

**TRAVIS COUNTY SHERIFF'S OFFICE**  
**CIVIL SERVICE RULES AND REGULATIONS**

**CIVIL SERVICE COMMISSION**

**Cecelia Burke, Chairperson**

**Dr. Exalton Delco, Commissioner**  
**Colon E. Jordan, Commissioner**

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## **MISSION**

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

## **AUTHORITY**

### **I. STATUTE**

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

### **II. CONFLICT OF LAW**

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

## CIVIL SERVICE COMMISSION

### **I. APPOINTMENT**

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

### **II. RESPONSIBILITIES**

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

### **III. TERMS OF OFFICE**

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

### **IV. VACANCY**

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

### **V. MEETINGS**

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

### **VI. AGENDA ITEMS**

Any employee wishing to submit agenda item(s) for consideration by the Civil Service Commission at its regular meeting may do so. Such items must be submitted ten (10) days prior to the meeting in writing addressed to the Chairperson. The request will be reviewed by the Chairperson to determine if it falls under the powers of the Commission. The

employee will be notified of the determination and, if applicable, date and time of meeting when item is scheduled.

Agenda items relating to developing policies and procedures set forth in the Travis County Sheriff's Department Policy Manual must be submitted to the Written Directive Review Committee in writing at least ten (10) days prior to a Civil Service Commission meeting. The Written Directive Review Commission will then make a recommendation on such policies and/or procedures to be considered by the Civil Service Commission.

## **VII. QUORUM**

Two members of the Commission constitute a quorum.

## **VIII. STAFFING**

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

## **IX. RULES OF ORDER**

The rules contained in Robert's Rules of Order, Newly Revised, shall govern the Commission in all procedural matters to which they are applicable and which are not specifically dealt with in these rules.

## **RULES AND REGULATIONS**

### **I. APPLICABILITY**

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

### **II. EXEMPT EMPLOYEES**

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

1. An exempt employee who has prior continuous service up to the time of appointment to an exempt position, is assigned to the last classified rank and/or pay range held before accepting the exempt position.
2. An employee who was hired directly into the exempt position from outside the agency is offered an assignment as an entry level peace officer, if he/she is a licensed peace officer; an entry level corrections officer, if a licensed jailer; either of the two at the employee's option, if dual certified. If the employee is neither a licensed peace officer nor a licensed jailer the employee is offered another entry level position not requiring licensure.
3. When an exempt employee is demoted at the will of the Sheriff and no payroll slot exists at the lower rank or range, the employee remains in the exempt payroll slot as an "underfill," receiving the pay and benefits related to the new, lower rank or range. Immediately upon the occurrence of a classified vacancy at the appropriate lower rank or range, the formerly exempt employee is transferred to that slot, releasing the exempt slot for the Sheriff's appointment.

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

1. ...the Sheriff designates an occupied classified position as an exempt position, the designation cannot take effect until the position's occupant agrees in writing to the Civil Service Commission and to the Sheriff to accept an exempt appointment. Otherwise the Sheriff may transfer the occupant to another

equal classified position in order to vacate the slot before or after the designation.

2. Once the Sheriff's designation of an exempt position takes effect, the appointment of a person into the exempt position is completely at the discretion of the Sheriff.
- C. Persons claiming the right to demotion for continuation of employment are entitled to occupy the lower assignments without the selection processes otherwise required for the assignments. The probationary period applies for entry level positions.
- D. Except as otherwise lawfully restricted, the Sheriff may demote, suspend, dismiss or transfer any exempt employee for any reason or for no reason.

### **III. ACKNOWLEDGMENT**

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

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

### **IV. ESTABLISHMENT**

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

### **V. AMENDMENT**

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

## **CHAPTER 1 SELECTION AND CLASSIFICATION OF EMPLOYEES**

### **1.00 -- ORGANIZATIONAL RELATIONSHIPS**

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

### **1.01 -- JOB DESCRIPTIONS**

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

### **1.02 -- AUTHORITY**

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

### **1.03 -- PERSONNEL SELECTION**

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

#### **1.04 -- APPLICATION**

Persons desiring to apply for employment with the Sheriff's Department obtain an information packet from the Sheriff's Department Personnel Section or the Travis County Human Resource Management Department. The packet is accompanied by a statement of minimum qualifications which the applicant is instructed to review to determine his eligibility for consideration.

#### **1.05 -- REPORTING FOR PROCESSING**

Applicants are instructed to call to reserve space for testing for a specified time. Persons reporting late for testing may not be accepted but are informed they may reschedule.

#### **1.06 -- APPLICABILITY OF PROCEDURES**

The following screening procedures do not apply for selecting applicants for all positions. Applicable procedures for each position is identified in the job description for that position under a list of qualifications. The Personnel Section maintains current job descriptions on all positions.

#### **1.07 -- WRITTEN TEST**

Applicants are required to pass a comprehension and vocabulary test. Successful applicants continue processing and those failing the test are informed they may reapply the following month.

#### **1.08 -- PHYSICAL FITNESS TEST**

When a vacancy becomes available, an offer of employment is made contingent upon successful completion of a physical fitness test. This test is administered to applicants for Deputy, Corrections Officer and Reserve Officer.

#### **1.09 -- PERSONAL HISTORY FORM**

Applicants passing the test are given a personal history form and application to complete and return within a specified amount of time.

