

**CAMERON COUNTY, TEXAS  
CIVIL SERVICE COMMISSION  
RULES & REGULATIONS**



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# CHAPTER I ORGANIZATION

## PURPOSE:

**1.00** The purpose of this civil service system is to assure that covered job positions are filled, managed, and evaluated based on considerations of merit and performance in a consistent and predictable manner by the appointing and supervisory authorities, by establishing and enforcing the statutory authority and powers accorded to the Civil Service Commission under Chapter 158 of the Texas Local Government Code.

## CREATION AUTHORITY:

**1.01 Role:** The Cameron County Commissioners Court (“Commissioners Court”) is the legally authorized elected body that created the Cameron County Civil Service Commission (“the Commission”). The Commission was duly and properly created by Order of the Commissioner’s Court on November 15, 2005.

**1.02 Appointments:** The Commissioners Court appoints the three members of the Civil Service Commission, designating one member to serve as Chairman.

**1.03 Term of Office:** Each member of the Commission holds office for a term of two years and until his/her successor is appointed. Vacancies on the Commission must be filled by appointment of the Commissioners Court for the unexpired term of the member whose position is vacated. Whether a position is “vacated” shall be determined by reference to applicable law.

**1.04 Scope of Authority:** The Commission has the authority under Chapter 158, TLGC, to make, publish and enforce rules relating to the following subject matter areas:

- a. Selections and classifications of employees;
- b. Competitive examination;
- c. Promotions, seniority, and tenure;
- d. Layoffs and dismissals;
- e. Disciplinary action;
- f. Appeal procedure and other procedural and substantive rights of employees, and;
- g. Other matters having to do with selection of employees and their advancement, rights, benefits and working conditions.

These Rules and Regulations are themselves adopted under the authority of Chapter 158, TLGC and shall be treated at all times as presumptively valid so long as they are adopted in accordance with applicable law and procedure, including compliance with the Texas Open Meetings Act and any other applicable law.

**1.05 Meetings:** Regular meetings of the Civil Service Commission are scheduled quarterly. However, special meetings may, and should, be called by the Chairman or by the other two Commission members upon giving reasonable (five day) notice to all Commission members, to attend to pending business as the need arises. Responsibility for bringing matters to the attention of the Commission in an orderly and routine manner shall fall primarily on the Director of Human Resources/Civil Service Director. The Director shall co-ordinate the scheduling of all Commission meetings. The meetings of the Commission are open to the public and posted in accordance with the Texas Open Meetings Act.

**1.06 Quorum:** Two members of the Commission constitute a quorum.

**1.07 Rules of Order:** The Cameron County Civil Service proceedings shall be conducted in accordance with "Roberts Rules of Order". The normal order of business is:

- a. establishment of a quorum;
- b. approval of minutes of the previous meeting;
- c. Director's report on all administrative business and issues;
- d. unfinished or tabled business, and;
- e. new business.

**1.08 Minutes:** The Director shall be responsible for recording the minutes of each meeting and shall note the following:

- a. the time and place of each meeting of the Commission;
- b. the names of the Commission members present and establishment of a quorum;
- c. all official actions of the Commission in relation to each and every agenda item posted, with the exception of closed or executive session items, which shall be recorded in accordance with the Texas Open Meetings Act;
- d. the official vote by each Commission member except where the action is unanimous;
- e. upon request, a Commission member's dissent with his/her reasons.

The minutes of any particular meeting will be presented for approval at the next regular meeting of the Commission, unless good cause for any delay as tendered by the Director is reported to the Commission. Upon approval by the Commission, the minutes become open for public inspection.

**1.09 Communications:** All communications or requests to the Commission are to be made in writing and filed with the Director of Human Resources/Civil Service Director to the Commission. Ex-parte communications with individual members of the Civil Service Commission on Commission business pending before the Director and/or the Commission are not allowed. This restriction does not apply to the Director or the Director's administrative staff.

**1.10 Attendance:** If a Civil Service Commission member is absent from three consecutively called meetings, not including meetings called in an emergency and excepted from the Open Meeting Act's 72- hour posting requirement, during his/her present term without the approval of the remaining members, then the absent member is deemed to have submitted his or her resignation, and the position will be declared vacant by the Commission acting upon a duly posted action item reference this provision. Upon the declaration of such a vacancy, the County Judge will be so notified so that the Commissioners Court may take appropriate action to fill the vacancy.

#### **DIRECTOR OF HUMAN RESOURCES AND CIVIL SERVICE DIRECTOR:**

**1.11 Appointment:** The Director of Human Resources for Cameron County shall serve as the Director for the Civil Service Commission.

**1.12 Duties:** The Director of Human Resources/Civil Service Director (the “Director”) will provide staff support to the Civil Service Commission as may be necessary to record and maintain the minutes of the Commission. Also, the Director of Human Resources will be the Chief Examiner for the Civil Service Commission and will provide staff support for the day to day functions of the Commission. The Director of Human Resources shall also, by direction and approval of the County Commissioners Court, perform the following duties:

- a. be the general manager of the Department of Human Resources and the Director of Civil Service and be responsible for the direction of the work and the staff of this Department;
- b. administer the civil service system, which includes:
  1. recruitment and examination of applicants;
  2. classification of positions;
  3. administering the appeals of disciplinary matters;
  4. any other task(s) or projects as may be directed by the Civil Service Commission.

### **1.13 Applicability:**

The Civil Service Rules apply to the covered positions and covered employees of all departments as those terms are defined by applicable state law and as defined in these Rules & Regulations. A budgeted County employment position will carry a presumption of being a covered position, unless qualification for civil service status is precluded by state law or excluded in these Rules & Regulations. Similarly, an employee holding a covered position will carry a presumption of being covered, unless coverage is excluded or restricted in accordance with the terms and conditions recognized in these Rules & Regulations.

### **PERSONNEL RECORDS:**

**1.14 Official Roster:** The Director of Human Resources/Civil Service Director shall maintain an official roster containing the names, job title, or code, salary, hire date, and department of all employees holding positions in the Civil Service of Cameron County.

**1.15 Employment Record:** The Director of Human Resources/Civil Service Director shall maintain a complete employment record of all employees holding Civil Service positions in Cameron County. This record will include all personnel actions subject to Civil Service Commission administration and any other records normally maintained on employees by Cameron County.

