

ORDINANCE NO. 2017-O-020

AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (DEPARTMENTS, OFFICERS, AND EMPLOYEES), DIVISION 5 (CIVIL SERVICE) BY ADDING AND REMOVING LANGUAGE TO THE MUNICIPAL CIVIL SERVICE RULES AND REGULATIONS FOR CITY EMPLOYEES NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT; AS RECOMMENDED BY THE MUNICIPAL CIVIL SERVICE COMMISSION FOR IMPROVEMENTS ON THE EXISTING DISCIPLINARY PROCEDURES AND APPEAL AND GRIEVANCE PROCESS FOR CLASSIFIED CITY EMPLOYEES; REPEALING CONFLICTING ORDINANCES PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipal Civil Service Commission is given the authority under § 3, 2-16-10 of Ordinance 2010-O-017 to recommend amendments of the Civil Service Rules to the City Council as the approving authority; and,

WHEREAS, the Municipal Civil Service Commission, after public hearing, presented their recommended changes to City Council; and,

WHEREAS, both the Civil Service Commission and the City Council have determined that language throughout the Civil Service Rules should be amended and deleted to improve and facilitate the employee discipline, appeal and grievance process.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. Article II, Division 5, Chapter 2 of the Laredo Code of Ordinances is hereby amended and shall read as follows:

DIVISION 5. MUNICIPAL CIVIL SERVICE COMMISSION

Sec. 2-87. - Purpose.

There is hereby established for the city a classified civil service system which provides that appointments and promotions of city employees be based on competency and merit; and that suspensions, demotions, and discharges be for just cause, and not for any other consideration.

Sec. 2-87.1. - Creation of Commission.

- (a) There is hereby established a Municipal Civil Service Commission ~~commission~~, which shall consist of eleven (11) ~~fourteen (14)~~ members. Members of the commission must be appointed by the city council, nine (9) members (one (1) nominated by each council member and mayor) and two (2) ~~five (5)~~ members nominated by city

employees and may be confirmed for appointment by city council. The term of office of each member of such commission shall be for ~~four (4) years for the members appointed from the city employee nominees and~~ two (2) years for the members appointed from the city council nominees or until a successor is appointed. No member shall serve more than a cumulative total period of eight (8) years. Any vacancies in such commission caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner above specified for the unexpired term of the retiring member or of the city council appointee failing to qualify; however, for city employee's nominated members, candidates for vacancies shall remain vacant until the next employee election process (conducted every 2 years). ~~to be filled shall be obtained from the list of alternates composed of the next five (5) nominees in order of votes received. If there are no alternates available, then the employee liaison committee shall be responsible for replacing any employee nominated commissioner that is unable to continue serving due to death, resignation or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment. The employee liaison committee may only replace employee nominated commissioners who have been confirmed by city council.~~

- (b) The city secretary shall be responsible to conduct the election of nominees by city employees every two (2) ~~four (4)~~ years. No person may be a candidate unless nominated by a petition signed by a minimum of five (5) ~~ten (10)~~ city employees (that fall under the Municipal Civil Service) filed with the city secretary within the forty-five-day period prior to the date of close of candidate nominations, together with the candidate's verified application. A classified City employee may sign more than one (1) petition to nominate an employee nominated commissioner. A list of city employees shall be produced and maintained by the city secretary fifteen (15) days before the first day of the nominations period. Sample ballots will be made available fifteen (15) days prior to the first date of elections which shall be for five (5) consecutive work days, the last day for employees previously unable to vote. Ballots will contain all petitioned nominees. Ballots will be numbered based on the employee's number and will not be require an employee's signature. Employees may sign only one (1) candidate's petition and will be allowed one (1) hour to vote during work hours. The two (2) nominees with the most votes will be recommended for City Council confirmed appointment. Final resolution of any election disputes shall be decided by ~~the employee liaison committee~~ City Secretary's Office as pursuant to the Texas Election Code.
- ~~(c) Where employees' elections fail to yield a sufficient number of candidates, then, the following procedure must be followed:~~
- ~~(1) In any event, where employees' efforts to obtain employee nomination by petition yields less than five (5) candidates for services as members of the commission, the civil service commission may proceed with the proper conduct of its business with a separate trial board composed in accordance with section 2(1), infra, except where the employee election process results in two (2) or less employee nominee commissioners confirmed by city council, then both or one (1) of those must serve on the separate trial board at its every meeting so as to ensure that an employee nominated commissioner participate at every meeting of the separate trial board. In the event that either or both of such employee nominated commissioners fail to participate in a meeting of the separate trial board, the separate trial board may nevertheless proceed with the conduct of its business provided there is quorum.~~

- (cd) Where employee efforts to obtain employee nominees by petition yields two (2) ~~five (5)~~ or less candidates for services as members of the commission, the necessity of an election shall be dispensed with and such candidates shall be forwarded to city council as nominees who may be confirmed for appointment by city council for service on the commission.
- (de) A member of the commission may be removed by the city council only for cause and after being given a written statement of the charges against him or her and a public hearing thereon, if he or she requests. A certified copy of the charges and a transcript of record of such public hearing shall be filed with the city secretary.
- (ef) No member of the commission shall during his or her tenure be a candidate for or hold any city office or position, and no member of the commission shall during his or her tenure hold any other public office, except notary public.
- (fg) For the purpose of hearing any covered employee's grievance or appeal, five (5) commissioner members shall constitute a quorum ~~a separate trial board is hereby created which shall be composed of three (3) members appointed from the city council nominees and two (2) members appointed from the city employees' nominees selected on a random basis to hear each grievance or appeal separately.~~
- (h) ~~Reserved.~~
- (i) ~~Reserved.~~
- (gj) Any prior ordinances in conflict with provisions of this civil service ordinance are repealed.

Sec. 2-87.2. - Rules and powers of commission.

- (a) The Municipal Civil Service Commission ~~civil Service service Commission commission~~ shall adopt rules and regulations for the proper conduct of its business ~~after consideration of a recommended draft rules and regulations submitted to it by the civil service ad hoc committee,~~ after public hearing and subject to approval of the city council; however, no rules or regulations shall ever be adopted which permit the appointment or employment of persons without good character or who are unfit and incompetent to discharge the duties thereof. The commission rules shall define just cause grounds for disciplinary actions, including removal, suspension, demotion and reduction in pay, and provide for progressive discipline where appropriate (from a written reprimand to termination); provided that no rule or regulation shall prohibit the discharge, suspension or demotion of any appointee or employee for want of fitness, lack of moral character, incompetence, or the failure or refusal to properly discharge the duties of his or her appointment or employment.
- (b) The commission shall further have the power and be required to:
- (1) Hear appeals in the case of any employee ~~or other person~~ in the classified civil service who has been subjected to any disciplinary action, including but not limited to termination, suspension or reduction in class or pay; and to hear any grievance of any employee ~~or other person~~ in the classified civil service system concerning matters over which it has jurisdiction, if not satisfactorily resolved after review by the employee's immediate supervisor and department director, under this division and/or the rules and regulations implementing this division, concerning wages, hours of employment, or

~~work conditions~~ employment practice and shall report in writing to the City ~~city~~ Manager ~~manager~~ its findings, conclusions, and recommendations their final decision.

- (2) Make any investigation into matters over which the Commission has jurisdiction ~~which it may consider desirable~~ or which may be required by the Council ~~council~~ or City ~~city~~ Manager ~~manager~~ to make concerning the administration of personnel in the municipal service, and to report to the Council ~~council~~ and City ~~city~~ Manager ~~manager~~ its findings, conclusions and recommendations ~~their final decision~~;
- (3) Perform the services hereafter provided with respect to the Municipal Civil ~~civil~~ Service ~~service~~ rules;
- (4) Perform such other duties with reference to personnel administration, not inconsistent with the City Charter and Code of Ordinances, as the City ~~city~~ Council ~~council~~ may require.

Sec. 2-87.3. - Classification system.

