different division of the department where no supervisory relationship exists.

(Admin. Policy Manual, § A(2.15); Ord. No. 2003-1097, 6-24-2003)

**Sec. 86-166. Becoming relatives after employment; restrictions.**

Employees who become relatives (by blood, marriage or adoption) after employment are treated in accordance with section 86-164 through 86-165. If the department head is unable to make an acceptable accommodation (e.g. move to a different section or division), the department head shall notify the employee(s) in writing that one of the employees must separate from the county within sixty (60) days. The employees shall make the decision about who will separate from county service. In the event the employees do not agree, the employee with the least seniority shall be separated from Dallas County.

(Admin. Policy Manual, § A(2.16); Ord. No. 2003-1097, 6-24-2003)

**Sec. 86-167. Consequences for violations.**

It is the employee's responsibility to conform to this policy and failure to do so will result in termination.

**Sec. 86-168. Exceptions to policy.**

Exceptions to this policy must be briefed and approved by commissioners court as outlined below:

- a) Written justification for the exception must be submitted to the human resources/civil service director for review; and
- b) The written justification must include a formal organization chart(s) that identifies the placement of employees in regards to the exception; and
- c) The human resources/civil service director will submit the request for exception to commissions court for review and approval; and

- d) If commissioners court approves the exception, any further movement/changes of the employees' status with the department (e.g. transfer, promotion, demotion, reclassification, etc.) must be briefed to commissioners court through Human Resources/Civil Service for review and approval; and
  
- e) The Human Resources/Civil Service Department will follow-up annually with departments who have been granted an exception to ensure continuing compliance.

(Ord. No. 2003-1097, 6-24-2003)

**Secs. 86-169--86-190. Reserved.**

## **DIVISION 5. EMPLOYMENT BACKGROUND INVESTIGATION**

### **Sec. 86-191. Policy statement.**

A pre-employment “verification of facts” background investigation will be conducted on applicants (external and internal) who have been offered positions with the county. In addition, the county may also periodically update the criminal histories and driver’s license status of current employees. This policy shall apply to all county departments unless the department is specifically exempted from the policy, such as the sheriff’s department.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

### **Sec. 86-192. Policy provisions.**

The primary purpose of the background investigation is to verify the accuracy of information provided by the applicant in the hiring/selection process and to evaluate the applicant’s qualifications for employment. Complete and accurate disclosure of information is the sole responsibility of the individual seeking employment. The minimal information that may be verified includes:

- (1) Employment history. Employment history of the selected applicant shall be checked. Areas of inquiry will include dates of employment, job titles, last salaries, reason for leaving, and rehire status for all names under which applicant has worked. If work experience is not verifiable or if applicants own their own business, they must provide documentation (e.g., tax returns, tax statements, proof of tax payments, social security wage statements, etc.).
- (2) Educational background. A selected candidate must provide verification of their educational credentials as listed on the employment application in iRecruitment. Areas of verification will include high school diploma/GED certification, college degrees, trade school certification, and professional licenses. All applicants who have completed college credit hours but have not received a college degree will be required to provide an official college transcript from each educational institution listed on the employment application if college credit is desired. An official document (i.e., transcript) portrays the institution’s official seal.
- (3) Driver’s license. If applicable to position sought, a driver’s license and driving record check shall be conducted.
- (4) Criminal history or convictions. In accordance with applicable laws, background investigations for criminal convictions shall be conducted. A criminal history may not automatically disqualify an applicant for employment as each situation will be evaluated on a case-by-case basis utilizing the factors outlined in the section below.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007; Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-193. Evaluation of criminal records.**

- (a) When making a determination on whether to hire an applicant with a criminal record, the hiring managers/supervisors should consider the following factors:
- (1) Nature of the position. Is the position a safety sensitive position? Does it require independent interaction with the public (home visits, etc.)? Does it interact with children, the elderly, handicapped? Does it handle funds? Does it require driving?
  - (2) Type, frequency and severity of the violation. Was it a misdemeanor or a felony? If so, what was the nature of the offense? How many convictions are there? Does it relate to your position?
  - (3) Time lapse since last offense. How long has it been since the offense and the completion of the sentence?
  - (4) Evidence of successful rehabilitation. Has the applicant maintained stability in employment, pursuit of education, etc.? Have there been other offenses committed by the applicant? Was the applicant successful with probation or deferred adjudication?
  - (5) Qualifications of the applicant. How strong are the qualifications as they relate to the position? After your assessment of all data collected throughout the hiring process (application, interviews, reference checks, criminal history), is this person the best suited applicant for the position?
- (b) Other provisions.
- (1) Minor traffic violations should not be considered as criminal charges.
  - (2) An applicant with outstanding warrants of any kind should cause the applicant to be ineligible for employment until the warrant is resolved. See Section 86-95(3) g and h.
  - (3) Former county employees who were terminated due to violation of the drug and alcohol policy have specific restrictions on rehiring. Please refer to the drug and alcohol policy, Article VI, Division 4, for additional information.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Sec. 86-194. Consequences for providing inaccurate or fraudulent information.**

- (a) Any applicant who knowingly provides misleading, erroneous, or willfully deceptive information to the county on an employment application, any hiring-related document, during any employment interview, or at any time during the selection interview process may immediately be eliminated from further consideration for employment. This information may include, but is not limited to the following:

- (1) Criminal information or deferred adjudication with the exception of cases sealed with an order directing nondisclosure that was not listed on the employment application, pending criminal charges, outstanding warrants of any kind or convictions that surface as a result of the background investigation.
  - (2) Educational degrees, high school diplomas, licenses, or certifications found to be false or that cannot be verified, such as those from non-accredited institutions.
  - (3) Issues that surface involving dishonesty, theft, or endangerment of persons in the workplace.
  - (4) Extensive, excessive, or serious driving violations that would provide evidence of a habitual history or pattern of potentially dangerous behavior.
- (b) If the criminal history provided by the applicant does not match the information obtained on the registration assessment, the applicant shall be given an opportunity to explain any inaccuracies. If a satisfactory explanation is not given to the elected official/department head, the applicant will not be considered further by the department for the position.
- (c) If a candidate provides false or inaccurate information or documentation when applying for a posted position which causes HR to disqualify the candidate, and the hiring department is interested in hiring the candidate, the hiring department may request an exception to hire the applicant by submitting the request to the human resources department for submission to commissioners court for its approval.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Sec. 86-195. Procedures for requesting criminal history check.**

Each department shall require the selected applicant to complete the background investigation release form and forward the release form along with a copy of the employment application to the human resources/civil service department. The human resources/civil service department will coordinate the request with the county's selected third party vendor.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Sec. 86-196. Confidentiality of background information.**

All information obtained during the background investigation is considered strictly confidential. Every effort must be made to protect the privacy of individuals involved in the employment process in accordance with federal and state guidelines. To the extent possible, access to such information will be restricted to designated representatives in

the human resources/civil service department and managerial personnel who have a legitimate, work-related reason for having such access.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Sec. 86-197. Signature on employment applications.**

All applicants selected for interviews must have completed and submitted a county employment application which includes the notification and authorization to conduct background investigations. Submitting the employment application online will be considered an electronic signature.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Sec. 86-198. Record retention.**

All documents or records collected or produced as a result of background investigations must be maintained in a separate departmental file (not the personnel files) for a period of two years from the creation or receipt of the document or record, whichever is later.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Sec. 86-199. Criminal record and driver's license check for current employees.**

- (a) A background investigation shall be conducted on employees who are promoted or laterally transferred to another department, unless such employees have had a background investigation within the last 24 months. Employees who are moving into safety-sensitive positions may require background investigations more frequently.
- (b) Periodic updates of criminal history records may also be conducted for current employees.
- (c) Departments that have safety-sensitive positions and/or positions requiring employees to drive either a county vehicle or utilize their own vehicles on a routine basis to conduct county business may include periodic criminal and driver's license checks as a standard part of their business process. All requests submitted for criminal background investigations on current employees must be forwarded to the county human resources department and must include a written justification for such a review. Background investigations will not be conducted by the third party administrator unless authorized by the human resources department.
- (d) All county employees will be held to the same standards and expectations as applicants. Failure to continuously meet those expectations may lead to disciplinary action, up to and including termination.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

**Secs. 86-200--86-220. Reserved.**

## **DIVISION 6. PHYSICAL EXAMINATIONS\***

\*Editor's note: Court Order No. 2001-1059, adopted June 5, 2001, amended the employment physicals policy in its entirety, in effect superseding provisions formerly set out as art. III, div. 3, §§ 86-161--86-172, of this chapter, which derived from the Administrative Policy Manual, § A(5.28--5.42). See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 2001-1059.

Federal law reference--Americans With Disabilities Act, 42 USC 12101 et seq.

### **Sec. 86-221. Required for Certain Applicants.**

A pre-employment physical examination is required for an applicant applying for a safety sensitive position for a position for which federal or state regulations require pre-employment physical examinations.

(Ord. No. 2001-1059, §§ 5.28, 5.29, 6-5-2001; Ord. No. 2004-616, 4-6-2004; Ord. No. 2008-1479, 8-12-2008; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2022-0950, 09-06-2022)

### **Sec. 86-222. Process.**

(a) After making a conditional job offer, the department will schedule the pre-employment physical with the employee health center. Departmental personnel should not receive medical information or discuss medical conditions or medical history with individuals.

(b) The health center will notify the department that an individual has passed or failed the examination and provide information regarding necessary restrictions on the individual's work or duties and necessary accommodations.

(c) If the health center places an individual on a medical hold, the individual will be allowed a reasonable period of time to clear the medical hold. If an individual cannot clear this hold, the health center will notify the department.

(Ord. No. 2001-1059, § 5.30, 6-5-2001; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2022-0950, 09-06-2022)

### **Sec. 86-223. Scheduling.**

The hiring manager/supervisor or designee will schedule the employment physical with the employee health center. Upon acceptance of contingent job offers, the hiring department will provide the necessary forms and instructions. The following guidelines will govern scheduling of employment physicals:

- (1) The hiring manager/supervisor or designee must call the employee health center between the hours of 8:00 a.m. and 12:00 noon to make appointments for physicals.

- (2) Appointments for physicals will be made for the earliest date possible.
- (3) Selected candidates should have the history side of their report of medical history form and appropriate employment forms completed prior to arrival for examination.
- (4) All appointments are scheduled by the employee health center and persons arriving late, or without completed medical history forms and appropriate employment forms may not be seen, and may be rescheduled by the employee health center. Staff at the employee health center will notify the elected official/department head of the day of the new appointment before the end of the business day.
- (5) If a selected candidate is placed on medical hold and additional information or documentation is required, the candidate shall deliver such information/documentation directly to the employee health center anytime during normal working hours. Selected candidates/rehires should not provide such information to the hiring department. Hiring departments are prohibited from receiving and/or discussing the medical conditions/history of candidates/rehires or current employees.

(Ord. No. 2001-1059, § 5.31, 6-5-2001; Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-224. Dissemination of results; pass slips.**

Upon successful completion of the physical examination, a pass slip will be given to the selected candidate/rehire for delivery to the elected official/department head.

Selected candidates/rehires placed on medical hold are told by the examining physician in employee health center what is necessary to pass the employment physical. The names of those placed on medical hold are given to the administrator of employee health center who advises the elected official/department head and the auditor's office by the end of the business day. Any employee already working when placed on medical hold will be sent home immediately (or returned to the previously held position if employee was being promoted to a job that requires a different health clearance) and not allowed to return to work until the medical issue is resolved and clearance is provided by the employee health center.

(Ord. No. 2001-1059, § 5.33, 6-5-2001; Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-225. Confidentiality of information.**

The manager/supervisor or elected official/department head must not discuss medical information/medical condition with the selected candidate/rehire/employee. If a selected candidate/rehire/employee is placed on medical hold and the department wants to consider withdrawing the employment offer, the department should immediately contact the director of human resources/civil service, due to Americans with Disabilities issues.

(Ord. No. 2001-1059, § 5.34, 6-5-2001; Ord. No. 2009-0241, 2-3-2009)

**Secs. 86-226--86-240. Reserved.**

## **DIVISION 7. PROBATIONARY PERIOD\***

\*State law references: Probationary period, V.T.C.A., Local Government Code § 158.010.

### **Sec. 86-241. Initial Employment Probationary Period.**

The county is committed to hiring talented employees and providing those employees sufficient time to meet performance expectations.

- (1) Initial Employment Probation. The initial employment probationary period for civilian employees is the first six months of employment with the county, beginning with the employee's date of employment as a regular, full-time employee. For licensed law enforcement personnel, the probationary period is the first twelve months of employment. During this initial probationary period, the employee must demonstrate the ability to satisfactorily perform the assigned job duties. Also, the employee does not have civil service coverage or appeal rights during this period. Newly hired employees shall be informed of the initial employment probationary period when they begin employment.
- (2) Transfer into a civil service position. A non-civil service employee who moves to a civil service position must satisfactorily complete an initial six-month probationary period or twelve-month probationary period for licensed law enforcement personnel to gain civil service coverage or appeal rights to the Dallas County Civil Service Commission or the Sheriff's Department Civil Service Commission, whichever is applicable.
- (3) Failure to Complete Initial Employment Probationary Period. A probationary employee must have an overall performance rating of at least Meets Expectations for satisfactory completion of the employment probationary period. An employee's failure to satisfactorily complete the initial employment probationary period will result in dismissal without right to appeal.

### **Sec. 86-242. New Hire Probationary Review- Evaluations**

- (1) It is recommended that a supervisor conduct at least two written performance evaluations during the probationary period. The evaluations should occur:
  - a. No later than the midpoint of the probationary period; and
  - b. No later than 30 days before the completion of the probationary period.
- (2) Additionally, the supervisor should conduct an evaluation when concerns arise regarding the employee's performance.

- (3) An employee who does not receive a formal performance appraisal timely is encouraged to discuss the matter with the employee's supervisor or next level manager. Should the employee require additional assistance, the employee is to contact a departmental human resources representative or the Dallas County Human Resources/Civil Service Department.
  
- (4) See the Performance Appraisal Process (Article IV, Division 5) for additional information. The New Hire Probationary Review form will be located on the Dallas County Human Resources/Civil Service Department's intranet site under the category "HR Forms."

**Secs. 86-243--86-290. Reserved.**

## **DIVISION 8. FILLING POSITIONS**

### ***Subdivision I. In General***

**Secs. 86-291--86-310. Reserved.**

### ***Subdivision II. Under Filling***

#### **Sec. 86-311. Hiring below the minimum salary rate.**

An elected official/department head may hire employees and pay them below the minimum salary rate for the position, if the elected official/department head believes the employee will be able to meet the minimum qualifications for the position within a defined period, which typically should not exceed 12 months.

(Ord. No. 2000-173, § 3.15, 1-25-2000)

#### **Sec. 86-312. Hiring process.**

When filling a position below the minimum salary rate:

- (1) The department will submit to the human resources/civil service department a written request, along with the employee's application and resume, stating the reason for the action.
- (2) The human resources/civil service department will review the information and provide the department, in writing, a salary quote for the applicant. The salary grade is normally reduced by one grade for each requirement not met by the applicant.
- (3) The department will submit all appropriate paperwork to the auditor's office.

(Ord. No. 2000-173, § 3.16, 1-25-2000)

#### **Sec. 86-313. Salary rates.**

Employees hired below the minimum salary rate will:

- (1) Remain at the rate hired until they meet the minimum qualifications for the position (skills, knowledge, education, experience, licensing, certification, etc.). Such employees are eligible only for a salary structure increase if the salary schedules on which their position is placed is increased.
- (2) Only be eligible for merit increases, provided that such increases do not place the employee at/or above the minimum salary rate for the position's regular grade.
- (3) Once the employee meets all minimum qualifications for the position, the department shall submit documentation of such completion to the human resources/civil service department. The human resources/civil service department will then conduct an analysis of the employee's qualifications and notify the department in writing of the new salary range. To expedite

the review, the department should attach a copy of the employee's previous application.

(Ord. No. 2000-173, § 3.17, 1-25-2000)

**Sec. 86-314. Failure to meet qualifications.**

If the employee does not meet the required qualifications within the period designated by the elected official/department head, typically not to exceed 12 months, the elected official/department head may take the following actions:

- (1) Demote the employee to a suitable vacant position for which the employee qualifies and the elected official/department head approves;
- (2) Transfer the employee to a vacant position in the department for which the employee qualifies and the elected official/department head approves; or
- (3) Terminate the employee.

(Ord. No. 2000-173, § 3.18, 1-25-2000)

**Secs. 86-315--86-340. Reserved.**

***Subdivision III. Double-Filling***

**Sec. 86-341. Definitions.**

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

*Double-fill* means when, for a period of time, two individuals are being paid to perform the same job and both individuals are permanent employees (i.e., one individual replacing another). Double-fill is distinguished from an extra help situation in which a temporary employee is used to fill in for a permanent employee.

(Admin. Policy Manual, § A(3.32))

**Cross references:** Definitions generally, § 1-2.

**Sec. 86-342. Intent.**

- (a) The policy of this subdivision is intended to preclude virtually all double-fill situations except in very specific extenuating circumstances. Managers are expected to be capable of anticipating retirements and to provide for brief vacancies by cross-training staff in multiple assignments.
- (b) Courts with small staff and specialized positions (e.g., coordinators) must make use of court managers, coordinators for other judges, and possibly court clerks, to sustain their operations during the periods of salary encumbrance.

(Admin. Policy Manual, § A(3.35, 3.36))

### **Sec. 86-343. Justifications.**

The following possible justifications for double-fill have been offered:

- (1) Double-fill for training: an overlap of an old employee and a new employee in the same job.
- (2) Double-fill for medical emergency: a replacement for an individual with an unexpected emergency which is of such a serious nature that their return to work is undetermined.
- (3) Double-fill for benefit runoff: hiring a new individual into a slot which is encumbered for a period of time while either:
  - a. The departing incumbent takes vacation and/or comp time prior to their termination date; or
  - b. The budgeted salary for the slot is being used to pay termination benefits for an individual who terminated with a payoff of unused vacation or comp time.
- (4) Double-fill for military leave: mandatory active duty status that extends 180 calendar days or more.

(Admin. Policy Manual, § A(3.33))

### **Sec. 86-344. Policy.**

The double-fill policy is as follows:

- (1) Double-fill for training: not allowed under any circumstances;
- (2) Double-fill for medical emergency: may be approved by the commissioners court on a case-by-case basis, based on specific circumstances as recommended by the human resources department;
- (3) Double-fill for benefit runoff: may be approved by the commissioners court on a case-by-case basis under the following conditions:
  - a. The first two weeks of benefit runoff must be absorbed by the department in the same manner as they would handle any routine two-week vacation; and
  - b. The budget office will determine that all of the following conditions apply:
    1. The department has taken all reasonable steps to predict the vacancy and utilize existing staff to cover the period of benefit runoff;
    2. An unacceptable diminution of service will occur if the position is vacant for the period of salary encumbrance; and

3. The position in question possesses a unique specialty that makes it unlikely that anyone other than the new incumbent can perform the task satisfactorily; or
- (4) Double-fill for military leave: may be approved by the commissioners court on a case-by-case basis based on specific circumstances as recommended by the human resources department.

(Admin. Policy Manual, § A(3.34))

#### **Sec. 86-345. Procedure for requesting.**

The following procedure should be followed to double-fill a position:

- (1) Submit a written request to the budget office as soon as reasonably possible;
- (2) Upon receipt of the request, a representative of the budget office will contact the requester to obtain additional information, if applicable; and
- (3) The budget office will submit the request along with a recommendation to the commissioners court.

(Admin. Policy Manual, § A(3.37))

#### **Sec. 86-346. Temporary Authority for Hiring Practices.**

In the event the County experiences extraordinary market pressure on the ability to staff and maintain an effective workforce, the Human Resources Director may seek temporary authority to alter Dallas County's employment practices.

This temporary authority is subject to the following procedures and conditions:

- (d) The Human Resources Director must seek this temporary authority via a written request to the County Administrator that justifies the need and that include beginning and ending dates not to exceed six (6) months.
- (e) The County Administrator shall timely notify the Human Resources Director whether the request is granted. If the County Administrator approves the temporary authority, the County Administrator shall notify the Commissioners Court at the next regularly scheduled meeting.
- (f) The temporary authority may be used to suspend, amend, or revise employment practices prescribed in Dallas County Code Chapter 86 – Personnel and Employment, Article III – Employment Practices, Division 1, Hiring Policy; Division 2, Education Review by Human Resources; Division 5, Employment Background Verification Policy; Division 6, Physical Examinations; and Filling Positions.

- (g) The temporary authority does not extend to positions subject to the Law Enforcement and Detention Officers Salary Plan or the Judicial Support Personnel Salary Plan.
- (h) The Human Resources Department shall maintain a record of all temporary adjustments made in connection with this policy and shall notify the Civil Service Commission and the Commissioners Court of any adjustments on a quarterly basis.

(Ord. No. 2022-0763, 08-02-2022; Ord. No. 2023-0147, 02-07-2023)

**Sec. 86-359. Reserved.**

## **DIVISION 9. 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. If a decision is made to place on a Leave of Absence, please review with the Human Resources Director as soon as possible. For specific details, refer to 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.

(Ord. No. 2013 1428, 9-3-2013)

#### **Secs. 86-366--86-370. Reserved.**

## **ARTICLE IV. EMPLOYMENT POLICY\***

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\*Federal law reference--Employment discrimination, 42 USC 2000e et seq.

**State law references:** Employment equal opportunity, V.T.C.A., Labor Code § 21.01 et seq.

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### **DIVISION 1. COMPENSATION POLICY\***

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\***State law references:** Compensation, V.T.C.A., Local Government Code § 153.001 et seq.; employment contracts, V.T.C.A., Local Government Code § 151.902.

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Dallas County's Compensation Policy outlines the administrative process, procedures, and guidelines used to assist Human Resources in achieving and maintaining consistent, equitable, and effective administration related to evaluating and compensating employees based on their education and experience in accordance with Dallas County's philosophy.

#### **Sec. 86-371. Starting salary.**

No starting salary, other than the minimum salary of the proposed classification, will be mentioned to prospective employees during interviewing by the departmental personnel.

(Admin. Policy Manual, § A(5.19))

#### **Sec. 86-372. Salaries above minimum.**

Any starting salary above the minimum must be cleared through the auditor's office for availability of budget funds, and the human resources/civil service department for compliance with compensation policies prior to an offer being made to a prospective employee.

(Admin. Policy Manual, § A(5.20))

#### **Sec. 86-373. Payment above maximum or below minimum pay grade.**

Employees who meet the minimum qualifications for their position shall not be paid below the minimum of the pay grade, nor shall any employee be paid above the maximum of the pay grade.

(Admin. Policy Manual, § A(5.21))

#### **Sec. 86-374. Entry salary at the minimum of the applicable job grade**

(a) *For new nonexempt/exempt employees; exception.* All new nonexempt/exempt employees will enter at the minimum of the applicable grade unless otherwise approved

in advance by the human resources/civil service department up to the maximum in hire as authorized by the commissioners court.

(Admin. Policy Manual, § A(5.22, 5.23))

**Sec. 86-375. Probationary employees. (This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009; and Court Order #2014 1396 – October 7, 2014).**

- (a) A regular, full-time employee (hired 1-1-1992 and after) who is approved for a starting salary above the minimum of the salary range as provided in sections 86-373 and 86-374 may be compensated at a probationary salary below that which is approved by the human resources/civil service department.
- (b) The department head/elected official may, at his/her discretion and up to one (1) year of employment of the employee in the position, increase the salary of the employee up to the amount (or relative position) previously quoted by the human resources/civil service department on the official salary analysis. *For Sheriff's Department law enforcement personnel, please refer to Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations.*
- (c) The adjustment to a probationary employee's salary is separate and in addition to any structure or merit increase allocations.
- (d) The required paperwork for the adjustment can be submitted any time by the department up to the employee's one year of employment in the position but no later than 60 days after the employee's completion of one year of employment in the position with Dallas County, by submitting a discretionary increase request to the county auditor's department, effective immediately, with no retroactive adjustment.

**Sec. 86-376. Determination and approval of starting rate above minimum.**

- (a) *Generally.* Determination and approval of an applicant's starting rate above the minimum is based on the level of experience and education the applicant or employee has above the minimum requirements for the position.
- (b) *Exceptions.* All part-time/temporary positions will be compensated at the minimum of the range, unless:
  - (1) Commissioners court approves a higher salary as an exception; or
  - (2) Commissioners court has approved the position as a select position, which would allow the department to hire up to maximum in-hire or other options previously approved by the court. A select position is a position deemed critical to the operation of the program, difficult to fill due to the dynamics of the local market, and requiring a specialized skill, trade, technical or medical background. A current list of such positions is retained in the Human Resources/Civil Service Department.
  - (3) Commissioners court has approved converting a regular, full-time position to one or more part-time positions. If the position is vacant at the time of conversion, the guidelines in Sections 86-376 (a) and (b1-2) are applicable. If the position is occupied when the conversion occurs, current

occupants of the position *may* retain their current salaries. The final pay decision regarding retention of pay will be made by the elected official/department head. Other applicable guidelines include the following:

- a. It is recommended that no more than two part-time positions be created in the conversion; and
  - b. The cost of the part-time positions cannot exceed the budgeted cost for the full-time position, minus benefits.
- (c) *Criteria for determination.* Salary determination for part-time/temporary positions as defined in subsection (b) of this section will be made utilizing the same criteria applied to regular full-time positions. These positions may pay up to the maximum in hire salary based on the applicant's education and experience. Any request for salaries above the maximum in hire for select part-time/temporary positions must be approved in advance by the commissioners court.
- (d) *Review of select position during budget process.* Select positions as defined in subsection (b) of this section will be reviewed by the commissioners court during the annual budget process to determine if each position continues to meet the established criteria.

(Admin. Policy Manual, § A(5.27); Ord. No. 2007-1529, 7-31-2007)

**Sec. 86-377. Merit/Lump Sum Awards plans (This section reflects recent court approved policy language: Court Order# 2012 1227 August 7, 2012.)**

Dallas County has adopted merit/lump sum awards as part of the overall compensation program. The purpose of merit/lump sum pay is to elicit, recognize, and reward exceptional job performance. Any funding allocated for merit/lump sum increases shall be disbursed based on the policies and procedures outlined by the Commissioners at the time of the allocation. Merit/lump sum increases should be based solely on job performance. Factors that should not be considered for merit/lump sum increases include length of service, market comparability, and cost of living. All merit/lump sum increases are subject to Commissioners Court approval.

**Sec. 86-378. Merit and Lump Sum Allocations**

Merit and lump sum allocations are based on the authorized number of regular, full-time employees in a department on a date designated by the commissioners court. The merit and lump sum allocation percentage, additional eligibility criteria, and administration guidelines will be established each year during the budget process by the commissioners court, if merit/lump sum awards have been allocated. Lump sum awards are for employees at or over the maximum of their salary range. Employees on disciplinary probation or leave without pay status will not be eligible for a merit/lump sum increase until they return to a normal status. Grant employees are eligible for merit/lump sum increases only if funds are available in the grant to fund the increase. Part-time or extra help employees are not eligible for merit/lump sum awards.

