



City of Dallas

Personnel Rules Updates

January, 2021

Human Resources
City of Dallas

Personnel Rules Update Overview



- The personnel rules have not been updated since 2017
- The last comprehensive review was conducted in 2007

Review and modify Chapter 34 of the Dallas City Code (City of Dallas Personnel Rules) to address:

- **Outdated and/or obsolete information**
- **Changes to federal and state laws, and**
- **Changes to reflect updated City processes and procedures**

Provide overview of changes, including:

- **Process changes**
- **New definitions**
- **Further refinement of definitions**
- **Clarification including use of current terminology**





Personnel Rules Changes

Process Changes

Include “drug and alcohol testing” as a potential requirement after an employment offer has been extended. 34-6 (f)

Disallow the practice of double filling a position if an employee wishes to retreat to the former position. 34-11 (h) (1) Clarified the process for sworn civil service employees. 34-11 (h) (2)

Change the type of additional pay for exempt employees: “In rare instances, and with the approval of the city manager, an exempt employee ‘may receive additional compensation’ for overtime worked” to change the process to be consistent with the definition of exempt employee. 34-20 (a)

Added process for emergency work during a disaster declaration. “Emergency Work. As appropriate, during emergencies, such as during a declaration of disaster by the city, and subject to the approval of the department director, an employee may be temporarily required to perform work outside of the employee’s normal job duties. In such situations, the employee will not lose their exempt status.” 34-20 (d)

Removed the reference to “designated care recipient” to reflect current Texas law in family and medical leave and funeral leave. 34-24.1 (c) (1) (C), 34-24.1 (c) (1) (E), 34-24.1 (c) (1) (F), 34-24.1 (c) (2), 34-27 (a)

Add city auditor’s office to group of employees not eligible to earn compensatory time. 34-24 (a)





Personnel Rules Changes

Process Changes

Define process for department-specific sick leave procedure approvals. “Departments that implement rules regarding employee attendance must do so with review and input by the Department of Human Resources and the City Attorney’s Office.” 34-22 (v)

Define the order of use of leave for sick instances. “Accrued sick leave balances must be used first for sick leave purposes before other types of accrued leave balances can be used.” 34-22 (w)

Add information about accumulation and use of vacation during a declaration of disaster. “During a declaration of disaster by the city, employees who are prohibited by their department from taking vacation leave due to the declaration of disaster, may continue to accrue vacation leave beyond the maximum allowed for the duration of the declaration of disaster. Any vacation leave accrued beyond the maximum allowed during a declaration of disaster will be forfeited if not used within a year after the expiration of the declaration of disaster.” 34-23 (d)

Remove “Except for the final step in appealing a suspension, demotion, or discharge, a hearing under the procedures is an informal discussion held without the taking of a written record.” Add “During an initial hearing for a suspension, demotion, or discharge, any participant may take written notes.” 34-38 (c) (5)





Personnel Rules Changes

New Definitions

PERMANENT EMPLOYEE means an employee who is not a temporary employee as defined in this Chapter. A permanent employee's employment with the City may be terminated based on a reduction-in-force, for cause, or for any reason not prohibited by this chapter, the Charter, federal, state, or local law. 34-4 (36)

TEMPORARY EMPLOYEE means an employee who has been designated as temporary pursuant to Section 34-8 of this chapter. 34-4 (56)

PRORATED SALARY RATE means a proportionate salary rate based on the annual salary divided by the standard annual work hours for exempt employees. 34-4 (41)





Personnel Rules Changes

Further Define

Add phrase: Benefits may be changed at any time subject to applicable law “and subject to Council approval when required for any lawful reason, including budget constraints.” 34-9 (a) (1)

Removed reference to human resources representative in paycheck discrepancy correction process to reflect current practice in Workday. 34-21 (a)

Add protection against City management taking retaliatory action against an employee who makes a protected complaint of discrimination: “nor shall City management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories.” 34-35 (a)

Add “use of work time to study or complete school assignments when the school work is not part of the employee’s work duties” to unacceptable conduct. 34-36 (b) (5) (C)

Remove reference to “blackberries and PDAs” in excessive use of personal cell phones and other electronic devices while on duty to unacceptable conduct. 34-36 (b) (5) (C)

Add “including the use of tobacco products and e-cigarettes” to definition of smoking 34-36 (b) (7) (F)

Add to unauthorized taking of city property, “including removal of items from the trash”, or the property of others 34-36 (b) (9) (A)