- (a) The commission may investigate and shall recommend amendments to the city's classification plan to the City ~~city~~ Manager ~~manager~~ for presentation and approval by the City ~~city~~ Council ~~council~~.
- (b) All employees below Department ~~department~~ Director ~~director~~ (~~excluding the city manager, deputy city manager, assistant city managers, and department directors as per attached December 3, 2007, organizational chart hereto as exhibit "A" and incorporated herein by reference~~) are eligible for classification under the civil service system created by Ordinance ~~unless prohibited by other laws or by this division~~ unless an employee is placed by operation of the general laws of the state in a different civil service system or unless an employee is excepted from eligibility to the civil service system by or pursuant to the provisions of this section. The following described categories of employees are ~~excepted~~ exempt from the eligibility to civil service classification:
 - (1) ~~Appointive~~ Appointed officials, that is, those employees and officials who are required or authorized to be appointed by the mayor and City ~~city~~ Council ~~council~~ and/or the City ~~city~~ Manager ~~manager~~ or whose appointment is subject to the confirmation of the City ~~city~~ Council ~~council~~ including, but not limited to, the City ~~city~~ Manager ~~manager~~ and all of the department heads of the various city departments.
 - (2) Temporary employees, that is, those employees who are retained for seasonal work, work of fixed duration or other work which does not have a reasonable expectancy to continue indefinitely, provided that this employment lasts for a period less than one (1) year;
- (c) The rules and regulations of the commission shall also make provision for open and free written, verbal, skill or other examination appropriate to determine fitness in regard to classified services, for a probationary period of not more than twelve (12) months which appointees shall serve before they receive classified status and for promotion on the basis of merit, experience and record.
- (d) All eligible persons employed by the city at the time of the adoption of this provision who have served continuously in their respective offices or employment for twelve (12) months

prior to the establishment of the civil service system shall immediately receive civil service classification.

- (e) The ~~City~~ City Council ~~council~~ may by ordinance, recommended by either the ~~civil service ad hoc committee~~ Municipal Civil Service Commission or the standing committee on civil service, confer upon the commission such further and additional rights and duties as may be deemed necessary to enforce and carry out the principles of this section.
- (f) Employees subject to the protections of the classified civil service under this article shall be ~~excepted~~ exempted from the existing city ordinance providing for appeals and grievances after the effective date of this article.

Sec. 2-87.4. - Continuation in effect of other rules and regulations.

All employees, officers and appointees not covered under the civil service provisions of the City Charter shall remain subject to all other existing provisions as to appointment, removal, salary, services and duties, unless amended by this or some other subsequent ordinance or Charter amendment.

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

Section 5. This Ordinance shall become effective from and after its adoption and publication required by the City Charter and by state law.

PASSED BY THE CITY COUNCIL AND APPROVED BY MAYOR ON THIS
THE 10 DAY OF February, 2017.



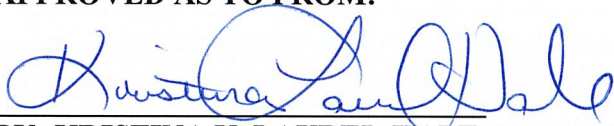
Pete Saenz
Mayor

ATTEST:



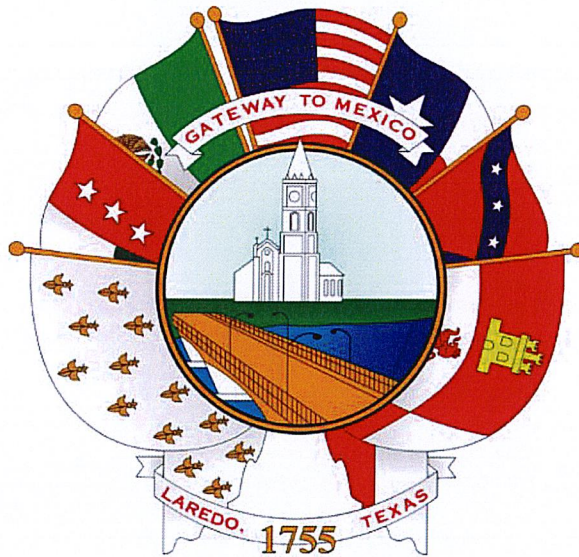
**Heberto "Beto" Ramirez
ACTING CITY SECRETARY**

APPROVED AS TO FROM:



**BY: KRISTINA K. LAUREL-HALE
INTERM CITY ATTORNEY**





MUNICIPAL CIVIL SERVICE RULES AND REGULATIONS OF THE CITY OF LAREDO

Adopted on 12/2/2013
Amended: 02-06-17 (2017-O-020)

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PREFACE

The purpose of these rules is to set forth principles and procedures that are to be followed by City Administration in its personnel program.

These rules and all amendments hereto, shall have the force and effect of the law in all City Departments. All employees, with the exception of uniformed Fire and Police personnel, shall abide by the rules set forth, and employees shall be accorded all rights, protections, and benefits contained in these rules except in those instances where contracts, the City Charter, or other legal exceptions prohibit or limit participation.

These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever they are necessary to ensure effective administration of the Civil Service Ordinance.

The City of Laredo will maintain an Equal Employment Opportunity Program in accordance with its policy of equal employment opportunity and will extend fair and impartial treatment to all its employees. No employee will be discriminated against in any way by the City because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

RULE I GENERAL PROVISION

Section 1.1 Purpose

It is the purpose of these rules to give effect to the purpose and requirement of Ordinance 2010-O-17, Ordinance 2011-O-095, and Section 12.03 of the Charter of the City of Laredo, as amended, by establishing procedures for handling personnel actions.

Section 1.2 Positions Covered By Rules

These rules shall apply to all employees as stated in the City Classified Service, except as otherwise stated in a collective bargaining agreement or when prohibited by other law. ~~All Civil Service applicants will be subject to the application, examination for a position in the Classified Civil Service for Non-Uniformed City Employees as set out in Exhibit A and B of these Rules.~~

Section 1.3 Amendment of Rules

These rules may be amended, repealed, or supplemented by the Municipal Civil Service Commission, (hereafter referred as ~~Civil Service Commission~~ or Commission) at any time, and new rules may be adopted. The Commission, after public hearing, shall take action on the proposed changes or new rules and such changes or new rules may be adopted by a majority vote. All rules and amendments shall become effective ten (10) working days following approval by the Laredo City Council.

Section 1.4 Approval Required

Every change in the rules adopted by the Commission shall be submitted to the City Council for approval. No change in these rules will become valid unless the approval of the City Council has been obtained.

RULE II CIVIL SERVICE COMMISSION

Section 2.1 Members of Commission

The Municipal Civil Service Commission shall consist of ~~eleven (11) fourteen (14)~~ members. Members of the Commission must be appointed by the City Council, nine (9) members (one nominated by each Council Member and Mayor) and ~~five (5) two (2)~~ members nominated by City employees and may be confirmed for appointment by City Council. The term of office of each member of such Commission shall be for ~~four (4) two (2)~~ years ~~for the members appointed from the City employee nominees and two (2) years for the members appointed from the City Council nominees~~ or until a successor is appointed. No member shall serve more than a cumulative total period of 8 years; five (5) Commission members shall constitute a quorum for Commissioner meetings and/or hearings. ~~Panels of five (5) Civil Service Commissioners will constitute a Trial Board.~~

Section 2.2 Powers of Commission

- A.** Hear appeals in the case of any employee ~~or other person~~ in the classified civil service who has been subjected to any disciplinary action, including but not limited to termination, suspension, or reduction in class or pay; and to hear ~~any grievances of any employee or other person~~ in the classified civil service system concerning matters over which it has jurisdiction, if not satisfactorily resolved after review by the employee's immediate supervisor and Department Director, under this Ordinance and/or the Rules and Regulations implementing this Ordinance, concerning wages, hours of employment, or work conditions, whose decision on these matters shall be final.
- B.** Make any investigation into matters over which the Commission has jurisdiction ~~which it may consider desirable~~ or which may be required by the Council or City Manager to make concerning the administration of personnel in the municipal service, and to report to the Council and City Manager their final decisions.
- C.** Perform the services hereafter provided with respect to the municipal civil service rules.
- D.** Perform such other duties with reference to personnel administration, not inconsistent with the City Charter and Code of Ordinances, as the City Council may require.
- E.** In order for the ~~Civil Service~~ Commission to conduct full and fair hearings and investigations on matters pertinent to its mandate, no person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any employee, whether in the classified civil service or not, who (a) has taken steps to file or has filed an appeal or grievance under these rules; (b) supported or assisted with the filing or with the preparation of an appeal or grievance under these rules; (c) testifies or intends to testify for an employee on an appeal or grievance to be heard by the Commission or in an investigative hearing before the Commission.

Section 2.3 Meetings of Commission

The Commission shall meet on a regular basis as established by the Commission and at such other times as shall be necessary to conduct the Commission's business. Meetings are open to the public and are subject to the provisions of the Texas Open Meetings Act. The Commission shall appoint a Chair to preside over the meetings and a Secretary to keep minutes and records of the meetings.

The Human Resources Director and his/her staff will maintain records of all City employees holding classified positions including the following information: name, job title, slot number, budgeted salary, actual salary, hire date, personnel or disciplinary actions, records of appeals/grievances, and documentation regarding education, training and experience.