## **1.10 -- BACKGROUND INVESTIGATION**

When the personal history form is returned, it is screened for legibility and completeness and if acceptable, is forwarded to the Background Investigator. The background investigators follow the guidelines for this activity as specified in the TCLEOSE Background Investigation Procedure manual.

Applicants, other than those rejected because of compelling negative evidence, are instructed to appear before an Oral Review Board.

## **1.11 -- ORAL REVIEW BOARD**

Oral Review Boards consist of persons appointed by the Captains of divisions that are to employ from the group of applicants participating in the selection screening process.

Oral Review Boards follow the guidelines specified by the Personnel Coordinator. The Board produces an eligibility list of applicants in order of preference.

## **1.12 -- ELIGIBILITY LIST**

Each eligibility list remains in effect for six months, but a person may be removed from the list or moved in their ranking. It is the responsibility of the applicant to notify the Personnel Office if they wish to reactivate their eligibility. Reapplication and testing is not required, however, an updated background investigation is conducted.

## **1.13 -- PSYCHOLOGICAL AND PHYSICAL EXAMINATION**

Persons selected from the eligibility list for hire are instructed to report to the Travis County Jail Physician immediately before hire for their physical examination and drug testing. They are also required to report to the Department contract Psychologist for a psychiatric exam as required by TCLEOSE.

## **1.14 -- NOTIFICATION OF RESULTS**

Applicants are instructed to contact the Personnel Office for eligibility results. Those applicants who are not selected for employment are mailed written notice of their status and are informed of their eligibility date for reapplication.

## **1.15 -- EMPLOYMENT OFFERS**

Offers for employment are not made until the background investigation is complete. Employment is offered by the Personnel Section only upon approval by the Sheriff.

## **1.16 -- SPECIAL PROVISIONS FOR RE-HIRE AND TRANSFERS**

- I. Those who leave the Department and return within one year having already taken entry exams (Reading Comprehension, Writing Skills and Physical Fitness tests) undergo complete updated background investigation.

(It is the responsibility of the Captain of the receiving Division to interview prior Supervisors for recommendations on reinstatement. The Captain then recommends or denies hiring of the applicant.)

- II. Those who leave the Department and return within one year who have never taken entry exams are required to:

- A. Pass all entry exams.  
B. Complete an updated background investigation.  
(It is the responsibility of the Captain of the receiving Division to interview prior Supervisors for recommendations on reinstatement. The Captain then recommends or denies hiring of the applicant.)

- III. Those who leave the Department and return after one year having already taken entry exams are required to:

- A. Complete an updated background investigation.  
B. Appear before Oral Review Board for scoring and placement on eligibility list.

- IV. Those who leave the Department and return after one year having never taken entry exams must complete all regular entry processes.

- V. Those who transfer from one career field to another having already completed entry exam:
  - A. Turn in application to TCSO Personnel Office.
  - B. Complete an updated background investigation.
  - C. Appear before Review Board for scoring and placement on eligibility list.
  - D. Transfer will occur within two weeks of notice given to the Captain of the facility from which the employee is leaving. Exceptions may occur as determined by the Sheriff.
  
- VI. Those who transfer from one career field to another having never completed the entry exam:
  - A. Turn in application to TCSO Personnel.
  - B. Successfully complete entry exams.
  - C. Complete an updated background investigation.
  - D. Appear before Review Board for scoring and placement on eligibility list.
  - E. Transfer will occur within two weeks of notice given to the Captain of the facility from which the employee is leaving. Exceptions may occur as determined by the Sheriff.

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

- 1. At the time of transfer the employee is in good standing.
  - 2. The reasons for failing to complete probation were not related to misconduct or disciplinary actions.
- 
- VII. Applicants for any particular positions are allowed to interview before an Oral Review Board only twice. Applicants denied placement on the eligibility list after two (2) consecutive interviews may not be considered again for two (2) years.
  
  - VIII. Previous employees are eligible for reinstatement only once during Sheriff's tenure.
  
  - IX. Employees who are terminated or who resign in lieu of termination, are not eligible for rehire. This directive may be waived only by the Sheriff.

## **1.17 -- CLASSIFICATION OF EMPLOYEES**

The Travis County Sheriff's Office Civil Service Commission adopts all rules established that pertain to classification of employees by the Commissioners' Court of Travis County and cited in Travis County Personnel Benefits Guidelines and Procedures Manual For All Travis County Employees, Chapter 3; approved by Commissioners' Court on September 19, 1990 and effective October 1, 1990.

## **1.18 -- PROBATIONARY PERIODS**

- A. The purpose of the probationary period is to test the capability and willingness of the newly hired employee to perform and to provide a set period of time in which to train probationers in the skills and knowledge necessary to perform assigned duties.
- B. Newly hired employees will serve a probationary period of one year from the date of duty assignment.
- C. Appraisals are conducted in accordance with policy 3.10 in the General Manual.

## **1.19 -- FAILURE TO COMPLETE PROBATION**

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

## **1.20 -- NOTICE AND APPEAL OF FAILURE TO COMPLETE PROBATION**

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

## **CHAPTER 2 COMPETITIVE EXAMINATIONS**

### **2.00 -- Competitive Examinations**

See Chapter 1 for information on Competitive Examinations as related to the selection process.

See Chapter 3 for information on Competitive Examinations as related to promotional process.