Add to definition of intimidation: “including bullying and online harassment;” 34-36 (b) (12) (C)





Personnel Rules Changes

Further Define

Add to “or gestures” to use of profane, obscene, abusive, threatening, or loud and boisterous language 34-36 (b) (12) (E)

Add “sexual harassment” to description of harassment or workplace violence. 34-36 (b) (12) (F)

Change “illegal” to “prohibited” to description of knives. 34-36 (b) (16) (B) (ii)

Add “or” to 34-38 (b) (2) and add “appeal concerning a job performance rating, or merit rating” to clarify an additional situation for appeal. 34-38 (b) (3)

Remove “efficiency rating”, add “For purposes of this subpart, ‘issuing’ refers to the initial job performance rating” to clarify process for appealing a performance rating. 34-38 (c) (15)

Add “For purposes of this subpart, ‘issuing’ refers to the initial disciplinary action.” 34-38 (c) (16)

Add “A subpoena for an active city employee may be served through the director of the employee’s department. 34-38 (h) (5)

Add “or an administrative law judge,” to clarify the process for appeal. 34-38 (i) (1) (C)

Define the requirement of a certified transcript and payment of court reporter’s fees for an appeal. “34-40 (f) (2) (D)

Add “district”: If the appealing party fails to provide the “district” court with any material required by Paragraph (2)(D) of this subsection, the appeal must be dismissed. 34-40-(f) (2) (E)

Clarify process for appeal. “Any appeal to state district court must be initiated by a citation and service of process, pursuant to Texas Rule of Civil Procedure 106.” 34-40 (f) (2) (F)





Personnel Rules Changes

Clarification

Add “and development” to training in description of human resources director duties. 34-2 (b) (9)

Add “for nonexempt employees.” To BASE RATE OF PAY to delineate the difference in pay calculations for nonexempt and exempt personnel 34-4 (5)

Correct spelling of identity 34-4 (23)

Change “calendar” to “fiscal” to reflect the timing of leave based on the fiscal year. 34-4 (35)

Clarify pay definitions: REGULAR RATE OF PAY means “a nonexempt” employee's base hourly rate of pay or “a prorated salary rate for exempt employees” plus additional payments as established in the salary and classification schedule. 34-4 (45)

Clarify definition of permanent employee. Add “Nothing in this definition conveys a contract of employment with the city of Dallas and nothing in this definition is intended to be a term of a contract when combined with any other document, instrument, or writing.” 34-8 (b)

Remove the quote from Section 10, Chapter XVI of the city charter.

Clarify that an employee may not grieve a reassignment. “An employee may not grieve a reassignment, including situations in which the employee applied for and was not selected for the reassignment, or if the employee was involuntarily reassigned.” 34-13 (b)





Personnel Rules Changes

Clarification

Add “that the wages, hours, and conditions of employment of all city employees shall be fixed and approved by the city council.” Remove quote of Section 18 Chapter XXVI of the city charter. 34-15 (a)

Change “requests” to “applies for” to clarify the process for transfer. 34-18 (a)

Clarify how pay is calculated for an employee's base rate of pay for nonexempt and exempt employees. “When pay in lieu of vacation leave is approved as provided by Section 34-23(o), the employee will receive the employee's base hourly rate of pay ‘for nonexempt employees or the employee's prorated salary rate for exempt employees.’” 34-18 (a)

Change reference (h) to (g) to correct the reference. 34-22 (i) (1)

Add “for a nonexempt employee” to leave time taken for intermittent family and medical leave. For an excused, but non-compensable, absence of less than a day “for a nonexempt employee.” 34-28 (b) (8)

Removed reference to Administrative Directives no longer in use regarding administration of military leave. 34-30 (c)

Changed “person” to “retiree” in sections on retirees. 34-32 (c) (1), 34-32 (c) (2), 34-32 (c) (3), 34-32 (c) (4)

Change “and” to and/or” in reasons for absences. 34-36 (b) (3)



Personnel Rules Changes



Terminology Change “personnel” to “human resources” to reflect current terminology

Added “and medical” to “family leave”: “family *and medical* leave” to reflect current terminology

