

**HARRIS COUNTY SHERIFF'S OFFICE
CIVIL SERVICE REGULATIONS**

ADOPTED

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APRIL - 2013

CIVIL SERVICE COMMISSION

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RULE 1

AUTHORITY, AMENDMENT

1.01 AUTHORITY :

Pursuant to the authority of Sections 158.031 through 158.040 of the TEXAS LOCAL GOVERNMENT CODE, the Civil Service Commission hereby adopts these rules that have the force and effect of law.

1.02 PURPOSE :

These rules are prescribed for the purpose of promoting professionalism in law enforcement and assuring all employees in the classified service of the Harris County Sheriff's Department of fair and impartial treatment at all times subject to Civil Service and Departmental standards and appeal rights as set forth in these rules.

1.03 CONFLICT OF LAW :

Nothing in these rules shall be so construed as to be in conflict with the laws of the State of Texas or the United States of America.

1.04 SEVERABILITY :

If any rule, section, paragraph, sentence, clause or phrase of these rules is declared unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portions of these rules. The Civil Service Commission hereby declares that it would have prescribed and adopted these rules, and each rule, section, paragraph, sentence, clause and phrase hereof, irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional or void.

1.05 AMENDMENT OF RULES :

Amendments to the rules herein adopted for the establishment, administration, and maintenance of the Harris County Sheriff's Department Civil Service Commission may be made by following the publishing procedure provided in Rule 3.06.

1.06 EFFECTIVE DATE :

All rules and amendments shall become effective immediately upon their adoption by the Civil Service Commission unless some later date is specified therein.

1.07 COPIES :

A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practical after adoption to the Commissioners Court and the Sheriff of Harris County and District Attorney, and a copy shall be maintained in the office of the Civil Service Commission for public inspection.

Amended 4/01

RULE 2

DEFINITIONS

- 2.01 **APPEAL** means a request in writing by an employee of the Sheriff's Department addressed to and filed with the Commission in the manner and within the time provided by these rules, seeking an investigation, review, or hearing of facts therein represented to constitute a deprivation or impairment of rights vested in such employee as a member of the classified service.
- 2.02 **CIVIL SERVICE STAFF** means the employee in the office of the Civil Service Commission.
- 2.03 **CLASSIFICATION** means the title of an individual position in the classified service and also the process by which the proper title and pay level for each position are determined.
- 2.04 **CLASSIFICATION LIST** means an orderly arrangement and description of types of positions by separate and distinct classes, each class recognized on the basis of similar duties and responsibilities in the classified service.
- 2.05 **CLASSIFIED EMPLOYEE** means an employee occupying a position in the classified service.
- 2.06 **CLASSIFIED SERVICE** means all positions in the Sheriff's Department except those specifically placed in the unclassified service by law.
- 2.07 **COMMISSION** means the Sheriff's Department Civil Service Commission.
- 2.08 **COMMISSIONER** means a member of the Sheriff's Department Civil Service Commission.
- 2.09 **COMPENSATION** means the salary, wages, fees, allowances, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but does not include allowances or expenses authorized and incurred as incidents to employment.
- 2.10 **COMPENSATION PLAN** means a schedule of salaries and wages established by County Commissioners Court for the several classes of positions included in the classified plan.
- 2.11 **COMPETITIVE EXAMINATION** means an examination in which the candidates are in competition and from which the eligibility list is promulgated.
- 2.12 **DEMOTION** means the transfer of an employee from a position in one class to a position of lower classification or salary range, or a reduction in pay without such transfer unless such reduction is part of a general plan to reduce salaries for that class of position.
- 2.13 **DIRECTOR** when used alone, means the Director of the Sheriff's Department Civil Service Commission.
- 2.14 **DISCIPLINARY PROBATION** means a probationary period to accompany certain disciplinary actions taken by the Department.
- 2.15 **DISMISSAL** means the act of dispensing with or terminating the services of an employee.
- 2.16 **DISMISSED** discharged, removed means the separation of an employee from his position for cause.
- 2.17 **ELIGIBLE** designates the status of a person whose name has been placed on an employment, re-employment or promotional list for a given class.
- 2.18 **ELIGIBILITY LIST** means any of the lists of names of persons who have been found qualified through suitable tests for promotion to positions in the classified service, or who have been approved for interbureau transfer, and includes lists and transfers list.
- 2.19 **EMPLOYEE** means a person legally occupying a position in the Sheriff's Department.

- 2.20 **EMPLOYEE LIST** means a list of names of persons arranged in order of acceptance by the Harris County Sheriff's Department as provided by these rules, who have met all minimum basic requirements for employment, and who are entitled to have their names certified by authorities for original appointment under these rules.
- 2.21 **EXAMINATION** means all tests of fitness, taken together, that are applied to determine fitness of applicants for positions of any class in the classified service.
- 2.22 **HEARING OR PUBLIC HEARING** means a session of the Commission held for the purpose of receiving evidence and reaching a decision with respect to matters or issues appropriately submitted to it for determination.
- 2.23 **PERFORMANCE OF SERVICE RATING** means the evaluation by an employee's supervisor of the manner in which said employee's service was rendered.
- 2.24 **POSITION** means a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time employment of one person. A position may be occupied or it may be vacant.
- 2.25 **PROBATIONARY PERIOD** means length of time during which an employee is on trial (working test period) and is expected to prove his complete fitness for his position; an employee may be in a probationary period after his original appointment, after transfer, after promotion, and/or for disciplinary reasons.
- 2.26 **PROMOTIONAL EXAMINATION** means all tests of fitness for determining the eligibility of applicants for promotion.
- 2.27 **PROBATIONARY EMPLOYEE** means an employee who has not completed a period of probation after appointment in a classified position.
- 2.28 **PROMOTIONAL LIST** means a list of names of persons arranged in order of merit as provided by these rules, who have been found qualified for promotion to a higher position.
- 2.29 **REINSTATEMENT LIST** means a list of names of persons arranged in order of merit as provided by these rules, who have occupied positions in the classified service, who have separated from the classified service or were demoted and who are entitled to have their names certified to the appointing authorities under the provisions of these rules.
- 2.30 **RULE** means a rule or regulation officially adopted by the Sheriff's Department Civil Service Commission.
- 2.31 **SCORE** means grade attained by a person for promotion in the Sheriff's Department.
- 2.32 **SENIORITY** means years, months, and days gained by an employee through length of service within a given classification, organizational unit, or total service with the Harris County Sheriff's Department.
- 2.33 **SUSPENSION** means the period of time during which an employee, through disciplinary action of a superior, is forbidden to work and may or may not be denied salary.

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.

(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 himself aggrieved by the action of any appointing authority, may file written complaint with the Commission. The Commission, within its exclusive discretion, may grant a hearing on the matters submitted and any investigation conducted by the Commission.

(b) Any such written complaint must be filed with the Director, provided that at least six signed copies of such complaints are filed, whereupon it shall be the duty of the Director to transmit immediately a copy of the appeal to the Sheriff, each Commissioner, 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 and particularly will not be bound by technical rules of evidence.

