TRAVIS COUNTY CIVIL SERVICE COMMISSION

RULES OF THE COMMISSION

AND

RULES FOR EMPLOYEES OF TRAVIS COUNTY SHERIFF

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CHAPTER 1: RULES OF THE COMMISSION

1.1 MISSION

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

The Commission informs Travis County Sheriff's Office ("TCSO") employees that they are responsible for knowing about what is in the Rules and the portions of the TCSO "Policy Manual" related to their job functions.

In matters before the Commission, the Commission presumes that TCSO employees know what is in the Rules and the Policy Manual and holds them responsible for complying with the Rules and the Policy Manual.

1.2 AUTHORITY

The authority for the Commission to exist and adopt the Rules is stated in the Texas Local Government Code, Subchapter B., sections 158.031 through 158.042.

The Commission adopts these Rules that have the force and effect of law.

1.3 RESPONSIBILITIES

The Commission shall adopt, publish, and enforce rules regarding:

1.3.1 Selection and classification of employees,

1.3.2 Competitive examinations,

1.3.3 Promotions, seniority and tenure,

1.3.4 Layoffs and dismissals,

1.3.5 Disciplinary actions,

1.3.6 Grievance procedures,

1.3.7 The rights of employees during an internal investigation, and,

1.3.8 Other matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits and working conditions of employees.

1.4 APPOINTMENT

The Sheriff, the Commissioners Court, and the District Attorney each appoint one (1) person to serve as a member of the Commission. The Sheriff designates one (1) of the members as Chairperson of the Commission.

1.5 VACANCY

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

1.6 TERMS OF OFFICE

The terms of office of the members of the Commission are two (2) years.

1.7 MEETINGS

The Commission holds regular meetings as determined by it. The meetings are open to the public, except as provided in the Rules and pursuant to the Texas Open Meetings Act. The Commission Staff post the time, date, and content of the agenda in accordance with the Texas Open Meetings Act.

1.8 QUORUM

Two (2) members of the Commission constitute a quorum.

1.9 AGENDA ITEMS

If the Sheriff makes any change to the Policy Manual, not within the Commission's authority, the Commission Staff shall file it for reference. If the change is within the Commission's authority, then the Sheriff will submit the change to the Commission Staff within thirty (30) calendar days of the Sheriff's approval, and the Commission Staff shall place it on the Commission's Agenda. The Sheriff may implement the Sheriff's new policy(ies) that are within the Commission's purview if not acted upon within ninety (90) days of submission by the Sheriff to the Commission.

Any Commissioner may request that a matter be placed on the agenda for a future meeting.

Any TCSO employee may request that the Commission consider a matter at its regular meeting. The employee must submit the request to the Commission in writing. The Chairperson, upon consultation with Commission Staff, considers whether the request falls under its authority and may place the matter on the agenda for a future meeting. The Commission Staff notifies an employee who has submitted a written request whether the request will be included on an agenda and, if so, the date and time of the meeting at which it has scheduled the item.

The Commission must submit agenda items about new Rules to the Sheriff in writing at least thirty (30) calendar days before a Commission meeting. At or before a meeting, the Sheriff may then make a recommendation on the Rules, which the Commission is to consider.

1.10 RULES OF ORDER AND STANDARD OF REVIEW

During meetings of the Commission that do not address one (1) or more specific grievances, the rules contained in Robert's Rules of Order, Newly Revised, govern the Commission in all procedural matters to which they are applicable, and which are not specifically dealt within these Rules.

The Commission is an administrative body. The Commission is not bound by technical rules of evidence or procedure in its grievance appeals hearings.

The Commission adopts the substantial evidence standard of review when evaluating employee grievances, disciplinary appeals, or other contested matters.

1.11 STAFFING

The Program Director has the authority, and it is his or her duty to:

1.11.1 Develop and recommend agenda items for action by the Commission,

1.11.2 Develop and recommend rules for the establishment and conduct of competitive exams,

1.11.3 Develop and recommend any other rules necessary to provide for the efficient administration of the Commission,

1.11.4 Direct all promotional processes for TCSO which have been addressed and provided for within these Rules,

1.11.5 Develop and implement the Commission's annual budget,

1.11.6 Facilitate actions and proceedings of the Commission,

1.11.7 Keep all minutes and records of the Commission, and,

1.11.8 Prepare an annual statistical summary reflecting services of the Commission.

1.12 SECURITY OF COMMISSION MATERIALS

The Program Director shall secure all records including at least the following materials: written examinations, oral interview questions, score sheets, answer sheets, results, grievances, appeals, hearings and Rules in the Commission's office.

The Commission may convert any record to electronic form and develop a retention plan for non-electronic records.

The Program Director is responsible for the care and control of these records pursuant to the retention plan set forth in Travis County Code, Chapter 42 and in accordance with Texas law.

1.13 APPLICABILITY OF RULES

The Commission's Rules apply to all non-temporary employees of TCSO, both civilian and sworn employees, who have completed their period of probationary status and whom the Sheriff has not specifically designated as exempt from the Commission's Rules, as set forth below.

1.14 POSITIONS EXEMPT FROM CIVIL SERVICE

As provided in Sec. 158.038(b) and (d) of the Local Government Code:

(a) The sheriff of a county with a population of 3.3 million or less may designate as exempt from the civil service system the position of chief deputy; four positions of major deputy; one or more positions in the office of departmental legal counsel; and additional positions in the department; provided, however, that the sheriff may not designate as exempt a total of more than 10 positions.

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

1.15 ACKNOWLEDGMENT

The Commission acknowledges that TCSO has rules, regulations, general orders, policies, and procedures that are in the Policy Manual. The Policy Manual is effective to the extent that it does not conflict with any established Rules, procedures, policies, or practices in the Rules of the Commission that are within the scope of the Commission's authority.

Conversely, the Sheriff recognizes the authority, Rules, and procedures of the Commission and that the Sheriff must forward all changes and amendments to the Policy Manual to the Commission for review and, if within the Commission's authority, approval.

1.16 ESTABLISHMENT

These Rules have been approved by the Commission for TCSO Employees and are in effect until amended, revised or eliminated by the Commission.

1.17 AMENDMENT

The Commission may amend the Rules at any meeting of the Commission. All Rules and amendments are effective on the date the Commission approves them.

1.18 CONFLICT OF LAW

These Rules shall not be interpreted in a manner that results in a conflict with the Constitution and the laws of the State of Texas or the Constitution and the laws of the United States of America.

CHAPTER 2: CLASSIFICATION AND SELECTION OF EMPLOYEES

2.1 ORGANIZATIONAL RELATIONSHIPS

TCSO desires that employees in the various organizational positions perform and interact in a way which best contributes to the mission, vision, values, and goals of TCSO.

2.2 JOB DESCRIPTIONS

The job descriptions inform employees and those interested in employment or reassignment what the essential functions of the job entail for a particular position.

2.3 AUTHORITY

Authority is the constitutional and statutory power given to the Sheriff to manage TCSO's employees, business operations, and other resources. The Sheriff delegates authority to other employees as the Sheriff determines who will best serve TCSO's mission, vision, values, and goals.

2.4 EMPLOYEE SELECTION

TCSO is an equal opportunity employer. TCSO policy is to fill vacant job positions with the persons who best meet the needs of TCSO. The Sheriff, as enforcer of laws, requires his or her employees 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:

2.4.1 They will be employed in an organization that has a Civil Service Commission, which governs TCSO's employment policies and procedures.

2.4.2 The Sheriff creates and distributes his or her own additional policies and procedures which may be subject to the Commission's approval.

The Commission acknowledges that the integrity of TCSO depends on the integrity of every officer in the community. Background investigations assist TCSO in evaluating the experience of applicants to select the applicants who best meet the needs of the position.

2.5 EMPLOYMENT

Any person desiring employment with TCSO must first complete the application process.

2.6 APPLICATION PROCESS

The application process may include the following procedures:

2.6.1 Written aptitude examination,

2.6.2 Successfully complete the Reading, Comprehension, and Vocabulary (RCV) Test,

2.6.3 Physical readiness test,

2.6.4 Firearm qualification,

2.6.5 Drug screening,

2.6.6 Medical examination,

2.6.7 Psychological fitness examination,

2.6.8 Background investigation,

2.6.9 Polygraph,

2.6.10 Administrative interviews and reviews, and

2.6.11 Oral Interviews.

Not all these procedures apply to selecting applicants for all positions.

The job posting for each position identifies the applicable procedures for that position under the list of qualifications. Human Resources Management Department (HRMD) maintains current job descriptions for all positions.

2.7 SUCCESSFUL COMPLETION REQUIRED

Applicants must successfully complete each applicable procedure in the application process before proceeding to the next procedure.

TCSO shall notify applicants who have not successfully completed a procedure in the application process of their failure within a reasonable time. Applicants may correct some deficiencies by providing additional information or, in some cases, retaking a test. TCSO may notify applicants of a failed procedure; how to correct it, if possible and allowed; and the additional time to attempt to complete it successfully.

Applicants who are disqualified based on the background investigation, polygraph examination, or interview do not qualify to participate in an oral interview and cannot continue with the application process. If the disqualification is temporary, the applicant may reapply after the disqualification period ends. If the disqualification is permanent, the applicant may not reapply.

2.8 EMPLOYMENT MEDICAL EXAMINATION

A licensed physician selected by TCSO must examine applicants for positions requiring a TCOLE license and declare in writing that the applicant:

2.8.1 Does not show any trace of drug dependency or illegal drug use after a drug test or other medical test, and

2.8.2 Is physically sound and free from any condition or physical limitations that may adversely affect the performance of duty.

For positions that do not require a TCOLE license, applicants must also be able to demonstrate after a drug test or other medical test, that they show no trace of drug dependency or illegal drug use.

2.9 EMPLOYMENT PSYCHOLOGICAL EXAMINATION

A licensed psychologist or psychiatrist selected by TCSO must examine applicants for positions requiring a TCOLE license and declare in writing that the applicant is in satisfactory psychological and emotional health to serve in the type of position for which the applicant has applied.

2.10 RESIDENCY REQUIREMENTS

Persons in positions requiring a TCOLE license must be citizens of the United States of America.

Non-sworn personnel must demonstrate United States citizenship or provide appropriate documentation stating that they are legally eligible to work in the United States.

2.11 MISREPRESENTATIONS

Any material misrepresentation or omission of facts or failure to report requested information on the application or during the application process is just cause for rejecting an applicant during the application process, or, if TCSO later learns of a material misrepresentation, for terminating an employee.

2.12 ELIGIBILITY LIST

The job posting must indicate whether an Eligibility List is created. If so, the list must be sent to the Civil Service Commission Staff within three (3) calendar days after it is created.

Applicants who pass the Oral Interview are placed in order on an Eligibility List, from which TCSO selects persons for employment. Applicants on the Eligibility List may be provided a conditional offer of employment.

TCSO may remove applicants from the Eligibility List if there has been a material misrepresentation or omission or other changes that affect eligibility. TCSO will notify Commission Staff in writing if an applicant is removed from an Eligibility List.

2.13 EMPLOYMENT OFFERS

Offers for employment are conditioned on satisfactory completion of the procedures in the selection process stated in the job posting for the position. If the applicant satisfactorily completes these procedures, TCSO may offer the applicant employment upon approval by the Sheriff or his or her Designee.

2.14 SPECIAL PROVISIONS FOR REHIRES

Persons who return to TCSO within one (1) year of leaving, and have satisfactorily completed the RCV Test, must satisfactorily complete a background investigation and a physical readiness examination, if applicable. For these persons, the background investigator must interview prior supervisors, if employed by the TCSO, for recommendations before reinstatement. The Sheriff or his or her Designee then recommends or denies hiring the applicant.

Persons who return to TCSO within one (1) year of leaving, but have not satisfactorily completed the RCV Test, are required to follow the application process for new hires. For these persons, the background investigator must interview prior supervisors, if employed by the TCSO, for recommendations before reinstatement. The Sheriff or his or her Designee then recommends or denies hiring the applicant.

Persons who return to TCSO after one (1) year of leaving it must follow the application process for new hires.