**Sec. 86-379. Merit/lump sum increase procedures**

- (a) The auditor's office will generate a merit/lump sum allocations worksheet. The worksheet will identify those employees eligible for a merit/lump sum increase.
- (b) The auditor's department will forward the merit/lump sum allocations worksheets to the departments.
- (c) The merit/lump sum plans eligibility criteria and administration guidelines will be used to determine merit increases for all employees.
- (d) After recording actual employee increases on the merit/lump sum allocations worksheets, the worksheets will be forwarded back to the auditor's office, with the signature of the authorized official.

**Sec. 86-380. Reserved.**

## **DIVISION 2. GENERALLY**

### **Sec. 86-381. Retirement.**

The county does not have a policy relative to continued employment and an employee's age.

(Admin. Policy Manual, § A(4.27))

### **Secs. 86-382--86-390. Reserved.**

### **DIVISION 3. ATTENDANCE REQUIREMENTS\***

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**\*State law references:** Authority to establish hours of work, V.T.C.A., Local Government Code § 157.021 et seq.

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#### **Sec. 86-391. Policy statement.**

Each authorized position created and funded in the county is based on demonstrated need to provide quality services to the citizens of the county. Employees are required to report to work as scheduled and on time. Supervisors are encouraged to monitor employee attendance records and to counsel with them immediately to correct attendance problems.

(Ord. No. 2000-174, § 2.17, 1-25-2000)

#### **Sec. 86-392. Excessive absences.**

When an employee is absent, it causes hardship and disruption to the office. Absences are considered excessive when an employee is absent from work for more than six days or a total of 48 hours during a 12-month period and one or more of the following:

- (1) The absences are frequently unplanned and/or indicate a pattern.
- (2) Other employees must frequently perform the tasks of the absent employee.
- (3) Office productivity and the quality of services offered is negatively impacted.
- (4) The employee's absentee rate is so high the employee's services are of little or no value to the department.

These six days do not include time taken off for planned and approved sick and vacation leave that is taken in compliance with applicable notification policies, death in the family, work-related injuries, jury or military duty or disability resulting in hospital confinement, emergency care, or recuperation for an out-patient procedure.

For example:

- (1) An employee takes time off for a doctor's appointment after properly notifying his supervisor. The time off will not count toward the 48 hours referenced above.
- (2) An employee's child is sick and the employee plans to stay home with the child. The employee properly notifies his supervisor. If the employee presents a doctor's note indicating that the employee's absence was medically necessary, the time off will not count toward the 48 hours referenced above. If the employee does not present a doctor's note the time off will count toward the 48 hours referenced above.

(Ord. No. 2000-174, § 2.18, 1-25-2000; Ord. No. 2018-0661, 6-5-2018)

**Sec. 86-393. Absences and family and medical leave.**

Absences due to injuries or illnesses resulting in family and medical leave being utilized will not be counted as excessive until the employee has exhausted all family and medical leave and either continues to lose time or is not able to return to work.

(Ord. No. 2000-174, § 2.19, 1-25-2000)

Federal law reference--Family and Medical Leave Act, 29 USC 2601 et seq.

**Sec. 86-394. Factors to consider.**

In dealing with attendance problems, especially those involving a physical or mental incapacity to report for work, the elected official/department head shall consider all of the facts and circumstances of each particular case, including the employee's:

- (1) Tenure with the county;
- (2) Overall attendance record prior to these absences;
- (3) Performance/productivity records;
- (4) Reasons for missing work; and
- (5) Prospect for future improvement and maintenance of an acceptable attendance record.

In the interest of fairness, the elected official/department head may choose to make exceptions to the guidelines outlined in this section, depending on these factors.

(Ord. No. 2000-174, § 2.20, 1-25-2000)

**Sec. 86-395. Consequences.**

- (a) After any absence incurred by the employee which meets the guidelines outlined in section 86-392, the manager may discuss the absence with the employee. Managers are encouraged to utilize the following guidelines if it appears attendance may be a problem:
  - (1) Meet with the employee and conduct a counseling session when the employee has incurred six absences (see subsections (d) and (e) of this section);
  - (2) Issue a written warning when the employee has incurred the seventh absence;
  - (3) Suspend the employee when the eighth absence has been incurred (suspension of an exempt employee should be reviewed with the human resources/civil service department and/or the civil section of the district attorney's office); and
  - (4) Review for termination after the ninth absence.

- (b) Absences may also reduce or prevent awarding of merit increases. Promotions may also be denied.
- (c) Employees who are absent from work for more than three days may be required by the elected official/department head to produce a statement indicating that he has visited a physician, especially if there are problems with job attendance.
- (d) The elected official/department head may choose to make exceptions to these guidelines after considering the factors for consideration outlined in this division. The elected/appointed official, however, must ensure that cases involving similar circumstances are not treated differently.
- (e) Elected officials/department heads may also contact the human resources/civil service department and the county's employee assistance program for additional strategies for resolving attendance issues.

(Ord. No. 2000-174, § 2.23, 1-25-2000)

**Sec. 86-396. Tardiness.**

Employees are expected to report to work on time. Each elected official/department head shall determine what constitutes being late for work as well as what constitutes excessiveness in this area for their offices. The policy contained in this section should be communicated to their employees.

(Ord. No. 2000-174, § 2.24, 1-25-2000)

**Sec. 86-397. Request for leave.**

All leave requests must be processed according to policies and procedures established by each elected official/department head. If an employee's request for leave is denied and the employee takes the time off anyway, this action is considered insubordination and is subject to appropriate disciplinary action (see discipline/disciplinary action, article VII of this chapter).

(Ord. No. 2000-174, § 2.25, 1-25-2000)

**Sec. 86-398. Notification of absence or tardiness.**

Elected officials/department heads must inform each employee of their office protocol for notifying the appropriate manager when the employee is going to be absent or tardy for work. Notification does not excuse the tardiness. If the employee is unable to report to work as scheduled, the employee must follow the office protocol. Failure to notify the supervisor according to office protocol when absent shall be considered abandonment of the job and is grounds for termination at the discretion of the supervisor.

(Ord. No. 2000-174, § 2.26, 1-25-2000)

**Sec. 86-399. Consequence of failure to notify when absent and excessive tardiness.**

- (a) Excessive tardiness and/or failure to report or notify per office policy may result in disciplinary actions being taken, up to and including termination. Merit awards

may also be reduced or not granted and promotions may be denied.

(b) Managers are encouraged to utilize the following guidelines if it appears excessive tardiness may be a problem:

- (1) Meet with the employee and conduct a counseling session after the sixth tardy.
- (2) Issue a written warning when the employee has incurred the seventh tardy.
- (3) Suspend the employee when the eighth tardy has been incurred, and
- (4) Review for termination after the ninth tardy.

(Ord. No. 2000-174, § 2.27, 1-25-2000; Ord. No. 2002-1344, §§ 2.27, 2.28, 7-30-2002)

**Sec. 86-400. Rewarding good attendance.**

For employees who are absent less than three days in a 12-month period, elected officials/department heads are encouraged to implement strategies to reward these employees. Some strategies may include, but are not limited to:

- (1) Issuing personal letters of commendation to be included in the employee's personnel file.
- (2) Using DDA awards with the criteria and award being outlined in advance.
- (3) Paying for or reimbursing for attendance at requested, job-related seminars or professional meetings.

(Ord. No. 2000-174, § 2.29, 1-25-2000)

**Secs. 86-401--86-410. Reserved.**

## **DIVISION 4. JOB EVALUATION**

### **Subdivision I. In General**

Secs. 86-411--86-430. Reserved.

### **Subdivision II. Reclassification**

#### **Sec. 86-431. Definitions.**

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

*Reclassification* means a significant change in the job content of a classification including responsibilities, level of knowledge and accountability, such that it affects the assigned total point evaluation of the classification.

(Admin. Policy Manual, § A(4.00))

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 86-432. Evaluations.**

Job evaluations are the sum total of established measurable job factors. The result of an evaluation is the assignment of a total point evaluation. Such evaluations are measured in banded groups of points that can be correlated to a specific job grade assignment.

(Admin. Policy Manual, § A(4.01))

#### **Sec. 86-433. Job grade assignments.**

Since job grade assignments are correlated to banded groups of points, changes in total point evaluations may or may not result in the reassignment of a job grade unless the point change is a significant increase or decrease.

(Admin. Policy Manual, § A(4.02))

#### **Sec. 86-434. Review schedule.**

All requests for reclassification will be reviewed at mid year. Exceptions to this subdivision will be evaluated on an as needed basis.

(Admin. Policy Manual, § A(4.03))

#### **Sec. 86-435. Review requests.**

- (a) Reclassification requests should be submitted to the human resources/civil service department. All recommendations are prepared by the compensation

division of the human resources/civil service department. Recommendations are subject to the approval of the civil service commission.

- (b) All requests for reclassification consideration should be a result of business necessity without consideration to the performance or merit of the incumbent in the position at the time of the request.

(Admin. Policy Manual, § A(4.04, 4.05))

**Sec. 86-436. Minimum qualifications.**

Employees who occupy a job classification at the time of a reclassification will be subject to meeting the minimum qualifications of the new job classification in order to remain incumbent in such job.

(Admin. Policy Manual, § A(4.06))

**Sec. 86-437. Employment procedures.**

- (a) Positions occupied at the time of a reclassification shall not be subject to the human resources employment process as described in article III of this chapter, employment practices.
- (b) Positions that are vacant at the time of a reclassification shall be subject to the human resources employment process as described in article III of this chapter, employment practices.

(Admin. Policy Manual, § A(4.07, 4.08))

**Sec. 86-438. Probationary period.**

Employees who occupy a job classification at the time of a reclassification will not be subject to a new probationary period.

(Admin. Policy Manual, § A(4.09))

**Sec. 86-439. Salary administration (Reclassification) (This section reflects recent court approved policy language: Court Order# 2011 815 May 3, 2011; and Court Order #2015-0380 March 24, 2015)**

An employee who is an incumbent in a job grade at the time the position is reclassified, the following guidelines shall apply:

- (a) **Position is reclassified to a lower salary grade.** If the incumbent's current salary is within the range of the newly proposed salary grade, the incumbent may retain the current salary or have the salary reduced at the discretion of the elected official/department head and with the concurrence of Commissioners Court. The incumbent's salary shall not fall below the minimum or above the maximum of the new salary range.
- (b) **Position is reclassified to a higher salary grade.** If the incumbent's current salary is within the range of the newly proposed salary grade, the incumbent may receive at the discretion of the elected official/department head and with the concurrence of Commissioners Court a 5% salary increase or up to maximum

inhire based on qualifications, whichever is greater. The incumbent's salary shall not fall below the minimum or above the maximum of the new salary range.

**Secs. 86-440--86-460. Reserved.**

## **DIVISION 5. ANNUAL PERFORMANCE APPRAISAL PROCESS**

The annual performance appraisal process ensures continuous performance improvement for Dallas County and every employee. The process provides the information required to encourage and drive high performance, identify training and development needs, and validate personnel decisions related to promotions, succession planning, and terminations. The county is committed to ensuring performance appraisals are conducted on every employee on an annual basis, using the approved appraisal document.

### **Sec. 86-461. Goals and Objectives of the Performance Appraisal Process.**

- (a) The appraisal process is intended to:
  - (1) Establish and reinforce organizational performance standards and expectations;
  - (2) Ensure comprehensive, consistent and accurate evaluations of employee performance throughout the organization; and
  - (3) Document employee performance across the organization.
- (b) The key objectives of the process are to:
  - (1) Generate discussion and a two-way exchange of information between performer and supervisor;
  - (2) Bridge any gaps in perception between what the supervisor thinks and the employee thinks; and
  - (3) Encourage and/or discourage future actions, habits, and behaviors related to performance.
- (c) The performance appraisal process provides advantages to an employee by:
  - (1) Setting clear and specific performance standards to guide employee behavior;
  - (2) Providing an overall assessment of performance by the employee's supervisor; and
  - (3) Setting expectations to improve future performance results.
- (d) The performance appraisal process provides advantages to a supervisor by:
  - (1) Providing a way to outline and enforce performance expectations, improve opportunities, and future goals and objectives;
  - (2) Providing information to assist in validating personnel decisions related to merit increases, promotions, succession planning, and disciplinary actions;

and

- (3) Providing a legal defense against unfounded grievances, EEOC complaints, and unemployment compensation claims.

**Sec. 86-462. Procedures for Administering a Performance Appraisal to a Non-Probationary Employee**

- (a) The immediate supervisor should evaluate and document the employee's job performance annually (at a minimum) using the standard Dallas County appraisal form;
- (b) The supervisor should ask an employee to prepare a self-appraisal, and the supervisor should complete a draft appraisal form. Then, the supervisor should meet with the employee to compare and discuss the results of the appraisal.
- (c) Following the meeting with the employee, the supervisor should review and consider the employee's self-appraisal and any additional notes taken during the meeting, determine if any revisions should be made to the appraisal, prepare the final appraisal, and provide the employee with a copy of the final appraisal.
- (d) The employee should be given 72 hours to respond in writing to the final appraisal sign it, and return it.
- (e) The supervisor should then forward a copy of the final appraisal to the employee along with the employee's response, and place the final appraisal in the employee's departmental personnel file.

**Sec. 86-463. Performance appraisal rating categories.**

- (a) Generally, employees are evaluated on two, interdependent dimensions of performance, behavior and results:

- (b) The appraisal document is comprised of:
- (1) Core Area of Performance;
  - (2) Overall Assessment Rating;
  - (3) Overall Performance Comments;
  - (4) Self-Development Plan; and
  - (5) Signature of Acknowledgement

A three (3) level rating scale will be used to determine performance for each employee.

**Secs. 86-465--86-490. Reserved.**

## DIVISION 6. PROMOTIONS

### Sec. 86-491. Policy statement.

- (a) *Generally.* The county encourages all employees to further their professional growth through the pursuit of opportunities for advancement, including promotions. A promotion is the advancement (movement) of an employee from a lower salary grade to a higher salary grade. The promotion shall be classified as either regular or temporary.
- (b) *Regular promotion.* A regular promotion occurs when an employee is selected to fill a position, normally through a competitive process, with the expectation the employee will continue in the position for an indefinite period of time. Employees who are interested in applying for county positions should follow the procedures outlined in section 86-94. When filling such a position, the department should follow the procedures outlined in sections 86-91--86-109.
- (c) *Temporary promotion.* A temporary promotion occurs when an employee is selected to fill a position for a defined period of time. The temporary appointment shall last a minimum of 60 days. The elected official/department head may make the appointment without going through the competitive process or post the position intradepartmental based on the procedures outlined in sections 86-91--96-109. Job experience acquired in a temporarily promoted position that was not done through the competitive process shall not be considered applicable job experience for any future regular promotion to that position. A temporary promotion may not exceed six months without the commissioners court approval.

(Ord. No. 2000-173, § 3.07, 1-25-2000)

### Sec. 86-492. Promotional increases.

Salary ranges for all promotional increases (including temporary) are as follows:

- (1) Calculated by the human resources/civil service department;
- (2)
  - a. For a minimum of five percent; or a maximum of five percent per pay grade of advancement, not to exceed a maximum of 20 percent; or the maximum in hire salary, (based on qualifications), whichever is greater for regular temporary promotional increases;
  - b. For Temporary promotional increases involving under-fill status, salary will be determined based on a 5% increase per grade up to a max of 10% not to exceed the max of the range; and
- (3) Must be utilized by the elected official/department head to determine the actual salary paid from within the approved range.

(Ord. No. 2000-173, § 3.08, 1-25-2000, Ord No. 2017-0567, 04-18-2017)

**Sec. 86-493. Increase limitations.**

The following limitations apply to all promotional salary increases:

- (1) Any assignments to perform the duties of a higher level position of less than 30 days are not eligible for a promotional salary increase;
- (2) A regular or temporarily promoted employee's salary increase shall not exceed the maximum salary range for the assigned pay grade;
- (3) A regular or temporarily promoted employee's salary shall not be less than the minimum salary range for the assigned pay grade, unless the position is being under filled at a lower pay grade as outlined in section 86-311; and
- (4) A temporarily promoted employee who is not selected to fill the position shall have his salary reduced to the employee's salary prior to the temporary promotion, which shall include any general salary or merit adjustment that position would have received during the temporary promotion. A merit adjustment must have been awarded and processed while the employee was in the position to which he was temporarily promoted.

(Ord. No. 2000-173, § 3.09, 1-25-2000)

**Sec. 86-494. Notification.**

Any employee who is accepted for a promotional transfer between departments shall give his elected official/department head two weeks' prior notice before transferring between departments unless a mutual agreement of lesser or greater notice is made between the affected elected officials/department heads.

(Ord. No. 2000-173, § 3.10, 1-25-2000)

**Sec. 86-495. Performance probation.**

An employee who earns a regular promotion shall be placed on six months' performance probation from the effective date of the promotion. During this period:

- (1) The employee must satisfactorily demonstrate his ability to perform the duties required;
- (2) The supervisor shall ensure the employee receives proper training;
- (3) The supervisor shall advise the employee of his progress and complete three-month and six-month appraisals; and
- (4) Failure of the employee to satisfactorily complete the six-month performance probation period will result in the employee being:
  - a. Demoted to the employee's old position and salary, provided that such a position exists and the elected official/department head approves;
  - b. Transferred to another suitable position within the department for which the employee qualifies, provided that such a position exists

and the elected official/department head approves; or

- c. Termination if no suitable positions are vacant.

(Ord. No. 2000-173, § 3.11, 1-25-2000)

**Sec. 86-496. Compensation after performance probationary period.**

Upon successful completion of the probationary period, if the employee was compensated below the maximum salary previously calculated by the human resources/civil service department, the department may have the discretion to:

- (1) Increase the employee's salary to the maximum amount/position of the salary range he was eligible for as previously calculated by the human resources/civil service department;
- (2) Grant all increases in one or two increments no later than the employee's anniversary date in the position;
- (3) Grant all increases after the successful completion of the probationary period or no later than the employee's anniversary date in the position; and
- (4) The required paperwork for the adjustment must be submitted within 30 days after the successful completion of the employee's probationary period and/or 12-month anniversary date in the position by submitting the discretionary increase form to the auditor's office.

For example: An employee is hired on January 15th at less than ten percent of the calculated maximum salary. The employee successfully completes his six months probationary period on July 15th and the department increases the employee's salary by five percent. No later than January 15, the employee's anniversary date of one year, the department may increase the employee's salary by the remaining five percent.

(Ord. No. 2000-173, § 3.12, 1-25-2000)

**Sec. 86-497. Impact on structure and merit increases.**

A discretionary increase shall have no impact on a structure increase or an employee's eligibility for merit increase, provided that the employee meets all other qualifications as stipulated by the court. Contact the human resources/civil service department on most recent county policy regarding this issue. The employee must be actively employed in the position at the time of the discretionary increases.

(Ord. No. 2000-173, § 3.13, 1-25-2000)

**Secs. 86-498--86-520. Reserved.**

## **DIVISION 7. DEMOTIONS**

### **Sec. 86-521. 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:

*Demotion* means a change from a higher grade to a lower grade as a result of:

- (1) The inability of the employee to fulfill the functions of the job;
- (2) The employee's request for such change;
- (3) Disciplinary action;
- (4) A reduction-in-force (RIF); or
- (5) Significant changes as the result of organizational/program changes.

The above are examples and are not intended to be all inclusive.

(Ord. No. 2000-1461, § 3.19, 7-25-2000; Ord. No. 2017-0963; 08-01-2017)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 86-522. Salary determination.**

An employee who has been demoted will have his new salary determined by the elected official/department head, with the commissioners court's approval based on the following (whichever is greater):

- (1) For involuntary demotions related to disciplinary actions, the employee's salary will be placed at the same relative position in the new salary range that he/she was paid prior to the demotion (for example, if an employee's position in the range is at maximum in hire prior to the demotion, the employee's salary will be placed at the maximum in hire of the pay range for the reduced grade).
- (2) For involuntary demotions related to disciplinary actions, the employee returns to the position and salary held prior to the promotion, plus any merit increase approved by the elected official/department head prior to the demotion.
- (3) The employee's salary with regards to a reduction-in-force will be determined according to the reduction-in-force policy, section 86-627, pertaining to the demotion option.
- (4) For voluntary demotions not related to disciplinary action will be determined in accordance with the compensation policy for new hires.

(Ord. No. 2000-1461, § 3.20, 7-25-2000; Ord. No. 2017-0963; 08-01-2017)

**Sec. 86-523. Probationary period.**

An employee who is promoted and does not successfully complete the probationary period in the new position may be:

- (1) Demoted to the employee's previous position grade, provided that such a position exists and the elected official/department head approves;
- (2) Transferred/demoted to another suitable position within the department for which the employee qualifies, provided that such a position exists and the elected official/department head approves; or
- (3) Terminated if no suitable positions are vacant.

(Ord. No. 2000-1461, § 3.21, 7-25-2000)

**Sec. 86-524. Demotion Salary.**

A demotion may result in an employee's salary being decreased, increased or remaining the same. The employee's reduced salary may not fall below the minimum or above the maximum of the new salary range. An employee whose salary remained the same or increased as a result of a (voluntary) demotion **must remain in the demoted position for at least one year**. If promoted in less than one year back to the same job grade and title, the employee's salary reverts back to the salary held prior to the demotion plus merit/structure given after the demotion. If promoted after the 12 month period, his/her salary will be determined in accordance with the promotion policy. For example, a Clerk II, grade 06, salary of \$12.42 per hour voluntarily demotes to a Clerk I, grade 05, but gets a salary increase to \$14.13 per hour based on experience and in parity with a new hire. This employee later promotes (less than one year) back to the same job title and grade (Clerk II, job grade 06), employee's salary reverts back to \$12.42 per hour plus any merit/structure increase. If promoted after 12 month period back to a Clerk II, job grade 06, the employee's salary will be determined in accordance with the promotion policy (i.e., a minimum of \$14.13 + 5% or \$14.83 to a max in hire of \$15.25, based on education/experience).

(Ord. No. 2000-1461, § 3.22, 7-25-2000; Ord. No. 2017-0963; 08-01-2017)

**Secs. 86-525--86-550. Reserved.**

## DIVISION 8. SEPARATION FROM EMPLOYMENT

### Subdivision I. In General

**Secs. 86-551--86-570. Reserved.**

### Subdivision II. Resignation

#### **Sec. 86-571. Good standing.**

- (a) An employee who desires to resign in good standing with the county shall submit his written resignation to his supervisor and elected official/department head except for good cause shown, and give at least two weeks' notice of his intention to leave the organization.
- (b) An employee who fails to give two weeks' written notice of his/her resignation and whose insurance premiums are paid on his/her behalf shall have the full insurance premium or accrual amount (county plus employee cost) deducted from the last pay check.

(Admin. Policy Manual, § A(4.20); Ord. No. 2006-160, 1-24-2006)

#### **Sec. 86-572. Reemployment. (This section reflects recent court approved policy language: Court Order# 2016 1327 October 18, 2016.)**

Employees who leave Dallas County employment and wish to return will be hired under the following guidelines:

- (a) All terminations, voluntary or involuntary, except those resulting from a reduction-in-force, shall be final and constitute a break in service. To avoid a break in service the employee may choose to elect to use his/her vacation (exempt) or vacation/comp-time (non-exempt) accruals in lieu of a payout to seek other employment with Dallas County. If seeking employment with other Dallas County departments, the employee must notify the Auditors' Office immediately upon notice of termination to avoid unnecessary accrual payouts, termination of health insurance, and break in service. The employee must secure employment with Dallas County no later than the last day of the pay period which includes paid vacation to avoid a break in service and change in vacation accrual earn-rate. Contact the Auditors for this date. Additionally, if the employee failed to notify the Auditor's Office and received a vacation payout and finds other employment with Dallas County within the timeframe indicated above, the employee can reimburse the County to avoid a break in service and change in vacation accrual earn-rate. However, if a payout for sick leave due to termination or failure to notify the Auditor's Office timely of your intent to continue employment results in the employee's sick leave being paid out, all sick leave earned will be forfeited with no buy-back opportunity available. If the employee is unsuccessful in securing employment, the date of separation will be the last day worked. A **civil service employee** terminated as a result of reduction-in-force

may retain his original hire date if rehired within one year.

- (b) All former employees (except for Reduction-In-Force) will be hired and processed the same as any other new hire/applicant in terms of qualifications, compensation, and benefits;
- (c) The salaries for former employees (except those terminated under the reduction-in-force policy) who return within one year will be determined as follows:
  - 1. At the previous salary, if previous salary was less than or equal to maximum in-hire; or
  - 2. Up to maximum in-hire salary, if the employee's previous salary exceeded maximum in-hire; or
  - 3. In accordance with the hiring rules for the salary schedules/pay plans specifically applicable to the employee's job code (i.e. Judicial Salary Plan, Law Enforcement Pay Plan).
- (d) In reduction-in-force reemployment cases (for civil service covered employees), a former employee may be reinstated in the same job code and at the same salary. For specifics, refer to the Reduction-in Force policy (Section 86-627- 628).
- (e) (1) An individual who leaves employment with Dallas County for any reason is prohibited from rehire if the individual (1) receives any funds from TCDRS post-employment (whether by monthly annuity or withdrawal) **and** (2) had an agreement or arrangement with an elected official or department head at the time the individual left employment that the individual would be rehired.  
  
(2) If no such arrangement exists, prior to returning to employment with Dallas County, both the individual and the individual's former and proposed department head or elected official must attest in writing that no agreement or arrangement for the individual's return to work existed as of the last date of the individual's employment.  
  
(3) An individual who leaves employment with Dallas County and who receives funds from TCDRS is ineligible for rehire for 180 days after the last date of employment.

(Admin. Policy Manual, § A(4.18, 4.19); Ord. No. 2006-659, 4-11-2006; Ord. No. 2011-815 05-03-2011; Ord. No. 2015-0868, 06-23-2015; Ord. No 2016-1327 10-18-2016; Ord. No. 2023-1136, 10-03-2023, Ord. No 2025-752, 6-17-2025)

**Secs. 86-573--86-590. Reserved.**

### **Subdivision III. Dismissal**

**Sec. 86-591. For just causes; enumeration.**

An employee may be dismissed from the county without prior notice for just cause including, but not limited to:

- (1) Incompetence;
- (2) Offensive conduct;
- (3) Insubordination;
- (4) Conviction of a felony;
- (5) Conviction of a misdemeanor involving moral turpitude;
- (6) Failure to report for work without reporting the reason for absence to his immediate supervisor within 24 hours of his normal working shift;
- (7) Gross or repeated neglect of duty; or
- (8) Other conduct inconsistent with the interest of the county.

(Admin. Policy Manual, § A(4.21))

**Sec. 86-592. Notice.**

The employee shall be furnished a written notice of termination at the time of termination, or the earliest possible time after the date of dismissal. Such notice shall specify the cause for termination, with a copy to the human resources/civil service department. If the notice cannot be presented in person to the employee, it should be sent certified mail to the employee's last known address within such time limits.

(Admin. Policy Manual, § A(4.22))

**Sec. 86-593. Informing elected official/department head by supervisor.**

The supervisor shall inform his elected official/department head of his intention to dismiss an employee, specifying the causes and do so only with the elected official/department head's approval, unless the elected official/department head has previously given the supervisor termination authority.

(Admin. Policy Manual, § A(4.23))

**Sec. 86-594. Predetermination conference.**

Employees who are being dismissed are entitled to a predetermination conference with their elected official/department head to be told the reasons for termination.

