TRAVIS COUNTY

CIVIL SERVICE COMMISSION

FOR SHERIFF'S OFFICE

EMPLOYEES

REGULATIONS

Revised July 9, 2010

TABLE OF CONTENTS

MISSION 1

AUTHORITY 2

CIVIL SERVICE COMMISSION 3

I. Appointment 3
II. Responsibilities 3
III. Terms of Office 3
IV. Vacancy 3
V. Meetings 3
VI. Agenda Items 3
VII. Quorum 4
VIII. Staffing 4
IX. Rules of Order 4

RULES AND REGULATIONS 5

I. Applicability 5
II. Exempt Employees 5
III. Acknowledgment 6
IV. Establishment 6
V. Amendment 6

CHAPTER 1 - SELECTION AND CLASSIFICATION OF EMPLOYEES 7

1.00 Organizational Relationships 7
1.01 Job Descriptions 7
1.02 Authority 7
1.03 Personnel Selection 7
1.04 Employment 8
1.05 Application Process 8
1.06 Successful Completion Requirement 8
1.07 Medical Examination 8
1.08 Psychological Examination 8
1.09 Residency Requirements 9
1.10 Misrepresentations 9
1.11 Eligibility List 9
1.12 Employment Offers 9

1.13 Special Provisions, Rehires and Transfers 9
1.14 Classification of Employees
11
1.15 Probationary Periods 11
1.16 Failure to Complete Probation 11
1.17 Notification & Appeal of Failure to Complete Probation 11

CHAPTER 2 - COMPETITIVE EXAMINATIONS 12

2.00 Competitive Examinations 12

CHAPTER 3 - PROMOTIONS, SENIORITY AND TENURE 13

3.00 Probationary Periods 13
3.01 Failure to Complete Probation
13
3.02 Notice and Appeal of Failure to Complete Probation 14
3.03 Senior Officer/Dispatcher Program 14
3.04 Eligibility Requirements 14
3.05 Senior Officer Examination 14
3.06 Senior Officer Designation 14
3.07 Mandatory Requirements for Senior Officer 14
3.08 Promotions 15

CHAPTER 4 - LAYOFFS AND DISMISSALS 24

4.00 Reduction in Force (Layoffs) 24
4.01 Order of Layoff or Reduction 24
4.02 Reinstatement Lists 25
4.03 Resignations 25
4.04 Dismissal 25

CHAPTER 5 - DISCIPLINARY ACTIONS 26

5.00 Disciplinary Actions and Corrective/Developmental Measures 26
5.01 Determination of Violations 26
5.02 Suspected Criminal Acts 26
5.03 Alternative Disciplinary Actions and Corrective/ Developmental Measures 27
5.04 Review of Recommended Action 27
5.05 Emergency Actions 27
5.06 Corrective/Developmental Measures 27
5.07 Disciplinary Actions 28
5.08 Appeals 29

CHAPTER 6 - GRIEVANCE PROCEDURES **30**

6.00 Grievances 30
6.01 Supervisory Resolution
30
6.02 Appeal Beyond Immediate Supervisor
30
6.03 Departmental Appeal 31
6.04 Appeals Beyond the Sheriff 31
6.05 Appeals Purpose 31
6.06 Appeals Resolution Procedure
31
6.07 Use of Subpoenas 32

CHAPTER 7 - OTHER MATTERS RELATING TO SELECTION OF
34
EMPLOYEES AND THE PROCEDURAL AND SUBSTANTIVE RIGHTS, ADVANCEMENT, BENEFITS AND WORKING CONDITIONS OF EMPLOYEES.

7.00 Conducting Investigation of Citizen Complaints
34
7.01 Intra-Office Investigations 34
7.02 Intra-Office Transfers 36
7.03 Employees Affected by the Addition or Removal of an Entire Activity/Function 36

DEFINITIONS **38**

MISSION

The Mission of the Travis County Sheriff's Office Civil Service Commission is to promote a quality Office by establishing and enforcing rules and regulations that pertain to employee selection, advancement, benefits, rights and working conditions consistent with the Office's needs and circumstances.

AUTHORITY

I. STATUTE

Pursuant to the authority of Section 158.031 through 158.040 of the Texas Local Government Code, the Civil Service Commission hereby adopts these rules that have the force and effect of law.

II. CONFLICT OF LAW

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

CIVIL SERVICE COMMISSION

I. APPOINTMENT

The Sheriff, Commissioners Court, and District Attorney shall each appoint one person to serve as a member. The Sheriff shall designate one of the members as Chairperson of the Commission.

II. RESPONSIBILITIES

The Commission shall adopt, publish, and enforce rules regarding selection and classification of employees; competitive examinations; promotions, seniority and tenure; layoffs and dismissals; disciplinary actions; grievance procedures; and other matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits and working conditions.

III. TERMS OF OFFICE

Term of office shall be for two years except for the first Commission, which shall select one member by the drawing of lots to serve for one year.

IV. VACANCY

The entity that appointed a member of the Commission whose position becomes vacant shall appoint a person to serve the unexpired part of the member's term.

V. MEETINGS

Regular meetings of the Civil Service Commission are held as determined by the Commission. The meetings are open to the public and the time, date, and content of such are posted in accordance with the Open Meetings Law of the State of Texas.

VI. AGENDA ITEMS

Any employee may request that the Civil Service Commission consider a matter at its regular meeting. Such request must be submitted to the Commission in writing. The Commission will consider whether the request falls under its authority and may place the matter on the agenda for a future meeting. Any Commissioner may request that a matter be placed on the agenda for a future meeting. If a request is received after an agenda has been posted but before the scheduled meeting, the Commission will determine whether to amend the posted agenda or include the item on an agenda of a future meeting. An employee who has submitted a written request will be notified by the

Commission whether the request will be included on an agenda and, if so, of the date and time of the meeting for which the item is scheduled.

Agenda items relating to developing policies and procedures set forth in the Travis County Sheriff's Office General Policy Manual shall be submitted to the Sheriff in writing at least 30 days prior to a Civil Service Commission meeting. The Sheriff may then make a recommendation on such policies and/or procedures to be considered by the Civil Service Commission.

VII. QUORUM

Two members of the Commission constitute a quorum.

VIII. STAFFING

The Commission may request funding for personnel for the efficient administration of the Commission.

The coordinator shall have the power and it shall be his or her duty :

A. To develop and recommend for action by the Commission
   1. rules and regulations for the establishment and conduct of competitive exams
   2. such other rules necessary to provide for the efficient administration of the Commission.

B. To direct all promotional process with the Sheriff's Office as provided within Civil Service Commission Rules and Regulations.

C. To develop and implement annual budget.

D. To facilitate actions and proceedings of the Commission.

E. To keep all minutes and records of the Commission.

F. Prepares annual statistical summary regarding grievances filed.

IX. RULES OF ORDER

During meetings of the Commission that do not address one or more specific grievances, the rules contained in Robert's Rules of Order, Newly Revised, shall govern the Commission in all procedural matters to which they are applicable and which are not specifically dealt with in these rules.

The Commission is an administrative body, and particularly will not be bound by technical rules of evidence or procedure in its appeals hearings.

X. SECURITY OF CIVIL SERVICE COMMISSION MATERIALS

All materials including but not limited to exams, oral board questions, score sheets, answer sheets, results, grievances, hearings and rules and regulations shall be secured in the office of the Civil Service Commission, and shall be in the care and control of the Civil Service Commission Coordinator.

RULES AND REGULATIONS

I. APPLICABILITY

The Civil Service Commission rules apply to the employees of the Sheriff's Office that are not specifically exempted as designated by the Sheriff.

II. EXEMPT EMPLOYEES

A. At the time a new Sheriff takes office and desires to have an occupied exempt position vacated:

1. An exempt employee who has prior continuous service up to the time of appointment to an exempt position, is assigned to the last classified rank and/or pay range held per Chapter 3 of this manual before accepting the exempt position.