## **RULES AND REGULATIONS:**

**1.16 Establishment:** These Rules & Regulations have been approved by the Cameron County Civil Service Commission and are in effect until amended, revised, or eliminated by the Commission. To the extent that any other Cameron County Personnel Policy, or any departmental policy, applicable to covered employees of Cameron County, does not conflict with the Rules and Regulations set forth herein, such personnel policy shall also be applicable to employees covered by Civil Service.

**1.17 Amendment of the Rules:** All rules and amendments shall become effective 10 calendar days after their approval by the Commission. All rules and amendments shall be printed for distribution to all departments that have Civil Service employees. Civil Service Rules may also be made available on the Cameron County internet site, if feasible.

**1.18 Knowledge of the Rules Presumed:** An employee who fills a covered position, and who has satisfied the necessary requirements to qualify as covered employee, shall be presumed to have knowledge of all applicable rules, regulations, standards of performance, behavior, and conduct applicable to the covered position held.

**1.19 Calculation of Deadlines:** If the calculation of any deadline created under these Rules falls on a week-end or a holiday, then the deadline shall be extended until 5:00 P.M. on the next business day. For purposes of calculating deadlines, the date an employee is provided documentation shall serve as day zero (0).

# CHAPTER II

## EMPLOYMENT

### DEFINITIONS

**2.01 Applicant:** This term includes any person who has completed an application for employment for a specific covered Civil Service position for which the Cameron County Department of Human Resources and Civil Service is recruiting applicants.

**2.02 Appointing Authority:** The person in a Cameron County Department who has authority to appoint employees under the civil service system, normally an elected or appointed Department Head.

**2.03 Job Class:** A job class consists of a group of jobs, regardless of department, which have similar duties and responsibilities and have similar requirements regarding education, experience, knowledge skills and abilities.

**2.04 Classification/Reclassification:** Classification is the actual process of evaluating the structure of jobs so that they may be arranged into classes or pay groups, according to job evaluation.. When there is a departmental reorganization or substantial change in the duties, responsibilities, or market factors of a position, the Civil Service Commission may reclassify that position to an appropriate job classification. All classification and re-classification actions must be approved by the Commissioners Court, before adoption by the Civil Service Commission.

**2.05 Job Evaluation:** A process used to review the compensable factors of jobs in order to determine their level in the pay structure of Cameron County. Upon request of the respective appointing authority, the Court may direct such study be done prior to the adoption of the annual budget or otherwise, but not more frequently than once per budget year for any one position.

**2.06 Covered Employee – Covered Position:** Employment positions in the County that do not qualify for civil service status as a matter of state law shall not qualify for civil service coverage under these Rules & Regulations. In addition, budgeted County employment positions identified and listed as being NOT COVERED in the Attachment A to these Rules & Regulations do not qualify for civil service protections afforded by these Rule & Regulations. The Commission has no jurisdiction over budgeted positions that do not qualify for civil service status. The Commission also has no jurisdiction over certain employees who, while they may hold a covered positions, do not qualify as a covered employee based on other considerations, such as probationary status.

**2.07 Probationary Period:** The period of initial employment, or after a promotion, during which the employee is not covered by civil service. Entry level probationary periods for covered civilian employees and for covered law enforcement employees are different, as further specified below. In addition, probation period may apply in other circumstances, as further specified in these Rules & Regulations.

**2.08 Termination of Employment:** The discontinuation of a covered employee's service with the County as a result of a resignation, dismissal, reduction in force, retirement or death.

## **EMPLOYMENT PROCEDURES FOR CIVIL SERVICE COVERED POSITIONS:**

**2.09 Request To Fill Vacant Positions:** Each Elected Official/Department Head must submit a Personnel Requisition to the Director of Human Resources/Civil Service Director with the necessary specifications of the vacancy. For the convenience of County departments, a supply of forms will be maintained in the Human Resources Department. The Director of Human Resources/Civil Service Director will then process the completed form through the Auditor's office to the Commissioners Court for approval. Given such approval by the Commissioners Court, the Director of Human Resources/Civil Service Director will then forward to that department head, a list of eligible applicants to fill the position.

**2.10 Job Posting:** With the exception of positions to be filled from an existing certification list, the Director of Human Resources/Civil Service Director, upon receipt of a personnel requisition for a covered position, will post an announcement for each covered job vacancy for a period of at least five (5) business days.

The announcement will include the title, job code/class, starting pay group for the position, closing date for applications, job summary, qualifications, plus any special physical requirements or performance tests that apply. All announcements will also include a statement regarding the appropriate probationary period. Posting will be in a conspicuous place in each County department and may be posted with other organizations outside of the County as appropriate to increase applicant flow.

**2.11 Emergency Appointments.** Nothing in this Chapter prohibits the appointing authority, with the assistance of the Director of Human Resources/Civil Service Director, from making an emergency appointment to fill a position on a short-term basis, when such an emergency appointment is necessary to maintain operations of the County and/or meet licensing standards or requirements of the County or a higher level of government. Emergency appointments shall not exceed 90 days, unless exigent circumstances prevent the appointment of a classified civil service employee to the position. The Civil Service Commission must approve the extension of emergency appointments beyond 90 days.

**2.12 Applications:** Applications are accepted only for positions for which the County is currently recruiting. Individuals wishing to apply for an open position must submit a completed Cameron County "Employment Application," and any other documents required by the announcement, prior to the closing date for each position for which they wish to be considered. Resumes will be accepted in addition to the completed application.

Completed applications will remain in the possession of the Civil Service Director until the initial posting for a position has concluded.

**2.13 Pre-screening:** To insure that minimum qualifications are met, each application for each position will be pre-screened by the Civil Service Director

**2.14 Interview of Applicants:** The appointing authority will be responsible for deciding who to interview from the list of certified applicants that is provided by the Director of Human Resources/Civil Service Director. Final selection for each position will be made from this list of applicants. If there is more than one position vacant in the same class that is being recruited, the appointing authority may select applicants from the same list.

**2.15 Civil Service Examination for Civil Service Positions:** Any individual wishing to apply for a covered position with Cameron County must take the Civil Service Examination. This examination may be administered by the Director of Human Resources/Civil Service Director on an individual or group basis, depending upon the type of test being administered.