Added “foster child” to definition of family





Appendix





Personnel Rules Changes Addendum

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
Table of Content Sec. 34-24.1 Add “and medical”	Sec. 34-24.1. Family leave	Sec. 34-24.1. Family <u>and medical</u> leave	Add to define leave type.
34-2 (b) Change “personnel” to “human resources”	The director of human resources is appointed by the city manager to administer the personnel system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws.	The director of human resources is appointed by the city manager to administer the <u>human resources</u> system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws.	Change to more contemporary terminology.
34-2 (b) (3) Change “personnel” to “human resources”	Providing and administering personnel programs, rules, regulations, procedures, and actions affecting employment status, including, but not limited to, promotions, transfers, leaves of absence, and paid leave programs.	Providing and administering <u>human resources</u> programs, rules, regulations, procedures, and actions affecting employment status, including, but not limited to, promotions, transfers, leaves of absence, and paid leave programs	Change to more contemporary terminology
34-2 (b) (5) Change “personnel” to “human resources”	Reviewing departmental personnel programs, rules, regulations, procedures, and actions and ensuring compliance with city policies and this chapter.	Reviewing departmental <u>human resources</u> programs, rules, regulations, procedures, and actions and ensuring compliance with city policies and this chapter.	Change to more contemporary terminology
34-2 (b) (7) Change “personnel” to “human resources”	Providing regulations, guidelines, procedures, and assistance to employees and departments regarding personnel-related complaints, excluding formal complaints filed with the civil service board.	Providing regulations, guidelines, procedures, and assistance to employees and departments regarding <u>human resources</u> -related complaints, excluding formal complaints filed with the civil service board.	Change to more contemporary terminology





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-2 (b) (9) Remove “and” Add “and development” to training”	Developing and administering, in cooperation with other departments, and training for city employees.	Developing and administering, in cooperation with other departments, training <u>and development programs</u> for city employees.	Provide additional clarity on training and development functions of human resources
34-2 (b) (12) Change “personnel” to “human resources” two times	Maintaining master employee personnel files and, in consultation with the city attorney, developing procedures for responding to all requests for personnel information.	Maintaining master employee <u>human resources</u> files and, in consultation with the city attorney, developing procedures for responding to all requests for <u>human resources</u> information.	Change to more contemporary terminology
34-2 (b) (17) Change “personnel” to “human resources”	Maintaining a human resources information system and preparing and submitting all statistical personnel reports required by federal, state, or other agencies.	Maintaining a human resources information system and preparing and submitting all statistical <u>human resources</u> reports required by federal, state, or other agencies.	Change to more contemporary terminology
34-2 (b) (20) Change “personnel” to “human resources”	Performing all other actions necessary for the proper administration of the personnel system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws.	Performing all other actions necessary for the proper administration of the <u>human resources</u> system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws.	Change to more contemporary terminology