2.15 SPECIAL PROVISIONS FOR TRANSFERS

2.15.1 To move or transfer from one Career Field in TCSO to another, employees may be required to successfully complete the following procedures:

- 2.15.1.1 Successfully complete the Reading, Comprehension, and Vocabulary (RCV) Test.
- 2.15.1.2 Complete a Personal History Statement and return it to TCSO-HR.
- 2.15.1.3 Complete an updated background investigation.
- 2.15.1.4 Pass the oral interview for the new Career Field for ranking and, if applicable, for placement on the Eligibility List.

2.15.2 When there is a vacant position:

- 2.15.2.1 TCSO determines the employee who has the best overall rank or is next on the Eligibility List and tells the employee of the intended transfer,
- 2.15.2.2 TCSO-HR gives notice of the transfer to the Captain or Director of the division that the employee is leaving within thirty (30) calendar days after notifying the employee of the intended transfer, and
- 2.15.2.3 TCSO transfers that employee as soon as possible based on operational needs.

2.15.3 TCSO will notify Commission Staff in writing when an employee has a Career Field change.

2.16 EXCEPTIONS BY SHERIFF

The Sheriff may make exceptions consistent with the requirements related to lateral transfers.

If an employee resigns in lieu of disciplinary dismissal, that former employee is not eligible to be rehired. Only the Sheriff may waive this directive.

2.17 PROBATIONARY STATUS

The purpose of the probationary status is to:

2.17.1 Test the capability and willingness of the newly hired employee to perform their assigned duties, and

2.17.2 Provide a set period of time in which to train probationers in the skills and knowledge necessary to perform their assigned duties.

Newly hired employees will serve in a probationary status for one (1) year of actual work time from the date of hire or rehire before the employee is covered by these Rules. TCSO does not include time taken for Family and Medical Leave, bereavement leave, extended leave with pay, parental leave, leave without pay, restricted duty, light duty or workers' compensation (lost time) or other reasons that remove the employee from their customarily assigned duties when calculating the one (1) year period of probationary status. Military Leave that occurs after the hire or rehire date is considered actual work time.

If TCSO notifies the Commission Staff in writing before the end of the period of probationary status, the Sheriff or the Chief Deputy may, without the employee becoming eligible for Civil Service benefits, extend the period of probationary status for up to six (6) months if the employee's documented work performance is inadequate and would benefit from an additional six (6) months of probationary status.

If the period of probationary status is extended beyond one (1) year, the employee is not covered by these Rules until the end of the extended period.

TCSO conducts appraisals during probationary status in accordance with the Policy Manual.

2.18 FAILURE TO COMPLETE PROBATION

At any time while on probation, an employee may submit his or her resignation, and employment is terminated effective on the date of resignation.

At any time while the employee is on probation, the Sheriff or the Chief Deputy has the authority to terminate the person's employment.

2.19 NOTICE & APPEAL OF TERMINATION FOR FAILURE TO COMPLETE PROBATION

An employee with a tenure of less than one (1) year of actual work time at TCSO who receives a notice of termination for failure to complete probation, may appeal to the Sheriff within ten (10) calendar days after receipt of the notice. The Sheriff has ten (10) calendar days to review the Appeal. If the Sheriff does not grant the Appeal within ten (10) calendar days, the Appeal is considered denied without further action. The decision of the Sheriff is final.

An employee with a tenure of more than one (1) year of actual work time at TCSO due to an extended probationary period who receives a notice of termination for failure to complete probation, may appeal to the Sheriff within ten (10) calendar days. The Sheriff has ten (10) calendar days to review the Appeal. If the Sheriff does not grant the Appeal within ten (10) calendar days, the Appeal is considered denied without further action. The decision of the Sheriff is final.

2.20 PURPOSE OF PROVISIONAL STATUS

2.20.1 The purpose of the provisional status is to provide a set period of time in which to train the newly transferred or promoted employee in the skills and knowledge necessary to perform newly assigned duties and to test the capability and willingness of that employee to perform them.

2.20.2 Provisional status does not limit, restrict or exclude an employee from the right to rely on these Rules.

2.21 EVENTS RESULTING IN PROVISIONAL STATUS

2.21.1 An employee who moves or transfers from one Career Field to another in TCSO is placed on provisional status for performance appraisals and evaluation of their ability to perform the duties of their newly assigned Career Field. (See Policy Manual 1-3-14 Performance Appraisals for Probationary/Provisional Employees).

2.21.2 An employee who is advanced or promoted to a higher rank is placed on "provisional" status for performance appraisals and evaluation of their ability to perform the duties of their newly assigned position.

2.22 LENGTH OF INITIAL PROVISIONAL STATUS

2.22.1 Employees who transfer from one Career Field to another are placed on provisional status for one (1) year of actual work time which begins on the date of the employee's first shift in the new Career Field. This is subject to 2.26, Extension of Provisional Status.

2.22.2 Newly promoted employees are placed on provisional status for one (1) year of actual work time, which begins on the date the employee begins the job duties of their new assignment. This is subject to 2.26, Extension of Provisional Status.

2.22.3 TCSO does not include time taken for Family and Medical Leave, bereavement leave, extended leave with pay, parental leave, leave without pay, restricted duty, light duty or workers' compensation (lost time) or other reasons that remove the employee from their customarily assigned duties when calculating the one (1) year period of provisional status. Military Leave that occurs after the provisional status begins is included as actual work time.

2.23 PERFORMANCE EVALUATIONS: EMPLOYEES ON PROVISIONAL STATUS

TCSO conducts performance evaluations in accordance with its policy (currently at Policy Manual 01-03-14 Performance Appraisals for Probationary/Provisional Employees).

2.24 RETURN TO PRIOR POSITION FROM PROVISIONAL STATUS

2.24.1 An employee may request a return to his or her prior position at any time while on provisional status. A copy of the request shall be provided to the Commission. TCSO will honor the request as soon as there is a vacancy in the prior position. This request is treated as a voluntary job change, and the employee may not grieve this personnel action. Compensation for the voluntary job change is determined pursuant to Travis County Code Chapter 114.

2.24.2 Upon determining just cause, the Sheriff or his or her Designee has the authority to return an employee to his or her prior position or rank at any time while an employee is on provisional status. A copy of the return to position or rank shall be provided to the CSC. "Just cause" means documented objective evidence which shows:

2.24.2.1 Failure to meet the standards of performance set by TCSO for the new position,

2.24.2.1.1 A lack of willingness to perform the required duties of the new position (which includes rank),

2.24.2.1.2 A lack of dependability, or

2.24.2.1.3 Any combination of these.

2.25 NOTICE & APPEAL OF RETURN TO PRIOR POSITION FROM PROVISIONAL STATUS

Employees on provisional status who receive a notice to return to their prior position may appeal to the Sheriff within twenty (20) calendar days. After an Appeal, the Sheriff has twenty (20) calendar days to review and respond to the Appeal. If the Sheriff does not respond, the Appeal is considered denied.

2.26 EXTENSION OF PROVISIONAL STATUS

If TCSO notifies the Commission in writing before the end of the provisional status, the Sheriff or the Chief Deputy may impose an extended provisional status for up to six (6) more months if the employee's documented work performance is inadequate and would benefit from an additional six (6) months of provisional status.

CHAPTER 3: ADVANCEMENTS AND PROMOTIONS

3.1 GENERAL OVERVIEW

3.1.1 TCSO wants to provide career enrichment opportunities to all employees and to recognize employees whose demonstrated job proficiency and experience enhances the accomplishments of TCSO goals.

3.2 ADVANCEMENT TO SENIOR RANK

3.2.1 The first promotion advances an employee from the line level or the lowest rank to the senior rank based on a combination of experience in the position and results on a written examination. Experienced new employees may take the written examination without having any experience at TCSO.

3.3 TIME LIMIT

3.3.1 "Time Limit" in relation to advancing from line staff to senior rank means completion of twenty-four (24) months of cumulative service within the same position in the same Career Field within the thirty (30) consecutive months after the employee becomes a line level employee.

3.4 ADVANCEMENT EXAMINATION: CORRECTIONS OFFICER

3.4.1 Timing Requirement:

3.4.1.1 Line level Corrections Officers must pass the examination with a score of at least seventy (70) percent for Corrections Officer Senior status before the Corrections Officer exceeds the Time Limit. Family and Medical Leave and Military Leave are included in the calculation of cumulative service.

3.4.2 Written Examination:

3.4.2.1 The Commission Staff administer and supervise the Corrections Officer Senior examinations. Corrections Officers with a minimum of five (5) years of prior Corrections experience and at least an Intermediate Jailer TCOLE License may take the Corrections Officer Senior examination at any time before the Time Limit. All other Corrections Officers may begin taking the examination up to six (6) months before the second (2^{nd}) anniversary of their hire date.

3.4.3 Designation As Corrections Officer Senior:

3.4.3.1 An employee is designated as a Corrections Officer Senior when the employee successfully completes all eligibility requirements and provides all file documentation that reflects normal standards with approval of the designation to TCSO-HR or the Major/ Chief Operations Officer (COO) of the Administration and Support Bureau.

3.5 ADVANCEMENT EXAMINATION: LAW ENFORCEMENT SHERIFF DEPUTY

3.5.1 Timing Requirement:

3.5.1.1 Line level Sheriff Deputies must pass the examination with a score of at least seventy (70) percent for Law Enforcement Sheriff Deputy Senior status within the Time Limit. Family and Medical Leave and Military Leave are included in the calculation of cumulative service.

3.5.2 Written Examination:

3.5.2.1 The Commission Staff administer and supervise the Law Enforcement Sheriff Deputy Senior examinations. Sheriff Deputies with a minimum of five (5) years of prior Law Enforcement experience and at least an Intermediate Peace Officer TCOLE License may take the Law Enforcement Sheriff Deputy Senior exam at any time before the Time Limit. All other Law Enforcement Sheriff Deputies may begin taking the examination up to six (6) months before the second (2^{nd}) anniversary of their hire date.

3.5.3 Designation As Law Enforcement Sheriff Deputy Senior:

3.5.3.1 An employee is designated as a Law Enforcement Sheriff Deputy Senior when the employee successfully completes all eligibility requirements and provides all file documentation that reflects normal standards with the approval of the designation to TCSO-HR or the Major/COO of the Administration and Support Bureau.

3.6 ADVANCEMENT EXAMINATION: TELECOMM 911 SPECIALIST

3.6.1 Timing Requirement:

3.6.1.1 Line level Telecomm 911 Specialists who have successfully completed the TCSO radio training program may take the examination for Telecomm 911 Specialist Senior status in accordance with the Time Limit and must achieve a passing score of at least seventy (70) percent. Family and Medical Leave and Military Leave are included in the calculation of cumulative service.

3.6.2 Written Examination:

3.6.2.1 The Commission Staff administer and supervise the Telecomm 911 Specialist Senior examinations. Telecomm 911 Specialists with a minimum of five (5) years of prior Law Enforcement and/or Telecomm 911 Specialist experience and at least an Intermediate Communications TCOLE License may take the Telecomm 911 Specialist Senior examination at any time before the Time Limit. All other Telecomm 911 Specialists may begin taking the examination six (6) months before the second (2^{nd}) anniversary of their hire date.

3.6.3 Designation As Telecomm 911 Specialist Senior:

3.6.3.1 An employee is designated as a Telecomm 911 Specialist Senior when the employee successfully completes all eligibility requirements and provides all file documentation that reflects normal standards with approval of the designation to TCSO-HR or the Major/COO of the Administration and Support Bureau.

3.7 MINIMUM QUALIFICATIONS TO SEEK PROMOTION UP THE RANKS, ALL RANKS ABOVE SENIOR, ALL BUREAUS

3.7.1 The following Rules are the minimum qualifications for placement on the Eligibility List in all Bureaus and for all ranks above senior. This includes the following positions: Corrections Sergeant and Lieutenant; Law Enforcement Detective, Sergeant, and Lieutenant; and Telecomm 911 Specialist Supervisor.

3.8 MINIMUM QUALIFICATION: PREA

3.8.1 To comply with the federal Prison Rape Elimination Act (PREA), standard 115.17, if any of the following apply, TCSO shall not promote applicants who may have contact with inmates and therefore the Commission disqualifies applicants who may have contact with inmates from participating in the promotional process:

3.8.1.1 The applicant has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

3.8.1.2 The applicant has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

3.8.1.3 The applicant has been civilly or administratively adjudicated to have engaged in the activities described in 3.8.1.2.