Amended 7/95, Amended 4/01

RULE 4

POSITION CLASSIFICATION

4.01 CLASSIFIED AND UNCLASSIFIED SERVICES :

(a) The classified service will include all positions in the Harris County Sheriff's Department except those specifically exempted by law.

(b) The unclassified service will consist of the Sheriff of Harris County and any of the following positions that the Sheriff may designate:

1. the position of Chief Deputy;
2. one or more positions in the office of departmental legal counsel; and

3. 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.

4.02 CLASSIFICATION PLAN :

(a) The classification plan for classes of positions in the Harris County Sheriff's Department, with such amendments as may be made thereto from time to time, will constitute the "classification plan" for positions in the department.

(b) The classification plan for the administration of the Civil Service System in the Harris County Sheriff's Department, including the number of positions of each classification, will be approved by the Sheriff, Harris County Commissioners Court, and the Civil Service Commission. Such classification plan will be on file in the office of the Civil Service Commission.

4.03 CLASS SPECIFICATIONS :

(a) The Sheriff and his staff will develop and maintain a description or specification for each class in the classified service.

(b) Class specifications describe the positions and the duties, authority, and responsibilities of employees assigned to positions in each class. In determining the class to which any position will be allocated, the class specification will be considered in its entirety in relation to other classes in the classification plan and will be used as a guide to the assignment, direction, and control of the work of any employee; in passing upon the eligibility of candidates for the positions; in evaluating qualifications of applicants; and in determining the relation of classes to each other.

4.03 **CLASS SPECIFICATIONS** (Continued)

(c) A class is a position or a number of positions with duties sufficiently similar that:

1. The same descriptive title may be used to designate each position in the class.
2. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents.
3. The same schedule of compensation should apply with equity under substantially the same employment conditions.

(d) Any requirements or special qualifications for the class, including but not limited to license, educational achievement or legal qualifications, will constitute a basis for acceptance or rejection of applications for the class and for the evaluation of the qualifications of applicants. In the event that such qualifications are not specifically stated in the class specifications, but do exist in state or county laws or ordinances, they will have the same effect as if they had been set forth in the specifications.

(e) The class specifications in the classification plan will have the following force and effect:

1. They are descriptive and explanatory and are not restrictive.
2. The use of a particular expression or illustration as to duties, qualifications, or other attributes will not be held to exclude others not mentioned, if such others are similar in kind or quality, nor limit the power of the Sheriff to modify or alter the detailed tasks involved in the duties of any positions.
3. When substantial change of duties is made, except for a temporary period or by the addition of duties that are incidental to the main employment, such change will be reported to the Sheriff with a view to possible reclassification of the position.

4.04 **ALLOCATION OF POSITIONS TO CLASSES** :

(a) The Sheriff, after consulting with the Civil Service Commission, will allocate each position in the classified service to its appropriate class, placing in each class those positions which are substantially similar in difficulty, responsibility, and character of work as to require generally the same kind and amount of training and experience for proper performance and to justify approximately equal pay.

(b) A new class will be established by the Commission upon recommendation of the Sheriff when it has been determined that the duties and responsibilities of a position or positions, assigned by competent authority are unique in terms of character, difficulty, and responsibility and do not meet the specifications for an existing class.

(c) The Civil Service Commission or the Sheriff has the right to initiate and conduct investigations of positions in the classified service and to propose change in classification when the facts are considered to warrant such action. The Civil Service Commission will submit to Commissioners Court a report with its recommendations on any proposed amendment to the classification plan.

4.05 **REVIEWS AND APPEALS** :

Any employee adversely affected by any classification action may request the Civil Service Commission to review such action. Such request for review will be made in writing within thirty (30) days of notification of such action and will specify the basis for the request. The Civil Service Commission may either amend the classification action or provide the employee with reasons for not doing so. The decision of the Civil Service Commission is final.

4.06 **EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT** :

(a) Whenever a position is reclassified from one class to a higher class, the incumbent will not continue in the position, except temporarily, unless the incumbent gains eligibility for the new class and receives an appointment thereto in accordance with these guidelines.

(b) Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to remain in the position in the lower class, he may move to a position in that classification under the provisions of Rule 16 relating to reduction in force.

(c) Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent will have the same status in the new class as was held in the old class.

RULE 5

COMPENSATION PLAN

5.01 **COMPENSATION PLAN** :

It shall be the responsibility of the Sheriff of Harris County to devise a plan for compensation for classified employees which compensation plan will be consistent with and in conformity to the classification plan as provided for in Rule 4 of these rules. Such plan will set forth the salary or salary range for each class of positions.

RULE 6

EMPLOYMENT CRITERIA

6.01 **PURPOSE** :

The purpose of this rule is to establish policy and procedures that standardize the hiring process for applicants who seek employment with the Harris County Sheriff's Department. It is the goal of the Sheriff's Department to treat every applicant in a respectful and equitable manner during the hiring process while conforming to the legal requirements of federal, state and local law and allow every applicant an equal opportunity to demonstrate his/her suitability for employment.

6.02 **APPLICATION PROCESS** :

The application process shall be administered in accordance with rules set forth by the Harris County Sheriff's Department and adopted by the Civil Service Commission.

Amended 4/01

RULE 7

HOURS IN WEEK, OUTSIDE EMPLOYMENT, OVERTIME, LEGAL HOLIDAYS AND LEAVES OF ABSENCE

7.01 HOURS IN WORK WEEK :

The number of hours constituting the workweek for an employee of the Harris County Sheriff's Department is forty (40) hours.

7.02 EMPLOYMENT OUTSIDE OF THE DEPARTMENT :

(a) The Civil Service Commission will not permit any member of the Harris County Sheriff's Department to contract for, or be engaged in, any work of any kind outside regular working hours for compensation, unless specifically authorized to do so by the Sheriff or his designee. The Sheriff or his designee will be required to maintain in his office a permanent record of all outside employment which has been authorized and will be available to the Civil Service Commission upon request.

(b) The Sheriff or his designee will maintain a current record of such approvals and will make available a report on same to the Civil Service Commission upon request.

7.03 OVERTIME :

(a) Any employee filling a position allocated to any class for which a monthly salary schedule is established may be required to work in excess of the number of hours prescribed for full-time employment by order of the Sheriff or an officer in his supervisory chain of command.

(b) The method of compensation for overtime will be in accordance with the prevailing policy established by Commissioners Court.

(c) In order to meet emergency situations, the employee's supervisor may temporarily adjust the hours of any individual employee or group of employees to provide for different schedules of hours or for overtime services outside of regular work hours, provided that such adjustments do not result in the requiring of less than the hours per week prescribed for full-time employment and provided further that employment in excess of the hours prescribed for full-time employment be predicated entirely on the operating need of the department. The schedule of work and procedure prescribed by the Sheriff will be designed to eliminate excessive or unnecessary use of overtime.

(d) In case of the death of an employee who, at the time of his death, has authorized overtime compensation due him under the existing rules, payment for such overtime will be made in accordance with prevailing Harris County Policy established by Commissioners Court.