2. An employee who was hired directly into the exempt position from outside the agency is offered an assignment as an entry level peace officer, if he/she is a licensed peace officer; an entry level corrections officer, if a licensed jailer; either of the two at the employee's option, if dual certified. If the employee is neither a licensed peace officer nor a licensed jailer the employee is offered another entry level position not requiring licensure.

3. When an exempt employee is demoted as noted above at the will of the Sheriff and no payroll slot exists at the lower rank or range, the employee remains in the exempt payroll slot as an "under-fill," receiving the pay and benefits related to the new, lower rank or range. Immediately upon the occurrence of a classified vacancy at the appropriate lower rank or range, the formerly exempt employee is transferred to that slot, releasing the exempt slot for the Sheriff's appointment.

B. If at any time other than "when a new Sheriff takes office,":

1. ...the Sheriff designates an <u>occupied</u> classified position as an exempt position, the designation cannot take effect until the position's occupant agrees in writing to the Civil Service Commission and to the Sheriff to accept an exempt appointment. Otherwise the Sheriff may transfer the occupant to another equally classified position in order to vacate the slot before or after the designation.
2. Once the Sheriff's designation of an exempt position takes effect, the appointment of a person into the exempt position is completely at the discretion of the Sheriff.

C. Persons claiming the right to demotion for continuation of employment are entitled to occupy the last promoted rank and/or range held per Chapter 3 of this manual before accepting the exempt position without the selection processes otherwise required for the assignments. The probationary period applies for entry level positions.

D. Except as otherwise lawfully restricted, the Sheriff may demote, suspend, dismiss or transfer any exempt employee for any reason or for no reason.

III. ACKNOWLEDGMENT

The Civil Service Commission acknowledges the existence of rules, regulations, general orders, policies and procedures of the Travis County Sheriff's Office as set forth in the General Manual insofar as those provisions do not conflict with any established rules, procedures, policies or practices of the Civil Service Commission.

Conversely, the Sheriff recognizes the authority, rules, regulations and procedures of the Civil Service Commission. Furthermore, it is required that the Sheriff submit and forward all changes and amendments to the rules, regulations, general orders, policies and procedures of the Travis County Sheriff's Office to the Civil Service Commission.

IV. ESTABLISHMENT

Those rules relating to the responsibilities of the Civil Service Commission are contained in the Travis County Sheriff's Office General Manual. These rules have been approved by the Travis County Civil Service Commission for Sheriff's Office Employees and are in effect until amended, revised or eliminated by the Commission.

V. AMENDMENT

Amendment to the rules may be made at any meeting of the Civil Service Commission. All rules and amendments shall become effective on the date of their approval by the Commission.

CHAPTER 1
SELECTION AND CLASSIFICATION OF EMPLOYEES

1.00e- ORGANIZATIONAL RELATIONSHIPS

The administration desires that personnel in the various organizational positions perform and interact in a way which best contributes to the goals of the Sheriff's Office.

1.01 -- JOB DESCRIPTIONS

Job descriptions are issued to personnel and are filed in the Sheriff's Office personnel files. The job descriptions serve to inform personnel and those interested in employment or reassignment what is generally expected of a person in a particular position.

1.02 -- AUTHORITY

Authority is the legitimate power which is given to the Sheriff to manage the Office's personnel and other resources. The Sheriff delegates authority to other personnel as he/she believes will best serve the Office's goals.

1.03 -- PERSONNEL SELECTION

The Sheriff's Office is an equal opportunity, reasonable accommodation employer. It is the policy of the Office to fill vacant job positions with the persons who best meet the needs of the Office. The duties of the Sheriff as enforcer of laws requires his or her personnel to meet high ethical standards both on and off duty. Persons selected for employment must meet all applicable legal and administrative guidelines. They must understand that they will be employed in an organization that has a Civil Service Commission, which governs its employment policies and procedures. Up to ten (10) positions designated by the Sheriff are exempt from the policies and procedures of the Civil Service Commission and continue their employment at the will of the Sheriff. All employees must further understand that the Sheriff will promulgate his/her own policies and procedures which govern the standards of performance and conduct of the Sheriff's Office personnel.

1.04 -- EMPLOYMENT

Any person desiring employment with the Sheriff's Office must first complete the application process.

1.05 -- APPLICATION PROCESS

Applicable procedures for each position are identified in the job description for that position under a list of qualifications. The Personnel Section maintains current job descriptions on all positions. The application process may include written examination, physical conditioning examination, medical examination, interviews, oral examination, psychological fitness examination and background examination. Not all of the above apply to selecting applicants for all positions.

1.06 -- SUCCESSFUL COMPLETION REQUIRED

Applicants must successfully complete each step of the application process before proceeding to the next step. Applicants who have not successfully completed a step in the application process shall be informed of their failure within a reasonable time.

1.07~~e~~- MEDICAL EXAMINATION

Applicants for peace/corrections officer must be examined by a licensed physician and be declared in writing to be physically sound and free from any circumstances which may adversely affect the performance of duty. Applicants must also be free from any trace of drug dependency or illegal drug use, which shall be determined by medical testing.

Non-officer applicants must also be able to demonstrate, through medical testing that they have no trace of drug dependency or illegal drug use.

1.08 -- PSYCHOLOGICAL EXAMINATION

Peace/Corrections Officer applicants must be examined by a Sheriff's Office approved licensed psychologist or psychiatrist and be declared in writing to be in satisfactory psychological and emotional health to be a Peace/Corrections Officer.

1.09 -- RESIDENCY REQUIREMENTS

Peace/Corrections Officers must be citizens of the United States of America. Non-sworn personnel must be able to demonstrate United States citizenship or provide appropriate documentation to establish that they are legally entitled to reside and work in the United States.

1.10 -- MISREPRESENTATIONS

Any misrepresentation of facts or failure to report requested data on the application or during the application process shall be just cause for rejection from the application process, or for termination, if employment is gained through misrepresentation.

1.11 -- ELIGIBILITY LIST

Successful applicants will be placed on a list, from which selection for employment will be made. Candidates listed may be moved on, or removed from the list.

1.12 -- EMPLOYMENT OFFERS

Offers for employment are conditioned on satisfactory completion of the medical examination (1.07), psychological examination (1.08), and background investigation. Employment is offered by the Personnel Section only upon approval by the Sheriff.

1.13 -- SPECIAL PROVISIONS FOR REHIRE AND TRANSFERS

I. Those who leave the Office and return within one year having already taken the Reading Comprehension and Writing Skills will undergo complete updated background investigation and successfully complete the physical conditioning examination.

It is the responsibility of the background investigator to interview prior Supervisors for recommendations on reinstatement. The TCSO Human Resources Director then recommends or denies hiring of the applicant.

II. Those who leave the Office and return within one year who have never taken entry exams are required to follow application procedures for new hires (1.05 through 1.11).

It is the responsibility of the background investigator to interview prior Supervisors for

recommendations on reinstatement. The TCSO Human Resources Director then recommends or denies hiring of the applicant.

III. Those who leave the Office and return after one year must follow application procedures for new hires (1.05 through 1.11).

IV. Those who transfer from one career field to another having already completed entry exam:

A. Turn in Personal History Statement to TCSO Personnel Office.
B. Complete an updated background investigation.
C. Appear before Review Board for scoring and placement on eligibility list.
D. Transfer will occur within two weeks of notice given to the Captain/Director of the division from which the employee is leaving.
E. Exceptions may occur as determined by the Sheriff, per Section 7.01.

V. Those who transfer from one career field to another having never completed the entry exam:

A. Successfully complete entry exams.
B. Turn in Personal History Statement to TCSO Personnel.
C. Complete an updated background investigation.
D. Appear before the Review Board for scoring and placement on eligibility list.
E. Transfer will occur within two weeks of notice given to the Captain of the division from which the employee is leaving.
F. Exceptions may occur as determined by the Sheriff, per Section 7.01.

