

**RULES  
OF  
BEXAR COUNTY SHERIFF'S  
CIVIL SERVICE COMMISSION**



**AS ADOPTED BY  
BEXAR COUNTY SHERIFF'S  
CIVIL SERVICE COMMISSIONERS**

**MARCH 14, 1985**

**REVISED THROUGH SEPTEMBER 23, 2019**

**BEXAR COUNTY SHERIFF'S CIVIL SERVICE COMMISSION**

**CHAIRMAN**

**RUBEN ALCANTARA**

**COMMISSION MEMBERS**

**BRIAN T. POWERS**

**TONY RESENDEZ**

**BEXAR COUNTY CIVIL SERVICE COMMISSION STAFF**

**ADAM L. LEOS  
HUMAN RESOURCES ANALYST**

## **PREAMBLE**

THESE CIVIL SERVICE RULES AND PROCEDURES ARE ESTABLISHED PURSUANT TO THE STATE LAW AS FACILITATED BY BEXAR COUNTY COMMISSIONERS COURT. THE "COMMISSION" IS EMPOWERED WITH OVERSIGHT RESPONSIBILITIES TO INSURE PERSONNEL ACTIONS ARE ADMINISTERED AS PROMULGATED.

EFFECTIVE PERSONNEL RELATED POLICIES AND STANDARDS ARE DEEMED TO BE IN THE BEST INTEREST OF BEXAR COUNTY CITIZENS; THEREFORE, THE PROMULGATION OF THESE RULES AND PROCEDURES IS TO PROMOTE AN EQUITABLE PERSONNEL SYSTEM WITHIN THE SHERIFF'S OFFICE. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

THIS CIVIL SERVICE SYSTEM AFFORDS THE INDIVIDUAL A FORMAL AVENUE OF ADMINISTRATIVE REDRESS.

## **DUTIES OF THE DIRECTOR**

The Director shall:

- A. Recommend for action by the Sheriff's Civil Service Commission of Bexar County such rules necessary to provide for the efficient administration of the Commission and its powers.
- B. To act as Administrative Officer of the Commission.
- C. To serve as Secretary to the Commission, to see to the keeping of the minutes and records thereof and, in all other proper ways, to facilitate the actions and proceedings of the Commission.
- D. To recommend all employees of the Commission and to direct and supervise their work.
- E. Be empowered, at the request of the Sheriff's Civil Service Commissioners, to obtain a roster of all Sheriff's Office personnel, showing for each employee the class title of the position held, the salary of pay, any change in class title, pay or status, and any other necessary data. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- F. To direct and control, under the customary financial procedures of the County, the expenditures from appropriations for the Commission.

## **MINUTES OF THE COMMISSION**

The Director, or in case of his absence or disability, the person acting for him, shall attend all regular meetings of the Commission, shall act as its Secretary and record its official actions in the minutes. The minutes of the proceedings of the Commission shall be prepared and maintained by the Secretary subject to the approval of the Commission. Any person shall be authorized by the Director to examine such minutes at such times and under such conditions as the Commission may prescribe.

## DEFINITIONS

**Absence Without Leave** - An absence from duty which is not authorized or for which a request for leave has been denied.

**Accrued Leave** - Leave earned by an employee during the current leave year that is unused at any given time in that leave year.

**Accumulated Leave** - The unused leave remaining to the credit of an employee at the beginning of the leave year.

**Adverse Action** - An action taken by a department to dismiss, suspend or demote an employee of Bexar County. (ADOPTED 7-9-85; EFFECTIVE 7-23-85)

**Appeal** - A request, in writing, by an employee of the Sheriff's Office 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 facts. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**Civil Service Rule** - A rule officially adopted by the Bexar County Sheriff's Office Civil Service Commission. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**Civil Service Staff and Director** - County employees who provide administrative support to the Commission; and function as the Administrative Liaison for the Commission.

**Classification** - A classification consists of all jobs, regardless of departmental locations, that are sufficiently alike in duties and responsibilities to be called the same description title, to be accorded the same pay scale under like conditions, and to require substantially the same skills and abilities on the part of the incumbent.

**Classified Employee** - All regular and probationary employees who are otherwise not exempt employees.

**College Credit** - College hours must be from a college or university accredited by one of the six (6) nationally recognized regional accreditation boards. Degrees from institutions without physical campuses, degrees from diploma mills, non-regionally accredited fast track programs, or similar institutions shall not qualify. (ADOPTED 9-4-12; EFFECTIVE 9-18-12)

Example: The Southern Association of Colleges and Schools is the regional board that accredits Texas Universities and Colleges. (ADOPTED 9-4-12; EFFECTIVE 9-18-12)

**Commission** - The Sheriff's Office Civil Service Commission as defined by the Local Government Code, Chapter 158, Subchapter B, Sheriff's Department Civil Service System 158.031 et seq. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**Commissioner** - A member of the Sheriff's Office Civil Service Commission as defined by the Local Government Code, Chapter 158, Subchapter B, Sheriff's Department Civil Service System 158.031 et seq. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**Compensation** - The salary, wages, fees, allowances, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, by Bexar

## DEFINITIONS

County, but does not include allowances or expenses authorized and incurred as incident as to employee.

**Compensation** - The salary, wages, fees, allowances, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, by Bexar County, but does not include allowances or expenses authorized and incurred as incident as to employee.

**Compensatory Time** - Time accrued when an employee works more than a forty (40) hour week.

**Competitive Examination** - An examination in which the candidates are in competition and from which the eligible list is created.

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

**Eligible** - Designates the status of a person whose name has been placed on an employment, re-employment, transfer or promotional list for a given class as a result of testing, if required.

**Examination** - All tests of fitness for hiring or promotional purposes.

**Excluded Employee** - All temporary full-time or part-time employees are excluded from the System.

**Excused Absence** - An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. While an excused absence is ordinarily authorized on an individual basis, groups of employees may be excused under certain conditions.

**Exempt Employee** - That employee the Sheriff may designate as exempt as outlined according to the Local Government Code, Chapter 158, Subchapter B, Sheriff's Department Civil Service System 158.031 et seq. (ADOPTED 12-30-91; EFFECTIVE 1-14-92)

**Exhausted List** - The promotion eligibility list is active but all eligible candidates on the active list have been promoted. (ADOPTED 11-21-2000; EFFECTIVE 12-7-00)

**Expired List** - The active period of the promotion list has ended. The active period is one year beginning the first day of posting. Example: Promotional list is posted on June 2, 2000, the list expires on June 1, 2001. (ADOPTED 11-21-2000; EFFECTIVE 12-7-00)

**Grievance** - A request, in writing, by an employee of the Sheriff's Office 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. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

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

**Holiday Time** - Days set aside by Commissioners Court to observe special occasions such as the 4th of July.

**Immediate Family** - Parents, spouse, children, grandparents, brother, sister, stepparents, stepchildren, parents-in-law or parents in loco parentis.

## DEFINITIONS

**Leave Without Pay** - An absence from duty granted at the supervisor's discretion. Leave Without Pay can also result from a section's determination that it will not grant any type of leave for an absence which the employee did not request advance authorization or for leave on the basis of alleged sickness which has been denied.

**Leave Year** - The period beginning with the first day of employment and ending with the day preceding the anniversary date of employment.

**Medical Certificate** - A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, treatment or the period of disability of an employee while they were undergoing professional treatment.

**Military Leave** - Leave of absence from one's duties without loss of pay or time for the purpose of military duty.

**Nonexempt Employee** - All other positions except temporary full-time or part-time employees.

**Part-time Employee** - An employee who has a regularly assigned work schedule of less than forty (40) hours per week.

**Parents in Loco Parentis** - An adult who raises a child because of the death or absence of the true parents.

**Performance Appraisal** - The means by which the employee is appraised of his job performance by the immediate supervisor.

**Probation** - A period of critical examination and evaluation to determine job fitness.

**Probationary Employee** - An individual hired by the Sheriff's Office on a regular basis. He has a regularly assigned work schedule of forty (40) hours per week, less authorized leave with pay. An employee who has not satisfactorily completed the required period of probation and includes a Deputy Sheriff and any other employee of the Sheriff's Office not exempted under the Local Government Code, Chapter 158, Subchapter B, Sheriff's Department Civil Service System 158.031 et seq. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**Promotion** - A promotion is the advancement of an employee from a lower position to a higher position, usually accompanied by an increase in salary.

**Regular Employee** - An individual hired by the Sheriff's Office on a regular basis. He has a regularly assigned work schedule of forty (40) hours per week, less authorized leave with pay. An employee who has satisfactorily completed the required period of probation and includes a Deputy Sheriff and any other employee of the Sheriff's Office not exempted under the Local Government Code, Chapter 158, Subchapter B, Sheriff's Department Civil Service System 158.031 et seq. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**Score** - Grade attained by a person upon testing.

**Seniority** - Years, months, and days gained by an employee through length of service within a given classification or total service with the Bexar County Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

## DEFINITIONS

**Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (ADOPTED 7-9-85; EFFECTIVE 7-23-85)

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

**Temporary Employee** - An employee appointed to a position with a limitation that the appointment will not exceed a six (6) month duration. No individual will receive more than two (2) temporary appointments within a twelve (12) month period. Appointments to a temporary position will not give the individual Civil Service status.

**Termination of Employment** - The discontinuance of an employee's service with the County as a result of resignation, dismissal, reduction in force, retirement or death.

**Uniformed Officer** - An individual who works in the Sheriff's Office and who holds a position of employment which requires a State Commission as a licensed Peace and/or Detention Officer. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

## **CHAPTER I - ORGANIZATION**

### **SECTION 1. PURPOSE**

1.00 The Civil Service System is a systematic method of appointing employees to office and of promoting them for competency and performance. The following rules are designated to delineate and clarify the procedures for administering the Civil Service System on a day-to-day basis for those employees who fall under the jurisdiction of the System.

1.01 A person who is an employee covered by this Civil Service System, when adopted by the Commission, will not be required to take any competitive examination or perform another act to maintain employment.

1.02 Hereinafter, the pronouns he, him, his or their are used to signify both male and female individuals, and are used only to condense the language of this text, and are not to be construed to be discriminatory against either sex.

### **SECTION 2. CIVIL SERVICE COMMISSION**

1.03 As authorized by the Local Government Code, Chapter 158, Subchapter B, Sheriff's Department Civil Service System 158.031 et seq., the Sheriff, District Attorney and Commissioners Court are authorized to make one appointment each to the Sheriff's Office Civil Service Commission. The Commission shall make, publish, and enforce rules relating to: 1) selection, 2) competitive examinations, 3) promotions, seniority and tenure, 4) layoffs and dismissals, 5) disciplinary action, 6) grievance procedures and other procedural and substantive rights of employees, and 7) other matters having to do with selection of employees and their advancement rights, benefits and working conditions. The Sheriff appoints the Chair. All Chairman and Commissioner Appointees will serve for the duration of the appointed term unless the appointee voluntarily resigns, dies, is unable to continue to serve due to injury or illness, is removed from his position under the provisions of Chapter 87 of Texas Local Government Code. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

1.04 Meetings shall be on a once a month or as needed basis, and shall comply with V.A.C.S., Article 6252-17 ("Open Meeting" law), and shall require two (2) Commission members to be present to constitute a quorum.

1.05 The following chapters contain the rules that are presently in force for all employees under the Bexar County Sheriff's Office Civil Service System and approved by the Civil Service Commission. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 3. PERSONNEL/CIVIL SERVICE DEPARTMENT**

1.06 Bexar County Sheriff's Civil Service Commission may appoint a Director and/or Secretary to the Commission who shall be responsible for recommending the implementation of pertinent Personnel/Civil Service Rules and Regulations to the Civil Service Commission and for administering those approved rules on a day-to-day basis.

**SECTION 4. CHANGE OF RULES**

1.07 These rules may be amended, repealed or supplemented by the Civil Service Commission at any time and new rules may be adopted. Notice of such action shall be issued ten (10) days, exclusive of holidays/weekends, prior to any action by the Commission to amend, repeal, or supplement any of these rules or adopt new rules. The notice shall contain the proposed changes or the proposed new rules and the date and the place at which the Commission will hold a public hearing on such proposals. Copies of the notice and of the proposed changes or new rules shall be posted on the bulletin board in the Office of the Civil Service Commission, Administrator of County Personnel, and the County Courthouse, and elsewhere as the Commission deems advisable. Copies of the notice and proposed changes or new rules shall be forwarded to the Sheriff, Division Heads, Personnel Office, Association/Unions and made available to the public for inspection.

- A. In order that all reasonable proposals regarding compensatory time and overtime pay may be considered by the Bexar County Sheriff's Civil Service Commission, posting and notice of the proposed rule as it may be amended at the meeting is waived for these purposes only. (ADOPTED 5-24-89; EFFECTIVE 6-8-89)

1.08 The Civil Service Commission, after public hearing, shall take action on the proposed changes or new rules and such changes or new rules may be adopted by a majority vote.

1.09 All rules and amendments thereto shall become effective ten (10) days, exclusive of holidays/weekends, following their approval by the Civil Service Commission. Copies of approved rules and amendments shall be distributed to the Sheriff, Division Heads, Personnel Office, Deputy Sheriff's Association/Unions and made available to the public for inspection.

1.10 Any intentional, blatant disregard of a rule promulgated by the Bexar County Sheriff's Civil Service Commission may be a basis for disciplinary action.

1.11 The Civil Service Commission recognizes the Constitution and all of the laws of the United States of America and the Constitution and the laws of the State of Texas. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

1.12 The Civil Service Commission recognizes the rules, regulations, general orders, policies and procedures of the Bexar County Sheriff's Office as set forth in the Department's Manual of Policy and Procedure 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 Bexar County Sheriff's Office to the Commission and all employee organizations. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

1.13 "Recognize" as used throughout these rules, means to acknowledge the existence of. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

## **CHAPTER II - EMPLOYMENT**

### **SECTION 1. POLICY**

2.00 It shall be the policy of the Sheriff's Office and the Sheriff's Office Civil Service Commission that present employees shall have priority in the hiring process. If positions are opened to both new applicants and current employees and all qualifications are equal, the preference shall be given to the current employee. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

- A. A written job description for every position in the Sheriff's Office is required and must be maintained in file in the Civil Service Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- B. Any change to a position description or job qualification will be subject to the approval of the Commission. (ADOPTED 9-30-87; EFFECTIVE 10-14-87)
- C. Any requests for an exemption of a job qualification will be subject to the approval of the Commission. (ADOPTED 9-30-87; EFFECTIVE 10-14-87)

### **SECTION 2. EMPLOYMENT PROCEDURES**

2.01 Any person desiring employment with the Sheriff's Office must first complete an application for employment. The completed application form must be returned to the Bexar County Civil Service Personnel Department. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.02 Applications for positions will be screened by the Civil Service Personnel Department to insure that they meet minimum qualifications for the job.

2.03 Applications will then be scheduled for appropriate testing. Upon satisfactory completion, an applicant will be scheduled for further processing.

2.04 All applicants will be required to take and pass a physical examination at the County's expense as a condition of employment.