7.04 LEGAL HOLIDAYS :

(a) Holidays for all employees of the Harris County Sheriff's Department will be as set forth in the Harris County Personnel Regulations or as may be designated by Commissioners Court.

(b) The Sheriff may request some or all employees of his Department to report for work on any of the legal holidays. In all such cases, the Sheriff will arrange that the employees who work on such holidays receive compensation as described in subsection 7.03 (b).

7.05 **LEAVE OF ABSENCE** :

(a) Leaves of absence fall into the categories as set forth in the Harris County Personnel Regulations that also set forth the maximum leave periods.

(b) Leaves of absence may be granted by the Sheriff on application of the employee concerned on forms prescribed by Harris County Commissioners Court. Leaves of absence will be subject to the needs of the Department. Any leave granted may be canceled before its expiration date, in which event proper effort will be made to notify the employee promptly of such cancellation.

(c) The request for leave of absence, together with the reasons for the request, the period of leave desired, and a full statement as to the desire or intention of the employee to return to duty with the Harris County Sheriff's Department, will be made in writing on the forms prescribed.

(d) Leave of absence from duty will in no case be granted to an employee who has been in the Harris County Sheriff's Department for less than one (1) year immediately preceding the date of leave, except in the case of sickness, disability, or urgent necessity, in which case the application for leave will be accompanied by such proof as the Sheriff may require.

RULE 8

PROBATION AND DISCIPLINARY PROBATION

8.01 PROBATIONARY PERIODS AND DISCIPLINARY PROBATION PERIOD :

(a) It is the purpose of the probationary period to test the capability and willingness to perform of the newly-hired, transferred, or promoted employee and to provide a set period of time in which to train probationer in the skills and knowledge necessary to perform his assigned duties.

(b) It is the purpose of the disciplinary probation period to accompany certain disciplinary actions taken by the Department in order to retrain and/or monitor the actions of an employee.

(c) There will be no probationary period following:

1. Reduction in rank or return to former assignment following the unsuccessful completion of a probationary period without disciplinary actions.

2. Rehiring of employees laid off due to shortage of positions, if the employee had successfully completed probation prior to his being demoted due to a shortage of positions.

8.02 LENGTH OF PROBATIONARY PERIOD :

(a) A probationary period shall be not less than sixty (60) days or more than one hundred eighty (180) days. Newly-hired employees will serve a probationary period of one hundred eighty (180) days.

(b) A probationer that is reassigned in his duties by the Sheriff or supervisory personnel shall not have the probationary period interrupted.

8.03 EVALUATION OF PROBATIONARY PERIOD :

The probationer shall be evaluated at least twice during the probationary period by his immediate supervisor. One evaluation must be at the midpoint of the probationary period and a second evaluation must be not less than ten (10) days prior to the end of the probationary period.

8.04 FAILURE TO COMPLETE PROBATION :

(a) Original Probation and Promotional Probation :

The Sheriff, upon showing of just cause, has the authority and the responsibility to return the probationer to his previous rank or to terminate employment if on original probation. Just cause shall be deemed sufficient on the documented showing of failure to meet the standards of performance set by the Department, or documented showing of a lack of willingness to perform required duties, or a lack of dependability, or a combination of all.

8.04 **FAILURE TO COMPLETE PROBATION** : (continued)

(b) Disciplinary Probation :

The Sheriff, upon showing of just cause, has the authority and the responsibility of terminating the employment or extending the probationary period not to exceed an additional one hundred eighty (180) days of the employee who fails to meet the standards required to continue employment in the Sheriff's Department.

(c) Interbureau Transfer Probation :

Any employee transferred from one Bureau of the Sheriff's Department to another is automatically placed on probation to determine his suitability for the position to which he is transferred.

The Sheriff has the authority and responsibility upon the request of the Bureau Commander to return any employee who fails to complete probation after transfer to the employee's original position or to any position for which the employee has been shown to possess the required skills.

8.05 **NOTICE AND APPEAL OF FAILURE TO COMPLETE PROBATION** :

(a) The employee on probation who receives a notice of return, or if on original probation, a notice of termination, may appeal to the Sheriff within five (5) working days.

(b) The Sheriff shall have ten (10) working days to review the appeal.

(c) The decision of the Sheriff shall be final in cases of original and transfer probation. Appeals from decisions of the Sheriff relating to promotional and disciplinary probation will be in accordance with the provisions of Rule 12.

RULE 9

CERTIFICATION AND APPOINTMENT

9.01 POWER TO APPOINT :

All original appointments and reinstatements to the classified service shall be made by the Sheriff, under and in conformity with the provisions of the Civil Service law and these rules.

9.02 CERTIFICATION STANDARDS :

(a) Original Appointment to Classified Service :

1. Candidates shall be ranked in accordance with the date of their approval for employment.
2. The Sheriff or his designated representative shall conduct pre-employment background investigations, as needed and as required by law, to determine candidates ability to meet and to adhere to the high standards of conduct of this Department.

(b) Promotions Within the Classified Service :

The appointing authority shall promote employees within the classified service on basis of the ranking on the Eligibility List.

9.03 CERTIFICATION PROCEEDINGS :

(a) Promotions :

1. The Director of the Civil Service Commission shall assemble candidates into a list, based on a composite of all required scores and past experience.
2. In the event of a tie in the scores of two or more candidates, the candidate who was employed first shall be given priority.

(b) New Employees :

The appointing authority shall select new employees from the employment eligibility list as follows:

1. For each position available, the Sheriff shall select from the top candidates in descending order.
2. If any candidate shall be passed over on five occasions, the Sheriff and his staff shall submit in writing to the Commission the justification for so doing and, if justified in the judgment of the Commission, the name shall be dropped from the list.

9.04 **REINSTATEMENT AFTER SEPARATION FROM CLASSIFIED SERVICE** :

(a) Employees who were in good standing at time of resignation may seek reemployment with the Sheriff's Department. At the discretion of the Sheriff, they may be placed at the top of the eligibility list for employment if such employees seek reemployment within twenty-four (24) calendar months of resignation.

(b) Employees separated from service due to shortage of positions shall be placed on a reinstatement list as outlined in Rule 16.

RULE 10

RECORDS AND REPORTS

10.01 OFFICIAL ROSTER :

Human Resources shall maintain a complete official roster of employees, showing for each employee his name, address, telephone number and Bureau assignment.

10.02 ACCESS TO DEPARTMENT RECORDS :

(a) The Civil Service Commission may have access to such personnel records for routine use that is compatible with the purpose for which such records were compiled and as necessary to carry out the Commission's duties, provided:

1. The individual to whom the record pertains gives prior written consent to such disclosures; or
2. The Commission gives advance adequate written assurance that the records will be used solely as a statistical research or reporting record, and the records to be disclosed are in a form that is not individually identifiable.

(b) The conditions set out in section (a) above are met, access to these records will be available upon receipt of a written request from the Commission stating the records needed and the reason for which they are needed. Such records will not be disclosed to the public.

