

RULE 3

ADMINISTRATION

3.01 These rules shall apply to all classified employees of the Harris County Sheriff's Department except those specifically exempt by law as follows:

(a) the position of Chief Deputy;

(b) one or more positions in the office of departmental legal counsel; and

(c) additional positions in the department; not to exceed twenty-five (25) in number, that have been determined by the Civil Service Commission to be administrative or supervisory positions; provided, however, that the sheriff may not designate as exempt any position in the deputy classifications of captain or below. The designation of any such additional exempt position by the sheriff shall not diminish the number of positions within the deputy classifications of captain or below.

3.02 **MEMBERS AND TERMS OF THE COMMISSION** :

(a) The Commission shall consist of seven members. The Sheriff, Commissioners Court and the District Attorney shall each appoint two persons to serve as members of the Civil Service Commission that administers the system, and the three appointing authorities shall appoint one member by joint action requiring the affirmative vote of each of the authorities.

(b) The initial member appointed jointly shall serve a term of two years and the initial members appointed by each appointing authority shall determine by lot which one of the two initial members appointed by the appointing authority will serve a term of two years and which initial member appointed by that authority will serve a term of one year.

(c) The Sheriff of Harris County shall designate one commissioner to be chairman of the commission.

(d) A vacancy shall be filled by appointment by the entity that originally appointed the Commissioner, and the appointee shall serve until the expiration of the term of the Commissioner being replaced, unless reappointed to a subsequent term.

3.03 **MEETING OF THE COMMISSION** :

The Civil Service Commission shall hold regular meetings, by call of the Chairman, and such special meetings as may be necessary for the transaction of the business of the Commission.

3.04 **QUORUM OF THE COMMISSION** :

At least three commissioners shall preside at any hearing and vote on the final decision in any case involving termination, demotion, or recovery of back pay. Four Commissioners shall constitute a quorum for the transaction of any other Commission business.

3.05 **RULES OF THE COMMISSION** :

The Commission shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient to carry out its responsibilities.

3.06 **PUBLISHING OF RULES** :

(a) The adoption or amendment of any rule shall be made only at a regular meeting of the Commission. At such meeting any rule or amendment of a rule may be adopted by majority vote of the Commission.

Amended 01/13/03

(b) Whenever the Commission shall have adopted any such rules or amendments to existing rules, it shall cause the same to be reduced to writing and publish same by:

1. Mailing a copy of all such rules and regulations to the Sheriff.
2. Posting all such rules at a conspicuous and public place for a period of seven (7) days in the main office building of the Sheriff's Department.
3. Mailing a copy of all such rules to each substation or any location where more than three classified employees are permanently assigned.

(c) The Director of the Civil Service Commission shall keep on hand copies of said rules for free distribution to employees of the Sheriff's Department requesting same, and said rules and regulations shall be kept available for inspection by any interested citizen.

(d) Classification plans and eligibility lists may be established by the Commission, but the same will be published in the manner set out in Rule 3.06 (b) above.

3.07 **POWERS AND DUTIES OF THE COMMISSION** :

The duties of the Commission shall be to adopt rules:

(a) To ensure the fair selection of candidates for employment with the Harris County Sheriff's Department and promotion within the classified service in open competition and to make proper reports and recommendations with reference thereto to the Sheriff and his staff.

(b) To conduct investigations and hearings and pass upon complaints, by or against any employee in the classified service in reference to demotion, suspension or dismissal of such employee in accordance with the provisions of these rules.

(c) To hear and pass upon such other matters that are within the purview of the Commission as the Director from time to time may bring before the Commission for determination and recommendations.

(d) To formulate proper procedures and rules for semi-annual efficiency (performance) rating of all classified employees of the Harris County Sheriff's Department.

(e) To formulate a position classification plan for the Harris County Sheriff's Department.

(f) To appoint a Director of the Harris County Sheriff's Department Civil Service Commission.

(g) To represent the public interest in the improvement of personnel administration in the Sheriff's Department.

(h) To advise the Sheriff on problems concerning personnel administration.

(i) To make and publish an annual report, and such special reports as it considers desirable to the Sheriff regarding personnel administration in the Sheriff's Department and recommendation for improvement therein.

(j) To perform such other duties as may now or hereafter be required by law.

3.08 **POWERS AND DUTIES OF DIRECTOR** :

The Director shall have the power and it shall be his duty:

- (a) To recommend for action by the Sheriff's Civil Service Commission of Harris County:
 - 1. Rules and regulations for the proper administration and development of the merit system for employees in the Sheriff's Department.
 - 2. Establishment of a classification plan for all positions affected herein, based upon similarity of duties and responsibility assumed.
 - 3. Rules and regulations for the establishment and conduct of competitive examinations.
 - 4. Recommendations of such other rules necessary to provide for the efficient administration of the Commission.
- (b) To prepare and recommend to the Commission a personnel evaluation rating plan.
- (c) To certify names of eligible individuals to appointing authority for filling vacancies in the Sheriff's Department.
- (d) To act as administrative office of the Commission.
- (e) To serve as secretary to the Commission, to see to the keeping of the minutes and records thereof, and in all other proper ways to facilitate the actions and proceedings of the Commission.
- (f) To recommend all employees of the Commission and to direct and supervise their work.
- (g) In conjunction with the personnel officer of the Sheriff's Department, to establish and maintain a roster of all Sheriff's department personnel, showing as to each employee the class title of the position held, the salary of pay, any change in class title, pay or status, and any other necessary data.
- (h) To recommend to the Sheriff and his staff training and education programs for employees in the Sheriff's Department.
- (i) To direct and control, under the customary financial procedures of the County, the expenditures from appropriations for the Commission.

3.09 **MINUTES OF THE COMMISSION** :

The Director, or in case of his absence or disability, the person acting for him shall attend all regular meetings of the Commission, shall act as its secretary and record its official action in the minutes. The minutes of the proceedings of the Commission shall be prepared and maintained by the Director subject to the approval of the Commission. Any person shall be authorized by the Director to examine such minutes at such times and under such conditions as the Commission may prescribe, upon statement of reason.

3.10 **APPEALS TO THE COMMISSION:**

(a) An employee in the classified service of the County who feels he / she has been aggrieved by the action of any appointing authority, may file a written complaint appealing the Sheriff's disciplinary action to the Commission. Appeals shall be de novo, which is without reference to any prior conclusions or assumptions made by a previous administrative process. The complaint must include the complainant's name, counsel name and contact information, date of the disciplinary action, date of the Sheriff's appeal decision (if applicable) and a brief summary of the issue being appealed. The Commission, within its exclusive discretion, may grant a hearing on the matters submitted and conduct any investigation that may assist the Commission.

(b) To perfect the complaint's right to appeal, any such written complaint must be filed, via email, with the Director within 10 days of either receiving notice of the disciplinary action or notice of the Sheriff's appeal decision, whichever is later, whereupon It shall be the duty of the Director to transmit within 1 business day an acknowledgment of the filed appeal along with a copy of the appeal to the Complainant, Sheriff, Chair of the Commission, and the person complained against.

3.11 **RULES OF ORDER:**

The Commission shall not be bound by any rules of order, evidence, or procedures in its meetings, hearings, or investigations, except such rules as it may itself establish. The Commission is an administrative body, which may use the Texas Rules of Civil Procedure and Evidence as guides; however, it is not specifically bound by any technical rules of evidence or procedure.

Amended 7/95, Amended 4/01, Amended 7/21