2.05 Intra-departmental transfer for entry level employment positions should be encouraged by the Sheriff. Eligible applicants for intra-departmental entry level positions who are not selected shall be advised in writing within ten (10) days as to the reason(s) for non-selection; and given career guidance as to what the applicant should do in order to become more competitive. (ADOPTED 11-12-85; EFFECTIVE 11-26-85)

2.06 All new employees will report to the training academy as designated during the processing on their first day of work for employee orientation.

2.07 All employees are required to have a Social Security number.

2.08 Minimum age requirements for uniformed officers will be in harmony with state statutes. Proof of age will be established by birth certificate. (ADOPTED 5-28-86; EFFECTIVE 6-11-86)

2.09 Any material misrepresentation of facts or failure to report pertinent data on the application form shall be just cause for dismissal.

2.10 Each employee will be classified as a full-time employee (probationary) unless otherwise specified as part-time, temporary, or exempt at the time of hiring.

**SECTION 3. NEPOTISM**

2.11 The hiring of employees shall not violate the laws against nepotism as contained in the Penal Code of the State of Texas or other applicable laws.

2.12 No person may make application or be employed in the department/division where (a) he would be related to the department/division head or supervisor and (b) who will be directly or indirectly under his supervision. The relationship above is within the second degree of affinity (marriage) or within the third degree of consanguinity (blood relation). This paragraph will be construed in the same manner that V.A.C.S., Article 5996a "Nepotism" applies to elected officials. Examples of kinship by affinity within the second degree are:

(In this example, the department head or supervisor is presumed to be a male. If that person is female, then the gender must be changed accordingly, i.e., her husband, his son, etc.).

His Wife	(1)	Her Father	(1)	Her Grandfather	(2)
Her Son	(1)	Her Brother	(1)	Her Uncle	(2)
Her Grandson	(2)	Her Nephew	(1)	Her First Cousin	(2)

Examples of kinship by consanguinity within the third degree:

Son	(1)	Father	(1)
Grandson	(2)	Brother	(1)
Great Grandson	(3)	Nephew	(2)
Grandfather	(1)	Great Nephew	(3)
Uncle	(2)	Great Grandfather	(3)
First Cousin	(2)	Grand Uncle	(3)
Second Cousin	(3)		

2.13 No restrictions shall be placed on employee benefits, salary, and/or opportunities for advancement because of family relationships.

**SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY**

2.14 It is the County's Policy to provide equal employment, and will recruit, hire, and promote in all job classifications without regard to sex, race, color, ethnicity, national origin, citizenship, gender, gender identity, gender expression, sexual orientation, pregnancy status, age, religion, political affiliation or beliefs, physical or mental disability, genetic information, veteran status, or any nonmerit factor ( except where such is a bona fide occupational qualification) in accordance with applicable federal, state, and local laws governing non-discrimination in employment; and, to assure that all other matters affecting employees, including compensation, benefits, transfers, demotion, layoffs, returns from layoff, Sheriff's Office sponsored training, social and recreation programs, will be administered without regard to sex, race, color, ethnicity, national origin,

citizenship, gender, gender identity, gender expression, sexual orientation, pregnancy status, age, religion, political affiliation or beliefs, physical or mental disability, genetic information, veteran status, or any nonmerit factor ( except where such is a bona fide occupational qualification) in accordance with applicable federal, state, and local laws governing non-discrimination in employment. (ADOPTED 01-14-19; EFFECTIVE 01-29-19)

2.15 The preceding policy, however, is not to be construed to prohibit the County from establishing "bona fide occupational qualifications" that relate to physical or mental abilities required to perform a job.

**SECTION 5. EMPLOYMENT PROBATIONARY PERIOD**

2.16 The period of time consisting of the first six (6) months of employment with the County and, for uniformed officers, the period of time consisting of the first twelve (12) months of employment with the County. This period begins from the employee's effective date of employment for all regular employees. Time spent as a temporary employee does not fulfill any of these requirements. During this period, they must demonstrate their ability to satisfactorily perform the duties required. The immediate supervisor will periodically advise the employee of his progress and assure that the employee receives any necessary training required in order for the employee to successfully perform the job duties. Failure of the employee to perform satisfactorily during the probationary period will result in dismissal without right to appeal. (ADOPTED 10-1-85; EFFECTIVE 10-15-85)

2.17 Period of probation may be extended by the employer for appropriate reasons. The employer will immediately notify the employee of any extensions of probationary time and have the employee sign an Agreed Order to Extend Probation prior to the time the probationary period ends. The signed Agreed Order must then be submitted to the Bexar County Sheriff's Civil Service Commission for approval prior to the extension. Extension for further evaluation of an employee will not exceed six (6) months. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

**SECTION 6. LATERAL TRANSFERS, DEPARTMENTAL TIER TRANSFERS AND DIVISIONAL REASSIGNMENTS**

2.18 A lateral transfer, either inter-departmental or intra-departmental, is the change of job assignment of an employee that does not affect a person's salary or grade. A lateral transfer will apply only within each individual tier of the Sheriff's Office. The determining factor in distinguishing between a demotion and a lateral transfer is strictly resolved by whether there is any reduction in salary or salary grade. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

2.19 **Inter-Departmental Transfer**

A transfer from one County Office or Department to another County Office or Department. Inter-departmental transfers will be in accordance with County Policy. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

2.20 **Intra-Departmental Lateral Transfer**

A transfer from one division to another division within the same tier of the Sheriff's Office. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

Positions available for intra-departmental lateral transfers will be posted for consideration in accordance with the Sheriff's Procedures. Any employee requesting a lateral transfer between divisions within the Law Enforcement tier of the Sheriff's Office must notify the Personnel Section in writing in order to be considered for a transfer. Intra-departmental lateral transfers are subject to the approval of the Sheriff or acting authority. The Commission recognizes the Sheriff's management right to make involuntary lateral transfers to meet the needs of the Sheriff's Office. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

In the Law Enforcement tier: Any employee transferred voluntarily or involuntarily will not be allowed to "bump-back" any employee already in position. After a period of six (6) months, as openings occur, the newly assigned officer's date of assignment to the Law Enforcement tier will then become the determining factor for seniority. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

**2.21 Departmental Tier Transfer**

A change in job assignment change between the two established tiers within the Sheriff's Office. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

An employee may apply for a transfer to any entry-level position within the two established tiers of the Sheriff's Office. Positions available for a departmental tier transfer will be posted for consideration. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

An employee requesting a tier transfer must notify the Personnel Section in writing in order to be considered for a transfer. An employee that transfers from one tier to another tier does not retain or bring his seniority rights preferences to the new tier. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

**2.22 Division Reassignment**

A division reassignment is a change of assignment within the same division. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

Division reassignments are subject to the approval of the Sheriff or acting authority. An employee who requests a voluntary division reassignment must submit a written request through the Division Administrator or acting authority. The Commission recognizes the Sheriff's management right to make involuntary reassignments within a division to meet the needs of the Office. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

In the Law Enforcement Tier: Any employee transferred voluntarily or involuntarily will not be allowed to "bump-back" any employee already in position. After a period of six (6) months, as openings occur, the newly assigned officer's date of assignment to Law Enforcement will then become the determining factor for seniority. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

**2.23 Established Seniority Rights**

Because of the two tier system within the Bexar County Sheriff's Office, seniority will be determined by the individual date of entry into the tier of assignment. Established seniority rights shall be the primary factor in determining shift selection, days off, scheduled annual leave and the deciding factor when all else is equal for promotion. An employee loses seniority rights if the

employee chooses a voluntary action such as a promotion, demotion or tier transfer. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

**SECTION 7. PROMOTIONS**

2.24 (THE SHERIFF'S CIVIL SERVICE COMMISSIONERS VOTED TO DELETE THIS RULE ENTIRELY ON APRIL 5, 1989.)

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**SECTION 8. DEMOTIONS**

2.29 A demotion is a reduction of an employee from a higher position to a lower position to be accompanied by a decrease in pay consistent with County Policy as a result of:

- A. The inability of the employee to fulfill the functions of the job;
- B. The employee's request for such change;
- C. Disciplinary action.

2.30 The Sheriff has the authority to demote employees for just cause as defined in Chapter IX Discipline/Disciplinary Action. The demoted employee's new salary will be determined in accordance with County Policy.

2.31 An employee who is demoted may be demoted to his old grade, classification, and salary if such an opening is available and with the Sheriff's approval.

**SECTION 9. REDUCTION IN FORCE**

2.32 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.

2.33 Changes in position authorization required in a reduction in force will be determined by Commissioners Court and will be initiated by the ordered reduction of budgeted funds, or the

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reduction of authorized positions by the deletion of budgeted positions by position number in a specific department/division.

2.34 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 Bexar County and Bexar County Sheriff's Office Personnel Section/Civil Service Department. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.35 Those employees who have seniority shall be given preference in retention. If employee seniority is equal, the final selection will be based upon job performance.

2.36 Length of service of an employee, for inclusion in layoff ratings, shall be based upon the number of calendar months of continuous Bexar County Sheriff's Office service. Periods of absence on leave without pay shall not be credited as continuous service. Any employee laid off shall, after timely reinstatement, regain the seniority credit possessed at the time of layoff as stated in Rules 2.38 and 2.39. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.37 A regular employee shall, in lieu of layoff, be afforded the option of demotion within the Sheriff's Office to a position of a lower grade or class; provided that no such demotion shall in turn require layoff or demotion from such lower grade or class of any employee whose layoff rating in his own class is at least as high as that of the other employee. The salary of an employee being reduced in class due to a reduction in force will be determined by County Policy. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 10. REINSTATEMENT AFTER REDUCTION IN FORCE**

2.38 If an employee should be laid off as a result of a reduction in force and if within a period of two (2) years, thereafter, a vacancy should occur in the Sheriff's Office and in the same or in a lower class, the said employee shall be reinstated in the vacant position, provided that such employee is willing to accept the offered employment, and provided further that such employee meets all bona fide job qualifications for said position.

2.39 All employees being reinstated will be subject to restoration of benefits, and determination of salary level as prescribed in the rules of the County as they currently exist.

2.40 When more than one laid off person qualifies for reinstatement under these rules, the preference shall be given to the person laid off last.

### **SECTION 11. RESIGNATIONS**

2.41 An employee, who desires to resign in good standing with the Sheriff's Office, shall submit his written resignation to his supervisor and Personnel and, except for good cause shown, give at least two (2) weeks notice of his intention to leave the organization. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.42 A former employee may apply for a job and will be considered on an equal basis with everybody else.

**SECTION 12. DISMISSAL**

2.43 An employee may be dismissed from the Sheriff's Office for just cause as identified in Chapter IX Discipline/Disciplinary Action. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.44 The employee shall be furnished a written notice of termination prior to that termination. Such notice shall specify the cause for termination by stating the Civil Service Rules and Sheriff's Office Rules violated; the date, time and place that the employee violated the rules; a detailed description of the employee's conduct or actions which violated the rules; the names of any complainants, accusers, victims and witnesses; and the method, time period and party to respond thereto. If the notice cannot be presented in person to the employee, it should be sent registered or certified mail to the employee's last known address. If the employee cannot be located for personal service or the mailed notice is returned undelivered within thirty (30) calendar days, the following alternative methods of service may be used. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

- A. A copy of the notice may be left at the employee's last known address with a competent person over the age of 16 years after that person has verbally acknowledged that the employee still resides at that address. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- B. A copy of the notice be prominently attached to the structure of the employee's last known address if the service officer has reasonable grounds to believe the employee still resides at that address. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- C. If the employee's location is unknown, the Sheriff's Office may publish the notice in a newspaper of general circulation in the County. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- D. If the employee is presently represented by an employee organization or union, a copy of the notice may be served upon such organization or union's representative if the alternatives in paragraphs A., B., and/or C. are not feasible. However the employee organization or union may refuse service within five (5) business days of receipt and return the notice. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

2.45 All termination actions will be approved by the Sheriff.

2.46 If a regular employee feels he is being unjustly terminated, he may utilize the Grievance/Appeal System provided he meets the filing deadlines. (See Chapter X Grievance System Procedures and Chapter XI Appeal System Procedures.) Utilizing the Grievance System will not alter an employee's termination date (i.e., an employee may be terminated and then file a grievance).

2.47 If an appeal is upheld by the Bexar County Sheriff's Office Civil Service Commission, the employee may be reinstated and may be granted back pay depending upon the determination of the appeal. The process for dismissal is outlined in Chapter IX Discipline/Disciplinary Action. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**SECTION 13. MANDATORY RETIREMENT**

2.48 Mandatory retirement will be in accordance with existing County Policy, and State and Federal law.

**SECTION 14. EFFECTIVE DATE OF TERMINATION**

2.49 Effective date of an employee's termination will be the last actual day the employee worked for the Sheriff's Office. Any accrued leave benefits that are eligible for payment as of the employee's termination date will be paid on the employee's last pay check. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**SECTION 15. WORK SCHEDULING**

2.50 The department head has the right to establish and schedule reasonable work hours, rules, overtime, and working conditions, as required, in a manner advantageous to the Sheriff's Office accomplishing its service and work requirements. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.51 Office hours for clerical staff members for all divisions of the Bexar County Sheriff's Office shall be based on an eight (8) hour work day, plus approved lunch breaks. Days of operation shall be Monday through Friday, generally (excluding operations of seven (7) days a week and/or twenty-four (24) hours per day) to be determined by the department head, who shall also determine time allocation for lunch periods. Overtime work, overtime pay, and compensatory time shall be based on existing County Policy. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**SECTION 16. OVERTIME GENERAL**

2.52 Employees of the Bexar County Sheriff's Office will periodically work more than the stipulated hours whenever the employer determines the necessity demands the additional time. That employee shall be given equal time off for such overtime worked. Work required to be performed on an authorized holiday shall be considered overtime except by personnel whose work week is arranged to provide twenty-four (24) hours, seven (7) days a week coverage. Such equal time off shall be given at the discretion of the department head. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.53 Overtime must be for work definitely ordered or approved in advance by the department head or his designee. Casual or convenience time worked in excess of an employee's forty (40) hour week is not to be considered overtime.