10.03 DESTRUCTION OF RECORDS :

Records pertaining to a complaint and the investigation of such shall be kept permanently. Records pertaining to any examination, eligibility list or lists and general miscellaneous correspondence may be destroyed after five (5) years.

10.04 PERSONNEL RECORDS :

In this section, "employee record" means any letter, memorandum, or document maintained by the department that relates to a department employee.

(a) An employee record relating to disciplinary action taken against an employee or to alleged misconduct by the employee that is placed in the employee's permanent personnel file shall be removed from the file if a court or an administrative body of competent jurisdiction, including the sheriff's department civil service commission, determines that:

1. the disciplinary action was taken without just cause; or
2. the charge of misconduct was not supported by sufficient evidence.

RULE 11
PROHIBITIONS AND PENALTIES

11.01 POLITICAL AND RELIGIOUS DISCRIMINATIONS FORBIDDEN :

(a) No person may be denied employment or promotion or in any way favored or discriminated against by reason of his political or religious opinion or affiliation or by reason of race, sex, national origin, color, disability, military or Vietnam veteran status.

(b) No person shall use his or her official authority or influence to coerce political action of any person or body.

11.02 POLITICAL ACTIVITY :

No employee shall:

(a) Be under any obligation to contribute to any fund or render any political service, and no person shall be removed or otherwise prejudiced for refusing to do so.

(b) Solicit contributions for nor be solicited to contribute to any political party or campaign.

(c) Solicit nomination, election, or appointment as an elected official to a public office if such solicitation would conflict with his duties as an employee of the Harris County Sheriff's Department.

(d) Accept nomination, election, or appointment as an elected official to a public office if the duties imposed upon him by such public office would be violative of the Texas Constitution's prohibition against dual office-holding or would conflict with his duties as an employee of the Harris County Sheriff's Department.

(e) The Sheriff or his designated representative shall determine whether the employee's solicitation or acceptance of nomination, election, or appointment as an elected official to a public office is prohibited under this Rule. Upon making such determination, the Sheriff or his designated representative shall promptly notify the employee in writing. If the Sheriff or his designated representative determines that such solicitation or acceptance is prohibited, the employee may appeal such determination to the Civil Service Commission within five (5) calendar days of his receipt of the written determination. The Civil Service Commission may conduct a hearing to review the determination, but in any event, shall promptly notify the employee of its decision.

11.03 FRAUD PROHIBITED :

No person shall willfully or corruptly, by himself or in cooperation with any other person or persons:

(a) Defeat, deceive, or obstruct any person in respect to his or her rights in relation to any examination or appointment in the Department.

(b) Willfully falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified pursuant to the Civil Service law, ordinances, or rules pertaining to the classified service, or the service rating of any employee or aid in doing so, or willfully make any false representation concerning the same, or concerning any persons examined.

(c) Furnish any person any special or secret information for the purpose of either improving or injuring the prospects or chances of such person in connection with any examination or appointment.

(d) Impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any examination, appointment or request for examination.

Amended 8/24/95

RULE 12

DISCIPLINARY ACTIONS AND APPEALS

12.01 DISCIPLINARY ACTION DEFINED :

A disciplinary action is any action taken against an employee by the Department due to improper conduct by the employee that will result in termination, suspension, demotion, reduction in rank, or refusal to rehire at the end of a contractual period.

12.02 IMPROPER CONDUCT DEFINED :

Improper conduct is defined as any of the below-listed reasons and shall be grounds for disciplinary action. Just cause shall be determined to be satisfied when one or more of the below reasons have been adequately documented by incident or evaluation reports or other supporting data.

- (a) Absence without leave
- (b) Incapacity due to mental or physical disability. (A medical and/or psychological examination may be required to determine the employee's fitness for duty, and in such instance the Civil Service Commission shall approve the physician/psychologist to make such examination.)
- (c) Incompetency or inefficiency
- (d) Insubordination
- (e) Intoxication
- (f) Neglect of duty
- (g) Negligence or willful damage to, or misuse of, public property or waste of supplies or equipment
- (h) Violation of any lawful or reasonable regulation or order made and given by a supervisory deputy
- (i) Fraud in securing appointment
- (j) Dishonesty
- (k) Use of or addiction to narcotics or habit-forming drugs or illegal drugs
- (l) Conviction of a misdemeanor or a felony
- (m) Physical or verbal abuse of a person in custody of the Department
- (n) Failure to meet requirements for licensure by the Texas Commission on Law Enforcement Officer Standards and Education
- (o) Failure to achieve and maintain weapons proficiency as required by State Law and Departmental Policy

12.02 **IMPROPER CONDUCT DEFINED** :(continued)

(p) Willful violation of any of the rules set forth in the **Departmental Manual** or any special or general order.

(q) Violation of, or willful disregard of, any lawful regulation or order made and given by a Department Supervisor.

12.03 **EMPLOYEE RIGHT OF JUST CAUSE AND NOTICE** :

(a) No employee shall be subject to any disciplinary action except for just cause.

(b) The cause for disciplinary action shall be in writing and shall particularly state the reason or reasons for which the Sheriff feels that disciplinary action is necessary.

1. Every employee receiving disciplinary action shall have presented to him a copy of just cause.

2. At the completion of the disciplinary action process, a copy of all reports and investigations shall become a part of the employee's personnel file.

3. One copy of the disciplinary action shall be placed in the employee's file maintained in Human Resources. That file shall be open to inspection, upon a written request from the employee who is the subject of the file, for sufficient reason as determined by the director of Human Resources.

12.04 **EMPLOYEE RIGHT OF APPEAL OF DISCIPLINARY ACTION** :

(a) Every employee receiving disciplinary action has the right to appeal that decision and may do so, by letter, within ten (10) days, to the Sheriff. This notice must particularly state the reason for appeal.

(b) Upon receipt of that written notice of appeal, the Sheriff (or designee to whom the employee does not object) has thirty (30) days to conduct any further investigation or hold any hearing relative to the appeal and to make a decision which shall be provided in writing to the employee.

(c) The employee may appear personally, produce evidence, call witnesses, or have counsel when a hearing before the Sheriff is held.

(d) The Sheriff may modify his original decision if he finds that the charges are not supported by the facts.

(e) Upon receipt of written notice of the Sheriff's final decision, the employee has ten (10) days to file a written notice of appeal to the Civil Service Commission.

(f) Upon written notice of an appeal, the Civil Service Commission shall, within fifteen (15) business days, set a hearing of the appeal at the earliest available date, except that continuances may be granted for good cause shown.

(g) The Civil Service Commission has the power to subpoena witnesses and to conduct such investigations as it deems necessary.

(h) The Civil Service Commission shall render a final decision in writing to the employee and the Sheriff within seven (7) days after the end of the hearing.

12.04 **EMPLOYEE RIGHT OF APPEAL OF DISCIPLINARY ACTION** : (continued)

(i) The Civil Service Commission may:

1. In rendering a final decision regarding a disciplinary action by the department, the Commission may only sustain, overturn, or reduce the disciplinary action. The Commission may not enhance a disciplinary action by the department; or

2. Grant the relief requested by the appeal and reinstate the employee.

Reinstatement may include but not limited to placement in the job assignment held by the employee at the time of the disciplinary action, no loss of benefits or with payment of all back wages and salary.