**2.16 Performance Tests:** Applicants may be required to take any other relevant performance tests once they have passed the initial Civil Service Examination. Other performance tests may include a typing test, a test of communication skills, computer skills, or any other combination of tests that measure essential performance factors. All applicants who take the Civil Service Examination are required to complete an application for employment.

**2.17 Civil Service Register:** The name of each applicant who successfully passes the civil service exam and any required performance tests, will be placed on the Civil Service Register in order of ranking. Individual position ranking on the register will be based on evaluation of the civil service exam score and any additional points granted under this section. Current County employees will receive an additional one (1) point for each year of service with the County, up to a maximum five (5), added to their overall score. Applicants who have served on active duty for one year (12 months) consecutive or more and honorably released as per DD214 shall have an additional five (5) points added to his/her ranking. Disabled veterans, with 30% or more disability discharge, shall have an additional ten (10) points added to their ranking. Points added to exam scores only apply for job postings that are open to the public. Scores on the Civil Service Register are good for a one-year period.

**2.18 Civil Service Certified List:** The creation of the certified list is defined when the Civil Service Director accumulates and authorizes a list of applicants from the Civil Service Register who are qualified to be hired by the appointing authority. A certified list will be provided to an appointing authority so long as the initial job posting has concluded. If more than one position in the same class is available and has been included on the personnel requisition, the appointing authority may select applicants from the same list. The certification list shall be dynamic, in that the Director of Human Resources/Civil Service Director may add names at any time, according to their ranking on applicable tests. Anyone remaining on the list for 90 days, who is not appointed to a covered position, shall be removed from the list.

**2.19 Re-examination:** Applicants may take the Civil Service Examination only two times within a 12 month period. One extra attempt to pass the Civil Service exam will be considered only upon written request from the applicant and is subject to the approval of the Director of Human Resources/Civil Service Director. An applicant who has failed the Civil Service exam a total of three (3) times shall wait 12 months from the date of the last exam before being considered eligible to retest. An applicant who has failed a specific exam three times is allowed to apply and test for a different position requiring a different examination without having to wait the 12 month period. Re-examinations are not allowed for passing grades.

**2.20 Law Enforcement Applicants.** Applicants for law enforcement positions shall be required to undergo written and performance examinations before being considered qualified for employment. All County law enforcement applicants must also meet the requirements of the "Texas Commission on Law Enforcement" (TCOLE) and requirements set by the Cameron County Sheriff.

## **RETENTION OF RECORDS:**

**2.21 Certification Lists and Applications:** All, certification lists, registers and applications will be retained in accordance with the Records Retention Regulations set by the Texas Library and Archives Commission.

## **MINIMUM AGE REQUIREMENT:**

**2.22 Minimum Age for Employment.** No person shall be eligible for employment in a covered civil service position, nor shall any applicant be admitted to an open examination therein, who is less than eighteen (18) years of age, provided, however, that the Commission may change this age limit at its discretion. In the case of applicants for law enforcement positions, the age criteria prescribed by TCOLE will be followed by the County.

## **PROOF OF EDUCATIONAL ATTAINMENT OR LICENSURE:**

**2.23** All applicants that are selected for positions which require education above the high school level will be required to provide official transcripts from the college(s) or universities they attended. New hires for positions that require special training or licensing must also provide satisfactory evidence of completion of the prescribed requirement(s).

## **DISQUALIFICATION OF APPLICANTS AND EMPLOYEES:**

**2.24** Any applicant or employee may be disqualified for consideration for employment or from their current covered positions when information found in that applicant's background makes it inadvisable to consider the individual for employment. Any falsification or misrepresentation of facts, or failure to report pertinent data on the application form shall be cause for disqualification or dismissal without recourse to the appeal process provided in these Rules. An applicant may also be disqualified from employment and/or advancement consideration for the following reasons:

- a. Any applicant or employee may be permanently disqualified from employment or promotions, when the applicant or employee makes a misrepresentation of facts or fails to report pertinent data on the application for promotion or any other document(s), or;
- b. Lacks the minimum qualifications, or;
- c. Is unable to perform the full range of job duties of the position to which the applicant seeks appointment, with or without reasonable accommodation, or;
- d. Has had a positive result confirmed by the County's Medical Review Officer on a post-employment drug test, or;
- e. Has been convicted of a felony or a criminal offense involving moral turpitude. The word convicted shall be construed to mean a conviction by a verdict, by plea of guilty, or nolo contendere upon a judgment of the court, a jury having been waived, without regard to subsequent disposition of the case or suspension of sentence, probation, deferred adjudication, pre-trial diversion, or otherwise. The words moral turpitude shall be construed to mean any act

of baseness, vileness or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives, or;

- f. Has used or attempted to use any personal or political influences to further eligibility or appointment, or;
- g. Has intentionally made a false statement to any official body of the County, regarding a material fact, or;
- h. Has practiced or attempted to practice any deception or fraud in his/her application or examination, or in securing his eligibility or appointment, or;
- i. Has been dismissed for good cause by Cameron County or from other public service;
- j. Has been disqualified within the past three years from the same or any other County examination or removed from a position under circumstances which in the opinion of the appointing authority render him/her unfit for the position for which he/she applies, or;
- k. Has been convicted of a felony committed in the furtherance of, or while participating in a civil disorder, or;
- l. Has been unable to be contacted after a reasonable amount of effort (as may be determined by the appointing authority), or has failed to appear for an interview or has declined an interview or job offer, or;
- m. Has indicated through clear actions or words an inability to attend work on a regular basis, or;
- n. Information garnered through reference checks or background investigation discloses a valid basis for rejection, or;
- o. Has lost or failed to keep current required occupational licenses/certifications, which are required to perform the essential functions of the job, or;
- p. Has failed to keep current driver's insurance that is required in order to operate County vehicles, trucks or personal auto.

## **EMPLOYMENT PHYSICALS:**

**2.25 Initial Employment for Law Enforcement and Detention Officers:** A post-offer physical and psychological examination will be required to ensure that the applicant meets the physical and mental requirements of the position as stated in the job description. The physical and psychological examinations will be conducted at a medical facility designated by the Commissioners Court. Job offer to applicants that fail to pass the physical and psychological examination shall be rescinded, and will not receive further consideration for employment. Positions requiring employment physical and mental examinations will be identified to the Director of Human Resources/Civil Service Director by the responsible appointing authority submitting the Personnel Requisition. Prior to directing any applicant to submit to physical or psychological examination, the appointing authority must make a conditional offer

of employment of the position for which the applicant has applied.