**SECTION 17. ELIGIBILITY FOR OVERTIME**

2.54 All employees shall be eligible for overtime regardless of grade or station.

**SECTION 18. FITNESS FOR DUTY EVALUATIONS**

## CHAPTER II - EMPLOYMENT

2.55 The Bexar County Sheriff's Office requires that all persons seeking employment satisfactorily complete a physical examination and a drug screening prior to employment. The Sheriff's Office and the State of Texas also require a person seeking employment as a Jailer or Peace Officer to satisfactorily complete a psychological evaluation. Continued employment and/or licensing with the Sheriff's Office will require that individuals remain both physically and psychologically fit for duty in their respective job classification. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.56 The Sheriff shall have the authority to periodically require re-evaluation, either through regularly scheduled evaluations or through specially scheduled evaluations to be conducted when a specific incident, action, or behavior indicates that such an evaluation may be warranted. This authority shall not be delegated below the level of the Chief Deputy. These procedures shall apply equally to the civilian workforce as well as to Jailers and Peace Officers. Evaluations will be conducted either by a physician, psychiatrist or psychologist under contract or employed by the County, as appropriate. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.57 Individuals undergoing an evaluation must complete the evaluation process to retain their commission with the Bexar County Sheriff's Office. An employee who is required to take a Fitness for Duty Evaluation shall be placed on Administrative Leave with pay or retained on duty until a final determination is made. Failure to complete the evaluation process may result in disciplinary action, possibly to include dismissal. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.58 In the event that the evaluation finds the officer not fit for duty, he will be removed from his position through either a suspension or dismissal, depending on the individual circumstances. (ADOPTED 9-30-87; EFFECTIVE 10-14-87)

2.59 An individual dismissed under this policy may, at a later date, make application for employment and may be re-employed upon satisfactory completion of all applicant processing. (ADOPTED 9-30-87; EFFECTIVE 10-14-87)

2.60 An employee dismissed or suspended under this policy may grieve such action under the grievance procedures outlined in Chapter X of the Civil Service Commission Rules and may appeal an unfavorable grievance system decision to the Civil Service Commission pursuant to Chapter XI. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

2.61 Should the aggrieved employee perfect a timely appeal to the Civil Service Commission under this policy, the Commission will select a panel of three (3) physicians or psychiatrists (depending on the nature of the fitness requirement) and submit this panel of three (3) physicians or psychiatrists to the appealing employee. The appealing employee will then have the option of being examined at the appealing employee's own expense by the three physicians or psychiatrists to determine his fitness for duty within thirty (30) business days after receipt of the notification by the Commission. (ADOPTED 12-30-91; EFFECTIVE 1-14-92)

2.62 If two (2) out of the three (3) Commission selected physicians or psychiatrists find that the appellant is fit for duty, then the Commission will order the reinstatement of the appealing employee. In order to aid in the evaluation of the appellant by the panel, the Commission shall require the Sheriff's Office or the physician, psychiatrist or psychologist under contract or employed by the County to submit the results of the fitness for duty evaluation and any attending medical records or reports to the three (3) physicians or psychiatrists. The appealing employee must sign a medical release and will be responsible for any cost for obtaining these records. Furthermore, the Commission shall require the appealing employee to submit any medical

## CHAPTER II - EMPLOYMENT

records or reports concerning his conditions prepared by his personal physicians or hospitals to the three (3) physicians or psychiatrists. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.63 The selection of the panel of physicians or psychiatrists by the Commission shall be made from a list of eligible physicians or psychiatrists maintained by the Commission for this purpose. Eligibility for any physicians or a psychiatrists to be appointed to the list shall be determined by the Commission based upon the recommendations of the Bexar County Medical Association. Additionally, none of the appointed physicians or psychiatrists may be employed by the County or under contract to the County. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

2.64 All expenses and fees for the appellant's medical or psychological evaluation by the panel shall be paid by the appellant. The Commission, the Sheriff's Office and the County assume no financial responsibility for the appellant's evaluations. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

2.65 All appeals of Fitness for Duty Evaluations shall be disposed of in the above manner. The Commission will not hold an evidentiary hearing concerning Fitness for Duty Evaluation appeals and will not analyze or debate medical or psychological findings or evidence. The Commission's decision will be solely based on the recommendations of the panel. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

2.66 The Commission recognizes that there may be instances where an appealing employee may have been dismissed or suspended for conduct or actions which are unlawful or rule infractions which led to his fitness for duty re-evaluation as well as being dismissed for his failure to maintain the required fitness for duty. In those cases, the Commission shall resolve the issue of fitness for duty through the above procedures before determining the issue of the conduct or rule violations. If the appellant is reinstated on the issue of fitness for duty, the Sheriff's Office is not prohibited from bringing or maintaining disciplinary action against the employee for any unlawful or rule violating conduct arising for any incident which led to his re-evaluation. Any disciplinary action for such conduct or action shall be severed from the fitness for duty issue and dealt with at a separate evidentiary hearing. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

## **CHAPTER III - COMPENSATION**

3.00 Compensation will be in accordance with existing Bexar County Policy.

3.01 The pay plan for Bexar County is designed for and intended to establish a uniform pay scale in order that similar job positions throughout Bexar County shall be compensated equally; it begins with the intent that like work receives like compensation.

3.02 Employees shall be subject to and hired in accordance with the pay plan. Part-time employees shall be paid on a pro rata basis commensurate with that of a full-time employee doing the same type of work.

## **CHAPTER IV - EMPLOYEES' RETIREMENT SYSTEM AND GROUP INSURANCE**

4.00 Employees' retirement and group insurance will be in accordance with existing Bexar County Policy.

## CHAPTER V - LEAVE POLICIES

### **SECTION 1. PURPOSE**

5.00 Bexar County Sheriff's Office employees are entitled to various types of leave in accordance with Bexar County Policies. The purpose of this Chapter is to establish and explain the types of leave which are afforded to all employees and the means of requesting the appropriate type of leave. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 2. PROCEDURES**

#### **5.01 Overall Responsibilities**

The Personnel Section is responsible for insuring that a leave account is established and maintained for every employee. Section supervisors are responsible for controlling absence and leave so that all employees use leave according to legal requirements and without abuse of privileges.

#### **5.02 Leave Authorization**

The approval of leave is the responsibility of the section supervisor who will determine if the requested time off is compatible with the work load. It is the section supervisor's responsibility to verify that leave granted is legal and justifiable. All leave authorization will not be in violation of the Family Medical Leave Act and other applicable law. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

#### **5.03 Absence Without Leave**

Absence Without Leave is an absence from duty which is **NOT** authorized or for which a request for leave has been denied. The employee receives no pay for the period of absence. Disciplinary action may also be taken when considered appropriate. If the absence is later excused or circumstances surrounding the absence were such that the absence would have been approved, the charged Absence Without Leave may be changed to the appropriate approved leave account. Absence Without Leave will be grounds for termination. Three (3) days Absence Without Leave will result in automatic termination.

#### **5.04 Accrual of Leave During Pay Periods**

- A. Full Semimonthly Pay Periods - To earn leave, an employee must be employed during a full semimonthly pay period. The employee is considered to have been employed for a full period if the employee is on the rolls on all days falling within the pay period, exclusive of holidays and non-workdays.
- B. Leave Without Pay Status - If employment is interrupted by a non-leave-earning period, the employee may be credited with leave on a pro rata basis for that fraction of a pay period during which the employee was in a leave earning status.

#### **5.05 Accrual Reduction Because of Non-Pay Absence**

No Annual or Sick Leave will be accrued when an employee is in a non-pay status.

5.06 In the event of absence from work, except for Compensatory Time off, the Personnel Section shall complete the appropriate form and forward it to the Auditor's Office.

5.07 **Misuse/Abuse of Leave**

Misuse or abuse of leave, especially falsification of documents or verbal misrepresentation of facts, may be subject to disciplinary action to include termination.

**SECTION 3. ANNUAL LEAVE**

5.08 **Purpose**

Annual Leave is provided and used for two (2) general purposes which are:

- A. To allow every employee an annual vacation period of extended leave for rest and recreation, and
- B. To provide periods of time off for personal and emergency purposes. These absences involve such matters as religious observances, attendance at conferences or conventions, other than on County interest, securing a driver's permit, or other personal business which can only be transacted during regular working hours.

5.09 **Earning Rates for Full-Time Employees**

Will be consistent with existing Bexar County Personnel Policy.

5.10 **Authority**

Annual Leave shall be taken at the discretion of the Sheriff's Office. This decision will generally be made in light of the needs of the section rather than solely on the desires of the employee. Supervisors should insure that Annual Leave is scheduled for use so as to prevent any unintended loss of time at the end of the leave year. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

5.11 **Qualifying Period**

Any employee must complete probation without a break in service before being entitled to apply for Annual Leave. At the end of their probation period, Annual Leave is credited to the employee's account from the first day of service. If an employee's probationary period extends beyond one (1) year, he will not be precluded from taking vacation during the second year of employment.

5.12 **Leave Charges**

Annual Leave is charged to the employee's account only for an absence on regular workdays. Leave is not charged for absence on non-workdays.

5.13 **Minimum Charge**

One-half day is the minimum charge for Annual Leave. If less than the half day is used, the unused time will be credited to Compensatory Time, in one (1) hour increments.

5.14 **Termination**

Upon separation, employees are paid a lump sum for their unused accumulated Annual Leave. The lump sum is limited to pay for thirty (30) days or the balance carried forward at the beginning of the leave year not to exceed thirty (30) days.

**SECTION 4. SICK LEAVE**

5.15 **Purpose**

Sick Leave is for use when an employee is physically incapacitated from doing his job or for related reasons such as:

- A. Exposure to a contagious disease that would endanger the health of co-workers.
- B. Presence of a contagious disease in an employee's immediate family which requires their personal care.
- C. Dental, optical or medical examination or treatment.

5.16 **Earning Rate**

Will be in accordance with existing County Policy.

5.17 **Accumulation**

Will be in accordance with existing County Policy.

5.18 **Leave Charges**

Sick Leave is charged to the employee's account only for absence on regular workdays. Sick Leave is not charged for absence on non-workdays.

5.19 **Minimum Charge**

One-half day is the minimum charge for Sick Leave. If less than the half day is used, the unused time will be credited to Compensatory Time, in one (1) hour increments.

5.20 **Non-Job Related Injuries**

- A. An employee who is physically or mentally incapacitated in non-job related injuries shall be entitled to return to the same or similar position in the division they held at

the time the leave was granted for a period not to exceed twelve (12) weeks using a combination of sick leave, vacation, comp time and leave without pay **OR** until all accrued sick leave and vacation has been used, whichever length of time is greater, subject to Chapter II Employment, Section 18. Fitness for Duty Evaluations of the Bexar County Sheriff's Civil Service Commission Rules. If the absence is for more than four (4) months, special arrangements must be made through the division. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

- B. An employee must still meet the physical requirements for the job and may be required to undergo a physical examination with a medical doctor selected by the County to determine fitness for duty.

5.21 **Responsibilities**

- A. The Sheriff's Office has the responsibility to determine if the nature of the employee's illness was such as to incapacitate the employee from their job and that the reasons for granting Sick Leave are true. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- B. The employee who becomes ill is responsible for notifying their supervisor as soon as practicable and within the period specified. Leave for prearranged medical, dental or optical examinations or treatment should always be applied for in advance.

5.22 **Abuse of Sick Leave**

Abuse of Sick Leave may result in disciplinary action being taken as prescribed.

5.23 **Termination**

Will be in accordance with County Policy.

An employee who has been employed for five (5) consecutive years shall, upon leaving the employment of Bexar County for any reason whatsoever, be paid on a per diem basis one-half of their current salary for each Sick Leave day accrued not to exceed a maximum payment of thirty (30) whole days.

**SECTION 5. MILITARY LEAVE**

5.24 **Purpose**

Military Leave is granted in order that reservists of the Armed Forces or members of the National Guard are able to fulfill their active duty or military training requirements.

5.25 **Employees Eligible for Military Leave**

Regular employees, who are members of the National Guard or reserve components of the Armed Forces, must be granted Military Leave upon presentation of competent orders.

5.26 **General Policy**

## CHAPTER V - LEAVE POLICIES

- A. Regular full-time employees (with a basic forty (40) hour work week) are granted one hundred twenty (120) hours or fifteen (15) days of Military Leave annually.
- B. All employees may use Military Leave for military service with a Reserve or National Guard Unit **ONLY**.
- C. An employee who serves on extended active duty and has exhausted their Military Leave may continue to use Military Leave without pay.
- D. An employee who has exhausted their Military Leave with pay may use any previously accumulated Compensatory Time, Vacation, or Holiday Time in place of Military Leave without pay **ONLY** with prior approval. Accumulated Sick Leave will **NOT** be approved in lieu of Military Leave.
- E. For purposes of granting leave and documentation, a copy of the Official Military Orders, or if unavailable, other Official Military Documents should be submitted to the section or shift supervisor by January 1st, but not later than sixty (60) to ninety (90) days prior to the start of military training.
- F. Military Leave cannot be accumulated. If Military Leave is not used during the calendar year (1 January to 31 December), it is lost when the new calendar year is begun, and a new one hundred twenty (120) hours of Military Leave is granted.

### **SECTION 6. MATERNITY LEAVE**

#### 5.27 **Purpose**

Maternity Leave is a period of approved absence for incapacitation related to pregnancy and confinement. It is chargeable to Sick Leave or any combination of Sick Leave, Annual Leave, Leave Without Pay and Compensatory Time.

#### 5.28 **Responsibilities**

##### A. **Employee**

- 1. It will be the responsibility of the employee to coordinate with the Personnel Section on details for charging the required leave.
- 2. An employee must obtain a medical certificate certifying pregnancy and authorizing continued work.

##### B. **Section**

- 1. The employee's working conditions will be examined on an individual basis.

5.29 (THE SHERIFF'S CIVIL SERVICE COMMISSIONERS VOTED TO DELETE THIS RULE ENTIRELY ON JUNE 30, 1988.)

**SECTION 7. PATERNITY LEAVE**

5.30 If a male employee is on duty when notified of an impending birth, he will be authorized to take off the remaining duty time. If a male staff member is assisting his spouse with an impending delivery prior to reporting for duty, the employee is authorized to take off the entire duty time, after notifying the shift supervisor of the impending birth. Only one (1) day of Accrued Leave, Holiday Time, or Compensatory Time is authorized at this time without advance approval by the section or shift supervisor.

5.31 When the new born is scheduled to be brought home, the employee is authorized to take three (3) days Annual Leave, Holiday Time, or Compensatory Time to aid in necessary details for the baby.

5.32 If the employee does not have Accumulated Leave, Holiday Time, or Compensatory Time accrued, three (3) days Leave Without Pay may be authorized.

**SECTION 8. HOLIDAY TIME**

5.33 Authorized holidays are established by Commissioners Court. A Compensatory Overtime Record Form will be completed and signed by the section supervisor when a staff member is required to work on an authorized holiday or whose normal relief day is on a holiday. For example: an individual's normal relief days are on Sunday and Monday and the holiday falls on Monday, that individual is entitled to a Compensatory Overtime Card.

5.34 All Holiday Compensatory Time must be taken within one (1) year from the date of issue.

5.35 Holiday Time will be voided if it is not used within the prescribed time, i.e., the December 25th holiday (Christmas), must be taken before December 25th of the following year.

5.36 **Authority**

Authorized Holiday Time shall be taken at the discretion of the division supervisor.

**SECTION 9. COMPENSATORY TIME**

5.37 Effective June 8, 1989, all employees who are assigned or working as Uniformed Officers in the Sheriff's Office in a non-exempt Fair Labor Standards Act status who have accrued more than 240 hours (160 overtime hours worked) will be paid at time and one half their regular rate of earnings at the time the employee received such payment. (ADOPTED 10-27-98; EFFECTIVE 11-10-98) (RULE 5.37 TO RULE 5.41 WERE CONSOLIDATED ON 2-18-87.)

**SECTION 10. COURT LEAVE**

5.42 Court Leave is the authorized absence, without charge to leave or loss of compensation, of an employee for official duty for Jury Duty or for attending court in a nonofficial capacity as a witness on behalf of the County or other agency as approved by the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

5.43 **Jury Duty**

An employee who is under proper summons from a State or Federal Court to serve on a jury should be granted Court Leave of absence with pay for the entire period, regardless of the number of hours per day or days per week he actually serves on the jury during the period.