12.05 **EXCEPTIONS TO THIS RULE** :

(a) Actions that do not result in loss of monetary benefits or direct compensation shall not be subject to this procedure.

(b) Employees may not use this rule to appeal notice of failure to complete probation, except as provided by Rule 8.

(c) Employees may not use this rule to appeal administrative dismissals pertaining to FMLA and leave of absence policies that are in compliance with Harris County Personnel Regulations.

Amended 2/94, Amended 4/01, Amended 9/09, Amended 2/10

RULE 13
GRIEVANCES

13.01 **PURPOSE** :

The purpose of this rule is to provide a forum for a classified employee of the Harris County Sheriff's Department to present a grievance to the administrators of that Department, without fear of reprisal or harassment, for prompt and fair consideration.

13.02 **BASIC ASSUMPTIONS** :

(a) That any classified employee of the Harris County Sheriff's Department may initiate a grievance.

(b) That the grievance procedure is a positive process that seeks to improve morale, discipline, and the functioning of the Department.

(c) That the administrators of the Harris County Sheriff's Department have the right to maintain efficient operations to meet law enforcement needs.

(d) That the basic responsibility for resolving grievances lies with the employee's supervisor.

(e) That an employee may present fact witnesses in his behalf and may be represented by a person of his choosing in all proceedings pertaining to his grievance.

(f) That the Sheriff of Harris County will monitor all levels of this grievance procedure and will insist upon compliance with all its requirements.

13.03 **DEFINITIONS** :

A grievance is an action arising from a complaint an employee has concerning the administration of policies, procedures, rules, regulations, and operations of this Department, but does not include the following:

1. Departmental decisions pertaining to disciplinary action (See Rule 12)
2. Salaries and economic benefits
3. Discrimination complaints based on race, color, religion, sex, or national origin
4. Personnel evaluations
5. Letters of reprimand
6. Promotional examination issues. (See Rule 4, Section 4.05)

13.04 **GRIEVANCE PROCESS** :

(a) To file a grievance, an employee must file it:

1. Within fifteen (15) days of the action or inaction giving rise to the grievance.

2. By letter.

3. To his supervisor, with a copy to the Personnel Section of the Human Resources Bureau.

(b) Each grievance and all documents related thereto will be maintained by the Human Resources Bureau.

(c) Upon receipt of the written grievance, the employee's supervisor will arrange a meeting with the employee within five (5) days.

(d) When the employee and the supervisor meet, they will strive to resolve the problem. If the grievance is resolved at the meeting both parties shall reduce the resolution to writing and attach it to the original grievance and forward it to the Human Resources Bureau. If the grievance is not resolved, both parties shall attach statements to the original grievance stating reasons for their positions. The original grievance, the statements, and any other attachments will be reproduced and a copy sent to the Human Resources Bureau. The original grievance, statements and other attachments will then be forwarded through the chain of command.

(e) Upon receipt of the documents pertaining to the grievance, each supervisor in the chain of command has five (5) days to meet with the employee. After an informal meeting, the supervisor has five (5) days to render his decision. If the grievance is resolved at the meeting both parties shall reduce the resolution to writing and attach it to the original grievance and forward it to the Human Resources Bureau. If his decision is in favor of the employee, the supervisor will render his decision in writing and provide copies of his decision to the employee and the lower chain of command and copies of his letters will be forwarded to the Human Resources Bureau. If the grievance is not resolved, both parties shall attach statements to the original grievance stating reasons for their positions. The original grievance, the statements, and any other attachments will be reproduced and a copy sent to the Human Resources Bureau.

(f) The employee has five (5) days to appeal the decision in writing to the Sheriff of Harris County. Copies of all documents related to the grievance must be attached to the grievance when the grievance is appealed to the Sheriff.

(g) Upon receipt of the grievance, the Sheriff will review the facts pertaining to the grievance and shall render his decision within ten (10) days. If his decision sustains the employee's grievance, the Sheriff shall notify the employee in writing and shall also notify the appropriate chain of command stating the reasons for his decision. Copies of his letter will be sent to the Human Resources Bureau. If his decision is adverse to the employee, the Sheriff shall notify the employee in writing and shall attach his decision, and any recommendation, to the grievance form. All documents will then be forwarded to the Human Resources Bureau.

(h) The employee has five (5) days in which to appeal the Sheriff's decision to the Civil Service Commission. Copies of all documents related to the grievance must be attached to the grievance when the grievance is appealed to the Civil Service Commission.

(i) Upon receipt of the grievance, the Civil Service Commission shall review the facts pertaining to the grievance and render its decision in writing to sustain, deny or hold a hearing. If the Commission's decision sustains the employee's grievance, the Commission shall notify the employee and the appropriate chain of command in writing. If the Commission's decision is adverse to the employee, the Commission shall notify the employee in writing. If the Commission holds an informal hearing, the employee may be represented by any person of his choosing and may call any fact witnesses. The Sheriff or his designee may call fact witnesses. The Civil Service Commission may call any witnesses. Upon completion of the hearing, the Civil Service Commission shall render its decision. Its decision is final and binding upon all parties. Copies or originals of all documents generated at this level will be forwarded to the Human Resources Bureau.

(j) The Civil Service Commission shall issue a letter stating its findings to the affected Bureau or Bureaus.

(k) Failure of the parties involved to act within the time limits established by this rule will give the employee the right to proceed to the next highest level in the process.

Amended 4/25/95, Amended 4/01

RULE 14

PROMOTIONS AND ELIGIBILITY LISTS

14.01 ELIGIBILITY FOR PROMOTIONS :

To be eligible for promotion, a deputy / detention officer as applicable, must meet the following prerequisites:

(a) For Detention Sergeant (Non-Certified Peace Officer Personnel):

1. Must be licensed by the Texas Commission on Law Enforcement Officer Standards and Education as a County Jailer.
2. Must hold an intermediate county jailer certification, or higher certification.
3. Completion of required correspondence and/or supervisory courses as announced in accordance with Rule 14.02
4. Must have a minimum of thirty-six (36) months continuous, full-time employment with the Harris County Sheriff's Department as a detention officer prior to the first day of the month in which the promotional eligibility list becomes effective.
5. Must be presently serving in a rank below that of Detention Sergeant.
6. Must have an average or above average personnel evaluation for each of the last two reporting periods previous to the promotional examination.
7. Must be available for shift work.

(b) For Detention Lieutenant (Non-Certified Peace Officer Personnel):

1. Must be licensed by the Texas Commission on Law Enforcement Officer Standards and Education as a County Jailer.
2. Must hold an intermediate county jailer certification, or higher certification.
3. Must have a minimum of thirty (30) months continuous, full-time employment with the Harris County Sheriff's Department as a licensed Jailer prior to the first day of the month in which the promotional eligibility list becomes effective.
4. Must currently be serving as a permanent employee in the rank of Detention Sergeant for a period of not less than twenty-four (24) months prior to the first day of the month in which the promotional eligibility list becomes effective.
5. Must have an average or above average personnel evaluation for each of the last two reporting periods previous to the promotional examination.
6. Must be available for shift work.