**2.26 Re-employment:** Any applicant who is being reappointed to serve in a position that requires a pre-employment physical or psychological examination is required to take a physical or psychological examination if the break in service has exceeded six months.

**2.27 Promotions:** Any employee who is promoted to a position for which a medical or psychological examination is required must take the medical or psychological examination prior to entering the new position. If it is determined that the employee cannot perform the essential functions of the new position, with or without reasonable accommodation, the employee will be ineligible for the promotion.

## **EMPLOYMENT STATUS -**

### **NEW EMPLOYEE PROBATIONARY PERIOD:**

**2.28** Each individual, whose position is covered by Civil Service, who becomes newly employed or reemployed with Cameron County, serves a six-month probationary period. The probationary period does not include time served as:

- a. a temporary, seasonal or part-time employee;
- b. periods of absence of five days or longer during the probationary period, in which case the probationary period would be extended by the same number of days, or; employment in any other non-civil service position; or
- c. employment in any other non-civil service position.

During the probationary period, the employee must demonstrate the ability to satisfactorily perform the duties required. During the probationary period, the employee serves at the discretion of the elected official/department head and may be separated "at will" from employment at anytime prior to completion of such probationary period. If employees are dismissed during the probationary period, no cause need be cited and no access to the appeal procedure is allowed. Employees dismissed during the probationary period are removed from any eligible lists, and cannot be certified to other departments for vacancies. However, exception can be made for an employee who fails to complete a probationary period because of illness or other cause for which the appointing official does not wish to disqualify the individual from certification. In such cases, that probationary employee may return to work and complete the probationary period so long as the total period spent on probation does not exceed six months, and so long as the vacancy in which the individual was serving the probation is still open.

## **2.28-A Probationary Periods for Law Enforcement and Jail Employees:**

### **Application of Probationary Period to Law Enforcement Employees at Time of Adoption of Civil Service.**

Covered employees hired prior to January 1, 2006, who have successfully completed their trial periods, are covered by the Civil Service system on its effective date, June 1, 2006. For covered employees hired January 1, 2006 through May 31, 2006, their probationary periods will extend six months from their date of hire. Covered law enforcement and jail personnel employed as of June 1, 2006, shall become covered by Civil Service after successfully completing their six-month probationary periods. No probationary employee is “grandfathered” into Civil Service status.

### **DETENTION OFFICERS:**

An applicant for work as a Detention Officer who has not been licensed by the Texas Commission on Law Enforcement (TCOLE) must pass all Cameron County training and education requirements and all TCOLE training, education and certification requirements and receive a TCOLE license as a detention officer (commonly referred to as a jailer’s license) within one year of beginning employment with the Cameron County sheriff’s Office – Jail Division. An applicant who does not meet said requirements within one year shall be terminated from employment unless the Cameron County Sheriff or his designee determines, in his discretion, that said applicant shall be given a specific extension of time not to exceed six months to complete said requirements. The applicant who successfully and timely completes all Cameron County training and education programs and receives a TCOLE license as a detention officer, shall begin a one year period of probation as of the date said TCOLE license is issued. Upon successful completion of said one year’s period of probation, the applicant shall become a civil service covered employee.

### **PEACE OFFICERS**

**DEPUTY SHERIFFS:** An applicant for work as a Cameron County Deputy Sheriff must be a TCOLE certified peace officer. Upon hiring, the new deputy, regardless of prior experience, shall be placed on a one year probationary period and shall undergo a period of close supervision, observation, and training during which time the new deputy shall be considered a “deputy in field training”. The time a deputy spends in field training may differ based upon the deputy’s prior experience, training and job performance. (Notwithstanding the provisions of Section 2.31(d) above, the time spent in field training shall count toward the one year probationary period.) Upon successful completion of said one year probation, the deputy shall become a civil service employee.)

**PARK RANGERS:** An applicant for work as a Cameron County Park Ranger must be a TCOLE certified peace officer. Upon hiring, the new ranger, regardless of prior experience, shall be placed on a one year probation period and shall undergo a period of close supervision, observation, and training during which time the new ranger shall be considered a “ranger in field training”. The time a ranger spends in field training may differ based upon the ranger’s prior experience, training and job performance (Notwithstanding the provisions of Section 2.28(d) above, the time spent in field training shall count toward the one year probationary period.) Upon successful completion of said one year probation, the ranger shall become a civil service employee.

**CONSTABLES:** An applicant for work as a Cameron County Deputy Constable must be a TCOLE certified peace officer. Upon hiring, the new deputy constable, regardless of prior experience,

shall be placed on a one year probation period and shall undergo a period of close supervision, observation, and training during which time the new deputy constable shall be considered a “deputy constable in field training”. The time a deputy constable spends in field training may differ based upon the deputy constable’s prior experience, training and job performance (Notwithstanding the provisions of Section 2.28(d) above, the time spent in field training shall count toward the one year probationary period.) Upon successful completion of said one year probation, the deputy constable shall become a civil service employee.

## **2.28-B Probationary Period for Animal Control Officers:**

The applicant for work as an Animal Control Officer who has not been licensed by the State of Texas will have six (6) months to attain their required certification from the date they are hired and will begin their Civil Service probation period of six (6) months from the day their required certification is attained. If an applicant for work as an Animal Control Officer has their required license they will begin a Civil Service probation period of six (6) months on their first day of work.

**2.29 Completion of Probationary Period.** Upon completing his/her probationary period in accordance with the provisions of these Rule & Regulations, each employee will be classified as a covered employee under Civil Service.

## **PROMOTIONS & TRANSFERS:**

**2.30 Definitions:** A promotion is defined as the assumption of a covered position that is assigned to a higher pay grade than that of the previous position. It is the policy of Cameron County to give qualified employees advancement opportunities whenever possible. Salaries will be set in compliance with the Cameron County Salary Administration Guidelines.

A transfer, whether voluntary or not, is to a different budgeted position than the one held, but which has comparable pay and benefits.

**2.31 Application:** Interested County employees must contact the Director of Human Resources/Civil Service Director and complete an application for the position. Qualified employees’ applications shall be forwarded to the department head for consideration.