(Admin. Policy Manual, § A(4.24))

**Sec. 86-595. Grievance system.**

- (a) If a non-probationary, regular employee feels he is being unjustly terminated, he may utilize the grievance system, provided that he meets the filing deadline (see chapter 86, article VIII of this Code). Utilizing the grievance system will not alter an employee's termination date (i.e., an employee may be terminated and then file a grievance).
- (b) If a grievance is upheld, the category C employee may be reinstated and may be granted back pay depending upon the determination of the grievance. Category D employees are not eligible for a grievance determination that awards back pay and/or reinstatement beyond the termination date of the funding source. The process for filing a grievance dismissal is outlined in chapter 86, article XIII of this Code.

(Admin. Policy Manual, § A(4.25, 4.26))

**Secs. 86-596--86-620. Reserved.**

**DIVISION 9. REDUCTION-IN-FORCE (This section reflects recent court approved policy language: Court Order# 2012 1049 June 19, 2012.)**

**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 fund 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.**

(Admin. Policy Manual, § A(3.24), Ord. No. 2025-753, 6-17-2025)

**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**

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.

- (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. An employee in a grant-funded position may accept a demotion into a vacant position funded by a different grant.
- (c) A rifted employee's transfer or demotion will not affect the merit date.
- (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 1) greater than their current salary, greater than the maximum of the prescribed salary range of their new position OR 2) may be determined in accordance with the compensation policy for new hires, whichever is greater. 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)); (Ord. No. 2011-815, 5-3-2011, Ord. No. 2017-0963, 08-01-2017, Ord. No. 2025-753, 6-17-2025)

**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 will 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 returning into his/her previously held job code **will not** be required to serve an employment probationary 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), Ord. No. 2011-815, 5-3-2011))

**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.**

## **DIVISION 10. NOTIFICATION OF EMPLOYEE EMERGENCIES**

### **Sec. 86-651. Contact persons.**

Utilizing the county's emergency notification form P/SC 160 or other departmental emergency contact form, county employees may provide their manager or supervisor with the name, address and telephone numbers of individuals their department should contact in case of an emergency. This optional form will be maintained in the employee's departmental personnel file.

## EMERGENCY NOTIFICATION FORM

Employee's Name:		
(Last)	(First)	(MI)
Employee's Address:		
(Street No. and Name)	(City) (State)	(ZIP Code)
Home Telephone Number: _____ Pager/Cellular Number: _____		

<i>Please contact the following person(s) in case of an emergency:</i>			
Contact Person:			
	(Last)	(First)	(MI)
Relationship:			
Address:			
	(Street No. and Name)	(City) (State)	(ZIP Code)
Telephone Number: _____ (Home) Telephone Number: _____ (Work)			
Telephone Number: _____ (Pager/Cellular Number) _____			
Contact Person:			
	(Last)	(First)	(MI)
Relationship:			
Address:			
	(Street No. and Name)	(City) (State)	(ZIP Code)
Telephone Number: _____ (Home) Telephone Number: _____ (Work)			
Telephone Number: _____ Pager/Cellular Number _____			
I authorize Dallas County to notify the aforementioned individuals in the event of an emergency			
(Employee's Signature)			(Date)
P/SC FORM 160 02/00			

(Ord. No. 2000-890, § 2.30, 5-2-2000)

**Secs. 86-652--86-670. Reserved.**

## **DIVISION 11. PERSONNEL FILES\***

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**\*State law references:** Public Records Act, V.T.C.A., Government Code § 552.001 et seq.

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### **Sec. 86-671. Confidentiality.**

All personnel files are classified as confidential, and every effort will be made to maintain that confidentiality within applicable state and federal statutes.

(Ord. No. 2000-173, § 17.00, 1-25-2000)

### **Sec. 86-672. Access.**

An employee does not have unrestricted access to his personnel files. An employee may request the right to view his personnel files in accordance with the following procedures:

- (1) Submit a written request to the auditor's office, treasurer's office, human resources/civil service department or the employee's department.
- (2) A designated person within the office receiving the request will review the employee's personnel file within two days of receipt to determine if any information needs to be removed from the file prior to the employee viewing it. (Example: information that would violate the privacy rights of a third party or information related to litigation.)
- (3) The employee will be contacted within two days of his request to schedule a time during normal business hours to review the file in the presence of a designated representative.

At his own expense, an employee may receive copies of any records from his personnel file which are not restricted from disclosure by law. There will be no charge for reasonable requests.

(Ord. No. 2000-173, § 17.01, 1-25-2000)

### **Sec. 86-673. Outside request to access files.**

Any request for access to an employee's file not made by the employee requires the following:

- (1) Submission of a written request; and
- (2) Review of the written request by the civil section of the district attorney's office prior to release.

The written request must be immediately forwarded to the civil section of the district attorney's office for review due to strict time constraints for objecting to such requests for information.

(Ord. No. 2000-173, § 17.02, 1-25-2000)

**Sec. 86-674. Questions.**

For any questions regarding this division, contact the human resources/civil service department at (214) 653-7638.

(Ord. No. 2000-173, § 17.03, 1-25-2000)

**Sec. 86-675. Changes in names, addresses and telephone number and number of dependents.**

- (a) The county employees are required to notify their department within a 30-day period if the employee makes changes in his name, address, or telephone number. The employee should:
  - (1) Obtain personnel action form 6-A from the departmental human resources representative;
  - (2) Complete the form; and
  - (3) Return them to the departmental human resources representative who will then forward form 6-A to the county auditor and county treasurer offices to update the employee's official file.
- (b) If an employee wants to change the number of his dependents for federal withholding purposes, the employee should obtain a W-4 form from the departmental representative, complete the form and return it to the departmental representative who will then forward the W-2 form to the county treasurer's office to update the employee's official file.

(Admin. Policy Manual, § A(10.00, 10.00(A))

**Secs. 86-676--86-710. Reserved.**

## DIVISION 12. EQUAL EMPLOYMENT OPPORTUNITY\*

\*Federal law reference--Employment discrimination, 42 USC 2000e et seq.

**State law references:** Employment discrimination, V.T.C.A., Labor Code § 21.01 et seq.

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### **Sec. 86-700. Policy of Dallas County. (This section reflects recent court approved policy language: Court Order# 2011 776 April 26, 2011.)**

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, color, national origin, religion, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and any other terms or conditions of employment.

(Admin. Policy Manual, § A(3.00); Ord. No. 2009-0241, 2-3-2009)

### **Sec. 86-701. Bona fide occupational qualifications.**

The equal employment opportunity policy, however, is not to be construed to prohibit the county from recognizing bona fide occupational qualifications, as defined by the Labor Code, reasonably necessary to the normal operation of the particular position.

(Admin. Policy Manual, § A(3.01))

### **Sec. 86-702. Lateral transfers. (This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009; Court Order #2015 1118 – August 18, 2015; Court Order #2017-0963 – August 1, 2017).**

- (a) A lateral transfer is defined as the movement into a job in the same or different department that has the same pay grade and different job title (Accounting Clerk I, grade 06, DA's Office and a Clerk II, grade 06, PD's Office) OR same pay grade and same job title (Clerk II, grade 6, DA's Office and Clerk II, grade 06, PD's Office).

An employee transferring laterally within the same job grade and same job title (Clerk II, grade 06, to Clerk II, grade 06) within the same or different department and different job duties will have his/her salary determined in accordance with the compensation policy for new hires and a change in performance review date.

An employee transferring laterally with the same job grade and different job title, his/her salary will be determined in accordance with the compensation policy for new hires and will receive a change in performance review date.

Also, generally, an employee may not grieve a lateral transfer.

- (b) New employees who have not completed their employment probationary period may not transfer between departments, without prior approval from the affected elected officials/department heads.
- (c) A lateral transfer of an employee from one department to another within the same job classification (Clerk II, job grade 06, DA's Office to Clerk II, job grade 06, PD's Office) is generally discouraged unless it is of benefit to both the county and the employee in order to improve productivity or morale.
- (d) Any non-probationary employee requesting a lateral transfer between departments must notify the human resources/civil service department (via Employee Position Change form) in order to be considered for a transfer with approval of the commissioners court.
- (e) Any non-probationary employee that is accepted for a lateral transfer between departments shall give his supervisor/department head two weeks prior notice before transferring between departments unless a mutual agreement of lesser or greater notice is made between the two affected department heads.

(Admin. Policy Manual, § A(3.02--3.06))

**Secs. 86-703--86-710. Reserved.**

## ARTICLE V. TRAVEL POLICY\*

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\*State law references: Travel and per diem, V.T.C.A., Local Government Code § 152.001 et seq.

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### **Sec. 86-711. Travel and mileage reimbursement policy. (This section reflects recent court approved policy language (Section k): Court Order# 2012 0235 February 7, 2012 and Court Order #2012 0972 (b) and (f)).**

- (a) Travel funds will be allocated to departments annually based on need and with general approval through the budget process, with grant awards or through department discretionary account (DDA) guidelines. If possible, attendance at local offerings is encouraged, out-of-state and out-of-county seminars and technical meetings shall be kept to a minimum. Where practical, attendance should be limited to one individual per department, per seminar or trip.
- (b) Even though travel funds have been appropriated in the fiscal budget, prior approval of the commissioners court must be obtained for conference and out-of-county business travel *including travel paid from DDA, but not paid* from legislative travel, subsection (j) of this section. See subsection (i) of this section. *All requests for travel including DDA* funds must receive prior approval by the Commissioners Court before the date of travel. A travel request form, as provided by the office of budget and evaluation, must indicate a business justification for the requested travel. The request must be submitted to the office of budget and evaluation with the signoff of the department head or elected official in order to be placed on the Commissioners Court's agenda. The office of budget and evaluation shall provide notice to the Commissioners Court of all travel requests approved by department heads and elected officials.
- (c) DDA funded travel for conference or business meetings is reimbursed by submitting requests for payment and expense reports to the auditor's office with appropriate receipts attached. Appropriate signoff in the department is required.
- (d) Travel funds will be allocated annually in the accounts as provided in subsections (e) through (j) of this section for stated purposes only. Any other use of such funds will require approval and transfer by the commissioners court into the appropriate line item for which travel expenditures are requested. Object codes for travel expenditures are as provided in subsections (e) through (j) of this section. Mileage reimbursements for use of personal automobiles will be allowed under these conditions:
  - (1) Official county business only;
  - (2) Must be of benefit to the citizens of the county;
  - (3) Must not be for political, commuting or personal reasons;
  - (4) Employee or official does not receive a car allowance.

Officials' and employees' compensation and mileage reimbursement is provided to cover the cost of using their personal vehicle on county business. This reimbursement is specifically intended to cover the officials' or employees' cost to ensure their personal and third party liability. Each official or employee shall contact their vehicle insurance provider to ensure that they are properly insured.

- (e) 1070 auto mileage: To reimburse county employees on a per mile basis (current rate equivalent to the maximum rate allowed by the Internal Revenue Service) incurred as a requirement of their job and as a result of driving a personal automobile daily for county business. These positions are designated by the human resources/civil service department as "daily job-required" use of a personal vehicle. The mileage rate method provides reimbursement for actual expenses such as gasoline, oil, repairs, insurance, tires, license plates or similar items. Reimbursements are paid through the payroll system on paychecks coded as nontaxable earnings. Expenditures from this account are excluded for any out-of-county travel, unless out-of-county travel is normal and routine business activity for a department.
- (f) 2230-DDA spendable balance: To reimburse county employees for travel funded through the department's DDA account for out-of-pocket expenses such as hotel bills, meals, tips and conference registration fees associated with professional development. DDA travel is dependent on funds available and *does require approval* by the commissioners court (see DDA guidelines).
- (g) 2980 auto expense incidental: To reimburse county employees for mileage (current rate is maximum rate allowed by the Internal Revenue Service), plus parking and toll charges that result from driving a personal automobile occasionally for county business. Incidental travel is dependent on funds available and does not require specific approval by the commissioners court. The mileage rate method provides reimbursement for actual expenses such as gasoline, oil, repairs, insurance, tires, license plates or similar items. Reimbursements are made to individuals on an as-approved basis.
- (h) 4010 business travel: To reimburse county employees for out-of-pocket expenses such as hotel bills, meals, tips and other non-transportation related expenditures incurred while performing direct county business of a routine nature, limited department allocations are approved by the budget process. Use for charges appropriated in the department budget, specifically approved by the commissioners court through the budget process (not DDA funded) or other funding sources such as grants. Charges not included are legislative travel, mileage and DDA. Business and grant-funded travel requires preapproval by the commissioners court on form 251 and is subject to funds available. Fraudulent requests for reimbursement will result in disciplinary action and/or prosecution.
- (i) 4210 conference travel: To reimburse county employees for direct and out-of-pocket expenses incurred while attending a conference, professional development seminar, trade school or college which has received prior approval and will enhance the employee's capability to fulfill their job function. This account will pay for transportation, registration, and tuition fees, hotel charges, meals, tips and other related reimbursable expenses associated with professional development activity. Use for charges appropriated in the department budget, specifically approved by commissioners court through the

budget process (not DDA funded). Charges not included are legislative travel, mileage and DDA.

- (j) 4110 legislative travel: To reimburse county employees for direct and out-of-pocket expenses for commissioners court requested travel required on legislative matters. This would include appearances before any committee or other related activity including, but not limited to, sessions of the state legislature, meetings for the legislative agenda, meetings of the county judges and Commissioners Association of Texas, Conference of Urban Counties, Texas Association of Counties and National Association of Counties.
- (k) Out of County travel without any cost is not required to be briefed to the Commissioners Court.
- (l) The auditor's office will review all transactions submitted in the form of detailed vouchers and receipts for reimbursements during the normal audit process. Itemized receipts are required for food with daily cap at per diem rates. Receipts for lodging and air transportation are required as part of the reimbursement document. Acknowledgment of county-paid air transportation is also required.
- (m) Guidelines for travel arrangements are as follows:
  - (1) All travel will be planned with maximum economy and efficiency.
  - (2) All travel arrangements should be made at least seven days and when possible, 21 days in advance.
  - (3) Travel must be for official county business only.
  - (4) Travel must be to the benefit of the citizens of the county.
  - (5) Under no condition will travel be for personal reasons.
  - (6) The county may prepay conference registration fees upon the commissioners court approval. When fees are paid out of DDA funds, commissioners court approval is not required. Payment is made to the sponsoring organization, not to the employee. Request for payment of conference fees should be made on request for payment form as provided by the auditor's office. Lodging charges may be prepaid with copy of itinerary and confirmation from the hotel. Payment is made to the hotel.
  - (7) Travel must occur as close to the start and end of event as practicable.
- (n) Guidelines for travel reimbursements. Actual charges (within established limits) while on county business will be reimbursed when the request is approved by the employee's elected official or department head. In order to be reimbursed for expenses incurred while on official county business, a report of travel expenses form, as provided by the auditor's office, must be submitted to the auditor's office within 30 days following the travel period. Exceptions must be submitted to the commissioners court for approval.
  - (1) *Transportation.*
    - a. Mileage: Reimbursement rate maximum rate allowed by the

Internal Revenue Service. Mileage is calculated from the first business stop. Payments are treated as nontaxable reimbursements when fully documented and submitted to the county. The appropriate form, either report of travel expenses form for out-of-county travel or the report of personal automobile mileage used in county business form for in-county travel must be prepared by the traveler, approved by the department head and submitted to the auditor. The total miles subject to reimbursement shall be calculated from the first business stop after leaving home to the last business stop before returning home, less any personal nonbusiness miles driven during the course of the day. If the total miles driven to the first business stop exceed the total miles from the employee's residence to the official station of duty, reimbursement shall be calculated from the station of duty to the business stop.

- b. Parking: Actual parking expenses incurred while on county business will be reimbursed when the request is approved on the report of travel expenses form by the employee's elected official or department head and submitted with a receipt. Parking expenses incurred in lots operated with drop boxes where no receipt is available or using parking meters will be reimbursed to a maximum of \$7.00 a day.
  - c. Vehicle rental: Rental cars will only be authorized when it is operationally required, or when the cost of public transportation would exceed the cost of a rental vehicle. The maximum reimbursement will be based on a sub-compact for up to two county approved travelers, compact for three county approved travelers, and mid-size for four county approved travelers. Full size will be used for over four travelers.
  - d. Taxi, subway, bus, etc.: No receipts are required for reimbursement of expenses up to \$5.00, otherwise receipts are required.
- (2) *Hotel/lodging.* An itemized receipt for lodging must accompany any request for reimbursement. Hotel/lodging reimbursements will be capped at the rate set by the U.S. General Services Administration (GSA) for the city traveled to. Hotel/lodging expenses in adjacent counties will not be reimbursed.

An exception to maximum room rate will be granted for:

- a. Annual conferences or court required if the elected official/department head certifies that the rate paid was the lowest available rate as provided by the sponsoring group's housing policy for assignment of rooms.
- b. Fugitive officers in the sheriff's office will refer to the federal IRS hotel rates as updated annually for maximum reimbursement amount.

- c. Hotel/lodging expenses incurred as a result of legislative travel to Austin, Texas during a legislative session.
- (3) *Meals and Incidental Expenses:* Reimbursement for meals is based on the Meals and Incidental Expenses (M&IE) rate as set by GSA for the city traveled to. For travel requiring an overnight stay, the full M&IE per diem reimbursement may be requested for each full day spent. Half of the allowable per diem may be requested on a day in which the employee traveled to or from the destination. For example, a three-day trip in which the employee traveled on the first and third day would qualify for half of the allowable M&IE reimbursement on the first and third day (travel days) and the full M&IE reimbursement on the second day (full day).
- (4) *Miscellaneous.*
  - a. Reimbursements for faxes are authorized. Receipts or itemized statements are required.
  - b. Reimbursements for long distance business telephone calls are authorized. Personal long distance charges on the hotel/motel bills are not eligible for reimbursement.
  - c. Charges for personal items on hotel/motel bills are not eligible for reimbursement.
  - d. The Assistant County Administrator for Governmental Affairs will receive half day reimbursements under section (n)(3) for both travel and full days during a Texas Legislative Session.
- (o) The commissioners court may approve requests to allow exceptions to travel policy if these policies impose an unreasonable hardship on the traveler.
- (p) Expenses incurred by or as a result of an accompanying spouse or other individual not employed by the county will not be reimbursed.
- (q) If, in the course of official county business or business travel, an individual or individuals provide valuable assistance to the county at no cost, reimbursement of a reasonable amount will be allowed for the purchase of a meal for the assisting individual or individuals. The name, title and affiliation of the assisting individuals must be specified on the travel expense report submitted to the auditor in order to be reimbursed.
- (r) Department heads and elected officials who have employees that require a county credit card for business travel must submit a request to the commissioners court. If approved, the purchasing director will submit an application, receive and issue the card to the employee. The employee will be required to sign a statement acknowledging the limitations/responsibilities of use of the card. Employees shall ensure the card is only used for the specific purposes approved by the commissioners court and will develop a control ledger that is reconciled to monthly statements. The reconciliations, along with receipts for the purchases, must be forwarded to the county auditor monthly, along with a request for payment, which has been approved by the department head or elected official. Under no circumstances shall the county credit card be used for noncounty business. Any misuse of the county credit card shall result in

immediate cancellation of the card as well disciplinary action, up to and including termination of the employee. Cards used by employees who are terminating their employment must be returned to the purchasing department. The card may be assigned to an individual, but is the responsibility of both the employee and the department head.

- (s) The request for reimbursement (as provided by the Auditor's Office) must include the following:
  - (1) Points of origin and destination;
  - (2) Reason for travel;
  - (3) Dates of travel;
  - (4) All reimbursable expenses including transportation costs, lodging costs, meals and incidental expenses, mileage, registration fees, etc.;
  - (5) Time of departure and return to home station;
  - (6) Names of accompanying county employee travelers;
  - (7) Funding source and court approval reference, if applicable.
- (t) Any additional requirements for grant funded travel will supersede the requirements of this policy.

(Ord. No. 2000-1342, §§ 1.00--1.20, 7-11-2000; Ord. No. 2008-567, 3-18-2008; Ord. No. 2008-742, 4-15-2008; Ord. No. 2008-1287, 7-8-2008; Ord. No. 2008-2150, 11-11-2008; 2009-0876, 5-12-2009; Ord. No. 2010-0780, 5-4-10; Ord. No. 2012-0972; 6-5-12; Ord. No. 2012-0235, 2-7-12; Ord. No. 2018-0585, 5-15-2018)

**State law references:** Travel expenses of county officer or employees, V.T.C.A., Local Government Code § 152.011.

**Sec. 86-712. - Reserved**

(Ord. No. 2000-1342, §§ 1.21--1.23, 7-11-2000; Ord. No. 2018-0585, 5-15-2018)

**Sec. 86-713. - Reserved**

(Ord. No. 2000-1342, §§ 1.24--1.26, 7-11-2000; Ord. No. 2018-0585, 5-15-2018)

**State law references:** Airline fares account, V.T.C.A., Government Code § 2171.055.

**Sec. 86-714. Auto allowances.**

- (a) Based on specific business requirements, the commissioners court may authorize a position to receive a monthly auto allowance.
- (b) Those positions receiving auto allowances will not receive any additional allowance or reimbursement except for other expenses incurred while on official business outside of the county.
- (c) Employees who receive a monthly auto allowance and travel out of the county for county business shall deduct 30 miles from their mileage reimbursement request

- for each one-way trip when using their personal auto for county business. This stipulation affects only employees who receive a monthly auto allowance.
- (d) Any employee with an auto allowance may agree to eliminate their auto allowance and receive instead the per mile reimbursement.
  - (e) An employee's auto allowance will not be maintained in the case of a position change is to a position that is not authorized an auto allowance. Officials' and employees' compensation if it is to a position that previously had an auto allowance, and if it is necessary to allow the employee to receive the minimum promotional salary increase required by county policy. Officials' and employees' compensation and auto allowance are provided to cover the cost of using their personal vehicle on county business. This reimbursement is specifically intended to cover the officials' or employees' cost to ensure their personal and third party liability. Each official or employee shall contact their vehicle insurance provider to ensure that they are properly insured.

(Ord. No. 2000-1342, §§ 2.00--2.05, 7-11-2000; Ord. No. 2018-0585, 5-15-2018)

**Secs. 86-715--86-750. Reserved.**

**ARTICLE VI. EMPLOYEE STANDARDS OF CONDUCT (This section reflects recent court approved policy language: Court Order# 2011 1179 – July 5, 2011.)**

**DIVISION 1. GENERALLY**

**Sec. 86-751. Employee conduct.**

Each employee covered by this policy is employed to fulfill specific job duties and expectations to support the mission and values of their department and Dallas County and is expected to act and perform those tasks in a manner deserving of public trust. The following list is not all-inclusive but is intended to illustrate some of the minimum employee expectations and standards for acceptable workplace conduct and performance.

An employee who contributes to the success of the County's mission:

- Performs assigned duties and responsibilities with the highest degree of public trust;
- Devotes full efforts to job responsibilities during work hours;
- Meets and exceeds established job performance expectations;
- Reports to work as scheduled and follows the office/department policies related to established work schedule, including the use of leave and late or early arrivals and departures;
- Maintains the qualifications, certification, licensure, and/or training requirements identified for their positions;
- Demonstrates respect for the county and towards co-workers, supervisors, managers, customers, employees, vendors and taxpayers;
- Uses county equipment, time, and resources judiciously and as authorized;
- Supports efforts that ensure a safe, healthy and productive work environment;
- Utilizes leave and related employee benefits in the manner for which they were intended;
- Resolves work-related issues and disputes in a professional manner and through established county processes;
- Makes work-related decisions and takes actions that are in the best interest of the county;
- Complies with the letter and spirit of all federal, state, local rules and regulations, the Dallas County Code and departmental policies and procedures;

- Reports circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of others;
- Respects the privacy of county employees and taxpayers and demonstrates a high level of confidentiality when processing and engaging in any official county business;
- Works cooperatively as a team to promote positive, cooperative, and harmonious work environment while achieving departmental goals and objectives;
- Adheres to all policies related to prohibitions against coming to work under the influence, in possession of, or utilization of drugs and alcohol while at work;
- Complies with all county policies related to prohibitions of harassment of any type, discrimination, hostile work environment, or unprofessional conduct, including the use of abusive language, profanity and disorderly conduct; and
- Always represents the county in a professional manner.
- Sets a high standard in professional appearance.

When an employee's behavior and/or job performance is non-compliant, negative and counterproductive, managerial staff is expected to quickly, effectively, consistently and fairly move to correct the behavior in accordance with the County's Corrective Action System. An employee who fails to meet these expectations and standards is subject to corrective action, up to and including termination.

(Admin. Policy Manual, § C(8.00))

**Sec. 86-752. Gifts.**

Gifts shall not be accepted from contractors, vendors or other persons who are employed by or who deal with the county. This section does not apply to calendars, folders, pens, notepads and similar articles that bear the donor's advertising, nor does it apply to purely personal gifts between relatives and friends.

(Admin. Policy Manual, § C(8.01))

**Sec. 86-753. Confidentiality.**

All information concerning county business must be held in strict confidence and must not be discussed with others on or off the job except for purposes of necessary county business.

(Admin. Policy Manual, § C(8.02))

**Sec. 86-754. Use and conduct of county-owned property.**

- (a) The utmost care shall always be exercised in using the county property to minimize damage to equipment and waste of supplies. An employee of the county shall not participate in bidding on the county equipment sales.

- (b) Intentional or negligent damage or any personal use of county equipment or property will be grounds for disciplinary action or dismissal depending on severity of the incident.

(Admin. Policy Manual, § C(8.03, 8.04))

**Sec. 86-755. Vending machines in county facilities or on county property.**

- (a) Any and all requests for a vending machine must be submitted to facilities management for approval by the commissioners court. No vending machine shall be allowed in a county facility or on county property without prior approval of the commissioners court.
- (b) Vending machines that are accessible to the general public will be provided by the county's contractor for vending services.
- (c) Vending machines that are not available for public access and are for the exclusive use of county employees, may be leased by an association of employees from the county contractor. If the county contractor declines to lease a vending machine, facilities management will coordinate with purchasing for another vendor to lease the vending machine. Any and all revenue generated by these vending machines shall be used for the support of the vending services and other matters that are for the benefit of all employees that use the vending service. Any vending review which finds that revenue is used for an employee's personal benefit or gain will result in the removal of the vending machine.
- (d) Any and all vending machines not in compliance with county policy are subject to removal by order of facilities management.

(Ord. No. 2003-1373, 8-5-2003)

**Sec. 86-756. Office donations.**

No employee shall be forced to contribute or make donations to any fund or collection. Before any office collection may be started, it must be approved by the elected official/department head.

(Admin. Policy Manual, § C(8.05); Ord. No. 2003-1373, 8-5-2003)

**Sec. 86-757. Outside employment.**

- (a) No employee shall engage in any other employment during the hours he is scheduled to work for the county; nor shall an employee work outside such hours of his employment with the county in a manner, or to an extent, that conflicts with the county's interest or public image or that adversely affects his availability and usefulness as an employee to the county.
- (b) All employees who are considering employment or who already hold outside employment shall notify their supervisor of the details of the job, the name of their secondary employer, and obtain their elected official/department heads' (i.e., the county's) approval.
- (c) Supervisors who feel an employee's outside employment conflicts with the county's principles as set forth in subsection (a) of this section shall notify his

elected official/department head. The elected official/department head shall make the final decision.