5.44 **Witness for the State**

- A. Full-time regular or temporary employees are granted Court Leave during periods of necessary absence while serving as witnesses for the County.
- B. An employee who, in obedience to a subpoena or direction by proper authority, appears as a witness for the County is carried on Court Leave during the period of witness service.
- C. When an employee's appearance as a witness is not on behalf of the County but may be reasonably related to their duties as a Detention Officer or Peace Officer, the employee may be granted Court Leave for a reasonable period upon approval of the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- D. Court appearance resulting from personal or off duty problems, and not in an official capacity, will be charged as Annual Leave or Leave Without Pay.

5.45 **Fees**

- A. Generally, an employee who is called as a witness and is either entitled to Court Leave or is considered on duty because the employee is testifying in their official capacity may not accept witness fees of any kind. However, the employee may be paid their travel expense and per diem in lieu of subsistence expenses. When an employee testifies in their official capacity in private litigation in a State Court, the employee must collect the authorized witness fees and allowances for expense of travel and subsistence and, all amounts so collected above the amount of their actual expenses is accounted for through the employing department and deposited as miscellaneous receipts to the County.
- B. If an employee received fees when called for Jury Duty for the County, the employee is authorized to retain said fees to help defray expenses.

**SECTION 11. EXCUSED LEAVE**

5.46 **Registration and Voting**

It is County Policy to excuse employees for a reasonable period of time, and without seriously interfering with operations, to register or vote in any election or referendums on a civic matter in their community. Generally, an employee is excused from duty so as to permit the employee to report for work three (3) hours after the polls open or to leave work three (3) hours before the polls close, whichever results in the lesser amount of time off. If sufficient time is available before or after normal work hours to meet the three (3) hour limit, time off from work will not be granted. If unable to be released from work, the employee will be released in time to be in line prior to the polls closing.

5.47 **Administrative Discretion**

Excused absences will be granted solely at the discretion of the supervisor. Some of the more common situations in which employees may be excused are covered as follows:

- A. Blood Donation - An employee who makes a blood donation may be excused not to exceed two (2) hours.
- B. Taking Examinations - An employee who takes an examination related to their employment may be excused.
- C. Conferences or Conventions - An employee may be excused to attend a conference or convention when it is determined that attendance will serve the best interest of the County.

5.48 **On-the-Job-Injury Leave**

- A. An employee who sustains an injury while engaged in Office business while on-duty and acting within the scope of his employment, is entitled to injury leave to recover from said injury. This leave period will not exceed one (1) year continuous period of time from the date the employee first goes on such leave status. The employee will be required to submit an initial prognosis within seven (7) days from the date of injury and a subsequent prognosis every ninety (90) days beginning from the date of injury. Failure to do so will result in termination. Should the employee not return from leave status within this one (1) year period, the employee shall be terminated without prejudice and his position filled. Should the employee recover from the injury to the point of being fully fit for duty after the expiration of the one (1) year period, the employee may reapply for employment with the Sheriff's Office. The employee's re-employment will be contingent only upon position being available, the employee's physical condition, and the employee's ability to meet all of the usual Civil Service, TCLEOSE, and County hiring criteria. This is a rehire situation and not a reinstatement. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- B. An employee who due to job injury leave has missed more than eighteen (18) months during any thirty-six (36) consecutive month period, whether or not this absence is continuous or consecutive, shall be terminated without prejudice and the position filled. The employee terminated under the circumstances set-forth under paragraph B. may be eligible for rehire under the same criteria outlined in paragraph A. of this Rule. (ADOPTED 4-5-89; EFFECTIVE 4-19-89)

5.49 **Emergency Leave**

This leave is the one most unexpected and unscheduled. The granting of this leave by the supervisor has no obstacles or conditions. This leave covers such situations as "automobile and residential accidents" and other incidents involving the employee or immediate family. Emergency Leave should be chargeable to Annual, Holiday, or Compensatory Time.

5.50 A staff member with an emergency should contact the shift supervisor at the earliest possible time.

**5.51 Death in Employee's Immediate Family**

Employees shall be excused from duty when there is a death in the employee's immediate family.

- A. A death in an employee's immediate family occurring within a 100 mile radius of Bexar County is non-chargeable up to three (3) days to any of the employee's accrued leave. Any additional time may be charged to the employee's accrued leave or to Leave Without Pay.
- B. Death in an employee's immediate family occurring outside the 100 mile radius of Bexar County is non-chargeable up to five (5) days to any of the employee's accrued leave. Any additional time may be charged to the employee's accrued leave or to Leave Without Pay.

**SECTION 12. LEAVE WITHOUT PAY**

**5.52 Granting Leave Without Pay**

- A. Administrative Discretion - The authorization of Leave Without Pay is a matter of administrative discretion. Employees, with few exceptions, cannot demand that they be granted Leave Without Pay as a matter of right. The exceptions are disabled veterans needing medical treatment and reservists and National Guardsmen desiring Leave Without Pay for military training duties.
- B. Consideration for Leave Without Pay Requests - Each request for Leave Without Pay should be examined closely to ensure that the value to the County or the serious needs of the employee are sufficient to offset such costs and administrative inconveniences as:
  - 1. Encumbrance of a position.
  - 2. Obligation to provide active employment at the end of the approved leave period.
  - 3. Increase job ability.
  - 4. Protection or improvement of employee's health.
  - 5. Retention of a desirable employee.
  - 6. Furtherance of a program of interest to the County.
- C. Approving Authority - Any request for Leave Without Pay will be submitted seven (7) days prior to the effective date, in writing, to the Sheriff's Office for approval. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**SECTION 13. SUSPENSION IN LIEU OF POLICY**

## CHAPTER V - LEAVE POLICIES

5.53 At the time of the enactment of the suspension, employees will be informed of their option to forfeit leave under this policy. The policy will allow employees to forfeit annual or compensatory time for suspensions, up to a total of five (5) days in one (1) calendar year. The employee will work through his/her suspension. Employees who forfeit leave may not appeal the suspension to the Civil Service Commission. The participation of the employee regarding this policy will be done on a voluntary basis and the employee will sign an agreement form which will be attached to the suspension in the employee's personnel file. (ADOPTED 8-23-89; EFFECTIVE 9-7-89)

## CHAPTER VI - PERFORMANCE APPRAISAL SYSTEM

6.00 A job performance appraisal will be rendered on an employee at the prescribed time and on the forms approved by the Bexar County Sheriff's Office Civil Service Commission. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

6.01 The job performance appraisal will be rendered on an employee:

- A. At least once a year but not more than six (6) times a year.
- B. Prior to promotion.
- C. Before removal from probation.
- D. Before a step increase.
- E. Before a merit increase.

6.02 The administration of the employee performance appraisal is subject to Chapter X Grievance System Procedures.

## CHAPTER VII - POLITICAL ACTIVITY

7.00 Bexar County employees are encouraged to vote on election day for the person or party of their choice.

7.01 Bexar County or the Sheriff shall make no law abridging the freedom of speech or prohibiting the free exercise thereof by any employee of the Sheriff's Office; or the right of the employees to peaceably assemble or join any organization and to petition the County Government and the Sheriff for a redress of their grievances. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

7.02 Bexar County Sheriff's Office Civil Service employees will not be allowed to perform or be involved in political campaigning or related activities during their normal working hours, or while in uniform, or while using County vehicular equipment. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

7.03 Additionally, no Civil Service employee shall be required to participate in political campaigns or related activities as a condition to obtain or retain employment or as a condition for advancement.

7.04 No Civil Service employee shall be disciplined, terminated or deprived of their rights for refusal to participate in activities in political campaigns or related activities as a condition to obtain or retain employment.

7.05 Any employee who feels he has been disciplined, terminated or deprived of their rights because of actions specified in Chapter VII Political Activity may utilize the Grievance System.

7.06 (THE SHERIFF'S CIVIL SERVICE COMMISSIONERS VOTED TO DELETE THIS RULE ENTIRELY ON JANUARY 7, 1992.)

## **CHAPTER VIII - PERSONAL CONDUCT AND AFFAIRS**

### **SECTION 1. EMPLOYEE APPEARANCE AND CONDUCT**

8.00 Each employee's personal appearance and conduct represents Bexar County to the public and to the other Bexar County employees. It is thus important that each employee try to make the best possible impression at all times by setting high standards in appearance and conduct. A pleasant telephone approach is also a necessity at all times. If an employee does not know the answer to a question, he should try to find the answer or direct the party to the proper authority.

8.01 Good housekeeping and neat work habits are important also as they aid morale and efficiency and are compliments to other employees of Bexar County.

- A. All Bexar County Sheriff's Office personnel will be in compliance with Sheriff's Office Policy on grooming and appearance standards. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 2. GIFTS**

8.02 Gifts shall not be accepted from contractors, vendors, or other persons who are employed by or who deal with the County. These rules do not apply to calendars and similar articles that bear the donor's advertising, nor do they apply to purely personal gifts between relatives and friends.

### **SECTION 3. CONFIDENTIALITY**

8.03 All information concerning County business must be held in strict confidence and must not be discussed with others on or off the job except for purposes of necessary County business.

### **SECTION 4. USE AND CONDUCT OF COUNTY OWNED PROPERTY**

8.04 The utmost care shall always be exercised in using Bexar County property to minimize damage to equipment and waste of supplies. Office machines such as typewriters, adding machines, etc., should be covered at the close of business each day. An employee of Bexar County shall not participate in bidding on Bexar County equipment sales.

8.05 Intentional or negligent damage of County equipment or property will be grounds for disciplinary action or dismissal depending on the severity of the incident.

### **SECTION 5. OFFICE DONATIONS**

8.06 No employee shall be forced to contribute or make donations to any fund or collection. Before any office collection can be started, it must be approved by the department head.

### **SECTION 6. OUTSIDE EMPLOYMENT**

## **CHAPTER VIII - PERSONAL CONDUCT AND AFFAIRS**

8.07 Employees shall neither engage in any other employment during the hours they are scheduled to work for Bexar County nor shall employees work outside such hours of their employment with the County in a manner or to the extent which conflicts with the County's interest or public image or that adversely affects their availability and usefulness as employees to the County or the Sheriff's Office. The Commission recognizes the Sheriff's policy on off duty employment as published in Chapter Thirty in the Manual of Policy and Procedures for the Bexar County Sheriff's Office insofar as the definitions and the policies do not conflict with established Sheriff's Civil Service Commission Rules or procedures. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

8.08 All employees who are considering employment or who already hold outside employment shall notify their supervisor of the details of the job, the name of their secondary employer, and otherwise comply with established Sheriff's Office Policy. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

8.09 Any employee who feels approval of an outside job is being unreasonably withheld is entitled to use the grievance procedure as a recourse.

### **SECTION 7. CHANGES IN AN EMPLOYEE'S NAME/ADDRESS/TELEPHONE NUMBER**

8.10 If an employee changes his name, address or telephone number, he should promptly notify his supervisor who shall in turn pass it to the County Auditor's Office. If an employee needs to change the number of his dependents, for Federal Withholding purposes, he should notify the County Auditor's Office and complete the necessary forms for effecting such change. Disclosure of information regarding an employee shall be in conformity with existing Federal and State Law.

### **SECTION 8. SEXUAL HARASSMENT**

8.11 Sexual Harassment will not be tolerated at the Bexar County Sheriff's Office. It hinders professional working relationships because it generates mistrust between staff members; and, supervisors lose the respect of fellow employees when such behavior is permitted. This policy and procedure is intended to eliminate sexual harassment in this Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

8.12 Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended. Harassment applies to all persons employed or working as a volunteer in this Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

8.13 Employees who feel they have been sexually harassed in violation of this policy should report such violation to the Bexar County Sheriff's Office Internal Affairs Division. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 9. CONDUCT AND ETHICS**

8.14 The Commission recognizes the Sheriff's Office definitions and policies concerning "General Employment Matter" and "Employee Conduct" as published in Chapter IV and Chapter V of the Bexar County Sheriff's Office Manual on Policy and Procedure insofar as the definitions

## **CHAPTER VIII - PERSONAL CONDUCT AND AFFAIRS**

and policies do not conflict with established Civil Service Rules or procedures. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

## CHAPTER IX - DISCIPLINE/DISCIPLINARY ACTION

### SECTION 1. GENERAL

9.00 Any employee shall be subject to disciplinary penalties for any action that is determined not to be in the interest of or benefit to Bexar County Sheriff's Office. The Commission recognizes the rules of conduct, regulations, general orders, policies and procedures as set forth in the Manual of Policy and Procedure of the Bexar County Sheriff's Office insofar as those provisions do not conflict with any established rules, procedures, policies or practices of the Civil Service Commission. The various rules and regulations of the Sheriff's Office Manual can easily be categorized under the enumerated violations of Rule 9.02. Discipline is intended to be corrective in nature. It shall be progressive and administered with the intent of assisting the employee to learn. However, certain rule violations or degrees of transgression may require that the maximum penalty be assessed without first resorting to progressive disciplinary actions. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

9.01 Except for dismissals during the probationary period, as provided in Chapter II Employment, Section 5. Employment Probationary Period, all written reprimands, suspensions, demotions or dismissals shall be subject to provisions of Chapter II Employment, Section 12. Dismissal; Chapter X Grievance System Procedures; and Chapter XI Appeal System Procedures.

9.02 Cause for written reprimand, suspension, demotion or dismissal shall include the following:

- A. Absence Without Leave - Absence Without Leave is an absence from duty which is not authorized or for which a request for leave has been denied.
- B. Poor Attendance - Excessive absence and/or tardiness.
- C. Insubordination - Unwilling to submit to authority.
- D. Dishonesty - Characterized by lack of trust, honesty or trustfulness.
- E. Failure to provide appropriate notice of absence.
- F. Misuse of leave privileges.
- G. Disturbance - Fighting or otherwise disrupting the harmonious relations between employees during normal duty hours or while in uniform.
- H. Being under the influence or consumption of intoxicating beverages or controlled substances such as narcotics or drugs of any kind while on the job or while in uniform.
- I. Sexual harassment.
- J. Poor job performance.

## CHAPTER IX - DISCIPLINE/DISCIPLINARY ACTION

- K. Physical or verbal abuse of a person in custody of the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- L. Perjury.
- M. Violation of any statute, Civil Service rule, regulation or Commission order. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- N. Knowingly fabricating and submitting fictitious and slanderous reports on co-workers, supervisors or subordinates. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- O. Conduct or action that would seriously impair job effectiveness.
- P. Conduct which has proven to be detrimental or has an adverse affect on the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98).
- Q. Failure to obtain or maintain the necessary legally required state license or certification to perform in their official capacity or position within the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- R. Failure to obey a properly issued and served summons to appear before the Civil Service Commission without just cause. (ADOPTED 6-30-88; EFFECTIVE 7-15-88)
- S. Encumbering a position in excess of the allowable maximum period as provided for in Rules 5.20 and 5.48 A. and B. of Sections 4 and 11 of Chapter V of the Civil Service Commission Rules. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- T. Conviction of any felony offense, class B or above misdemeanor, or any crime involving moral turpitude. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- U. Failure to satisfactorily complete, obtain or maintain the required physical or psychological certification or level of physical or psychological fitness for duty pursuant to Rules 2.60 through 2.66 of Section 18 of Chapter II. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

### **SECTION 2. PROCEDURE FOR DISCIPLINARY ACTION**

9.03 Any act on the part of a Sheriff's Office employee found to be in violation of these rules shall be subject to disciplinary action by written reprimand, suspension, demotion, or dismissal. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

9.04 Written Reprimand - To be used when an employee has committed a minor act or a series of minor acts that ultimately may lead to a disciplinary action.