**2.32 Civil Service Examination:** The appointing authority may request the Civil Service Director to conduct a promotional examination before making the promotional decision. A promotional exam will be offered to qualified applicants who apply for each promotion, no retest will be offered for a failing exam score. The appointing authority shall be given an updated certified list of qualified applicants after each promotional exam. Passing test scores for a promotional exam are good for one (1) year. Promotional examinations do not apply to transfers.

## **2.33 Law Enforcement Promotions.**

a) To be promoted, candidates for Sergeant, Lieutenant and Captain must take a written promotional exam. All candidates for any one position must take the exam at the same time and location, to be established by the Director.

b) The name and the score of each person who achieves a passing score of at least 70 on a

promotional exam will be placed on a promotional eligibility list. The list shall be valid for a period of one year from the date of the examination. For any open positions occurring within that year, only the names on the list shall be considered eligible candidates for promotion. The list shall remain valid for one year from the date of the exam.

c) A deputy is not eligible to test for promotion to Sergeant unless the deputy has served in the Sheriff's Office for at least four years.

d) A person is not eligible to test for promotion to Lieutenant unless the person has served in the Sheriff's Office in the rank of Sergeant for at least three years.

e) A person is not eligible to test for promotion to Captain unless the person has served in the Sheriff's Office in the rank of Lieutenant for at least five years.

f) If, for any rank, no person meets the requirement for minimum years of service, the number of years of service required to test to promote to that rank shall be temporarily reduced by one until at least two persons meet the requirement.

g) In the event that no candidate for promotion to a particular rank passes the exam, the Director shall establish a second exam. The Director shall post notice of the second exam at least 10 days prior to the date of the exam. All examinees who participated in the first exam may retake the exam, along with any other eligible candidate. If no candidate passes the second exam, the promotional eligibility list shall use all scores obtained in that round of testing, and the Sheriff will promote from among the three candidates with the highest (though failing) scores.

h) Promotion shall be awarded not only based upon test scores but shall also factor in the candidate's education, experience, disciplinary history, final interview, and any variable that may reflect on the merits of fitness for promotion.

## **2.34 Jail Promotions.**

a) To be promoted, candidates for Corporal, Sergeant, and Lieutenant must take a written promotional exam. All candidates for any one position must take the exam at the same time and location, to be established by the Director.

b) The name and the score of each person who achieves a passing score of at least 70 on a promotional exam will be placed on a promotional eligibility list. The list shall be valid for a period of one year from the date of the examination. For any open positions occurring within that year, only the names on the list shall be considered eligible candidates for promotion. The list shall remain valid for one year from the date of the exam.

c) A jailer is not eligible to test for promotion to Corporal unless the jailer has served in the Sheriff's Office for at least three years.

d) A person is not eligible to test for promotion to Sergeant unless the person has served in the Sheriff's Office in the rank of Corporal for at least three years.

e) A person is not eligible to test for promotion to Lieutenant unless the person has served in the Sheriff's Office in the rank of Sergeant for at least three years.

f) If, for any rank, no person meets the requirement for minimum years of service, the number of years of service required to test to promote to that rank shall be temporarily reduced by one until at least two persons meet the requirement.

g) In the event that no candidate for promotion to a particular rank passes the exam, the Director shall establish a second exam. The Director shall post notice of the second exam at least 10 days prior to the date of the exam. All examinees who participated in the first exam may retake the exam, along with any other eligible candidate. If no candidate passes the second exam, the promotional eligibility list shall use all scores obtained in that round of testing, and the Sheriff will promote from among the three candidates with the highest (though failing) scores.

h) Promotion shall be awarded not only based upon test scores but shall also factor in the candidate's education, experience, disciplinary history, final interview, and any variable that may reflect on the merits of fitness for promotion.

**2.35 Probationary Period - Promotions.** The promotion or transfer of a County employee into a position under a new appointing authority will require a six month probationary period. An employee promoted within his/her present appointing authority is subject to a 90-day evaluation period. Failure of the employee to perform satisfactorily during the probationary period will result in extension of the probationary period for an additional 90 days, demotion to the employee's old position and salary with the department head's approval, transfer to another suitable position, or termination in the event no suitable position is open.

**2.36 Probationary Period - Transfers.** A covered non-law enforcement employee who is not on probation, and who is involuntarily transferred to a different covered civil service position, shall not be required to serve a new probationary period. However, if the employee is removed from the new position and reinstated to that employee's previous position within the first six months of the new appointment, the personnel action rescinding the transfer shall not be appealable to this Commission. If the employee is terminated from the position to which he or she was transferred during the first six months of holding that new position, that employee may invoke the jurisdiction of the Commission by filing an appeal in accordance with these Rule & Regulations. If a transfer is the result of a voluntary request, the employee will serve a new probationary period of 90 days.

# **CHAPTER III**

## **PROGRESSIVE DISCIPLINE, DEMOTION, SUSPENSION, AND TERMINATION**

### **GENERAL PROVISIONS:**

**3.00 Purpose:** The purpose of this chapter is to insure that discipline administered to Cameron County Employees covered by civil service is objective with regard to identifying punishable infractions and equitable for the same cause(s) throughout all County departments. When necessary, discipline should be administered as an incentive to correct unsatisfactory work behavior. Specifically, it is prohibited for anyone to use management tools and/or disciplinary measures to exploit employees of the County for political or other personal reasons.

**3.01 Suspension Without Pay, Demotion, Termination:** Except for dismissals: (1) during the probationary period as provided in Rule 2.28; (2) due to layoff for lack of funds or loss of grant or contract; or (3) due to loss of required license(s) or credential(s), all suspensions without pay, demotions and terminations of covered employees will be made in compliance with these Rules & Regulations.

### **3.02 Just Cause for Disciplinary Action:**

Just cause for disciplinary action, and in particular any and all disciplinary action over which the Commission has jurisdiction under the law and these Rules & Regulations to review, shall initially be defined by the Commissioners Court, pursuant to all applicable Personnel Policies & Procedures duly and properly promulgated by under its authority, as well as by the departmental policies, procedures, directives, and any other applicable standards of performance, conduct, and behavior duly and properly promulgated by an appointing authority pursuant to the powers accorded to that office by law.