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-2 (c) Change “personnel” to “human resources” three times	The chiefs of the fire and police departments shall, respectively, designate an officer of rank in each department who shall act as personnel officer, subject to the direction and supervision of the chief of the department. Those officers shall cooperate with the director of personnel in all departmental human resources matters relating to their respective departments and maintain complete departmental personnel records.	The chiefs of the fire and police departments shall, respectively, designate an officer of rank in each department who shall act as <u>human resources</u> officer, subject to the direction and supervision of the chief of the department. Those officers shall cooperate with the director of human resources in all departmental <u>human resources</u> matters relating to their respective departments and maintain complete departmental <u>human resources</u> records.	Change to more contemporary terminology
34-4 (5) Add “for nonexempt employees.” To BASE RATE OF PAY	BASE HOURLY RATE OF PAY means the hourly rate of an employee’s base salary as established in the salary and classification schedule.	BASE HOURLY RATE OF PAY means the hourly rate of an employee’s base salary as established in the salary and classification schedule for <u>nonexempt employees</u> .	Delineate the difference in pay calculations for nonexempt and exempt personnel.
34-4 (23) Correct spelling of identity	GENDER IDENTITIY	GENDER <u>IDENTITY</u>	Correct spelling
34-4 (26) (A) Remove “or” before sister and add “or foster child”	a husband, wife, father, mother, father- in-law, mother-in-law, son, daughter, brother or sister of an employee; or	a husband, wife, father, mother, father- in-law, mother-in-law, son, daughter, brother, sister, <u>or foster child</u> of an employee; or	Include foster child in definition of immediate family
34-4 (35) Change “calendar” to “fiscal”	PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, fifteen days of military leave each calendar year, and mandatory city leave.	PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, fifteen days of military leave each <u>fiscal</u> year, and mandatory city leave.	Reflect the timing of leave based on the fiscal year per state law.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-4 (36) Add PERMANENT EMPLOYEE definition, increase numbering after 36.	No current wording	PERMANENT EMPLOYEE means an employee who is not a temporary employee as defined in this Chapter. A permanent employee's employment with the City may be terminated based on a reduction-in-force, for cause, or for any reason not prohibited by the this chapter, the Charter, federal, state, or local law.	Add definition of permanent employee.
34-4 (41) New element PRORATED SALARY RATE numbering after 41 increased by 1	No current wording	PRORATED SALARY RATE means a proportionate salary rate based on the annual salary divided by the standard annual work hours for exempt employees.	Define pay calculation for exempt employees.
34-4 (45) Add "a nonexempt" and or a prorated salary rate for exempt employees" to REGULAR RATE OF PAY definition	REGULAR RATE OF PAY means an employee's base hourly rate of pay or plus additional payments as established in the salary and classification schedule.	REGULAR RATE OF PAY means a <u>nonexempt</u> employee's base hourly rate of pay or a <u>prorated salary rate for exempt employees</u> plus additional payments as established in the salary and classification schedule.	Define rate of pay definition for exempt and nonexempt employees.
34-4 (56) add TEMPORARY EMPLOYEE, increase numbering after 56 by 1	No current wording	TEMPORARY EMPLOYEE means an employee who has been designated as temporary pursuant to Section 34-8 of this chapter.	Add definition of temporary employee.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-5 (d) (3) (B) add “foster child” to definition of RELATIVE for NEPOTISM	RELATIVE means the employee’s spouse, mother, father, stepmother, stepfather, mother- in-law, father-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, or sister- in-law, or any grandparent, aunt, uncle, niece, nephew, or cousin related to the employee by blood or marriage.	RELATIVE means the employee’s spouse, mother, father, stepmother, stepfather, mother- in-law, father-in-law, son, daughter, stepson, stepdaughter, <u>foster child</u> , son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, or sister- in-law, or any grandparent, aunt, uncle, niece, nephew, or cousin related to the employee by blood or marriage	Include foster child in definition of nepotism.
34-6 (f) add “drug and alcohol” and “as appropriate for the position and as” to Requirement for Induction	pass a medical, physical agility, and/or mental examination after an employment offer has been extended, for positions designated by the director of human resources.	pass a medical, physical agility, <u>drug and alcohol</u> , and/or mental examination after an employment offer has been extended, <u>as appropriate for the position and as designated</u> by the director of human resources.	Include drug and alcohol testing as a potential requirement after an employment offer has been extended.
34-8 (b) Add sentence: “Nothing in this definition conveys a contract of employment with the city of Dallas and nothing in this definition is intended to be a term of a contract when combined with any other document, instrument, or writing.”	An employee is designated as permanent when appointed in any situation not defined as temporary under Subsection (a). Exceptions to this subsection must be approved by the director of human resources	An employee is designated as permanent when appointed in any situation not defined as temporary under Subsection (a). Exceptions to this subsection must be approved by the director of human resources. <u>Nothing in this definition conveys a contract of employment with the city of Dallas and nothing in this definition is intended to be a term of a contract when combined with any other document, instrument, or writing.”</u>	Clarify definition of permanent employee.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-9 (a) (1) add “and subject to Council approval when required for any lawful reason, including budget constraints.”	A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law.	A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law <u>and subject to Council approval when required for any lawful reason, including budget constraints.</u>	Further define reasons for changes to benefits.
34-11 (a) Remove quote Section 10, Chapter XVI of the city charter	SEC. 10. PROBATIONARY PERIOD. (a) <u>Appointments or promotions</u> of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the city manager, or the head of the department in which said probationer is employed without right of appeal. (b) <u>Probationary periods</u> may be extended under civil service rules or this chapter to allow six months on-the-job work performance or completion of any written prerequisites to employment.	No wording	Remove redundant wording.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-11 (h) add “if position is vacant” and add sentence “A department director, in their discretion, may allow an employee in the unclassified civil service to retreat to a comparable position, if the immediately former position is no longer available.” Added paragraph (2) to clarify process for classified civil service sworn employees.	If an employee is promoted into a classified or unclassified civil service position and fails to complete probation in that position, whether voluntarily or because of nonsatisfactory performance, the employee maintains a right to retreat to the immediately former position, grade, and base hourly rate of pay or step, whichever is applicable, held, provided that probation was completed in the immediately former position and the former position was a classified or unclassified civil service position.	<p>(1) If an employee is promoted into a classified or unclassified civil service position and fails to complete probation in that position, whether voluntarily or because of nonsatisfactory performance, the employee maintains a right to retreat to the immediately former position, grade, and base hourly rate of pay or step, whichever is applicable, held, <u>if the position is vacant</u>, provided that probation was completed in the immediately former position and the former position was a classified or unclassified civil service position. <u>A department director, in their discretion, may allow an employee in the classified or unclassified civil service to retreat to a vacant comparable position, if the immediately former position is no longer available.