Employees who transfer from one career field to another complete a one year probationary period. If the probationary period is not satisfactorily completed in the new divisional assignment, then the employee is eligible to return to their previous division provided that:

1. At the time of transfer the employee is in good standing.
2. The reasons for failing to complete probation were not related to misconduct or disciplinary actions.

VI. Applicants for any particular positions are allowed to interview before an Oral Review Board only twice. Applicants denied placement on the eligibility list after two (2) consecutive interviews may not be considered again for one (1) year.

VII. Previous employees may be required to satisfactorily complete the physical examination

(1.07), psychological examination (1.08), and background investigation..

VIII. Employees who are terminated or who resign in lieu of termination, are not eligible for rehire. This directive may be waived only by the Sheriff.

1.14 -- CLASSIFICATION OF EMPLOYEES

The Travis County Sheriff's Office Civil Service Commission adopts all rules established that pertain to classification of employees by the Commissioners Court of Travis County and cited in Travis County Personnel Benefits Guidelines and Procedures Manual for all Travis County Employees, Chapter 3; to the extent it is not inconsistent with the Civil Service Rules and Regulations Manual.

1.15 -- PROBATIONARY PERIODS

A. The purpose of the probationary period is to test the capability and willingness of the newly hired or assigned employee to perform and to provide a set period of time in which to train probationers in the skills and knowledge necessary to perform assigned duties.

B. Newly hired or assigned employees will serve a probationary period of one year from the date of duty assignment.

C. Appraisals are conducted in accordance with the General Manual.

1.16~~e~~- FAILURE TO COMPLETE PROBATION

The Sheriff or his/her designee at any time during the probationary period has the authority to terminate employment.

1.17 -- NOTICE AND APPEAL OF FAILURE TO COMPLETE PROBATION

The employee on probation who receives a notice of termination, may appeal to the Sheriff within ten (10) days. The Sheriff will have ten (10) days to review the appeal. The decision of the Sheriff shall be final.

CHAPTER 2
COMPETITIVE EXAMINATIONS

2.00 COMPETITIVE EXAMINATIONS

Applicants must have successfully completed and met minimum Travis County Sheriff's Office hiring requirements and successfully passed the TCLEOSE Basic Peace Officer licensing examination.

2.01.001 Notice and Procedures

A. Candidates desiring to participate in this process must notify the Civil Service Commission (and their supervisor if presently employed by the Travis County Sheriff's Office) no later than the posted deadline. Applicants who are current employees of the Sheriff's Office will ensure that their Employment Development Folder and a current evaluation (completed within six months prior to the oral interview board) is received by the Civil Service Commission as required.

B. The written test and physical conditioning examination will be administered prior to the oral interview. The written examination requires a minimum score of 70 based upon a total score of 100 points in order for the candidate to be eligible to proceed to the oral interview phase of the selection process. The Test Administrator will set testing dates and times. The Test Administrator may, for good cause, provide an alternative or make-up exam for individuals not testing during the regularly scheduled examination times.

   A Test Review Committee consisting of any combination of Majors, Captains, and Lieutenants will review all questions and answers before the test is administered for clarity, accuracy, and relevance, and make any needed revisions.

   Upon request by the applicant, the Civil Service Commission or its designee will inform the applicant as to how many questions were missed in each category. A review of the test and answer sheet by the candidate is not permitted.

C. The top 20 candidates and anyone within ten (10) points of the highest preliminary score will be initially processed for placement on the respective eligibility list. These candidates will be provided in writing with the date and time of their oral interview and a list of these candidates and their oral interview times will be posted.

D. The Employment Development Folder and background information for each candidate currently or previously employed by the Travis County Sheriff's Office shall be made available for Oral Interview Boards members to review. For outside applicants, the Oral Interview Board reviews the Background Report.

E. Candidate Oral Interview Boards should be approximately thirty minutes in duration, and shall be recorded. The Civil Service Commission designee will proctor the interview Boards.

F. A minimum of five (5) board members is required to convene the board with a maximum of eight (8). Scoring for all candidates shall be by the exact same board members, and any scores by board members not present for all candidates shall not be used.

G. Balloting by members of the Oral Interview Board shall not be discussed among the participants until all ballots of that candidate have been turned in to the proctor. If the candidate requests such, completed score sheets and the audio-tape shall be submitted to the proctor in the candidate's presence at the conclusion of the interview. The proctor shall do the computation. For each candidate before the board, the proctor shall drop the highest and lowest scores and shall take an average of the remaining scores to determine the final score for that candidate. The cassette and score sheets will be retained in the Civil Service Commission office for a period of at least 90 days.

H. The Oral Interview Board requires a minimum score of 70 based upon a total score of 100 points in order for the candidate to continue in the selection process and be placed upon the eligibility list.

I. In the event of a tie on the final raw score for Deputy, date of initial Peace Officer licensure will be used to determine order.

J. Minimum score for placement on the eligibility list must be 140 points.

Q. Results - Within three (3) working days of the completion of the process, the Civil Service Commission will certify and post promotional process results. Individual scores will be available for the candidate's review at the Civil Service Commission Office.

2.01.002 Scoring Criteria:

Written Test	100 points
Oral Board	100 points
Total Possible Score	200 points

A. CANDIDATE REVIEW BOARD (100 points)

Appearance	6 points
Written Communication Skills	10 points
Oral Communication Skills	10 points
Situational Reasoning Scenario #1	10 points
Situational Reasoning Scenario #2	10 points
Lifetime Experience	8 points
Human Relations Situational #1	10 points
Human Relations Situational #2	10 points
Employment History*	12 points
Self-Awareness/Presentation	8 points
Career Initiative	6 points
Total Possible Score	100 points

*TCSO experience, job related experience or employment history/stability.

B. WRITTEN TEST

Law Enforcement Entrance Exam	100 points

2.01.003 REVIEW BOARDS

An employee desiring to serve as a member of a review board may notify the office of the Civil Service Commission at such times as designated by the Commission or its designee. Board members must meet minimum qualifications as stated below, and must be approved by the Commission.

The Commission or its designee reserves the right to call upon qualified employees as defined in these rules to serve as needed on review boards.

Qualifications: Board members must be licensed officers from the respective bureau for which the applicant is testing, serving in that bureau or in the Administration and Support Bureau function from that bureau.

Members of the Oral Review Board may consist of one or more Lieutenant, Sergeant, Detective and Senior Deputy.

THE ELIGIBILITY LISTS THUS ESTABLISHED FROM THE ABOVE PROCESS WILL BE IN EFFECT FOR SIX MONTHS FOLLOWING THE DATE IT IS ESTABLISHED. SAID LIST WILL BE POSTED LISTING THOSE ELIGIBLE FOR PLACEMENT RANKED IN NUMERICALLY SCORED ORDER.

PROMOTIONS, SENIORITY, AND TENURE

3.00 -- PROBATIONARY PERIODS

A. The purpose of the probationary period is to test the capability and willingness of the newly promoted employee to perform and to provide a set period of time in which to train probationers in the skills and knowledge necessary to perform assigned duties. A probationary period also applies to employees who transfer from one career field to another (i.e. Corrections/Law Enforcement/Administration and Support). The purpose of probation for the transferred employee is to determine his/her suitability for the position to which he/she is transferred. A probationary period will not apply to transfers within the career field or to assignments of Peace/Corrections Officers from the line to the Administration and Support Bureau.

B. Length of Probationary Period

- Newly promoted employees will serve a probationary period of one year.

- Employees who transfer from one career field to another serve a probationary period of one year.

- Leave time taken for family or medical leave will not be included in the calculation of the probationary period.

C. Appraisals of Employees Probationary Period

Appraisals are conducted in accordance with the TCSO Manual.

3.01 -- FAILURE TO COMPLETE PROBATION

The Sheriff or designee at any time during the probationary period, upon determining just cause, has the authority to return the probationer to his/her previous rank. Just cause is documentation which shows failure to meet the standards of performance set by the Office, which includes but is not limited to documentation which shows a lack of willingness to perform required duties, or a lack of dependability, or a combination of all.