The Commission shall exercise oversight authority over personnel management decisions on the premise that an appointing authority is in the best position to evaluate the personnel and staffing needs of each respective office or department, and to know what standards of performance, behavior, and conduct are necessary in each position to fulfill the functions of a position and ultimately the department. Consequently, the Commission affords due deference to the management prerogatives of each appointing authority to fashion personnel rules that are reasonable and necessary to the operations of any particular office or department.

For purposes of the personnel management oversight powers given to the Commission by law and by Order of the Commissioners Court that created the Commission, the Commission will evaluate and assess personnel action over which it has jurisdiction with regard to whether the underlying rule, regulation, standard, directive or order, as the case may be, falls within one or more of the following categories of performance evaluation:

- A. Job Duty Related Conduct such as, but not limited to:
  - 1) Excessive tardiness;
  - 2) Excessive absenteeism;
  - 3) Unauthorized absence;
  - 4) Job abandonment (failure to report to work at the regularly scheduled time for three (3) consecutive working days without consent);
  - 5) Failure or inability to perform the duties of a job assignment;

- 6) Disobedience of lawful orders;
- 7) Neglect of or disregard of duties;
- 8) Failure to comply with any one or more of the County policies, procedures, or directives set by management and/or supervisory personnel.

**B Workplace compatibility conduct at work such as, but not limited to;**

- 1) Insubordination or disrespectful conduct to a supervisor;
- 2) Confrontational or disrespectful conduct towards a co-worker of other employee;
- 3) Substance abuse, including alcohol;

**C Criminal conduct, whether on or off duty such as, but not limited to:**

- 1) Any misdemeanor complaint or indictment;
- 2) Any felony indictment;
- 3) Any misdemeanor deferred adjudication or conviction;
- 4) Any felony deferred adjudication or conviction.
- 5) Any conduct on duty that could constitute criminal misconduct if chargeable by prosecuting authorities, including falsification of records, acceptance of bribes, improper use of County property, and so forth.
- 6) Certain conduct off duty that could constitute criminal misconduct if chargeable by prosecuting authorities and/or which could bear a negative public perception about the qualifications of that employee to serve the County.
- 7) Failing to report an arrest or conviction to management and/or supervisory personnel within 21 calendar days of the occurrence.

**D Any other conduct, either in connection with County or departmental business or of such a public nature that it adversely reflects on the County or the employee's ability to function satisfactorily as a County employee in his or her particular work environment.**

Application of a specific performance rule, regulation, directive, or order by an appointing authority to a covered employee for purposes of determining just cause will be evaluated against these general principles, with the Commission reserving the right to make the determination, in cases over which it exercises jurisdiction, as to whether the standard of just cause has been satisfied.

**TYPES OF DISCIPLINARY ACTION:**

**3.03 Verbal Reprimand, First and Second Level Discipline:**

In cases whereby the authority of the Commission has been duly and properly invoked to review whether just cause exists, the Commission will take into account whether prior to a suspension, demotion, or termination, the appointing authority, depending on the severity of the employee's actions, used or applied corrective or progressive disciplinary action. The Commission, through these Rules, is not making any hard and fast rules over whether progressive discipline is a condition precedent to a finding of just cause. In that respect, nothing in this paragraph shall prohibit the appointing authority from proceeding to the third an appropriate level of discipline which includes suspension, termination or demotion, if the employee commits a major offense that warrants such discipline. However, the Commission recognizes that utilization and application of progressive discipline is an appropriate personnel management tool, and that the use of such a tool in a civil service system to give an employee an opportunity to improve performance or to correct behavior is an appropriate foundation for any personnel management program.

In all levels of discipline, the appointing authority may designate responsible individuals to administer disciplinary actions. In such instances, the designee is acting on behalf of and in the name of the appointing authority, and the actions of designees to the appointing authority shall be treated as those of the appointing authority in matters over which the Commission exercises its jurisdiction.

The facts giving rise to a disciplinary action may only be cited as the primary basis for disciplinary action. However, prior conduct and disciplinary action of any level may be used to support subsequent disciplinary actions.

The lesser forms of action that may be taken against the employee include:

- a. Verbal Reprimand:** This is the least severe form of disciplinary action and is designed to advise the employee of the problem which has resulted in unsatisfactory behavior or performance. A verbal reprimand may be documented.
- b. First Level Discipline:** The first formal step in progressive discipline. This level deals with continuation of minor offenses, when two or more previous verbal reprimands do not result in the correction of the problem by the employee. This level of discipline should be documented, (See Attachment B), labeled "FIRST LEVEL DISCIPLINE", and signed by the supervisor and employee, and should also allow for the employee to respond. Documentation should be distributed to the employee, the Director of Human Resources/Civil Service Director and the immediate supervisor. This level of discipline is not subject to the appeal process.
- c. Second Level Discipline:** This level of discipline deals with continued poor performance, serious offenses or continuation of minor offenses that were not corrected in the first level of discipline. The second level of discipline may be used without the use of first level discipline when the offense is serious enough to warrant such action. The selection of this level over the first level is a management decision that is not subject to appeal. This level of discipline should also be labeled "SECOND LEVEL DISCIPLINE" (See Attachment C) and documented in writing to include the signatures of the supervisor and the employee. The employee should also be allowed to respond in writing to the discipline. Documentation should be distributed to: the employee, the supervisor, and the Director of Human Resources/Civil Service Director. This level of discipline may include suspension without pay for a period of less than three work days and is not subject to the appeal process provided for herein.

**3.04 Third Level of Discipline:** This third level of discipline deals with major offenses or a continuation of serious offenses or poor performance, which were not corrected in the first or second level of progressive discipline. This level may be used even if the employee has not received ~~the~~ a first or second level action when the severity of the offense makes the third level of discipline appropriate. All cases of third level discipline must be given to the employee on the Documentation of Proposed "THIRD LEVEL DISCIPLINE" (See Attachment D). The Notice must be properly documented so that the employee understands the severity of the action and is given an opportunity to respond in writing or face-to-face before formal action is taken by the department.

Discipline that may be administered at the third level includes:

- a. **Demotion:** The movement of an employee from his/her present position to one with either a lower starting salary, or a salary level that is less than his/her current salary.
- b. **Suspension Without Pay:** This is an ordered absence from duty without pay for up to fifteen (15) calendar days.
- c. **Termination:** Dismissal from County employment.

This level of discipline requires a written notice and the right of the employee to respond before the discipline occurs. The third level of discipline is subject to the appeal process. See Chapter IV.