- (d) Any employee who feels approval of an outside job is being unreasonably withheld is entitled to use the grievance procedure as a recourse.

(Admin. Policy Manual, § C(8.06--8.09); Ord. No. 2003-1373, 8-5-2003)

**Sec. 86-758. Conflicts of interest.**

- (a) In order to avoid potential conflicts of interest or the appearance of conflicts of interest, no officer or employee of the county shall:
  - (1) Have a substantial interest, investment, ownership or other involvement in any entity or firm which supplies goods or services to the county;
  - (2) Accept from or give to any entity, firm or person doing or seeking to do business directly or indirectly with the county, including agents or representatives of such entity, firm or person, any personal gift; loan of any type; entertainment; trips, services, or money in any amount;
  - (3) Receive directly or indirectly any pecuniary interest from a contract or other agreement entered into by the county;
  - (4) Engage in any other business to an extent which interferes with their performance of duties as a county official or employee; or
  - (5) Use in any matter their public office or position for personal gain including the acceptance or dispensing of any special favors, privileges or benefits.
- (b) The county officials or employees having reservations or questions regarding possible conflicts of interest should request a legal opinion from the district attorney's office.
- (c) The county officials and employees may be requested to submit an annual conflict of interest-disclosure statement (Exhibit EC) to the commissioners court.
- (d) All elected officials and employees of the county will comply with V.T.C.A., Penal Code ch. 36 that requires that no gift be given as a consideration for some exercise of official discretion. County employees shall not accept gifts from contractors, vendors or other persons who are employed by or who deal with the county. These rules do not apply to gifts exempted by V.T.C.A., Penal Code § 36.10, calendars, folders, pens, notepads and similar articles that bear the donor's advertising, nor do they apply to purely personal gifts between relatives and friends.
- (e) All elected officials and candidates required to file financial disclosure statements by V.T.C.A., Local Government Code § 159.001 et seq., shall file an annual financial statement with the county clerk, including the reporting of gifts, as required by that statute.
- (f) All elected county officials shall comply with V.T.C.A., Election Code title 15 and all state-mandated reporting of gifts.

- (g) The county officials or employees having reservations or questions regarding possible conflicts of interest should request a legal opinion from the district attorney's office.
- (h) Nothing in this division shall prohibit the solicitation and or acceptance of contributions and or gifts as authorized by the Texas Election Code.

(Admin. Policy Manual, § E(18.02--18.09); Ord. No. 2003-1373, 8-5-2003; Ord. No. 2014-0604, 04-29-2014)

**Cross references:** Conflicts of interest re general government operations policy, internal organizational guidelines, § 74-741 et seq.

**Sec. 86-759. Personal financial disclosure reporting.**

- (a) The county commissioners court by the adoption of this section extends personal financial disclosure reporting to the county sheriff, county tax assessor/collector, county clerk, district clerk, county treasurer, county auditor, all constables, and county employees occupying the positions identified in the list below, including under any revised or modified title:

EMPLOYEE PERSONAL FINANCIAL  
DISCLOSURE REPORTING LIST

- (1) Commissioners Court Administrator/County Administrator.
- (2) Assistant County Administrator(s).
- (3) Assistant Administrator for Governmental Affairs.
- (4) Chief Information Officer.
- (5) Homeland Security/Emergency Management Coordinator.
- (6) Director of Health and Human Services.
- (7) Director of Human Resources/Civil Service.
- (8) Director of The Institute of Forensic Sciences/Chief Medical Examiner.
- (9) Director of Juvenile Services.
- (10) Budget Officer.
- (11) Director of Public Works & Engineering.
- (12) Chief Public Defender Director.
- (13) Veterans Services Officer.
- (14) Director of Operations.
- (15) Fire Marshall.
- (16) Director of Planning/Development.
- (17) Director of Facilities Management.

- (18) Purchasing Agent.
  - (19) Director of Security.
  - (20) Director of Criminal Justice.
  - (21) Head M/WBE Officer.
  - (22) Any other department head, director, or county administrator position created after the date of this order.
- (b) Such Financial Disclosure Reporting shall be the same in all regards as that required by V.T.C.A., Local Government Code ch. 159, subch. A of the Local Government Code. The Personal Financial Statement required under this Order shall include all information required to be disclosed under Section 572.023 of the Texas Government Code utilizing the categories described in Section 572.022 of the Texas Government Code, as amended or revised from time to time.
- (c) The financial disclosure statement shall be filed with the Dallas County Clerk in the form of the Personal Financial Statement adopted by the Texas Ethics Commission under chapter 572 of the Texas Government Code, as amended or revised from time to time. The form is currently available as Form PFS at [http://www.ethics.state.tx.us/filinginfo/pfsforms\\_ins.html](http://www.ethics.state.tx.us/filinginfo/pfsforms_ins.html), which web address may change.
- (d) All persons subject to financial disclosure pursuant to this Order shall file the Personal Financial Statement no later than **April 30<sup>th</sup>** of each year by 5:00 pm, with the County Clerk. The timeliness of filing shall be governed by Section 159.0341 of the Local Government Code and Section 572.029 of the Government Code, as they are amended or revised from time to time.

(Ord. No. 2003-1944, 10-21-2003; Ord. No. 2014-0604, 04-29-2014)

**Cross references:** Elected officials and candidates required to file financial disclosures, §§ 74-742(e), 86-758(e).

**Secs. 86-760--86-780. Reserved.**

## **DIVISION 2. DISCRIMINATION, HARASSMENT, and RETALIATION POLICY**

### **Sec. 86-781. Dallas County Policy Statement and Purpose.**

- (a) This Policy defines discrimination, harassment, and retaliation in the workplace, outlines responsibilities for reporting and preventing such conduct, and explains the procedures for investigating and resolving discrimination, harassment, and retaliation complaints.
- (b) Dallas County prohibits all forms of unlawful discrimination, harassment, and retaliation and charges all employees with the responsibility for ensuring that the workplace is free from such conduct. This means that all employees must avoid any action, conduct, or behavior that could be viewed as unlawful discrimination, harassment, or retaliation and report any suspected discrimination, harassment, or retaliation. Any employee who violates this Policy may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.10 – 8.15)

(Ord. No. 2021 0077, 01-19-2021)

### **Sec. 86-782. Definitions and Examples.**

- (a) *Complainant* means an employee or applicant who makes a report of discrimination, harassment, or retaliation to a supervisor, manager, or the Director of the Dallas County Human Resources/Civil Service Department/Director's designee.
- (b) *Supervisor or Manager* means an individual vested with the authority to control the working conditions or tangible job benefits of another employee.
- (c) *Unlawful discrimination* occurs when an employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation, terms, conditions, or privileges of employment because of protected characteristics, such as the individual's race, religion, color, sex, national origin, age, veteran status, pregnancy, leave status, or disability.
- (d) *Unlawful retaliation* refers to an adverse action taken against an employee because the employee engaged in activity protected by law, such as participating in an investigation related to discrimination, taking leave protected by the Family and Medical Leave Act, or reporting in good faith a violation of law by Dallas County to an appropriate law enforcement authority.
- (e) *Unlawful harassment* is unwelcome conduct based on a characteristic protected by law. Harassment is unlawful where (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is

severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

*Sexual harassment* is a type of unlawful harassment and refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Conduct considered harassment could include;

- Making derogatory or abusive statements, comments, slurs, noises, or gestures based on an individual's protected characteristic;
- Stereotyping, mocking, ridiculing, or mimicking an individual's culture, accent, appearance, or customs;
- Posting, circulating, or displaying written or graphic material (including cell phone pictures) that denigrates or shows hostility or aversion toward an individual or group based on a protected characteristic;
- Using sexually suggestive language or engaging in offensive touching, such as patting, pinching, or rubbing;
- Making unwelcome request for sexual favors, sexual advances, or requests for "dates"; and
- Implying, by words or actions, that an employee must tolerate or submit to sexual advances or offensive, inappropriate, or abusive conduct.

**Cross references:** Definitions generally, § 1-2.

(Ord. No. 2011 776, 04-26-2011; Ord. No. 2021 0077, 01-19-2021)

**Sec. 86-783. Complaint Reporting, Investigation, and Resolution Procedures.**

- (a) Any employee who believes the employee or any other employee or applicant has been subjected to unlawful discrimination, harassment, or retaliation by a manager, supervisor, co-worker, vendor, customer, or

other third party must report the alleged violation *immediately* to a supervisor or manager, elected official/department, or the Director of the Dallas County Human Resources Department/Director's designee.

- (b) All complaints of discrimination, harassment, and retaliation shall be taken seriously and addressed within a reasonable timeframe. After receiving a complaint, the recipient shall notify the Dallas County Human Resources Director/Director's designee. Upon receipt, the Human Resources Director/Director's designee shall promptly investigate and address the matter. This process may include interviews, a review of relevant documents, and temporary measures deemed necessary to protect employees or to preserve evidence, such as investigatory leave reassignment.
- (c) If it is determined that a Policy violation occurred, Dallas County will take appropriate actions designed to stop the inappropriate conduct and avoid its repetition. The Human Resources Director/Director's designee shall advise the complainant, the accused, and other relevant parties of any findings, taking care to preserve confidentiality to the extent possible.
- (d) An employee may not retaliate against another employee for participating in the investigation.

(Admin. Policy Manual, § C(8.22))

(Ord. No. 2021 0077, 01-19-2021)

**Sec. 86-784. Manager's and Supervisor's responsibilities.**

- a. Managers and supervisors shall take the initiative in preventing discrimination, harassment, and retaliation by:
  - (1) Modeling appropriate professional behavior in accordance with this Policy;
  - (2) Actively monitoring the work environment for indications of discrimination, harassment, and retaliation;
  - (3) Ensuring that each employee is aware of this Policy and of the procedure to report suspected incidents of discrimination, harassment, and retaliation;
  - (4) Ensuring that an employee does not suffer retaliation for reporting allegations of violations of this Policy or for cooperating in an investigation into alleged Policy violations;
  - (5) Taking appropriate disciplinary action when an investigation substantiates an allegation;
  - (6) Immediately reporting all complaints to the Dallas County Human Resources Director/Director's designee; and

- (7) Attending discrimination, harassment, and retaliation training at least once per year and ensuring subordinate employees attend such training at least once per year.
- b. Any manager or supervisor who fails to comply with these responsibilities may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.23, 8.24))

(Ord. No. 2011 1462, 08-30-2011; Ord. No. 2021 0077, 01-19-2021)

**Sec. 86-785. Employees' responsibilities.**

- a. A county employee shall take the initiative in preventing unlawful discrimination, harassment, and retaliation by:
  - (1) Acting in a professional manner and in accordance with this Policy and all Dallas County policies designed to prevent lawful but inappropriate workplace conduct (such as bullying or commenting up—on an employee's gender identity);
  - (2) Ceasing any conduct if told by a supervisor, manager, or co-worker that such conduct is offensive or otherwise inappropriate;
  - (3) Cooperating in any investigation into alleged violations of this Policy;
  - (4) Immediately reporting perceived violations of this Policy to: a supervisor or manager, an elected official or department head, or the Director of the Dallas County Human Resources Department/Director's designee.
- (b) Any employee who fails to comply with these responsibilities may be subject to disciplinary action, up to an including termination.

(Admin. Policy Manual, § C(8.25--8.28))

(Ord. No. 2011 776, 4-26-2011; Ord. No. 2011 1462, 8-30-2011; Ord. No. 2021 0077, 01-19-2021)

**Secs. 86-786--86-810. Reserved.**

### **DIVISION 3. WHISTLEBLOWER POLICY\***

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**\*State law references:** Protection for reporting violations, V.T.C.A., Government Code § 554.001 et seq.

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#### **Sec. 86-811. Compliance.**

The county will comply with the law known as the Whistleblower Act which prohibits retaliation against public employees who report official wrongdoing. The act states that "a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." (V.T.C.A., Government Code § 554.002(a)). For more information call the human resources/civil service department (214) 653-7638.

(Admin. Policy Manual, § C(8.50))

#### **Secs. 86-812--86-830. Reserved.**

## **DIVISION 4. DRUG AND ALCOHOL POLICY\***

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**\*Editor's note:** Ord. No. 2007-912, adopted May 1, 2007, amended Div. 4 in its entirety to read as herein set out. Former Div. 4, §§ 86-831--86-885, pertained to similar subject matter and derived from Ord. No. 2004-1425, adopted Aug. 17, 2004; and Ord. No. 2004-2302, adopted Dec. 21, 2004.

Federal law reference--Drug Free Workplace Act, 41 USC 701 et seq.

**State law references:** Policy for elimination of drugs in the workplace, V.T.C.A., Labor Code § 411.091 et seq.

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### **Subdivision I. In General**

#### **Sec. 86-831. Objectives of county: application of and compliance with division provisions.**

- (a) The objective of the county is to provide a drug-free and alcohol-free workplace which will help ensure a safe and productive workplace. In order to further this objective, this division's policy regarding alcohol and drugs in the workplace has been established.
- (b) This division applies to all employees or volunteers regardless of rank or position within the county. Any reference to an employee or group of employees should be interpreted to include any volunteers working for or representing the county including, but not limited to, sheriff's department reserve and posse members.

(Ord. No. 2007-912, 5-1-2007)

#### **Sec. 86-832. Guidelines.**

- (a) Employees are expected and required to report to work on time and in the appropriate mental and physical condition to fully perform their job duties. Employees are prohibited from possessing, purchasing, manufacturing, distributing, using, selling or being under the influence of drugs, alcohol and/or abusing prescription or over the counter drugs while on county premises or while representing the county off premises.
- (b) Employees who violate these guidelines are subject to appropriate disciplinary action, up to, and including termination.

(Ord. No. 2007-912, 5-1-2007)

#### **Sec. 86-833. 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:

*Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol.

*Drugs and controlled substances* mean substances regulated under V.T.C.A., Health and Safety Code chs. 481--485 including, but not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, amphetamines, barbiturates and hallucinogens.

*Prescription drugs* means drugs currently prescribed for the employee by a licensed physician and taken as prescribed. They shall not be considered a drug under this division. However, if an employee is taking medication and knows or has reason to believe the medication may cause the employee to act in a manner consistent with being under the influence of drugs and/or alcohol, the employee must immediately notify the supervisor. The supervisor may require the employee to provide documentation from the doctor stating that such use will not impair the employee's ability to perform safety-sensitive functions. As a precaution, employees occupying safety-sensitive positions should always inquire of their doctor and/or pharmacy about the possible side effects of any medications (prescribed or over the counter).

*Split-sample collection* means the collection of urine into a specimen container capable of holding at least 60 milliliters. The specimen, in the presence of the donor is poured into two specimen bottles. Thirty milliliters shall be poured into one bottle, to be used as the primary sample. At least 15 milliliters shall be poured into the other bottle, to be used as the split sample.

*Under the influence of drugs and/or alcohol* means:

- (1) An employee tested positive for alcohol in excess of a concentration of 0.04 or greater grams of alcohol when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine; or
- (2) An employee had a positive drug test; and/or
- (3) Documented specific instances of drug or alcohol abuse obtained by personal observations and corroborated by a trained supervisor or an elected official/department head. This may include observing actual use of drugs or alcohol, and/or physical signs of behavior which would include, but are not limited to, slurred speech, odor of alcohol on breath, glazed and/or blood shot eyes, inability to walk a straight line, staggering, drowsiness, incoherent conversation, physical or verbal altercation, inability to perform job functions, and/or an accident or injury or history of accidents or injuries in which the actions of the employee apparently caused or cannot be discounted as having caused the accident or injury.

(Ord. No. 2007-912, 5-1-2007)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 86-834. Exceptions.**

Employees working in an official undercover capacity within the guidelines of the sheriff's department general orders and standard operating procedures are an exception to this division.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-835. Safety sensitive positions.**

Employees occupying safety-sensitive positions, as defined under the department of transportation rules, are prohibited from using alcohol during the four hours prior to performing safety-sensitive functions, from using alcohol during the first eight hours following an accident, or until a post-accident alcohol test is administered. Drug tests will be administered within 32 hours of an accident.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-836. Consequences.**

Employees who violate this division are subject to appropriate disciplinary action, up to and including termination as follows:

- (1) *Refusal to test.* An employee who refuses to submit to drug or alcohol testing will be immediately terminated from employment with the county. Any one of the following constitutes a refusal to test:
  - a. A direct refusal to test.
  - b. Failure to provide adequate breath, blood or other specimens of the human body for alcohol and drug testing without a valid medical explanation. If an employee is unable to provide a urine sample or adequate urine amount, he shall be given no more than 24 ounces of fluids for a period of up to two hours. If the employee is still unable to provide an adequate specimen, the insufficient specimen will be discarded and testing will be discontinued. The medical review officer will be contacted to determine whether or not the sample will be taken by saliva, blood or hair. The medical review officer will also determine if the employee's inability to provide a sample is genuine or constitutes refusal to test.
  - c. Tampering with or attempting to adulterate the specimen or collection procedures.
  - d. Leaving the scene of an accident or injury without a valid reason before a drug and/or alcohol test is administered.
- (2) *Convictions outside the workplace.* Any employee charged with or convicted, placed on probation, or granted deferred adjudication of a drug or alcohol infraction shall notify the county by contacting the employee's supervisor and department head in writing no later than five days after such charge or conviction, probation or deferred adjudication. The county will take the following actions within 30 days of receiving notice with respect to the employee:
  - a. *Charges:*
    1. Remove the employee from safety sensitive duties until resolution of the charge.

- b. *Convictions:*
    - 1. Appropriate disciplinary action, up to and including termination; and/or
    - 2. Require the employee to satisfactorily participate in and complete a drug/alcohol abuse assistance or rehabilitation program approved for such purpose.
  - c. Failure to notify the supervisor within five days of the charge or conviction will result in disciplinary action up to, and including, termination.
- (3) *Workers' compensation/salary continuation.* If an employee tests positive for drugs and/or alcohol after an accident or injury, the county will not pay salary continuation or workers' compensation to that employee.
- (4) *Future employment with the county.* Employees who test positive for drugs and/or alcohol or refuse to test will be prohibited from holding future safety-sensitive positions in the county. They will also be prohibited from holding nonsafety-sensitive positions for a period of two years from the date of the positive test results or refusal to test.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-837. Testing compliance.**

All testing conducted in the county will be in compliance with all federal and state statutes and will be conducted by certified laboratories. All specimens collected must be accompanied by a properly executed chain of custody. All test results are considered confidential in nature and only those who have a need to know will have access to such information. Violation of this section will result in disciplinary action being taken, up to and including termination.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-838. Reporting.**

Although test results are considered confidential, the county will be required to comply with federal, state and local regulations regarding the reporting of positive test results to certain agencies and licensing authorities. For example, the sheriff's department will contact appropriate agencies to report employees who test positive for drug and/or alcohol.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-839. Coding of employee's time.**

All time spent in conjunction with the actual testing procedures will be considered on-duty and will be paid. For specific details on how time must be coded, please consult the section of this division pertaining to actual type of testing.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-840. Types of testing.**

The county conducts drug and alcohol testing under five distinct circumstances:

- (1) Reasonable cause testing for all employees;
- (2) Required preemployment testing for applicants/employees being hired into safety-sensitive positions;
- (3) Required random testing for employees occupying safety-sensitive positions;
- (4) Required post accident testing for employees occupying safety-sensitive positions; and
- (5) Required preduty testing for all employees not currently occupying, but are being hired, promoted, demoted or transferred to safety-sensitive positions.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-841. Reasonable cause testing.**

- (a) Reasonable cause testing will occur when one supervisor or other county official has reasonable cause to believe the employee is under the influence of drugs or alcohol on the job. Reasonable cause to believe the employee is under the influence of drugs or alcohol exists when an employee exhibits patterns of behavior which suggest impairment from drug or alcohol use or when job performance or safety is affected. For specific observable behaviors, see the definition for the term "under the influence" located in section 86-833.
- (b) The employee's supervisor will refer the employee for drug and/or alcohol testing. The supervisor must obtain the approval of his elected official/department head or his designee prior to referring any employee for drug and/or alcohol testing. The director of human resources/civil service, the county's risk manager, and the civil section of the district attorney's office are also available for consultation prior to an employee being referred for testing.
- (c) Under reasonable cause testing supervisors may also require drug and alcohol testing following an automobile accident and/or job-related injury if the employee is exhibiting observable behaviors as defined in section 86-833.
- (d) Sheriff's department personnel may be subject to additional requirements under the general orders of the sheriff's department regarding proper procedures for documenting and/or investigating any actions taken under this policy. Sheriff's department employees relieved from their duty under this division are to report to the internal affairs division immediately or if after regular business hours, at 8:00 a.m. the following business day.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-842. Reasonable cause testing methodology and procedures.**

All drug and alcohol testing will be conducted by a certified laboratory and in compliance with applicable federal and state statutes. For reasonable cause testing, the following procedures should be followed:

- (1) A supervisor observes the incident or behavior as outlined in section 86-833;
- (2) Supervisor advises employee of intent to test under reasonable cause;
- (3) Supervisor notifies the director of human resources/civil service of action to be taken;
- (4) Supervisor or designee drives and/or escorts employee to the county's employee health center or designated medical facility, clinic or collection site for testing;
- (5) Alcohol test result will be determined while the employee is at the testing facility; however, a drug test result may not be confirmed for up to five days;
- (6) Pending the result of the drug test, the employee will not be allowed to return to work. The employee will be placed on administrative leave with pay until drug test result is received.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-843. Consequences of positive test results.**

In the case of a positive test result from reasonable cause testing:

- (1) *Alcohol.*
  - a. If the alcohol test result shows an alcohol concentration level of 0.02 to 0.039 when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then the supervisor must:
    1. Ensure the employee is safely transported home;
    2. Place the employee on leave without pay and not allow him to return to work for a 24-hour period;
    3. Take disciplinary action which shall involve at least a written warning to the employee upon return to work. Stronger disciplinary action may be taken in compliance with the county's disciplinary policy if the supervisor deems it appropriate; and
    4. Provide information to the employee regarding the county's employee assistance program.
  - b. If the alcohol test result shows an alcohol concentration level of 0.04 percent or greater grams of alcohol when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then the supervisor must:

1. Ensure the employee is safely transported home;
2. Notify the employee, in writing, of his termination from the county; and
3. Notify the designated department representative who will provide the employee with referral information regarding local substance abuse professionals. In order to maintain strict confidentiality, one designated department representative in the county's human resources/civil service department handles all matters pertaining to drug and alcohol testing.

(2) *Drugs.*

- a. If the supervisor has reasonable cause to believe an employee is under the influence of drugs, then the supervisor must:
  1. Transport the employee to the nearest county approved drug test facility;
  2. After testing, ensure the employee is safely transported home; and
  3. Suspend the employee with pay until the result of the drug test has been received.
- b. If the drug test result is positive:
  1. Medical review officer will contact the employee to discuss the positive test result. The employee may request the split specimen be tested at a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. (The medical review officer (MRO) is a licensed physician responsible for interpreting the results of drug tests. The MRO is hired by the certified laboratory under contract with the county).
  2. Medical review officer shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
  3. The split sample testing shall be at the employee's expense.
  4. Medical review officer will notify the designated county representative of the positive drug test result and the intention of the employee to request the second sample be tested.
  5. Designated county representative will notify the supervisor.
  6. Supervisor will then immediately notify the employee that he is being suspended without pay pending the 72-hour appeal process or until receipt of the result of the split-sample second test result. If the split-sample second test result comes back negative, the first test result will be

rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fails to request the testing of the split-sample or if the split-sample second test result comes back positive, the employee will immediately be terminated from employment with the county.

7. Designated county representative will be notified and he will provide the employee with referral information regarding local substance abuse professionals.

(Ord. No. 2007-912, 5-1-2007)

**Secs. 86-844--86-860. Reserved.**

**Subdivision II. Safety-Sensitive Positions**

**Sec. 86-861. Additional guidelines.**

In addition to the policies outlined in subdivision I of this division which apply to all the county employees, the county has established further guidelines for employees occupying safety-sensitive positions which are contained in this subdivision. The provisions of this subdivision are in compliance with the U.S. Department of Transportation's (DOT) rules regarding controlled substances and alcohol use and testing procedures for transportation work place drug and alcohol testing programs that were published February 15, 1994.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-862. Definitions.**

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

*DOT regulated safety sensitive positions* means any position that requires an employee or applicant to possess a commercial driver's license and operate a commercial vehicle as defined by the DOT. The term "commercial motor vehicle" means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, or gross weight rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if the vehicle or combination of vehicles has a gross weight, registered weight or gross weight rating of more than 26,000 pounds; the vehicle is designed to transport more than 16 passengers, including the driver, or the vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act.

*Non-DOT regulated safety-sensitive positions* means any other position designated by commissioners court as safety-sensitive.

The specific positions defined as safety-sensitive positions in the county, as of the adoption of this policy, are listed in the table following section 86-863. This list is subject to change, without prior notice, at the discretion of the commissioners court

and/or federal statute. Employees and managers should check with the human resources/civil service department for the most recent list of safety-sensitive positions.

(Ord. No. 2007-912, 5-1-2007)

**State law references:** Definitions generally, § 1-2.

**Sec. 86-863. Preemployment testing.**

- (a) In addition to reasonable cause testing for all county employees as outlined in subdivision I of this division, employees not currently occupying safety-sensitive positions and/or applicants applying for safety-sensitive positions are also required to take a drug prescreening test prior to being hired into such a position. If evidence of the use of illegal drugs by an applicant is discovered either through testing or other means, the employment process will be suspended. If an applicant refuses to take the drug test, the employment process will be suspended. If an applicant attempts to substitute or contaminate his drug screen specimen, the employment process will be suspended. Applicants will be barred in the future from being hired into safety-sensitive positions with the county as a result of a positive test result but are eligible to be hired into non-safety sensitive county positions 30-days from the date of test or refusal to test.
- (b) Employees/applicants include only those employees who are not currently occupying a safety-sensitive position, as well as those who are hired, promoted, demoted or transferred to safety-sensitive positions. In prescreening for hiring, all applicants and employees will only be tested for drugs. Current employees should be aware that if they are tested for drugs in the prescreening process for a safety-sensitive position and the results are positive, the employee is subject disciplinary action up to, and including, termination.
- (c) Classification of safety-sensitive positions. Safety sensitive positions are generally those positions that require close interacting with children, carrying weapons, handling prisoners or driving a vehicle as an essential part of the job.