3.02~~e~~- NOTICE AND APPEAL OF FAILURE TO COMPLETE PROBATION

Probationary employees receiving a notice of return, may appeal to the Sheriff within ten (10) working days. The Sheriff shall have ten (10) working days to review the appeal. The decision of the Sheriff shall be final.

3.03 -- SENIOR OFFICER/DISPATCHER PROGRAM

It is the desire of the Administration to provide career enrichment opportunities to Corrections and Law Enforcement Officers, and Dispatchers. It is also desired to recognize those employees who have maintained demonstrated job proficiency and whose experience enhances the accomplishments of Office goals.

3.04 -- ELIGIBILITY REQUIREMENTS

Line level Law Enforcement and Corrections Officers are required to pass the test for Senior Officer status before completion of twenty-four (24) months of cumulative service within the past thirty (30) consecutive months. Such cumulative service shall be within the same career field. Family Medical Leave and Military service are included in the calculation of cumulative service.

Newly hired Deputies with a minimum of 5 years Law Enforcement experience and at least an Intermediate Peace Officer TCLEOSE License, and Corrections Officers with a minimum of 5 years Corrections experience and at least an Intermediate Jailer TCLEOSE License may take the Senior Officer exam at any time before completion of twenty-four (24) months of cumulative service within the past thirty (30) months in accordance with Chapter 2.3.6 of the Travis County Sheriff's Office Policy Manual.

Dispatchers who have successfully completed the radio training program are eligible to test for Senior Dispatcher status upon completion of twenty-four (24) months of cumulative service within the past thirty (30) consecutive months. Such cumulative service shall be within the same career field. Family Medical Leave and Military service are included in the calculation of cumulative service.

3.05 -- SENIOR OFFICER/DISPATCHER EXAMINATION

The Senior Officer/Dispatcher examinations are administered and supervised under the direction of the Civil Service Commission. Except for experienced new hires as defined in Chapter 3.04 of these rules, eligible employees may begin testing up to six (6) months prior to their review date.

3.06 -- SENIOR OFFICER/DISPATCHER DESIGNATION

Upon successful completion of all eligibility requirements and providing all file documentation reflecting normal standards for the Division and upon approval of the Division Captain or Director, they are designated by their badge as either Deputy II (Law Enforcement) or Officer II (Corrections) or Senior Dispatcher.

3.07 -- MANDATORY REQUIREMENTS FOR SENIOR OFFICER/DISPATCHER

Employees_who fail to take and/or pass the Senior Officer/Dispatcher examination within the specified time limit, are reviewed for corrective/developmental measures.

3.08 -- PROMOTIONS

The following rules establish the minimum criteria for placement on the eligibility list for Dispatch Supervisor, Corrections Sergeant, Corrections Lieutenant, Law Enforcement Detective, Law Enforcement Sergeant and Law Enforcement Lieutenant.

3.08.001 Applicants for promotion to the next highest rank must have completed at least twenty-four (24) months of cumulative service within the past 30 months in their current rank, no later than five (5) working days prior to the date on which the examination is administered. Such cumulative service must be within the same career field. Leave time taken for family or medical leave will not be considered an interruption of service.

Dispatch Supervisor applicants must also be a Senior Dispatcher, or must hold an intermediate or advanced TCLEOSE Dispatcher certification or an equivalent nationally recognized dispatcher certification. If the applicant has less than the required two years uninterrupted service, but has previous experience as a dispatcher or dispatch supervisor, he or she must have the recommendation of their current supervisor, the communications manager, and division captain.

3.08.002 Notice and Procedures

A. Notice of promotional boards will be posted at least 120 days in advance. Candidates desiring to participate in the promotional process must notify their supervisor and the Civil Service Commission in writing no later than 60 days prior to the scheduled tests. Once notified, the supervisor must see that a current evaluation is completed within six months prior to the board. If an evaluation cannot be updated within six months of the board due to military leave status, the most recent evaluation will be

used. .The Employee Development Folder is updated and both shall be forwarded to the Civil Service Commission before the boards are scheduled to begin. It is the responsibility of the candidate to ensure his or her eligibility requirements have been met in accordance with the Civil Service Commission's Rules and Regulations. Candidates are advised to retain a copy of the written notice to participate that acknowledges the date it was received by either their supervisor or the Civil Service Commission.

B. The written test will be administered at least ten (10) days prior to the oral examination. The written examination requires a minimum score of 70 based upon a total score of 100 points in order for the candidate to be eligible to proceed to the oral interview phase of the promotional selection process. Testing dates and times will be set by the Test Administrator. The Test Administrator may, for good cause, provide an alternative or make-up exam for individuals not testing during the regularly scheduled examination times.

A Test Review Committee consisting of any combination of Majors, Captains, Directors, Managers, and Lieutenants from the respective bureaus, and the Civil Service Commission Coordinator will review all questions and answers before the test is administered for clarity, accuracy, and relevance, and make any needed revisions.

A candidate may file an appeal regarding any question on the exam. To do so, he or she must first answer the question. After completion of the exam the candidate must submit his or her appeal to the Civil Service Commission Office in writing no later than 5 p.m. on the second working day after the exam. The applicant appealing the test question will remain anonymous to the Test Review Committee members. Such questions will then be reviewed by any Test Review Committee member(s) after the exam, but before the test scores are posted. Should any change be approved, it will be made across the board to all those testing.

Upon request by the applicant, the Civil Service Commission or its designee will inform the applicant as to how many questions were missed in each category. A review of the test and answer sheet by the candidate is not permitted.

C. To determine eligibility for the candidate to proceed to the oral interview phase the written examination score will be combined with years of service credit, Corrections Field Training Officer points, and college/TCLEOSE licensure points to determine each candidate's preliminary score. Law Enforcement applicants do not receive Field Training Officer credit.

D. After years of service credit, Field Training Officer credit, and college/TCLEOSE licensure points have been added according to the above, the top ten (10) candidates for each rank and anyone within ten (10) points of the highest preliminary score will be initially processed for placement on the respective eligibility list. These candidates will be provided in writing with the date and time of their oral examination, and a list of these candidates and their oral examination times will be posted. No oral board will be required in a case where only one person has passed the promotional test for a particular rank, and that person has already acquired a minimum of 50% of the aggregate total possible score.

E. The Employment Development Folder for each candidate shall be made available for board members to review.

F. Candidate Review Board interviews shall be recorded. Review Boards will be proctored by the Civil Service Commission designee.

G. A minimum of five (5) board members are required to convene the board with a maximum of eight (8). Scoring for all candidates shall be by the exact same board members, and any scores by board members not present for all candidates shall not be used.

H. Balloting by members of the Candidate Review Board shall not be discussed among the participants until all ballots on that candidate have been turned in to the proctor. If the candidate requests such, completed score sheets and recording shall be submitted to the proctor in the candidate's presence at the conclusion of the interview. The computation shall be done by the proctor. For each candidate before the board, the proctor shall drop the highest and lowest scores and shall take an average of the remaining scores to determine the final score for that candidate. The recording and score sheets will be retained by the Civil Service Commission for a period of at least 90 days.

In a case where alternative arrangements are made for military personnel to be interviewed via telecommunication from a remote location when no other means of video conference is available, no points will be assigned in the "Appearance" category of the Oral Review Board score sheet for any candidate in that particular rank and bureau.

I. The Sheriff, Chief Deputy and Major over that bureau may elect at any time to participate on the Candidate Review Board so long as final makeup of that board remains the same for each candidate reviewed.

J. Longevity points will be awarded one (1) point per year up to ten (10) years for all positions except lieutenant. Longevity will be calculated from date of hire to five (5) working days immediately preceding the date on which the written examination is administered.

K. Prior to the administration of the written exam, the Travis County Sheriff's Office will provide to the Civil Service Commission Coordinator each candidate's calculated longevity points based on criteria in item "K".

L. College/TCLEOSE credits shall be awarded using the following criteria. Licensure requirements must be met no later than five (5) working days before the written examination is administered.

