

CITY OF BALCH SPRINGS, TEXAS

ORDINANCE NO. 3040-12

AN ORDINANCE OF THE CITY OF BALCH SPRINGS, TEXAS, AMENDING THE CITY OF BALCH SPRINGS EMPLOYEE PERSONNEL MANUAL; PROVIDING FOR AN AMENDMENT TO SECTION 2.6 TO DELETE ANY MENTION OF THE CITY HEALTH OFFICER; PROVIDING FOR AMENDMENT TO SECTION 2.8 REGARDING THE LENGTH OF THE PROBATIONARY PERIOD; PROVIDING FOR AN AMENDMENT TO SECTION 3.6 REGARDING THE EDUCATION PAY INCREASE PROGRAM; PROVIDING FOR AN AMENDMENT TO SECTION 3.11 REGARDING LONGEVITY PAY; PROVIDING FOR AN AMENDMENT TO SECTION 5.11 REGARDING FMLA LEAVE; PROVIDING FOR AN AMENDMENT TO SECTION 5.9 REGARDING THE CITY'S TRAVEL POLICY; PROVIDING FOR AMENDMENT TO SECTION 5.4 SICK LEAVE; ABSENCE DUE TO ILLNESS; TO AMEND THE SICK LEAVE VERIFICATION PROCEDURES; PROVIDING FOR AN AMENDMENT TO SECTION 3.7 "PERFORMANCE EVALUATION" BY ADDING A NEW SUBSECTION (a), DETAILING THE PROCEDURE FOR SUCH EVALUATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the Employee Personnel Manual must be revised from time to time to ensure that up to date policies are in place; and

WHEREAS, the City Council desires to amend the Employee Personnel Manual;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCH SPRINGS, TEXAS, that:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The first paragraph of Section 2.6 of the Balch Springs Employee Personnel Manual is hereby amended by deleting such paragraph in its entirety and replacing it with the following:

* * *

The positions of City Manager, City Secretary, Police Chief, and Fire Chief shall be appointed by the City Council as required by Article IV of the City Charter.

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SECTION 3. The first sentence of Section 2.8 of the Balch Springs Employee Personnel Manual is hereby amended by deleting such paragraph in its entirety and replacing it with the following:

* * *

All employees initially hired to a full-time position with the City shall begin a probationary period on the first day of active employment and continue for six (6) calendar months.

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SECTION 4. Section 3.6 of the Balch Springs Employee Personnel Manual is hereby amended by deleting such section in its entirety and replacing it with the following:

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3.6 ADMINISTRATION OF PAY PLAN

Definitions:

Accredited means a college, university, or other program accredited by either the Council for Higher Education Accreditation (CHEA), or the United States Department of Educations (USDE).

Job related shall be determined by the employee's immediate supervisor. The decision of the immediate supervisor may be appealed to the City Manager. "Job related" shall be interpreted narrowly in an effort to ensure that any reimbursed education, accreditation, or certification truly assists the employee in the performance of their job duties.

General Administration:

In order to receive an increase in Step for completing credit hours, a degree, or certification, the employee must submit a request to increase their step level to their immediate supervisor within three months of completing their credit hours, degree, or certification.

If there is any question regarding the interpretation or implementation of this policy, the decision of the City Manager is final.

The City Manager at his/her discretion may award merit raises based on the employee's performance. The City Manager also has discretion NOT to award education, merit, certification, or longevity increases if the City Manager, in his sole discretion, determines that budgetary, personnel, or administrative issues cause such an increase to be against the best interests of the City.

Longevity Step Increases and Promotions:

All new employees shall be assigned to Step "S": within their designated grade. After the completion of each year of employment, and upon application by the employee and approval by the City Manager, each employee may advance one (1) step.

All promoted employees will move to the appropriate grade for the new position and maintain their current step.

Education Increases:

The City of Balch Springs encourages employees to pursue higher education while employed with the City. As a result, civilian employees of the City of Balch Springs may advance in steps by doing the following while employed with the City of Balch Springs:

All civilian employees may receive an increase of one step for:

- (1) completing 30 credit hours of job-related college credit from an accredited college or university; or
- (2) receiving an associate's degree from an accredited college or university.

All civilian employees may receive an increase of two steps for:

- (1) completing 60 credit hours of job-related college credit from an accredited college or university; or
- (2) receiving a bachelors degree from an accredited college or university; or
- (3) receiving a masters or doctoral degree from an accredited college or university.

Increases in step based on receiving a degree or completing credit hours are not mutually exclusive. For example, if an employee completes 30 job-related credit hours AND receives an associate's degree, that person is eligible for a two step increase.

Step increases for job related education credits or degree completion may be issued regardless of whether such education or degree was required by the City.

Education Achievement:

An employee is eligible to receive up to \$150 per course as reimbursement for tuition expenses incurred while an employee of the City of Balch Springs in the event that an employee receives a grade of "C" or higher in a job-related college credit course from an accredited college or university.

