



7.6 Bexar County Civil Service Commission Rules and Regulations

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REVISED: Adopted February 21, 2019, Effective February 22, 2019



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.01
TITLE: INTRODUCTION
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. CIVIL SERVICE COMMISSION

- a. Establishment. Chapter 7.6 contains the Rules of the Bexar County Civil Service Commission (the "Civil Service Rules"). The Bexar County Civil Service Commission ("the Commission") was established September 15, 1971, pursuant to Chapter 158 of the Texas Local Government Code for the purpose of developing and enforcing rules regarding the selection and employment of Bexar County employees.
- b. Applicability. The Civil Service Rules apply to employees of all Bexar County offices and departments that are not specifically excluded by statute or by the Commission. The Civil Service Rules shall apply from the time of its adoption in all instances in which the Commission has jurisdiction. The Commission is responsible for interpreting its rules consistent with applicable law.
- c. Rules Available. The Civil Service Rules are available to all employees on the Bexar County Intranet and the Bexar County website also available upon request from Human Resources.
- d. Last Known Address. Any reference in the Civil Service Rules to an employee's last known address shall mean the employee's current address as maintained in the Human Resources Information System.

SECTION 2. MEETINGS AND RECORDS

- a. Meetings. The Commission will hold its meetings in accordance with the Texas Open Meetings Act.
- b. Posting. The Commission will post its meetings on the Bexar County website in accordance with the Texas Open Meetings Act. The Commission may also post its meetings on the Bexar County intranet.
- c. Public. The proceedings of the Commission shall be public records subject to the

provisions of State law.

- d. Copy of recording. An audio recording of all hearings will be on file in Human Resources. A copy will be provided upon written request as permitted by law. The requesting party must provide an appropriate storage device to download the audio and pay, in advance, any costs associated with the request.

SECTION 3. COUNTING RULE

- a. Calendar days. All reference to days in the Civil Service Rules are calendar days unless specifically designated business days.
- b. Last day. If the last day of any period falls on either a weekend or a County holiday, the required action will be due on the next business day.

SECTION 4. CHANGE OF RULES AND EFFECTIVE DATE

- a. Rule changes. Civil Service Rules may be amended, repealed or supplemented by the Commission in accordance with these Rules. Every change in these Rules requires approval by the Commission.
- b. Notice. Notice for changes to the Rules shall be issued 15 days prior to any action by the Commission. The notice will include the time and place for the public hearing on the proposed actions. A copy of the proposed changes shall be forwarded to County offices and departments 15 days prior to Commission action and will be posted on the Bexar County website. A copy will be made available to the public for inspection, upon request.
- c. Public hearing. The Commission, after public hearing, may take action on the proposed changes or new rules and such changes or new rules may be adopted by a majority vote. The Commission has the discretion to adopt new rules and proposed amendments, postpone adoption until further review and/or changes, or decline to add or amend rules.
- d. Effective date. All rules and amendments adopted shall become effective the next business day following approval by the Commission.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.02
TITLE: CIVIL SERVICE APPLICATION
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. COVERED EMPLOYEES

- a. Applicability. The Civil Service Rules apply to employees of all Bexar County offices and departments that are not specifically excluded by Chapter 158 of the Texas Local Government Code, by other law or by the Commission.
- b. Deputy Constables. Deputy Constables are covered under these Rules.

SECTION 2. POSTIONS NOT COVERED OR EXCLUDED

- a. Not covered or excluded. The following employees are not covered or are excluded by law:
 - 1). Employees of the Criminal District Attorney's Office
 - 2). The Official Shorthand Reporter of a Court
 - 3). Elected or appointed officer under the Constitution
 - 4). Employees of the Bexar County Auditor's Office
 - 5). Employees of the Juvenile Probation Department
 - 6). Employees of the Central Jury Office
 - 7). Employees of the Civil District Court Administration
 - 8). Employees of the Criminal District Court Administration
 - 9). Employees of the Juvenile District Court Administration
 - 10). Employees of the County Courts-at-Law Court Administration
 - 11). Employees in temporary positions in the County

- 12). Probationary employees during the first six months after date of hire.
 - 13). Constitutional office holder
 - 14). Positions declared sensitive by Commissioners Court or County Manager and excluded from civil service coverage by the Commission
 - 15). Any other positions or employees designated not covered by law.
- b. Position list. A current list of sensitive positions excluded from civil service is maintained at Human Resources.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.03
TITLE: SENSITIVE AND EXCLUDED POSITIONS
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. CRITERIA FOR DECLARING SENSITIVE-EXCLUDED POSITIONS

- a. Criteria. The Commission and Commissioners Court have adopted the following criteria for considering whether a position should be declared sensitive and excluded:
- 1). The position reports directly to a board, elected or appointed official, or department head.
 - 2). The position acts autonomously and operates on a regular basis with minimum supervision, based on direction from a board, elected or appointed official or department head.
 - 3). The position is responsible for a division within a department or a department within an office.
 - 4). The position has discretion in decision-making that is vital on a regular and constant basis.
 - 5). The board, elected or appointed official or department head holds this position to a higher level of trust and confidentiality because of the involvement in various aspects of their administration, including but not limited to: policy development and implementation, exercise of fiduciary duties, delivery of service to the citizens of Bexar county or long range vision and planning.
- b. Historical Note. The Criteria for Declaring a Position Sensitive and Excluded from Civil Service was adopted by the Commission on April 30, 2001 and by Commissioners Court on January 29, 2002.