The Human Resources Director and his/her staff may draft forms, for consideration and adoption by the Commission, including but not limited to forms that may be used for (a) filing an appeal; (b) filing a grievance; Such forms shall be provided to an employee upon request, free of charge.

The ~~Civil Service~~ Commission may draft a guide for handy reference, in both English and Spanish, of the appeal and grievance process.

**RULE III
CLASSIFICATION SYSTEM**

Section 3.1 Classified Employees

All employees below Department Director ~~excluding the City Manager, Deputy City Manager, Assistant City Managers, and Department Directors as per Exhibit A in Ordinance 2010-0-017, and as may be subsequently amended,~~ are eligible for classification under the civil service system unless prohibited by other law or an employee is placed by operation of the general laws of the State in a different civil service system. All eligible persons employed by the City at the time of the adoption of this provision who have served continuously in their respective offices or employment for twelve (12) months prior to the establishment of the civil service system shall immediately receive civil service classification. Also, an employee who is on probation at the time of the adoption of this provision, will enter into the Classified Civil Service after completing the balance of his/her probationary period as of that date. That employee does not begin a new 12 month probationary period before it may enter into the Classified Civil Service.

The following described categories of employees are exempt ~~excepted~~ from the eligibility to civil service classification:

- A. Appointed ~~Appointive~~ officials, that is, those employees and officials who are required or authorized to be appointed by the Mayor and City Council and/or the City Manager or whose appointment is subject to the confirmation of the City Council including, but not limited to, the City Manager and all of the department heads of the various city departments.
- B. Temporary employees, that is, those employees who are retained for seasonal work, work of fixed duration or other work which does not have a reasonable expectancy to continue indefinitely, provided that this employment lasts for a period less than one year.
- C. The City Council may by ordinance, recommended by either the Civil Service Ad Hoc Committee or the standing committee on civil service, confer upon the commission such further and additional rights and duties as may be deemed necessary to enforce and carry out the principles of this section.

**RULE IV
PROBATIONARY PERIOD**

All new employees are placed on probationary status for twelve (12) months. During the probationary period, the employee serves on an "at-will" basis and may be terminated at any time for any reason that is not unlawful. Termination of employment during the probationary period cannot be the basis for a grievance or an appeal of any sort. An employee who is promoted during the probationary period is continued on probation for the remainder of the twelve-month period. The probationary period is not restarted by virtue of the promotion.

RULE V
REASSIGNMENTS, DEMOTIONS, LATERAL TRANSFERS AND REASSIGNMENTS
REINSTATEMENTS

Section 5.1 Reassignments and Demotions

A reassignment is an assignment of an eligible employee to perform the duties of another position. ~~A demotion is the movement of an employee from his/her present position to one with a lower grade and/or rate of pay. Reassignments are grievable. A demotion may be made for the purpose of voluntary assumption of a less responsible position, as a disciplinary measure or because of unsatisfactory performance in a higher position, or as a result of elimination of a higher position. An employee who is demoted will be placed in an appropriate slot with a salary within the budgeted amount for that slot. An employee may not be demoted as a disciplinary measure unless the progressive disciplinary procedures outlined in these rules are followed. A demotion is appealable if it is undertaken as a disciplinary matter; otherwise it is grievable.~~

Section 5.2 Demotions

A demotion is the movement of an employee from his/her present position to one with a lower grade and/or rate of pay. A demotion may be made for the purpose of voluntary assumption of a less responsible position, as a disciplinary measure or because of unsatisfactory performance in a higher position, or as a result of elimination of a higher position. An employee who is demoted will be placed in an appropriate slot with a salary within the budgeted amount for that slot. An employee may not be demoted as a disciplinary measure unless the progressive disciplinary procedures outlined in these rules are followed. A demotion is appealable if it is undertaken as a disciplinary matter and/or employee's salary is reduced; otherwise it is grievable.

Section 5.3 Lateral Transfers

An employee who is transferred to a generally equivalent position with a similar rate of pay will have the same evaluation period. Lateral transfers are grievable.

Section 5.4 Reinstatements

Is a re-employment of an employee who voluntarily or involuntarily left his/her employment; the rescission or reversal of the termination of a classified employee by order of the Municipal Civil Service Commission or of a district court as the result of an appeal filed by the employee with the Municipal Civil Service Commission; or the reinstatement of an employee by court judgment/order or settlement agreement of a claim, with or without litigation, for unlawful termination under a federal, state or Texas common law other than by decision and order of the Municipal Civil Service Commission.

**RULE VI
REINSTATEMENTS**

Section 6.1 Definition

- ~~A. The re-employment of an employee who voluntarily or involuntarily left his/her employment;
or~~
- ~~B. The rescission or reversal of the termination of a classified employee by order of the Civil Service Commission or of a district court as the result of an appeal filed by the employee with the Civil Service Commission.~~
- ~~C. The reinstatement of an employee by court judgment/order or settlement agreement of a claim, with or without litigation, for unlawful termination under a federal, state or Texas common law other than by decision and order of the Civil Service Commission.~~

**RULE VI
DISCIPLINARY ACTION**

Disciplinary action may be taken against an employee in the classified civil service only for "just cause." The following acts or omissions may constitute valid grounds for disciplinary action.

Section 6.1 Offenses related to Leave

- A. Tardiness or unexcused absences.
- B. Misuse of leave.
- C. Has made a false statement in order to obtain leave.
- D. Has been classified as absent without leave (AWOL), or has failed to call or notify his/her supervisor when unable to report for duty unless such failure to call or report is due to no fault of the employee, or has failed to report upon expiration or revocation of leave or when reason for leave has ended.
- E. Falsification of time sheets or payroll records.
- F. Knowingly accepting wages for time not actually worked.
- G. Falsification of documents that reflect travel expenses and/or request for reimbursement.
- H. Clocking in or out for another employee.
- I. Arranging for someone to clock in or out for an employee.
- J. No offense under Section 6.1, A or B may constitute grounds for the disciplinary action unless the offense charged is based on standard, objective criteria that is uniformly applied to all employees within the same department and the employees are informed of that standard before it may be enforced against an employee.

Section 6.2 Offenses related to Job Performance

- A. Insubordination – unwillingness or refusal to follow the reasonable, job-related orders of a supervisor or higher level of authority.
- B. Failure, without good cause, to perform job duties.
- C. Failure, without good cause, to meet productivity goals or needs of the department when based on standard, clearly set goals and needs communicated to the employee and that are uniformly established for similarly situated employees.
- D. Poor job performance based on standard, clear, and objective criteria uniformly applied in evaluating the job performance of similarly situated employees.
- E. Dishonesty – behavior characterized by a lack of truth, honesty, or trustworthiness.

Section 6.3 Offenses related to Job Qualifications

- A. Fraud or intentional misrepresentation regarding qualifications or references during the selection process discovered after employment.
- B. Failure, without good cause, to obtain and/or maintain any position qualifications, license or certifications required by the employee's position description.
- C. Failure, without good cause, to submit requested documentation to the Human Resources Department-Employee Health and Wellness division concerning a medical condition of the employee which may present a contradiction to continued employment.

Section 6.4 Misconduct in the Workplace

- A. Violation of well-known and/or well-established job safety rules or regulations.
- B. Fighting or otherwise disrupting relations between employees, except in self-defense or in defense of another employee or to end a physical encounter or avoid the escalation of a physical encounter.
- C. Endangering the safety of others through negligent or willful acts including, but not limited to misuse of City motor vehicles, etc.
- D. Sabotage.
- E. Bullying and/or physical or verbal abuse of fellow employees, supervisors, subordinates, or the public.
- F. Use of foul or abusive language in the workplace is prohibited.
- G. Discourtesy to the public and the act of discourtesy is documented, including the identity of the complaining citizen.
- H. Violation of the City's Sexual and Other Forms of Harassment Policy.
- I. Wearing attire inappropriate to the workplace of the employee based on a well-known and/or well established dress code that is uniformly applied to all employees; Hygienic issues.
- J. Sleeping on the job unrelated to an illness or other health condition.
- K. Violation of the City Drug and Alcohol Policy.
- L. Violation of any of the provisions of the Charter of the City of Laredo.
- M. Failure, without good cause, to report an on-the-job injury or illness immediately or promptly thereafter (in the event it cannot be reported immediately).
- N. Knowingly creating or submitting false and/or slanderous reports regarding fellow employees, supervisors, subordinates, or the public that does not involve political speech and/or touches on a matter of public concern.
- O. Solicitation or acceptance, directly or indirectly, of any gift, favor, entertainment, loan, or other thing which has monetary value in exchange for some action or forbearance by the employee in the employee's official duties for the City.
- P. Accepting gifts from contractors, vendors or other persons who are employed by persons/entities who are dealing with or attempting to deal with the City.
- Q. Theft of city property, steals, or is careless or negligent with property of the City.
- R. Use of City property, time, equipment, material or supplies for personal gain, for political purposes, or for other activities not related to City business.
- S. Knowing release of confidential information or misuse of information obtained through employment with the City.
- T. Allowing the use of a City vehicle or other property by a non-City employee except in cases of emergency or for repairs.
- U. Gambling or betting while on City time.
- V. Violation of the City's Workplace Violence Policy.
- W. Violation of the City's Return to Work Policy.
- X. Violation of the City's Cash Handling Policy.
- Y. Committing any violation of the City ethics code or any other wrongful, improper, or unlawful conduct.