</u></p> <p>(2) <u>Right to retreat for classified civil service sworn employees. Promotion of any classified civil service sworn employee of the police and fire department shall not be deemed complete until a period of six months shall have elapsed from the date of appointment to the higher rank. If, during the six-month period, the promoted employee does not merit the promotion and it is recommended by the Chief of the department that the employee be reduced, then the employee so promoted shall be returned to the rank held by the employee at the time of promotion.</u></p>	Disallow the practice of double filling a position if an employee wishes to retreat to the former position. Allows for retreat to a comparable position at the discretion of the department director.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-13 (b) add "An employee may not grieve a reassignment, including situations in which the employee applied for and was not selected for the reassignment, or if the employee was involuntarily reassigned." Delete "A reassignment is not grievable."	A reassignment is not grievable.	<u>An employee may not grieve a reassignment, including situations in which the employee applied for and was not selected for the reassignment, or if the employee was involuntarily reassigned."</u>	Clarify when an employee may not grieve a reassignment.
34-13 (c) add "applies for" delete "request"	An employee who requests a transfer must meet the minimum qualifications of the requested position.	An employee who <u>applies for</u> a transfer must meet the minimum qualifications of the requested position.	Clarify the process for transfer.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-15 (a) add “that the wages, hours, and conditions of employment of all city employees shall be fixed and approved by the city council.” Remove quote of Section 18, Chapter XXIV of the city charter	(a) <u>Charter provisions</u> . Section 18, Chapter XXIV of the city charter provides: SEC. 18. EMPLOYEES’ WAGES. The wages, hours and conditions of employment of any and all of the city employees shall be fixed and approved by the city council.	a) Charter provisions. Section 18, Chapter XXIV of the city charter provides <u>that the wages, hours, and conditions of employment of all city employees shall be fixed and approved by the city council</u> .	Clarifies Section 18 while removing the quote.
34-18 (a) add “for a nonexempt employee or the employee’s prorated salary rate for exempt employees”	When pay in lieu of vacation leave is approved as provided by Section 34-23(o), the employee will receive the employee’s base hourly rate of pay.	When pay in lieu of vacation leave is approved as provided by Section 34-23(o), the employee will receive the employee’s base hourly rate of pay <u>for nonexempt employees or the employee’s prorated salary rate for exempt employees</u> .	Clarify how pay is calculated.
34-20 (a) Reworded “In rare instances, and with the approval of the city manager, an exempt employee may receive his or her regular rate of pay for overtime worked” to reflect the ability to earn additional pay within the exempt definition	An exempt employee is paid on a weekly salary basis regardless of the number of hours worked, unless an absence is taken when the employee has no remaining paid leave balances or when the employee is on furlough leave. In rare instances, and with the approval of the city manager, an exempt employee may receive his or her regular rate of pay for overtime worked.”	An exempt employee is paid on a weekly salary basis regardless of the number of hours worked, unless an absence is taken when the employee has no remaining paid leave balances or when the employee is on furlough leave. In rare instances, and with the approval of the city manager, an exempt employee may receive <u>additional compensation</u> for overtime worked.	Change process to be consistent with the definition of exempt employee.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-20 (d) Add information concerning Emergency Work.	No wording	<u>Emergency Work.</u> As appropriate, during emergencies, such as during a declaration of disaster by the city, and subject to the approval of the department director, an employee may be temporarily required to perform work outside of the employee's normal job duties. In such situations, the employee will not lose their exempt status.	Define "emergency work."
34-21 (a) Removed reference to human resources representative.	(a) The city controller is responsible for proper distribution of pay checks. Any discrepancy in a pay check resulting in overpayment or otherwise should be brought to the attention of the employee's supervisor and/or the human resources representative for the employee's department. The employee shall also report the discrepancy to the city controller payroll section.	The city controller is responsible for proper distribution of pay checks. Any discrepancy in a pay check resulting in overpayment or otherwise should be brought to the attention of the employee's supervisor. The employee shall also report the discrepancy to the city controller payroll section.	Clarify the current process.
34-22 (i) (1) change reference (h) to (g)	(1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (h)(1), (2), (3), (4), or (5) of this section; or	(1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (g)(1), (2), (3), (4), or (5) of this section; or	Correct the reference.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-22 add (v) Wording concerning coordination of department-specific leave procedures and (w) Wording concerning the order of leave taken when sick	No wording	<u>(v) Departments that implement rules regarding employee attendance must do so with review and input by the Department of Human Resources and the City Attorney's Office</u> <u>(w). Accrued sick leave balances must be used first for sick leave purposes before other types of accrued leave balances can be used.</u>	Define process for department-specific sick leave procedure approvals and defines the order of use of leave for sick instances.
34-23 (d) Add information about accumulation of vacation during a declaration of disaster.	No wording	<u>During a declaration of disaster by the city, employees who are prohibited by their department from taking vacation leave due to the declaration of disaster, may continue to accrue vacation leave beyond the maximum allowed for the duration of the declaration of disaster. Any vacation leave accrued beyond the maximum allowed during a declaration of disaster will be forfeited if not used within a year after the expiration of the declaration of disaster.</u>	Define process to allow for accumulation of vacation over the maximum during an emergency and use after an emergency.
34-24 (a) Added "or the city auditor's office	No wording	<u>Eligibility. An exempt employee (other than the city manager, the first assistant city manager, an assistant city manager, a department director, an assistant department director, other managerial personnel designated by the city council, an exempt employee of the city attorney's office or the city's auditor's office) who works overtime one full hour or more in a pay period may earn compensatory leave.</u>	Provide additional clarity.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-24.1 Add “and medical” to family leave	FAMILY LEAVE	FAMILY <u>AND MEDICAL</u> LEAVE.	Provide clarity.
3 4-24.1 (a) “and medical” to family leave	If any provision of this section conflicts with a provision of the federal law governing family leave, the federal law prevails.	If any provision of this section conflicts with a provision of the federal law governing family <u>and medical leave</u> , the federal law prevails.	Provide clarity
34-24.1 (b) “and medical” to family leave	Every employee is eligible for family leave if the employee has:	Every employee is eligible for family <u>and medical</u> leave if the employee has:	Provide clarity
34-24.1 (c) (1) “and medical” to family leave	an eligible employee may take family leave only in the following circumstances:	an eligible employee may take family <u>and medical</u> leave only in the following circumstances:	Provide clarity