(Ord. No. 2007-912, 5-1-2007; Ord. No. 2023-0917, 08-15-2023)

**Sec. 86-864. Testing methodology and procedures for preemployment/preduty testing.**

The preemployment testing will consist of a drug test only. When the applicant goes for testing, the following documents/forms are required:

- (1) A valid photo identification (driver's license);
- (2) A social security card;
- (3) A drug test authorization form; and
- (4) A chain of custody form.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-865. Steps involved in pre-employment/testing.**

The supervisor and applicant/employee must follow these procedures:

- (1) Pre-employment offer is made to the applicant by the hiring authority.
- (2) Designated department representative is notified of the preemployment offer and begins a mandatory background check involving only issues related to drug testing and CDL.
- (3) Hiring authority contacts the county employee health center to schedule a date for a new employee physical. The date for the physical must be at least three days from the date of the drug test. This will allow the results of the drug test to be known prior to the applicant taking his physical.
- (4) Applicant receives instructions from the hiring authority to go for the preemployment drug test at the designated medical facility, clinic or collection site.
- (5) Employee/applicant is also given a tentative date for the physical, pending a negative result from the drug test.
- (6) Employee/applicant takes the required identification, chain of custody and drug test authorization forms to the designated medical facility, clinic or collection site and is given the drug test.
- (7) If the preemployment drug test result is negative:
  - a. Medical review officer (MRO) notifies the designated department representative of the negative result.
  - b. Designated department representative begins a mandatory background check involving only issues related to drug testing and CDL. The designated department representative will check the applicant's past two years of work history in a safety-sensitive position. The applicant cannot have any of the following: alcohol tests with a 0.04 percent or greater, a positive drug test, and/or any refusal to submit to a drug test.
  - c. Designated department representative notifies the hiring authority and the employee health center that the applicant can continue with the employment process.
  - d. Hiring authority contacts the applicant to continue with the physical.
- (8) If the preemployment drug test is positive:
  - a. Health center notifies the applicant of the positive result.
  - b. Health center notifies the designated department representative of the positive result.
  - c. Designated representative will then cancel the scheduled employment physical.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-866. Steps involved in preduy testing.**

The supervisor and employee must follow these procedures:

- (1) Employee receives instructions from the hiring department to go for the preduy drug test at the designated medical facility, clinic or collection site.
- (2) Employee takes the required identification and drug test authorization form to the designated medical facility, clinic or collection site and is given the test.
- (3) Employee continues to work in current position until drug test results are known.
- (4) If the preduy drug test result is negative:
  - a. Designated medical facility notifies the county representative of the negative result.
  - b. Designated county representative notifies the hiring department representative of the negative results.
  - c. Hiring department representative contacts the employee to continue with the preduy process.
- (5) If the preduy drug test is positive:
  - a. Medical review officer notifies the employee of the positive result. The employee may request that the MRO direct the split specimen be tested in a different DHHS-certified laboratory for the presence of drug(s) for which a positive result was obtained in the test of the primary specimen.
  - b. Medical review officer honors such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
  - c. The split sample testing shall be at the employee's expense.
  - d. Medical review officer notifies the designated county representative of the positive result.
  - e. Designated county representative contacts the department representative.
  - f. Employee's current supervisor then immediately suspends the employee without pay pending the 72-hour appeal process or until the split-sample second test has been received. If the split-sample second test result comes back negative, the first test will be rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fails to request the testing of the split-sample or if the split sample second test result comes back positive, the employee will immediately be terminated from employment with the county.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-867. Random drug and alcohol testing.**

- (a) Employees who work in safety-sensitive positions are also subject to random drug and alcohol testing. The county's testing administrator will use an unbiased, random selection process to select and request an employee to be tested. The percentage of DOT employees to be tested will be at the rate of 50 percent per year for drugs and 25 percent per year for alcohol. Non-DOT employees will be tested at a rate of 25 percent per year for drugs and 12.5 percent per year for alcohol.
- (b) The county may modify the random percentage in the future according to changes in DOT requirements. The following procedures will be followed:
  - (1) Individuals are randomly selected by the county's third party testing vendor.
  - (2) Testing personnel will arrive unannounced at the work site. If an employee is selected for random drug and/or alcohol testing, he must take the appropriate tests. Refusal to test will be considered insubordination, and the employee will be immediately terminated.
  - (3) Employees for testing will provide valid identification (driver's license) and social security number prior to testing.
  - (4) Results of the alcohol test are provided at the time of testing; however, a drug test may not be confirmed for up to five days.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-868. Results of random drug testing.**

Any action taken by the county will depend on the results of the employee's drug and/or alcohol test as follows:

- (1) *Alcohol.*
  - a. If the alcohol test result shows an alcohol concentration level of 0.02 to 0.039 when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then:
    - 1. The employee shall be safely transported home.
    - 2. The employee will remain off work, without pay, for at least 24 hours before he can return to work.
    - 3. The medical review officer will notify the designated county representative of the positive result.
    - 4. After the employee returns to work, he is given, at a minimum, a written warning. Stronger disciplinary action may be taken in compliance with the county's disciplinary policy if the supervisor deems it appropriate.
  - b. If the alcohol test result is 0.04 percent or greater, then:
    - 1. The employee shall be safely transported home.
    - 2. The employee shall be notified, in writing, of his

termination from the county.

3. The designated county representative shall be notified, and such representative will provide the employee with referral information regarding local substance abuse professionals.
- (2) *Drugs.* If the drug test result is positive, then:
- a. Medical review officer will notify the employee of the positive result of the drug test. The employee may request the MRO to direct the split specimen be tested at a different DHHS-certified laboratory for the presence of the drug(s) for which a positive result was obtained.
  - b. Medical review officer will honor such a request if it is made within 72 hours of the employee having been notified of a positive test result.
  - c. The split sample testing shall be at the employee's expense.
  - d. Medical review officer will notify the designated county representative regarding the positive drug test result.
  - e. Designated county representative will notify the supervisor of the employee's positive drug test result.
  - f. Employees who test positive for drugs in violation of this division will be immediately suspended without pay pending the 72-hour appeal process or until the receipt of the result of the split-sample second test result. If the split-sample second test result comes back negative, the first test result will be rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fail to request the testing of the split-sample or if the split-sample second test result comes back positive, the employee will immediately be terminated from employment with the county.
  - g. Designated county representative will be notified, and he will provide the employee with referral information regarding local substance abuse professional referrals as required by federal regulation.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-869. Post accident testing.**

Following an accident involving a county employee driving a commercial motor vehicle, the county shall test the driver for drugs and/or alcohol as soon as practicable, if:

- (1) The accident involved a fatality;

- (2) The driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved:
  - a. One or more of the individuals, including the employee, being required to receive medical attention; or
  - b. One of more of the motor vehicles being towed away from the scene of the accident; or
- (3) The employee is exhibiting behaviors consistent with those outlined in section 86-833.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-870. Testing requirements.**

- (a) Each employee involved in a DOT-recordable accident will provide an alcohol test within eight hours of the accident and a drug test within 32 hours. If these time frames cannot be met, documentation regarding the lack of compliance must be made.
- (b) An employee who is seriously injured and cannot provide a specimen at the time of the accident may be required to provide the necessary authorization for the county to obtain the medical reports and other documents that would indicate whether there were alcohol or drugs in his system.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-871. Consequences of post accident testing.**

In the case of a positive test result from post accident testing:

- (1) *Alcohol.*
  - a. If the alcohol test result shows an alcohol concentration level of 0.02 to 0.039 when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then the supervisor must:
    - 1. Ensure the employee is safely transported home;
    - 2. Place the employee on leave without pay and not allow him to return to work for a 24-hour period;
    - 3. Take disciplinary action, which shall involve at least a written warning to the employee upon return to work. Stronger disciplinary action may be taken in compliance with the county's disciplinary policy if the supervisor deems it appropriate; and
    - 4. Provide information to the employee regarding the county's employee assistance program.
  - b. If the alcohol test result shows an alcohol concentration level of 0.04 percent or greater grams of alcohol when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine,

then the supervisor must:

1. Ensure the employee is safely transported home;
2. Notify the employee, in writing, of his termination from the county; and
3. Notify the designated department representative who will provide the employee with referral information regarding local substance abuse professionals. In order to maintain strict confidentiality, one designated department representative in the county's human resources/civil service department handles all matters pertaining to drug and alcohol testing.

(2) *Drugs.*

- a. If the supervisor has reasonable cause to believe an employee is under the influence of drugs, then the supervisor must:
  1. Transport the employee to the nearest county approved drug test facility;
  2. After testing, ensure the employee is safely transported home; and
  3. Suspend the employee with pay until the result of the drug test has been received.
- b. If the drug test result is positive:
  1. Medical review officer will contact the employee to discuss the positive test result. The employee may request the split specimen be tested at a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. (The medical review officer (MRO) is a licensed physician responsible for interpreting the results of drug tests. The MRO is hired by the certified laboratory under contract with the county).
  2. Medical review officer shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
  3. The split sample testing shall be at the employee's expense.
  4. Medical review officer will notify the designated county representative of the positive drug test result and the intention of the employee to request the second sample be tested.
  5. Designated county representative will notify the supervisor.
  6. Supervisor will then immediately notify the employee that he is being suspended without pay pending the 72-hour appeal process or until receipt of the result of the split-

sample second test result. If the split-sample second test result comes back negative, the first test result will be rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fails to request the testing of the split-sample or if the split-sample second test result comes back positive, the employee will immediately be terminated from employment with the county.

7. Designated county representative will be notified and he will provide the employee with referral information regarding local substance abuse professionals.

(Ord. No. 2007-912, 5-1-2007)

#### **Sec. 86-872. Recordkeeping.**

DOT records regarding the county's alcohol and drug testing program will be kept by the human resources/civil service department, and all reports will be prepared, maintained and submitted in accordance with DOT rules. All other records will be kept by our third party testing administrator.

(Ord. No. 2007-912, 5-1-2007)

#### **Sec. 86-873. Training.**

- (a) All supervisors of safety-sensitive employees covered by DOT regulations are required to attend training which covers the physical, behavioral, speech, and performance traits which indicates the use of drugs or alcohol.
- (b) All supervisors of non-DOT regulated safety-sensitive employees and all other supervisors are strongly encouraged to attend the above training.
- (c) All employees covered by this division will be provided with educational materials that provide information regarding the alcohol and drug testing policy, including the department of transportation requirements if a commercial driver's license is required.

(Ord. No. 2007-912, 5-1-2007)

#### **Sec. 86-874. Various departmental responsibilities.**

Different county departments will assume various roles in implementing this division. They include:

- (1) Elected officials and department heads will be responsible for assisting in identifying jobs where applicants and employees are required to possess a commercial driver's license and/or occupy safety-sensitive positions.
- (2) Supervisors and managers are responsible for documenting poor performance, for recognizing and reporting reasonable cause when they believe the employee is under the influence of drugs and/or alcohol, and for carrying out procedures outlined in this division.
- (3) The human resources/civil service department is responsible for:

- a. Ensuring that all job descriptions, postings and advertisements for safety-sensitive positions reflect the commercial driver's license and drug and/or alcohol testing requirements;
  - b. Verifying that all applicants and employees who are subject to testing prior to being hired, promoted, demoted or transferred to safety-sensitive positions have complied with all testing requirements prior to a safety-sensitive appointment;
  - c. Ensuring compliance with DOT required training for employees and supervisors;
  - d. Assisting departments in complying with this division; and
  - e. Maintaining all appropriate records.
- (4) The employee health center or a designated medical facility or clinic will act as the collection site for all drug and alcohol testing. Their responsibilities include:
- a. Obtaining a signed consent form from the applicant or employee for drug and alcohol testing in a designated laboratory;
  - b. Arranging transportation of the specimen to the laboratory;
  - c. Coordinating collections with third party contractors;
  - d. Ensuring compliance with federal requirements for drug and alcohol testing as outlined by DOT;
  - e. Receiving test results in accordance with legally and medically approved procedures, methods and techniques;
  - f. Communicating test results to the designated human resources representative immediately upon receipt from the laboratory;
  - g. Maintaining records of all examinations, tests and results in the employee's medical files and for ensuring privacy and confidentiality in accordance with federal requirements;
  - h. Preparing and maintaining the annual calendar year summary of the results of the county's alcohol and drug testing programs as required by DOT rules; and
  - i. Coordinating the random portion of the testing by notifying departments of those employees who must report for testing.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-875. Employee assistance program.**

All county employees who believe they may have a problem with substance abuse should immediately contact the county's employee assistance program. This is a free, confidential service provided by the county to its employees. The human resources/civil service department shall be contacted for the most current telephone number.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-876. Questions.**

If any employee has any questions regarding this division, he should call the human resources/civil service department at (214) 653-6515.

(Ord. No. 2007-912, 5-1-2007)

**Secs. 86-877--86-880. Reserved.**

**Subdivision III. Random Drug Testing Procedures**

**Sec. 86-881. Objective of subdivision.**

The objective of the county random drug testing procedure is to outline the responsibilities of each impacted department implementing the random testing section of this division. Employees assigned to safety-sensitive jobs are deemed to have consented to random drug and alcohol testing as a condition of hiring and continued employment in the county.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-882. Department responsibilities.**

Each department with safety-sensitive positions shall:

- (1) Designate a contact person who will coordinate all testing activities with the human resources/civil service department's safety officer and the testing administrator by:
  - a. Provide the human resources/civil service department with a list of safety-sensitive employees by location, name/telephone number of supervisor, shift and what is deemed to be the most appropriate time for testing;
  - b. Provide testing facilities, which allow employees access to drinking water;
  - c. Ensure that randomly selected employees are at the designated locations with appropriate identification (driver's license and social security number) when notified by the testing administrator that testing will take place; and
  - d. Maintain and provide an updated list of safety-sensitive employees to human resources/civil service on a monthly basis.
- (2) Ensure the confidentiality of all test results.
- (3) Ensure compliance with this subdivision.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-883. Human resources/civil service.**

The human resources/civil service department has responsibility for the following activities:

- (1) Maintaining a list of all safety-sensitive employees by name, social security number, work shift and work location and providing updates to the testing administrator on a monthly basis;
- (2) Coordinating and assisting the testing administrator with random testing at county locations;
- (3) Maintaining employee files on all testing results and ensuring that all policies and procedures are followed;
- (4) Informing the department while ensuring confidentiality of all test results; and
- (5) Providing appropriate training on the provisions of this division.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-884. Testing administrator responsibilities.**

The testing administrator's tasks include:

- (1) Randomly selecting work locations and employees in safety-sensitive positions for drug and/or alcohol testing;
- (2) Providing a list of employees to be tested to the department upon their arrival at the worksite in order to conduct testing;
- (3) Providing employees selected for testing a chain of custody form and standard written instructions setting forth their responsibilities;
- (4) Ensuring that when the sample is collected, all appropriate lab procedures will be followed; and
- (5) Ensuring sufficient quantity of specimen is collected (if the employee is unable to provide the minimum quantity of specimen, the testing administrator will instruct the employee to drink no more than 24 ounces of fluids and after a period, not to exceed two hours, another attempt will be made to collect a sufficient sample).

The medical review officer will be contacted for further instructions on what other collection technique to utilize if the employee is unable to give a sample (see section 86-836). The medical review officer will refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test.

(Ord. No. 2007-912, 5-1-2007)

**Sec. 86-885. Questions.**

If there are any questions regarding this subdivision, please call the human resources/civil service department at (214) 653-6585.

(Ord. No. 2007-912, 5-1-2007)

**Secs. 86-886--86-900. Reserved.**

## **DIVISION 5. POLITICAL ACTIVITY\***

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**\*State law references:** Political activities of county elections administrators, restricted, V.T.C.A., Election Code § 31.035; coercion of police officer or firefighter in connection with political campaign, V.T.C.A., Local Government Code § 180.001.

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### **Sec. 86-901. Voting encouraged.**

The county employees are encouraged to vote on election day for the person or party of their choice.

(Admin. Policy Manual, § A(13.00))

### **Sec. 86-902. Campaigning in uniform or while using county equipment.**

The county employees will not be allowed to perform or be involved in political campaigning or related activities during their working hours, while in county uniform, or while using county vehicular equipment.

(Admin. Policy Manual, § A(13.01))

### **Sec. 86-903. Required political participation to retain or obtain employment.**

Additionally, no category B or C or D county employee shall be required to participate in political campaigns, or related activities, as a condition to obtain or retain employment.

(Admin. Policy Manual, § A(13.02))

### **Sec. 86-904. Retribution for refusal to participate.**

No category B, C or D county employee shall be disciplined, terminated or deprived of their rights for refusal to participate in political activities, to participate in political campaigns, or related activities as a condition to obtain or retain employment.

(Admin. Policy Manual, § A(13.03))

### **Sec. 86-905. Utilizing grievance system.**

Any employee who feels he has been disciplined, terminated or deprived of his rights because of actions specified in section 86-904 may utilize the grievance system.

(Admin. Policy Manual, § A(13.04))

### **Sec. 86-906. Approved time off granted for voting.**

Approved time off, in reasonable amounts, may be granted for voting in national, state, county and city elections.

(Admin. Policy Manual, § A(13.05))

**Sec. 86-907. Early voting encouraged.**

County employees are encouraged to participate in the early voting process if the use of this method will reduce time away from work.

(Admin. Policy Manual, § A(13.06))

**Sec. 86-908. Candidate for public office.**

A full-time employee of the county elections office may not:

- (1) Be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an employee becomes a candidate or accepts an office or position, the employee shall terminate his/her employment in the county elections office; nor
- (2) Make a political contribution, political expenditure, or publicly support or oppose a candidate for public office or a measure to be voted on at an election. The offense will be considered a class A misdemeanor, and upon final conviction, the employee shall be terminated.

A "candidate" means a person who has taken affirmative action, as described by the law regulating political funds and campaigns, for the purpose of gaining nomination or election.

(Ord. No. 2003-2275, 12-16-2003)

**Secs. 86-909. County employees must resign to run for certain elected offices.**

A county employee must resign to run for the following elected offices in Dallas County: Constable, County Clerk, County Commissioner, County Judge, County Treasurer, Criminal District Attorney, District Clerk, Judge of a County Court at Law, Judge of a County Court of Criminal Appeals, Judge of a County Criminal Court, Judge of a County Probate Court, Judge of a Criminal District Court, Judge of a District Court, Judge of a Family District Court, Justice of the Court of Appeals, Justice of the Peace, Sheriff, and Tax Assessor Collector.

A county employee's action in becoming a "candidate" for an office listed above serves as that person's resignation of employment. "Candidate" has the same meaning as in Section 251.001(1) of the Texas Election Code.

This section only applies to employees and department heads appointed by the Commissioners Court and individuals who are supervised directly or indirectly by those department heads or their designees.

(Ord. No. 2013 1008, 06-11-2013)

**Secs. 86-910—86-930. Reserved.**

## **DIVISION 6. CLOTHING AND UNIFORMS**

### **Sec. 86-931. Uniforms provided for certain employee groups.**

It shall be the policy of the county commissioners court to provide uniforms at county expense for the following employee groups:

- (1) Sworn law enforcement officers of the sheriff's office;
- (2) Detentions bureau personnel of the sheriff's office;
- (3) Building security guards;
- (4) Road and bridge crews;
- (5) Facilities management: all employees except clerical and executive;
- (6) A.R.C.: all employees except clerical;
- (7) Public works: sign crew;
- (8) Health and disease control: animal wardens;
- (9) Deputy constables: one uniform per officer, per year.

All other departments having court approval to wear uniforms shall provide the uniform at the employee's expense.

(Admin. Policy Manual, § A(14.00))

### **Sec. 86-932. Jail nurses' uniform allowance.**

Jail nurses shall be provided a uniform allowance of \$100.00 per year, and shall maintain their own uniforms (both laundering and mending).

(Admin. Policy Manual, § A(14.01))

### **Sec. 86-933. Continuation of uniform funding.**

Continuation of uniform funding for authorized uniformed departments shall be limited to:

- (1) New employees;
- (2) Two-year replacements for law enforcement; and
- (3) Yearly replacement for road and bridge/maintenance and all other designated employees.

(Admin. Policy Manual, § A(14.02))

### **Sec. 86-934. Criteria for determining need.**

All other departments not listed in this division and wishing to utilize uniforms must have the written approval of the commissioners court prior to issuing uniforms. In reviewing uniform requests, the commissioners shall use the following criteria in

determining need:

- (1) Identification: to separate county employees from the general citizenry in public places; to provide a uniform appearance.
- (2) Authority: to provide the employee with a symbol of authority necessary to the execution of job duties.
- (3) Safety: to provide safe clothing for employees working in hazardous situations.

(Admin. Policy Manual, § A(14.03))

**Secs. 86-935--86-940. Reserved.**

## **DIVISION 7. ROMANTIC/SEXUAL RELATIONSHIPS**

### **Sec. 86-941. Purpose.**

The purpose of this division is to establish a policy to prevent a conflict of interest of adverse impact on supervision, productivity, safety or security when supervisors, managers, and co-workers engage in romantic/sexual relationships. For the county's specific policy on prohibition against unlawful harassment, see section 86-781 et seq.

(Ord. No. 2002-300, 2-12-2002)

### **Sec. 86-942. Supervisory staff (elected officials, department heads, managers and supervisors).**

- (a) All elected officials, department heads, managers, and supervisors in the county are expected to conduct themselves in a professional manner reflective of the county's basic principles and organizational values. When a manager or supervisor has a romantic and/or sexual relationship with an employee over whom that supervisor or manager has the authority to influence salary, promotions, merit pay, assignments, overtime, developmental opportunities (training, conferences, etc) or disciplinary matters, this type of relationship may negatively impact business operations. This impact may include, but is not limited to: (1) charges of sexual harassment, (2) overt or covert favoritism or perceptions of favoritism that adversely affect the morale and productivity of the work unit, and/or (3) creating an environment where the supervisor can lose the respect and credibility of subordinates, thus reducing the supervisor's effectiveness. Supervisory staff shall be held accountable for issues affecting the workplace which stem from these types of relationships.
- (b) Romantic and/or sexual relationships are not allowed between supervisory personnel and an employee while the employee is subject to the supervisor's authority. One party to a relationship will not be placed under the authority of the other party to the relationship. A supervisor/manager and an employee who engage in a romantic and/or sexual relationship must report the relationship to their elected official or department head. The elected official or department head is responsible for taking appropriate action in such situations.

(Ord. No. 2002-300, 2-12-2002)

### **Sec. 86-943. Co-workers.**

- (a) Romantic/sexual relationships between co-workers, if not handled appropriately, can be divisive and cause friction in the workplace.
- (b) When a romantic and/or sexual relationship between co-workers creates an adverse effect on productivity, safety, security, or involves an identifiable conflict of interest that may detrimentally impact business operations, the elected official or department head has the responsibility to correct the adverse effects. This may include transferring one or both parties to different work units in the same department, working with the county's human resources/civil service department to transfer one or both parties to positions in other county departments, if

possible, or appropriate disciplinary action may be taken in accordance with sections 86-971--86-972.

(Ord. No. 2002-300, 2-12-2002)

**Sec. 86-944. Review.**

Elected officials and department heads are encouraged to review all matters pertaining to this policy and these situations with the human resources/civil service department and/or the civil section of the district attorney's office prior to taking actions. Employees are also encouraged to immediately review any concerns they may have with the human resources/civil service department.

(Ord. No. 2002-300, 2-12-2002)

**Sec. 86-945. Reserved.**

## **DIVISION 8. ELECTRONIC COMMUNICATIONS\***

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**\*Cross references:** Computer services, § 70-591 et seq.; computer software, § 74-781 et seq.; electronic communications re general government operations policy, internal organizational guidelines, § 74-801 et seq.

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### **Subdivision I. In General**

#### **Sec. 86-946. Purpose of division.**

The purpose of this division is to address the legal and legitimate use of the county's electronic communication and Internet access resources. This division will address the standards of acceptable use.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

#### **Sec. 86-947. Objectives of division.**

The objectives of this division are to define:

- (1) The resources included under electronic mail and Internet access;
- (2) Standards of conduct that are acceptable when using available resources;
- (3) Define the guidelines for use of the county system.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

#### **Sec. 86-948. Statement of policy.**

- (a) The county electronic mail and Internet system is provided to county employees, contractors, vendors and other persons or firms designated by authorized county officials for the purpose of county business. The electronic mail and Internet system is owned by the county. The county reserves the right to monitor any messages, attachments or access of electronic mail and/or Internet sites on the electronic mail and Internet system, subject to state and federal law. Users of the county electronic mail and Internet system will be subject to administrative and/or criminal actions if policy violations occur.
- (b) This division is designed to create a recognized legally acceptable exception, known as the "employee consent exception," to the Federal Wiretap Statute, 18 USCA 2510 (1986). This exception requires the county to establish a written policy concerning the interception of business communication.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

#### **Sec. 86-949. County computer network system.**

- (a) The technology of a computer network system is defined as all computers, both hardware and software, the LAN (local area network) and all transmitted information. Transmitted information includes, but is not limited to, electronic

mail, web browsing, file transfer protocol and any information retrieved via the Internet. The Internet is an electronic superhighway connecting thousands of computers and users all around the world. The Internet includes both the Internet and intranet applications. Access to electronic mail enables communication with people all over the world; information and news from around the world, as well as the opportunity to correspond with the providers of this information; discussion groups on a wealth of topics; and access to many county databases.

- (b) With such access to computers and people all over the world, there exists an availability of material that will have no business value to the county. Therefore, the county has taken all reasonable precautions to restrict access to inappropriate materials. However, on a global network it is impossible to control all materials, and an industrious user may discover inappropriate information. The county firmly believes that the valuable information and interaction available on this worldwide network far outweigh the possibility that users may procure material that is not consistent with the business goals of the county.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

#### **Sec. 86-950. Standard of conduct.**

Use of the computer technology of the county is a privilege, not a right, extended to some employees. Each user has the privilege to make use of authorized hardware and software in order to facilitate his/her employment and for other activities with prior approval of the department head or elected official. Transmission and viewing of any material in violation of any federal or state regulation is strictly prohibited. This includes, but is not limited to, plagiarizing copyrighted material, threatening or obscene materials, or materials protected by trade secret or that are classified government information. Moreover, the viewing, transfer, solicitation, use or storage of pornography or other sexually harassing information is strictly prohibited except in the pursuit of bonafide law enforcement investigations. Initiation of electronic mail and the Internet for commercial ventures, religious or political causes or other non-county sanctioned activities is also prohibited.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

#### **Subdivision II. Guidelines**

##### **Sec. 86-951. Employee responsibility for misuse; monitoring and privacy.**

- (a) All county policies and regulations apply to the use of the electronic mail and Internet network to support the business goals of the county. When the county incurs a cost due to employee negligence or misuse, the employee will be responsible for reimbursement of that cost.
- (b) The county reserves the right to monitor all activity and contents of any county-owned communication system. Employee passwords do not guarantee privacy. Employees deleting electronic mail should know that it will not totally purge the message from the system. Computer servers often retain electronic mail for months, and electronic tracing information remains indefinitely. Further, electronic mail could be subject to the Texas Public Information Act.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

**Sec. 86-952. County goal.**

The county recognizes that the electronic communications available on the Internet are an increasingly important part of the daily lives of many employees and can help individuals and families keep up with daily schedules, personal communication, and other important information. The goal of the county when making this system available to employees is to enhance the effectiveness of employees in their work but also to recognize that this technology will be used as routinely as the telephone.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

**Sec. 86-953. Personal communications.**

Similar to its policies regarding telephone use, the county expects users of the county electronic network to limit personal communications to those that are necessary, do not incur a charge to the county, do not involve operating a profit-making enterprise on county time, and do not take away from the time required to be devoted to county business. Routine and occasional personal communications, consistent with departmental policies, may be made on break times or in such a way that they do not interfere with the performance of job duties. However, such personal communication shall not be considered private and may be monitored by the county. No employee shall have an expectation of privacy when using the county's electronic mail and Internet system.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

**Sec. 86-954. Business, political or religious communications.**

A county network user should not give their county electronic mail address to any person or organization for purposes of receiving business, political, or religious communications. A county network user who receives such communications or any inappropriate non-county electronic message should respond to the sender asking to have such messages terminated or redirected to a non-county address.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

**Sec. 86-955. User regulations.**

The following county network user regulations shall be observed:

- (1) Use of personal codes is not authorized and is strictly prohibited.
- (2) No expectation of privacy exists for personal electronic communications.
- (3) Users are bound by federal, state and local laws relating to civil rights, harassment, copyright, licensing, security and other statutes relating to electronic media. Illegal activities will be referred to the appropriate law enforcement agency.
- (4) Users must recognize that information distributed through the county's computing and networking facilities is a form of publishing, and some of the same standards apply.