Z. Violation of any established internal departmental policy.

Section 6.5 Other Offenses

- A. Outside employment that interferes with the employee's work performance.
- B. Failure, without good cause, to notify the Department Director of any outside employment.
- C. Performing outside employment on City time.
- D. Receipt of additional compensation from a source other than City for work performed for the City.
- E. Having a financial interest that conflicts with or influences the performance of duties for the City.
- F. Conviction of a crime of moral turpitude as described in these rules. A crime of "moral turpitude" is one that involves dishonesty, fraud, deceit, misrepresentation, or that reflects adversely on a person's honesty, trustworthiness, or fitness to act as a City employee.
- G. Conviction of any felony or a Class B misdemeanor above.
- H. Violation of a professional license rules and regulations that are governed by state or federal agency.

Section 6.6 Limitation Periods Relating To Disciplinary Actions

Disciplinary action may not be commenced for an action offense that occurred more than forty-five (45) days from the date the city knew of its occurrence ~~or should have known~~ unless ~~activity concealed or~~ related to criminal activity.

RULE VII PROGRESSIVE DISCIPLINE

In order to allow employees the opportunity to correct infractions of the rules and regulations, a policy of progressive discipline will be applied to civil service employees to permit those who violate policies or who exhibit unsatisfactory job performance an opportunity to comply with department requirements. Where practical as when in the best interest of the City, as reasonably determined by the Department Director, progressive discipline will be used. However, certain situations require the immediate use of more severe disciplinary action, and the use of progressive sanctions may be inappropriate.

City of Laredo employees are expected to conduct themselves responsibly and with propriety in their work. They are further expected to abide by all policies and regulations of the City and of their individual departments. All departmental policies should be clear and reasonable. Departments should clearly communicate their performance expectations to their employees. Any violations of a policy or any failure to meet performance expectations should be investigated before disciplinary action is taken. Disciplinary action should be taken as promptly as possible under the circumstances and be uniformly applied.

Section 7.1 Forms of Discipline

- A. Each department has the authority and responsibility to take disciplinary action for "just cause" against an employee in the classified civil service for acts or omissions listed in the Municipal Civil Service Rules and Regulations. The forms of disciplinary action are as follows:
 - 1. Verbal Warning ~~Written~~ (Optional)
 - 2. Warning
 - 3. Suspension
 - 4. Demotion
 - 5. Termination

- B.** In determining the form of discipline to impose, the Department Director should consider factors relevant to the situation at hand including, but not limited to, the following:
1. The nature and seriousness of the offense;
 2. The level of performance of the employee in his/her job duties;
 3. The position the employee holds;
 4. The employee's employment history within their current department; and
 5. Disciplinary actions within the same department.
- C.** These factors and any others considered by the Department Director must be fully disclosed in writing to the employee and to the Commission when the disciplinary action is taken.

Section 7.2 Resignation in Lieu of Discipline

Depending on the nature and seriousness of the offense, an employee who faces disciplinary action may be given the option by the Department Director to voluntarily resign prior to the issuance of a disciplinary action. Resignation shall not be forced or coerced upon the employee by the department. If an employee chooses to resign, he/she may submit his/her resignation in writing to his/her Department Director. Resignation will not preclude the City of Laredo from pursuing criminal prosecution or civil remedies in the event of wrongdoing by an employee.

Section 7.3 Verbal Warning (Optional)

Verbal counseling is the most common method of directing an employee in performing his/her duties. Verbal warnings may also be used to remind an employee of how his/her duties are to be performed or to correct an employee's minor misconduct, error, or omission. Each such verbal warning must be noted in the department's supervisory file including the date and content of the warning. Verbal warnings are not part of the employee's official Human Resources personnel file and are not grievable or appealable.

Section 7.4 Written Warning

A written warning must state on its face that it is a "written warning." It must advise the employee of the misconduct, act, omission, or failure to perform duties that gave rise to the written warning. It also shall advise the employee what corrective action must be taken and that further, more severe, disciplinary action will be assessed if that corrective action is not taken. The employee must sign (signature does not indicate agreement, but verifies that warning was discussed and reviewed) the written warning to acknowledge its receipt, and a copy will be placed in the employee's official Human Resources personnel file. Written warnings are grievable. If an employee receives three (3) written warnings regarding the same infraction, an employee is subject to termination.

Section 7.5 Suspension

A suspension is the temporary release from duty of an employee for up to thirty (30) calendar days without pay depending on the severity of the infraction. The days of suspension within each level may vary accordingly. The Department Director is required to conduct a prompt and thorough investigation within a reasonable period of time. A suspension is used when a prior warning does not produce satisfactory results in correcting behavior, or when the department determines that a violation of a rule or policy is serious enough to warrant a suspension without prior use of a less severe form of discipline. A suspension is appealable.

Section 7.6 Demotion

A demotion is the involuntary reassignment of an employee to a position with lower pay and, normally, less responsibility. An employee may be demoted when a prior warning or suspension does not produce satisfactory results in correcting behavior or performance. An employee may also be demoted when a Department Director determines that the violation of a rule or policy is serious enough to warrant a demotion without the prior use of a less severe form of discipline. Finally, an employee may be demoted when a department determines that the employee cannot or will not adequately perform the duties of his/her position. A demotion is appealable.

Section 7.7 Termination

Termination is the involuntary discharge of an employee. Termination is appropriate when a prior warning, suspension, or demotion does not produce satisfactory results in correcting behavior or performance, or when the Department Director determines that a violation of a rule or policy is serious enough to warrant a termination without prior use of less severe discipline. Prior to termination of a classified employee, a Personnel Advisory Committee/PAC (comprised of the respective Department Director, City Attorney/designee, and Human Resources Director/designee) meeting must be held to review and discuss potential reasons for termination. A termination is appealable.

Section 8.8 Pre-Adverse Employment Action Conference/Hearing

~~A. Conference. In all disciplinary actions involving a suspension without pay or a termination, the action shall be proposed before it may be taken. The procedure to be followed in such case is as follows: the Department head must serve on the employee a notice of the proposed disciplinary action stating one or more of the grounds under these rules and a general factual basis for the proposed disciplinary action. Within 5 days of receiving such notice, the employee may request a meeting with the Department head, or may provide a written response to the proposed disciplinary action, or may attempt to settle the matter by agreement. If a settlement is reached, the signing by the employee of a final settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission.~~

~~B. Exigent Circumstances Compel Immediate Workplace Separation. A pre-termination conference is not required where the department head makes a reasonable and good faith determination that exigent circumstances exist compelling the employee's immediate separation from the workplace. Exigent circumstances are defined under these rules as a situation where the presence of the employee poses an objective risk of adverse health or safety consequences in the workplace.~~

RULE VIII DISCIPLINARY ACTION FORM/TERMINATION LETTER

The Disciplinary Action Form/Termination Letter shall include the following:

- A. The specific violation;
- B. Previous violations (if any);
- C. Action to be taken on current violation;
- D. Section for employee to provide an explanation;
- E. A statement advising the employee of the right to appeal to the Civil Service Commission and the time frame for filing a written appeal;

- F. Employee signature section (signature does not indicate agreement, but verifies that warning was discussed and reviewed);
- G. Supervisor/Division Manager signature section;
- H. Department Director signature section (required). The Disciplinary Action Form/Termination Letter, if practicable, should be given to the employee and the employee shall sign for receipt of the form. Failure of the employee to acknowledge receipt does not affect the Disciplinary Action Form/Termination Letter or the imposition of the disciplinary action. If it is impractical to personally deliver the notice, it shall be sent by certified mail, return receipt requested, to the employee's last known address, and delivery is deemed complete at time of mailing.