### **3.05 Documentation of First, Second and Third Levels of Disciplinary Action:**

- a. Any covered employee may be demoted, suspended without pay or terminated by the appointing authority (or designee) after by a written Notification of Disciplinary Action (See Attachment E), stating the following:
  - 1. The cause for the discipline;
  - 2. The specific reason supporting the cause;
  - 3. The discipline to be imposed;
  - 4. The effective date; and,
  - 5. Whether the employee has the right to appeal to the department head and to the Civil Service Commission.
- b. A copy of the Notification of Disciplinary Action shall be forwarded to the Director of Human Resources/Civil Service Director and a copy shall be personally served on the employee or mailed to the employee's last known address within three (3) days of :
  - i: receipt of the employees response to the Proposed Third Level Discipline (Attachment D)
  - ii: the time to respond to the Proposed Third Level Discipline (Attachment D) has lapsed
- d. Any order demoting, suspending without pay or terminating the employee shall be considered to have been filed with the Civil Service Commission when it has been received in writing by the Director of Human Resources/Civil Service Director.

### **3.06 Look Back Period:**

Disciplinary action cannot be taken against an employee for a non-criminal violation (see section 3.02) that occurred or was discovered by the appointing authority (whichever is later) more than 90 calendar days prior to the disciplinary decision. Disciplinary action may be taken at any time for criminal conduct (see 3.02) or conduct that could expose the County to liability under a state or federal law or regulation.

### **3.07 Processing Civil Service Documentation:**

If an employee fails to return to work Civil Service discipline documentation shall be sent to the employee's last known residence via certified mail. The Civil Service Director may assist department heads and employees in processing Civil Service documentation after a proposed third discipline has been issued.

## **CHAPTER IV**

### **APPEALS OF DISCIPLINARY ACTIONS**

#### **ELIGIBILITY TO FILE AN APPEAL:**

**4.00** Any employee of the County covered by civil service who has completed his/her probationary period may invoke the authority of the Civil Service Commission to review personnel actions that result in 1) terminations; 2) demotions resulting in a loss of pay or benefits; and 3) suspensions without pay of three (3) working days or more by timely filing an appeal from such personnel action with the Civil Service Commission Director in accordance with this Rules.

The Civil Service Commission will not take jurisdiction over personnel action decisions that are attributable to the elimination of a budgeted position due to a reduction in force or due to the elimination of the office or department in which the employee is was employed.

The Civil Service Commission will not take jurisdiction over personnel action decisions that based on an employee's loss of a required license or certification to perform the duties of the position held, such as loss of a valid Texas driver's license, a law enforcement certificate, or other such valid prerequisite to the position.

The deadline to invoke the appeal jurisdiction of the Civil Service Commission, in accordance with the deadlines set forth below, is jurisdictional, and failure to initiate an appeal in writing by filing an appeal with the Civil Service Director will be grounds to dismiss the appeal. All appeals must be filed on an "Employee's Appeal Form". (See Attachment F), which are available at the Office of the Director of Human Resources/ Civil Service Director or may be found on the Civil Service Commission internet site.

The Civil Service Commission shall at all times have the jurisdiction to determine its jurisdiction under state law and its Rules, and this necessarily includes the authority to request and have presented to it the necessary and appropriate documentation and evidence upon which the Commission can assess its jurisdiction.

#### **APPEAL PROCEDURE:**

**4.01** Appeals of terminations, demotions or suspensions without pay shall be processed in accordance with the following steps:

##### **STEP 1: APPEAL TO THE DEPARTMENT HEAD**

The appealing employee must file his written appeal with his/her department head, or the department head's designee. The appeal must be filed within seven (7) calendar days after the receipt of the disciplinary action.

The department head or designee may choose to meet with the employee to discuss the appeal. Within seven (7) calendar days after receipt of the written appeal, the appealing employee's department head, or his/her designee, shall answer the appeal in writing to the appealing employee (See Attachment G)

If the employee is not satisfied with the department head's response to the appeal, the employee shall file the appeal as originally written and the attached answer from the department head, or his/her designee, with the Director of Human Resources/Civil Service Director, within seven (7) calendar days after receipt of the department head's, or his/her designee's, response to the appeal. (See Attachment H). Failure on the part of the department head to answer within the time allowed in Section 4.01 permits the employee the right to progress to an appeal before the Civil Service Commission.

## **STEP 2. APPEAL TO THE CIVIL SERVICE COMMISSION**

- a. Any covered employee who has completed the probationary period may, after following the appeal process set forth in Section 4.01, appeal the demotion, suspension without pay of three working days or more, or termination of employment to the Civil Service Commission. In order for the Commission to have jurisdiction of the appeal, the employee must file the appeal within seven (7) calendar days of receipt of the department head's response or within seven (7) calendar days of the date the department head should have responded to the appeal. (See Attachment H).
- b. Upon receipt of an appeal of discipline, the Director of Human Resources/Civil Service Director shall schedule a meeting of the Civil Service Commission to hear the appeal. The Commission shall make an effort to hold appeals hearings expeditiously. If an employee or the appointing authority desires a continuance of an appeal hearing, such a request shall be filed in writing with the Director of Human Resources/Civil Service Director at least forty-eight hours prior to the scheduled hearing.
- c. In connection with any appeal to the Commission, or any attempt to invoke the appeal jurisdiction of the Commission, the Director shall assign a docket entry to each such written appeal, regardless of merit, providing the following information: 1) a case or cause or docket number, 2) the identity of the applicant/appellant/grievant, and 3) the identity of the appointing authority whose action is being appealed, and 4) a brief description of the nature of the appeal. The Director may administratively dismiss those appeals that are procedurally deficient or filed by an employee not covered by these rules., but any such actions shall be reported to the Commission under the designated docket number assigned. The Commission, by majority vote, may call for the presentation of any attempted appeal to be posted as its own separate agenda item for further review by the Commission; otherwise, the administrative determination of the Director shall be final and shall serve as the final action of the Commission. In all other appeals, the actions of the Commission and any final decision and order shall serve as the final action of the Commission.