(c) For Sergeant (Sworn Peace Officer):

1. Must be licensed by the Texas Commission on Law Enforcement Officer Standards and Education as a peace officer.
2. Must have a minimum of twenty-four (24) months continuous, full-time employment with the Harris County Sheriff's Department as a peace officer prior to the first day of the month in which the promotional eligibility list becomes effective.
3. Must be presently serving in a rank below that of Sergeant.
4. Must have an average or above average personnel evaluation for each of the last two reporting periods previous to the promotional examination.
5. Must be available for shift work.

(d) For Lieutenant:

1. Must be licensed by the Texas Commission on Law Enforcement Officer Standards and Education as a peace officer.
2. Must hold an Intermediate or higher certification.
3. Must have a minimum of thirty (30) months continuous, full-time employment with the Harris County Sheriff's Department as a peace officer prior to the first day of the month in which the promotional eligibility list becomes effective.
4. Must currently be serving as a permanent employee in the rank of Sergeant for a period of not less than twenty-four (24) months prior to the first day of the month in which the promotional eligibility list becomes effective;
5. Must have an average or above average personnel evaluation for each of the last two reporting periods previous to the promotional examination.
6. Must be available for shift work.

(e) For Captain:

1. Must be licensed by the Texas Commission on Law Enforcement Officer Standards and Education as a peace officer.
2. Must hold an Advanced, or higher certification.
3. Must have a minimum of forty-two (42) months continuous, full-time employment with the Harris County Sheriff's Department as a peace officer prior to the first day of the month in which the promotional eligibility list becomes effective.
4. Must currently be serving as a permanent employee in the rank of Lieutenant for a period of not less than thirty-six (36) months prior to the first day of the month in which the promotional eligibility list becomes effective.
5. Must have an average or above average personnel evaluation for each of the last two reporting periods previous to the promotional examination.

6. Must be available for shift work.

14.02 **PROCEDURES FOR SELECTION** :

(a) The Harris County Sheriff's Department Civil Service Commission shall distribute a list of promotional study material by the first working day of May to be used for the written examinations to be administered in September of every other calendar year beginning in 1995. The Civil Service Commission will maintain all promotional materials and access will be limited to the Director or his/her designee.

(b) Each eligible Deputy or Detention Officer desiring to take a promotional test shall submit a "Letter of Intent" to the Commission no later than May 31 of the calendar year in which the test is being administered¹.

(c) The Harris County Sheriff's Department Civil Service Commission will conduct a promotional selection process at any other time as may be deemed necessary by the Civil Service Commission for the purpose of maintaining an eligibility list of candidates qualified for promotion.

(d) Notification as to location, date and time for the promotional selection process to be administered will be posted in accordance with Rule 3.06(b).

14.03 **PROMOTIONAL SELECTION PROCESS** :

(a) Written Examination:

1. A written examination will be administered which may include, but not be limited to, questions pertaining to law enforcement practices and procedures; criminal and applicable civil law; supervisory principles and Departmental policies and procedures.

2. The written examination shall be administered by the Harris County Civil Service Commission at the location, date and time designated in the official Civil Service announcement.

3. The written examination requires a minimum score of 70 based upon a total score of 100 points in order for the candidate to be eligible to proceed to the oral interview or assessment phase of the promotional selection process.

(b) Oral Interview and Assessment Center:

1. To determine eligibility for the candidate to proceed to the oral interview phase for the ranks of Detention Sergeant, Detention Lieutenant, Sergeant and Lieutenant, Civil Service will combine the written examination score, years of service credit, and TCLEOSE licensure points, to determine each candidate's preliminary score.

[1] In the rank of Captain, all candidates will be required to participate in the assessment center process.

[2] In the rank of Lieutenant, a minimum of six (6) candidates with the highest preliminary scores will be initially interviewed.

[3] In the rank of Sergeant, a minimum of fifteen (15) candidates with the highest preliminary scores will be initially interviewed.

¹ An interim "Detention Sergeant" promotional examination will be administered in mid February 2009 with the oral interview portion of the selection process to be conducted in late March 2009. The effective date of the "Detention Sergeant" interim promotional list is March 2009.

[4] In the rank of Detention Sergeant, a minimum of fifteen (15) candidates with the highest preliminary scores will be initially interviewed.

[5] In the rank of Detention Lieutenant, a minimum of six (6) candidates with the highest preliminary scores will be initially interviewed.

2. The oral interview or assessment center will commence at the location, date and time designated in the official Civil Service announcement to those candidates who successfully passed the written examination.

3. A Board of Examiners and alternates or panel of assessors shall be appointed by the Sheriff with the concurrence of the Director of the Civil Service Commission.

4. The Board of Examiners shall assess each candidate appearing before them a numerical rating based upon his/her problem solving ability, communication skills and presentation. The panel of assessors shall examine each candidate based upon selected critical work factors or dimensions.

5. Civil Service will monitor and electronically record each individual interview or assessment.

6. Upon completion of each review board, Civil Service will add each candidate's oral interview score to his/her preliminary score to give each candidate his/her cumulative score. Not applicable for the rank of Captain.

7. Civil Service will then determine if any other candidate could possibly attain an equal or higher total cumulative score, through the oral interview, than any candidate in the initial interview. If this is possible any such candidate will be interviewed and given his/her total cumulative score. Not applicable for the rank of Captain

8. The eligibility lists for the ranks of Detention Sergeant, Detention Lieutenant, Sergeant and Lieutenant will be formed based on the total cumulative scores of those candidates interviewed. The eligibility list for the rank of Captain will be formed by the overall assessment center score.

9. The scores of the candidates not interviewed will be retained for use should the eligibility list for that rank fall below four (4) candidates. Not applicable for the rank of Captain.

(c) Service Credit Computation:

1. The Sheriff or his staff will make available to the Director of the Civil Service Commission each candidate's date of hire.

2. Candidates will receive one (1) point per year of creditable service or prior creditable service with the department not to exceed fifteen (15) years of service. Not applicable for the rank of Captain.

(d) T.C.L.E.O.S.E. Licensure Credit:

1. The Civil Service Director will verify with TCLEOSE the current license status of each candidate.

2. Licensure requirements must be met prior to the first day of the month in which the promotional eligibility list becomes effective. Candidates shall provide the Director of Civil Service proof of required licensure prior to the posting of the promotional eligibility list.