RULE IX
APPEALS

Section 9.1 Appeal Procedure

- A. Within ten (10) working days after the receipt of such Disciplinary Action Form/Termination Letter, a classified employee may appeal in writing to the ~~Civil Service~~ Commission for reconsideration of any adverse action taken against him or her. An adverse action is any action taken against a classified employee to terminate, suspend, or reduce his or her class or pay. Failure, without good cause, to meet the time limit for initial filing constitutes a forfeiture of the right to appeal the adverse action.
- B. Once the employee submits the "Request for Appeal" form to the Human Resources Department, the Human Resources Director/designee shall coordinate a hearing before the ~~Civil Service Commission separate trial board~~. Each party must submit to the Human Resources Department twelve (12) copies of any documentation it wishes the Commission to consider within ten (10) business days of the employee submitting the "Request for Appeal" form to the Human Resources Department.
- C. ~~The separate trial board will be randomly selected through a computerized software program, as stated in Ordinance No. 2010 O 17 Section 2 (G). A randomly selected member shall recuse him or herself from a hearing in case there is a conflict of interest. A commission member shall immediately recuse himself or herself from participating in any matter within the jurisdiction the commission which creates or the appearance of a conflict of interest. A conflict of interest exists when there is a personal or financial relationship that could influence or be perceived to influence the decision of a commission member.~~
- D. When an employee or representative is notified by the Human Resources Director/designee, of a specific date, time, and place for a hearing, failure without good cause, of the employee to report or notify the ~~separate trial board~~ Commission of employee's inability to attend the hearing may constitute forfeiture of the employee's right to appeal.
- E. The ~~separate trial board~~ Commission may request further investigation of which it might deem proper.
- F. The ~~separate trial board~~ Commission shall render its ~~advisory opinion~~ final decision in writing, ~~which opinion may be considered by the Commission~~. A copy of the ~~written summary and~~ final decision by the Commission on the case will be given to the employee, respective Department Director, Human Resources Director, and City Manager.

- G. The appeal hearing shall be undertaken pursuant to the procedures outlined in Exhibit A which is incorporated by reference and made a part of these rules.
- H. The right of appeal and all other rights related thereto will not be waived or forfeited if “good cause” by the employee is established for the failure to comply with the time limits or duties set under this section.
- I. An employee and witness may testify in their predominant language, which shall be translated into English during the hearing.
- J. An employee may be represented at the appeal hearing by a representative of his or her choosing. The representative may be an attorney, union or association representative, non-employee or other employee. The employee’s representative may file the appeal on behalf of the employee.
- K. The City shall have the burden of proof, under a preponderance of the evidence standard, in an appeal of a disciplinary action.
- L. The Commission Trial Board shall make a decision by either: (A) affirming; (B) reversing; (C) modifying; or (D) dismissing the appeal. Where the disciplinary action is reversed or modified, the Commission Trial Board may reinstate the employee.
- M. A Commission trial board member may respectfully dissent from the majority advisory opinion decision and briefly state in its dissent the reasons therefore in the Commissioner’s final decision letter.

**RULE X
GRIEVANCES**

Section 10.1 Right to Grievance Definitions

- A. A grievance is a written complaint made by an employee. ~~(“individual grievance”) concerning an employment practice or condition or other adverse employment action subject to appeal under these rules.~~
- B. An employment practice not subject to appeal that addresses a violation, misapplication, or misinterpretation of the statutes, policies, rules, or written agreements applicable to the employee regarding classification, compensation, terms and conditions of employment, employment status, discrimination, harassment, favoritism, or any action, policy, or practice constituting a substantial detriment to or interference with the effective job performance of the employee, or the health and safety of the employee.

Section 10.2 Grievance Requirements

- A. A grievance may be filed at any time concerning an employment practice or condition that is of a continuing nature.
- B. Failure to meet the time limit for initial filing constitutes a forfeiture of the right to grieve that occurrence or condition. However, the right to file a grievance within the time limits set under this section shall not be waived or forfeited if “good cause” is established for failure to comply

with the time limits. Upon a showing of "good cause" the time limit shall be enlarged and the grievance considered timely filed.

Section 10.3 Grievance Procedure

- A. The grieving employee or its representative must first present his or her "Notification of Grievance" form to the immediate supervisor unless the grievance concerns the immediate supervisor or there is no immediate supervisor, in which case ~~Under this latter~~ it shall be presented to the Department Director.
- B. The immediate supervisor must inform the employee or its representative in writing, of his/her decision within five (5) working days after the grievance is received. The supervisor must make a written notation of the grievance and of his/her decision for the record. If the immediate supervisor does not render a decision within five (5) working days, the grievance shall be deemed to be denied, and the employee may then proceed beyond the immediate supervisor with the grievance.
- C. In all instances where the employee chooses to pursue his or her grievance beyond the immediate supervisor, the grieving employee must, in the written grievance, specify the remedy sought.
- D. If the initial grievance presentation to the supervisor fails to settle the grievance, the employee may proceed with a written grievance to the Department Director within five (5) working days after receiving the immediate supervisor's decision.
- E. The Department Director must review the grievance within five (5) working days and render a decision in writing to the grieving employee. If the Department Director does not render a decision within five (5) working days, the grievance shall be deemed to be denied, and the employee may then proceed beyond the department director with the grievance.
- F. If the grievance to the Department Director fails to be resolved to the employee's satisfaction, the employee may, within five (5) working days of receipt of the decision, submit his/her grievance to the Human Resources Director/designee.
- G. Once the employee submits the completed "Notification of Grievance" form to the Human Resources Department, the Human Resources Director/designee shall coordinate a hearing before the ~~Civil Service Commission separate trial board~~. Each party must submit to the Human Resources department twelve (12) copies of any documentation it wishes the Commission to consider within ten (10) business days of the employee submitting the "Notification of Grievance" form to the Human Resources Department.
- H. ~~The separate trial board will be randomly selected through a computerized software program, as stated in Ordinance No. 2010-O-17 Section 2 (G). A commission randomly selected member shall immediately recuse himself or herself from participating in any matter within the jurisdiction the commission which creates or the appearance of a hearing in case there is a conflict of interest. A conflict of interest exists when there is a personal or financial relationship that could influence or be perceived to influence the decision of a commission member.~~
- I. When an employee or representative is notified by the Human Resources Director/designee of a specific date, time, and place for a hearing, failure without good cause, of the employee

to report or notify the Commission ~~separate trial board~~ of employee's inability to attend the hearing may constitute forfeiture of the employee's right to appeal.

- J. The grieving employee and the Department Director or their representatives may fully present their positions to the Commission ~~separate trial board~~ at the grievance hearing in an attempt to resolve the grievance issue. The employee and the City may support their respective position on the grievance through witnesses and other documentary evidence. See Exhibit A B, for ~~grievance~~ hearing procedures.
- ~~K. The separate trial board may request further investigation of which it might deem proper.~~
- K. The Commission ~~separate trial board~~ shall render its final ~~opinion~~ decision in writing. ~~writing for the Commission's consideration, and shall distribute its written decision~~ A copy of the final decision shall be given to the employee, respective Department Director, Human Resources Director, and the City Manager.
- L. The Commission ~~separate trial board~~ shall sustain a grievance, in whole or in part, if the employee proves to their satisfaction, by a preponderance of the evidence that the grievance is justified and must be resolved and remedied. The decision ~~and/or order of the trial board~~ shall state "sustained" or "denied", either in whole or in part. The reasons therefore shall be expressly stated in its decision and/or order. ~~A trial board member may respectfully dissent from the majority decision and/or order, citing briefly the basis for the dissent.~~
- M. A grievance hearing before the Commission ~~trial board~~ will be held according to the procedures set out in Exhibit ~~C~~ B, attached hereto.

RULE XI
HEARING PROCEDURES BEFORE THE COMMISSION SEPARATE TRIAL BOARD

Section 11.1 Setting the Matter for Hearing

The ~~separate trial board~~ Commission will set the matter for hearing.

Section 11.2 Notice of Hearing

- A. The employee must keep the Human Resources Director/designee advised of his/her current contact information address.
- B. The Human Resources Director/designee will notify all parties of the hearing date, time and location. This notice will be given at least ~~five (5)~~ seven (7) working days prior to the date of the hearing.

Section 11.3 Request for Continuance

Any request to continue a hearing date must be made in writing at least ~~three (3)~~ five (5) working days prior to the scheduled hearing. By agreement of the parties, the Commission ~~separate trial board~~ will cancel and re-set the hearing date. If an emergency arises, the Commission ~~separate trial board~~ may re-set the hearing. The Commission ~~separate trial board~~ will not re-set a hearing more than twice unless "good cause" is shown by the party requesting same or by agreement of the parties. Each reset cannot exceed 30 days unless "good cause" shown. Under no circumstance will a third continuance be granted to any party.