30 - 60 college hours* or Basic Peace Officer Certification.....**2 points**

61 - 89 college hours* or Intermediate Jailer/Peace Officer/Telecommunicator Certification.....e.....**4 points**

90 or more college hours* but less than Bachelor's Degree.....**6 points**

Bachelor's Degree or Advanced Jailer/Peace Officer Tele-Communicator Certification.....**8 points**

Master's Degree or Master Jailer/Peace Officer Certification.....**10 points**

Doctoral Degree.....**12 points**

Points are assigned for the highest level attained by a person in one (1) category only. Applicants for promotion within the Law Enforcement bureau may not receive points for Jailer certification levels. Applicants for promotion within the Corrections bureau may not receive points for Peace Officer certification levels. Applicants for promotion to Dispatch Supervisor may not receive points for Jailer or Peace Officer certification.
**College hours will be considered only if college credit was granted for them by the institution attended.*

M. A maximum of 1 point may be accrued for service as a Corrections Field Training

Officer and may be added to an applicant's overall score during promotional testing for Corrections Sergeant. Points may be used in ½ or in 1 whole point increments. A Field Training Officer who continues in good standing may use the promotional point (maximum of 1 point) for each subsequent promotional test for Corrections Sergeant and will not lose accrued points for testing purposes as long as the member is a practicing FTO. Points for promotion will be accrued in ½ point increments for each year worked as a practicing FTO. Total accrual will not exceed 1 point, regardless of time spent as an FTO. Time will be accrued in whole years of FTO service only. Time spent as an FTO in parts of years will not be counted as a promotional point. Staff members who resign from the FTO Program in lieu of removal by disciplinary action or who are removed from the FTO program through disciplinary action shall lose any accumulated promotional point and shall not be allowed to use it in any part for testing purposes. Staff members who are involuntarily transferred from an assignment and are no longer an FTO or who resign in good standing may use the accrued promotional ½ or whole point for a one time only addition to his/her overall score in an approved promotional process. The point or ½ point must be used in the next available test time after severance from the FTO program. Corrections Field Training Officer points must have been earned no later than five (5) working days before the written examination is administered.

N. In the event of a tie on the final raw score, longevity (hire date) will be used as the preliminary tie breaker with the written test score as the next resort if necessary.

O. Placement on the eligibility list will be determined by the total number of points accumulated from the written test, the oral review board, longevity credit, college/TCLEOSE credits, and FTO points, were applicable. Minimum score for placement on the eligibility list must be 50% of the aggregate total possible score.

P. Candidates may also receive additional consideration for specialized skills or diversity. The Sheriff may apply those considerations to the top three numerically ranked candidates on the list until those three are selected; then he/she shall have that consideration on the next three candidates.

Q. Promotional Process Results - Within three (3) working days of the completion of the promotional process, the Civil Service Commission will certify and post promotional process results. Individual scores will be available for the candidate's review at the Civil Service Commission Office.

R. All promotions will be made subject to the administration of a psychological examination under the aegis of an Office approved Psychologist or Psychiatrist.

3.08.003 Scoring Criteria:

- **For Detective, Law Enforcement Sergeant and Dispatch Supervisor**

	Maximum points
Written Test	100 points
Oral Board	50 points
Longevity	10 points
College/TCLEOSE	12 points
TOTAL POSSIBLE POINTS	172 points

- **For Corrections Sergeant**

Written Test	100 points
Oral Board	100 points
Longevity	10 points
College/TCLEOSE	12 points
TOTAL POSSIBLE POINTS	222 points

- **For Lieutenant**

Written Test	100 points
Oral Board	100 points
College/TCLEOSE	12 points
TOTAL POSSIBLE SCORE (LIEUTENANTS)	212 points

A. CANDIDATE REVIEW BOARD

- **50 points for Detective and L.E. Sergeant**

Employment (TCSO History)	9 points
Lifetime Experience	7 points
Appearance	2 points
Written Communication Skills	5 points
Oral Communication Skills	7 points
Situational Reasoning Scenario #1	5 points
Situational Reasoning Scenario #2	5 points
Human Relations Situational #1	5 points
Human Relations Situational #2	5 points
TOTAL	50 POINTS

- **50 points for Dispatch Supervisor**

Appearance	4 points
Written Communication Skills	5 points

Oral Communication Skills	5 points
Situational Reasoning Scenario #1	5 points
Situational Reasoning Scenario #2	5 points
Lifetime Experience	3 points
Human Relations Situational #1	5 points
Human Relations Situational #2	5 points
Employment (TCSO History)	4 points
Self Awareness/Presentation	4 points
Initiative	5 points
TOTAL	50 POINTS

- **100 points for Lieutenant**

TCSO Work History, EDF, Evaluations, Initiative	25 points
Lifetime Experience	10 points
Presentation Exercise/Oral Communication Skills	15 points
Memorandum Exercise	10 points
Prioritization Exercise	10 points
Situational Reasoning Scenario #1	10 points
Situational Reasoning Scenario #2	10 points
Human Relations Situational Scenario	10 points
TOTAL	100 POINTS

- **100 points for Corrections Sergeant**

TCSO Work History/EDF and Evaluations	15 points
Initiative	7 points
Lifetime Experience	7 points
Appearance	6 points
Memo/Written Communications	10 points
Oral Communication Skills	8 points
Situational Reasoning Scenario #1	10 points
Situational Reasoning Scenario #2	10 points
Human Relations Scenario #1	10 points
Human Relations Scenario #2	10 points
Self Awareness	7 points
TOTAL	100 POINTS

B. WRITTEN TEST

DETECTIVE

Policy/Directives/Civil Service Commission Rules & Regulations	10 points
Family Code	20 points
Penal Code	20 points
Code of Criminal Procedure	20 points
Criminal Investigations	30 points
TOTAL	100 POINTS

SERGEANT/LIEUTENANT - CORRECTIONS

Policy/Directives/Civil Service- Commission Rules & Regulations	25 points
Supervisory Study Material	35 points
Jail Standards	20 points
Penal Code/CCP	20 points
TOTAL	100 POINTS

SERGEANT/LIEUTENANT – LAW ENFORCEMENT

Policy/Directives/Civil Service- Commission Rules and Regulations	25 points
Supervisory Study Material	20 points
Penal Code	20 points
Code of Criminal Procedure	20 points
Traffic Law	15 points
TOTAL	100 POINTS

DISPATCH SUPERVISOR

Policy Manual	10 points
Civil Service Manual	10 points
Supervisory Study Material	20 points
NCIC/TCIC Study Material	15 points
Directives	30 points
PIN Codes	15 points

TOTAL 100 POINTS

3.08.04 REVIEW BOARDS

An employee desiring to serve as a member of a review board may notify the office of the Civil Service Commission at such times as designated by the Commission or its designee. Board members must meet minimum qualifications as stated below, and must be approved by the Commission.

The Commission or designee reserves the right to call upon qualified employees as defined in these rules to serve as needed on review boards.

Qualifications: Board members must be licensed officers from the respective bureau for which the applicant is testing, serving in that bureau or in the Administration and Support Bureau function from that bureau.

A. DETECTIVE

Members of the Candidate Review Board should consist of lieutenants, sergeants and detectives.

B. SERGEANT

Members of the Candidate Review Board should consist of lieutenants and sergeants.

C. LIEUTENANT

Members of the Candidate Review Board should consist of captains and lieutenants.

D. DISPATCH SUPERVISOR

Members of the Candidate Review Board should consist of the Communications Manager, lieutenants (or equivalent civilian supervisors) and sergeants (or equivalent supervisors).

3.08.005 THE ELIGIBILITY LISTS THUS ESTABLISHED FROM THE ABOVE

PROCESS WILL BE IN EFFECT FOR ONE YEAR FOLLOWING THE DATE IT IS ESTABLISHED. SAID LIST WILL BE POSTED LISTING THOSE ELIGIBLE FOR PROMOTION RANKED IN NUMERICALLY SCORED ORDER.