**CHAPTER 3  
PROMOTIONS, SENIORITY, AND TENURE**

**3.00 -- PROBATIONARY PERIODS**

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

B. Length of Probationary Period

- Newly promoted employees will serve a probationary period of one hundred eighty days (six months). (Does not apply to Senior Officer or Senior Dispatch promotions.)

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

C. Appraisals of Employees Probationary Period

Appraisals are conducted in accordance with policy 3.10 in the General Manual.

**3.01 -- FAILURE TO COMPLETE PROBATION**

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

### **3.02 -- NOTICE AND APPEAL OF FAILURE TO COMPLETE PROBATION**

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

### **3.03 -- SENIOR OFFICER PROGRAM**

It is the desire of the Administration to provide career enrichment opportunities to Corrections and Law Enforcement Officers. It is also desired to recognize those officers who have maintained demonstrated job proficiency and whose experience enhances the accomplishment of Departmental goals.

### **3.04 -- ELIGIBILITY REQUIREMENTS**

Line level Patrol and Corrections Officers are required to test for Senior Officer status after two (2) years of continuous service in a line function to which they are assigned.

### **3.05 -- SENIOR OFFICERS EXAMINATION**

The Senior Officer's examination for both Enforcement and Corrections is administered and supervised under the direction of Training Academy personnel. Eligible Officers may test six (6) months prior to their review date.

### **3.06 -- SENIOR OFFICER DESIGNATION**

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

### **3.07 -- MANDATORY REQUIREMENTS FOR SENIOR OFFICER**

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

### **3.08 -- PROMOTIONS**

The following rules establish the minimum criteria for placement on the eligibility list. Candidates may also receive additional consideration for specialized skills or diversity.

The Sheriff may apply those considerations to the top three numerically ranked candidates on the list until those three are selected; then he/she shall have that consideration on the next three candidates.

All promotions will be made subject to the administration of a personality profile under the aegis of a Department approved Psychologist.

#### **A. CORRECTIONS SERGEANT SELECTION**

1. All members of the Corrections Sergeants Review Board will be licensed Corrections Officers, serving in the Corrections Division or in a Support Services function from Corrections.

2. The Personnel Coordinator or his/her designee shall act as proctor during the promotional process.

3. Members of the Candidate Review Board will consist of:

Three Lieutenants

Three Sergeants

(A minimum of five (5) board members are required to convene the board.)

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

4. Guidelines for selection to the Candidate Review Board:

Minimum for one (1) year in current supervisory rank with the Travis County Sheriff's Department.

If a board cannot be convened under these rules, the Sheriff has the discretion to appoint a substitute to the unfilled position(s) on the board.

5. Selection of Board Members:

- a. Each Corrections Division Captain will select one (1) Lieutenant from within his/her respective division.
- b. Each appointed Lieutenant shall appoint one (1) Sergeant from within his/her respective division.
- c. The Division Captains shall collectively select two (2) alternate members for emergency purposes.

Alternate board members shall be present at all oral examinations. Alternates shall not participate in discussions but will maintain their own notes and scoring of each candidate. If an alternate is called to replace a regularly seated board member, the alternate will complete the remaining oral examinations in the place of the regular board member participating fully in those examinations. The alternate's scoring for all candidates will be substituted for those of the board member being replaced.

The alternates shall be seated separately from the regular board members until such time as they replace a regular board member.

6. Qualification of Candidates:

At least two years of uninterrupted service as a Senior Corrections Officer.

A minimum score of 70 on the written promotions exam.

7. Scoring Criteria:

Oral Board	---->	50 points
Written Test	---->	100 points
Longevity	---->	10 points
College/TCLEOSE	---->	15 points
Total Possible Score	--->	175 points

Minimum score for placement on the eligibility list must be 50% of the aggregate total possible score.

**CANDIDATE REVIEW BOARD (50 POINTS)**

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

Balloting by members of the Candidate Review Board shall not be discussed among the participants until all ballots on that candidate have been turned into the proctor. For each candidate before the Board, the proctor shall drop the highest and lowest scores and shall take an average of the remaining scores to determine the final score for that candidate.

The Employee Development Folder and Personnel File for each candidate shall be made available for board members to review.

Candidate Review Board interviews should be approximately thirty minutes in duration and shall be audio taped. If the candidate desires, completed score sheets and audio tape shall be submitted to the proctor in the candidate's presence at the conclusion of the interview. The candidate's final score will be reached by the average of all board members scores. The computation will be done by the proctor. The cassette and score sheets will be retained by Personnel for a period of at least 90 days. The Candidate Review Board shall be conducted under the same environmental conditions for all candidates.

**WRITTEN TEST (100 POINTS)**

Policy Manual	25 points
Supervisory Study Material	20 points
Jail Standards	20 points
Penal Code	15 points
Code of Criminal Procedures	20 points

The written test will be administered at least ten (10) days prior to the oral examination. Those persons scoring 70 or above on the written examination shall be provided in writing with the date and time of their oral examination. A list of candidates and their oral examination times will be posted. The test will be administered under the same environmental conditions for all candidates.

LONGEVITY (UP TO 10 POINTS)

One (1) point per year up to 10 years.