9.05 Suspension - To be used when an employee has committed a major act or a series of minor acts that could be subject to disciplinary action.

9.06 In most cases, a suspension shall be set for a period of time ranging from one (1) day to two (2) weeks, depending on the type of offense.

## CHAPTER IX - DISCIPLINE/DISCIPLINARY ACTION

- 9.07 A. All employees who are arrested or charged with a misdemeanor criminal offense which does not involve moral turpitude or an act of violence, employees so charged shall be allowed to continue working in their usual capacity pending the disposition of the criminal charge. (ADOPTED 8-23-89; EFFECTIVE 9-7-89)
- B. When an employee is arrested, charged or indicted for a felony or a criminal misdemeanor involving moral turpitude or an act of violence, the employee shall be placed on Administrative Leave pending the disposition of the criminal charge. The employee on such leave has the option of applying his accumulated compensatory time, annual leave or personal leave during this period. (ADOPTED 12-30-91; EFFECTIVE 1-14-92)
- C. If an employee is under investigation for suspected improprieties, he may be placed on Administrative Leave pending the results of the investigation. If he is placed on such leave, it shall be with pay for a period not to exceed ten (10) work days. Should the investigation take longer and with justifiable reasons given by the investigators, the employee will be allowed to use compensatory time, annual leave or personal leave of up to ten (10) work days or less if the investigation is completed. Should the employee be cleared by the Sheriff's Office, all time lost by employee will be reimbursed. (ADOPTED 12-30-91; EFFECTIVE 1-14-92)

9.08 During a suspension, an employee shall not be eligible to use accrued leave time outside that allowed in Rule 9.07 nor accrue additional leave benefits. Eligibility for or participation in any other County benefit plan will be as if the suspended employee is on leave of absence without pay. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

9.09 If the suspended employee should be restored to his position by order of the Commission, he shall receive full compensation at the rate of pay that was provided for his position at the time of his suspension. Should the department official refuse to reinstate the employee as ordered by the Commission, the employee shall be entitled to his full salary just as though he had been reinstated as ordered.

9.10 Demotion - To be used when an employee has committed a major act or after repeating a prior disciplined act of a less severe nature.

9.11 Dismissal - To be used when an employee has committed a major act or after repeating a prior disciplined act of a less severe nature.

9.12 Each procedure of discipline shall be in writing and delivered to the employee at the time disciplinary action is administered. Additionally, when the disciplinary action is to be a suspension, demotion or dismissal, the employee must be served with a pre-disciplinary action notice and have a reasonable opportunity to respond prior to the administering of the disciplinary action/order. For the purposes of this Chapter and Chapter X, disciplinary action is considered to be administered by service of the "Order of Disciplinary Action" upon the employee. The pre-disciplinary action notice shall be designated as the "Notice of the Proposed Disciplinary Action." Service of the "Notice" and the "Order" shall be by personal service upon the employee if possible. When personal service is not possible, then the alternative methods of service enumerated in Rule 2.44 of Section 12 of Chapter II of these rules shall be utilized. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

## CHAPTER IX - DISCIPLINE/DISCIPLINARY ACTION

9.13 The "Notice of Proposed Disciplinary Action" and the subsequent "Order of Disciplinary Action" shall advise the employee of the following:

- A. The alleged action of conduct that caused the need for discipline. Such narrative shall include the time, date and place of the conduct as well as a description of the conduct. Included shall be the names of the accusers and witnesses. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- B. The specific Civil Service Rule and Sheriff's Office policies or rules violated by the action or conduct. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- C. Statement of corrective action required, unless it is unnecessary considering the nature of the violation. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)
- D. The nature of the discipline being enforced.
- E. Except in the case of dismissal, a statement of discipline or action will be taken if any further violation of the rules occur.
- F. A statement as to the conditions and rights to grieve/appeal the disciplinary action to include the time limits in which to respond and the authority in which to grieve/respond to. (ADOPTED 3-14-90; EFFECTIVE 3-28-90)

9.14 Each statement of discipline should be signed by the appointing authority or designee.

9.15 The employee to be disciplined should acknowledge receipt of statement of discipline. Failure of the employee to acknowledge receipt does not affect the imposition of the disciplinary action. Acknowledgment of receipt does not acknowledge agreement.

9.16 A copy of a statement of discipline will be forwarded to the appropriate Sheriff's Office Personnel Section for inclusion in the employee's personnel file. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

9.17 An employee will not receive more than one (1) disciplinary action for the same violation.

9.18 No disciplinary action for non-criminal activity shall be initiated against an employee for an act or conduct which occurred more than 90 days prior to the service of the "Notice of Proposed Disciplinary Action" or written reprimand upon the employee, unless shown in the investigation of non-criminal activity that is deemed to warrant disciplinary action, that non-criminal conduct was actively concealed. (ADOPTED 7-16-96; EFFECTIVE 7-30-96)

**CHAPTER X - GRIEVANCE SYSTEM PROCEDURES  
(ADOPTED MARCH 14, 1990; EFFECTIVE MARCH 28, 1990)**

**SECTION 1. PURPOSE**

10.00 The purpose of the grievance procedure is to settle all grievances between the supervisory personnel and employees as quickly as possible and at as low an administrative level as possible so as to assure efficient work operations and maintain employee morale.

**SECTION 2. ELIGIBILITY**

10.01 There are two (2) basic types of grievances; disciplinary action grievances and personal grievances. A **disciplinary action grievance** is used by an employee who desires to contest disciplinary action taken against him. Disciplinary actions as defined by Chapter IX are written reprimands, suspensions, demotions and dismissals. A **personal grievance** is used by an employee who desires to complain of non-disciplinary matters such as working conditions; the application of rules, regulations and procedures; unfair treatment, etc. Any Civil Service protected employee (except exempt service personnel), may process a grievance. Disciplinary action grievances shall be filed individually by the disciplined employee or by his personal representative. Personal grievances may be filed individually or jointly by a group of affected employees or by their personal representatives.

**SECTION 3. SCOPE OF GRIEVANCE PROCEDURES**

10.02 A grievance may be filed by an eligible employee on one or more of the following grounds:

- A. Improper application of rules, regulations and procedures.
- B. Unfair treatment, including coercion, restraint or reprisal.
- C. Discrimination because of race, religion, color, creed, sex, age, national origin, handicap, political affiliation, or family relationship.
- D. Disciplinary action taken against him without proper cause.
- E. Improper application of benefits or improper working conditions.

**SECTION 4. PRE-DISCIPLINARY ACTION NOTICE AND RESPONSE**

10.03 A. Pursuant to the U. S. Supreme Court decision in **Cleveland Bd. of Education v. Loudermill**, 470 US 532, 105 S. Ct. 1487 (1985), the Commission and the Sheriff's Office have adopted as policy a requirement of pre-disciplinary action written notice and an opportunity for the employee to respond either in person or in writing, and an opportunity to inspect any exculpatory evidence prior to the proposed action being taken. This procedure shall apply to all disciplinary actions, except written reprimands. For the purposes of the Grievance System, the **disciplinary**

## CHAPTER X - GRIEVANCE SYSTEM PROCEDURES

**action** is defined as the actual written notification of the Sheriff's Office intention to take disciplinary action prior to the issuance of the "Order of Disciplinary Action." This written pre-action notice shall be designated as a "Notice of Proposed Disciplinary Action, and shall include therein the information designated in Rule 2.44 of Section 12 of Chapter II and Rule 9.13, paragraphs A through F, of Section 2 of Chapter X of the Civil Service Commission Rules. Service of this "Notice" is pursuant to the guidelines of Rule 2.44 in Section 12 of Chapter II and Rule 9.12 in Section 2 of Chapter X. This "Notice" must adequately inform the employee of the action to be taken against him. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

- B. Upon receipt of the "Notice", the employee has five (5) business days to respond to the allegations contained therein. This response may be in writing or may be made in-person to the authority who issued the Notice. Unless the timely written response of the employee specifically requests the opportunity to respond in person, the in-person meeting is waived. During this meeting with the issuing authority, the employee is entitled to have representation to assist him in his response. The meeting may be recorded by either party and shall be conducted as an exchange of information to better clarify the situation in order to determine whether the proposed action is warranted. Although this shall be an informal meeting, it must nevertheless satisfy the requirements of **Loudermill** by providing adequate notice and an opportunity to respond. Consequently, the "Notice of Proposed Disciplinary Action" must be thoroughly explained and discussed with the employee to insure that he understands the nature and source of the charges against him. Furthermore, the employee or his representative must be allowed to present a response or rebuttal to the charges or an explanation of the employee's actions. Although witnesses may not be summoned into the meeting, the employee may present supporting documentation or affidavits. Additionally, if the meeting is regarding a "Notice of Proposed Dismissal", the employee is entitled to the names of the complainants or accusers against him as well as the names of any witnesses to the alleged incident, if such information has not been included in the written notice. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

### **SECTION 5. TIME LIMITS FOR FILING AND RESPONSE TIMES FOR GRIEVANCES OF DISCIPLINARY ACTIONS**

10.04 All disciplinary grievances shall be filed in writing within ten (10) business days from receipt of the "Order of Disciplinary Action" or written reprimand, with the day of receipt not counting towards the time limit. The grievance, exclusive of dismissals or demotions, shall be initially filed with the first level of supervision above the employee's supervisor who had issued the disciplinary action. Grievances pertaining to dismissals and/or demotions shall be filed directly with the division head unless such action was issued by that division head or a higher authority. In such cases, the grievance must be filed with the Sheriff/Chief Deputy. When the Order of Disciplinary Action is issued by the Sheriff/Chief Deputy, the employee may grieve the order to the Sheriff or may directly appeal the order to the Civil Service Commission.

10.05 A copy of the grievance should be retained by the employee and a copy shall be filed with the Civil Service Commission if the employee decides to appeal an unfavorable grievance system decision. All originals of disciplinary actions and grievances shall be forwarded to the Sheriff's Office Personnel Section. All copies of grievances shall note the date and time the grievance was received by supervision/management. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

## CHAPTER X - GRIEVANCE SYSTEM PROCEDURES

10.06 Upon receipt of the disciplinary grievance, supervision/management has ten (10) business days in which to conduct an investigation of the grievance and make a written determination to the grievant. In applying the ten (10) business day time limit, the day of receipt of the grievance shall not be counted.

10.07 If the employee requests a hearing to his written grievance, supervision/management has ten (10) business days in which to hold such a grievance hearing and render a written determination to the grievant. The procedures of this grievance hearing are set out in Section 7 of this Chapter. In applying the ten (10) business day time limit, the day of receipt of the grievance shall not be counted.

10.08 If the employee is not satisfied with the determination of the grievance, he shall have ten (10) business days from the receipt of the written determination to file his grievance with the next level of supervision/management. The day of receipt shall not be counted towards the time limit.

10.09 The preceding time limits, ten (10) business days for investigation, hearing and determination and ten (10) business days for grievant, shall be used consistently throughout all levels of the grievance process unless there is a written mutually agreed time extension between the aggrieved party and management for fact finding purpose, emergencies, etc.

10.10 If the employee fails to meet any deadline set out above, excluding Loudermill, the employee shall be deemed to have abandoned the grievance and appeal. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

10.11 If supervision/management fails to meet any deadline set out above, the disciplinary action will have been considered to be abandoned by the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

10.12 In order to expedite the grievance process, if succeeding levels of management are aware of all facts contained in a grievance and concur with the preceding supervisor's determination, they may elect to allow the grievance to be forwarded on to the next higher level of management. If a supervisor elects to forward a grievance to the next level, he must notify the grievant in writing and attach a memo to the grievance when forwarding. Forwarding a grievance will not affect the ten (10) day time limit.

10.13 The date and time received, and date and time of response by supervisor and employee must be noted on the grievance to assure verification of compliance with the time limits.

### **SECTION 6. TIME LIMIT FOR FILING AND RESPONSE TIMES FOR PERSONAL GRIEVANCE**

10.14 A personal grievance must be filed in writing within ten (10) business days from the occurrence or discovery of the incident or condition which is the subject of the grievance.

10.15 All personal grievances shall be initially filed with the employee's immediate supervisor with a copy forwarded to the Personnel Section of the Sheriff's Office. A copy of the personal grievance shall be retained by the employee. All copies shall note the date and time the grievance was received by supervisor/management. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

## **CHAPTER X - GRIEVANCE SYSTEM PROCEDURES**

10.16 Supervisor/management shall investigate the personal grievance and make a written determination within ten (10) business days from receipt of the grievance. If the grievant requests a hearing, supervision/management shall convene a hearing and render a determination within ten (10) business days from the receipt of the grievance. The day of receipt is not to be counted towards the ten (10) day time limit.

10.17 If the employee is not satisfied with the determination of the grievance, he shall have ten (10) business days to file the written grievance with the next higher level of supervision. The day of receipt of the determination does not count towards the ten (10) day limit.

10.18 The preceding time limits, ten (10) business days for investigation, hearing and determination, and ten (10) business days for grievant, shall be used consistently after the initial grievance for all levels of management unless a mutually agreed time extension is executed in writing.

10.19 If the employee fails to meet the time limits for a personal grievance, the employee forfeits the right to pursue the grievance through the remainder of the grievance system. However, the employee still retains his appeal right to the Civil Service Commission. If supervision/management fails to respond within the time limits, the grievant may directly appeal the matter to the Civil Service Commission. Failure to meet the time limits for personal grievances does not nullify the grievance. Failure to meet the response time limits for personal grievances does not automatically nullify the condition, policy, procedure or practice of supervision/management.

10.20 In order to expedite the grievance process, the provisions of Rule 10.12 may be utilized.

### **SECTION 7. GRIEVANCE HEARING PROCEDURES**

10.21 Each grievance matter, regardless of whether it is disciplinary or personal, should be thoroughly investigated by the supervisor. When needed or at the employee's request, the supervisor shall conduct an informal hearing and require witnesses or interested parties to testify to verify grievance charges.

10.22 Both disciplinary and personal grievance hearings are not judicial in nature and, therefore, the rules of a court of law are not required to be followed.

10.23 The employee and supervisor may represent themselves during grievance hearings. However, third party representation is permitted during grievance hearings.

10.24 If a hearing is conducted and the grievance is a personal grievance, the employee's supervisor will act as administrator of the hearing. If the grievance concerns a disciplinary action, then the next level supervisor higher than the supervisor who took the action shall act as administrator of the hearing.

10.25 The administrator will establish a mutually agreeable date and time for the hearing to be conducted when all witnesses can be present and when it is not disruptive to work patterns of the organization, and will notify all individuals sufficiently in advance so that they may appear at the designated time.

