



Dallas County
BRIEFING / COURT ORDER
Commissioners Court - Sep 01 2020

- Resolution
- Solicitation/Contract
- Executive Session
- Addendum

Policy Revision – Employee Investigations Section 86-984 (B)

Briefing Date: Sep 1 2020
Funding Source:
Originating Department: Human Resources
Prepared by: Jose Melendez,
Recommended by: Robert B. Wilson, Director of Human Resources

BACKGROUND INFORMATION:

In its continuing efforts to update and clarify the Dallas County Code, the Human Resources/Civil Service Department submits the attached minor revision with ~~striketrough~~ and underline to Sec. 86-984 Employee Investigations I. Administrative (B) (see attached policy).

OPERATIONAL IMPACT:

The amended policy will provide clarification to current policy and practices.

LEGAL IMPACT:

The Civil Division of the District Attorney's Office has reviewed the revision to this policy.

ADMINISTRATIVE PLAN COMPLIANCE:

Recommendation supports Dallas County's Vision under the Administrative Plan of becoming operationally a model governmental entity by supporting Objective 6: Update, Improve, Maintain, and Make Readily Available Online Collection of All County Policies.

RECOMMENDATION:

The Human Resources/Civil Service Department recommends Commissioners Court *approve the* attached revised policy Sec. 86-984 Employee Investigations I. Administrative (B) with a minor revision for immediate inclusion into the Dallas County Code.

MOTION:

On a motion made by TBD, and seconded by TBD, the following order will be voted on by the Commissioners Court of Dallas County, State of Texas:

Be it resolved and ordered that the Dallas County Commissioners Court does hereby

approve the Human Resources/Civil Service Department's recommendation to Commissioners Court to revise policy Sec. 86-984 Employee Investigations I. Administrative (B) with a minor revision and for immediate inclusion into the Dallas County Code.

ATTACHMENTS:

[Sec 86-984 B Employee Investigations Policy Revision Attachment A](#)

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).

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 these guidelines have been met, and~~ 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 commissioner's court through the director of human resources or This request must be submitted immediately upon making the decision to remove the employee from the workplace. 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/employeeerelations.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.