3.8.2 In written applications or interviews for promotion, TCSO shall directly ask all applicants for promotion about previous misconduct described in each subsection of 3.8.1. If the applicant omits material information about this misconduct, or provides materially false information, that is grounds for termination.

3.8.3 TCSO shall consider any incidents of sexual harassment in determining whether to promote any employee who may have contact with inmates.

3.9 MINIMUM QUALIFICATION

3.9.1 Applicants who have received disciplinary action of a written reprimand or greater are not eligible to participate or continue in the promotional process unless, at the time the applicant submits an application for promotion, twelve (12) months have elapsed since the applicant’s disciplinary action was completed.

3.9.2 Applicants who have been subject to a Performance Improvement Plan (PIP) are not eligible to participate or continue in the promotional process unless, at the time the applicant submits an application for promotion, six (6) months have elapsed since the applicant's PIP was successfully completed.

3.10 MINIMUM QUALIFICATION: CUMULATIVE SERVICE REQUIREMENT

3.10.1 To be eligible to take a promotional examination, an applicant must, at least five (5) calendar days before the scheduled examination date, have completed a minimum of twenty-four (24) months of cumulative service in their current rank within the same Career Field. The twenty-four (24) months of service must fall within the thirty (30) consecutive months immediately preceding the scheduled examination date. Family and Medical Leave and Military Leave are included in the calculation of cumulative service time.

3.10.2 EXCEPTION: Extraordinary Departmental Circumstances

3.10.2.1 If Extraordinary Departmental Circumstances exist, the Commission Staff may apply the following cumulative service requirement:

3.10.2.1.1 To be eligible to take a promotional examination, an applicant must, at least five (5) calendar days before the scheduled examination date, have completed a minimum of eighteen (18) months of cumulative service in their current rank within the same Career Field. The eighteen (18) months of service must fall within the twenty-four (24) consecutive months immediately preceding the scheduled examination date. Family and Medical Leave and Military Leave are included in the calculation of cumulative service time.

3.10.3 Extraordinary Circumstances exist when:

3.10.3.1 The inability to fill all needed positions in a single rank in a single Bureau with the current applicant pool creates a significant health and safety risk; or,

3.10.3.2 The results of more than two (2) testing cycles within the previous twelve (12) months have not produced sufficient qualified applicants to establish a viable promotion Eligibility List.

3.10.4 If TCSO submits a request to the Commission through the Commission Staff that demonstrates extraordinary circumstances for a stated rank in a stated Bureau and the Commission Staff approves it, the Commission Staff may apply the Extraordinary Departmental Circumstance Exception until vacant positions, in that rank and in that Bureau, are filled and a promotion Eligibility List is established.

3.10.5 When the Extraordinary Departmental Circumstances Exception is applied, the Commission Staff posts a notice of the exception in the Promotional Announcement.

3.11 ADDITIONAL MINIMUM QUALIFICATIONS FOR TELECOMM 911 SPECIALIST SUPERVISOR ONLY

3.11.1 In addition, applicants for Telecomm 911 Specialist Supervisor must either:

3.11.1.1 Be a Telecomm 911 Specialist Senior, or

3.11.1.2 Hold an intermediate or advanced TCOLE Telecomm 911 Specialist License or an equivalent nationally recognized Telecomm 911 Specialist certification, and

3.11.2 Be recommended by his or her current supervisor, the Communications Manager, and the Division Captain if the applicant has less than two (2) years of uninterrupted service but has earlier experience as a Telecomm 911 Specialist or a Telecomm 911 Specialist Supervisor.

3.12 NOTICE & APPLICATION PROCEDURES FOR ALL PROMOTIONS

3.12.1 The Commission Staff posts a notice of Oral Interviews at least one-hundred-twenty (120) calendar days before the date scheduled for the Oral Interviews. The Commission Staff reserves the right to reduce the time that the notice is posted from one-hundred-twenty (120) days, if necessary.

3.12.2 Applicants who seek a promotion must submit a written application to the Commission Staff in which their supervisor has verified the applicant's disciplinary, PIP, and PREA history in writing at least sixty (60) calendar days before the date scheduled for administration of the written examination. The Commission Staff advises applicants to ask the Commission Staff for a written acknowledgement of the date it receives this application and to retain a copy of that acknowledgement. The Commission Staff reserves the right to reduce the time for submitting applications to the Commission Staff, if necessary.

3.12.3 After verifying the employee's history, the supervisor must review the applicant's Employee Development Folder (EDF) and ensure that a current evaluation has been completed within six (6) months before the Oral Interview. If the supervisor cannot update an evaluation within six (6) months of the Oral Interview due to Military Leave status or any other unforeseen delay, the Review Panel uses the most recent evaluation.

3.12.4 The applicant's supervisor must update and forward the EDF, including the evaluation, to the Commission Staff at least five (5) calendar days before the Oral Interviews are scheduled to begin.

3.12.5 Up to and including two (2) calendar days before the Oral Interviews, the applicant may review his or her EDF in the Commission office to ensure that:

3.12.5.1 His or her eligibility requirements have been met in accordance with these Rules, and

3.12.5.2 His or her EDF that was forwarded to the Commission Staff is accurate.

3.13 WRITTEN EXAMINATION PROCEDURES FOR ALL PROMOTIONS

3.13.1 The Commission Staff sets the dates and times for any written examination. The point distribution in these written examinations depends on the current needs of the Bureau. Because the needs of Corrections and Law Enforcement vary from time to time, the point distribution for each subject matter category may fluctuate.

3.13.2 The Commission Staff prepare the written examinations for each rank in each Bureau for which a promotion Eligibility List is needed. These examinations may include questions in the following subject matter categories for each of the following ranks and Bureaus:

Subject Matter	Corrections		Law Enforcement			Telecomm 911 Specialist
	Sergeant	Lieutenant	Detective	Sergeant	Lieutenant	Supervisor
Commission Rules	√	√	√	√	√	√
Policy Manual	√	√	√	√	√	√
TCSO Directives	√	√	√	√	√	√
Supervisory Study Material	√	√		√	√	√
Code of Criminal Procedure	√	√	√	√	√	
Penal Code	√	√	√	√	√	
Jail Standards	√	√				
Criminal Investigations			√			
Family Code			√	√	√	
Transportation Code				√	√	
NCIC/TCIC Study Material						√
PIN Codes						√
Total Possible Score	100	100	100	100	100	100

3.13.3 The Commission Staff select a minimum of three (3) persons to serve as a Test Review Committee. These persons must be qualified to serve as a Review Panel member. The Test Review Committee consists of any combination of Majors, Captains, Directors, Managers, and Lieutenants from the Bureaus for which the examination is being prepared. Before the written examination is administered, the Test Review Committee reviews all questions and answers for clarity, accuracy, and relevance with the Commission Staff, and they make any needed revisions.

3.13.4 The Commission Staff administers any written examination at least ten (10) calendar days before the first Oral Interview.

3.13.4.1 Each applicant must receive at least a score of seventy (70) points based upon a total possible score of one hundred (100) points on the written examination to be eligible to participate in the Oral Interviews.

3.13.4.2 For the rank of Lieutenant, the combined total of the test score, licensure points, and education points will be multiplied by 25% to calculate the final point value. The maximum point value will be twenty-eight (28).

3.13.4.3 For good cause determined by them, the Commission Staff may provide an alternative or make-up examination for applicants not able to test during the regularly scheduled examination time for that rank in that Bureau.

3.13.4.4 An applicant may file an Appeal about any question on the examination.

3.13.4.4.1 Before the applicant can appeal a question, the applicant must answer the question during the scheduled examination period.

3.13.4.4.2 After completing the examination, the applicant may submit the Appeal to the Commission Staff in writing no later than 5 p.m. on the second (2nd) Working Day after the examination.

3.13.4.4.3 The Commission staff does not reveal the identity of the applicant appealing the question to the Test Review Committee.

3.13.4.4.4 The Test Review Committee reviews all appealed questions before the test scores are posted.

3.13.4.4.5 If the Test Review Committee approves any Appeal, the Commission Staff will remove the question from all examination papers and recalculate the scores.

3.13.4.5 If an applicant asks how many questions he or she has answered incorrectly, the Commission Staff informs the applicant of the number of questions the applicant answered incorrectly in each subject matter category. The applicant may not review the exam papers or the answer sheet.

3.14 PROCEDURES FOR ORAL INTERVIEW ELIGIBILITY LIST FOR ALL PROMOTIONS

3.14.1 The Commission Staff determines which applicants are eligible to participate in the Oral Interviews by calculating each applicant's preliminary score based on a total of the following:

3.14.1.1 Seniority points for years of service are calculated as set forth in 3.14.2.1,

3.14.1.2 Education points for TCOLE licensure and college credits,

3.14.1.3 FTO points for service as a Corrections Field Training Officer or Law Enforcement Field Training Officer, and

3.14.1.4 The final written examination score after adjustments for any appealed questions.

3.14.2 Method for Determining Seniority Points.

3.14.2.1 Before administration of the written examination, TCSO must provide each applicant's calculated Seniority points to the Commission Staff based on the following criteria. Seniority points equal one (1) point per year up to a maximum of ten (10) years for all positions except Lieutenant. Seniority is calculated from the date the applicant began uninterrupted employment with TCSO until five (5) calendar days immediately preceding the date on which the written examination is administered.

3.14.3 Method for Determining Education Points.

3.14.3.1 Education points are assigned to the highest level attained by an applicant either in TCOLE licensure or in college credits and degrees.

3.14.3.2 Only applicants for promotion within the Corrections Bureau may receive education points for Jailer licensure levels.

3.14.3.3 Only applicants for promotion within the Law Enforcement Bureau may receive education points for Peace Officer licensure levels.

3.14.3.4 Only applicants for promotion within the Law Enforcement Bureau may receive points for Telecomm 911 licensure levels.

3.14.3.5 Licensure must be received at least seven (7) calendar days before the written examination is administered.

3.14.3.6 Only college hours for which college credit was granted by the college attended earn the education points.

3.14.3.7 Education points for TCOLE licensure and college credits are awarded using the following criteria:

Basic Jailer/Peace Officer/Tele-Communicator Licensure or 30 - 60 college hours	2 points
Intermediate Jailer/Peace Officer/Tele-Communicator Licensure or 61 - 89 college hours	4 points
90 or more college hours without a Bachelor's Degree	6 points
Advanced Jailer/Peace Officer/Tele-Communicator Licensure or Bachelor's Degree	8 points
Master Jailer/Peace Officer/Tele-Communicator Licensure or Master's Degree	10 points
Doctoral Degree	12 Points

3.14.4 Method for Determining Field Training Officer (FTO) Points.

3.14.4.1 During promotional testing for Corrections Sergeant or Law Enforcement Detective, an officer and deputy earns one half (½) FTO point for each whole year worked as an FTO up to a maximum of one (1) point, regardless of total time spent as an FTO. Time spent as an FTO during parts of years is not counted. FTO points must be earned at least seven (7) calendar days before the written examination is administered. An FTO who continues in good standing may use the FTO point for each subsequent promotional process for Corrections Sergeant and Law Enforcement Detective and does not lose earned points as long as the Corrections Officer and Law Enforcement Deputy is a practicing FTO.

3.14.4.2 Corrections Officers and Law Enforcement Deputies who resign from the FTO Program in lieu of removal by disciplinary action or who are removed from the FTO program through disciplinary action lose all earned FTO points and may not use any FTO points for promotional purposes.

3.14.4.3 Corrections Officers and Law Enforcement Deputies who are involuntarily transferred from an assignment and are no longer an FTO or who resign in good standing may use the earned promotional half (½) or whole point for a one-time only addition to his or her overall score in the next available promotional process after leaving the FTO program.

3.14.4.4 Telecomm 911 Specialist Supervisor applicants do not receive Field Training Officer points.

3.14.5 After each applicant's preliminary score is calculated based on these criteria, the applicants with the ten (10) highest preliminary scores for each rank and any applicant whose preliminary score is within ten (10) points of the highest preliminary score are eligible to participate in the Oral Interviews for that rank. The Commission Staff provides these applicants with the date and time of their Oral Interview in writing and posts a list of these applicants and their Oral Interview times.

3.14.6 If there is a tie in the final preliminary score of two (2) or more applicants, the preliminary tie breaker is the Seniority points, then the date of hire or transfer into that Bureau.