COLLEGE/TCLEOSE CREDITS REQUIREMENTS

(UP TO 15 POINTS)

	<u>Points</u>
30-60 College hours* or Basic Peace Officer Certification	2
61-89 College hours* or Intermediate Certification	4
90+ College hours* but less than Bachelors Degree	6
Bachelors Degree or Advanced Certification	8
Masters Degree	10
Doctoral Degree	15

Points are assigned for the highest level attained by a person in one (1) category only.

\*College hours will be considered only if college credit was granted for them by the institution attended.

8. Tie Breaker - In the event of a tie on the final raw score, longevity (hire date) will be used as the primary tie breaker with the written test score as the next resort if necessary.
9. Promotional Process Results - Within three (3) working days of the completion of the promotional process, individual scores will be available for the candidate's review at the Sheriff's Department Personnel Office. Inquires must be made in person.
10. Probationary Period - Each candidate promoted will be placed on a six month probationary period.

11. Notice of Promotional Boards will be posted at least 120 days in advance. Candidates desiring to participate in the promotional process must notify their supervisor and the Personnel Coordinator in writing no later than 60 days prior to the scheduled boards. Once notified, the supervisor must see that a current evaluation is completed within 30 days, the Employee Development Folder is updated and both shall be forwarded to the Personnel Coordinator no later than ten (10) working days before the boards are scheduled to begin. It is the responsibility of the candidate to ensure his or her eligibility requirements have been met in accordance with the Civil Service Commission's Rules and Regulations.

Candidates are advised to retain a copy of the written notice to participate that acknowledges the date it was received by either their supervisor or the Personnel Coordinator.

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

**B. CORRECTIONS LIEUTENANT SELECTION**

1. All members of the Corrections Lieutenants Review Board will be licensed Corrections Officers, serving in the Corrections Division or in a Support Services function from Corrections.
2. The Personnel Coordinator or his/her designee shall act as proctor during the promotional process.
3. Members of the Candidate Review Board will consist of:

Three Captains

Three Lieutenants

(A minimum of five (5) board members are required to convene the board.)

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

4. Guidelines for selection to the Candidate Review Board:

Minimum for one (1) year in current supervisory rank with the Travis County Sheriff's Department.

If a board cannot be convened under these rules, the Sheriff has the discretion to appoint a substitute to the unfilled position(s) on the board.

5. Selection of Board Members:

- a. Each Corrections Division Captain will select one (1) Lieutenant from within his/her respective division.
- b. The Division Captains shall collectively select two (2) alternate members for emergency purposes.

Alternate board members shall be present at all oral examinations. Alternates shall not participate in discussions but will maintain their own notes and scoring of each candidate. If an alternate is called to replace a regularly seated board member, the alternate will complete the remaining oral examinations in the place of the regular board member participating fully in those examinations. The alternate's scoring for all candidates will be substituted for those of the board member being replaced.

The alternates shall be seated separately from the regular board members until such time as they replace a regular board member.

6. Qualification of Candidates:

At least two years of uninterrupted service as a Corrections Sergeant.

A minimum score of 70 on the written promotions exam.

7. Scoring Criteria:

Oral Board	---->	50 points
Written Test	---->	100 points
Longevity	---->	10 points
College/TCLEOSE	---->	15 points
Total Possible Score	--->	175 points

Minimum score for placement on the eligibility list must be 50% of the aggregate total possible score.

CANDIDATE REVIEW BOARD (50 POINTS)

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

Balloting by members of the Candidate Review Board shall not be discussed among the participants until all ballots on that candidate have been turned into the proctor. For each candidate before the Board, the proctor shall drop the highest and lowest scores and shall take an average of the remaining scores to determine the final score for that candidate.

The Employee Development Folder and Personnel File for each candidate shall be made available for board members to review.

Candidate Review Board interviews should be approximately thirty minutes in duration and shall be audio taped. If the candidate desires, completed score sheets and audio tape shall be submitted to the proctor in the candidate's presence at the conclusion of the interview. The candidate's final score will be reached by the average of all board members scores. The computation will be done by the proctor. The cassette and score sheets will be retained by Personnel for a period of at least 90 days. The Candidate Review Board shall be conducted under the same environmental conditions for all candidates.

WRITTEN TEST (100 POINTS)

Policy Manual	25 points
Supervisory Study Material	20 points
Jail Standards	20 points
Penal Code	15 points
Code of Criminal Procedures	20 points

The written test will be administered at least ten (10) days prior to the oral examinations. Those persons scoring 70 or above on the written examination shall be provided in writing with the date and time of their oral examination. A list of candidates and their oral examination times will be posted. This test will be administered under the same environmental conditions for all candidates.

LONGEVITY (UP TO 10 POINTS)

One (1) point per year up to 10 years.

COLLEGE/TCLEOSE CREDITS REQUIREMENTS

(UP TO 15 POINTS)

	<u>Points</u>
30-60 College hours* or Basic Peace Officer Certification	2
61-89 College hours* or Intermediate Certification	4
90+ College hours* but less than a Bachelors Degree	6
Bachelors Degree or Advanced Certification	8
Masters Degree	10
Doctoral Degree	15

Points are assigned for the highest level attained by a person in one (1) category only.

\*College hours will be considered only if college credit was granted for them by the institution attended.