3.08.006 When a promotional list is established, and a position is available or has been approved by the Commissioners Court, the Sheriff shall, within thirty (30) days, designate an employee from the eligibility list in accordance with Sections 3.08, to fill the available or approved position. Once designated, the employee shall be entitled to such position without regard to when such position is filled and without regard to the promotional list that is in effect at the time such position is ultimately filled.

CHAPTER 4
LAYOFFS AND DISMISSALS

4.00 -- REDUCTION IN FORCE (LAYOFFS)

A reduction in force is a decrease in the number of employees authorized, or decrease in the number of employees in a specific classification resulting from a discontinuance of service, organizational changes, functional reassignments of tasks or change in funds authorized; and, is not to be considered a disciplinary action.

Changes in position authorization required in a reduction in force will be determined by Commissioners Court and will be initiated by the ordered reduction of budgeted funds, or the reduction of authorized positions by the deletion of budgeted positions by position number in a specific bureau/division.

Whenever possible, employees occupying positions to be deleted due to a reduction in force in one County bureau/division or office shall be referred for reassignment to other position openings for which they are qualified in the same or other division/offices. This action will be coordinated through Travis County and the Travis County Sheriff's Office Personnel Section.

Length of service of an employee, for inclusion in layoff ratings, shall be based upon the number of calendar months of continuous Travis County Sheriff's Office service. Leave time taken for military, family or medical leave will not be included in the calculation of the length of service and will not be considered a break in the continuous service. Periods of absence on leave without pay for any other purpose shall be considered a break in the continuous service. Any employee laid off shall, after timely reinstatement, regain seniority possessed at the time of layoff.

4.01 -- ORDER OF LAYOFF OR REDUCTION

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

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

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

4.02 -- REINSTATEMENT LISTS

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

A background investigation will not be conducted on a reinstated employee. As a matter of procedure, in-service training will be offered to the reinstated employee.

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

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

Any employee scoring "below standard" on his/her last two performance appraisals shall not be eligible to be placed on a reinstatement list.

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

4.03 -- RESIGNATIONS

An employee, who desires to resign in good standing with the Sheriff's Office , shall submit his/her written resignation to his/her supervisor and the Sheriff's Personnel Section and, except for good cause shown, give at least two (2) weeks notice of his/her intention to leave the organization.

4.04 -- DISMISSAL

An employee may be dismissed from the Sheriff's Office for just cause as identified in Chapter 5 of these rules.

CHAPTER 5
DISCIPLINARY ACTIONS

5.00 -- DISCIPLINARY ACTIONS AND CORRECTIVE/DEVELOPMENTAL MEASURES

The administration desires to encourage progress toward the accomplishment of Office goals, and policy purposes, and to encourage compliance with Office rules. Disciplinary actions are sometimes necessary to correct actions or omissions which are inconsistent with the goals, policies, and rules. Hereafter such actions or omissions are referred to as violations.

The procedures related to this policy are provided to guide supervisors in their determination of violations, and in their selection of disciplinary actions or recommended actions which are necessary to deter repeated incidents by the violator or other employees or which is necessary to maintain the integrity and community respect for the Office.

5.01 -- DETERMINATION OF VIOLATIONS

Violations include any action or inaction which unnecessarily inhibits the accomplishment of (or progress toward) the accomplishment of an Office goal, or policy purpose, or which violates a rule. The determination of a violation is usually made by an employee's immediate supervisor. Prior to making such determination, the supervisor shall be careful to consider all reasonably attainable information and avoid letting his/her personal feelings (positive or negative) about the subordinate interfere with his/her judgment.

5.02 -- SUSPECTED CRIMINAL ACTS

An employee who is arrested or involved in a situation requiring inquiry from law enforcement authorities for alleged criminal activity shall notify his/her immediate supervisor within 24 hours of the incident and provide the facts related to the incident.

Once notified, the supervisor shall immediately notify the Sheriff or his/her designated substitute, and is governed by his/her instructions. Prior to the Sheriff's or his/her designee's presence, the legal rights of such suspected employee should be ensured as any other criminal suspect.

5.03 -- ALTERNATIVE DISCIPLINARY ACTIONS AND CORRECTIVE/ DEVELOPMENTAL MEASURES

Alternative actions include:

1. Counseling or training.
2. Oral reprimand.
3. Coaching report
4. Written reprimand.
5. Relief from duty (pending other recommendation).
6. Suspension without pay.
7. Additional probation of position for up to one year.
8. Demotion.
9. Dismissal.
10. Criminal charges.

Once a supervisor has determined that his/her subordinate is responsible for a violation, and recommends action other than counseling or training, oral reprimand or coaching report, he/she reports the violation and recommendation to the Sheriff or his/her designee orally or in writing.

5.04 -- REVIEW OF RECOMMENDED ACTION

The Sheriff or his/her designee reviews all recommendations, and decides what disciplinary action, if any, to take.

5.05 -- EMERGENCY ACTIONS

A supervisor may relieve a subordinate from duty when he/she believes that employee's continued presence is dangerous to himself/herself, or others, or that his/her presence constitutes interference with the effective operations of the Office; e.g. someone is intoxicated while on duty. Extreme care is exercised in making this decision, and the supervisor taking such action immediately notifies his/her supervisor.

5.06 -- CORRECTIVE/DEVELOPMENTAL MEASURES

Counseling or training (written or oral) is the most preferred means of correcting and developing behavior, and is used when a supervisor believes such action is adequate to fulfill the purposes expressed in 5.00.

Oral reprimands involve training but are more sternly administered to emphasize the seriousness of the violation and/or need for future avoidance of the violation.

Additional probation of position may be imposed by the Chief Deputy or Sheriff for up to one year when documented work performance is inadequate, apparently due to a lack of skill, ability or dedication to duty. Leave time taken for family or medical leave will not be included in the calculation of probationary time.

5.07 -- DISCIPLINARY ACTIONS

Written reprimands are used when the lieutenant/supervisor believes a corrective measure will be inadequate to accomplish the purposes of 5.00. The recommendation of a written reprimand should include the proposed written reprimand, and is sent to the next higher organizational level for approval.

Recommendations for suspension without pay are made for one or more days based on what the recommending supervisor believes will accomplish the purpose of 5.00. The Chief Deputy reviews such recommendations, and decides to uphold, modify or deny them. If he/she agrees with the recommendation to suspend, he/she may modify it to include more or less days; he/she then sets the time when the suspension should occur in a manner which will best serve the Office, and informs all concerned personnel. If the Chief Deputy denies the recommendation, he/she notifies the supervisor and the employee that was to be disciplined.

Recommendations for demotion are made by a lieutenant/supervisor when he/she believes this action is necessary to accomplish the purpose expressed in 5.00. The Chief Deputy, if he/she concurs with the recommendation, sets an effective date for demotion and informs concerned parties. Persons demoted may be placed in the last rank held or any lessor included rank that was created after he/she promoted past it per Chapter 3 of this manual. Example: Person promotes from Deputy II to Detective to Sergeant. He is later reviewed for demotion and a rank of Deputy III was created while he was a Detective. He can be demoted to the rank of Deputy II, Deputy III, or Detective.

Recommendations for dismissal are made by a lieutenant/supervisor when he/she believes this action is necessary to accomplish the purpose expressed in 5.05. The Chief Deputy, if he/she concurs with the recommendation, sets an effective date for termination, and informs concerned parties.

Criminal charges are filed as directed by the Sheriff after reporting and handling in accordance with 5.02.

Supervisors, including the Sheriff, may intervene at any time on matters under disciplinary review within that supervisor's chain of command.

All disciplinary actions are forwarded to the Personnel Section to be included in the Personnel File. Only the Sheriff has the authority to remove documentation of disciplinary actions from the Personnel File.

5.08 -- APPEALS

Appeals procedures are addressed in Chapter 6 and its procedures.