Certification or Re-Certification Increases:

Non-civil service personnel may receive the following if received during their employment with the City of Balch Springs:

- (1) for dispatch personnel, an increase of one step for receiving an intermediate telecommunications certification from TCLEOSE; or
- (2) for dispatch personnel, an increase of one step for each advanced certificate related to dispatch certifications received from TCLEOSE.
- (3) an increase of one step for receiving a job related certification.

Civil Service Pay Plan

Any Civil Service employee hired prior to January 1, 2003 will be placed in the pay plan according to rank and years of service within the department, as approved by the City Council. Beginning October 1, 2003 and each October 1 thereafter, the employee will move one step until they reach the top step in their respective grade.

Any Civil Service employee hired after January 1, 2003 will be placed in the pay plan at their correct grade at step 1. Beginning on their 1 year anniversary and each anniversary thereafter, the employee will move one step until they reach the top step in their respective grade.

Any Civil Service employee who receives a promotion will move to step 1 of the new grade. On the 1 year anniversary of their promotion and each anniversary thereafter, the employee will move one step until they reach the top step in their respective grade.

* * *

SECTION 5. Section 3.6 of the Balch Springs Employee Personnel Manual is hereby amended by deleting such section in its entirety and replacing it with the following: added to state the following:

* * *

- 3.11 LONGEVITY PAY
- Full time employees hired on or before DATE shall be entitled to longevity pay after one (1) year of Service, per the following schedule:
- | | |
|--|--------------------------|
| \$ 6.00 per month-per years of service | 1-4 Years of Service |
| \$ 8.00 per month-per years of service | 5-9 Years of Service |
| \$10.00 per month-per years of service | 10 plus Years of Service |

- Full time employees hired after DATE shall be entitled to longevity pay after five (5) years of Service, per the following schedule:
- | | |
|--|--------------------------|
| \$ 6.00 per month-per years of service | 5-9 Years of Service |
| \$ 8.00 per month-per years of service | 10-14 Years of Service |
| \$10.00 per month-per years of service | 15 plus Years of Service |

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SECTION 6. Section 5.5 of the Balch Springs Employee Personnel Manual is hereby amended by adding a new subsection I to state the following:

* * *

- I. When utilizing sick leave, vacation leave, or holiday leave in order to obtain payment from the City during a period of FMLA leave, vacation leave must be used first until it is exhausted, followed by any available holiday leave until such leave is exhausted, and then sick leave until that leave is exhausted.

* * *

SECTION 7 Section 5.9 of the Balch Springs Employee Personnel Manual is hereby amended by deleting such section in its entirety and replacing it with the following:

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5.9 PROFESSIONAL LEAVE

An employee may apply for a short leave of absence with pay to attend an approved convention, conference, or training session. The Department Head and/or City Manager must approve professional leave.

TRAVEL POLICY

Employees will receive a per diem allowance for approved travel at a rate of \$38 per day for meals and incidentals. Employees will be reimbursed for mileage when using their privately Owned Vehicle for City business or travel to approved training sessions, conventions, or conferences. Mileage will be reimbursed at the approved IRS rate. Employees will only be reimbursed for mileage where the destination of the travel lies outside of the City limits of the City of Balch Springs. No mileage shall be reimbursed for “in city” travel. Any mileage reimbursement request must contain a specific itemization of each date, time, and mileage of the particular trip or trips involved. The City Manager may create a form to be utilized for such mileage reimbursement requests.

Employees may request an advance for travel expenses if approved by the Department Head or City Manager.

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SECTION 8. Section 5.4 “Sick Leave; Absence Due to Illness” of the Balch Springs Employee Personnel Manual is hereby amended by deleting it in its entirety and replacing it with the following:

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5.4 SICK LEAVE; ABSENCE DUE TO ILLNESS

Full time employees shall earn paid sick leave at the rate of 10 hours per month. Accrual of sick leave shall begin on the first day upon completion of active duty probation in a full-time position.

Applicability

Paid sick leave may be used one month after it has accrued.

Purpose of Sick Leave

Sick leave is for use in situations of illness or injury only. Sick leave is not to be used for any other type of personal leave.

Repeated use of sick leave or use of sick leave for purposes other than illness or injury shall be considered abuse of sick leave and grounds for disciplinary action up to and including termination.

All use of sick leave is subject to verification. Employees absent from work for two or more consecutive days shall provide proper documentation, such as a doctor's note, to substantiate the legitimate use of sick leave.

Upon request by a supervisor, an employee shall be required to provide proper documentation for any use of sick leave.

The City of Balch Springs sick leave policy is generous, such that each employee is expected to accrue, and not use, all of their sick leave from month to month. The non-accrual or substantially limited accrual of sick leave from month to month due to use of sick leave shall create a rebuttable presumption that such sick leave was not used for the purpose of illness or injury, but instead was an abuse of sick leave. An employee may rebut this assumption by providing doctors noted verifying such illness or injury for the dates when sick leave was used.