3.15 COMPOSITION OF THE REVIEW PANEL FOR ORAL INTERVIEWS FOR ALL PROMOTIONS

3.15.1 Each Review Panel must include at least five (5) members and may have a maximum of nine (9) members when convening the Oral Interviews.

3.15.2 At any time, the Sheriff, the Chief Deputy and the Major/COO over the Bureau for which the Oral Interviews are being held may elect to participate as members of the Review Panel if the final makeup of that Review Panel remains the same for each applicant's Oral Interview.

3.15.3 An employee desiring to serve as a member of a Review Panel for Oral Interviews may notify the Commission Staff of that when they post the request for Review Panel members for Oral Interviews.

3.15.4 To standardize performance of Review Panel members and reduce the potential for subjective and disparate results from Oral Interviews, Review Panel members must meet the following minimum qualifications:

3.15.4.1 Be licensed officers from the Bureau for which the Oral Interviews are being conducted,

3.15.4.2 Serve either in the Bureau for which the Oral Interviews are being conducted or in a function of the Administration and Support division for that Bureau.

3.15.4.3 Attend an Oral Interview briefing session for members of the Review Panel within one (1) year before the Oral Interviews.

3.15.5 TCSO personnel, other than the Sheriff and the Chief Deputy, who have been the subject of a complaint from one (1) of the applicants within the previous two (2) years cannot serve on a Review Panel that will be conducting Oral Interviews in which the Complainant is an applicant.

3.15.6 Review Panel members for Oral Interviews for the following ranks should consist of licensed officers from the following ranks:

3.15.6.1 Detective: captains, lieutenants, sergeants, and detectives.

3.15.6.2 Sergeant: captains, lieutenants, and sergeants.

3.15.6.3 Lieutenant: captains and lieutenants.

3.15.6.4 Telecomm 911 Specialist Supervisor:

captains, communications manager, lieutenants (or equivalent civilian supervisors), and sergeants (or equivalent supervisors).

3.15.7 The Commission Staff reserves the right to call upon employees who meet these qualifications to serve as needed on Review Panels.

3.15.8 The Commission Staff also reserves the right to have an employee serve on the Review Panel in an audit capacity. The scores of an employee serving in an audit capacity are not included in the calculation of an applicant's total Oral Interview score.

3.15.9 The Commission Staff has the option to authorize the inclusion of current officers from other Sheriff's Offices, state law enforcement and corrections agencies and similar qualified and experienced persons as members of a Review Panel for Oral Interviews if:

3.15.9.1 These persons are at the rank in their agency that is equivalent to one (1) of the Travis County ranks required for that set of Oral Interviews,

3.15.9.2 Complete the Travis County Oral Interview briefing session for members of the Review Panel before serving, and

3.15.9.3 Have not been subject to discipline by their own agency within twelve (12) months before the date of the first Oral Interview.

3.15.10 The Commission Staff must approve all persons selected as members of the Review Panel.

3.16 REVIEW AND SCORING BY REVIEW PANEL FOR ORAL INTERVIEWS FOR ALL PROMOTIONS

3.16.1 Applicants may not bring any documents into Oral Interviews unless specifically requested to do so by the Commission Staff or the Review Panel. The Commission Staff shall make the EDF for each applicant available to each Review Panel member for review.

3.16.2 The Commission Staff shall record the Oral Interviews. The Commission Staff proctor the Oral Interviews.

3.16.3 Military personnel or applicants who are medically unable to be present at the Oral Interview may request alternative arrangements to be interviewed through a video conference, or through audio telecommunication only when no other means is available, from a remote location. If this request is granted by the Major/COO, the Review Panel members shall not assign any points in the "Appearance" category of the Oral Interview score sheet for any applicant in that rank in that Bureau.

3.16.4 Only Review Panel members who are present for the entire Oral Interview for each applicant for a position may score those applicants. The exact same Review Panel members score all applicants for a position. If a Review Panel member is not present for the entire Oral Interview for all applicants, that Review Panel member's scores are not used for any applicant in that rank in that Bureau.

3.16.5 After the Oral Interview is completed, the Review Panel members each complete a score sheet about the applicant's performance without discussing their scores with each other before submitting them to the Commission Staff.

3.16.6 If the applicant requests, the Review Board members must submit the completed score sheets to the Commission Staff at the conclusion of the Oral Interview while the applicant is still present. The Commission Staff record all Oral Interviews.

3.16.7 Positions in different ranks in different Bureaus require different knowledge and skills. The Review Panel members ask questions and score applicants up to the following maximum points for each subject matter category for these ranks in these Bureaus:

	Corrections	Law Enforcement			All Lieutenants	
Subject Matter	Sergeant	Detective	Sergeant	Telecomm 911 Specialist Supervisor	Corrections & Law Enforcement	
TCSO Work History	16	20	20	16	Interview	25
Lifetime Experience	8	10	10	6		
Initiative	8	5	5	10		
Self-Awareness	8	5	5	8		
Skill Based Scenario/ Written Assignment	10	10	10	10	Critical Response	25
Communication Skills	10	10	10	10		
Situational Reasoning #1	10	10	10	10	Human Relations/ Situational Reasoning Scenario	25
Situational Reasoning #2	10	10	10	10		
Human Relations:						
Scenario #1	10	10	10	10		
Scenario #2	10	10	10	10		
Total Possible Score	100	100	100	100		75

3.16.8 After the Review Panel completes an applicant's Oral Interview and the applicant has left the room, the Commission Staff computes the total score awarded to the applicant by each Review Panel member. The scores of any Review Panel member who was not present for the entire Oral Interview for all applicants for a position are not included in the computation. From the remaining scores for each applicant who appeared before the Review Panel, the Commission Staff excludes the highest and lowest scores of each applicant and then averages the remaining scores to determine the final Oral Interview score for each applicant.

3.16.9 After the Commission Staff has calculated the final Oral Interview score for each applicant, the Commission Staff reviews the final scores for each applicant to determine whether that applicant received at least seventy (70) percent of the Total Possible Score for the rank in the Bureau in which the applicant applied. If the applicant's score is not at least seventy (70) percent of the Total Possible Score, the applicant cannot be placed on the promotion Eligibility List. Applicants who do not satisfactorily complete the Oral Interview within two (2) consecutive attempts may not retest or appear before the Review Panel again until one (1) year after the second (2nd) attempt.

3.16.10 The Commission Staff keeps the audio-recording of each Oral Interview and all score sheets (even those not included in the final score) for each applicant in the Commission office for at least ninety (90) calendar days.

3.17 PROCEDURES FOR PLACEMENT ON PROMOTION ELIGIBILITY LIST: ALL PROMOTIONS

3.17.1 Each applicant whose final score is at least seventy (70) percent of the Total Possible Score is placed on the promotion Eligibility List in descending numerical order based on the applicant's final score which is determined for the following ranks in the following Bureaus by calculating the total number of points accumulated from the maximum possible score for the following criteria:

Criteria	Corrections		Law Enforcement			Telecomm 911
	Sergeant	Lieutenant	Detective	Sergeant	Lieutenant	Supervisor
Seniority	10		10	10		10
Education (College/TCOLE)	12		12	12		12
FTO	1		1			
Written Test	100		100	100		100
Written Test +Education (College/TCOLE)		28			28	
Oral Interview	100	75	100	100	75	100
Total Possible Score	223	103	223	222	103	222

3.17.2 If there is a tie in the final score of two (2) or more applicants, the preliminary tie breaker is the Seniority points and the date of hire or transfer into that Bureau. If the applicants were hired or transferred on the same date, the final written examination score is the secondary tie breaker.

3.17.3 Within three (3) calendar days after the completion of the Oral Interviews, the Commission Staff certify the final score for each applicant and post the Promotional Eligibility List. Promotion Eligibility Lists are in effect for one (1) year after the date they are posted unless there are no longer any qualified applicant(s) remaining on the list.

3.17.4 After the results are posted, applicants may submit a written request for their Oral Interview score sheets.

3.18 AWARD OF PROMOTIONS BASED ON PROMOTION ELIGIBILITY LIST

3.18.1 After the promotion Eligibility List is posted and before any promotions are awarded, the Sheriff may award additional points as considerations to applicants' scores for specialized skills or diversity, to the extent permissible. Initially, the Sheriff may only apply those considerations to the top three numerically ranked applicants on the promotion Eligibility List. When those three applicants are selected and promoted; then the Sheriff may apply considerations on the next three applicants on the promotion Eligibility List.

3.18.2 After a promotion Eligibility List is posted, and, within thirty (30) calendar days after a position is available due to a vacancy or due to approval by the Commissioners Court, the Sheriff shall designate an applicant from the current promotion Eligibility List to fill the available position in accordance with section 3.18.1.

3.18.2.1 The Sheriff may, at her/his discretion due to staffing needs, not fill a vacancy with the designated applicant for up to ninety (90) calendar days.

3.18.2.2 After an applicant is designated, the designated applicant shall be entitled to that position without regard to when that position is filled and without regard to the promotion Eligibility List that is in effect when that position is ultimately filled.

3.18.2.3 Designated applicant(s) on FMLA, military leave, leave of absence (paid or unpaid), light duty or restricted duty, or absent due to discipline at the time of promotion may have their promotion delayed until they are released to full duty and have completed and passed all necessary established medical testing. The vacancy will be held for one year.

3.18.2.4 At the discretion of the Sheriff, an applicant may be passed over from the promotion Eligibility List if they are under an Internal Affairs investigation.

3.18.2.5 At the discretion of the Sheriff, an applicant may be removed from the promotion Eligibility List if while on the Eligibility List they have a final report of sustained as part of an Internal Affairs investigation.

3.18.2.6 At the discretion of the Sheriff, an applicant may be removed from the promotion Eligibility List if while on the Eligibility List they have been placed on a Personal Improvement Plan.

3.18.2.7 If an applicant is removed or withdraws from the current promotion Eligibility List, TCSO Human Resources will notify the CSC Program Director in writing.

3.18.3 Before any promotion is finalized, the applicant designated may be subject to completing and passing all necessary established medical requirements approved by TCSO.

3.19 CREATION OF NEW RANK

3.19.1 After Commissioners Court approves a new rank, the Commission develops its Rules, policies, procedures and processes necessary to implement the new rank on or before one-hundred-eighty (180) calendar days after Commissioners Court approval. These Rules, policies, procedures and processes include the requirements for being hired into the rank, such as:

3.19.1.1 Determining which existing selection processes and procedures apply to the new rank,

3.19.1.2 Preparing and posting notices about the timing of selection and contents and scoring criteria for the positions in the new rank,

3.19.1.3 Preparing written examinations and oral Interview questions, and

3.19.1.4 Selecting the persons to be review panel members for the oral interviews.

3.19.2 If the Commissioners Court approves a new rank, TCSO may implement the new rank within thirty (30) calendar days after the Commission establishes the first promotion Eligibility List for the new rank.

CHAPTER 4: VOLUNTARY JOB CHANGE AND REDUCTION IN FORCE (NON-DISCIPLINARY DEMOTIONS AND LAYOFFS)

4.1 VOLUNTARY JOB CHANGE

A voluntary job change is a transfer of an employee from a higher pay grade to a lower pay grade because the employee has requested the change in job title. Voluntary job change is used when an employee:

4.1.1 wants to return to his or her former job title after moving to another job title,

4.1.2 wants to return to his or her former job title after promoting to another job title,

4.1.3 is in a non-exempt position when the Sheriff designates it as exempt and does not want to serve in a position exempt from civil service.

An employee may have a voluntary job change to the last rank held or any lesser rank between that rank and the current rank that was created after the promotion. For example: If an employee who promotes from Deputy II to Detective later requests a voluntary job change, and the rank of Deputy III was created while the employee was serving as a Detective, the employee may return to a position at the rank of Deputy II or Deputy III.

An employee cannot grieve a voluntary job change.

An employee who moves or transfers from one (1) Career Field to another in TCSO will have their compensation determined pursuant to Travis County Code Chapter 114.

A request will be honored when a vacancy is available.

4.2 REDUCTION IN FORCE: PURPOSE AND DEFINITION

A reduction in force (RIF) is not to be used as a substitute for disciplinary dismissal.

In a RIF the Commissioners Court determines the number and classifications of job titles that are authorized. The Commissioners Court may reduce the available budgeted funds or reduce the number of budgeted positions.