CHAPTER 6
GRIEVANCE PROCEDURES

6.00 -- GRIEVANCES

It is the policy of the Office that grievances are dealt with directly, quickly and fairly. It is recognized that occasions or events may occur when an employee believes, rightly or wrongly, that a condition of employment or decision affecting him/her is unjust or inequitable. It is important to employee morale and the maintenance of Office teamwork that these complaints be resolved.

6.01 -- SUPERVISORY RESOLUTION

Within ten (10) working days of the action or inaction giving rise to the grievance, the employee presents the grievance in writing to his/her supervisor, unless by written agreement of both parties waiving such deadlines or for good cause shown to the Commission. The supervisor responds to the problem as soon as practical, but in no case is that more than ten (10) working days. Failure of the supervisor to respond shall be deemed a denial of the grievance. In a circumstance where the supervisor is the subject of the grievance, the employee may choose to take his/her grievance to the next higher authority (6.02).

6.02 -- APPEAL BEYOND IMMEDIATE SUPERVISOR

If the grievance is not satisfactorily resolved under 6.01, or if the grievance involves the complaining party's supervisor, the employee presents the grievance in writing directly to the next higher authority within ten (10) working days of having received a response from the previous level of supervision. Supervisors receiving such grievances use all reasonably available information to evaluate the problem and inform the complaining party of their decision regarding resolution of the grievance within ten (10) working days.

Personnel who are not satisfied at this point, but who have not yet reached the Bureau Captain or Director, may continue carrying their grievance to the next higher level of supervision. In each case the appeal must be submitted in writing within ten (10) working days after the response of the previous level of supervision. Supervisors receiving such complaints use all reasonably available information to evaluate the problem and inform the complaining party of their decision regarding resolution of the grievance within ten (10) working days.

6.03 -- INTRA-OFFICE APPEAL

Grievances not resolved to the satisfaction of the complaining party at the Captain/Director level may be appealed to the Major of their Bureau. If not resolved, the complaining party may then appeal in writing, within ten (10) working days, to the Chief Deputy. If a grievance reaches the level of Chief Deputy, the Chief has 15 working days to answer the grievance in writing. Following that appeal, the aggrieved party may, within ten (10) working days, appeal in writing, to the Sheriff. The Sheriff will have 20 working days to respond to any grievances below that of a termination. In the case of a termination, the Sheriff will have 30 working days to provide a written answer to the employee. If a written response is not received within the allotted time then the decision is assumed to have been affirmed on the previous level. Except for matters under the jurisdiction of the Commission, decisions by the Sheriff are final.

6.04 -- APPEALS BEYOND THE SHERIFF

Only matters under the Civil Service Commission authority as indicated in Article 158.035 of the Local Government Code are appealable beyond the Sheriff.

An employee who, under the final decision of the Commission, is demoted, suspended, or removed from a position, may appeal the decision by filing a petition in a district court of the County, no later than the 30th day after the day the decision is issued. An appeal under this system is tried de novo.

6.05 -- APPEALS PURPOSE

The purpose of an appeal procedure to the Commission is to provide a further recourse to the Disciplinary Action or Grievance Policies contained in these rules. The Commission Chairperson or his/her designee will chair the appeals proceedings.

6.06~~a~~- APPEALS RESOLUTION PROCEDURE

An employee has the right to appeal the Sheriff's final decision relating to a disciplinary action or grievance to the extent provided in Article 158.035. A notice in writing stating the reason for the appeal must be received by the Commission within ten (10) working days after the employee receives written notice of the disciplinary decision or written notice of the Sheriff's decision on their grievance.

The grievance shall include the following information:

- Grievant's name, address and phone number
- Cause for grievance
- Desired relief requested
- Copies of any grievances and responses received from grievant's chain of command.

Upon receipt of the written notice by the Commission's designee, the Commission has ten (10)

working days to conduct any further investigation or to determine if a hearing is warranted and to make such decision known, in writing, to the employee. If a hearing is granted the Commission will conduct a hearing within six months of receipt of the appeal unless waived for good cause as determined by the Commission, and such hearing on the merits or a hearing on why the matter should not be dismissed with prejudice will occur within six months of the waiver. Further, upon Motion made by either party or the Commission, the Commission may order a special ruling that matters not involving specific evidence can be set and heard by the Commission prior to the hearing. The time limits about exchange of witnesses or documents do not apply to such hearings.

The employee or Sheriff may be represented by counsel or a person of their choice before the Commission.

During the hearing, the Sheriff presents his/her case first. The employee then presents his/her case. Then the Sheriff may present a rebuttal. The Commission may then question either side for further clarification. All testimony is sworn testimony.

All character witness testimony will be submitted in the form of letters with a four letter maximum per appellant.

At least ten (10) working days before the hearing, the employee and the Sheriff shall exchange lists of witnesses to be called and documents to be offered. Upon request by either party the Commission may shorten this time upon showing of good cause. No witness may be heard and no documents received into evidence unless they are on the exchanged lists. Upon showing of good cause for not timely listing the offered evidence, the Commission may decide to allow additional evidence.

All hearings are tape recorded or transcribed.

The Commission shall render a final decision in writing to the employee and the Sheriff within five (5) working days after the end of the hearing.

The Commission may uphold the disciplinary action of the Sheriff; modify disciplinary action as it may deem appropriate; or grant the relief requested by the appeal. In no case shall the Commission increase the severity of the disciplinary action.

If the demoted, suspended or removed employee is restored to his or her position by order of the Commission, he or she shall receive compensation of salary and benefits accumulated as the Commission deems appropriate.

6.07 -- USE OF SUBPOENAS

The Civil Service Commission has the authority to compel any witness to appear and give testimony at an appeals resolution hearing.

The employee and/or the Sheriff may request that subpoena be issued for any individual who has material facts or other relevant information which would have a bearing on the outcome of the grievance. The party requesting that subpoena issue shall be responsible for providing the name, current home or business address and telephone number(s) for each potential witness. Once issued, either party is entitled to rely on the subpoena to compel attendance of an individual listed thereon. Subpoenas will be issued in accordance with the Texas Rules of Civil Procedure and be obtained at the District Court level.

If a witness shall fail to appear, the Commission or either party may request attachment to issue against the non-compliant witness. The party requesting attachment shall be responsible for seeing to the procedural aspects of its issuance. An attachment shall be obtained at the District Court level and executed in accordance with the Texas Rules of Civil Procedure.

If the party requesting the subpoena requires the presence of one or more witnesses who do not have relevant information about the occurrence that gave rise to the disciplinary action and grievance, the Civil Service Commission, on its own motion or a motion of the other party, may assess all costs of the subpoenas, including payroll costs, caused by requiring the presence of a witness who does not have information relevant to the occurrence against the party requesting the subpoena.

No costs may be assessed for any witness who, in the opinion of the Civil Service Commission, provides relevant information or who appears without a subpoena.

CHAPTER 7
OTHER MATTERS RELATING TO SELECTION OF EMPLOYEES AND THE PROCEDURAL AND SUBSTANTIVE RIGHTS, ADVANCEMENT,

BENEFITS AND WORKING CONDITIONS OF EMPLOYEES

7.00e-- CONDUCTING INVESTIGATIONS OF CITIZEN COMPLAINTS

Following receipt of a citizen complaint not resolved at lower supervisory levels, the Chief Deputy, Sheriff or the Sheriff's designee pursues all reasonable investigative leads to determine the accuracy of the alleged occurrence. Once the Sheriff has decided to notify the accused employee, he/she is contacted, advised in writing and asked for his/her explanation or knowledge concerning the alleged occurrence. The Sheriff may ask that an employee take a polygraph to aid in the attempt to successfully resolve a complaint. If a criminal act or omission is alleged, the employee is first advised of his/her legal rights as any other criminal suspect would be advised and is permitted to obtain legal counsel prior to answering any questions if the Sheriff intends to file criminal charges.