## **CHAPTER X - GRIEVANCE SYSTEM PROCEDURES**

10.26 The employee will be allowed to present pertinent facts or witnesses to testify, with the supervisor then being allowed to ask questions of the participants, as appropriate.

10.27 The supervisor will then be allowed to present his facts or witnesses with the employee being allowed to ask questions of the participants, as appropriate.

10.28 Loud and/or abusive language by the employee, supervisor or witness will not be allowed and will be grounds for disciplinary action or dismissal from the hearing proceedings. This provision is applicable to the third party representative.

10.29 Upon the mutual agreement of the employee and supervision/management, the grievance hearing may be headed by a committee or board which shall be empowered with the same authority to summon and examine witnesses and evidence.

### **SECTION 8. EXPUNGING OF DISCIPLINARY AND COMPLAINT RECORDS**

10.30 If an employee has a complaint filed against him and the Sheriff's Office finds the complaint to be false, unfounded, or the employee is otherwise shown to be not guilty of an infraction of the rules of the Sheriff's Office, then all files related to the matter will be expunged, destroyed, or deleted according to State Statute. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 9. ACTIONS ON GRIEVED EMPLOYEES**

10.31 Grievances submitted by an employee on probation will not be used as a factor on retention of that employee.

10.32 No suspension or demotion action will be finalized prior to completion of the Grievance System Procedures. Termination action is addressed in Chapter II Employment, Section 12. Dismissal, 2.46.

10.33 Actions being grieved by an employee may not be used as a factor on promotion, salary increase, or advancement of that employee.

## **CHAPTER XI - APPEAL SYSTEM PROCEDURES**

### **SECTION 1. PURPOSE**

11.00 The purpose of the appeal procedure is to provide a recourse to the Grievance System Procedures. The appeal will be to the Bexar County Sheriff's Office Civil Service Commission. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

### **SECTION 2. APPEALS RESOLUTION PROCEDURE**

11.01 Every employee has the right to appeal a disciplinary action decision, except for those relating to employees who are on initial probationary performance rating or dismissal, and may do so by letter within ten (10) business days to the Civil Service Commission, with the day of receipt not counting towards the time limit. The notice must be received in the Civil Service Commission Office by the tenth day. A postmarked envelope will not be valid for a timely appeal. This notice must state the reason for appeal. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.02 Upon receipt of the written notice of appeal, the Commission shall promptly, taking into consideration the possible back pay implications and the concerns of the employee, hold a hearing relative to the appeal. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.03 The Director shall read the disciplinary action, date of occurrence and rule or policy violated from the Sheriff's Office Response Form. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.04 The hearing shall be open to the public unless the employee notifies the Commission in writing prior to the hearing date that the employee wishes the hearing to be closed. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.05 The employee may be represented by another person if the employee chooses. The employee should notify the Civil Service Director of the selection of a representative and who that representative will be. In the event a representative is chosen, the representative shall act as spokesperson for the employee in the hearing and appeals process. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.06 Either party or a Commissioner may invoke "The Rule", which means that all witnesses to the action being appealed will not be allowed to remain in the hearing unless the witness is excused. No witness shall discuss their testimony with other witnesses. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.07 At all times, the burden of proof is on the employee, not the Sheriff's Office, to prove that the adverse action given should not be upheld. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.08 Each party may make a brief opening statement to the Commission. The Sheriff Office shall present the first opening statement followed by the employee. The Sheriff's Office opening statement shall include a brief account of what actions (or lack of actions) of the employee

## CHAPTER XI - APPEAL SYSTEM PROCEDURES

indicated a need for the Sheriff's Office to take an adverse action against the employee. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.09 Any witness may be released by the Commission after giving testimony. Any witness so released is still under the Rule. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.10 The Sheriff's Office may present any witnesses and/or relevant documents in support of the action taken. Five (5) copies of any document(s) must be submitted by the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.11 The employee shall have the right to cross-examine each witness called by the Sheriff's Office and the Commission may also question each witness. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.12 After the Sheriff's Office presents the case against the employee, the employee shall present, through witnesses and documents, any evidence which indicates why the adverse action should not be upheld. Five (5) copies of any document(s) must be submitted by the employee. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.13 The Sheriff's Office shall have the right to cross-examine each witness called by the employee. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.14 The Commission shall have the right to examine each witness called by the employee after the cross-examination by the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.15 At the conclusion of the employee's case, the Sheriff's Office may choose to put on rebuttal evidence. Each side may make a closing statement to the Commission. The Sheriff's Office may make the first closing statement followed by the employee. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.16 The Commission shall recess to make a decision. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.17 The Commission may call any witness at any time for testimony. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.18 The Commission shall reconvene to inform the parties of its decision. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.19 A written order shall be entered which states the Commission's ruling. Such order shall be signed by the members of the Commission who made the decision. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.20 In any investigation or hearing conducted by the Commission, the Commission may issue a summons to any Sheriff's Office employee. Such summons will order the employee to appear before the Commission as a witness and will compel the employee to produce pertinent reports, documents and other evidence in their possession necessary to the case cited. The summons will clearly state the time, date, and place of the hearing as well as the case or subject matter. Failure of the summoned employee to obey the orders without just cause or excuse may result in the Commission taking disciplinary action against the offending employee. Just cause or excuse includes, but is not limited to, documented illnesses or injuries; conflict with a scheduled

## CHAPTER XI - APPEAL SYSTEM PROCEDURES

appearance before a Court of law; a prior out-of-town commitment; a personal or family emergency; an unforeseen and unavoidable accident or event preventing attendance; and the emergency needs of the Sheriff's Office in enforcing the law; quelling a disturbance or providing security. An employee receiving a summons who cannot attend the stated hearing, must provide the Commission with adequate notice and explanation in writing as to why attendance is impossible prior to the scheduled date of appearance if that employee is aware of his inability to attend beforehand. The Commission also has the power to administer oaths to all witnesses. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

11.21 If the demoted, suspended or removed employee should be restored to his position by order of the Commission, he shall receive full compensation at the rate of pay that was provided for his position at the time of his suspension or dismissal or the amount of compensation considered fair by the Commission. Should the department official refuse to reinstate the employee as ordered by the Commission, the employee shall be entitled to his full salary just as though he had been reinstated as ordered. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

11.22 An employee who, under 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. (ADOPTED 2-15-94; EFFECTIVE 3-2-94)

**CHAPTER XII - PROMOTIONAL PROCEDURES  
(ADOPTED AUGUST 1, 1995; EFFECTIVE AUGUST 15, 1995)**

**SECTION 1. POLICY STATEMENT**

12.00 It is the official policy of the Sheriff's Office to provide fair and equal promotional opportunities to all eligible law enforcement and detention employees in the Sheriff's Office. In this Chapter, all designations by the Commission shall be in writing and signed by the Commissioners. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

12.01 Examination procedures will be consistent with all applicable laws, State Civil Service Laws pertaining to Law Enforcement and Detention, the Bexar County Sheriff's Civil Service Rules and the Uniform Guidelines on Employee Selection Procedures (1978) as published by the Equal Employment Opportunity Commission.

12.02 The Sheriff's Office will implement and maintain a two tier promotional system. The promotion structure for Detention may consist of the ranks of Corporal, Sergeant, Lieutenant, Captain, and any other non-entry level position. The promotion structure for Law Enforcement may consist of the ranks of Investigator, Sergeant, Lieutenant, Captain, and any other non-entry level position. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

12.03 Separate qualifications will be established for Detention and Law Enforcement positions. The promotion procedures will apply to all uniformed personnel in the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

**SECTION 2. PROMOTIONAL VACANCIES AND POSTING REQUIREMENTS**

- 12.04 A. All positions in the Sheriff's Office, except the ten (10) exempt positions allowed by Texas Local Government Code Section 158.039 (b) (Vernon Supp. 1994), shall be covered by the Sheriff's Civil Service System. All covered positions which are above entry level shall be filled by competitive means. If no competitive process exists for a position, the Sheriff's Office shall petition the Commission for the appropriate process to fill the position. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- B. Vacancies will be filled in the order as they appear on the current promotion list. The employee status form will be sent to the Civil Service Director for certification prior to the person being promoted. Vacancies filled pending appeal will be considered temporary until a final ruling by the Commission.
- C. Vacancies will be filled from the current promotion list no later than the second pay period after the vacancy occurs. If the position is not to be filled by the second pay period, a written reason signed by the Sheriff will be posted within ten (10) business days of the vacancy. If the current promotion list is exhausted, then one hundred seventy-five (175) calendar days will be allowed to fill the vacancy. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

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- D. When the current promotion list has been exhausted or has expired, the Sheriff or his designee shall notify the Commission to post the announcement for the promotional test no later than ten (10) business days from the day a vacancy occurs. If an announcement is not to be requested within the ten (10) business days, a written reason signed by the Sheriff will be posted. The Commission or its designee shall post the announcement within thirty (30) calendar days from the request of the Sheriff. A written promotion examination will be conducted within ninety (90) calendar days from the announcement of the promotional test. If the expiration date of a current promotion list is such that the current list will expire prior to the completion of promotional lists in other ranks being established that will create vacancies for positions for the rank of the current list, the Sheriff may notify the Commission to post the announcement for that promotional test. (ADOPTED 6-29-04; EFFECTIVE 7-14-04)
- E. If a newly promoted employee is demoted to the previous rank and pay rate during the probationary period the employee has the right to appeal to the Commission. If the appeal is upheld, the Commission shall reinstate the employee to the promoted rank and pay rate, unless the position has been abolished. Any employee demoted in grade and pay as a result of a bump-back will be placed back on top of the current promotional list.
- F. An employee who appears on a current promotion list may be passed over for a promotion in favor of another employee whose promotional ranking is lower under the following circumstances:
1. The employee is under criminal indictment, charged with a criminal offense of a Class B misdemeanor or above, or charged with a crime of moral turpitude which is pending resolution by the courts at the time the vacancy becomes available.
  2. The employee has been convicted of a felony, Class B misdemeanor or above, or a crime of moral turpitude within one (1) year prior to being selected for promotion.
  3. The employee due to injury or prolonged illness is unable to perform the essential functions of the position within thirty (30) calendar days of being selected for promotion.
  4. The employee has received a suspension, demotion, or has been terminated since the promotion list was approved and posted by the Commission.
  5. If any employee on the current promotion list has been passed over for a promotion by virtue of the conditions set out in 1, 2, 3, or 4, and that employee has been found not guilty or the charges have been dismissed against that employee, or the ill employee has returned to work, the employee will be returned to the top of the current promotion list.

### **SECTION 3. POSITION REQUIREMENTS**

## CHAPTER XII - PROMOTIONAL PROCEDURES

Candidates with over five (5) years of continuous service with the Bexar County Sheriff's Office may substitute years of continuous service for college credits. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

Candidates testing for the rank of:

Corporal may substitute up to ten (10) college credits;  
 Investigator may substitute up to five (5) college credits;  
 Sergeant up to ten (10) college credits;  
 Lieutenant up to fifteen (15) college credits; and  
 Captain up to twenty (20) college credits. (ADOPTED 6-8-15; EFFECTIVE 6-22-15)

Each year of continuous service over five (5) years may be counted as five (5) college credits up to the maximum allowable for that rank. The table shown below provides guidelines on how to compute college credit substitution. (ADOPTED 6-8-15; EFFECTIVE 6-22-15)

RANK	COLLEGE HOUR REQUIREMENTS	YEARS OF CONTINUOUS SERVICE	EQUIVALENT COLLEGE CREDITS
Corporal	15 college hours	5 years	5 college hours
		6 or more years	10 college hours
Investigator	15 college hours	5 or more years	5 college hours
Sergeant	30 college hours	5 years	5 college hours
		6 or more years	10 college hours
Lieutenant	45 college hours	5 years	5 college hours
		6 years	10 college hours
		7 or more years	15 college hours
Captain	60 college hours	5 years	5 college hours
		6 years	10 college hours
		7 years	15 college hours
		8 or more years	20 college hours

(CHART YEARS OF CONTINUOUS SERVICE ADOPTED 6-8-15; EFFECTIVE 6-22-15)

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12.05 **Law Enforcement Investigator** - Candidates must be a Bexar County Sheriff's Office Deputy Sheriff - Law Enforcement Officer with at least two (2) years of continuous service with the Bexar County Sheriff's Office immediately prior to the exam. Deputies who have transferred into Law Enforcement after January 29, 2019, must have at least two (2) years of service with the Bexar County Sheriff's Office assigned as a district patrol deputy and must have successfully completed the Bexar County Sheriff's Office Patrol Orientation Course and Patrol Training Officer Program. All candidates must have a Texas Peace Officer License which includes 15 college hours as reported by the Texas Commission on Law Enforcement (TCOLE) on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18. (ADOPTED 09-09-19; EFFECTIVE 09-23-19)

12.06 **Law Enforcement Sergeant** - Candidates must have at least two (2) years of continuous service in their current rank of Law Enforcement Investigator in the Law Enforcement Bureau immediately prior to the exam as documented in the Auditor's Office. All candidates must have an Intermediate Peace Officer Certificate from TCOLE which includes 30 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18. (ADOPTED 01-14-19; EFFECTIVE 01-29-19)

12.07 **Law Enforcement Lieutenant** - Candidates must have at least two (2) years of continuous service in their current rank of Law Enforcement Sergeant in the Law Enforcement Bureau immediately prior to the exam as documented in the Auditor's Office. All candidates must have an Intermediate Peace Officer Certificate from TCOLE which includes 45 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18. (ADOPTED 01-14-19; EFFECTIVE 01-29-19)

12.08 **Law Enforcement Captain** - Candidates must have at least two (2) years of continuous service in their current rank of Law Enforcement Lieutenant in the Law Enforcement Bureau immediately prior to the exam as documented in the Auditor's Office. All candidates must have an Advanced Peace Officer Certificate from TCOLE which includes 60 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18. (ADOPTED 01-14-19; EFFECTIVE 01-29-19)

12.09 **Detention Corporal** - Candidates must be a Bexar County Sheriff's Office Deputy Sheriff/Detention Officer with at least two (2) years of continuous service with the Sheriff's Office. All candidates must have at least two (2) years of service in the Detention Center. Candidates, who have left the Bexar County Sheriff's Office for one (1) year or more and are subsequently rehired, must serve a minimum of two (2) years of service in the Detention Center before becoming eligible to test for Corporal from the date of rehire. All candidates must have a Jailer Certificate from TCOLE which includes 15 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18.

Candidates with a minimum of two (2) years of continuous service in the Detention Center may submit an active Texas Peace Officer License as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18, and an active commission held by the Bexar County Sheriff, in place of all college requirements to test for Corporal.

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Candidates with a minimum of (3) years of continuous service in the Detention Center may submit professional certification held through the American Correctional Association (ACA) or American Jail Association (AJA), and on file with the Personnel Department, in place of all college requirements to test for Corporal. Certification through the ACA shall be no lower than the Certified Correctional Officer (CCO) level; certification through the AJA shall be no lower than the Certified Jail Officer (CJO) level. (ADOPTED 6-8-15; EFFECTIVE 6-22-15)

12.10 **Detention Sergeant** - Candidates must have at least two (2) years of continuous service in their current rank of Detention Corporal in the Detention Bureau immediately prior to the exam as documented in the Auditor's Office. All candidates must have an Intermediate Jailer Certificate from TCOLE which includes 30 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18.