- (5) Anything generated at the county that is available on the Internet represents the county and not just an individual. Even with disclaimers, the county is represented by its employees, and appropriate professional language, behavior and style is warranted.
  - (6) Users may not use the network system in such a way that would disrupt or degrade the county network.
  - (7) Users may not reveal the home address or phone number for any person.
- (Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

## **DIVISION 9. EMPLOYEE ASSOCIATIONS, LABOR UNIONS, AND OTHER BONA FIDE ORGANIZATIONS\***

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**\*Cross references:** Employee associations, labor unions, and other bona fide organizations re general government operations policy, internal organizational guidelines, § 74-861 et seq.

**State law references:** Employee-employer labor relations, V.T.C.A., Labor Code § 101.001; collective bargaining and strikes, V.T.C.A., Government Code § 617.001 et seq.

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### **Sec. 86-956. Activities not to be on county time, work areas or equipment and supplies.**

All activities of employee associations, labor unions and other bona fide organizations are to be conducted on noncounty time, in nonwork areas, and with out the use of county equipment or supplies.

(Admin. Policy Manual, § E(21.00))

### **Sec. 86-957. Solicitation.**

- (a) It is permissible for the representatives of employee associations, labor unions and other bona fide organizations to talk to employees, and pass out information, recruiting leaflets or literature.
- (b) Such organizations may solicit only during nonwork hours. Work hours include the normal workday including any break periods. Solicitation is permissible before and after work and during lunch periods as long as such solicitation is not disruptive and does not interfere with county operations.

(Admin. Policy Manual, § E(21.01, 21.02))

**Cross references:** Access to property by such organization, § 74-211 et seq.

### **Secs. 86-958--86-970. Reserved.**

**(The section below reflects new approved policy language: Court Order# 2011-1179, July 5, 2011.)**

## **ARTICLE VII. CORRECTIVE ACTION MODEL**

### **Sec. 86-971. Purpose.**

The Dallas County Corrective Action Model is designed to assist managers and employees in the resolution of issues related to job performance or non-compliant behavior. The basic tenets of the corrective action model are: (1) an employee will be told when such a problem exists (2) the supervisor will clearly communicate the expectation(s) or standard(s) in order for the employee to correct the problem and (3) the corrective action taken will be appropriate for the behavioral or job performance problem identified.

Corrective action is intended to be a positive framework for helping employees improve their performance and sustain it over time. The goal of this model is to guide employees back to satisfactory job performance, to what is expected, to the standard; to help them succeed. In situations where that goal cannot be attained, the model also provides standard processes for the employee's termination from the organization.

### **Sec. 86-972. Policy.**

This policy, representing the Corrective Action Model, is intended to establish a fair and consistent process for corrective action throughout the County. The recommended process has four major purposes:

- (1) to ensure that the employee knows his/her performance and/or non-compliant behavior is unacceptable and understands why it is unacceptable;
- (2) to clarify what the supervisor's performance expectations are and what needs to change in order for the problem to be corrected;
- (3) to administer corrective action appropriate to the performance problem and/or offense; and
- (4) to provide a record of corrective action taken by supervisors to resolve performance problems.

Supervisors are encouraged to resolve behavior and job performance issues with the employee through coaching and support when possible. When an issue is identified, it is recommended that the supervisor first consider the following questions:

- (1) Does the employee know and clearly understand department/county expectations and/or the job tasks?
- (2) Has the employee been sufficiently trained on policies, procedures, work processes and job tasks?

- (3) Does the employee have the proper tools and resources to perform the job?  
and
- (4) Has sufficient supervisory support been provided to the employee?

**Sec. 86-973. Consequences for Failure to Meet Performance Expectations.**

Employees are responsible for following county/departmental policies, procedures, and work rules and for sustaining optimal work performance. For the purpose of this policy, the following rules shall apply:

- (1) All employees shall be subject to corrective action for conduct or behavior that is determined not to be in the best interest of, or benefit to, the county. (Refer to 86-751, Employee Standards of Conduct)
- (2) Except for dismissals during the probationary period as provided in section 86-242, written warnings, suspensions, demotions or dismissals administered to civil service covered employees shall be subject to provisions of Article VIII of this Chapter, Grievance Procedures.
- (3) Cause for corrective action (performance coaching, record of counseling, written warning, suspension, demotion or dismissal) shall include, but not be limited to, the following offenses:
  - (a) Poor job performance or incompetency; unsatisfactory performance of assigned tasks;
  - (b) Poor attendance: excessive absence and/or tardiness;
  - (c) Insubordination: willful failure to perform assigned tasks;
  - (d) Dishonesty: stealing county property or funds, misuse of county property or funds, or any falsifying act detrimental to the county or its employees;
  - (e) Failure to notify immediate supervisor of an absence;
  - (f) Conviction of a felony or a criminal offense involving moral turpitude that is detrimental to or impacts the employee's employment with the county;
  - (g) Misuse of leave privileges;
  - (h) Disturbance: fighting or otherwise disrupting the harmonious relations between employees;
  - (i) Work related use or possession of alcohol or drugs: being under the influence or possession of intoxicating beverages or controlled substances such as narcotics or drugs of any kind;

- (j) Harassment of any type, discrimination or other prohibited conduct;
- (k) Use of abusive language, profanity, and disorderly conduct;
- (l) Threatening, coercing or intimidating other employees;
- (m) Discovery that criteria utilized in the hiring process was false or purposefully misleading; any material misrepresentation of facts or failure to report pertinent data on the application form by internal employees;
- (n) Failure to maintain required licenses and certifications related to job duties;
- (o) Gross or repeated neglect of duty;
- (p) Any intentional or negligent damage or personal use of county equipment or property will be grounds for action depending on severity of the incident; or
- (q) Other conduct inconsistent with the interest of the county.

(Admin. Policy Manual, § A(11.00--11.04); Ord. No. 2000-1287, §§ 11.00--11.02, 6-27-2000; Ord. No. 2001-2359, 12-11-2001; Ord. No. 2011-1179, 7-5-11)

**Sec. 86-974. Due Process.**

**Civil Service covered employees:** Employees covered under Dallas County's Civil Service System are entitled to be notified of unacceptable conduct, behavior and/or job performance. This notification provides the employee with an opportunity to respond to the supervisor's initial observations and assessment. Supervisors should refer to the following suggested guidelines in exercising reasonable managerial discretion:

**(a) Coaching and Counseling**

- (1) Meet with the employee to discuss the nature of the job performance or non-compliant behavioral problem;
- (2) Encourage the employee to respond and listen to his/her assessment of the situation;
- (3) Work with the employee to identify solutions for correcting the problem, decide on a solution, and gain the employee's agreement to make the necessary changes.
- (4) Make a notation of the meeting, what was discussed, what was decided/agreed upon, and when and if any documents were shared; and
- (5) Monitor the employee's performance for follow-up.

**(b) Written Warning, Suspension, Demotion, Dismissal**

- (1) Meet with the employee and provide him/her with a detailed, written statement about the job performance or non-compliant behavioral problem and provide a summary of the evidence;
- (2) Allow the employee up to 24 hours to provide a written response to that written statement;
- (3) Carefully review the employee's statement and follow-up on the details provided, such as dates, other witnesses, other verifying documents, etc.;
- (4) If you determine that formal corrective action is required, identify the appropriate corrective action to take (See 86-976);
- (5) Prepare a proposed Statement of Corrective Action (SOCA), including the employee's response, witness statements (if applicable), other supporting documents (See 86-977), and contact the Human Resources Department /Employee Services Section for review **prior** to issuing the Statement of Corrective Action;
- (6) After consultation with HR revise the Statement of Corrective Action if necessary and schedule a meeting time with the employee to share the SOCA with the employee; and
- (7) Monitor the employee's performance for follow-up or take the appropriate action.

**Non-civil service covered employees:** For employees not covered under Dallas County's Civil Service System, to maintain consistency with best employment practices, Dallas County recommends the same course of action as that identified for Civil Service covered employees. Note: Non-civil service employees should check with their departments or county human resources to determine if their department has a grievance appeal process.

**Sec. 86-975. Levels of Corrective Action**

Employee actions that fail to meet performance expectations and standards, is non-compliant with Employee Standards of Conduct [see 86-751], **or** found to be in violation of the rules [see 86-973 (c)], shall be subject to the corrective action policy. The suggested levels of the corrective action model are: performance coaching, record of counseling, written warning, suspension without pay/final warning, demotion, and dismissal.

The Human Resources/Civil Service Department should be consulted before corrective action is administered, except for level one (performance coaching) and level two (record of counseling) below. An explanation of each recommended level of corrective action follows:

- (1) **Level One: Performance Coaching** sessions should take place between supervisors and employees when less serious and/or recently identified performance problems are observed. When coaching, the supervisor should make every effort to determine the cause and to work with the employee to resolve the problem, and the employee should be made fully aware that the problem must be corrected. Performance coaching discussions shall be documented and the documentation shall be retained in the department by the supervisor.
- (2) **Level Two: Record of Counseling** is used when the employee has committed a minor violation or act and/or has failed to correct an identified problem after coaching or other verbal reminders. A Record of Counseling is considered non-disciplinary in nature and is not subject to appeal. It sets the stage for formal action if the problem is not corrected. A completed Record of Counseling form (HRCS004) is maintained in the employee's department file. **Note:** In some cases, the supervisor may repeat the Record of Counseling step one or more times before proceeding to higher levels.
- (3) **Level Three: Written Warning** represents the initial step of formal discipline. Written Warnings are used for repeated failure to correct minor offenses already addressed in level one (Performance Coaching) **or** level two (Record of Counseling) **or** when an employee has committed an infraction more serious in nature than what would normally be addressed by coaching or counseling. A Statement of Corrective Action (SOCA) is administered to notify the employee of the unacceptable work performance, conduct or behavior and should include a review of any prior efforts to correct the problem. (See Section 86-977) for specific details regarding the contents of the Statement of Corrective Action.) The original, signed SOCA document (HRCS005) is then forwarded to county human resources/civil service and a copy is placed in the employee's departmental file. Written Warnings are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered. **Note:** In some cases, the supervisor may repeat the Written Warning step one or more times before proceeding to level four, Suspension without Pay / Final Warning.
- (4) **Level Four: Suspension Without Pay / Final Notice** is an involuntary unpaid leave of absence administered for significant performance deficits or misconduct, **or** for repeated failure to correct lesser conduct or performance issues identified at the lower corrective action levels. Advancement through lower corrective action levels is not required for severe non-compliance, actions, or offenses. A Statement of Corrective Action (SOCA) is administered. (See Section 86-977 for specific details regarding the contents of the Statement of Corrective Action.) The original, signed SOCA document (HRCS005) is forwarded to county human resources/civil service; a copy is placed in the employee's departmental file; and, a copy is forwarded to the Auditor's Office. Suspensions are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered.

- (a) Suspensions for non-exempt employees shall be for a set period ranging from one day to two weeks depending on the type of offense. If an exempt employee is suspended for reasons other than a major safety violation, the suspension cannot be for a period of less than one week, and shall be handed out in increments of workweeks, beginning the first day of the employee's normally scheduled workweek. Suspensions for a major safety violation may be for any period of time. A major safety violation is any action which poses a reasonable chance of causing injury to persons and/or damage to property. A suspended employee will not be eligible to use accrued leave during the suspension nor accrue additional leave benefits.
  - (b) An employee may be placed on administrative leave of absence during an investigation or review into suspected or alleged improprieties. With prior approval of commissioners court, such leave may be with pay. An employee will continue to receive and access all benefits while on paid leave of absence and leave will continue to accrue. (See Employee Investigations Policy, Section 86-984, for more information.)
  - (c) An employee suspended without pay after the completion of an investigation or review by an elected official/department head or designee will not continue to receive or have access to benefits and will be processed as though the employee is on leave of absence without pay. (For example: no pay for holidays, no leave accruals, no subsidy to pay insurance premiums, etc.). The suspended employee will be responsible for the entire insurance premium during his/her period of absence, including the county's portion.
  - (d) A suspended employee reinstated to employment by the elected official/department head following a sustained corrective action will not be eligible to receive back pay or benefits Note: A sustained corrective action is one that has been through the appeal process with a final decision issued by the appropriate deciding body, such as civil service commissions, elected/appointed officials, etc.
  - (e) A suspended employee whose corrective action is not sustained following an investigation or review shall be reinstated. The appropriate deciding body (civil service commissions, elected officials/department heads, etc.) may then petition commissioners court for back pay and all applicable benefits.
- (5) **Level Five: Demotion** results in a reduction in the employee's salary and pay grade as a direct result of the employee's continued failure to correct performance issues previously identified at the lower corrective action levels. Factors to review when considering a Demotion may include, but are not be limited to, the ability of the employee to correct the problem, the overall employment record of the employee, the ability of the employee to contribute in another capacity to the department, and the length of service of the employee. A Statement of Corrective Action (SOCA) is administered. (See Section 86-977 for specific details regarding the contents of the Statement of

Corrective Action.) The original, signed SOCA document (HRCS005) is forwarded to county human resources/civil service and a copy is placed in the employee's departmental file. A personnel court order is processed and forwarded to the county auditor. Demotions are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered.

- (6) **Level Six: Dismissal** is an involuntary termination of the employment relationship and shall be used when the employee has either committed a major offense and/or violation, **or** after other efforts to cause the employee to take corrective action have been ineffective at the lower corrective action levels. Advancement through lower level steps is not required for major offenses and/or violations. The final Statement of Corrective Action document is forwarded to county human resources/civil service and a copy of the document is placed in the employee's departmental file. A Notice of Separation form (CA PR 5) is completed and forwarded to the county auditor. Dismissals are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered.

(Admin. Policy Manual, § A(11.05--11.19); Ord. No. 2000-1287, §§ 11.03--11.12, 6-27-2000; Ord. No. 2001-2359, 12-11-2001; Ord. No. 2009-0090, 1-13-2009; Ord. No. 2011-1179, 7-5-11)

#### **Sec. 86-976. Determination of Corrective Action Level**

The particular corrective action taken in any case will be determined by a number of factors, such as severity of the offense and prior history of the employee. Lower level action steps may be skipped or bypassed depending on the severity of the action or offense. To determine the appropriate corrective action level, the supervisor should refer to the following suggested guidelines in exercising reasonable managerial discretion:

- (1) Determine the seriousness of the non-compliant behavior or job performance;
- (2) Review the work history and current corrective action record of the employee;
- (3) Assess the ability of the employee to correct the behavior or job performance;
- (4) Review actions taken in similar situations with other employees; and
- (5) Determine what affect the proposed action will have on the workgroup or department.

If the supervisor determines that the unacceptable behavior and/or performance warrants a Statement of Corrective Action document, the supervisor should:

- (1) Prepare the Statement of Corrective Action (SOCA), form HRCS005
- (2) Meet with the employee to provide the Statement of Corrective Action; and

- (3) Inform the employee of his/her right to appeal the corrective action. (Refer to Grievance Policy, Section 86-1001 for appeal proceedings.)

### **Sec. 86-977. Statement of Corrective Action**

Written Warnings, Suspensions without Pay, Demotions, and Dismissals shall be in writing using a Statement of Corrective Action Form (SOCA), delivered to the employee at the time corrective action is administered, or at the earliest possible time immediately after corrective action has been taken. A Statement of Corrective Action form shall advise the employee of the following:

- (1) Reason for the corrective action (to include policy or rule violation, if applicable, and a summary of the evidence);
- (2) Previous corrective actions taken;
- (3) Current corrective action taken;
- (4) Statement of future expectations and consequences; and
- (5) Right to Appeal (if applicable).

### **Corrective Action Probationary Period**

An employee may be placed on probation for a defined period of time (for example, 60-90 days) for significant performance deficiencies within the employee's ability to correct. In that situation, a Performance Improvement Plan (PIP) should be drafted, in tandem with a Statement of Corrective Action, that presents a carefully planned and timed, final opportunity for the employee to make the correction required. The PIP shall include:

- (1) A detailed assessment and outline of the primary performance areas that need improvement;
- (2) A statement of performance expectations that must be delivered on a consistent basis;
- (3) An action plan for improving/correcting performance including specific and measurable goals relevant to the job and specific support the supervisor will provide to assist the employee in accomplishing the goals;
- (4) Clearly established performance objectives, feedback guidelines and timelines for monitoring progress toward those objectives, (e.g. follow-up meetings weekly, biweekly or monthly), and consequences for failure to accomplish the performance improvement plan.

The PIP plan should be attached to the Statement of Corrective Action for review by Human Resources prior to taking the action with the employee.

### **Sec. 86-978. Authority to Suspend, Demote, or Terminate**

Only elected officials, department heads or their designees have the authority to suspend, demote, or terminate an employee. Supervisors and managers shall review

these planned actions with the elected official/department head or their designees before discussion with the employee.

Elected officials under investigation by one or more law enforcement agencies must submit for review and approval any employee corrective action to the human resources director and the chief of the civil division of the Dallas County Criminal District Attorney's Office. The human resources civil service department is available to assist employees and the managerial staff in resolving corrective action issues.

(Admin. Policy Manual, § A(11.05--11.19); Ord. No. 2000-1287, §§ 11.03--11.12, 6-27-2000; Ord. No. 2001-2359, 12-11-2001; Ord. No. 2009-0090, 1-13-2009; Ord. No. 2011-1179, 7-5-11)

**(The section below reflects new approved policy language: Court Order# 2009 1225-July 7, 2009.)**

## **CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT OFFICERS**

### **Sec. 86-979. Scope.**

This policy applies to all law enforcement positions within Dallas County and relates only to complaints made by the public.

### **Sec. 86-980. Written complaint signed by complainant.**

Complaints against law enforcement officers must be in writing and signed by the person making the complaint before the elected official and/or department head will consider them.

### **Sec. 86-981. Written complaint provided to the employee.**

A copy of the signed complaint shall be given to the officer or employee within a reasonable amount of time not to exceed five (5) business days after the complaint is formally filed.

### **Sec. 86-982. Disciplinary action.**

(a) Disciplinary action shall not be taken against the employee if a copy of the signed complaint has not been provided to the employee.

(b) The officer or employee shall not be indefinitely suspended or terminated from employment based on the complaint unless:

- (1) The complaint has been investigated, and
- (2) There is evidence to prove the allegation of misconduct.

## **Sec. 86-983. Sheriff's Department Guidelines.**

See sheriff's department civil service rules and regulations found at Appendix A, Article 5.05 for guidance.

## **Sec. 86-984. Employee Investigations. (This section reflects court approved policy language: Court Order #2010 1153 - July 13, 2010; Court Order #2011 1179 – July 5, 2011; Court Order #2020-0907).**

### **I. Administrative**

- A. If an elected official/department head deems it necessary to conduct an administrative investigation of an employee suspected of an alleged violation of a county policy, or federal and/or state law, the elected official/department head may place the employee on a leave of absence with pay for investigative purposes. Such leave, however, is granted under strict guidelines which the department must comply. They include:
- (1) The employee's temporary removal from the workplace is necessary or in the best interest of the county;
  - (2) The outcome of the investigation may in all probability result in disciplinary action more severe than *a written warning*;
  - (3) The department has determined it is necessary to temporarily move the employee out of his/her current position and it is not feasible to allow the employee to temporarily work in another capacity within the department during the investigation; and
  - (4) The director of human resources concurs with the department's assessment of the situation and the director is not able to temporarily place the employee in *another* county department during the investigation.
- B. When the elected official/department head has determined the investigation will exceed two weeks; the elected official/department head shall request a leave of absence with pay from commissioners court through the director of human resources. For investigations not exceeding two weeks, the elected official/department head need not seek approval from commissioner's court.
- C. If during the leave of absence with pay, but before the completion of the investigation, the elected official/department head determines the finding of a violation of county policy, federal and/or state law is *probable*, the elected official/department head may then place the employee on leave of absence without pay. Prior to taking such action, the department shall consult with the director of human resources.
- D. Reasons for Immediate Removal for Administrative Investigations. The County may immediately remove an employee from the workplace without prior notice when it is deemed to be in the best interest of the county and/or the employee. Immediate removal may occur if the employee's continued presence:

- (1) May be harmful to the employee and others;
- (2) Creates a problem with an internal investigation;
- (3) May hamper an investigation being conducted by law enforcement;
- (4) May hamper the department's ability to do its job;
- (5) May create negligence in regards to the county's duties to the public and/or other employees; and
- (6) May involve an investigation for alleged criminal conduct that is related to the nature of the employee's ability to perform his/her assigned job responsibilities or to the county's mission.

*\*These are general guidelines and may not include all circumstances. Each instance will be reviewed on a case-by-case basis.*

## **II. Alleged Criminal Conduct**

- A. An elected official/department head may also immediately remove an employee from the workplace without providing advance notification when the alleged criminal conduct impacts the employee's ability to do his/her job or represents a risk to the county.
- B. The process for placing such an employee on leave is the same as outlined under the Administrative Section (I). The department must immediately submit a request for a leave of absence with pay for investigative purposes to commissioners court through the human resources/civil service department.
- C. Regardless of the status of any criminal investigation *or legal action* in process, Dallas County may determine at any time to take disciplinary action against the employee under county policies, e.g., Standards of Conduct, up to and including termination. Such action is based on the facts or evidence of conduct that prompted the criminal investigation or legal action/process. Prior to taking such action, each elected official/department head shall review such action with the director of human resources and/or the civil section of the district attorney's office.

## **III. Conducting an Investigation**

With the numerous county policies and state/federal statutes related to employees, it is recommended that when a department begins an investigation of an employee that may result in disciplinary action being taken that is beyond a written warning, the department should contact the human resources/civil service department for assistance or go to the following website: (<http://www.dallascounty.org/department/HR/employeerelations.html>) to review the most recent general guidelines and procedures for conducting an investigation. Law enforcement personnel should consult their department's general orders, code of conduct, or other administrative document(s) related to rules/guidelines applicable to law enforcement personnel.

#### **IV. Employee's Responsibility during an Investigation**

When an employee is being paid while on a leave of absence with pay for investigative purposes, the employee will:

- (1) Be available to the department during normal business hours or as designated by the department;
- (2) Be cooperative with the county during the investigation;
- (3) Maintain confidentiality as instructed; and
- (4) Not work another job during regularly assigned work hours as designated by the department. Law enforcement personnel may have additional restrictions regarding outside employment and should check with their department.

**Secs. 86-985--86-1000. Reserved.**

## **ARTICLE VIII. GRIEVANCE PROCEDURES\***

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**\*State law references:** Grievances, V.T.C.A., Local Government Code § 160.001 et seq.

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### **Sec. 86-1001. Purpose of article.**

The purpose of the grievance procedure is to resolve all grievances between the county and its employees covered under the civil service system grievance process as quickly as possible and at as low an administrative level as possible, so as to assure efficient work operations and maintain employee morale.

(Admin. Policy Manual, § A(12.00); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-06-2017)

### **Sec. 86-1002. Eligibility.**

The following civil service grievance procedure does not apply to a County employee whose job classification is coded as A or B under the County's job classification system. All category C or D regular, full-time employees, per Section 86-1, may process an employment grievance pursuant to these rules. All category C and D probationary civil service employee may file a grievance on defined items, except those relating to his/her performance rating or dismissal.

(Admin. Policy Manual, § A(12.01); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-06-2017)

### **Sec. 86-1003(a). Civil Service Commission Jurisdiction Over Grievances.**

After exhaustion of review steps available within a Department, the Civil Service Commission has jurisdiction to hear a grievance filed by an eligible employee (as set in forth in section 86-1002) that is based on one or more of the following:

- a) termination;
- b) demotion;
- c) suspension; or
- d) decrease in pay.

Admin. Policy Manual, § A(12.02); Ord. No. 2001-954, 10-9-2001; Ord. No. Ord. No. 2017-0770, 06-06-2017)

### **Sec. 86-1003(b). Application for Discretionary Review.**

Any adverse employment action taken by management, other than those listed in Section 86-1003(a), are only appealable through the chain of command provided within the Department in which the employee works, unless an Application for Discretionary Review (“Application”) is granted by the Civil Service Commission. Such matters may include, but are not limited to: improper application of rules, regulations, and procedures; unfair treatment, including retaliation; discrimination because of race, religion, color, creed, gender, age, national origin, disability, sexual orientation, or political affiliation; improper application of fringe benefits or improper working conditions.

An applicant must provide, and the Civil Service Commission may only grant an Application for Discretionary Review, if an applicant: 1) files an Application in accordance with the deadlines in Section 86-1004(a); 2) certifies that the matter has proceeded through the chain of command and it was not resolved administratively by the Department (see sections 86-1004 through 86-1005, where applicable) and attaches any written determination of the Department’s actions received by him/her, if applicable; 3) attaches a completed formal grievance form, which includes the information set forth in Section 86-1004(b); 4) sets forth, in specific detail, how he or she has been actually harmed a tangible way, i.e., suffered some actual damages(s) (“actual damage” means a loss or injury that has actually occurred); and 5) seeks an appropriate remedy within the Civil Service Commission authority.

The Application will be submitted to the Commission by the Civil Service Secretary. The Secretary will provide a recommendation to the Commission, when submitting the Application, whether the Application should be granted or denied, based on the Secretary’s review of the Application.

The Commission will decide whether to grant the Application, by written submission, at a regularly scheduled Civil Service meeting. The Commission may consider the Secretary’s recommendation when deciding whether to grant or deny the grievance. If the Application is granted, the grievance shall be set for hearing with the Civil Service Commission in accordance with this article. If the Application is denied, the grievance shall be dismissed. The decision of the Commission, whether to grant or deny an Application, is wholly within the discretion of the Commission and is final, not subject to administrative appeal.

The grievant and the Department representative will receive written notification of the Commission’s decision from the Secretary.

(Admin. Policy Manual, § A(12.02); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2011-0776, April 26, 2011; Ord. No. 2017-0770, 06-06-2017)

### **Sec. 86-1004. Time limits for filing and response.**

- (a) To be considered, a grievance must be filed in writing within **seven calendar days** from its occurrence, or from the date of receipt of written notification of disciplinary action, exclusive of holidays, unless the employee was unable to do so due to an emergency (see Section 86-1007(i)(2), definition of “emergency”). Grievances under Sec. 86-1003(a) or grievance alleging

harassment, retaliation, or discrimination because of race, religion, color, creed, gender, age, national origin, disability, sexual orientation, or political affiliation should be initially filed with the first level of supervision above the employee's supervisor who has caused the action, with a copy to the employee's immediate supervisor and the Human Resources/Civil Service Department. All other grievances should be initially filed with the employee's immediate supervisor.

The preceding time limits apply to Applications to the Civil Service Commission, which must be received in the same time limit that a grievance to the Civil Service Commission must be received.