7.01 -- INTRA-OFFICE INVESTIGATIONS

1. For the purposes of this rule:

   a. "Complainant" means a person who reports to or who files a formal complaint of unprofessional conduct on the part of an employee of the Travis County Sheriff's Office. This does not include the Internal Affairs Investigator assigned to the case.

   b. "Complaint" means any allegation, notification or other report which initiates an Internal Affairs investigation.

   c. "Investigation" means an Internal Affairs investigation conducted by the Travis County Sheriff's Office of unprofessional conduct by a Sheriff's Office employee, which could result in the imposition of disciplinary action. As used herein, such meaning specifically excludes any investigation of criminal activity.

   d. "Investigator" means an employee of the Travis County Sheriff's Office who is assigned to conduct an investigation.

   e. "Unprofessional conduct" means any act or omission of an employee which violates a federal, state, county, or municipal statute, regulation or ordinance, or which violates a court order, or which violates any of the policies, procedures, or rules of the Travis County Sheriff's Office, including, but not limited to the Office General Manual, any bureau or Division Procedural Manual, and any applicable Office or Division memorandum.

2. An investigator may interview an employee who is the subject of an investigation only during the employee's assigned working hours unless the employee is compensated in accordance with the applicable County provision for overtime compensation. The Sheriff may not

consider work missed by an employee during assigned working hours due to participation in an investigation in determining whether to impose a punitive action or determining the severity of a disciplinary action. If the employee requests off duty hours for interview, he/she will waive compensation in lieu of convenience.

3. An investigator may not interview an employee or conduct the investigation at the employee's home without the employee's permission.

4. Neither the complainant, nor a person who is personally involved in the incident under investigation may conduct the investigation. The employee under investigation may inquire and, upon doing so, be informed of the identity of each person present during an investigation related interview of the employee.

5. The investigator in charge shall furnish the employee under investigation with a written statement of the nature of the complaint or allegation prior to any interview of said employee for scheduled interview. Unless good cause is shown, such written statement shall be given to the employee at least 48 hours before the interview is conducted. For interviews that occur shortly after the time of the incident and at the scene of the incident, the investigator in charge shall furnish the employee an oral statement of the nature of the complaint or allegation prior to the interview. In these cases a written statement must be provided within three (3) working days after the interview.

6. The investigator will communicate the estimated length of time necessary to conduct the interview so the employee under investigation can make arrangements for availability. Investigators shall allow reasonable interruptions during an interview session to afford the employee under investigation an opportunity to attend to personal physical necessities.

7. During an interview, an investigator may not threaten an employee under investigation with punitive action. However, an investigator may inform the employee that his/her failure to truthfully answer questions directly related to the investigation or his/her failure to cooperate fully in the investigation may result in disciplinary action independent of any that may result from the incident under investigation.

8. With prior notice, either an investigator or the employee under investigation may record the employee's interview session. The parties are responsible for providing their own recording devices and media for recording.

7.02e- INTRA-OFFICE TRANSFERS

It is the responsibility of the Sheriff and his or her designees to ensure the fulfillment of the Office's

obligations to the public. This responsibility and the authority to schedule and assign personnel to fulfill that obligation shall not be abridged by this section. Transfer assignments shall be made on need, as well as considerations of diversity, liability, special skills and to promote harmony within the Office. However, employees feeling that they have been capriciously or maliciously reassigned may address their concerns through the grievance procedures set out in these rules (Chapter 6, Grievances).

Procedures for filling vacancies will be submitted by the Division Heads to the Sheriff for approval and will outline a clearly defined method. The procedure will be posted with the notice of vacancy.

7.03 --EMPLOYEES AFFECTED BY THE ADDITION OR REMOVAL OF AN ENTIRE ACTIVITY/FUNCTION

1. If an Activity/Function is removed from the administration of the Sheriff's Office and employees are transferred with it, those employees then are no longer under the jurisdiction of the Civil Service Commission and these Regulations. Except for situations covered by the Reduction-In-Force policies, any such transfer must be voluntary on the part of any classified employee. Notwithstanding this restriction, the Sheriff may "loan" classified employees on assignment to other departments or agencies to accomplish any lawful objective, including to the end that a given Activity/Function can be transitioned in an orderly and productive manner from the administration of the Sheriff's Office to another department or agency. Classified employees thus assigned remain under the command of the Sheriff for the duration of such assignment or until removed under any other applicable laws for other purposes or causes. They also remain under these Regulations or until removed under any other applicable part of these Regulations or other applicable laws for other purposes or causes.

2. If an existing Activity/Function, along with some or all of its existing employees, is added to the Sheriff's Office, the prospectively newly acquired employees may become classified, subject to the following:

   a.] The proposed employee must meet all TCSO new-hire standards, including back-grounding, for the proposed job.

   b.] A one year new-hire probationary period must be served.

   c.] Time-in-grade credit for prior service outside or within TCSO must be determined for each prospective assigned employee. This will be accomplished by the Civil Service Commission in open hearing. The Commission will interpret and apply the provisions of any Inter-local

Agreement or Commissioners Court formal action which may have been approved to effectuate or authorize the transfer of the Activity/Function.

DEFINITIONS

Activity/Function - Any organizational component or working group having a definable mission

which could be logically included into or removed out of the overall or general mission of the Sheriff's Office.

Adverse Action - An action taken by an Office in the form of a written reprimand, or to dismiss, suspend, or demote an employee.

Appeal - A request, in writing, by any employee, addressed to and filed with the Commission in the manner and within the time provided by these rules seeking an investigation, review, or hearing of the facts.

Capricious - With unfounded motivation, upon a whim, arbitrary, impulsive.

Career Field - Any type of employment or work having a definable body of knowledge, practice and skill, implicating a restricted or limited practicality to cross-over by practitioners from one to another. In the Sheriff's Office the principal Career Fields are Corrections, Law Enforcement, Clerical, Medical, Computer Operation, Social Work, Maintenance, and Radio Communications.

Civil Service Rule - A rule officially adopted by the Travis County Civil Service Commission for Sheriff's Office Employees.

Civil Service Staff - County employee who provides administrative support to the Commission and functions as the administrative liaison for the Commission.

Classified Employee - An employee of the Sheriff's Office who is not designated as exempt as outlined in the Texas Local Government Code and who has met all requirements of initial probation.

Designee - One who is designated to substitute with the full power to act.

Dismissal - The act of terminating an employee.

Duty Assignment - Assignment to a post or position within the Sheriff's Office.

Eligible - Designates the status of a person whose name has been placed on an employment/promotional list for a given position as a result of testing.

Examination - All tests related to various steps for employment and promotion.

Exempt Employee - An employee the Sheriff has designated as exempt as outlined in the Texas Local Government Code.

General Manual - The Sheriff's Office Policy Manual.

Grievance - A request, in writing, by an employee addressed to and filed with the appropriate supervisor in the manner and within the time provided by these rules seeking an investigation, review, or hearing of facts.

Hearing - A session held for the purpose of receiving evidence and reaching a decision with respect to matters or issues appropriately submitted to the Civil Service Commission for determination.

Mandatory Promotion - Mandatory career advancement in a particular division: Deputy I to Senior Deputy status, Corrections Officer I to Senior Corrections Officer status and Dispatcher to Senior Dispatcher status.

Promotional Process - The means and procedures used each year to determine advancement through the ranks beginning with the announcement to commence such process as it applies to the positions of Detective, Sergeant and Lieutenant collectively, and ending with the posting of those eligibility lists.

Represented By - As referred to in 6.06, the selection of a living person to act on behalf of, speak for, and in all respects defend the position of an employee in the appeal hearing by the Civil Service Commission.

Seniority - Years, months and days gained by an employee through length of service within a given position or total service with Travis County. Leave time taken for family or medical leave is not included in the calculation of the length of service.

Suspension - The period of time during which an employee, through appropriate disciplinary action, is forbidden to work.

Temporary Employee - An employee hired for any position that is not an authorized regular position for a limited period of time, generally not to exceed one (1) year or 900 hours, who is not eligible for employee benefits except as required by law, and who may be either full-time or part-time.

Working Day - For purposes of counting days a working day is any day, Monday through Friday, excluding County holidays.