34-24.1 (c) (1) (C) Removed reference to “designated care recipient”	to care for a spouse, son, daughter, parent or “designated care recipient”, of the employee, if the spouse, son, daughter, parent, or “designated care recipient” has a serious health condition;	to care for a spouse, son, daughter, or parent of the employee, if the spouse, son, daughter, or parent has a serious health condition;	Reflect current legislation.
34-24.1 (c) (1) (E) Removed reference to “designated care recipient”	for any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, parent or “designated care recipient” is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or	for any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent, is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or	Reflect current legislation.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-24.1 (c) (1) (F) Removed reference to “designated care recipient”	to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member “or if the service member is a designated care recipient” of the employee.	to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.	Reflect current legislation.
34-24.1 (c) (2) Removed definition of “designated care recipient”	For the purposes of this subsection, “designated care recipient” means one individual designated by the employee who is 18 years of age or older and has resided in the same household as the employee and intends to reside in the same household as the employee on a continuous basis.	No wording	Reflect current legislation.
34-24.1 (d) added “and medical”	Administration of family leave.	Administration of family <u>and medical</u> leave.	Provide clarity
34-24.1 (e) (1) added “and medical”	falsifies or misrepresents any facts in order to obtain family leave; or	falsifies or misrepresents any facts in order to obtain family <u>and medical</u> leave; or	Provide clarity
34-24.1 (e) (2) added “and medical”	shares confidential medical information relating to a request for family leave with any person not authorized to receive the information.	shares confidential medical information relating to a request for family <u>and medical</u> leave with any person not authorized to receive the information.	Provide clarity
34-27 (a) Remove “designated care recipient”	An allowance of three work days with pay is extended to every regular employee when a member of the employee’s immediate family, or the employee’s designated care recipient” as defined in Sec. 34-24.1(c)(2) of this chapter, dies.	An allowance of three work days with pay is extended to every regular employee when a member of the employee’s immediate family dies.	Reflect current legislation.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-28 (b) (8) Added” for a nonexempt employee”	For an excused, but non-compensable, absence of less than a day	For an excused, but non-compensable, absence of less than a day <u>for a nonexempt employee</u> .	Clarify the statement.
34-30 (c) Removed “Specific procedures and requirements for the administration of military leave policies are outlined in the administrative directives of the city.”	The city will grant military leave to city employees in compliance with the Uniformed Services Employment and Reemployment Rights Act, as amended, and Chapters 437 and 613 of the Texas Government Code, as amended. Specific procedures and requirements for the administration of military leave policies are outlined in the administrative directives of the city.	The city will grant military leave to city employees in compliance with the Uniformed Services Employment and Reemployment Rights Act, as amended, and Chapters 437 and 613 of the Texas Government Code, as amended.	Clarify current documentation.
34-32 (c) (1) Change “person” to “retiree”	Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires from the city and is entitled to receive city retirement benefits is entitled to purchase retiree health benefits coverage from the city for the person and any eligible dependents.	Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires from the city and is entitled to receive city retirement benefits is entitled to purchase retiree health benefits coverage from the city for the <u>retiree</u> and any eligible dependents.	Clarify the statement.
34-32 (c) (2) Change “person” to “retiree”	To receive continued health benefits coverage, the person <u>must</u> inform the city, within thirty days of the day on which the person retires, of the election to continue coverage.	To receive continued health benefits coverage, the <u>retiree</u> <u>must</u> inform the city, within thirty days of the day on which the person retires, of the election to continue coverage.	Clarify the statement.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-32 (c) (3) Change “person” to “retiree” three times	If the person elects to continue health benefits coverage for the person and/or any dependents and on any subsequent date elects to discontinue that coverage, then the person is no longer eligible for coverage from the city.	If the <u>retiree</u> elects to continue health benefits coverage for the <u>retiree</u> and/or any dependents and on any subsequent date elects to discontinue that coverage, then the <u>retiree</u> is no longer eligible for coverage from the city.	Clarify the statement.
34-32 (c) (4) Change “person” to “retiree”	If a person is not participating in the city's active employee health benefit plans at the time the person retires from the city, the person is not eligible for continued health benefits coverage under the city's retiree health benefit plans.	If a person is not participating in the city's active employee health benefit plans at the time the person retires from the city, the <u>retiree</u> is not eligible for continued health benefits coverage under the city's retiree health benefit plans.	Clarify the statement.
34-35 (a) Add “nor shall City management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories.”	City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations	City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations <u>nor shall City management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories.</u>	Clarify the statement.
34-36 (b) (3) Remove “and, add “and/or”	Inability to come to work occurs when an employee is absent due to an extended illness or injury after sick leave, and wage supplementation, have been exhausted.	Inability to come to work occurs when an employee is absent due to an extended illness or injury after sick leave, <u>and/or</u> wage supplementation, have been exhausted.	Clarify the statement.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-36 (b) (5) (C) Add “use of work time to study or complete school assignments when the school work is not part of the employee’s work duties”. Remove “blackberries, PDAs”	performance of personal business, including but not limited to excessive use of personal cell phones, blackberries, PDAs or other electronic devices while on duty;	performance of personal business, including but not limited to <u>use of work time to study or complete school assignments when the school work is not part of the employee’s work duties</u> , excessive use of personal cell phones, or other electronic devices while on duty;	Clarify unacceptable conduct and removes reference to outdated devices.
34-36 (b) (7) (F) Add “including the use of tobacco products and e-cigarettes”	smoking in a prohibited area	smoking <u>including use of tobacco products and e-cigarettes</u> in a prohibited area	Further define smoking.
34-36 (b) (9) (A) Add “including removal of items from the trash”	unauthorized taking of city property, or the property of others;	unauthorized taking of city property, <u>including removal of items from the trash</u> , or the property of others;	Further define unauthorized taking of city property.
34-36 (b) (12) (C) Add “including bullying and online harassment”	intimidation;	intimidation, <u>including bullying and online harassment</u> ;	Further define intimidation.
34-36 (b) (12) (E) Add “or gestures”	Use of profane, obscene, abusive, threatening, or loud and boisterous language	Use of profane, obscene, abusive, threatening, or loud and boisterous language <u>or gestures</u>	Further define unacceptable behavior.
34-36 (b) (12) (F) Add “, including sexual harassment”	Harassment or workplace violence as defined in the administrative directives of the city	Harassment, <u>including sexual harassment</u> , or workplace violence as defined in the administrative directives of the city	Further define harassment.
34-36 (b) (16) (B) (ii) Delete “Illegal” add “prohibited”:	any illegal knife, including but not limited to:	any <u>prohibited</u> knife, including but not limited to:	Expand definition of knife