Payment of Sick Leave

Should an employee retire or resign after ten (10) years of continuous service or be terminated by the city for reasons other than disciplinary action, the employee will receive payment of accumulated sick leave up to ninety (90) days. If an employee is terminated for disciplinary action, accrued but unused sick leave shall not be paid to the employee. For purposes of sick leave calculations under this section, a day shall be considered 8 hours for all full-time personnel and 24 hours for firefighters working 24 hour shifts.

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SECTION 9. Section 3.7 "Performance Evaluation" of the Balch Springs Employee Personnel Manual is hereby amended by adding a new subsection 3.7(a) to state following:

* * *

3.7(a)

SECTION 1: PURPOSE

The purpose of this policy shall be to establish a uniform process for City Council members to evaluate the performance of its appointees for City Manager, Chief of Police, City Secretary, Fire Chief, Municipal Court Judge, and City Attorney each calendar year.

SECTION 2: EVALUATION SCHEDULE/COMPENSATION

Annually, the City Council shall conduct performance evaluations on each Council appointee as identified in the Balch Springs City Charter. The initial evaluation to be conducted on October 31, 2011, with a quarterly review of City staff appointees (namely City Manager, Chief of Police, City Secretary, and Fire Chief) by January 31, 2012 and each calendar year thereafter.

The “At Will” appointees, namely Municipal Judge and City Attorney, shall be evaluated annually by January 31 of each calendar year.

New Council appointees shall be evaluated within six (6) months of their respective probationary period; thereafter by January 31 of each calendar year.

As a result of the performance evaluation, the City Council may grant a salary increase to the respective Council appointee based solely on performance and merit; effective February 1, 2012.

SECTION 3: EVALUATIONS

All evaluations will be conducted in closed session during a Special meeting in accordance with the City Charter. Evaluation documents will be retained in the personnel file at the discretion of the City Council.

SECTION 4: PROCEDURES

1. Mayor, or his/her designee, will establish date(s) to initiate the evaluation process for completion prior to October 31 of each calendar year.
2. It shall be the responsibility of the Mayor, or his/her designee, to work with the Human Resource representative to coordinate intake of the performance evaluations.
3. Mayor or his/her designee will create an email or some other form of notification to both City Council members and appointees to define deadlines and guidelines.
4. Mayor or his/her designee shall give ample notice to Council appointees that they are required to submit a Narrative Performance Evaluation (NPE).
5. NPE's shall be collected by HR. Packets for each City Council member shall be made which will contain narrative(s) collected from each Executive Level Staff City Council appointee along with a performance evaluation form for each appointee.
6. Packets containing NPE's and performance evaluation forms will be distributed to each Council member for review.

SECTION 5: HUMAN RESOURCE

1. Human Resource designee will coordinate intake of the performance evaluations to ensure timeliness and confidentiality.
2. Council will fill out and submit the performance evaluation form either in person or electronically to HR.

3. To ensure anonymity, Council members who choose to submit performance evaluations in person shall leave them in a drop box to be located in the Human Resource Department.
4. Evaluation forms will be compiled and tallied by HR. Scores shall be tallied based on the number of evaluations submitted for each Council appointee.
5. Report will be compiled by HR in one central binder. Due to the confidential nature of personnel information, the binder will be made available to Council members for review at Balch Springs City Hall.

SECTION 6: CITY COUNCIL APPOINTEES

1. Each Council appointee will provide an annual report NPE (Exhibit B) of accomplishments, goals and objectives (e.g., various city operations, issues, and other pertinent matters related to their departmental operation), similar in content to the attached Exhibit B.
2. Complete the evaluation form (same used by the Council to rate appointees) so as to rate him/herself and submit said form to HR by the specified date.

SECTION 7: CITY COUNCIL

1. Each Council member will complete an evaluation form on Council appointees and submit to HR by the specified date.
2. Any Council member who has not served on City Council for a minimum period of ninety (90) days shall not participate in the annual performance evaluation of these individuals.
3. Mayor and Council will meet in closed session to review evaluation scores and discuss performance evaluations, future performance goals and objectives as well as the evaluation and report provided by each Council appointee.

SECTION 8: POST EVALUATION

1. At the completion of the evaluations, City Council will discuss findings and “collectively” offer recommendations to each Council appointee, if warranted.
2. Each Council appointee will provide a summary of recommendations (as they understand them to be) for submission to the City Council within two (2) weeks of said evaluation.
3. Initial re-evaluation (October 31, 2011) of Council appointees that are City employees will be conducted by January 31, 2012, and January 31 of each calendar year thereafter.

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SECTION 10. All provisions of the ordinances of the City of Balch Springs in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Balch Springs not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 11. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 12. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

SECTION 13. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

DULY PASSED AND ADOPTED by the City Council of the City of Balch Springs, Texas, on the September day of 24TH, 2012.

APPROVED:

Carrie F. Gordon, Ph.D., Mayor

ATTEST:

Cindy Gross, City Secretary