8. Tie Breaker - In the event of a tie on the final raw score, longevity (hire date) will be used as the primary tie breaker with the written test score as the next resort if necessary.
9. Promotional Process Results - Within three (3) working days of the completion of the promotional process, individual scores will be available for the candidate's review at the Sheriff's Department Personnel Office. Inquires must be made in person.
10. Probationary Period - Each candidate promoted will be placed on a six month probationary period.

11. Notice of Promotional Boards will be posted at least 120 days in advance. Candidates desiring to participate in the promotional process must notify their supervisor and the Personnel Coordinator in writing no later than 60 days prior to the scheduled boards. Once notified, the supervisor must see that a current evaluation is completed within 30 days, the Employee Development Folder is updated and both shall be forwarded to the Personnel Coordinator no later than ten (10) working days before the boards are scheduled to begin. It is the responsibility of the candidate to ensure his or her eligibility requirements have been met in accordance with the Civil Service Commission's Rules and Regulations.

Candidates are advised to retain a copy of the written notice to participate that acknowledges the date it was received by either their supervisor or the Personnel Coordinator.

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

C. LAW ENFORCEMENT SERGEANT SELECTION

1. All members of the Law Enforcement Sergeants Review Board will be licensed Commissioned Peace Officers, serving in the Law Enforcement Division or in a Support Services function from Law Enforcement.
2. The Personnel Coordinator or his/her designee shall act as proctor during the promotional process.
3. Members of the Candidate Review Board will consist of:

Two Lieutenants

Four Sergeants

(A minimum of five (5) board members are required to convene the board.)

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

4. Guidelines for selection to the Candidate Review Board:

Minimum for one (1) year in current supervisory rank with the Travis County Sheriff's Department.

If a board cannot be convened under these rules, the Sheriff has the discretion to appoint a substitute to the unfilled position(s) on the board.

5. Selection of Board Members:

- a. Each Law Enforcement Division Captain will select one (1) Lieutenant from within his/her respective division.
- b. Each appointed Lieutenant shall appoint two (2) Sergeants from within his/her respective division.
- c. The Division Captains shall collectively select two (2) alternate members for emergency purposes.

Alternate board members shall be present at all oral examinations. Alternates shall not participate in discussions but will maintain their own notes and scoring of each candidate. If an alternate is called to replace a regularly seated board member, the alternate will complete the remaining oral examinations in the place of the regular board member participating fully in those examinations. The alternate's scoring for all candidates will be substituted for those of the board member being replaced.

The alternates shall be seated separately from the regular board members until such time as they replace a regular board member.

6. Qualification of Candidates:

At least two years of uninterrupted service as a Senior Deputy.

A minimum score of 70 on the written promotions exam.

7. Scoring Criteria:

Oral Board	---->	50 points
Written Test	---->	100 points
Longevity	---->	10 points
College/TCLEOSE	---->	15 points
Total Possible Score --->		175 points

Minimum score for placement on the eligibility list must be 50% of the aggregate total possible score.

CANDIDATE REVIEW BOARD (50 POINTS)

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

Balloting by members of the Candidate Review Board shall not be discussed among the participants until all ballots on that candidate have been turned into the proctor. For each candidate before the Board, the proctor shall drop the highest and lowest scores and shall take an average of the remaining scores to determine the final score for that candidate.

The Employee Development Folder and Personnel File for each candidate shall be made available for board members to review.

Candidate Review Board interviews should be approximately thirty minutes in duration and shall be audio taped. If the candidate desires, completed score sheets and audio tape shall be submitted to the proctor in the candidate's presence at the conclusion of the interview. The candidate's final

score will be reached by the average of all board members scores. The computation will be done by the proctor. The cassette and score sheets will be retained by Personnel for a period of at least 90 days. The Candidate Review Board shall be conducted under the same environmental conditions for all candidates.

**WRITTEN TEST (100 POINTS)**

Policy Manual	25 points
Supervisory Study Material	20 points
Penal Code	20 points
Code of Criminal Procedures	20 points
Traffic Law	15 points

The written test will be administered at least ten (10) days prior to the oral examination. Those persons scoring 70 or above on the written examination shall be provided in writing with the date and time of their oral examination. A list of candidates and their oral examination times will be posted. This test will be administered under the same environmental conditions for all candidates.

**LONGEVITY (UP TO 10 POINTS)**

One (1) point per year up to 10 years.

**COLLEGE/TCLEOSE CREDITS REQUIREMENTS**

<b><u>(UP TO 15 POINTS)</u></b>	<b><u>Points</u></b>
30-60 College hours* or Basic Peace Officer Certification	2
61-89 College hours* or Intermediate Certification	4
90+ College hours* but less than a Bachelors Degree	6
Bachelors Degree or Advanced Certification	8
Masters Degree	10
Doctoral Degree	15

Points are assigned for the highest level attained by a person in one (1) category only.

\*College hours will be considered only if college credit was granted for them by the institution attended.

8. Tie Breaker - In the event of a tie on the final raw score, longevity (hire date) will be used as the primary tie breaker with the written test score as the next resort if necessary.
9. Promotional Process Results - Within three (3) working days of the completion of the promotional process, individual scores will be available for the candidate's review at the Sheriff's Department Personnel Office. Inquires must be made in person.
10. Probationary Period - Each candidate promoted will be placed on a six month probationary period.
11. Notice of Promotional Boards will be posted at least 120 days in advance. Candidates desiring to participate in the promotional process must notify their supervisor and the Personnel Coordinator in writing no later than 60 days prior to the scheduled boards. Once notified, the supervisor must see that a current evaluation is completed within 30 days, the Employee Development Folder is updated and both shall be forwarded to the Personnel Coordinator no later than ten (10) working days before the boards are scheduled to begin. It is the responsibility of the candidate to ensure his or her eligibility requirements have been met in accordance with the Civil Service Commission's Rules and Regulations.