- (b) A formal grievance form (exhibit AT) or Application **MUST** contain the following information:
- (1) The disciplinary action challenged or action grieved (see Section 86-1003(a) or section 86-1003(b), if an Application);
  - (2) The date and a brief explanation of the incident(s) causing the disciplinary action or the grieved action;
  - (3) The specific section or sections of 86-1003, under which the grievant is grieving;
  - (4) The factual basis for the grievance, setting forth in specific detail all the facts in support of why the action is not justified/unfair. **Conclusory allegations not supported by detailed facts are insufficient.**
  - (5) Certification that the grievant has proceeded through the chain of command and the action grieved is a final Department action;
  - (6) If an Application, a detailed statement explaining how the grievant has been actually harmed in a tangible way, i.e., suffered some actual damage(s);
  - (7) The relief/remedy sought;
  - (8) The signature of the aggrieved employee; and,
  - (9) An attestation that the statements in the grievance (and Application, if applicable) are true and correct and filed in good faith.

Section 86-1004(b)(1) through (9) are jurisdictional. Failure to provide the information in Section 86-1004(b)(1) through (9) may result in the Secretary of the Commission rejecting the grievance, per section 86-1007(f).

- (c) A copy of the grievance should be retained by the employee and a copy should be filed with the human resources/civil service department. All copies should note the date the grievance was received by the supervisor.
- (d) The supervisor shall then investigate the grievance and make a written determination within seven calendar days, exclusive of county holidays, from receipt of the grievance. The written determination shall inform the employee of the next management level and the filing time limit for an appeal.
- (e) If the employee is not satisfied with the determination of the grievance, the

employee shall have seven calendar days, exclusive of county holidays, to make a written appeal to the next level of supervision.

- (f) The preceding time limits, seven calendar days exclusive of county holidays for investigation and determination, and seven calendar days exclusive of county holidays for appeal, shall be used consistently for each succeeding higher level of management the grievance is filed with, unless there is a mutually agreed time extension between the aggrieved party and management for fact-finding purposes, emergencies, etc.
- (g) If the employee fails to meet the filing time limits, the grievance will be considered null and void.
- (h) If the supervisor fails to meet the time limits, the employee may then file with the next higher level of management without waiting for a determination.
- (i) In order to expedite the grievance process, if succeeding levels of management are aware of all facts contained in a grievance and concur with the preceding supervisor's determination, they may elect to allow the grievance to be forwarded to the next higher level of management by initiating their concurrence on the grievance.
- (j) Date and time of response by the supervisor and the employee must be noted on the grievance to assure verification of compliance with the time limits.

(Admin. Policy Manual, § A(12.03--12.12); (Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-6-2017)

#### **Sec. 86-1005. Order of Appeals.**

A grievance must be appealed through the chain of command in the following order:

- (1) Grievant's immediate supervisor; unless the grievant is directed against the immediate supervisor.
- (2) Elected official/department head or division head, unless the grievance is directed against the elected official/department head.
- (3) Civil Service Commission (or specifically designated board or panel appointed by the civil service commission). Only the Civil Service Commission may award back pay, with the consent of the Commissioners Court.

(Admin. Policy Manual, § A(12.13--12.22); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-6-2017)

**Sec. 86-1006(a). EEOC Complaints.**

Nothing in this procedure shall preclude any employee from pursuing a discrimination complaint with the Equal Employment Opportunity Commission (EEOC) or the Texas Commission of Human Rights (TCHR). Employees have the right to file charges of discrimination with the EEOC or the TCHR before, during, or after the filing of a grievance.

Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-6-2017)

**Sec. 86-1006(b). Human Resources Report.**

Nothing in the procedure shall preclude any employee from making a report of discrimination, harassment, or retaliation to the Dallas County Human Resources Department, regardless of whether the employee has any grievance or appeal right.

*Note 1: All allegations of harassment because of race, religion, color, creed, gender, age, national origin, disability, sexual orientation, transgender, gender identity, gender expression, veteran status, or political affiliation must be immediately reported to the immediate supervisor, elected official or department head, and/or the director of the county human resources/civil service department, regardless of whether it is grievable, pursuant to the County's harassment policy, Dallas County Code, Section 86-781.*

**Sec. 86-1007. Civil service commission rules of practice. (This section reflects recent court approved policy language: Court Order# 2011 1462—August 30, 2011.)**

- (a) *Scope of rules.* These rules shall govern the review of an administrative action by the county civil service commission in all grievance proceedings, except as hereinafter stated.
- (b) *Construction of rules.* "He" "him" "his" or "their" are used to signify both male and female individuals.
- (c) *Definitions.*

*Calendar days* means all days in a month, including weekends and holidays.

*Commission* refers to the county civil service commission.

*Grievant* refers to the employee or his representative.

*Department* refers to the county department or office that took the action being grieved.

*Secretary* or *secretary to the commission* refers to the individual responsible for scheduling and coordinating the civil service meetings. This individual is the director of human resources/civil service.

- (d) *Filing of grievance.* Grievance hearings scheduled before the commission shall be initiated by a grievance (or Application, if granted) filed with the secretary after exhaustion of appeals through the department's chain of command. (Please refer to sections 86-1001 through 86-1005 for additional information.) A grievance/application must be submitted on the form adopted by the Commission for this purpose and shall contain the information in Section 86-1004(b). Failure to include the information in 86-1004(b) may result in the grievance/application being dismissed for lack of jurisdiction. The Secretary or the Secretary's designee shall date stamp when the grievance (or Application) was received.
- (e) *Amendment of Grievance.* At any time before the deadline in Section 86-1004(a), and before the grievance is submitted to the Commission for decision, the grievant may file an amended formal grievance form (See Section 86-1004) or Application.
- (f) *Rejection of Grievance by Secretary.* The Secretary shall review all grievances to determine whether the employee has timely filed an appeal, whether the action appealed is grievable, and whether the employee has complied with the Section 86-1004(b) requirements. A grievance or (or Application) may be rejected by the Secretary of the Commission if he/she determines the Commission does not have jurisdiction over the grievance (or Application) because the grievant failed:  
1) to comply with procedural deadlines; 2) to provide the information set forth in Section 86-1004(b); or 3) to plead a grievance which falls within sections 86-1003(a) or 86-1003(b). However, in the case of an action that is not final (i.e., has not proceeded through chain of command), the grievance shall be stayed until such action becomes final. The Commission, the grievant, and the Department's representative will receive written notification of the determination, along with notice of appeal rights and the address to mail the appeal.

If a case is rejected by the Secretary, the grievant can appeal the Secretary's decision, to reject the grievance, **within fourteen calendar days** of the date written notification of the Secretary's decision is mailed **or within seven (7)** calendar days from the date a certified postal receipt was signed by the grievant or his or her agent, whichever is earlier. The scope of the appeal is limited to whether the grievant satisfied the procedural prerequisites or set forth a grievable grievance and will be determined by written submission of the grievance record. The Secretary shall provide the Commission with the grievance record, which consists of the Section 86-1004(b) formal grievance form (and Application, if applicable), with any attachments thereto, as well as the written notification of the Secretary rejecting the grievance.

The grievant has the burden of establishing jurisdiction in his/her Section 86-1004(b) formal grievance form submission. For good cause shown, the Commission may allow the grievant to supplement his/her Section 86-1004(b) formal grievance form (or Application). The request to supplement must be sworn and attached to the grievant's appeal of the Secretary's decision to reject the grievance. "Good Cause" herein means: 1) an emergency whereby the grievant was unable to provide the information in the Section 86-1004(b) formal grievance form (see Section 86-1007(i)(2), definition of "emergency"); or 2) the information supplemented was not known, and could not have reasonably been

discovered, prior to the submission of the Section 86-1004(b) formal grievance form (or Application).

The Commission will decide whether to grant the supplementation, upon submission, when it decides the appeal of the Secretary's decision to reject the grievance. The Commission shall determine by vote whether to allow supplementation, if applicable, and whether to sustain or overturn the decision of the Secretary, in whole or in part. If the decision of the Secretary is overturned, the grievance shall be set for hearing with the Commission in accordance with this article. If the decision of the Secretary is sustained, the grievance shall be dismissed for lack of jurisdiction.

- (g) *Scheduling of Grievance Hearings.* Grievances are scheduled according to the date received, except grievances appealing terminations, which are given priority over all other types of pending grievances.
- (h) *Notification.* The grievant will be notified of the hearing date, time and location, at the last known address listed with Dallas County Human Resources or the Secretary. The grievant will receive a minimum of 14 calendar days prior notification of the scheduled hearing date, unless there is a mutual agreement for a lesser time period between the Secretary and the grievant. This time frame does not apply to postponements.

It is the duty of the grievant to keep his/her address current with the Secretary. If the grievant has no known representative and is not able to be contacted by phone and/or email, any notice that is returned "undeliverable" or "unclaimed" will cause the appeal to be forfeited if the grievant fails to appear at the scheduled hearing date.

- (i) *Postponements.*

(1) Any first request for continuance of the hearing may be granted by the Secretary upon (i) a showing of good cause or (ii) the agreement of the parties, as evidenced by the written agreement of both parties. The Department and the grievant may be granted one postponement each.

(2) All other requests for continuance of the hearing may be granted by the Secretary if an emergency and made in writing, as soon as practicable. The requesting party must submit the request in writing within three working days of when the party had actual knowledge of the emergency, to the Secretary. The request must clearly outline the emergency that has created the need to request a postponement (attorney availability, illness, etc.). An emergency is a sudden, urgent, unexpected occurrence or occasion requiring immediate action by one party. An emergency includes unsafe weather conditions where the County Judge has suspended services, medical emergencies of a party or a dependent or immediate family member of a party. An emergency is not a scheduling conflict by either party, transportation issues, child care, unpreparedness or the sudden failure of a representative to appear.

(3) In the event either party to the grievance objects to the postponement on the basis of an emergency, the decision of whether or not to grant then

continuance will be determined by the Commission at the scheduled hearing. At the scheduled hearing, the requesting party will present his/her request for postponement to the Commission for a final determination. If the decision is to postpone the hearing, the grievance will be heard at a later date.

(4) **Waiver of Back Pay.** In cases involving terminations or appeals requesting back pay, any motion for continuance made by or on behalf of the grievant must contain a waiver of back pay, if any is subsequently awarded, from the originally scheduled hearing date from which the grievant sought a continuance.

(j) ***Dismissal of Grievance.*** At any time before a decision is rendered, a grievance may be dismissed by:

(1) The Commission if it determines it does not have jurisdiction over the grievance, including for failure of the grievant to comply with procedural deadlines or plead a grievance which falls within sections 86-1003(a) or 86-1003(b);

(2) The Commission if the grievant is not present at the time of the hearing;

(3) The Commission if the matter has been rendered moot; or

(4) The grievant, who may withdraw the grievance at any time.

The dismissal or withdrawal shall be entered into the record.

(k) ***Representation/Attendance.*** The parties to the grievance must appear and present their position. The Department must be present at the hearing through the elected official, department head, or other designee. The grievant must be present at the hearing.

The grievant must notify the secretary if he/she has a representative or attorney and the representative's/attorney's name, address, telefax, email, and telephone number. Notification should occur at the time of filing the grievance, or as soon thereafter as possible. The grievant's representative may not appear without the grievant unless requesting an emergency continuance on behalf of the grievant.

Either the department's representative or attorney may present the Department's case, but both will not be allowed to participate in the presentation of information. The same rule will apply to the grievant, his representative, or attorney.

(l) ***Hearing materials.*** The materials furnished for a hearing shall be directly related to the disciplinary action taken and shall include:

(1) Notice of warning form and/or notice of separation form regarding the disciplinary action taken (dismissal, demotion, suspension, reprimand, warning);

(2) Copy of formal grievance filed;

- (3) Department's response to grievance;
- (4) Previous performance evaluation(s) for the grievant;
- (5) Employment application of the grievant (if applicable).
- (6) Any prior disciplinary actions taken against the grievant;
- (7) Grievant's response/challenge to Department's action.

All documentation must be submitted to the secretary who will then distribute to the appropriate parties. Neither the grievant nor the affected department representative may submit documentation to the commission members prior to the scheduled hearing.

Documentation such as character letters will not be accepted by the civil service commission members.

- (m) *Omissions.* A party that fails to submit in writing any part of his/her documentation to the Secretary before the deadline date for submission of hearing materials may have the omitted portion entered into the record at the hearing, with Commission approval, for good cause shown.
- (n) *Quorum.* Two Commissioners constitute a quorum which allows a hearing to proceed. Each party to the grievance shall be informed when only two commissioners (quorum) will be in attendance for the hearing. Either party to the grievance may request to delay the hearing until all three commissioners are present.
- (o) *Burden of proof.* The Department has the burden of proving that any disciplinary action taken listed under Section 86-1003(a) was taken for good cause. The employee has the burden of proof on any other complaint about the actions of management.
- (p) *Open meetings/The Rule.* The grievant shall be allowed to decide if the hearing will be open or closed to the public. If the grievant decides to have a closed hearing, the following persons are authorized to be present:
  - (1) Commission members.
  - (2) Secretary to the Commission.
  - (3) Grievant.
  - (4) Grievant's representative/attorney.
  - (5) Human resources/civil service department's representative.
  - (6) Department's attorney.
  - (7) Department's representative.
  - (8) Legal counsel for the commission.
  - (9) Court reporter/recorder.

Either party may also invoke "The Rule," at the commencement of the proceedings, which means that all witnesses, excluding the department representative and the grievant, will not be allowed to remain in the hearing and no witness shall discuss their testimony with other witnesses.

- (q) *Time.* There is no time limitation on the presentation of evidence at the grievance hearing; however, the Commission has the discretion to exercise reasonable controls over proceedings, including the time prescribed to each side. Evidence should be presented in the most efficient and expedient manner in conformity with these rules.
- (r) *Witnesses Request/Subpoena/Oath.* The grievant, Department, or their representatives will be allowed to present pertinent evidence and call witnesses to testify on their behalf. Witnesses may voluntarily appear or be subpoenaed to appear at a grievance hearing.

The Chairman of the Commission upon the request of the grievant, the grievant's representative, the County's attorney, or the County's attorney's designee shall: 1) administer oaths; and 2) issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material. Documentary material may include any books, records, documents, papers, or accounts that the requester considers relevant to the case. No party will be permitted more than six (6) subpoenas for witnesses without showing good cause. A party seeking more than six (6) subpoenas, for a witness to testify, must provide a sworn declaration with the following:

1. The subject matter on which the witness is expected to testify;
2. Explanation as to why the witnesses' testimony is necessary to prove or refute allegations in the grievance or the Department's action made the basis of the grievance; and
3. Explanation as to why the witnesses' testimony would not be duplicative of the expected testimony of other witnesses called to testify.

The request to subpoena a witness or documents must be made in writing to the Secretary to the Civil Service Commission at least 15 days before the date of the scheduled hearing.

The request to subpoena a witness must be made in writing to the Secretary to the Civil Service Commission at least 15 days before the date of the scheduled hearing.

All witnesses appearing at a grievance hearing shall attend the proceeding until discharged by the commission or the party requesting the witness. Time away from the workplace to participate as a witness in a grievance hearing shall be paid leave for county employees. No action will be taken to prevent an employee from testifying on behalf of a grievant and no act of retaliation will be taken against any witness who testifies in a grievance hearing.

Subpoenaed witnesses who are unable to be present at the civil service commission meeting shall notify the secretary to the civil service commission as soon as possible before the scheduled hearing date.

A person or employee who fails to appear as subpoenaed commits a misdemeanor offense punishable by a fine up to \$1000, confinement in the county jail for not more than 30 days, or both.

An oath administered under this provision has the same force and effect as an oath administered by a magistrate in judicial capacity.

***Note: Under the Texas Penal Code § 37.02, a person commits perjury if, with intent to deceive and with knowledge of the statement's meaning, he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath (Tex. Loc. Govt. Code Section 158.0095(c) provides, "An oath administered under this section has the same force and effect as an oath administered by a magistrate in the magistrate's judicial capacity.")***

- (s) *Testimony by affidavit.* Generally, witnesses must be physically present and subject to examination and cross-examination. However, upon agreement of both parties or permission of the Commission for good cause shown, witness testimony by affidavit will be permitted. Because the affidavits will not be subject to cross examination, the weight given each affidavit will be within the discretion of the commission.
- (t) *Procedure.* Both parties will have an opportunity to provide an opening statement, present and cross-examine witnesses and make a closing argument. The party with the burden of proof will proceed first and present its witnesses first. If the Department terminated, demoted, suspended, or decreased an employees pay, it has the burden of proof and is required to present its witnesses first in order to justify the disciplinary action taken.
- (u) *Additional testimony.* If necessary for the administration of justice, the commission may permit additional evidence to be offered at any time prior to a decision being rendered.
- (v) *Commission to render decision.* The Commission may recess to deliberate in executive session. If an executive session is held, the Commission shall reconvene in open session and make a decision. Upon conclusion of the proceeding, the commission shall render its decision in writing.
- (w) *Decisions.* The decision of the commission will either (i) sustain the disciplinary action taken by the department; (ii) modify/reduce the disciplinary action taken by the department; or (iii) overturn the disciplinary action taken by the department and grant the relief sought by the grievant, in whole or in part. However, the Commission may not enhance the Department's initial disciplinary action. Category D employees cannot be awarded back pay or reinstatement beyond the termination date of the funding sources. In the event there is a split decision within the quorum, the party with the burden of proof will not have met its burden

of proof and the grievant shall prevail. Decisions pertaining to demotions, suspensions or terminations shall be given in writing.

Department heads and elected officials must comply with the Commission ruling.

- (x) *Back Speculative, or damages which have not occurred, are not sufficient Pay.* *Back Pay* means payments of all back wages, minus any amount paid at termination for compensatory time and/or vacation/sick balances, but shall not include pay for any overtime hours not actually worked by the employee. Actions overturned by the Commission that result in a back pay award may be adjusted to account for delays occasioned by the grievant or his representative/attorney, offsets for other earnings/income during the period of suspension or termination, or any other adjustment the Commission deems just.
- (y) *Appeal.* Action taken by the commission which results in a demotion, suspension or termination, may be appealed to a district court within 30 days after written notification of the commission's decision. The date of decision is the day that the Commission issues a Decision Letter.

(Admin. Policy Manual, § A(12.24--12.53); Ord. No. 2000-380, 2-22-2000; Ord. No. 2007-2466, 12-11-2007; Ord. No. 2011-1462, 8-30-11; Ord. No. 2017-0770; 06-06-2017)

**Cross references:** Civil service commission, § 86-51 et seq.

**Secs. 86-1008--86-1040. Reserved.**

For Office Use Only

Date Rec'd \_\_\_\_\_

Rec'd by \_\_\_\_\_

Dallas County

Application for Discretionary Review Form<sup>1</sup>



Please type or print clearly using ink. All Applications for Discretionary Review under the Civil Service System will be resolved as quickly as possible and at the lowest administrative level possible without regard to race, color, religion, sex, national origin, age or disability.

The Commission will decide whether to grant the Application, by written submission, at a regularly scheduled Civil Service meeting. If the Application is granted, the grievance shall be set for hearing with the Civil Service Commission in accordance with Dallas County Code Chapter 86-1001, *et. al.* If the Application is denied, the grievance shall be dismissed. The decision of the Commission, whether to grant or deny an Application, is wholly within the discretion of the Commission and is final, not subject to administrative appeal. See Dallas County Code, Sections 86-1001 to 86-1007.

Human Resources/Civil Service Department  
Records Building  
500 Elm Street, Suite 4100 (Floor 4R)  
Dallas, Texas 75202  
(214) 653-7638 (phone)  
[Althea.chaderton@dallascounty.org](mailto:Althea.chaderton@dallascounty.org)

Form DCP/CS.001.2 05/2017

<sup>1</sup> To be used to apply for review of any other adverse management action other than terminations, demotions, suspensions, or decreases in pay.

**Grievant Information**

Name (Last)		First	MI
Department	Job Title		Hire Date: MO DAY YR
Home Address	Work Telephone:	Home Telephone:	
	Cell Telephone (optional):	Email Address:	
Manager/Supervisor's Name		Manager/Supervisor's Telephone Number:	
Next Level Manager/Supervisor's Name		Next Level Manager/Supervisor's Telephone Number:	
<p align="center"><b>AN APPLICATION FOR DISCRETIONARY REVIEW <u>MUST</u> CONTAIN THE APPLICABLE INFORMATION IN DALLAS COUNTY CODE, SECTION 86-1004(b). Failure to provide this information may result in your Application being dismissed for lack of jurisdiction.</b></p>			
<p><b>A. Scope of Application for Discretionary Review Procedures:</b> <i>An Application for Discretionary Review may be filed on an adverse employment action taken by management, which may include but is not limited to the following grounds. Indicate the basis for your Application and review. See Sections 86-1003(b) through 86-1007 of the <u>Dallas County Code</u> for additional information.</i></p> <p><input type="checkbox"/> Improper applications of rules, regulations, and procedures</p> <p><input type="checkbox"/> Unfair treatment, including retaliation</p> <p><input type="checkbox"/> Discrimination based on race, religion, color, creed, gender, age, national origin, disability, sexual orientation or political affiliation (<b>circle specific item grieved</b>)</p> <p><input type="checkbox"/> Improper application of fringe benefits or Improper working conditions (<b>circle specific item grieved</b>)</p> <p><input type="checkbox"/> Other: _____ (explain)</p> <p>(86-1004(b)(1), (3))</p>			
<p><b>B. Explain fully how you have been actually harmed in a tangible way, <i>i.e.</i>, suffered some actual damage(s) (“actual damage” means a loss or injury that has actually occurred):</b></p>			
<p><b>C. Have you appealed the matter through your chain of command in accordance with Dallas County Code 86-1004 to 86-1005? <input type="checkbox"/> Yes <input type="checkbox"/> No. If No, your Application will not be considered. If yes, what was the outcome:</b></p>			
<p><b>D. Attach the following:</b></p> <ul style="list-style-type: none"> <li>• A completed Grievance Form (excluding Section A); and</li> <li>• Any written determination of the Department’s actions received by you on the matter you are attempting to grieve, if applicable (evidencing appeal through chain of command).</li> </ul>			
<p><b><i>Filing Instructions: In order for your Grievance to be given consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or</i></b></p>			

*decision, exclusive of county holidays.*

*You must file the Application for Discretionary Review with your appropriate level of management within the seven (7) calendar days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your Application for Discretionary Review null and void. If you are unsure where to file, please contact Human Resources at (214) 653-7638 or [althea.chaderton@dallascounty.org](mailto:althea.chaderton@dallascounty.org).*

**THE APPLICANT HAS THE BURDEN OF ESTABLISHING JURISDICTION IN HIS/HER APPLICATION SUBMISSION (including attached Grievance Form). See Dallas County Code, 86-1003(a), 86-1004(b).**

*By signing this document, I attest that I have proceeded through the chain of command, the matter was not resolved administratively by the department, and I am grieving a final department action. I also certify that the statements in the Application, and any attached supplement, are true and correct and filed in good faith.*

Employee's Signature

Date::

*For Office Use Only*

Date Rec'd \_\_\_\_\_

Rec'd by \_\_\_\_\_

**Dallas County**

**Formal Grievance Form<sup>2</sup>**



Please type or print clearly using ink. All grievances under the Civil Service System will be resolved as quickly as possible and at the lowest administrative level possible without regard to race, color, religion, sex, national origin, age or disability.

**Human Resources/Civil Service Department**  
**Records Building**  
**500 Elm Street, Suite 4100 (Floor 4R)**  
**Dallas, Texas 75202**  
**(214) 653-7638 (phone)**  
[Althea.chaderton@dallascounty.org](mailto:Althea.chaderton@dallascounty.org)

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<sup>2</sup> For appealing terminations, demotions, suspensions, or decrease in pay, only; however, this form should also be completed and attached with an Application for Discretionary Review.

**Grievant Information**

Name (Last)		First	MI
Department	Job Title		Hire Date: MO DAY YR
Home Address	Work Telephone:	Home Telephone:	
	Cell Telephone (optional):	Email Address:	
Manager/Supervisor's Name		Manager/Supervisor's Telephone Number:	
Next Level Manager/Supervisor's Name		Next Level Manager/Supervisor's Telephone Number:	

**Lawyer or Other Representative Information (if applicable):**

Name:  
 Address:  
 Contact Telephone Number:  
 Email Address:

Name of the individual and/or department against whom the grievance is filed:

**A GRIEVANCE MUST CONTAIN THE INFORMATION IN DALLAS COUNTY CODE, SECTION 86-1004(b). Failure to provide this information may result in your grievance being dismissed for lack of jurisdiction.**

**A. Action challenged:** *A grievance may be filed on one or more of the following grounds. Indicate the basis for your grievance and review Sections 86-1003(a) through 86-1007 of the Dallas County Code for additional information.*

- Termination (86-1003(a)(a));
- Demotion (86-1003(a)(b));
- Suspension (86-1003(a)(c)); or
- Decrease in Pay (86-1003(a)(d)).

(86-1004(b)(1), (3))

**If the grievance does not fall within one of the above, you may file an Application for Discretionary Review for other adverse management action. See Sections 86-1003(b).**

**B. Please provide details on the basis for the grievance. Conclusory allegations without factual support are insufficient and may result in your grievance being dismissed for lack of jurisdiction.**

**(1) Date of Occurrence?** \_\_\_\_\_ *(A grievance must be filed in writing within seven calendar days from its occurrence, or from the date of receipt of written notification of disciplinary action, exclusive of holidays, unless the employee was unable to do so due to an emergency (see Section 86-1007(i)(2), definition of "emergency").*

**(2) Person(s) responsible for action being grieved (identified in Section A)?**

(3) Name(s) of supervisor(s) involved in action grieved?

(4) A brief explanation/description of the incident/action causing the grieved action, including the location of the incident/action and the identity of all persons involved and a brief description of how they were involved?

(5) The factual basis for the grievance, including setting forth in specific detail why the action was not justified or was unfair. If applicable, list the sections and specific provisions or policies alleged to have been violated and attach any relevant documents you have in support of the allegation). Conclusory allegations are insufficient. Attach additional sheets, if necessary.

(86-1004(b)(2), (4))

**C. Remedy Requested.** *What do you want to happen; In your opinion how can the allegations be corrected?*

(86-1004(b)(7))

**D. Witness(es):** *(Identify other individuals who may have witnessed the actions being alleged, including contact information.)*

1.

2.

3.

4.

5.