TCSO will have a procedure for implementing the RIF and that procedure must be approved by the Civil Service Commission before any reduction occurs. TCSO must comply with the approved procedure when implementing the RIF.

A RIF may involve a decrease in the number of employees authorized or a decrease in the number of employees in a specific classification. The RIF may include but is not limited to discontinuing a service, changing the organizational structure, reassigning functions or reducing the funds or positions authorized. TCSO may make changes as described in this paragraph without it constituting a RIF when there are no incumbents in the affected positions. A RIF may apply to sworn staff or non-sworn staff or both.

If TCSO has not proposed a procedure for implementing the RIF or obtained approval of its procedure, TCSO may adopt the following procedures.

4.3 POSITION DETERMINATION

4.3.1 Selection Basis for RIFs

TCSO determines the positions to be eliminated based on the business needs of TCSO. The employees in positions which TCSO is eliminating who will be laid off are determined by a RIF Score based on a weighted consideration of the employee's Seniority, time in Job Family, and Performance Evaluations. Fifty (50) percent of the available points in the RIF Score are assigned based on Seniority. Thirty (30) percent of the available points are assigned based on time in Job Family and the remaining twenty (20) percent of the available points are assigned based on Performance Evaluations.

TCSO may propose alternative criteria and obtain approval of deviations from these criteria if complying with them would result in the inability to comply with legal requirements or regulations applicable to TCSO's operations.

4.3.2 Calculation of RIF Score Related to Seniority

4.3.2.1 For purposes of this chapter, Seniority is the length of an employee's continuous service in TCSO. For the Seniority related RIF Score, Seniority is calculated in years based on the number of calendar months of continuous service in TCSO. Whether time when using Military Leave, Family or Medical Leave, and other unpaid leave is counted as service or a break in service depends on the applicable governing law. Unpaid leave for any other purpose does not count towards length of service. See the chart below for details.

	Counts as time served	Counts as continuous service
Working	√	√
On Paid Leave (vacation, sick, etc.)	√	√
On Military Leave, paid	√	√
On Military Leave, unpaid	√	√
On Family and Medical Leave, Paid	√	√
On Family and Medical Leave, Unpaid		√

4.3.2.2 The points assigned to an employee's RIF Score for Seniority are determined as follows:

Years of Continuous Service in TCSO	RIF Score
1-5 years of continuous service	10 points
6-10 years of continuous service	20 points
11-15 years of continuous service	30 points
16-20 years of continuous service	40 points
More than 20 years of continuous service	50 points

4.3.3 Calculation of RIF Score Related to Time in Job Family

The current list of Job Families is the list as published by TCSO.

Time in Job Family is length of service in positions in the Job Family. Time in Job Family is calculated in years based on the number of complete calendar months between the current date and the date of employee's earliest hire in a position within the Job Family. If there is a break in service in the positions in the Job Family, the time between the current date and the break is counted but the time before the break is not counted. The chart for determining years of service for Seniority considering applicable governing law also applies to determining time in Job Family.

The points assigned to an employee's RIF Score for Time in Job Family are determined as follows:

Years of Service in Job Family	RIF Score
1-3 years of service in job family	6 points
4-8 years of service in job family	12 points
9-12 years of service in job family	18 points
13-15 service in job family	24 points
More than 16 years of service in job family	30 points

4.3.4 Calculation of RIF Score Related to Performance Evaluation

Performance Evaluations in TCSO are based on a five (5) point scale applied to numerous factors as set out in TCSO policy. For each performance evaluation, each numerical value awarded for each factor is totaled and divided by the number of factors used in that performance evaluation to determine the value of that performance evaluation.

If a performance evaluation has not been done in the last twelve (12) months, the employee's supervisor should conduct a performance evaluation before calculating the value of the Performance Evaluations for determining the RIF Score related to performance evaluations.

The value of each performance evaluation performed within TCSO in last three (3) years is totaled and divided by the number of performance evaluations during that time, regardless of how few or how many there are. The average of the value of all performance evaluations within the last three (3) years is used to determine the RIF Score related to performance evaluations.

The points assigned to an employee's RIF Score for Performance Evaluation are determined as follows:

Average Value of All Performance Evaluations Within 3 years	RIF Score
1.0 - 1.4 points	4 points
1.5 - 2.4 points	8 points
2.5 - 3.4 points	12 points
3.5 - 4.4 points	16 points
4.5 - 5.0 points	20 points

4.3.5 Calculation of RIF Score

The RIF Scores for Seniority, Time in Job Family, and Average Performance Evaluation are totaled and equal the RIF Score.

4.4 ORDER OF LAYOFF

4.4.1 Non-sworn Employees

4.4.1.1 TCSO lays off non-sworn employees within the same job family starting with employees with the lowest RIF Score and continuing in order of increasing RIF Score.

4.4.1.2 If there are two (2) employees with the same RIF Score, the employee with the shorter time in service is treated as having the lower RIF Score.

4.4.2 Corrections Employees

The sworn positions with promotional rank in the Corrections Bureau are Lieutenant, Sergeant, and Corrections Officer Senior.

4.4.2.1 TCSO reduces the promotional rank of sworn employees in the Corrections Agency starting with employees in the highest rank. The employee at that rank with the lowest RIF Score in that rank is reduced to the next lower rank. Continuing in order of increasing RIF Scores, employees are reduced to the next lower rank until the number of employees at that rank equals the number of positions available after the RIF.

4.4.2.2 If more than one (1) employee has the same RIF Score, the employee with the lower certification level applicable to that rank rating is treated as having the lower RIF Score. If they both have the same certification level, the employee with the lower rating at the time of the most recent promotion is treated as having the lower RIF Score.

4.4.2.3 If the rank of an employee has been reduced, the employee is not considered in applying the RIF procedures at the lower level.

4.4.2.4 TCSO repeats this reduction in rank procedure at each lower rank until all employees with promotional rank have been placed in positions available after the RIF.

4.4.2.5 Corrections Officers Senior are not reduced in rank to Corrections Officers because the job description and duties of these positions are the same, only the rate of pay differs. TCSO lays off these officers starting with employees with the lowest RIF Score and continuing in order of increasing RIF Score until the number of officers equals the number of positions available after the RIF. If more than one (1) employee has the same RIF Score, the employee with the lower certification level applicable to that rank rating is treated as having the lower RIF Score. If they both have the same certification level, the employee with the lower rating on the Eligibility List at the time of hire is treated as having the lower RIF Score.

4.4.3 Law Enforcement Employees

The sworn positions with promotional rank in the Law Enforcement Bureau are Lieutenant, Sergeant, Detective and Law Enforcement Sheriff Deputy Senior

4.4.3.1 TCSO reduces the promotional rank of sworn employees in the Law Enforcement Bureau starting with employees in the highest rank. The employee at that rank with the lowest RIF Score in that rank is reduced to the next lower rank. Continuing in order of increasing RIF Scores at that rank, employees are reduced to the next lower rank until the number of employees at that rank equals the number of positions available after the RIF.

4.4.3.2 If more than one employee has the same RIF Score, the employee with the lower certification level applicable to that rank is treated as having the lower RIF Score. If all have the same certification level, the employee with the lowest rating at the time of the most recent promotion is treated as having the lower RIF Score.

4.4.3.3 If the rank of an employee has been reduced, the employee is not considered in applying the RIF procedures at the lower level.

4.4.3.4 TCSO repeats this reduction in rank procedure at each lower rank until all employees with promotional rank have been placed in positions available after the RIF.

4.4.3.5 Law Enforcement Sheriff Deputies Senior are not reduced in rank to Law Enforcement Sheriff Deputies because the job description and duties of these positions are the same, only the rate of pay differs. TCSO lays off these officers starting with employees with the lowest RIF Score and continuing in order of increasing RIF Score until the number of officers equals the number of positions available after the RIF. If more than one (1) employee has the same RIF Score, the employee with the lower certification level applicable to that rank is treated as having the lower RIF Score. If all have the same certification level, the employee with the lowest rating on the Eligibility List at the time of hire is treated as having the lower RIF Score.

4.5 PLACEMENT OF AFFECTED EMPLOYEES

Whenever possible, Travis County and TCSO-HR coordinate the reassignment of employees occupying positions eliminated due to a reduction in force in one (1) TCSO bureau, division or office to other vacant positions for which the employee is qualified in the same or other bureaus, divisions or offices.

4.5.1 TCSO gives priority consideration to any employee affected by a RIF when filling other vacant positions in TCSO for which the employee is qualified and priority consideration for training to be placed in existing TCSO positions. TCSO-HR coordinates this action.

4.5.1.1 TCSO-HR reviews all vacant positions for lateral transfers and promotions and considers current TCSO employees with the highest RIF Scores.

4.5.1.2 After TCSO determines which positions are to be eliminated, TCSO makes all positions that are vacant available first to qualified TCSO employees with the highest RIF Scores.

4.5.1.3 TCSO gives preference to experienced applicants who lost their employment with TCSO solely due to a RIF.

4.5.1.4 TCSO may reserve job postings for "TCSO employees only" to expedite priority consideration of applicants whose positions with TCSO were eliminated in a RIF.

4.6 SELECTION OF RIF-ED EMPLOYEES FOR REINSTATEMENT

During the implementation of a RIF, in coordination with the Commission, TCSO prepares lists of the names of all employees who are affected by either a reduction in promotional rank or a layoff. There may be separate lists for each of the following ranks: Lieutenant, Sergeant, Detective, Corrections Officer Senior, Law Enforcement Sheriff Deputy Senior and all other sworn staff by Career Field. The lists include relevant information like the name of each employee affected, his or her RIF Score and the order of the action taken. These lists are called reinstatement lists.

Reinstatement lists do not include any employee who refuses a reduction in rank and terminates his or her employment during a RIF.

For up to six (6) months after the implementation of a RIF, in the absence of other adopted procedure, TCSO will apply the following procedure to reinstate employees who have lost their employment as a result of the RIF.

As positions become available after a RIF, TCSO verifies that the next employee on the reinstatement list is qualified to serve in the vacant position. If the employee has maintained all qualifications necessary to perform his or her job, TCSO offers the available position to the employee remaining on the applicable reinstatement list who has the highest RIF Score and is qualified for the position. TCSO offers the opportunity to obtain any new certifications or seek promotions to the employee remaining on the applicable reinstatement list who has the highest RIF Score and is qualified for the position.

When an employee is reinstated, TCSO offers the employee in-service training as a matter of procedure.

If any employee refuses reinstatement or promotion to a previous rank, that employee's name is removed from the reinstatement list.

When an employee is reinstated, TCSO recognizes and reinstates the employee's Seniority at the time of lay-off.

CHAPTER 5: DEFINITION OF VIOLATIONS, DEVELOPMENTAL (TRAINING) ACTIONS, CORRECTIVE ACTIONS, DISCIPLINARY ACTIONS, NOTIFICATION TO THE COMMISSION & CRIMINAL CHARGES

5.1 DEFINITION: VIOLATIONS

Violations are actions or omissions which:

5.1.1 Do not comply with the Policy Manual, Code of Ethics or these Rules,

5.1.2 Are inconsistent with and unnecessarily inhibit progress toward or accomplishment of the Sheriff's mission, vision, values and goals, or

5.1.3 Are inconsistent with or unnecessarily inhibit progress toward or accomplishment of these Rules.

Violations may include actions or omissions related to performance or behavior.

5.2 DEVELOPMENTAL (TRAINING) ACTIONS

Such actions are to enhance existing skills, prevent future problems, and/or correct specific deficiencies. Training is provided by supervisors and/or coordinated through the TCSO Academy. The training is documented in the Employee's Development Folder (EDF). Developmental (Training) Actions include:

5.2.1 Coaching - written or oral training, which is the most preferred means of developing behavior and is used when a supervisor believes such action is adequate to fulfill the purposes expressed in the TCSO policy.

5.2.2 Performance Improvement Plan (PIP) - a formal document that details change an employee must make, which outlines measurable performance improvement goals and expectations the employee must meet within a specified timeframe. To encourage an employee to focus on improvement, while on a PIP, an employee cannot apply for a promotion.

5.2.3 Extension of Probationary or Provisional status - additional Probationary or Provisional status in a position, for up to six (6) months in a position. Extension will not include leave time taken for Family or Medical Leave, extended leave with pay, parental leave, leave without pay, light duty or worker's compensation (leave or light duty) when calculating the one (1) year period.