Candidates, who have served a minimum of three (3) years of continuous service in their rank of Detention Corporal in the Detention Bureau as documented in the Auditor's Office, may submit an active Texas Peace Officer License, and active commission held by the Bexar County Sheriff, in place of all college requirements to test for Sergeant. All candidates must have an Intermediate Jailer Certificate from TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department described in paragraph 12.18.

Candidates who have served a minimum of three (3) years of continuous service in their rank of Detention Corporal in the Detention Bureau as documented in the Auditor's Office, may submit professional certification held through the ACA or AJA, and on file with the Personnel Office, in place of all college requirements to test for Sergeant. Certification through the ACA shall be no lower than the Certified Correctional Supervisor (CCS) level; certification through the AJA shall be no lower than the Certified Jail Manager (CJM) or Certified Correctional Trainer (CCT) level. All candidates must have an Intermediate Jailer Certificate from TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department described in paragraph 12.18. (ADOPTED 9-10-18; EFFECTIVE 9-24-18)

12.11 **Detention Lieutenant** - Candidates must have at least two (2) years of continuous service in their current rank of Detention Sergeant in the Detention Bureau immediately prior to the exam as documented in the Auditor's Office. All candidates must have an Intermediate Jailer Certificate from TCOLE which includes 45 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18. (ADOPTED 01-14-19; EFFECTIVE 01-29-19)

12.12 **Detention Captain** - Candidates must have at least two (2) years of continuous service in their current rank of Detention Lieutenant in the Detention Bureau immediately prior to the exam as documented in the Auditor's Office. All candidates must have an Advanced Jailer Certificate from TCOLE which includes 60 college hours as reported by TCOLE on the current status listing of active officer/jail personnel, or as submitted to the Personnel Department as described in paragraph 12.18. (ADOPTED 01-14-19; EFFECTIVE 01-29-19)

### **SECTION 4. POSTING OF VACANCY ANNOUNCEMENT**

12.13 All vacancy announcements will be posted on all the Sheriff's Office bulletin boards by the Commission or its designee. A copy of the vacancy announcement may be obtained by the Association/Union representing department employees from the Commission or its designee. All

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eligibility criteria (adopted by these rules) will be included on the vacancy announcement. All Sheriff's Office employees who wish to apply may do so in the Commission's office or in another place designated by the Commission. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

12.14 The vacancy announcement will include:

- A. Title
- B. Salary Range
- C. Job Description
- D. Eligibility
- E. Purpose of Examination
- F. Registration: Candidates must register to take the written examination no later than thirty (30) calendar days after the posting of the vacancy announcement.
- G. Time and Place of Written Examination
- H. Date of Announcement
- I. Signature of Bexar County Sheriff and Commission or its designee

12.15 The vacancy announcement is **not** a contract and nothing in the announcement shall be construed as binding on the Sheriff's Office or County. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)

12.16 Attached to the vacancy announcement will be a list of official source materials. This attachment will include: (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

- A. List of official source materials, to include the chapter(s) or section(s) from which questions will be taken (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
- B. Total number of questions from each source
- C. Where official source material can be obtained (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

12.17 All source material will be approved by the Commission or its designee prior to its use.

12.18 Candidates must meet all minimum eligibility requirements for the position, including time in grade or tenure, seven (7) business days prior to the test. Candidates not eligible to test must be notified in writing by the Sheriff's Office Personnel Office prior to the test stating the reason for ineligibility. Any material submitted within seven (7) business days before the actual date of the written examination will not be used in calculating administrative points. All material submitted relative to eligibility for examinations or promotions must be submitted to the Sheriff's Office Personnel Office which shall enter it in the file jacket or a log in the 201 File. The Sheriff's Office Personnel Office will post a list of candidates eligible to take the written exam within three (3) business days after the seven (7) business day material submission deadline. (ADOPTED 2-27-01; EFFECTIVE 3-13-01)

**SECTION 5. TESTING CONDITIONS, GRADING AND SECURITY**

12.19 **Testing Conditions**

- A. All candidates will sign in prior to the designated examination starting time. Candidates must present a valid drivers license or other photo identification. **No candidate will be admitted to the examination area after the examination starting time.**
- B. The Commission or its designee will assign the overall responsibility for the administration of the examination to an individual outside the Sheriff's Office (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- C. All test monitors will be identified by the Commission or its designee. There will be at least one (1) test monitor per twenty (20) candidates and one (1) member of the Commission or its designee for a minimum of two (2) individuals to administer and monitor each test.
- D. All candidates will be given identical examinations and test materials. All candidates will be seated at similar tables or desks. Candidates will be examined in the presence of one another under similar conditions. Each candidate will be given a copy of the examination, an answer sheet, two (2) pencils, and blank sheets of paper to do any calculations. All answers will be recorded on the answer sheet. No marks will be made on the examination booklets. All materials will be turned in upon completion of the examination.
- E. A candidate who leaves the examination room during the examination will be escorted by a test monitor, e.g., going to the restroom. No test materials may be carried to or from the examination room by candidates.
- F. When a candidate completes the examination, all test materials are to be turned in to the test monitor or designee. The candidate shall then leave the examination room.

12.20 **Grading**

- A. When all examinations are turned in, the examinations will be graded.
- B. The examination scores will be given verbally to each candidate requesting the information, immediately following the scoring of the examinations.
- C. All grading will be done using a standard appropriate "Key" and performed by the Commission or its designee.
- D. The Commission or its designee will conduct a statistical item analysis of the written examination. Any discrepancies noted in the test analysis will be brought to the attention of the Commission for appropriate action within five (5) business days from the date of the written examination. (ADOPTED 2-20-96; EFFECTIVE 3-5-96)

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- E. The list of eligible candidates who will proceed to the Review Board (RB) pursuant to Sheriff's Civil Service Commission Rules, Chapter XII Promotional Procedures, Attachment 1 will be posted five (5) business days after the resolution of any/all discrepancies or appeals. This list will include the written exam scores. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

### 12.21 Security of Examinations

- A. In order to maintain the integrity of the examination system, strict security will be practiced during the research, development, administration and grading of the examinations.
- B. The responsibility for confidentiality and security of the examination shall be assigned to the Commission or its designee.
- C. No questions shall be read by any person other than those assigned to write, type or reproduce the examinations.
- D. At no time during the research, development, reproduction, administration or grading of the examination shall the examination be left unattended. Examinations will be in the possession of an authorized person or locked in a secure place at all times.
- E. All questions will be kept in locked area until the day of the examination.
- F. An examination will be administered each time to establish a new promotion list. (ADOPTED 11-21-00; EFFECTIVE 12-7-00)
- G. Any person, including the Commission and its designees, who releases any information regarding the contents of a promotional examination shall be subject to disciplinary action up to and including termination.

### SECTION 6. PROCEDURES TO APPEAL EXAMINATION QUESTIONS

- 12.22 A. Candidates may review their written examination in the Commission office or in the office of its designee during regular business hours. Candidates will have five (5) business days from the date of the written examination to review and appeal question(s) on the test as many times as needed during the five (5) business days. The candidate must make an appointment with the Commission or its designee to review the written examination. Candidates will not be allowed to bring any documents into the review room or take any documents out of the review room. Copies of all source material used for the promotion examinations will be available for the candidates to use in preparing the appeals. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
- B. The appeal form will include the number of the question being appealed and the specific reason for the appeal. Documentation to support the appeal must be provided by the candidate or the appeal will not be heard. The Commission nor its designee will assist in preparing the documentation; the responsibility is solely on the candidate.

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- C. All appeals will be sent to the Commission. The Commission will hear the appeals of all properly and timely filed appeals within twenty (20) business days of the deadline date for filing appeals pursuant to this section unless otherwise specified by the Commission.
- D. The candidate shall not keep a copy of the appeal. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
- E. The time and place of the appeal hearing will be posted on all Sheriff's Office bulletin boards. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- F. Candidates who are on duty will be relieved to attend the appeal hearing in accordance with the Commission's rules on personal grievances.
- G. Each candidate will have an opportunity to appear before the Commission and provide information regarding the appeal. The Sheriff's Office will provide Information regarding the appealed questions. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
- H. The Commission may uphold the appeal or deny the appeal.
- I. The Commission's decision is final.
- J. After all appeals have been reviewed by the Commission and appropriate changes made, the list of eligible candidates who will proceed to the Review Board (RB) pursuant to Sheriff's Civil Service Commission Rules, Chapter XII Promotional Procedures, Attachment 1 will be posted within five (5) business days. This list will include the written exam scores. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

### **SECTION 7. PROMOTIONS TO ALL CORPORAL, INVESTIGATOR, SERGEANT, LIEUTENANT AND CAPTAIN POSITIONS**

12.23 Promotions are based on a two component evaluation process. The first component is a traditional written examination to test a candidate's technical knowledge. The second component, a Review Board (RB) is an ancillary evaluation of a candidate's personal characteristics. The results of each component of the tests will be weighted to result in a final score that will determine a list of candidates eligible for promotion. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

- A. Written Examinations
  - 1. Up to one hundred twenty-five (125) multiple choice questions. (ADOPTED 11-21-00; EFFECTIVE 12-7-00)
  - 2. A candidate must receive a minimum seventy percent (70%) score on the written examination to proceed to the Review Board (RB), for all ranks. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
  - 3. For candidates competing for promotion to Detention Corporal and Law Enforcement Investigator, a pre-determined number of candidates will advance to the RB. The number to advance will be based on the number of projected openings for the position for the 12 months following the test.

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It takes three times the number of openings to ensure a pool of qualified candidates throughout the year, making the multiplier three (3). For example, if the Sheriff's Office Personnel Division projects 12 Detention Corporal openings for the year we would need a pool of 36 candidates on the eligibility list. (Twelve multiplied by a factor of three equals 36). Therefore the top 36 scores on the written test would advance to the RB, providing they scored a 70% or greater on the written test. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

4. All candidates eligible for promotion to the ranks of Sergeant and above in both Detention and Law Enforcement, who a score a minimum of 70% on the written test, will be advanced to the RB. There is no multiplier for these positions. The Review Board (RB) evaluations must be completed within ten (10) business days from the date of the posting of the list of eligible candidates from the written exam. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

### B. Review Board (RB)

1. The Review Board (RB) will consist of 5 members from the same tier of the position being tested (Law Enforcement or Detention), of which no more than 2 of the same rank for the position being tested, can serve on the board. For example, for the position of Detention Sergeant, the board can consist of three Detention Lieutenants, Captains, or Chiefs but only two Detention Sergeants. The Sheriff's Office will appoint the members to each RB. The Sheriff's Office may utilize sworn officers from external agencies as members of the RB. The composition of the RB may be a combination of sworn officers from the Sheriff's Office and from external agencies. Identities of the external RB members shall not be disclosed prior to the RB convening. All reasonable efforts shall be made to prevent external RB members from having contact with RB candidates prior to the convening of the RB. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
2. The Review Board (RB) is designed to evaluate a candidate's performance in the profession and in the Sheriff's Office, and to score them on 5 to 6 dimensions measuring personal characteristics such as interpersonal skills, motivation/initiative, and supervisory readiness. This component taps a different set of skills, abilities and characteristics than the written test. The RB process gives the Sheriff a more well-rounded view of the candidates by looking beyond "book smarts" to ability to perform in the work setting. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
3. During the RB, candidates have an opportunity to show what they have done on the job. This is important because strong performance in the past is a good indicator of strong future performance. The RB evaluations are based on the candidate's previous work history, experience and performance, as well as additional training and development efforts. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
4. The Review Board (RB) consists of two parts. The first part is a review of the candidate's Personnel Packet that includes performance records for the past two (2) years from the examination date (e.g., commendations,

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disciplinary actions, and performance evaluations.) The Board will review each candidate's Personnel Packet prior to the candidate's Oral Resume Presentation. The second component is an Oral Resume Presentation. The time each candidate has for an oral presentation is shown at Attachment 1. Sheriff's Promotional Testing Weights for Written Test and RB Session. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

5. Specifically, the RB procedure will be conducted as follow. Your Personnel Packet will be put together in advance by the candidate and the Sheriff's Office Personnel Division based on Attachment 2. Contents of Personnel Packet. Each candidate will have an opportunity to review the file and add any relevant items prior to the examination process. The Sheriff's Office Personnel Division will prepare six copies of the Personnel Packet - five for the RB members and one for the candidate. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
6. Once the evaluation session begins, the RB members will spend approximately 20 minutes independently reviewing the candidate's Personnel Packet prior to the candidate appearing before the Board. The candidate will then appear before the Board and make an oral presentation within the specified time limit and answer questions. The Board members will then have approximately 20 minutes to provide independent evaluations and to calculate, as a group, an RB score. Each of the 5 members on the RB will arrive at an independent score. The test administrator will then collect from each RB member individual scores for all dimensions for each candidate. The group will then arrive at a group score, throwing out the high and low scores on each dimensions and average the remaining three scores to get a raw score. Evaluations will be made using a series of rating scales, with scores ranging from a high of 9 to a low of 1. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
7. The dimensions that are measured by the Review Board are illustrated in Attachment 3. Bexar County Review Board Consolidation Form. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
8. No candidate or employee may appeal the RB score. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
9. The final promotion eligibility list which includes the written exam scores, the Review Board (RB) scores and the final combined score, will be posted within five (5) business days after completion of the Review Board's (RB's) evaluations for the rank being tested. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)
10. No Review Board (RB) will be conducted if the number of openings is more than the number of candidates who passed the written examination and all candidates will be promoted on the same day. (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

## CHAPTER XII - PROMOTIONAL PROCEDURES

C. Arriving at the Written Test and Review Board Final Score (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

1. Weighted Scores (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

The objective of the testing is to arrive at a final score that can be ordered into a promotion eligibility list. The maximum number of points a candidate can earn toward their final placement on the eligibility list for the combined written test and Review Board is 1000.

To arrive at the final score, the importance of technical knowledge (which is measured by the written tests) is weighted in relation to the importance of personal characteristics (which is measured by the Review Board (RB) for each position. The importance for each component is shown by position as follows:

Promotion to:	Written	Points Possible	RB	Points Possible	Total Points Possible	Total Percentage
	Weight		Weight			
<b><i>Detention</i></b>						
Corporal	80%	800	20%	200	1000	100%
Sergeant	75%	750	25%	250	1000	100%
Lieutenant	70%	700	30%	300	1000	100%
Captain	60%	600	40%	400	1000	100%
<b><i>Law Enforcement</i></b>						
Investigator	80%	800	20%	200	1000	100%
Sergeant	75%	750	25%	250	1000	100%
Lieutenant	70%	700	30%	300	1000	100%
Captain	60%	600	40%	400	1000	100%

Note: The tests have different weights for different positions. For example, the written test of technical knowledge counts for a greater percentage of the final score for those competing for promotion to Detention Corporal (shown as 80%) than for those competing for Detention Captain (60%). You can conclude that the RB test of personal characteristics counts more in the selection to the senior leadership position of Detention Captain than in the selection of a line officer to the position of Detention Corporal.