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-38 (b) (2) add “or” and add 34-38 (b) (3) “appeal concerning a job performance rating, or merit rating.”	(2) appeal a disciplinary action No current (3)	(2) appeal a disciplinary action; <u>or</u> (3) <u>appeal concerning a job performance rating, or merit rating.</u>	Provide additional situations for appeal
34-38 (c) (5) Remove “Except for the final step in appealing a suspension, demotion, or discharge, a hearing under the procedures is an informal discussion held without the taking of a written record.” Add “During an initial hearing for a suspension, demotion, or discharge, any participant may take written notes.”	Except for the final step in appealing a suspension, demotion, or discharge, a hearing under the procedures is an informal discussion held without the taking of a written record.	<u>During an initial hearing for a suspension, demotion, or discharge, any participant may take written notes.</u>	Allow written note taking during an initial hearing.
34-38 (c) (15) Remove “efficiency rating”. Add “For purposes of this subpart, “issuing” refers to the initial job performance rating.”	An appeal concerning a job performance rating, efficiency rating, or merit rating may not proceed beyond Step 3 unless the person issuing the job performance rating is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member.	An appeal concerning a job performance rating or merit rating may not proceed beyond Step 3 unless the person issuing the job performance rating is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member. <u>For purposes of this subpart, “issuing” refers to the initial job performance rating.</u>	Clarify process for appeal.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-38 (c) (16) Add “For purposes of this subpart, “issuing” refers to the initial disciplinary action.”	An appeal of a reprimand may not proceed beyond Step 3 unless the person issuing the reprimand is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member.	An appeal of a reprimand may not proceed beyond Step 3 unless the person issuing the reprimand is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member. <u>For purposes of this subpart, “issuing” refers to the initial disciplinary action.</u>	Clarify process for appeal.
34-38 (h) (5) Add “A subpoena for an active city employee may be served through the director of the employee’s department. The assistant city manager assigned to the appeal hearing should forward subpoenas for non-city employees to the Dallas City Marshal for service on the witness.”	A witness served with a subpoena who fails to appear at the hearing or fails to produce requested evidence may be punished for contempt.	<u>A subpoena for an active city employee may be served through the director of the employee’s department. The assistant city manager assigned to the appeal hearing should forward subpoenas for non-city employees to the Dallas City Marshal for service on the witness.</u> A witness served with a subpoena who fails to appear at the hearing or fails to produce requested evidence may be punished for contempt	Clarify process for subpoena.
34-38 (i) (1) (C) Add “or an administrative law judge,”	demotion or discharge, which may be appealed to the trial board unless provided otherwise in the city charter.	demotion or discharge, which may be appealed to the trial board <u>or an administrative law judge,</u> unless provided otherwise in the city charter.	Clarify process for appeal.