Developmental (Training) Actions are not appealable under these Rules.

5.3 CORRECTIVE ACTIONS

Corrective actions are documented in the EDF and include:

5.3.1 Corrective Counseling - Oral corrective action that is administered to emphasize the seriousness of a violation and/or the need for future avoidance of the violation.

5.3.2 Written Counseling Report - provided to enhance existing skills, prevent problems, and/or correct specific deficiencies. Counseling is provided by supervisors.

Corrective actions are not appealable under these Rules.

5.4 DISCIPLINARY ACTIONS

Disciplinary actions, while not required to be used in a particular order, are intended to be progressive and are administered to assist the employee. Employees who are found to have acted in violation of these Rules or the Policy Manual are subject to disciplinary action. Disciplinary actions are sometimes necessary to correct violations. Certain violations or degrees of violations may require assessing the maximum discipline without previous use of progressive disciplinary actions. Each time a disciplinary action is taken, the notice must clearly state that the intent of the action is disciplinary so that TCSO and the employee are both aware of the nature of the action when it is taken. Disciplinary actions include:

5.4.1 Written Reprimand - used when the supervisor believes a corrective measure will be inadequate. The recommendation for a written reprimand should include the proposed written reprimand and be sent to the next higher organizational level at the TCSO, usually a Captain or Director, for approval. Written reprimands initiated above the rank of Captain or Director do not require further approval.

5.4.2 Suspension Without Pay - recommendations for suspension without pay are made for one (1) or more days based on what the recommending supervisor believes will accomplish the purpose of the TCSO policy. Captains have authority to approve Suspension without Pay up to one (1) day/shift (8-12 hours). Majors/COO have authority to approve Suspension without Pay up to thirty-six (36) hours. Recommendations for suspension exceeding thirty-six (36) hours require approval of the Chief Deputy. Command Staff review such recommendations and decide 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. Command Staff sets the dates when the suspension should occur in a manner which will best serve TCSO and informs all concerned personnel. If Command Staff denies the recommendation, he/she notifies the supervisor and the subject employee.

5.4.3 Demotion - recommendations for demotion are made by a supervisor when he/she believes this action is necessary to accomplish the purpose expressed in the TCSO Policy Manual. 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 rank including those created after he/she promoted past it per the TCSO Policy Manual.

5.4.4 Termination - a recommendation for termination is made by a supervisor when he/she believes this action is necessary to accomplish the purposes expressed in the TCSO Policy Manual. The Chief Deputy, if he/she concurs with the recommendation, sets an effective date for termination and informs concerned parties. If the employee is terminated, the following information is provided:

- A memo citing the reason for termination; and
- The effective date of termination.

Disciplinary actions are appealable actions under these Rules.

5.5 NOTIFICATION

The TCSO shall notify the Commission Staff of any Disciplinary Actions within thirty (30) calendar days of issuance.

5.6 CRIMINAL CHARGES

Filing criminal charges does not fall within the scope of the employment relationship and is not within the Commission's authority to review.

CHAPTER 6: APPEAL OF GRIEVANCE

6.1 APPEALS TO THE COMMISSION

6.1.1 Only matters under the authority of the Travis County Civil Service Commission for Sheriff's Office Employees (the Commission) as provided in section 158.035 of the Texas Local Government Code are appealable beyond the Sheriff.

6.1.2 Matters related to pay are expressly placed within the authority of the Commissioners Court in section 152.011 of the Texas Local Government Code and the Commission has no authority to address them.

6.2 PURPOSE OF APPEALS PROCEDURE

6.2.1 The purpose of an appeal procedure is to provide a recourse to a TCSO employee (Appellant) who has a grievance that has exhausted the TCSO Employee Grievances Policy (current TCSO Policy Number 01-03-22) and is within the Commission's scope of authority.

6.3 NOTICE OF APPEAL

6.3.1 The employee must submit a Notice of Appeal (Appeal Form as published by the Commission) in writing stating the reason for the appeal to the Commission within fourteen (14) calendar days after the employee receives one (1) of the following:

6.3.1.1 Final Written Statement of the Disciplinary Action, or

6.3.1.2 Written notice of an adverse decision by the Sheriff about the employee's grievance.

6.3.2 The Notice of Appeal shall include the following information:

6.3.2.1 Appellant's name, address and phone number,

6.3.2.2 Cause for appeal,

6.3.2.3 Desired relief requested from the Sheriff,

6.3.2.4 Desired relief requested from the Commission, and

6.3.2.5 Copies of the grievance, including all documents submitted with the grievance through the chain of command and responses received from Appellant's chain of command.

6.3.3 Within five (5) calendar days of receipt of the Notice of Appeal and accompanying documents, the Commission Staff shall send a copy of the Notice of Appeal and accompanying documents to the Sheriff.

6.3.4 The parties to an appeal are the Appellant and the Sheriff. Within fourteen (14) calendar days after the Commission Staff receive the written Notice of Appeal, the Commission Staff, in consultation with the Chairperson of the Commission, must conduct any further investigation needed to determine if:

6.3.4.1 The administrative procedures and timelines have been followed, and

6.3.4.2 The Appellant has exhausted the Appellant's remedies in the TCSO grievance process.

6.3.4.3 The Commission's Staff shall notify the Appellant and Sheriff of the determination.

6.4 STANDARDS AND PROCEDURES DURING APPEAL

6.4.1 After the Commission receives the written Notice of Appeal, hearings about the appeal that are held by the Commission are subject to the following standards and procedures:

6.4.1.1 The Commission shall notify both parties in writing of any decision it makes.

6.4.1.2 The Appellant may be represented by an attorney or a representative of their choice to assist with the appeal before the Commission.

6.4.1.3 If the Appellant has a representative, all communications and notices about the Appeal must be through the Appellant's designated representative.

6.4.1.4 The Sheriff may be represented by an attorney or representative to assist with the appeal before the Commission.

6.4.1.5 In appeals related to grievances, the Appellant has the burden of proof to show the Sheriff's decision was not supported by substantial evidence.

6.4.1.6 In appeals related to final Statements of Disciplinary Actions, the Sheriff has the burden of proof to show the Sheriff's decision was supported by substantial evidence.

6.4.1.7 Any party that files documents with the Commission must furnish a copy of all documents filed to all other parties at the same time that they file the documents.

6.4.1.8 At least fourteen (14) calendar days before the date set for the hearing, each party must furnish the following to the Commission and all other parties:

6.4.1.8.1 The names of the witnesses to be called,

6.4.1.8.2 A brief description of the witness' connection to the appeal, and

6.4.1.8.3 A copy of each item of Documentary Evidence that they may offer as evidence at the hearing, marked as Appellant Exhibit 1 (or A Ex. 1, et. Seq.) or TCSO Exhibit 1 (or TCSO Ex. 1, et. Seq.) in numerical sequence.

6.4.2 "Documentary Evidence" as set forth in this chapter, is defined as: Recorded information in practically any form, including but not limited to the grievance and response documents, materials submitted with the grievance and response documents, and the Appeal Form.

6.4.3 "Appeal Form" is the form to initiate the appeal to the Commission, as published by the Commission.

6.4.4 Upon request by either party, the Commission may shorten or lengthen the timelines upon showing of good cause.

6.4.5 Each party is responsible for notifying its witness(es) and requesting their presence at the hearing. A party cannot rely on the other party's witness list as a guarantee that a witness will be present, unless a subpoena has been issued.

6.4.6 Appellant may submit a written request to the TCSO for all files and records in its possession that are relevant to the subject matter of the appeal. Within thirty (30) days after receipt of the request, TCSO must provide the Appellant copies of all files and records in its possession that are relevant to the subject matter of the appeal or submit written objections to the request.

6.4.7 Any submissions received after 4:59 p.m., Monday through Friday, will be noted as received on the next CSC business day.

6.4.8 If both parties agree or either party submits an unopposed motion with a companion order, the Chairperson is authorized to grant the motion and execute the order without a hearing. The Chairperson may also, at the Chairperson’s discretion, set a Commission hearing for consideration of the motion.

6.5 PRE-HEARING CONFERENCE

6.5.1 The Commission will set and conduct a pre-hearing conference within two (2) months after receipt of the Notice of Appeal unless the Commission waives this time limit for good cause. The pre-hearing conference may include the members of the Commission, the Appellant, attorneys for the Appellant, attorneys for the Commission, the Sheriff, the attorneys for the Sheriff and Commission Staff. The purpose of the pre-hearing conference is to discuss, identify, determine, and/or resolve the following:

6.5.1.1 Issues in controversy

6.5.1.2 Facts that may be established by stipulation

6.5.1.3 Requests for Documentary Evidence (including any objections)

6.5.1.4 Witnesses necessary or expected to testify and required subpoenas

6.5.1.4.1 Appellant and the Sheriff must specifically request the Commission's issuance of subpoenas and subpoenas duces tecum

6.5.1.5 Pending motions, including dismissal for lack of jurisdiction or summary judgment

6.5.1.6 Time reasonably necessary to present the case

6.5.1.7 Deadlines for exchange of information (Documentary Evidence, witness lists, and other information necessary to prepare for the hearing)

6.5.1.8 Date and time of the hearing on the merits.

6.5.2 At least fourteen (14) calendar days before the pre-hearing conference, the attorneys or representative of the Appellant and the Sheriff must submit an informal trial brief that contains the information to be considered at the pre-hearing conference.

6.5.3 If the Commission grants a hearing, the Commission will conduct the hearing on the merits within six (6) months after receipt of the Notice of Appeal, unless the Commission waives the time limit for good cause. If the time limit is waived, the Commission will either hold a hearing on the merits of the appeal or on the reasons why the matter should not be dismissed with prejudice within six (6) months after the waiver.

6.5.4 The Commission Chairperson or his or her Designee will chair the appeal proceedings.

6.5.5 The Commission Staff record all pre-hearings.

6.6 ISSUANCE OF SUBPOENAS AND SUBPOENAS DUCES TECUM

6.6.1 The Commission has the authority to subpoena and compel any witness to appear and give testimony at an appeal hearing. The Commission also has the authority to issue subpoenas duces tecum to compel the production of any Documentary Evidence at an appeal hearing.

6.6.2 If the request is filed with Commission Staff on or before the tenth (10^{th}) calendar day before the hearing is set to be held, either party may request that the Commission issue subpoenas and subpoenas duces tecum in accordance with the Texas Rules of Civil Procedure for any individual who has material facts or other relevant information or Documentary Evidence which would have a bearing on the outcome of the grievance. The requesting party must pay any relevant subpoena and/or subpoena duces tecum expenses prior to issuance of the subpoena and/or subpoena duces tecum.

6.6.3 The party requesting a subpoena is responsible for providing the name, current home or business address and telephone number(s) of each person being subpoenaed.

6.6.4 The party requesting a subpoena duces tecum is responsible for providing the name of the custodian of the Documentary Evidence, the telephone number(s) of the custodian, the specific Documentary Evidence that must be produced, and the current location of the documents or records being subpoenaed.

6.6.5 The Commission shall deliver any subpoena or subpoena duces tecum issued for the Appeal to the party requesting it. The party requesting service shall provide a copy of the subpoena or subpoena duces tecum to the other party. Any person authorized to serve process under Texas law may serve the subpoena or subpoena duces tecum. The party requesting service must file the return with the Commission.

6.6.6 If a person is served with a subpoena, either party may rely on the subpoena to compel attendance of the person named on the subpoena.

6.6.7 If the party requesting the subpoena duces tecum requires the production of one (1) or more items of Documentary Evidence which do not contain material facts or other relevant information which would have a bearing on the outcome of the Appeal, the Commission, on its own motion or a motion of the other party, may assess all costs of the subpoenas duces tecum, including payroll costs, caused by requiring their production.

6.6.8 No costs may be assessed for any witness who, in the opinion of the Commission, provides relevant information or who appears without a subpoena. No costs may be assessed for production of any Documentary Evidence which, in the opinion of the Commission, provide relevant information.