Section 11.4 Requesting Hearing Withdrawal

Any request to withdraw a grievance or appeal filed with the Commission, must be made in writing five (5) working days prior to the scheduled hearing date.

Section 11.5 Attendance at the Hearing

- A. The employee must be present at the hearing and may represent himself/herself. ~~The employee or~~ may also be represented by an attorney, union or associate representative, non-employee or other employee only upon notifying the Human Resources Director/designee within five (5) working days prior to the scheduled hearing. ~~another person or union or association of city employees.~~ In doing so, the employee must fill out a “Municipal Civil Service Employee’s Designation of Representative” form. The representative shall act as the spokesperson for the employee during the grievance/appeal process. The time the employee is present at the hearing will be paid time if it is within the employee’s regular work schedule.

- B. If the employee is not present at the time of the hearing, the Commission ~~separate trial board~~ shall dismiss the case and enter a written order to that effect.

Section 11.6 Hearing the Appeal/Grievance

- A. All ~~Trial Board~~ Commission meetings shall be in public in accordance with the Texas Open Meetings Act.
- B. ~~Three (3) separate trial board~~ Five (5) Commission members shall constitute a quorum for the purpose of allowing the hearing to proceed.
- ~~C. A separate trial board Chair and Secretary will be randomly selected through a computerized software program.~~
- C. The appeal/grievance hearing shall otherwise follow the procedures reflected in Exhibit ~~CA~~ A and B respectively, which is attached hereto and incorporated by reference.
- D. The ~~Trial Board~~ Commission ~~should shall make render~~ a final decision on an appeal or grievance within ~~90~~ 7 working days from the date of the appeal or grievance hearing. ~~is filed unless agreed to by the City and the appellant /grievant. For “good cause” shown, the trial board may extend the 90 day period to 120 days. Failure to meet these time limits does not void the Commission’s final decision.~~

RULE XII
APPLICABILITY OF OTHER RULES AND POLICIES

Section 12.1 Applicability of Other City Personnel Policies

The Rules of the Commission apply where not in conflict with the Policies and Personnel Rules of the City of Laredo.

Section 12.2 Department Policies

Any Department Director shall have the right to create and implement rules and regulations regarding the operation of his department and the conduct of the employees therein, provided that such rules do not conflict with the City Charter, Code of Ordinances, City policies, or these Rules.

RULE XIII
MISCELLANEOUS PROVISIONS

Section 13.1 Agreement to Waive or Forfeit Rights is Void

Any agreement that may or attempts to waive or forfeit any right, protection or benefits that an employee has under the Municipal Civil Service Rules and Regulations and any other laws incorporated by reference herein is void except as otherwise provided under these rules.

Section 13.2 Good Cause to Extend Deadlines or for Compliance with Other Duties

Every time limit or deadline under these rules may be extended for good cause shown.

Section 13.3 Settlement of Appeals and Grievances

Nothing under these rules prohibits the reaching of a settlement by the parties – the City and the employee or its representative, involving an appeal or a grievance covered by these rules. Settlements must comport with the strict requirements under these rules.

RULE XIV
SEVERABILITY PROVISIONS

The provisions of these rules are declared to be severable, and if any rule, section, sentence, clause, phrase, or word of these rules shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, sections, sentences, clauses, phrases, and words of these rules, but they shall remain in effect, it being the legislative intent that these rules shall stand notwithstanding the invalidity of any part.

EXHIBIT A
APPLICATION, EXAMINATION, AND SELECTION PROCESS FOR A POSITION IN THE
CLASSIFIED CIVIL SERVICE FOR NONUNIFORMED CITY EMPLOYEES

- ~~1. Applications for all vacant civil service job positions will be taken following public notice of such vacancy as set forth in Exhibit B.~~
- ~~2. Such vacant positions shall be competitively advertised according to the requirements set forth in Exhibit B. City employees seeking a promotion or lateral transfer into such vacant position may apply for such a position.~~
- ~~3. Applicants for such a vacant position must be ranked according to an objective ranking criteria uniformly applied to all applicants. The ranking process shall include (a) actual interview, (b) typing (if required for the job), (c) job knowledge and (d) job skill testing and shall be the same for all applicants. The ranking process shall not touch on any matter that is irrelevant to the applicant's qualifications or the job position requirements. If the applicant is known or related, in whatever way, form or fashion, to the any city personnel that is involved in the ranking process, such city employee shall disclose, in writing, how that he/she knows the applicant and of the employee's relationship to the applicant and include that statement in the file made and kept of the applicant.~~
- ~~4. A file of all applicants who have been determined "non-qualified" shall be made and kept by the Human Resources Department accordance with the City's Record Retention Schedule for review and inspection by the applicant and the Civil Service Commission upon request. Likewise, a file of all applicants that have been ranked shall be made and kept for review and inspection by the applicant upon written request to the Human Resources Director. The Commission shall have complete authority to review and inspect the file of an applicant upon request as permitted by law.~~
- ~~5. The selection of an applicant for a job position shall be made according to the procedures set forth in Exhibit B. All city personnel involved in the final selection decision shall disclose, in writing, if he/she knows or is related, in any way, form, or fashion to the selected applicant and non-selected applicants, and include that statement in the file made and kept of the applicants referred to for selection for the job position.~~

EXHIBIT B

EMPLOYMENT

- To create a position, a Position Description Questionnaire (PDQ) needs to be submitted by a Department to the Human Resources Department.

*The purpose of this form is to aid the department in describing a present position in terms of the duties, responsibilities and qualifications required. The PDQ helps determine the appropriate classification for a position.

- The PDQ is graded by Human Resources and assigned a grade.
- An ordinance creating the position must be presented to City Council for approval.
- Once approved, Human Resources adds position to position control listing.
- Department submits a requisition on NEOGOV (online requisition, application, and hiring system) to request position be filled to Human Resources.
- Human Resources reviews the requisition to verify if the position exists in department budget.
- Requisition is then sent electronically to Budget Manager, Deputy Assistant City Manager, Assistant City Manager's and/or City Manager for final approval.
- Human Resources creates a recruitment bulletin based on requirements stated on the Position Description Questionnaire (PDQ) and/or classification specification. Human Resources creates and sends a recruitment bulletin and physical requirement checklist for signature/approval to the department director.
- Vacant position is then posted at the Human Resources Department at City Hall and City Hall Annex offices, City of Laredo website, Public Access Channel (PAC), Texas Workforce Commission (TWC) if applicable, and local college/university if applicable.
- As per City of Laredo Code of Ordinance: Div. 6 Pay Administration Sec.2 87.7 (8): All vacant positions and/or those positions requiring the promotion of the regular employees will be competitively advertised for at least five (5) working days prior to filling the position and closing the advertising. Employees seeking promotion and/or lateral transfer must apply for the vacant position.
- Applicants submit an online application to Human Resources.
- Human Resources screen's applications against the minimum requirements of the recruitment bulletin.
- In order to comply with Equal Employment Opportunity (EEO) and American with Disabilities Act (ADA) guidelines, if applicant meets minimum requirements, application is referred (through NEOGOV online) to the department director where vacancy occurs.
- If not, then they are classified as "non-qualified" and not referred to the department.
- Next, the Department Director requests testing if applicable, ranks qualified applications and sets up interviews.
- Departmental testing may include the actual interview, typing, job knowledge, and job skill testing. Human Resources testing includes, background check, drug and alcohol, and physical fitness testing.
- Department Director submits selection for approvals.
- Selection must then be approved by HR, Budget, and Deputy Assistant City Manager, Assistant City Manager's and/or City Manager for final approval.
- Department director "rejects" all non-selected applicants. Human Resources then closes position.
- Selected candidate is contacted by Human Resources to continue processing for possible selection.
- Candidate will provide a criminal background check from Laredo Police Dept. and Webb County Sheriff's Office to HR.