Candidates are advised to retain a copy of the written notice to participate that acknowledges the date it was received by either their supervisor or the Personnel Coordinator.

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

**D. LAW ENFORCEMENT LIEUTENANT SELECTION**

1. All members of the Law Enforcement Lieutenants Review Board will be Commissioned Peace Officers, serving in the Law Enforcement Division or in a Support Services function from Law Enforcement.
2. The Personnel Coordinator or his/her designee shall act as proctor during the promotional process.

3. Members of the Candidate Review Board will consist of:

Two Captains  
Four Lieutenants

(A minimum of five (5) board members are required to convene the board.)  
The Sheriff, Chief Deputy and Assistant Chief Deputy over that Division may elect at any time to participate on the Candidate Review Board so long as final makeup of that board remains the same for each candidate reviewed.

4. Guidelines for selection to the Candidate Review Board:

Minimum for one (1) year in current supervisory rank with the Travis County Sheriff's Department.

If a board cannot be convened under these rules, the Sheriff has the discretion to appoint a substitute to the unfilled position(s) on the board.

5. Selection of Board Members:

- a. Each Law Enforcement Division Captain will select two (2) Lieutenants from within his/her respective division.
- b. The Division Captains shall collectively select two (2) alternate members for emergency purposes.

Alternate board members shall be present at all oral examinations. Alternates shall not participate in discussions but will maintain their own notes and scoring of each candidate. If an alternate is called to replace a regularly seated board member, the alternate will complete the remaining oral examinations in the place of the regular board member participating fully in those examinations. The alternate's scoring for all candidates will be substituted for those of the board member being replaced.

The alternates shall be seated separately from the regular board members until such time as they replace a regular board member.

6. Qualification of Candidates:

At least two years of uninterrupted service as a Law Enforcement Sergeant.

A minimum score of 70 on the written promotions exam.

7. Scoring Criteria:

Oral Board	---->	50 points
Written Test	---->	100 points
Longevity	---->	10 points
College/TCLEOSE	---->	15 points

Total Possible Score ---> 175 points

Minimum score for placement on the eligibility list must be 50% of the aggregate total possible score.

CANDIDATE REVIEW BOARD (100 POINTS)

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

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The Employee Development Folder and Personnel File for each candidate shall be made available for board members to review.

Candidate Review Board interviews should be approximately thirty minutes in duration and shall be audio taped. If the candidate desires, completed score sheets and audio tape shall be submitted to the proctor in the candidate's presence at the conclusion of the interview. The candidate's final score will be reached by the average of all board members scores. The computation will be done by the proctor. The cassette and score sheets will be retained by Personnel for a period of at least 90 days. The Candidate Review Board shall be conducted under the same environmental conditions for all candidates.

WRITTEN TEST (100 POINTS)

Policy Manual	25 points
Supervisory Study Material	20 points
Penal Code	20 points
Code of Criminal Procedures	20 points
Traffic Law	15 points

The written test will be administered at least ten (10) days prior to the oral examination. Those persons scoring 70 or above on the written examination shall be provided in writing with the date and time of their oral examination. A list of candidates and their oral examination times will be posted. This test will be administered under the same environmental conditions for all candidates.

LONGEVITY (UP TO 10 POINTS)

One (1) point per year up to 10 years.

COLLEGE/TCLEOSE CREDITS REQUIREMENTS

(UP TO 15 POINTS)

	<u>Points</u>
30-60 College hours* or Basic Peace Officer Certification	2
61-89 College hours* or Intermediate Certification	4
90+ College hours* but less than a Bachelors Degree	6
Bachelors Degree or Advanced Certification	8
Masters Degree	10
Doctoral Degree	15

Points are assigned for the highest level attained by a person in one (1) category only.

\*College hours will be considered only if college credit was granted for them by the institution attended.

8. Tie Breaker - In the event of a tie on the final raw score, longevity (hire date) will be used as the primary tie breaker with the written test score as the next resort if necessary.
9. Promotional Process Results - Within three (3) working days of the completion of the promotional process, individual scores will be available for the candidate's review at the Sheriff's Department Personnel Office. Inquires must be made in person.
10. Probationary Period - Each candidate promoted will be placed on a six month probationary period.
11. Notice of Promotional Boards will be posted at least 120 days in advance. Candidates desiring to participate in the promotional process must notify their supervisor and the Personnel Coordinator in writing no later than 60 days prior to the scheduled boards. Once notified, the supervisor must see that a current evaluation is completed within 30 days, the Employee Development Folder is updated and both shall be forwarded to the Personnel Coordinator no later than ten (10) working days before the boards are scheduled to begin. It is the responsibility of the candidate to ensure his or her eligibility requirements have been met in accordance with the Civil Service Commission's Rules and Regulations.

Candidates are advised to retain a copy of the written notice to participate that acknowledges the date it was received by either their supervisor or the Personnel Coordinator.