6.7 ENFORCEMENT OF SUBPOENAS AND SUBPOENAS DUCES TECUM

6.7.1 If a subpoenaed witness fails to appear, the Commission or either party may request that a writ of attachment issue from a District Court against the witness who does not appear. The party requesting a writ of attachment is responsible for complying with the procedural aspects of its issuance and execution in accordance with the Texas Rules of Civil Procedure. The Commission may also file a criminal complaint for the misdemeanor of failure to appear which may result in a fine of up to $1,000, confinement in the county jail for up to thirty (30) days, or both fine and confinement.

6.7.2 If subpoenaed Documentary Evidence is not produced, the Commission or either party may request that a writ of attachment issue from a District Court against the custodian of the Documentary Evidence to compel production of it. The party or entity requesting a writ of attachment is responsible for complying with the procedural aspects of its issuance and execution in accordance with the Texas Rules of Civil Procedure.

6.7.3 If the party requesting the subpoena requires the presence of one (1) or more witnesses who do not have material facts or other relevant information which would have a bearing on the outcome of the Appeal, the 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 material facts or other relevant information which would have a bearing on the outcome of the Appeal.

6.8 POSTPONEMENTS

6.8.1 When either party requests a postponement, that party must file a written motion with the Commission Staff, with a copy to the other party, that states the grounds upon which it is made. Any motion for postponement must be made at least seven (7) calendar days before the scheduled date of the hearing unless good cause is shown. The other party shall have no less than four (4) calendar days to respond. The Commission will consider the motion for postponement prior to the beginning of the hearing.

6.8.2 If both parties agree in writing to a postponement and it is the first postponement of the hearing, the Commission Staff are authorized to grant the postponement automatically and postpone the hearing until a date certain which will be included in the grant of postponement.

6.9 THE APPEAL HEARING

6.9.1 The Appellant may decide if the appeal hearing is a closed hearing or open to the public. If it is a closed hearing, the following persons are authorized to be present:

6.9.1.1 Commission members,

6.9.1.2 Commission Staff,

6.9.1.3 Appellant,

6.9.1.4 Attorney or representative of Appellant,

6.9.1.5 TCSO attorney(s),

6.9.1.6 The Sheriff, and

6.9.1.7 Commission's attorney.

6.9.2 The Commission Staff record all hearings. No others in the hearing are allowed to video, or audio record the hearing. Anyone other than Commission Staff recording the hearing may be removed.

6.9.3 Appellant and TCSO shall exchange marked exhibits and provide binders of the marked exhibits for each Commissioner and the Commission Staff.

6.9.4 The Commission Staff administer oaths that are relevant to the appeal.

6.9.5 The Commission is an administrative body and particularly will not be bound by technical rules of evidence or procedure in the appeals hearings. Hearings are not judicial in nature, and the Commission does not follow the Rules of Court. Chapter 6: Appeal of Grievance governs the hearing process.

6.9.6 During the hearing, the party with the burden of proof presents first. Next, the other party presents its case. Finally, the party with the burden of proof may present a rebuttal. The Commission may question either side for further clarification. All testimony is sworn testimony. The Commission members may examine the witness of the party with the burden of proof after the other party has cross-examined them.

6.9.7 Each party may make an opening statement and a closing statement. Appeal hearings are limited to six (6) hours plus the opening and closing statements. Each party is allowed a total of three (3) hours, unless otherwise agreed upon during the pre-hearing conference, to examine and cross-examine witnesses, present Documentary Evidence and present a rebuttal, if applicable. The Commission Staff are responsible for timekeeping and provide notice of the time remaining for each party at each break. It is within the Commission's discretion to permit additional time.

6.9.8 The Commission shall not allow any witness to be heard or any Documentary Evidence to be received into evidence unless the names of the witnesses and the items of Documentary Evidence were furnished to the Commission and all other parties at least fourteen (14) calendar days before the hearing, unless good cause is shown.

6.9.9 During a hearing, the Commission or either party may require that all witnesses to be heard in the appeal hearing be removed from the hearing room, unless the witness is excused. No witness is allowed to discuss the witness's testimony with any other witness.

6.9.10 If the Sheriff and Appellant agree, testimony by affidavit may be allowed. Because the affidavits will not be subject to cross-examination, the weight given each affidavit is in the discretion of the Commissioners. Affidavits that will be presented to the Commission must be furnished to the other party fourteen (14) calendar days before the date set for the hearing.

6.9.11 The Commission does not allow loud language, written or oral abusive language, or any disruptive behavior by any person in the hearing. Such behavior may be grounds for disciplinary action, as appropriate, or removal from the hearing, or both, by the Commission.

6.9.12 At any time before a decision is rendered, an Appellant may withdraw his or her appeal with prejudice and the withdrawal is recorded.

6.9.13 The Commission may recall any witness at any time for additional testimony.

6.9.14 The Commission, by majority vote, shall render a final decision in writing to both parties within seven (7) calendar days after the end of the hearing. The Commission shall enter a written order that states the Commission's decision. The order is signed by all Commissioners who made the decision.

6.9.14.1 The Commission may:

6.9.14.1.1 Uphold the disciplinary action of the Sheriff,

6.9.14.1.2 Modify the disciplinary action to reduce the severity if the Commission deems that appropriate,

6.9.14.1.3 Grant the relief requested by the Appellant, or

6.9.14.1.4 Deny the relief requested by the Appellant.

6.9.15 The Commission shall not increase the severity of the disciplinary action.

6.9.16 If the Commission restores a demoted, suspended or removed employee to the employee's prior position, the employee shall receive compensation of salary and benefits based on the Commission's ruling, which may include reinstatement with benefits and back pay as the Commission deems appropriate.

6.10 APPEAL TO DISTRICT COURT

6.10.1 An Appellant 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 Travis County District Court, no later than the thirtieth (30^{th}) calendar day after the day of the Commission's decision.

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

7.1 OVERVIEW OF EMPLOYEES CHANGING STATUSES

Chapters 1 through 4 of these Rules address specific limited aspects of selection of employees (new hires, entry into law enforcement, rank promotions for TCSO employees and reductions in force). In TCSO operations, there are numerous other changes in positions and employee status that are not specifically addressed in these Rules. TCSO shall provide the Civil Service Commission information about all positions and the selection process for other changes. The purpose of this information is to assist the Commission in decisions related to conformity with policies and requirements set by TCSO.

7.2 CLASSIFICATION OF EMPLOYEES

The Commission adopts all Rules that pertain to classification of employees by the Commissioners Court and stated in Travis County Code, Chapter 110: Travis County Personnel Benefits Guidelines and Procedures Manual for all Travis County Employees and Chapter 114: Classification and Cash Compensation.

7.3 ANNOUNCEMENT OF AVAILABLE POSITIONS TO BE FILLED

7.3.1 Before the selection process to fill any available positions will begin, TCSO must post an announcement of all available positions and ensure the postings are available to all employees in whatever method is in use by TCSO.

7.3.2 The announcement must include the date of the announcement, the title of the available position, the selection process including examinations required if the selection process is not described elsewhere in these Rules, and the date and place of each examination. TCSO must post a copy of the job description for each available position with the announcement.

7.4 LATERAL TRANSFERS: INTRA-OFFICE, INTER-DEPARTMENTAL, INTRA-DEPARTMENTAL, INTER-BUREAU, INTRA-BUREAU

7.4.1 The Sheriff is responsible for ensuring the fulfillment of TCSO's obligations to the public. The Commission acknowledges that, at times, the Sheriff and TCSO's management need to make involuntary lateral transfers to meet the needs of TCSO. The authority to schedule and assign employees to fulfill those obligations is not to be abridged by this section.

7.4.2 Lateral transfer assignments are made based on need, as well as considerations of diversity, liability, special skills and promotion of harmony within TCSO.

7.4.3 To be considered, employees interested in a lateral transfer must notify the immediate appropriate personnel in writing. The Sheriff or his or her Designee must approve all lateral transfers. Transfers are implemented as positions become available. An employee who transfers from one (1) position to another lateral position does not retain his or her seniority-based privileges or preferences in the new position.

7.4.4 Lateral transfers are not appealable to the Commission unless an employee has been transferred maliciously or capriciously, which includes transfers with unfounded motivation, done on a whim, arbitrarily or impulsively.

7.5 EMPLOYEES AFFECTED BY THE REMOVAL OF AN ENTIRE FUNCTION

7.5.1 If a Function is moved from TCSO to another office or department and employees are transferred with it, when the transfer is effective, those employees then are no longer under the jurisdiction of the Commission and these Rules.

7.5.2 Except for circumstances covered by Chapter 4: Voluntary Job Change and Reduction In Force, these transfers must be the voluntary decision of any affected Classified Employee.

7.5.3 The Sheriff may "loan" Classified Employees on assignment to other County offices or departments or other agencies to accomplish any lawful purpose, including the purpose of transitioning a specific Function in an orderly and productive manner from the administration of TCSO to another County office or department or another agency. These "loaned" Classified Employees remain under the command of the Sheriff and under the jurisdiction of the Commission, and these Rules for the duration of the assignment or until removed under any other applicable laws or for other purposes or causes.

7.6 RESERVED

7.7 DUTY TO REPORT

7.7.1 Reserved.

7.7.2 Notification of Supervisor

7.7.2.1 A TCSO employee who is arrested or involved in a situation requiring inquiry from law enforcement authorities for alleged criminal activity shall notify his or her immediate supervisor in accordance with TCSO Policy Manual 01-03-07 Employee Developmental, Corrective and Disciplinary Actions. Before an employee's statement may be compelled, the employee is entitled to a Garrity Warning.

7.7.3 When notified, the supervisor shall immediately notify the Sheriff or Designee. The supervisor must comply with the instructions of the Sheriff or Designee as to directions or instructions on possible work assignments for the employee.

7.7.4 Effect of Criminal Charges on Employee's Employment

7.7.4.1 It is within the discretion of the Sheriff or Designee to determine whether a TCSO employee who is arrested, charged, or indicted for a misdemeanor or a felony may continue working in their usual capacity pending disposition of the criminal charge. The Sheriff or Designee may reassign the employee to a different position (administrative assignment), place the employee on paid administrative leave in accordance with Travis County Policy, or place the employee on

unpaid leave pending the disposition of the criminal charge. The Sheriff or Designee has the discretion to terminate the employee if the charges are egregious or would bring discredit to the office. An employee who is placed on unpaid leave shall apply any accumulated compensatory time, annual leave or personal leave during this period.

7.8 CONDUCTING INVESTIGATIONS OF NON-CRIMINAL COMPLAINTS BY INTERNAL AFFAIRS

7.8.1 The employee may consult with an attorney before being interviewed by Internal Affairs if the consultation does not impede the investigatory process.

7.8.2 Procedures for Conducting Investigation

7.8.2.1 Neither the Complainant nor the employee under Investigation may conduct the investigation.

7.8.2.2 The Investigator in charge of the Investigation must furnish the employee with a written statement of the nature of the Complaint at least forty-eight (48) hours before any scheduled interview of the employee is conducted, unless good cause is shown. The statement must reasonably apprise the employee of the allegations and if a Complaint is filed, a copy of that must be provided.

7.8.2.3 For interviews that occur shortly after the time of and at the scene of the alleged conduct, the Investigator may furnish the employee an oral statement about the nature of the Complaint before the interview but must provide a written statement within forty-eight (48) hours after the interview.

7.8.2.4 Either an Investigator or the employee may record the employee interview session if:

7.8.2.4.1 The person recording it gives the other notice of the recording before the session,

7.8.2.4.2 The recording begins immediately at the beginning of the interview, and

7.8.2.4.3 The person who wants to record it provides his or her own recording devices and media for recording.

7.8.2.5 The Internal Affairs Investigator will interview the employee during Internal Affairs' regular business hours of 8 a.m. to 5 p.m. The employee is compensated for the time in the interview according to County policy to include overtime compensation, if applicable.

7.8.2.6 The Investigator will tell the employee the estimated length of time necessary to conduct each interview so the employee can make arrangements to be available.

7.8.2.7 An Investigator designates the location of the interview but may not interview an employee or conduct the Investigation at the employee's home without his or her permission.

7.8.2.8 If the employee inquires about the identity of any person present during an interview or any Investigation, the Investigator must inform the employee of the identity of each person present.

7.8.2.9 If an employee is directed to leave his or her post to attend an interview or Investigation at another command, TCSO shall inform the employee's command of these directions.

7.8.2.10 Investigators shall allow reasonable interruptions during each interview session to allow the employee an opportunity to attend to personal physical necessities and for meals, telephone calls and rest periods. During the interview process, the Investigator shall not, at any time, make any promise of reward as an inducement to answer questions.