**Filing Instructions:** *In order for your grievance to be given consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

*You must file the grievance with your appropriate level of management within the seven (7) calendar days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (214) 653-6044 or [Jose.Melendez@dallascounty.org](mailto:Jose.Melendez@dallascounty.org).*

**THE GRIEVANT HAS THE BURDEN OF ESTABLISHING JURISDICTION IN HIS/HER GRIEVANCE FORM SUBMISSION. See Dallas County Code, 86-1003(a), 86-1004(b).**

*By signing this document, I attest that I have proceeded through the chain of command and am grieving a final department action. I also certify that the statements and facts alleged herein, and in any attachment or supplement, which is hereby incorporated by reference, are true and correct and made in good faith.*

Employee's Signature

Date::

Name (Last)	First	Date Rec'd
		Rec'd by

**Notification of Appeal to Next Level of Management**

<input type="checkbox"/> I do not agree with the decision and wish to appeal to the next level  Date appeal was delivered to department:  Name of manager appeal delivered to:	<input type="checkbox"/> I am satisfied with management's decision
--	--

**Reason(s) for appeal and unresolved issue(s) *Attach any supportive documentation you have to support the allegation.***

***Filing Instructions:*** *In order for your appeal to be given further consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

*You must file the appeal with your appropriate level of management within the seven (7) calendars days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (214) 653-7638 or [Jose.Melendez@dallascounty.org](mailto:Jose.Melendez@dallascounty.org).*

***By signing this document, I attest that the statements in the Application, and any attached supplement, are true and correct and filed in good faith.***

Employee's Signature:

Date:

Name (Last)	First	Date Rec'd
		Rec'd by

**Notification of Appeal to Next Level of Management**

<input type="checkbox"/> I do not agree with the decision and wish to appeal to the next level  Date appeal was delivered to department:  Name of manager appeal delivered to:	<input type="checkbox"/> I am satisfied with management's decision
--	--

I request a Civil Service Commission Hearing

**Reason(s) for appeal and unresolved issue(s) *Attach any supportive documentation you have to support the allegation.***

***Filing Instructions:*** *In order for your appeal to be given further consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

*You must file the appeal with your appropriate level of management within the seven (7) calendars days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your Application for Discretionary Review null and void. If you are unsure where to file, please contact Human Resources at (214) 653-7638 or [althea.chaderton@dallascounty.org](mailto:althea.chaderton@dallascounty.org) .*

<p><b><i>By signing this document, I attest that the statements in the Application, and any attached supplement, are true and correct and filed in good faith.</i></b></p> Employee's Signature:	Date:
--	-------

**For Human Resources Use Only**

Application for Discretionary Review No. <input type="checkbox"/> <b>Eligible for Civil Service Commission Hearing</b>	Date Received:
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## ARTICLE IX. EQUAL EMPLOYMENT OPPORTUNITY PLAN\*

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**\*Editor's note:** Ord. No. 2009-0241, adopted Feb. 3, 2009, amended Art. IX in its entirety to read as herein set out. Former Art. IX, §§ 86-1041--86-1055, pertained to Affirmative Action Plan, and derived from Admin. Policy Manual, §§ A(15.00)--(15.34); Ord. No. 2001-1338, adopted July 17, 2001; Ord. No. 2004-1516, adopted Aug. 31, 2004.

**State law references:** Discrimination, V.T.C.A., Civil Practice and Remedies Code § 106.001 et seq.

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### **Sec. 86-1041. Philosophy. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and any other terms or conditions of employment.

(Ord. No. 2009-0241, 2-3-2009)

### **Sec. 86-1042. General policy. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

- (a) To provide an atmosphere of equality of opportunity for all applicants to, and employees of, the county in all phases of employment, activities, including recruitment, hiring, job assignment, supervision, training, upgrading, transfers, compensation, benefits, educational opportunities, recreational activities or facilities, regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation., except where gender may be a bona fide occupational qualification and except where state or federal law may place minimum or maximum age limitations on employees.
- (b) It is the responsibility of all county officials, supervisors and employees to conform to both the letter and spirit of such executive orders as may be legally enforced from time to time and all related civil rights orders and laws. The head of each department will be responsible for developing, coordinating and monitoring the equal employment opportunity programs, including the equal employment opportunity plan for the county. It is the responsibility of each

elected official and department head to provide the supportive personnel functions, including the maintenance of appropriate records required to execute the equal employment opportunity programs.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1043. The equal employment opportunity commission.**

The 1964 Civil Rights Act, as amended, prohibits discrimination in the hiring of employees and in the terms and working conditions of employment. The equal employment opportunity commission has the principal function of receiving and investigating complaints under the Civil Rights Act of 1964, as amended.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1044. County equal employment opportunity plan recruitment. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

- (a) All recruitment practices will be reviewed by the human resources/civil service department to ensure that minorities and women in the county are notified regarding job opportunities and are encouraged to apply.
- (b) Each department head shall communicate periodically to the human resources/civil service department all sources of recruitment, and the human resources/civil service department by letter, will communicate to each source the county's policy on equal employment opportunity. The letter shall follow the general form set out at the end of this section.
- (c) The human resources/civil service department is a clearing house for applicants. The civil service commission is authorized to appoint a director of human resources/civil service for the county to assist in carrying out these duties. The director of human resources/civil service shall be directly responsible and shall answer to the civil service commission.
- (d) In order to ensure that all applicants are given consideration, the director of human resources/civil service will:
  - (1) Advertise in minority news media and thereby notify the minority community that the county is an equal opportunity employer; and
  - (2) Solicit assistance in recruitment from well known and predominantly minority and women's groups.
- (e) Each department head shall notify the human resources/civil service department of all job openings by creating and submitting a vacancy through the iRecruitment system to initiate the recruitment/selection process.
- (f) The program shall ensure that minorities and women are included in all phases of county employment with an absence of discrimination.
- (g) Recruitment shall include only job qualifications. Although the potential employee must be able to do the job today, emphasis shall be placed on the potential of the applicant to fill the position.
- (h) Adequate recruitment and interview records shall be maintained.

- (i) All advertising for job openings in magazines, newspapers or other advertising media shall contain the statement: "an equal opportunity employer."
- (j) Sample letter; recruitment.

TO WHOM IT MAY CONCERN:

The County of Dallas, Texas, has always considered itself an Equal Employment Opportunity employer.

Positions in the county will be filled by qualified individuals without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

It is our understanding that you, as a potential source of recruitment for county employees, will also adhere to this equal employment opportunity when referring applicants to the county.

Sincerely,

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1045. Benefits. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

Benefits will be offered to employees as they qualify, regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1046. Promotional opportunities. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

- (a) All employees are eligible for promotion on an equal opportunity basis.
- (b) Promotions will be based on performance, skill and potential job performance, and shall not be based on race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.
- (c) Each department will develop career ladders, indicating entry levels and positions into which an employee could be promoted, to permit movement of capable lower level employees to higher positions.
- (d) Each department shall make available counseling for career development.
- (e) Promotional opportunities shall be posted on bulletin boards in the department and the human resources/civil service department via the iRecruitment system during periods of recruitment.

- (f) Any employee in a department may apply for a promotional opportunity, and there shall be no restrictions on the opportunity to apply.
- (g) If an employee feels that he cannot apply for a promotion through his supervisor, he may bypass the supervisor and go directly to the head of the department or the elected official responsible for such department for consideration of promotional opportunity.
- (h) Only job qualifications shall be considered in connection with promotional opportunities.
- (i) Employee performance evaluations will be required on all individuals seeking promotion.
- (j) Adequate justification must be given to employees who are passed over for promotion.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1047. Internal dissemination of article.**

Each department head will take steps to ensure compliance with the equal employment opportunity plan, as amended, by disseminating this article to all employees under their supervision in order to ensure that females and minority employees are given opportunities to compete for vacancies and promotions.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1048. Transfers.**

Employees will be considered for other positions within the department or other departments provided they are eligible for transfer. Employees must meet all requirements or meet the minimum requirements specified for the job and have the potential to be trained for the position.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1049. Salary rates. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

Departmental training programs will be carried out to develop the potential of all employees. An inventory of employees attending training programs will be maintained by each department. Opportunity for training shall be without race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1050. Training. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

Departmental training programs will be carried out to develop the potential of all employees. An inventory of employees attending training programs will be maintained by each department. Opportunity for training shall be without race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. (Admin. Policy Manual, § A(15.28))

**Sec. 86-1051. Social and recreational activities. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

Social and recreational activities shall be open to all personnel regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1052. Departmental Meetings.**

- (a) Periodic meetings of department head personnel under each elected official will be held to discuss the equal employment opportunity plan in order to keep supervisory personnel aware of their responsibilities. Minutes of these meetings are to be kept on file by each department head.
- (b) Employees will be made aware of this article during interviews and training sessions.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1053. Goals.**

The goals for the future of the county will be to continue specific training programs and institute other training programs to upgrade, where possible, all employees and to provide a safe, nondiscriminatory working environment. Each department shall make every effort, within county budgetary limits, to eliminate all dead-end jobs if, in fact, any such jobs exist.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1054. Termination of employment. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)**

- (a) Termination of employment shall not be based on race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.
- (b) If an employee is terminated by someone other than the department head or

elected official, the employee shall be entitled to an employment review with the department head, if the employee requests such a review.

(Ord. No. 2009-0241, 2-3-2009)

**Sec. 86-1055. Exit interview process.**

- (a) *Purpose.* The purpose of the exit interview process is to obtain information from departing employees that may be used to improve the county's work procedures, supervisory/management practices, working conditions, and training efforts.
- (b) *Procedure.* All employees leaving the county shall be extended the opportunity to complete an exit interview questionnaire. Whenever an employee submits his/her resignation or is terminated, the following procedures shall be followed.
  - (1) All county departments shall notify the human resources/civil service department via the Notice of Separation (Form 6-5) when an employee ceases employment.
  - (2) An exit interview questionnaire and self-addressed, stamped envelope will be mailed by the human resources/civil service department to the employee's home address.
  - (3) County departments are encouraged to conduct face-to-face exit interviews with their departing employees to also ascertain how the job and work environment might be improved. Basic guidelines governing departmental exit interviews are as follows:
    - a. The department's interview generally should be conducted by the level of supervision above the employee's immediate supervisor and held on the individual's last scheduled work day. The exit interview questionnaire and separation checklist may serve as a basis for the discussion.
    - b. During the course of the exit interview, it shall be the department's responsibility to retrieve county ID cards, access key cards, property and materials.
- (c) *Confidentiality.* To the extent permitted by law, information obtained by the human resources/civil service department from the exit interview questionnaire is confidential. Summary information will be provided to county departments and/or commissioners court upon request.

(Ord. No. 2009-0241, 2-3-2009)

**Secs. 86-1056--86-1080. Reserved.**

## ARTICLE X. SAFETY POLICY

### Sec. 86-1081. Purpose.

The county is committed to protecting the safety and health of its employees. Safety is an integral part of every job in the county and managers are encouraged to include safety as a factor in all job performance evaluations. Safety is a shared responsibility between the elected officials/department heads and employees and to that end, the county has developed general safety guidelines for management and employees.

(Ord. No. 2003-059, § 1.01, 1-14-2003)

### Sec. 86-1082. Responsibilities.

- (a) *Executive safety committee.* The executive safety committee, which consists of elected officials, department heads, and managers, is responsible for reviewing the county's safety program and making recommendations on program improvements. Implementation and administration of the safety program is the responsibility of management (elected officials/department heads and managers).
- (b) *Management.* Management shall:
- (1) Constantly be on the alert to observe and correct all safety deficiencies as soon as possible;
  - (2) Ensure that all employees are properly trained to safely perform their job tasks;
  - (3) Ensure that all employees possess and properly use all appropriate equipment necessary to perform their job tasks;
  - (4) Require their safety officer to contact the county's safety officer in human resources to conduct office safety audits and reviews;
  - (5) Uniformly enforce all safety rules and policies;
  - (6) Counsel employees and take appropriate actions related to any failure to work safely;
  - (7) Recognize employees for working safely;
  - (8) Ensure all occupational injuries and illnesses are reported immediately; and
  - (9) Investigate all accidents and near misses in their area(s), identifying the causes and taking corrective measures to prevent recurrence.

Note: Failure to follow safety or fire protection instructions/regulations and to work safely will be cause for disciplinary action up to and including termination. Each employee has personal responsibility for keeping informed on applicable safety regulations and instructions and for complying with good safety practices.

- (c) *Employees.* Employees shall:
- (1) Abide by all safety rules established by management;

- (2) Immediately report any on-the-job injury to their supervisor, regardless of the severity of the injury;
- (3) Provide timely updates on the status of the injury to their supervisor;
- (4) Provide all requested information to the supervisor and the risk management office, in a timely manner;
- (5) Contact the supervisor at least once a week, or more often if directed by the supervisor, when off work;
- (6) Return to work as soon as released by their treating physician;
- (7) Report any unsafe acts or unsafe conditions observed to their supervisor, so they can take appropriate action. Employees are also to report to their supervisors any non-work injuries or illness that could affect their performance, health or safety on the job; and
- (8) Suspend any operation or deactivate any equipment (except fire protection equipment) in case of imminent danger to life or health of anyone. Suspended operations will not resume until the hazard has been removed or until approval to resume has been given by the department head or his or her designee.

(Ord. No. 2003-059, § 1.02, 1-14-2003)

**Sec. 86-1083. General safety rules.**

- (a) The use of prohibited substances on the job, or reporting to work under the influence of prohibited substances, is strictly prohibited. The county's drug and alcohol policy [article VI, division 4 of this chapter] should be consulted for specific guidelines.
- (b) Protective equipment must be worn, and it must be worn appropriately, such as strapping on air packs during emergency drills, when required for specific jobs. Any deficiency in the required protective equipment must be reported to the supervisor immediately. Examples; workers exposed to flying objects will wear eye protection. Approved safety toe footwear will be worn at all times on jobs requiring them. Hearing protection will be worn during the use of any power equipment.
- (c) Only authorized employees shall operate machinery or equipment. Employees shall not operate a machine unless all guards are in good working order. Questionable equipment should immediately be brought to the supervisor's attention.
- (d) Employees shall not ignore, remove, deface, or destroy any warning signs or interfere with any form of accident prevention device.
- (e) Employees shall be informed and observe safe practices.
- (f) Employees shall not engage in "horseplay".
- (g) Employees shall refrain from smoking in "no smoking" areas.
- (h) Employees shall refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.

(Ord. No. 2003-059, § 1.03, 1-14-2003)

**Sec. 86-1084. Request for assistance.**

Managers and employees who have questions or require information on safety issues in the county should contact the county's safety officer in the human resources/civil service department.

(Ord. No. 2003-059, § 1.04, 1-14-2003)

**Secs. 86-1085--86-1100. Reserved.**

## **ARTICLE XI. AMERICANS WITH DISABILITIES ACT ACCOMMODATION POLICY**

### **Sec. 86-1101. Policy statement.**

It is the policy of the county to comply with all state and federal laws concerning the employment of persons with a disability. To that end, the county will not discriminate against a qualified individual with a disability in regard to recruitment, selection, discharge, assignment, training, promotion, compensation, transfer, benefits, or other terms and conditions of employment. Further, the county is committed to providing reasonable accommodations to its employees and applicants for employment in order to ensure full access to equal employment opportunities. The human resources/civil service department is responsible for the implementation of this policy including the resolution of reasonable accommodation, safety, and undue hardship issues.

(Ord. No. 2004-126, 1-20-2004)

### **Sec. 86-1102. Scope.**

This policy provides procedures to follow when requesting a reasonable accommodation under the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act of 2008.

(Ord. No. 2004-126, 1-20-2004; Ord. No. 2009-0883, 5-12-2009)

### **Sec. 86-1103. Definitions.**

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

*Direct threat to safety* means a significant risk to the health or safety of the disabled person or others that cannot be eliminated by reasonable accommodation. The obligation of the county to accommodate is limited in this situation. However, a medical opinion for the specific individual would be required.

*Disability* should be interpreted broadly and refers to a physical or mental impairment that substantially limits one or more major life activities. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a "disabled individual." Physical or mental impairment does not include impairments that are transitory and minor. Mitigating measures that work to relieve, lessen, or improve an impairment shall not be considered when determining whether an impairment substantially limits a major life activity except for ordinary eyeglasses or contact lenses.

*Essential job functions* mean those job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function can be essential if the position exists specifically to perform that function; there is limited

number of other employees who could perform the function; or the function is specialized and the individual was hired based on the ability to perform it.

*Major life activities* includes, but is not limited to, activities such as caring for oneself; performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity includes the operation of a major bodily function such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, digestive, and reproductive functions. The definition includes any impairment that is episodic or in remission provided it would substantially limit a major life activity when active.

*Mitigating measures* not considered in disability analysis include but is not limited to medications; medical supplies, equipment, or appliances; low-vision devices; prosthetics; hearing aids, cochlear implants; mobility devices, and oxygen therapy equipment or supplies.

*Qualified individual with a disability* means an individual with a disability is qualified if (1) he satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) he can perform the essential functions of the position, with or without reasonable accommodation.

*Reasonable accommodation* means any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to perform the essential functions of the position/job.

*Regarded as having an impairment*, is defined as individuals who have established that they have been subjected to an action prohibited under the Americans with Disabilities Act (e.g. failure to hire, etc.) because of an actual or perceived impairment unless the impairment is transitory and minor. Individuals covered under the Americans with Disabilities Act under the "regarded as" definition are not entitled to reasonable accommodation.

*Transitory impairments* means impairments having an actual or expected duration of less than six months.

*Undue hardship* means any reasonable accommodation action requiring significant difficulty or expense to the county. The county is not required to provide accommodations of this type. However, undue hardship will be determined on a case by case basis. Factors to be considered will include, but not be limited to, the nature and cost of the accommodation; the overall financial resources of the county/department; and the impact of the accommodation on the county/department.

(Ord. No. 2004-126, 1-20-2004; Ord. No. 2009-0883, 5-12-2009)

#### **Sec. 86-1104. Procedure to request reasonable accommodation.**

Any employee may request an accommodation by contacting the immediate supervisor. Any applicant for employment may request reasonable accommodation by contacting the employment specialist in the human resources/civil service department. Accommodation requests shall be handled as follows:

- (1) *Reasonable accommodation form.*
  - a. The applicable department shall provide persons requesting accommodation with a reasonable accommodation request form. The requestor must complete the form in full and submit it to the immediate supervisor.
  - b. The accommodation request form shall include the name, address, and telephone number of the requestor. It must also include the specific limitations and the type of accommodation requested with a detailed explanation of how the accommodation will allow the person to perform the essential duties of the job.
- (2) *Determination of disability.*
  - a. When a disability or need for a reasonable accommodation is not otherwise obvious, the county shall require the employee or applicant to provide reasonable documentation about the disability and his/her functional limitations. Documentation shall not be required when a disability is already known or obvious to the person who received the request for accommodation. An authorization of release of medical information to the human resources/civil service department and/or employee health center physician will be necessary to determine disability status. The authorization of release of medical information form must be completed by the employee and submitted along with the request for reasonable accommodation to the immediate supervisor.
  - b. The civil section of the district attorney's office may be contacted to assist in determining disability status, if appropriate.
- (3) *Interactive process.* Once an employee has requested an accommodation and medical documentation has been received, if applicable, all parties (employee, supervisor, and human resources/civil service representative) shall begin an interactive process to determine what, if any, accommodation(s) should be provided. This process shall include the following steps:
  - a. Review the particular position/job involved and determine its purpose and its essential functions.
  - b. Consult with the employee with the disability to find out his/her specific physical or mental abilities and limitations as they relate to the essential job functions. Identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
  - c. In consultation with the employee, identify potential accommodations and assess how effective each would be in enabling the employee to perform essential job functions. If an appropriate accommodation is not identified, the human resources representative may contact outside technical resources for further assistance.
  - d. Select the accommodation that best meets the need of the

employee and the department/county. If there are several effective accommodations that would effectively assist the employee, consider the employee's preference.

- (4) *Providing the accommodation.* An accommodation can be provided by the department where no supporting medical information is required, where the department has the necessary funds, or where otherwise feasible. The human resources/civil service department shall brief the commissioners court for approval for accommodations that cannot be provided by the department budget.
- (5) *Denial of accommodation.* An accommodation may not be possible if there is an undue hardship for the county/department or the requested accommodation would pose a direct threat to the health and safety of the individual or others in the workplace. If an accommodation is not possible, the employee who is denied the accommodation must be informed of the reasons for denial. Additionally, category C and D (see section 86-1, definitions) employees may appeal the denial of accommodation via the grievance system procedures. Reasons for denial may include but not be limited to the following:
  - a. Requested accommodation would require removal of an essential job function.
  - b. Medical documentation is inadequate to establish the employee has a disability or needs a reasonable accommodation.
  - c. Providing the requested accommodation would result in an undue hardship.
  - d. The requested accommodation would not be effective and would require a lowering of a performance standard.
  - e. Requested accommodation would be cost prohibited.

(Ord. No. 2004-126, 1-20-2004; Ord. No. 2009-0883, 5-12-2009)

**Sec. 86-1105. Confidentiality.**

Medical information obtained as part of an accommodation request is considered strictly confidential and will be shared with supervisors and managers only on a need to know basis. All related information shall be filed in a separate file.

(Ord. No. 2004-126, 1-20-2004)

**Sec. 86-1106. Questions in regard to policy.**

For any questions regarding this policy, contact the human resources/civil service department at (214) 653-7638.

(Ord. No. 2004-126, 1-20-2004)

**GRAPHIC LINK: ADA ACCOMMODATION REQUEST FORM**  
**GRAPHIC LINK: ADA ACCOMMODATION POLICY--AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION**

## **ARTICLE XII. RELIGIOUS ACCOMMODATION POLICY**

### **Sec. 86-1107. Policy statement.**

Dallas County is committed to diversity and equal opportunity in employment. This commitment includes embracing religious diversity. Dallas County prohibits discrimination against employees and applicants for employment based on religious beliefs, practices, and affiliations. In addition, Dallas County provides accommodation for an individual's sincerely held bona fide religious beliefs and practices unless providing an accommodation would result in undue hardship to Dallas County. The Human Resources/Civil Service Department is responsible for the implementation of this policy, including the resolution of reasonable accommodation and undue hardship issues.

### **Sec. 86-1108. Definitions.**

*Reasonable* refers to an accommodation that does not create an undue hardship to Dallas County.

*Accommodation* is a modification or adjustment to the work environment or the application process that allows an applicant for employment or an employee to practice his or her religious beliefs.

*Bona fide religious belief or practice* is a belief, practice, or observance, including moral or ethical beliefs as to what is right and wrong, that is sincerely held with the strength of traditional religious views.

*Undue hardship* means more than a minimal cost or burden on Dallas County.

### **Sec. 86-1109. Procedure to request a religious accommodation.**

Any employee or applicant for employment may request a religious accommodation by contacting Human Resources at [EmployeeRelations-HR@dallascounty.org](mailto:EmployeeRelations-HR@dallascounty.org).

Requests for religious accommodations will be considered based on the totality of the circumstances. The individual requesting the accommodation must participate in and cooperate in the process.

### **Sec. 86-1110. Confidentiality.**

The confidentiality of a religious accommodation request and all documents, correspondence, interviews, and discussions relating to the request will be maintained on a need-to-know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information under this policy is subject to disciplinary action.

### **Sec. 86-1111. Questions regarding policy.**

For any questions regarding this policy, contact the Human Resources/Civil Service Department at 214-653-7638 or [EmployeeRelations-HR@dallascounty.org](mailto:EmployeeRelations-HR@dallascounty.org).

## **ARTICLE XIII. PREGNANT WORKERS FAIRNESS ACT (PWFA) ACCOMMODATION POLICY**

### **Sec. 86-1112. Policy statement.**

Dallas County is committed to diversity and equal opportunity in employment. This commitment includes protecting the rights of pregnant employees. Dallas County prohibits discrimination against employees and applicants for employment based on pregnancy or a condition related to the employee's pregnancy, including but not limited to, lactation or the need to express breast milk for a nursing child and a right not to be retaliated against for exercising rights under the PWFA. In addition, Dallas County provides accommodation without regard to disability status for an employee's pregnancy or any condition related to the employee's pregnancy unless providing an accommodation would result in undue hardship to Dallas County. The Human Resources/Civil Service Department implements this policy, including resolving reasonable accommodation and undue hardship issues.

### **Sec. 86-1113. Definitions.**

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

*Reasonable accommodation* is a change to existing facilities or job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of necessary aids, and other similar accommodations that do not create undue hardship for Dallas County.

*Undue hardship* is a significant difficulty or expense for Dallas County.

*Interactive process* refers to a discussion between the employee and Dallas County about accommodations.

### **Sec. 86-1114. Reasonable Accommodations.**

Dallas County will provide accommodations for an employee's physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, even if the employee is not experiencing a pregnancy-related disability. Reasonable accommodations may include, but are not limited to:

- Ability to sit or to drink water;
- Closer parking;
- Flexible hours;
- Appropriately sized uniforms and safety apparel;
- Additional break time to use the bathroom, eat, and rest;
- Leave to recover from childbirth, with or without pay;
- Excusal from strenuous activities or activities that involve exposure to compounds not safe for pregnancy;

- Modification of equipment or seating;
- Temporary transfer to a less strenuous or hazardous position, including light duty;
- Job restructuring; and
- Assistance with manual labor.

**Sec 86-1115. Other Protections for Pregnant Employees.**

The accommodations available under this policy are in addition to all other protections, accommodations, and rights available to employees under Dallas County’s FMLA, disability accommodation, lactation, and equal employment opportunity policies. Nothing in this policy precludes pregnant employees from accessing benefits and protections available under other county policies in addition to a reasonable accommodation under this policy.

**Sec 86-1116. Prohibitions for Supervisors.**

1. Supervisory employees may not require a pregnant employee to take leave if another reasonable accommodation that facilitates continued work can be provided.
2. Supervisory employees may not fail to make a reasonable accommodation unless the accommodation would impose an undue hardship on the county’s operations.
3. Supervisory employees may not require an employee to accept an accommodation other than a reasonable accommodation arrived at through the interactive process.
4. Supervisory employees may not deny employment opportunities to an employee if the denial is based on the county’s need to make reasonable accommodations.
5. Supervisory employees may not take adverse action in terms, conditions, or privileges of employment because the employee requested or used a reasonable accommodation.
6. Supervisory employees may not retaliate against an employee who has filed a complaint regarding the county’s alleged failure to comply with Article XIII.

**Sec 86-1117. Procedure to Request PWFA Accommodation.**

Any employee may request PWFA accommodation by contacting the third-party administrator (Sedgwick). Sedgwick can be contacted at 1-888-436-9530 or at <https://timeoff.yorkrisk.com>. An employee must cooperate fully in the process and work with the employee’s medical provider to provide Sedgwick with all required documentation.

**Sec 86-1118. Temporary Elimination of Essential Job Functions**

Dallas County will accommodate a pregnant employee even if the employee cannot perform the essential functions of the position so long as:

1. any inability to perform an essential function is for a temporary period;

2. the essential function could be performed in the near future; and
3. the inability to perform the essential function can be reasonably accommodated.

**Sec. 86-1119. Procedure to Request PWFA Accommodation.**

Any employee or applicant for employment may request a PWFA accommodation by completing the request form located on the Dallas County website under benefits or contacting Human Resources at [PWFA@dallascounty.org](mailto:PWFA@dallascounty.org).

Requests for PWFA accommodations will be considered based on the totality of the circumstances. The individual requesting the accommodation must participate and cooperate in the process.

**Sec. 86-1120. Confidentiality.**

The confidentiality of a PWFA accommodation request and all documents, correspondence, interviews, and discussions relating to the request will be maintained on a need-to-know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information under this policy is subject to disciplinary action.

**Sec. 86-1121. Complaints regarding policy.**

Complaints about suspected violations of this policy should be sent to Dallas County Human Resources Employee Relations/Civil Service by emailing [EmployeeRelations-HR@dallascounty.org](mailto:EmployeeRelations-HR@dallascounty.org) or by calling 214-653-7638.

**Sec. 86-1122. Questions regarding policy.**

For any questions regarding this policy, contact Dallas County Human Resources at 214-653-7638 or [PWFA@dallascounty.org](mailto:PWFA@dallascounty.org).

(Ord. No. 2023-0774, 06-20-2023)