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**CHAPTER 4  
LAYOFFS AND DISMISSALS**

**4.00 -- REDUCTION IN FORCE (LAYOFFS)**

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

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

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

Length of service of an employee, for inclusion in layoff ratings, shall be based upon the number of calendar months of continuous Travis County Sheriff's Department service. Periods of absence on leave without pay shall not be credited as continuous service. Any employee laid off shall, after timely reinstatement, regain seniority possessed at the time of layoff.

**4.01 -- ORDER OF LAYOFF OR REDUCTION**

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

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

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

#### **4.02 -- REINSTATEMENT LISTS**

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

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

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

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

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

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

#### **4.03 -- RESIGNATIONS**

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

A former employee may apply for a job and will be considered on a equal basis with other applicants.

#### **4.04 -- DISMISSAL**

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

## **CHAPTER 5 DISCIPLINARY ACTIONS**

### **5.00 -- DISCIPLINARY ACTIONS AND CORRECTIVE/DEVELOPMENTAL MEASURES**

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

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

### **5.01 -- DETERMINATION OF VIOLATIONS**

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

### **5.02 -- SUSPECTED CRIMINAL ACTS**

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

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

### **5.03 -- ALTERNATIVE DISCIPLINARY ACTIONS AND CORRECTIVE/DEVELOPMENTAL MEASURES**

Alternative actions include:

1. Counseling or training.
2. Oral reprimand.
3. Written reprimand.
4. Relief from duty (pending other recommendation).
5. Suspension without pay.
6. Demotion.
7. Dismissal.
8. Criminal charges.

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

### **5.04 -- REVIEW OF RECOMMENDED ACTION**

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

### **5.05 -- EMERGENCY ACTIONS**

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

### **5.06 -- CORRECTIVE/DEVELOPMENTAL MEASURES**

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

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

## **5.07 -- DISCIPLINARY ACTIONS**

Written reprimands are used when the supervisor believes a corrective measure will be inadequate to accomplish the purposes of 5.00. The recommendation of a written reprimand should include the proposed written reprimand and is sent to the next higher organizational level for approval. If the Chief Deputy or his/her designee approves, a copy of the recommendation and reprimand is placed in the disciplined employee's personnel file.

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

Recommendations for demotion are made by a supervisor when he/she believes this action is necessary to accomplish the purpose expressed in 5.00. The Chief Deputy, if he/she concurs with the recommendation, sets an effective date for demotion and informs concerned parties.

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

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

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

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

## **5.08 -- APPEALS**

Appeals procedures are addressed in Chapter 6 and its procedures.

## **CHAPTER 6 GRIEVANCE PROCEDURES**

### **6.00 -- GRIEVANCES**

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

### **6.01 -- SUPERVISORY RESOLUTION**

As soon as practical, the employee presents the grievance to his/her supervisor. Generally, most grievances can be settled by a frank discussion of the facts. The supervisor responds to the problem as soon as practical, but in no case is that more than ten (10) working days. If the supervisor is personally involved, the employee may choose to take his/her grievance to the next higher authority (6.02).

### **6.02 -- APPEAL BEYOND IMMEDIATE SUPERVISOR**

If the grievance is not satisfactorily resolved under 6.01, or if the grievance involves the complaining party's supervisor, the employee presents the grievance directly to the next higher authority as soon as practical. Supervisors receiving such grievances use all reasonably available information to evaluate the problem and inform the complaining party of their decision regarding resolution of the grievance within ten (10) working days.

Personnel who are not satisfied at this point, but who have not yet reached the Division Captain or Director, may continue carrying their grievance to the next higher level of supervision. Supervisors receiving such complaints use all reasonably available information to evaluate the problem and inform the complaining party of their decision regarding resolution of the grievance within ten (10) working days.

### **6.03 -- DEPARTMENTAL APPEAL**

Grievances not resolved to the satisfaction of the complaining party at the Captain/Director level may be appealed to the Assistant Chief Deputy of their division. If not resolved, the complaining party may then appeal to the Chief Deputy. Following that appeal, the aggrieved party may appeal to the Sheriff.

Decisions by the Sheriff are final.

#### **6.04 -- APPEALS BEYOND THE SHERIFF**

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

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

#### **6.05 -- APPEALS PURPOSE**

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

#### **6.06 -- APPEALS RESOLUTION PROCEDURE**

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

Upon receipt of the written notice by the Commission's designee, the Commission has ten (10) working days to conduct any further investigation or to determine if a hearing is warranted and to make such decision known, in writing, to the employee. If a hearing is warranted, the Commission shall schedule a hearing within a reasonable period of time.

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

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

At least five (5) working days before the hearing, the employee and the Sheriff shall exchange lists of witnesses to be called and documents to be offered. No witness may be heard and no documents received into evidence unless they are on the exchanged lists. Upon showing of good cause for not timely listing the offered evidence, the Commission may decide to allow later evidence.

All hearings are tape recorded or transcribed.