14.04 **COMPUTATION OF PROMOTIONAL SELECTION SCORING :**

The Director of the Civil Service Commission will determine an eligibility score for promotion for the ranks of Detention Sergeant, Detention Lieutenant, Sergeant and Lieutenant using the following criteria:

	Possible Points
(a) Written exam score: 70-100 points	100
(b) Oral interview:	20
(c) Service credit: 1 point per year up to maximum of 15 years	15
(d) TCLEOSE licensure: 5 points per level for the following peace officer licensures: Intermediate, Advanced, Master Peace Officer	15
(d) TCLEOSE licensure (Detention Sergeant and Detention Lieutenant Only): 5 points per level for the following county jailer licensures: Advanced, Master	10

14.05 **ELIGIBILITY LIST :**

(a) Candidates for the ranks of Detention Sergeant, Detention Lieutenant, Sergeant and Lieutenant will be ranked on an eligibility list, in descending order based upon the total cumulative score. Ties on the list for candidates of all ranks will be decided by the candidate with the most creditable months of service with the Sheriff's Department.

(b) Eligibility lists shall be posted on the first working day of January, effective January 1st of that year or on such other date that supplemental eligibility lists are prepared. All such eligibility lists shall specify the dates upon which the lists go into effect and the expiration date.

(c) If an eligibility list for Detention Sergeant, Detention Lieutenant, Sergeant or Lieutenant falls below four (4) candidates before the scheduled expiration date, the Civil Service Commission shall call for the oral interview a minimum of the next five (5) candidates who have the highest preliminary score. Upon completion of this review board Civil Service will add each candidate's oral interview score to his/her preliminary score to give each candidate his/her total cumulative score.

(d) Civil Service will then determine if any other Detention Sergeant, Detention Lieutenant, Sergeant or Lieutenant candidate could possibly attain an equal or higher total cumulative score, through the oral interview, than any other candidate in this interview. If this is possible any such candidate(s) will be interviewed. Civil Service will then add his/her interview score to their preliminary score to give each candidate his/her total cumulative score.

(e) The new eligibility lists for Detention Sergeant, Detention Lieutenant, Sergeant and Lieutenant will be formed based on the total scores of the candidates interviewed. The scores of the candidates not interviewed will be kept for use should the new eligibility list for that rank fall below four (4) candidates.

(f) Reasons for Removal from Eligibility List shall be:

1. Promotion

2. Declining promotion
3. Resignation or termination from Department
4. Voluntary request of employee
5. Expiration of the list.

(g) Any employee on Leave of Absence will maintain his position on the eligibility list, but will not be eligible for promotion until he returns to active duty.

14.06 **PROMOTION** :

(a) The Sheriff shall select from the appropriate promotional list a candidate from the top three ranked employees on the list.

(b) Any candidate passed over two successive times on the current eligibility list shall have the right to appeal to the Civil Service Commission.

(c) If the passed-over candidate is successful, the candidate shall automatically receive the next promotion when a vacancy to that rank may occur.

(d) If the passed-over candidate is unsuccessful, the candidate shall be removed from the appropriate eligibility list.

Amended 4/04, Amended 7/05, Amended 5/07, Amended 9/08,
Amended 02/10, Amended 4/13

RULE 15

PERFORMANCE EVALUATIONS

15.01 **PURPOSE**:

(a) The performance evaluation plan shall consist of objective service rating standards and reports that shall serve as a means whereby supervisory personnel and individual employees may review the actual performance of all personnel in relation to their duty assignments.

(b) The performance evaluation shall further be a means of ascertaining and encouraging the improvement in performance by individual personnel and as a means for securing effective supervision of all personnel.

15.02 **FREQUENCY** :

(a) Performance evaluation reports shall be prepared on an annual basis for all permanent employees not on probation.

(b) Performance evaluation reports shall also be prepared during probationary periods in accordance with Rule 8, Probation and Disciplinary Probation.

(c) Performance evaluations shall further be completed for all employees upon termination of employment with this agency. This shall include resignation.

(d) Unscheduled performance ratings may be completed at any time as deemed necessary for either probationary or permanent employees.

15.03 **RATING STANDARDS** :

These specific rating standards shall be applied uniformly in rating the efficiency and performance of each employee in accordance with the procedure adopted by the Civil Service Commission.

15.04 **FACTORS RATED** :

The specific factors rated shall be applied uniformly in rating the efficiency and performance of each employee. The factors rated shall be recommended by the Sheriff and his staff and approved by the Civil Service Commission.

15.05 **REVIEW** :

(a) Upon completion of the performance evaluation, the rater shall conduct a review of said performance evaluation with the subject employee in complete privacy. During this interview, any progress, goals, suggestions for improvement, and deficiencies shall be covered.

(b) Any changes in performance ratings must be initialed in ink by the employee and the rater.

15.06 **SIGNATURES** :

Upon completion of the review of the performance evaluation report, the subject employee shall be afforded an opportunity to enter any comments in the appropriate space. The employee shall also indicate whether he does or does not wish to discuss the performance evaluation report with the reviewer. The rater and subject employee shall sign and date all copies of the report. The employee's signature indicates that the conference has been held and an opportunity afforded to read the report. If the employee refuses to sign for any reason, the refusal shall be recorded on the report, after which it shall be forwarded.

15.07 **RECONSIDERATION OF RATINGS** :

(a) Should the employee request a review of said performance evaluation report with the reviewer, his request shall be granted within five (5) working days.

(b) Any changes or modifications of ratings at this level must be initialed by the reviewer and employee.

(c) If the employee, after discussing the performance evaluation report with the reviewer, feels need for further review, the employee may appeal immediately in writing to his Bureau Commander. The Bureau Commander's word shall be final.

15.08 **COMMISSION MAY REQUEST COPY** :

A copy of all performance evaluations shall be forwarded to the Human Resources Bureau and shall be available to the Civil Service Commission upon request.

Amended 11/02

RULE 16

TENURE, LAYOFFS AND REDUCTIONS IN RANK, RESIGNATIONS, RETIREMENT, DEMOTIONS, SENIORITY

16.01 TENURE OF CLASSIFIED EMPLOYEES :

(a) Every employee who is legally employed in accordance with the provisions of the Civil Service law and these rules and who successfully completes his working test period shall have indefinite tenure of employment in the classified service during meritorious service, except as provided in these rules.

(b) The Sheriff or his staff shall report to the Commission on each appointment in the classified service and on each promotion, reduction, suspension, transfer, separation, reinstatement, or other change in employment on such forms as prescribed by the Harris County Auditor.

16.02 LAYOFFS AND REDUCTIONS IN RANK :

(a) The appointing power may layoff or reduce an employee when necessary:

1. For reasons of economy or lack of work.
2. Where there are more employees than positions in any class within the department.

(b) Order of layoff or reduction:

1. Employees in the classified service shall be laid off or reduced in rank on the basis of inverse order of seniority.

2. All promotional rank in the classified service, Captain, Lieutenant, Sergeant, and Detective, shall be reduced to the next lower rank until the shortage of positions is adjusted.

3. If seniority is the same, the person lowest on the original eligibility list is the first laid off.

(c) Reinstatement Lists:

1. The names of employees laid off or demoted in accordance with this rule shall be entered on a list in the inverse order of their laying off or reduction of rank.

2. Any new certifications or promotions in the affected class will come from the appropriate reinstatement list, if any, without regard to the current eligibility list until the reinstatement list is depleted.