### **CONDUCT OF HEARING:**

**4.02** The following rules are guidelines about how the work of the Commission will proceed.

- a. The appointing authority shall be entitled to appear personally, produce evidence, and have representation. The appointing authority's portion of the hearing shall be presented first.
- b. The appealing employee shall be entitled to appear personally, produce evidence, and have

representation and a public hearing.

c. The Commission may, depending on the nature of the appeal, set a prehearing within a reasonable time after an appeal is filed to address issues relating to issues such as:

1. The jurisdiction of the Commission to hear an appeal. In this regard, the Commission has jurisdiction to hear evidence, if necessary, to make a determination as to whether it has jurisdiction to hear an appeal on the full merits.
  2. To handle prehearing matters relating to the exchange of documents and information between the parties, to identify any and all stipulated evidence and documents; to identify the number of witnesses expected to be called by each party, to address issues related to the anticipated length of any evidentiary hearing, to schedule a hearing so that each party has a fair opportunity to present its case, to handle any other miscellaneous matter bearing on the matter at hand and to enter necessary interim order or instructions.
  3. With regard to administrative and/or housekeeping matters related to any particular file, the Director shall assume responsibility for assuring that the matter at hand is prepared, calendared, and streamlined for Commission presentation to the fullest extent possible, such duties to including conferring with the parties or their counsel as necessary and appropriate.
- d. Technical Rules of Evidence shall not apply to civil service appeal hearings. However, to streamline proceedings and keep them focused, the parties should be aware that the Commission will treat the burden of going forward as falling on the appointing authority and the focus of any appellate review will be on the following pertinent documentation, testimony, and evidence:
1. The conduct or misconduct at issue, including time, place, circumstances, and context;
  2. The performance standards, rules, regulations, policy, etc., at issue and which serves as the basis for the disciplinary action being appealed;
  3. Any information pertinent to the truth or falsity of the charges being made or to the reasonableness or unreasonableness of the discipline imposed, including prior performance and disciplinary history, if any;
  4. Any efforts to provide additional performance training, orientation, or correction, as appropriate to the circumstances;
  5. Any exculpatory or other mitigating facts or circumstances.
- e. The Commission may administer the oath to witnesses.
- f. The Civil Service Commission may convene in Executive Session after the close of the hearing to deliberate the evidence presented during the hearing.
- g. The Civil Service Commission shall convene in open session and by majority vote issue an order sustaining the discipline, modifying the discipline, overturning the discipline, or taking such other action within the scope of its authority related to the matter before it authorized by law and its Rules.

## **AMENDMENT OF CHARGES:**

4.03 At any time before the employee's appeal hearing is concluded by the Civil Service Commission, the appointing authority may serve on the employee, and file with the Commission an amended statement of charges.

If the amended statement of charges takes the personnel decision at issue out of the appeal jurisdiction of the Commission, such as by the reduction of the disciplinary action, then the Commission shall dismiss the appeal upon motion and showing of such cause by the appointing officer.

If the amended statement of charges should include new factual grounds or new allegations of rules violations, or otherwise modifies the discipline imposed, then the amended statement shall be treated as a brand new statement, and the employee shall be afforded a reasonable opportunity to prepare his/her defense to the new amended charge(s), including if necessary a continuation of any proceedings.

Any new causes or allegations shall be deemed to have been included in the initial appeal by the employee, and any objections to the amended charges may be made orally at a hearing on the matter before the Commission. The Commission has the authority to allow or disallow a modification of charges, but last minute amendment of charges may be viewed as evidence that the initial disciplinary action being appealed was not well prepared or thought out by the employer prior to being implemented against the employee.

## **FAILURE TO TIMELY APPEAL**

4.04. Failure on the part of the disciplined employee to timely file an appeal to the Commission in accordance with these Rules shall deprive the Commission of jurisdiction to hear an appeal to the Commission.

## **MAXIMUM PERIOD OF SUSPENSION:**

4.05 Any suspension invoked under this rule against any one employee of the County, whether with or without pay, or for one or more periods, shall not aggregate more than 90 calendar days in any one calendar year; provided, however, where the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed 90 calendar days and continue until, but not after, the expiration of 30 calendar days after the judgment of conviction or acquittal of the offense charged in the complaint or indictment has become final.

## **DECISION AND ORDER:**

4.06

- a. The Decision and Order of the Commission shall be final, subject to the right of appeal under Chapter 158 of the Local Government Code and shall be certified to the appropriate appointing authority (See Attachment I).

- b. Appeals from the final decisions and orders of the Civil Service Commission in accordance with the authorization and requirements for such an appeal contained in Chapter 158, TLGC. Such an appeal shall be reviewable under the substantial evidence rule or as otherwise provided by law.

**RECORD FILED:**

**4.07** A copy of the disciplinary action, the written notice of appeal and copy of the Order of the Civil Service Commission shall be filed as public record in the Office of the Director of Human Resources/Civil Service Director.



**POSITIONS AND EMPLOYEES NOT COVERED  
BY CAMERON COUNTY CIVIL SERVICE**

The following positions are NOT COVERED under Cameron County Civil Service:

- All Elected officials
- All appointed department heads
- All appointed Magistrate Judges
- All temporary employees
- All seasonal employees
- All part-time employees
- All probationary employees
- All contract employees (i.e., independent contractors)
- All employees whose salaries are funded in whole or in part by contracts

**DEPARTMENT POSITIONS**

Adult Probation	All
Juvenile Probation	All
Civil Division Attorney	All attorneys
Commissioners Court	All
Constable	Chief Deputy (ratify June 12, 2017)
County Auditor	Assistant Auditors
County Clerk	Chief Deputy
County Jail	Infirmary Doctor, Nurse Practitioner, all nurses (RN and LVN)
County Judge	All
District and County Courts at Law	All
District Attorney	All
District Clerk	Chief Deputy
Emergency Management	Emergency Management Coordinator; Fire Marshal
Extension Service	Extension Agents
Health Department	Doctor, RN's, LVN's, Assistant Director
Juvenile Probation	Juvenile Probation Officers
Park & Recreation	Deputy Director, Superintendents of Parks
Sheriff	Chief Deputy, Jail Administrator, Deputies in Field Training, Cadets attending TCOLE Academy for Detention Officer certification, Captain Jail Division (ratify Sept. 13, 2018)
Tax Assessor/Collector	Chief Deputy
Transportation Department	Assistant Director, Professional Engineers, Engineer-in-Training, GIS Manager, Right-of-Way Manager, Property Manager, Building Permits Manager