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

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

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

#### **6.07 -- USE OF SUBPOENAS**

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

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

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

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

**7.00 -- CONDUCTING INVESTIGATION OF CITIZEN COMPLAINTS**

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

**7.01 -- DEPARTMENTAL TRANSFERS**

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

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

## DEFINITIONS

**Adverse Action** - An action taken by a department to dismiss, suspend, or demote an employee.

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

**Capricious** - With unfounded motivation.

**Career Field** - A path of career advancement within a particular division.

**Civil Service Rule** - A rule officially adopted by the Travis County Sheriff's Department Civil Service Commission.

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

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

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

**Dismissal** - The act of terminating an employee.

**Duty Assignment** - Assignment to a departmental post or position.

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

**Examination** - All tests related to various steps for employment.

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

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

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

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

**Seniority** - Years, months and days gained by an employee through length of service within a given position or total service with Travis County.

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

**Working Day** - For purposes of computing time a working day shall be Monday through Friday, excluding County holidays.

# LOCAL GOVERNMENT CODE

## **158.031. Definitions**

- (1) "Commission" means a sheriff's department civil service commission.
- (2) "Department" means a sheriff's department.
- (3) "Employee" means an employee of a sheriff's department. The term includes a deputy sheriff.

Acts 1987, 70th Leg., ch. 149 ss 1, eff. Sept. 1, 1987.

## **158.032. Eligible Departments**

A sheriff's department in a county with a population of more than 500,000 may, in accordance with this subchapter, create a civil service system.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

## **158.033. Petition and Election**

(a) If at least 20 percent of the employee of an eligible department under this subchapter sign a petition requesting an election under this section and present the petition to the county judge of the employing county, the judge shall order a department election on the question of the creation of a sheriff's department civil service system.

(b) The county judge shall hold the election after the 15th day but on or before the 45th day after the date the petition is submitted. The election must be by secret ballot and each employee is entitled to vote at the election.

(c) The ballots for the election shall be printed to provide for voting for or against the proposition: "Creation of a sheriff's department civil service system."

(d) The county judge shall canvass the votes and declare the result.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

## **158.034. Appointment of Commission**

(a) If a majority of the employees voting at the election approve the creation of a civil service system, the sheriff, commissioners court, and district attorney shall each appoint one person to serve as a member of the civil service commission that administers the system. The sheriff shall designate one of the members as chairman of the commission.

(b) Each member of the commission is appointed for a term of two years. However, the initial members shall determine by lot which two of them will serve a term of two years and which one will serve a term of one year.

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

(d) To be eligible for appointment to the commission, a person must:

- (1) be at least 25 years old; and
- (2) have resided in the county for the three years immediately preceding the date on which the persons term will begin.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

### **158.035. Powers of Commission**

(a) The commission shall adopt, publish, and enforce rules regarding:

- (1) SELECTION AND CLASSIFICATION OF EMPLOYEES;
- (2) COMPETITIVE EXAMINATIONS
- (3) PROMOTIONS, SENIORITY, AND TENURE;
- (4) LAYOFFS AND DISMISSALS;
- (5) DISCIPLINARY ACTIONS;
- (6) GRIEVANCE PROCEDURES; AND
- (7) OTHERS MATTERS RELATING TO THE SELECTION OF EMPLOYEES AND THE PROCEDURAL AND SUBSTANTIVE RIGHTS, ADVANCEMENT, BENEFITS, AND WORKING CONDITIONS OF EMPLOYEES.

(b) The commission may adopt or use as a guide any civil service law or rule of the United States, this state or a political subdivision in this state to the extent that the law or rule promotes the purposes of this subchapter and is consistent with the needs and circumstances of the department.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

### **158.036. Compensation and Staff**

The members of the commission serve without compensation, but the commissioners court shall reimburse each member for actual and necessary expenses incurred in performing the member's duties. The commissioners court shall provide the commission with adequate office space and sufficient funds to employ an adequate staff and to purchase necessary supplies and equipment.

Acts 1987, 170th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

### **158.037. Appeals**

(a) An employee who, on a final decision by the commission, is demoted, suspended, or removed from a position may appeal the decision by filing a petition in a district court in the county within 30 days after the date of the decision.

(b) An appeal under this section is by trial de novo, and the judgment of the district court is appealable as in other civil cases.

(c) If the district court renders judgment for the petitioner, the court may order reinstatement of the employee, payment of back pay, or other appropriate relief.

acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

### **158.038. Exemptions**

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

(b) The sheriff may designate as exempt from the civil service system:

- (1) the position of chief deputy;
- (2) four positions of major deputy;
- (3) one or more position in the office of departmental legal counsel; and
- (4) additional position in the department

(c) The sheriff may not designate as exempt a total of more than 10 positions.

(d) 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.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

### **158.039. Dissolution of System**

(a) If, after a civil service system under this subchapter has been in effect in a department for at least one year, 20 percent of the employee of the department petition the county judge to dissolve the system, the judge shall order a departmental election on the question of the dissolution of the department's civil service system.

(b) The county judge shall hold the election after the 15th day but on or before the 45th day after the petition is submitted. The election must be by secret ballot and each employee is entitled to vote at the election.

(c) The ballots for the election shall be printed to provide for voting for or against the proposition: "Dissolution of the sheriff's department civil service system."

(d) The county judge shall canvass the votes and declare the result.

(e) If the proposition is approved by a majority of the employees voting at the election, the county judge shall declare the sheriff's department civil service system dissolved.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.

### **158.040. Exclusivity**

A civil service system created under this subchapter and in effect applies to the department to the exclusion of a civil service system in that county created under Subchapter A or another law.

Acts 1987, 70th Leg., ch. 149, ss 1, eff. Sept. 1, 1987.