## CHAPTER XII - PROMOTIONAL PROCEDURES

2. Written Test Component (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

The number of questions and points possible for the written tests are:

<b>Position Testing For</b>	<b>Number of Questions</b>	<b>Points per Question Multiplier</b>	<b>Max Points Possible</b>	<b>Minimum required to go to RB</b>
Detention Corporal	125	6.4	800	560
Detention Sergeant	125	6.0	750	525
Detention Lieutenant	100	7.0	700	490
Detention Captain	100	6.0	600	420
Law Enforcement Investigator	125	6.4	800	560
Law Enforcement Sergeant	125	6.0	750	525
Law Enforcement Lieutenant	100	7.0	700	490
Law Enforcement Captain	100	6.0	600	420

Examples: A perfect score of 125 on the Detention Corporal test multiplied by 6.4 equals the maximum points possible on the written component of 800. A score of 105 out of 125, multiplied by 6.4 equals a score of 672 out of 800. The purpose of multiplying the scores is to have scores that can be combined for the final score.

The minimum required score is based on scoring 70% on the written test. For example, on a 125 question test, a raw score of  $88 \times 6.4 = 563.2$ , or 70.4%, which is passing. A raw score of  $87 \times 6.4 = 556.8$  or 69.6%, which is not passing.

## CHAPTER XII - PROMOTIONAL PROCEDURES

### 3. Review Board Component (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

The number of raw points possible as a result of the Review Board are:

Position	Number of Dimensions	Number of Points Possible (9 per Dimension)	Points Earned will be Multiplied by:	Maximum Points Possible
Detention Corporal	5*	45	4.444	200
Detention Sergeant	6	54	4.630	250
Detention Lieutenant	6	54	5.556	300
Detention Captain	6	54	7.407	400
Law Enforcement Investigator	5*	45	4.444	200
Law Enforcement Sergeant	6	54	4.630	250
Law Enforcement Lieutenant	6	54	5.556	300
Law Enforcement Captain	6	54	7.407	400

\* The Dimension covering Supervisory Readiness is not rated for these positions.

### 4. Standardized Scores (ADOPTED 3-20-17; EFFECTIVE 4-3-17)

The scores for the written and RB components will be added together to make a final score. If each component counted the same amount toward the final score, or, was weighted equally, we would simply add the raw scores together to arrive at a final score. But the test components are scored on different scales and are not weighted equally toward the final score. To be able to add the two scores together with the proper weight given to each score so the final score comes out correct, the raw scores have to be standardized.

Simple percentages are used for this procedure and the calculation can be done at the test site after scoring. Attachment 4, Written and RB Components Sample Score Sheet is shown as an example of how scores are computed.

Note: Comparing the tests and weighting scores as shown above is a simple way to rank candidates. The Commission recognizes there are more sophisticated ways to standardize scores by applying the statistical rules and procedures of Z-scores, t-scores, standard deviation, normal distribution - basically, how each candidate compares to the average score for all employees testing. These scores can't be issued at the test site and even if they were, the scores given to candidates as a result of computing Z-scores for example are not easily explained.

## CHAPTER XII - PROMOTIONAL PROCEDURES

### 12.24 Disciplinary Record (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

- A. An employee with any of the following disciplinary actions will be ineligible to test for any promotion examination for eighteen (18) months from the date of the promotion examination. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
  - 1. Written Reprimands - If a candidate receives a fourth reprimand within two (2) calendar years prior to the date of the test, the candidate is ineligible to test for eighteen (18) months. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
  - 2. Suspensions - If a candidate is suspended in excess of seven (7) days within two (2) calendar years prior to the date of the test, whether all at once or in several disciplinary actions, the candidate is rendered ineligible to test for eighteen (18) months. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)
  - 3. Disciplinary Demotions - If a candidate has received a disciplinary demotion within two (2) calendar years preceding the test date, the candidate is ineligible to test for eighteen (18) months. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

12.25 Candidates pending grievances or appeals to the Commission on disciplinary actions will be allowed to test for promotion examinations and to continue with the entire process, including promotion unless excluded in circumstances identified in Chapter XII, Section 2. Promotional Vacancies and Posting Requirements, Rule 12.04 F., 1., 2., 3., and 4. until the grievance or appeal is resolved up to the Commission level. If the disciplinary action is reduced or overturned, the candidate will be allowed to remain on the list or continue with the promotion if the candidate meets all eligibility requirements. If the disciplinary action is upheld and the candidate would not have been eligible to test, the candidate will be removed from the promotion list or demoted back to the previous position. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

12.26 When two (2) persons have identical scores on the promotion list, the following order determines their place on the list:

- A. Highest written examination score.
- B. Longest continuous service in current rank.
- C. Total continuous service with the Sheriff's Office. (ADOPTED 10-27-98; EFFECTIVE 11-10-98)
- D. TCOLE Jailer Exam Scores (ADOPTED 01-14-19; EFFECTIVE 01-29-19)
- E. Performance Evaluation Rating (ADOPTED 2-27-01; EFFECTIVE 3-13-01)

## CHAPTER XII - PROMOTIONAL PROCEDURES

### SECTION 8. MISCELLANEOUS

12.27 Candidates scheduled to be on duty at the designated time of any testing procedure shall be permitted time off for the examination without loss of pay. Candidates shall return to duty following the examination if their shift is still on duty.

12.28 There is no make-up examination. The examination will be given at the place and time posted on the vacancy announcement, unless otherwise approved in advance by the Commission. Persons unable to attend the examination because of illness, injury, personal reasons, etc., will not be given the examination at another scheduled time.

12.29 In cases where a candidate is unable to test because of a Federal, State or County directive to be at another location during that time, the candidate is required to notify the Commission or its designee immediately upon the knowledge of the conflict. Efforts will be made with the respective governing body to allow the candidate to test at the designated time. If arrangements cannot be made, the candidate will be tested prior to the posted examination date. The written examination will be scored along with the other written examinations on the designated test date.

12.30 The promotion list will remain active for a period of one (1) year, beginning the first day of posting of the promotion list. When a position is left vacant as determined by the Sheriff, the active life of the promotion list may be extended in increments of three (3) months up to a maximum of one (1) year at the discretion of the Commission provided that the list is still active. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

12.31 If there are no eligible candidates for an announced position or fewer than three (3) candidates at the end of the registration period of each test, the registration will be extended for ten (10) business days to allow persons with less than two (2) years in grade at the qualifying rank to be given an opportunity to compete for the promotion. The date for the written examination will accordingly be delayed by ten (10) business days to allow fair and equal study time for all candidates.

12.32 If no candidates pass the examination, registration will begin again at which time persons with less than two (2) years in grade at the qualifying rank will be given an opportunity to compete for the promotion. All candidates must have completed the initial one (1) year probationary period with the Sheriff's Office prior to competing for a promotion by the date of the promotion test. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

12.33 If the number eligible with less than two years in grade at the qualifying rank still does not make a large enough pool to match the actual vacancies, then the examination will be open to those with at least two years in the next lower qualifying rank. All candidates must have completed the initial one (1) year probationary period with the Sheriff's Office prior to competing for a promotion by the date of the promotion test. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

**CHAPTER XII - PROMOTIONAL PROCEDURES (ATTACHMENT 1)**

**ATTACHMENT 1  
(ADOPTED 3-20-17; EFFECTIVE 4-3-17)**

**SHERIFF'S PROMOTIONAL TESTING  
WEIGHTS FOR WRITTEN TEST AND RB SESSION**

Written Test		RB Session			
Rank	Weight	Weight	Records Review (20 Minutes)	Applicant Presentation Time	Multiplier for RB Sessions
<b>Detention</b>					
Corporal	80%	20%	Yes	5 Minutes	X 3
Sergeant	75%	25%	Yes	5 Minutes	All
Lieutenant	70%	30%	Yes	10 Minutes	All
Captain	60%	40%	Yes	15 Minutes	All
<b>Law Enforcement</b>					
Investigator	80%	20%	Yes	5 Minutes	X 3
Sergeant	75%	25%	Yes	5 Minutes	All
Lieutenant	70%	30%	Yes	10 Minutes	All
Captain	60%	40%	Yes	15 Minutes	All

**CHAPTER XII - PROMOTIONAL PROCEDURES (ATTACHMENT 2)**

**ATTACHMENT 2  
(ADOPTED 11-21-00; EFFECTIVE 12-7-00)**

**CONTENTS OF PERSONNEL PACKET**

1. Certifications - Mandatory
2. Certifications - Additional
3. Licenses - Mandatory
4. Licenses - Additional
5. Awards and Commendations
6. Disciplinary Documents
7. Performance Evaluations
8. College Diploma or Transcripts
9. Any additional material the candidate would like to be considered. The information can be personal or professional, but must be relevant to the dimensions being measured. A resume may be included.

Note: Awards and commendations, disciplinary documents and performance evaluations will go back two (2) years from the examination date. (ADOPTED 7-17-01; EFFECTIVE 7-31-01)

**CHAPTER XII - PROMOTIONAL PROCEDURES (ATTACHMENT 3)**

**ATTACHMENT 3  
BEXAR COUNTY  
REVIEW BOARD  
CONSOLIDATION FORM  
(ADOPTED 3-20-17; EFFECTIVE 4-3-17)**

Candidate ID number: \_\_\_\_\_ Date: \_\_\_\_\_

Assessor ID number: \_\_\_\_\_ Time: Start: \_\_\_\_\_ Stop: \_\_\_\_\_

**FINAL RATINGS:**

- REFER TO YOUR NOTES
- ASSIGN BEHAVIORS TO DIMENSIONS
- READ THE SCALE FOR EACH DIMENSION
- ASSIGN YOUR RATING

Dimension	Supporting or Relevant Comments	Rating
<b>Performance Summary</b>	This dimension represents a general summary of the candidate's knowledge, skills and abilities. Considered are the candidate's ability to communicate in a concise, complete and accurate manner both orally and in writing, make appropriate decisions, develop effective solutions to problems, work with minimal supervision, and maintain sufficient command of policies and procedures to enable the candidate to demonstrate all of the above capabilities.	1-9
<b>Motivation/ Initiative</b>	This dimension reflects the candidate's demonstrated effort to develop the knowledge, skills and abilities required to effectively perform the job sought. This also includes seeking out and participating in opportunities to broaden one's skill base and to maximize one's contribution to the Sheriff's Office/community through special education, training and community service activities. This dimension also reflects the candidate's initiative and productivity in the field.	1-9
<b>Attention to Duty</b>	This dimension reflects the candidate's work ethic, timely completion of assignments, and adherence to policies and procedures. This dimension also reflects the quality of honesty, integrity, trustworthiness, dependability and responsibility in endeavors and relationships.	1-9
<b>Interpersonal and Professional Demeanor</b>	This dimension reflects a candidate's ability to relate to and demonstrate respect for other individuals to accomplish work objectives. These other individuals include peers, superiors, victims, suspects, media representatives and the general public. This dimension also assesses the ability of the candidate to remain calm and self-controlled under adverse conditions and project a professional image through his or her behavior and uniform/grooming standards.	1-9
<b>Job Readiness</b>	This dimension reflects the degree to which the individual understands the job duties performed, requisite capabilities and challenges faced in the position and possesses the capabilities and characteristics required to effectively perform the job.	1-9
<b>Supervisory Readiness</b>	This dimension reflects the candidate's ability to direct and coordinate the activities of multiple individuals, units and/or agencies; organizing individuals toward a common goal; and setting a positive example. This dimension also includes the extent to which the candidate appears to understand the difficulties associated with making the transition to, and serving in, a supervisory capacity. NOTE: This dimension is not rated for the Corporal or Investigator Position.	1-9

- DID YOU PROVIDE A RATING FOR EACH DIMENSION?
- DID YOU PROVIDE EXAMPLES OF BEHAVIOR SUPPORTING YOUR RATING?
- DID YOU EXAMINE YOUR RATINGS FOR POTENTIAL ERRORS?
- DID YOU PUT YOUR RATING ON THE SCANTRON RATING FORMAT?

**CHAPTER XII - PROMOTIONAL PROCEDURES (ATTACHMENT 4)**

**Attachment 4. Written and RB Component Sample Score Sheet**

		Written Component					Review Board Component					Score
Candidate	Testing for Promotional to the Position of:	Raw	Maximum			Standardized	RAW	Maximum			Standardized	Combined Final Score (Maximum = 1000)
		Written Score	Score Possible	Multiplier	Weight	Score	RB Score	Score Possible	Multiplier	Weight	Score	
<b>A</b>	<b>Detention Corporal</b>	111	125	6.4	80%	710.4	42	45	4.444	20%	186.7	897.1
<b>B</b>	<b>Detention Corporal</b>	116	125	6.4	80%	742.4	43	45	4.444	20%	191.1	933.5
<b>C</b>	<b>Detention Corporal</b>	122	125	6.4	80%	780.8	26	45	4.444	20%	115.6	896.4
<b>D</b>	<b>Detention Corporal</b>	71	125	6.4	80%	454.4	42	45	4.444	20%	186.7	641.1
<b>E</b>	<b>Detention Sergeant</b>	121	125	6.0	75%	726.0	42	54	4.630	25%	194.4	920.4
<b>F</b>	<b>Detention Sergeant</b>	109	125	6.0	75%	654.0	42	54	4.630	25%	194.4	848.4
<b>G</b>	<b>Detention Lieutenant</b>	85	100	7.0	70%	595.0	51	54	5.556	30%	283.3	878.3
<b>H</b>	<b>Detention Lieutenant</b>	72	100	7.0	70%	504.0	51	54	5.556	30%	283.3	787.3
<b>I</b>	<b>LE Investigator</b>	115	125	6.4	80%	736.0	40	45	4.444	20%	177.8	913.8
<b>J</b>	<b>LE Investigator</b>	96	125	6.4	80%	614.4	40	45	4.444	20%	177.8	792.3
<b>K</b>	<b>LE Sergeant</b>	122	125	6.0	75%	732.0	30	54	4.630	25%	138.9	870.9
<b>L</b>	<b>LE Sergeant</b>	86	125	6.0	75%	516.0	52	54	4.630	25%	240.7	756.7
<b>M</b>	<b>LE Lieutenant</b>	88	100	7.0	70%	616.0	28	54	5.556	30%	155.6	771.6
<b>N</b>	<b>LE Lieutenant</b>	88	100	7.0	70%	616.0	35	54	5.556	30%	194.4	810.4
<b>O</b>	<b>LE Lieutenant</b>	88	100	7.0	70%	616.0	42	54	5.556	30%	233.3	849.3
<b>P</b>	<b>LE Lieutenant</b>	88	100	7.0	70%	616.0	49	54	5.556	30%	272.2	888.2
<b>Q</b>	<b>Detention Captain</b>	96	100	6.0	60%	576.0	48	54	7.407	40%	355.6	931.6
<b>R</b>	<b>Detention Captain</b>	98	100	6.0	60%	588.0	41	54	7.407	40%	303.7	891.7
<b>S</b>	<b>Detention Captain</b>	87	100	6.0	60%	522.0	28	54	7.407	40%	207.4	729.4
<b>T</b>	<b>Detention Captain</b>	68	100	6.0	60%	408.0	46	54	7.407	40%	340.7	748.7

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