3. Any employee refusing reinstatement to the classified service or promotion to previous rank shall be dropped from the reinstatement list.

4. Any employee scoring unsatisfactory on his last two performance evaluations shall not be eligible to be placed on a reinstatement list.

5. Any employee refusing to accept reduction in rank during layoff and terminates his employment shall not be eligible for placement upon a reinstatement list.

16.03 **RESIGNATION FROM CLASSIFIED SERVICE** :

(a) Upon the voluntary resignation by an employee from the classified service, the employee shall submit to the Sheriff a formal resignation in writing. The Sheriff shall forward a copy of such resignation to the Commission along with a report of separation of such employee. The receipt of such formal resignation and separation report shall constitute resignation from the Sheriff's Department in good standing.

(b) Upon receipt of the resignation, the Director may conduct such investigation as he/she may deem proper and necessary to ascertain that the resignation was submitted in good faith by the employee. The date of such resignation and the findings of the investigation, if deemed necessary, shall be incorporated in the employee personnel record.

(c) Any form of resignation found to have been filed with the Sheriff without date or with a future date, and that is not intended to be a voluntary resignation to be acted upon at the time of filing shall not be accepted by the Commission as a resignation. Each separation under such circumstances shall be deemed a dismissal and provisions of these rules relating to dismissals shall apply. Any request of the Sheriff for the filing of any form of resignation for possible future action at the option of the Sheriff shall be deemed to constitute prima facie evidence of coercion, in contravention of the purpose of the Civil Service law and these rules.

(d) Whenever resignations within any Bureau or identifiable subdivision of the Department are, in the opinion of the Commission, excessive, it shall be its duty and it shall have the power to investigate the cause of such resignation.

16.04 **RETIREMENTS** :

(a) Any person in the classified service who shall become eligible to retire and who shall be retired or pensioned under the provisions of any applicable retirement laws shall be deemed for the purpose of these rules to have been separated as a member of the Sheriff's Department in good standing.

(b) Any previously classified employee who retired because of disability, and at a date earlier than the specified retirement period, and has recovered to the extent in the said opinion of a physician appointed by the Commission the employee is able to perform the usual and customary duties formerly handled by such employee, the employee may be reinstated as an employee, when an opening occurs. Said employee will not accrue any seniority for the period while on retirement.

16.05 **DEMOTIONS DUE TO INABILITY TO PERFORM DUTIES** :

(a) When an employee can no longer perform the essential duties of his assigned position, he may, upon request of the Sheriff or upon his own initiative, be transferred to a vacant position, the duties of which he is able to perform, in a class carrying a lower rate of pay.

(b) Complete facts regarding such a change shall be reported to the Commission. The change shall not become effective until approved by the Commission. The employee shall first be served with a written notice of any demotion of this category and shall be given opportunity to make and file explanation and have the right of appeal to the Commission in the manner as set forth in the files for appeals from demotion or dismissal if such action was initiated by the office of the Sheriff.

16.06 **INVOLUNTARY DEMOTIONS DUE TO ORDER OF COMMISSION OR COURT** :

In the event that an order of the Commission or a court of competent jurisdiction results in the forced or involuntary demotion of an employee, the employee so demoted shall be placed on a reinstatement list as prescribed under Rule 16.02, Section (c).

16.07 **VOLUNTARY DEMOTION** :

(a) An employee promoted to the rank of detective, sergeant, lieutenant, or captain may request that he/she be voluntarily demoted and returned to the rank of from which he/she was last promoted. Any such request for a voluntary demotion must be made in writing to the Sheriff, with a copy to the employee's bureau commander and the Commission, and must be received by the Sheriff before the end of the employee's promotional probationary period for the rank from which the demotion is sought.

(b) Upon receipt of the request for a voluntary demotion, the Director may make inquiry as he/she deems appropriate to ensure that the request was made voluntarily and in a timely manner. Unless the Director determines that the request was not made voluntarily or in a timely manner, the Commission will approve the voluntary demotion and order that it be effected forthwith.

(c) In the event that a request for a voluntary demotion is made after the employee's promotional probationary period has ended, such request may be approved by the Commission, but, if approved, the Commission will order the employee demoted to the rank of deputy and not the rank from which he/she was last promoted.

16.08 **SENIORITY** :

(a) Seniority shall be calculated from:

1. Date of hiring for entry-level positions.
2. Date of promotions for Detective, Sergeant, Lieutenant and Captain.

(b) Seniority in rank is not lost due to a promotion to next higher rank.

RULE 17

INTRABUREAU TRANSFERS, INTERBUREAU TRANSFERS

17.01 INTRABUREAU TRANSFERS :

It is the responsibility of the Sheriff's designated Bureau Commander to insure the fulfillment of his Bureau's obligations to the public. This responsibility and the authority to schedule and assign personnel to fulfill that obligation shall not be abridged by this section. However, intrabureau assignments will not be made capriciously and/or maliciously but on demonstrable need. Employees feeling that they have been reassigned capriciously and/or maliciously shall have redress through the procedures set out in Rule 13.

17.02 INTERBUREAU TRANSFERS :

Interbureau transfers may be effected upon written request of the employee, or when the Sheriff may justify such transfer for the best interests of the Department. However, interbureau assignments will not be made capriciously and/or maliciously but on demonstrable need. Employees feeling that they have been reassigned capriciously and/or maliciously shall have redress through the procedures set out in Rule 13.

RULE 18

EMPLOYEE DEVELOPMENT

18.01 EMPLOYEE DEVELOPMENT :

It shall be the responsibility of the Sheriff and his staff to administer and conduct programs of in-service training and counseling and to insure effective utilization of employees in order to promote individual, group, and departmental efficiency. The Sheriff and his staff shall cooperate with the Civil Service Commission, non-classified employees, and others in the classified service to promote in-service training of employees, to the end that the high standards and quality of services rendered to the county may be provided and that employees may be aided to equip themselves for advancement in the Sheriff's Department. To accomplish these ends, cooperative arrangements with other public agencies including educational institutions, may be made by the Sheriff of his designee.

RULE 19

CIVIL SERVICE RIGHTS OF EXEMPT (UNCLASSIFIED) EMPLOYEES

19.01 **EXEMPTIONS** :

Section 158.038 of the Civil Service Act grants the Sheriff authority to exempt certain positions from the Civil Service System. Section 158.038 reads as follows:

Section 158.038 Exemptions

(a) A person who is an employee of a department on the date that a civil service system is adopted under this subchapter in the department may not be required to take a competitive examination or perform any other act under this subchapter to maintain the person's employment.

(b) The sheriff of a county with a population of more than 2,000,000 may designate as exempt from the civil service system:

(1) the position of chief deputy;

(2) one or more positions in the office of department legal counsel; and

(3) additional positions in the department, not to exceed 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.

(c) At the time a new sheriff takes office, an employee holding an exempt position may be transferred to the nonexempt position held by the employee immediately before being promoted to an exempt position. A person who was not an officer in the department when appointed to an exempt position may be transferred only to an entry-level position in accordance with the system's civil service rules.

Amended 2/94