- ~~Human Resources will run a nation-wide background check and will request certified transcripts from applicant.~~
- ~~Candidate will be sent for Drug and Alcohol testing by HR.~~
- ~~Upon successful completion/passing of the above, candidate will be contacted with job offer and starting date will be established.~~
- ~~If applicant accepts, he/she is advised and scheduled to report to Human Resources for New Employee Orientation (NEO).~~
- ~~The employee must then attend a scheduled monthly orientation.~~
- ~~A non-selection notification email will be sent to all applicants who were not selected for the position.~~

EXHIBIT C

GENERAL PROCEDURES FOR THE CONDUCT OF THE CIVIL SERVICE HEARING AND DECISION INVOLVING AN APPEAL OR GRIEVANCE

OPENING AND CLOSING HEARING

- ~~A. Appeal: In an appeal hearing, the City has the burden of proof on the disciplinary action it has taken against an employee within the classified civil service. It therefore has the right to open and close the presentation of its case at the hearing.~~
- ~~B. Grievance: In a grievance hearing, the employee has the burden of proof on the grievance. The employee therefore has the right to open and close the presentation of its case at the hearing.~~

EVIDENCE OF PARTIES

- ~~A. Oaths: All testimony or statements of any type shall be presented under oath. The oath may be administered by the presiding officer.~~
- ~~B. The Exclusion of Witnesses:
 - ~~a. Evidence will be admitted if it is of the quality which responsible persons are accustomed to rely on in the conduct of serious affairs. It is intended that needful and proper evidence shall be produced conveniently, inexpensively and speedily, while preserving the substantial rights of the parties to the proceeding. Technical rules of legal and court procedure do not apply. The presiding officer rules on the admissibility of evidence. If any other member of the Commission conducting the hearing so requests, the presiding officer shall consult with the other members on any ruling he/she makes or before making the ruling and a majority vote will resolve any disputed evidence.~~
 - ~~b. Stipulation: Evidence may be stipulated by agreement of all parties in interest appearing at the hearing.~~
 - ~~c. Testimony Shall Be Pertinent: The testimony shall be confined to the subject matter contained in the appeal or grievance; in the event that any part pursues a line of interrogation of a witness that is clearly irrelevant, incompetent or immaterial the presiding officer may terminate that line of interrogation. If any other member of the Commission conducting the hearing so requests, the presiding officer shall consult with the other members on any ruling he/she makes or before making the ruling and a majority vote will resolve any disputed evidence.~~
 - ~~d. Limiting Number of Witnesses: The presiding officer may limit the number of witnesses appearing at the hearing when the testimony will be merely cumulative.~~
 - ~~e. Objections and Exceptions: Formal exception to the ruling of the presiding officer is not necessary. It is sufficient if the party at the time the ruling is made or sought, makes know to the presiding officer the action he or she desires.~~
 - ~~f. Ex parte Communications: No party, directly or indirectly, may engage in ex parte communications with any member of the Trial Board or Commission regarding an appeal or grievance at any stage before it has finally been decided by the Trial Board or Commission.~~~~

RECORDING OF HEARING

- A. ~~Hearing before the Commission:~~** ~~Testimony adduced to the hearing before the Commission may be recorded by tape.~~
- B. ~~Transcript:~~** ~~If a hearing is recorded by a reporter engaged by either party, a copy of the transcript shall be transcribed and the original transcript filed with the papers in the proceeding. Copies of the transcript of testimony of any hearing thus reported may be purchased from the reporter.~~
- C. ~~Availability of Electronic Recording:~~** ~~The Commission does not prepare transcriptions for the public of hearings recorded electronically on Commission equipment, but will arrange, when a tape recording is made, for a party in interest to have access to the electronic recording.~~
- D. ~~Recording by a Party:~~** ~~Subject to availability of space, any party in interest, at his/her own expense, may arrange for a reporter to report the hearing from an electronic recording of the hearing.~~

EXHIBITS

- A. ~~Requirement for Exhibits:~~** ~~Exhibits of documentary character shall be of a size which does not unduly encumber the files and records of the Commission. Except for maps and drawings, the sheets of each exhibit shall not be more than 8 inches by 14 inches and numbered. Exhibits shall be limited to facts which are relevant and material to the issues involved in the particular proceeding.~~
- B. ~~Introduction of Exhibits:~~** ~~The original exhibit or a certified copy of each exhibit offered shall be tendered to the presiding officer for marking. One copy of the exhibit shall be furnished for use of the opposing counsel or parties. If the exhibit is admitted into evidence, the original or certified copy shall be made a part of the record of the proceeding.~~
- C. ~~Excluding Exhibits:~~** ~~In the event an exhibit has been identified, objected to, and excluded, the presiding officer shall determine whether the party offering the exhibit desires to withdraw the offer, and if so, shall permit the return of the exhibit to him/her. If the excluded exhibit is not withdrawn, it shall be given an exhibit number of identification and be included in the record for the purposes only of preserving the exception, together with the ruling thereon.~~
- D. ~~Documents in City Files:~~** ~~Any matter of official record in the City's files and records, if material and relevant, may be incorporated by reference by the parties in interest if the matter is specifically identified at the hearing so as to put all parties on notice and if no party in interest is deprived of the material right of cross examination.~~
- E. ~~Abstracts of Documents:~~** ~~When documents are numerous, the presiding officer may elect to receive in evidence only those which are typical and representative; he/she may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. However, before making this requirement, this presiding officer shall see that all parties in interest who have made an appearance are given the right, upon request, to examine the documents from which the abstracts were made.~~
- F. ~~Exhibits Offered After Hearing Closed:~~** ~~Unless authorized by the Commission, a party may not file an exhibit as part of the proceeding after the hearing has been closed. The presiding~~

officer shall provide the opportunity for interested parties to view any exhibit authorized to be filed by a party after the hearing has closed.

ARGUMENTS AND BRIEFS

- ~~A. — **Oral Arguments:** Oral arguments shall be allowed by the Commission upon request by a party, but a reasonable time limit shall be fixed by the Commission, with equal time given to each side.~~
- ~~B. — **Briefs:** Prior to the closing of the hearing and upon request of the parties in interest the Commission may authorize the presentation of briefs.~~

ACTION AFTER HEARING CONCLUDED

- ~~A. — At the conclusion of testimony and other oral argument offered at a hearing before the Trial Board, the hearing shall be ordered closed. The Trial Board may then close the record or keep it open for the submission of briefs or exhibits.~~
- ~~B. — In the event a decision of the Trial Board is postponed for the submission of briefs, or otherwise, in conformity with the Texas Open Meeting Law, the Trial Board and members will only discuss and consider this matter in an open meeting after posting notice in conformity with State law.~~

DECISION OF THE TRIAL BOARD

- ~~A. — **Ruling:** The Commission shall conduct its business in accordance with the Texas Open Meetings Act and take action in public meeting by motion and second as in other matters.~~
- ~~B. — The opinion of the Trial Board will be based on the evidence presented. In either an appeal or grievance hearing, the trial board shall make its findings based on the preponderance of the evidence standard.~~
- ~~C. — The trial board's opinion shall be made in writing, state its findings of fact, including credibility determinations regarding witness' testimony, and state the reasons for its opinion in conformity with these rules.~~
- ~~D. — In cases of an appeal, the opinion must state whether the Trial Board decides that the action be (1) affirmed; (2) modified; (3) reversed; or (4) dismissed. In cases of a grievance, the opinion must state whether it should be (1) sustained; (2) denied; or (3) sustained in part and denied in part. The opinion must also recommend the relief to be granted.~~
- ~~E. — The decision of the Trial Board requires a simple majority of the Commissioners members composing a quorum of the trial board. The majority opinion must be signed by those members who join the majority opinion. The trial board members who dissent shall note their dissent and sign the decision as such. A brief dissenting opinion may be filed by one or more dissenting Commissioners of the Trial Board.~~
- ~~F. — The Trial Board must notify the appellant /grievant in bold print of any rights and deadlines the party may have under the civil service rules after the decision becomes final.~~
- ~~G. — **Recusal of Member of Trial Board:** A Commissioner must recuse himself/herself if a grieving employee or City representative is related to a Commissioner within the second degree by~~

~~affinity or within the third degree by consanguinity as stated in City Charter of the City of Laredo or if a Commissioner or maintains a financial relationship with said person.~~

EXHIBIT A

APPEAL HEARING PROCEDURES

The following general procedures will be utilized for all Municipal Civil Services Hearings. The City Attorney's Office shall be assigned to represent the City's Department Director/designee.