7.8.2.11 During an interview, an Investigator may not use offensive language, threaten an employee with transfer, dismissal, or other punitive action.

7.8.2.12 An Investigator may inform the employee that his or her conduct is under investigation and failure to answer questions truthfully if they are directly related to the Investigation and failure to cooperate fully in the Investigation may result in disciplinary action in addition to any disciplinary action that may result from the alleged conduct under investigation.

7.8.2.13 TCSO may not compel any person to provide a written statement to Internal Affairs without first being given the Garrity Warnings that advise employees of their criminal and administrative liability for any statements they may make but also advises them of their right to remain silent on any issues that tend to implicate them in a crime. If the employee is asked to sign any written statement, the Investigator must give the employee a copy of it.

7.8.2.14 If during an Investigation, the Investigator substantially fails to comply with this section, TCSO may not introduce or allude to any statement given by the employee in an interview or reproduction of it in a disciplinary hearing.

7.9 PRE-LOUDERMILL REVIEW OF THE NON-CRIMINAL INTERNAL AFFAIRS INVESTIGATIVE FILE

7.9.1 An employee under investigation by Internal Affairs (IA) which results in a sustained finding, may request to review the IA investigative file within forty-eight (48) hours after being notified of the completion of the investigation, except if there are criminal charges pending against the employee.

7.9.1.1 The employee will make the request in writing to the IA Sergeant in order for a date and time to be scheduled for the review.

7.9.1.2 The employee and their attorney/representative will be given four (4) hours to review all of the material including any video or audio that is part of the investigative file. If the employee needs more than four (4) hours for review, a written request for more time can be made to the Chief Deputy for approval. The four (4) hours to review will be conducted during regular IA business hours.

7.9.1.3 Prior to reviewing the material, the employee and their attorney/representative will be required to sign a form indicating that no cell phones, computers or other recording devices are allowed in the room while reviewing the material and that notes may only be taken via pen and paper.

7.9.2 An employee who does not request a review of the file will receive a redacted copy of the report.

7.9.3 An employee who chooses to review the investigation file will not receive a hard copy of the IA report or investigative file. Should the employee desire a hard copy, the employee and/or their attorney/representative must make the request for the hard copy via an Open Records Request.

7.9.4 Information provided or made available for review under this Chapter remains confidential and may not be disclosed by the employee or their attorney/representative(s) other than for the purpose of the disciplinary or appeal process. This includes the information and/or discipline discussed during meetings with the Chain of Command.

7.10 REVIEW OF PERSONNEL FILE AND EMPLOYEE DEVELOPMENT FOLDER

7.10.1 On request, an employee has the right to review his or her own Personnel File and Employee Development Folder at least two (2) times each calendar year. If the contents do not accurately reflect the employee's service to TCSO, including dates of hire, evaluations, pay increases, promotions, history of training, corrective actions, and disciplinary actions; the employee may question the contents of their Personnel File or Employee Development Folder.

7.10.2 Upon proof of inaccuracies, any information in the Personnel File or Employee Development Folder that is inaccurate must be corrected by additions or removals so that the incorrect information does not adversely affect the employee.

7.10.3 Only the Sheriff has the authority to remove documentation about disciplinary actions from the Personnel File or the Employee Development Folder. However, an employee may add statements to address dates of hire, pay increases, promotions, and history of training in these if they are not corrected within thirty (30) working days after a request to the employee’s chain of command.

7.11 RETALIATION

7.11.1 Employees will not be subject to retaliation or other discriminatory actions due to filing a grievance or exercising any other right to which they are entitled under these Rules.

7.11.2 TCSO may consider final disciplinary actions taken previously when applying progressive discipline and the Oral Interview review panel members may consider final disciplinary actions taken previously during the promotional process.

7.12 RESERVED

7.13 MISCELLANEOUS

7.13.1 Although compensation, including benefits like health care coverage and leave time, may sometimes be considered working conditions, the Texas Local Government Code, Chapter 152, specifically grants the authority to determine the amount and types of compensation of employees paid by Travis County Commissioners Court. TCSO employees cannot grieve these to the Commission because it does not have the authority to change them.

7.13.2 When an employee has an issue related to working conditions, the employee must report the issue to TCSO administration so that it has the opportunity to remedy the issue. The employee must also allow a reasonable time for TCSO administration to remedy the issue before the employee may file a grievance.

7.13.3 In determining questions regarding jurisdiction and in addressing grievances related to working conditions, the Commission will consider that the very essence of being a Law Enforcement Sheriff Deputy or a Corrections Officer involves risks to life, health and safety that are not present in other occupations. Not every preferred working condition or benefit is suitable subject matter for a grievance.

7.13.4 "Benefits" means non-monetary advantages that similarly situated employees would expect to enjoy, such as, similar opportunities for training, equal opportunities to seek particular shift assignments, and appropriate work opportunity assignments within the employee's ability to work. Benefits do not include those benefits approved by the Commissioners Court like insurance coverages for health, vision, and dental care, long or short-term disability, life, accidental death, or leave accruals for sickness, vacation, holidays, Family and Medical Leave, assignment of a take-home vehicle, and similar other benefits.

7.13.5 "Working conditions" means the working environment and aspects of an employee's terms and conditions of employment that vitally affect the employee's work. Circumstances that bear a greater effect on management prerogatives than on the terms and conditions of employment are not "working conditions." Concerns that are largely subjective, arise through reasonable departmental policy, and have minimal effect on the terms and conditions of employment remain within the discretion of the Sheriff. Working conditions also do not include subjective preferences.

RULES OF THE COMMISSION: DEFINITIONS

Appeal: A request, in writing, by any employee, addressed to and filed with the appropriate authority in the manner and within the time provided by these Rules seeking an investigation, review, consideration or determination of the facts.

Appellant: The employee who is appealing the Sheriff's decision on their grievance.

Bureau: The section the employee works within (e.g., Corrections, Law Enforcement, or Administration & Support).

Calendar Days: For the purpose of counting days, a calendar day is any day, Monday through Sunday.

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

Career Field: Any type of work with a definable body of knowledge, practice and skill, implicating a restricted or limited practicality to cross-over by practitioners from one field to another. In TCSO the most common Career Fields are Corrections, Law Enforcement, Clerical, Medical, Computer Operation, Social Work, Maintenance, and Radio Communications.

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.

Commission: Civil Service Commission for the Travis County Sheriff's Office Employees.

Commissioners Court: The Travis County Commissioners Court.

Commission Staff: County employees who provide administrative support to the Commission and function as the administrative liaisons for the Commission.

Deadlines: If a deadline falls on a weekend or Travis County holiday, the deadline is extended to the calendar day following the weekend and/or holiday.

Designee: A person who is selected to act as a substitute for and use the full authority of another.

Disciplinary Dismissal: The termination of the employment of an employee for actions or behavior that is not acceptable.

Documentary Evidence: Recorded information in practically any form, including but not limited to the grievance and response documents, materials submitted with the grievance and response documents, and the Appeal Form.

Eligibility List: A list of persons who have qualified through successful completion of all procedures required for a position and may be selected to fill that position when a vacancy occurs.

Exempt Employee: An employee the Sheriff has designated as exempt from the benefits and protection of the Commission and these Rules as outlined in the Texas Local Government Code, section 158.038.

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 TCSO or the mission of a particular Bureau.

Grievance: A written request seeking an investigation, review, consideration or determination of facts and resolution of an issue by a TCSO employee addressed to and filed with the appropriate TCSO authority in the manner and within the time provided by these Rules and TCSO Policy.

Hearing: A session held for the purpose of receiving evidence and reaching a decision about matters or issues appropriately submitted to the Commission.

Lateral Transfer: A lateral transfer is movement between two (2) positions with the same salary and pay grade. These may be intra-office, inter-departmental, intra-departmental, inter-bureau, or intra-bureau.

Malicious: Characterized by malice; intending or intended to do harm.

Oral Interview: Structured interview of an applicant for a position or rank given by a Review Panel composed of five (5) to nine (9) members selected from higher ranks to assess an employee's readiness for a position or rank based on predetermined situational questions and may not require technical knowledge.

Policy Manual: TCSO Policy Manual.

Probationary Status: A set period of time during which a newly hired employee is trained in the skills and knowledge necessary to perform the duties assigned to the new position and during which the employee may be dismissed without cause at any time.

Promotional Process: The means and procedures used to determine advancement through the ranks beginning with the announcement to commence such process, and ending with the posting of those Eligibility Lists.

Provisional Status: A set period of time during which a newly assigned, transferred or promoted employee is trained in the skills and knowledge necessary to perform newly assigned duties and during which the employee may return to his or her prior position if the employee does not successfully demonstrate the skills, knowledge and suitability for the new position.

Represented By: The designation of a living person or entity to act on behalf of, speak for, and in all respects defend the position of an employee before the Commission.

Rule: A requirement officially adopted by the Civil Service Commission for TCSO employees.

Seniority: Years, months and calendar days gained by an employee through uninterrupted employment within a given rank or position or total service and is calculated from the date the employee was sworn into the Travis County Sheriff's Office (if applicable) or on the date the employee begins their job duties in their new assignment. Military Leave is included in the calculation of this length of service.

TCSO: The Travis County Sheriff's Office, or a portion of it designated to perform a specific activity or function; for example, TCSO-HR is designated to perform the Human Resources function, or the Investigative Division is designated to do the background investigations related to employee selection, transfers, promotions and similar actions.

Working Day: Any day, Monday through Friday, excluding County holidays when counting the number of days.

TRAVIS COUNTY CIVIL SERVICE COMMISSION FOR SHERIFF'S OFFICE EMPLOYEES
APPEAL FORM

(see attached CSC Appeal Form)

Carlos Garcia
Chairperson

Daniel R. Richards
Commissioner

Janet Bray
Commissioner

Travis County
Civil Service Commission
For Sheriff's Office Employees

Marivel Garza
Program Director
512-854-8708

Trey Trieschock
Assistant Program Director
512-854-4769

Appeal Form

(As referenced in Chapter 6: Appeal of Grievance)

To file an appeal to the Travis County Civil Service Commission for Sheriff's Office Employees (CSC), please fill out this form completely and submit it by hand delivery or U.S. mail to **5555 Airport Blvd., Room 305, Austin, Texas 78751** or email **civilservicecommission@traviscountytx.gov** in the timeline established in the CSC Rules in Chapter 6.

1. Name: _____
2. Address: _____
3. Telephone Number: _____
4. Email Address: _____
5. If you will be represented in your appeal, either by an attorney or representative, please identify the person representing you:

   Name: _____

   Role: _____

   Address: _____

   Telephone Number: _____

   Email Address: _____

6. Please describe the decision or circumstance you appeal:*

_____

_____

_____

The employee must submit a Notice of Appeal in writing stating the reason for the appeal to the Commission **within fourteen (14) calendar days** after the employee receives one of the following; the Final Written Statement of the Disciplinary Action, ***or*** written notice of an adverse decision by the Sheriff about the employee's grievance.

*Include with the Appeal Form, as applicable:

i. Final Written Statement of Disciplinary Action; or
ii. Written Notice of adverse decision by the Sheriff about the employee's grievance; and
iii. Copies of the grievance, including all documents submitted with the grievance through the chain of command and responses received from Appellant's chain of command.

What was the date of the decision or circumstance you appeal:

_____

Please explain how you have been harmed by this decision or circumstance:

_____

Please describe the outcome or remedy sought from the Sheriff or the Sheriff's designee:

_____

Please describe the outcome or remedy you seek for this appeal:

_____

Appellant's Signature:

_____

Date of Submission:

_____

Please note:

- **Any Submissions received after 4:59 p.m., Monday through Friday, will be noted as received on the next CSC business day.**
- **Please refer to Chapter 6 of the CSC Rules regarding appeals.**
- **You may add pages to describe your grievance.**

Commission Staff Only:

Date the Sheriff responded to the grievance:_____

Date the Appeal Form was received by Commission Staff: _____

Final Written Statement of Disciplinary Action (Yes/No) ☐

Written notice of adverse decision by the Sheriff about the grievance (Yes/No) ☐

Copies of any grievance, including all documents submitted with the grievance and responses received (Yes/No) ☐

FOR CSC STAFF USE ONLY