Personnel Rules Changes

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-40 (f) (2) (D) Add “a certified official copy of the transcript taken by the court reporter”. Remove “but not limited to”. Add “The appealing party is responsible for paying the court reporter’s fees for preparing the official hearing transcript.”	The appealing party shall, at its expense, furnish to the court a copy of the complete hearing record presented to the trial board or the administrative law judge, but not limited to, pleadings, hearing transcripts, exhibits, orders, and all evidence admitted during the hearing.	The appealing party shall, at its expense, furnish to the court a copy of the complete hearing record presented to the trial board or the administrative law judge, including <u>a certified official copy of the transcript taken by the court reporter</u> , pleadings, hearing transcripts, exhibits, orders, and all evidence admitted during the hearing. <u>The appealing party is responsible for paying the court reporter’s fees for preparing the official hearing transcript.</u>	Clarify process for appeal.
34-40-(f) (2) (E) Add “district:	If the appealing party fails to provide the court with any material required by Paragraph (2)(D) of this subsection, the appeal must be dismissed	If the appealing party fails to provide the <u>district</u> court with any material required by Paragraph (2)(D) of this subsection, the appeal must be dismissed	Clarify process for appeal.
34-40 (f) (2) (F) Added “Any appeal to state district court must be initiated by a citation and service of process, pursuant to Texas Rule of Civil Procedure 106.”	No wording.	<u>“Any appeal to state district court must be initiated by a citation and service of process, pursuant to Texas Rule of Civil Procedure 106.”</u>	Clarify process for appeal.