1. In an appeal hearing, the City has the burden of proof on the disciplinary action it has taken against an employee within the classified civil service. It therefore has the right to open and close the presentation of its case at the hearing.
2. The Chair shall administer the oath of all witnesses. Once sworn in, witnesses will be subject to penalties of perjury under the Municipal Civil Services Rules & Regulations. If the Chair is unable to attend the hearing, a vote must be made within the Commissioners present of who will assume the Chair's responsibilities.
3. The Chair shall read the content of the employee's Request for Appeal, including nature of the disciplinary action, effective date of the occurrence, and the remedy sought by the classified employee.
4. The City and a City Attorney will present their case to the Commission first. They will demonstrate factual basis for the disciplinary action and that the disciplinary action was proportionated to the nature and severity of the offence.
5. Each party may make a brief opening statement to the Commission.
6. Once the City finishes its presentation, the employee or representative may then present its case, witnesses, evidence, and/or argument.
7. Each party may call upon witnesses, with the approval of the Chair. Each party will be allowed to cross-examine each other's witnesses. Testimony shall be confined to the subject matter contained in the appeal. The Chair may limit the number of witnesses appearing at the hearing.
8. The Commission may ask the parties and/or witnesses any necessary questions. They may also recall any witness if clarification or additional information is needed.
9. Any witnesses may be released by the Commission after giving testimony.
10. The City and their assigned City Attorney may make a closing statement, followed by the employee or representative.
11. The Commission may recess to deliberate in Executive Session. Once the Commission has reconvened, the Commission shall render a final decision in open session within 7 working days of the appeal hearing.

RECORDING OF HEARING

A digital copy of the hearing shall be made of all appeal hearings and remain on file with the Human Resources Department. Subject to availability of space, any party in interest, at his/her own expense, may request a copy of the recorded hearing. Written request must be made to the Human Resources Director/designee.

DECISION OF THE COMMISSION

- A. The Commission shall conduct its business in accordance with the Texas Open Meetings Act and take action in public meeting by motion and second as in other matters.
- B. The final decision of the Commission will be based on the evidence presented. In either an appeal or grievance hearing, the Commission shall make its findings based on the preponderance

of the evidence standard. The preponderance of the evidence standard means that a party has shown that its version of facts, causes, damages, or fault is *more likely* (a greater than 50% chance) *than not* the correct vision.

- C. The Commission's final decision shall be made in writing, state its findings of fact, including credibility determinations regarding witness' testimony, and state the reasons for its opinion in conformity with these rules.
- D. The Commission shall make a final decision by either: (A) affirming; (B) reversing; (C) modifying; or (D) dismissing the appeal. Where the disciplinary action is reversed or modified, the Commission may reinstate the employee.
- E. A Commission member may respectfully dissent from the majority decision and briefly state the reasons therefore in the Commissioner's final decision letter.
- F. The final decision of the Commission requires a simple majority of the composed quorum of Commissioners. The majority decision must be signed by those members who join the majority opinion. The Commission members who dissent shall note their dissent and sign the decision as such. A brief dissenting opinion may be filed by one or more dissenting Commissioners.
- G. Recusal of Commission Member: A Commissioner must recuse himself/herself from participating in an appeal or grievance where a conflict of interest or the appearance of a conflict of interest exists. A conflict of interest exists when there is a familial relation (within the second degree by affinity or within the third degree by consanguinity), personal or financial relationship that could influence or be perceived to influence the decision of a commission member.

EXHIBIT B

GRIEVANCE HEARING PROCEDURES

The following general procedures will be utilized for all Municipal Civil Services Hearings. The City Attorney's Office shall be assigned to represent the City's Department Director/designee.

1. In a grievance hearing, the employee has the burden of proof on the grievance. The employee therefore has the right to open and close the presentation of its case at the hearing.
2. The Chair shall administer the oath of all witnesses. Once sworn in, witnesses will be subject to penalties of perjury under the Municipal Civil Services Rules & Regulations. If the Chair is unable to attend the hearing, a vote must be made within the Commissioners present of who will assume the Chair's responsibilities.
3. The Chair shall read the content of the employee's Notification of Grievance, including nature of the disciplinary action, effective date of the occurrence, and the remedy sought by the classified employee.
4. The employee or representative will present their case to the Commission first. The employee or representative has the right to attempt to set aside the decision of the department director by disproving the factual basis asserted by the department actions or by demonstrating that the action was disproportionate to the nature and severity of the offense.
5. Each party may make a brief opening statement to the Commission.
6. Once the employee or representative finishes their presentation, the City and their assigned City Attorney may then present its case, witnesses, evidence, and/or argument.
7. Each party may call upon witnesses, with the approval of the Chair. Each party will be allowed to cross-examine each other's witnesses. Testimony shall be confined to the subject matter contained in the appeal. The Chair may limit the number of witnesses appearing at the hearing.
8. The Commission may ask the parties and/or witnesses any necessary questions. They may also recall any witness if clarification or additional information is needed.
9. Any witnesses may be released by the Commission after giving testimony.
10. The employee or representative may make a closing statement, followed by the City and their assigned City Attorney.
11. The Commission may recess to deliberate in Executive Session. Once the Commission has reconvened, the Commission shall render a final decision in open session within 7 working days of the grievance hearing.

RECORDING OF HEARING

A digital copy of the hearing shall be made of all appeal hearings and remain on file with the Human Resources Department. Subject to availability of space, any party in interest, at his/her own expense, may request a copy of the recorded hearing. Written request must be made to the Human Resources Director/designee.

DECISION OF THE COMMISSION

- A. The Commission shall conduct its business in accordance with the Texas Open Meetings Act and take action in public meeting by motion and second as in other matters.
- B. The final decision of the Commission will be based on the evidence presented. The Commission shall make its findings based on the preponderance of the evidence standard. The preponderance

of the evidence standard means that a party has shown that its version of facts, causes, damages, or fault is *more likely* (a greater than 50% chance) *than not* the correct vision.

- C. The Commission's final decision shall be made in writing, state its findings of fact, including credibility determinations regarding witness' testimony, and state the reasons for its decision in conformity with these rules.
- D. The Commission shall sustain a grievance, in whole or in part, if the employee proves to their satisfaction, by a preponderance of the evidence that the grievance is justified and must be resolved and remedied. The decision shall state "sustained" or "denied", either in whole or in part. The reasons therefore shall be expressly stated in its decision and/or order.
- E. A Commission member may respectfully dissent from the majority decision and briefly state the reasons therefore in the Commissioner's final decision letter.
- F. The final decision of the Commission requires a simple majority of the composed quorum of Commissioners. The majority decision must be signed by those members who join the majority opinion. The Commission members who dissent shall note their dissent and sign the decision as such. A brief dissenting opinion may be filed by one or more dissenting Commissioners.
- G. Recusal of Commission Member: A Commissioner must recuse himself/herself from participating in an appeal or grievance where a conflict of interest or the appearance of a conflict of interest exists. A conflict of interest exists when there is a familial relation (within the second degree by affinity or within the third degree by consanguinity), personal or financial relationship that could influence or be perceived to influence the decision of a commission member.


These Rules and Regulations shall take effect immediately upon its passage by the City Council of the City of Laredo in accordance with the ordinance provisions set forth in the City Charter, as amended.

PASSED BY THE CITY COUNCIL AND APPROVED BY MAYOR ON THIS THE
10 DAY OF February, 2017.

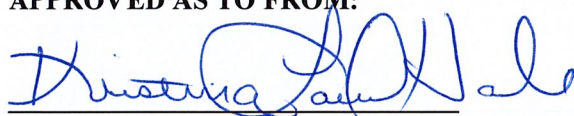


Pete Saenz
Mayor



ATTEST:


Heberto "Beto" Ramirez
Acting City Secretary

APPROVED AS TO FROM:


BY: KRISTINA K. LAUREL HALE
INTERM CITY ATTORNEY

City Council-Regular

Meeting Date: 02/06/2017

Initiated By: Jesus Olivares, City Manager

Staff Source: Kristina L. Hale, Interim City Attorney

SUBJECT

2017-O-020 Amending Chapter 2 (Administration), Article II (Departments, Officers, and Employees), Division 5 (Civil Service) by adding and removing language to the Municipal Civil Service Rules and Regulations for City employees not covered by a Collective Bargaining Agreement; as recommended by the Municipal Civil Service Commission for improvement of the existing disciplinary procedures and appeal, and grievance process for classified City employees; repealing conflicting ordinances providing that this ordinance is cumulative; providing a severability clause and providing an effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

None.

PREVIOUS COUNCIL ACTION

On February 16, 2010, the Laredo City Council adopted Ordinance 2010-0-17 establishing a Civil Service Commission as per the requirements of City Charter §12.03.

BACKGROUND

In consultation with the Human Resources Department and Legal Department, the Municipal Civil Service Commission, after public hearing, has approved these proposed changes to the existing Municipal Civil Service Rules and Regulations and Ordinance for consideration by the Laredo City Council.

COMMITTEE RECOMMENDATION

Recommends approval of the proposed changes to the Municipal Civil Service Rules and Regulations and Ordinance as presented.

STAFF RECOMMENDATION

Staff recommends approval.

Fiscal Impact

Fiscal Year:

Budgeted Y/N?:

Source of Funds:

Account #:

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

N/A

Attachments

Ordinance 2017-O-020

Amended Policy