SECTION 2. POSITIONS TYPICALLY EXCLUDED FROM CIVIL SERVICE

- a. Executive Positions. The Commission has typically identified Executive Positions with the following job duties to be excluded from civil service coverage:

- 1). Reports directly to elected or appointed official(s) or a board.
 - 2). May lead an office or department with multiple divisions.
 - 3). Develops strategies and long range plans.
 - 4). Sets policies and administers resources.
 - 5). Executives that assist elected or appointed officials in shaping the County's vision and mission.
 - 6). Executives who are responsible to the elected or appointed official for carrying out the office or department's overall strategic vision and mission.
- b. Manager Positions. The Commission has typically identified Manager Positions with the following job duties to be excluded from civil service coverage:
- 1). Reports to an Executive, not in an administrative capacity.
 - 2). Responsible for a division or a department within an office.
 - 3). Discretion in decision making.
 - 4). High level of resource responsibility.
 - 5). Managers who report directly to the executive and are responsible for developing and implementing specific programs consistent with County and departmental strategies.
 - 6). Managers whose responsibility is to ensure the operations are consistent with the strategic direction of the County and the office or department.

SECTION 3. PROCESS FOR SENSITIVE AND EXCLUDED POSITIONS

- a. Request. An office or department may request that a position be declared sensitive and thus excluded from civil service coverage.
- b. Request process. The request process includes two steps:
 - 1). Step 1 – Declaring a Position Sensitive:
 - a). Under Step 1, the Commissioners Court or the County Manager has the authority to declare a position sensitive.
 - b). The office or department must first submit to Commissioners Court or to the County Manager a written request to declare a position sensitive along with the supporting justification as set out in the Request Package ,available upon request from Human Resources.

- c). The Request Package provides a checklist of eligible criteria for a position to be declared sensitive and it must be completed along with attaching supporting documentation that the position meets the criteria.
- 2). Step 2 – Commission Approval:
- a). If Commissioners Court or the County Manager declare a position sensitive under Step 1, the office or department must then present their request to exclude to the Commission for approval.
 - b). The request should include the written justification submitted in Step 1 and the declaration of sensitivity from either Commissioners Court or the County Manager.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.04
TITLE: OFFICE AND DEPARTMENT POLICIES
EFFECTIVE DATE: March 16, 2001
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. RECOGNITION OF OFFICE AND DEPARTMENT POLICIES

- a. Office and department policies. The Commission recognizes that offices and departments may need to supplement these Rules with more specific employment policies and procedures for each individual office or department.
- b. Recommended review. The Commission recommends that offices and departments submit their employment policies and procedures for review and approval.
- c. Conflict resolution. If a conflict exists between a Civil Service Rule and an office or department employment policy and procedure, the Civil Service Rule shall prevail.

SECTION 2. NOTICE TO EMPLOYEES

- a. Copy or online access. Each office or department shall furnish each employee with a copy of, or online access to, their employment policies and procedures.
- b. Cause for discipline. Each office or department shall include a notice to all employees that a violation of the policies and procedures may be cause for appropriate disciplinary action, and that any disciplinary action taken may be in addition to any penalties prescribed by law.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.05
TITLE: CHANGE IN CIVIL SERVICE COVERAGE
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. RETAINING CIVIL SERVICE COVERAGE

- a. One-year coverage retention. An employee hired after September 17, 2015 into a position with civil service coverage that subsequently changes to excluded from civil service will retain civil service coverage in the excluded position for a period of one (1) year from the date of the Commission order excluding the position.
- b. No retroactivity. The above section does not apply retroactively and will only apply prospectively to positions excluded after the Revised Adopted and Effective Date of this policy.

SECTION 2. ACCEPTING A NON-COVERED OR EXCLUDED POSITION

- a. Voluntary change. An employee with civil service coverage who voluntarily changes positions and accepts a non-covered or excluded position does not retain civil service coverage in the non-covered or excluded position.
- b. Example. For example, an employee with civil service coverage who accepts a position in the Auditor's office, an office not covered by civil service, does not retain civil service status.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.06
TITLE: PROBATION PERIODS
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. NEW REGULAR EMPLOYEES

- a. Probationary periods. All new and re-employed regular employees shall serve a six-month probationary period, except peace officers who shall serve a one (1) year probationary period. Time spent as a temporary employee does not fulfill the probation requirements.
- b. At-will. During the probationary period, the office or department has a right to terminate employment at will for any reason that does not violate public policy. There is no coverage under these Rules while the employee is in the probationary period.
- c. Active military duty during probationary period. Any active duty employee that has been called back to service during their probationary period will need to complete the remainder of the original probationary period upon their return to duty with Bexar County.
- d. Continued probationary period. An employee who is promoted during the probationary period is continued on probation for the remainder of the original probationary period. No new probationary period is required if one is completed before the promotion.

SECTION 2. VOLUNTARY TRANSFERS

- a. Probationary periods for transfers. An employee who voluntarily transfers from one office or department to another shall serve a six-month probationary period in the new office or department.
- b. Involuntary transfers. Involuntary transfers or transfers for business needs are not subject to additional probationary periods.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.07
TITLE: POSTING FOR VACANCIES
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. POSTING REQUIREMENTS

- a. Posting required. Posting a position is required for filling a vacancy, except for internal transfers, as defined in Human Resources policies.
- b. Internal or external. A position posting may be done internally or externally outside the office or department.

SECTION 2. INTERNAL POSTING PROCEDURES

- a. Internal. Internal postings are done by the office or department for a minimum of three (3) business days.
- b. Posting requirements. The posting should include the position description, any special requirements or preferred qualifications, the date and time applications must be received and where applications are being received.
- c. Minimum requirements. The applicant selected must meet the minimum requirements of the posted position as determined by the office or department and verified by Human Resources.

SECTION 3. EXTERNAL POSTING PROCEDURES

- a. Request for posting. If the office or department chooses to recruit externally, the office or department should complete and submit a Vacancy Requisition to Human Resources.
- b. Posting requirements. A position posting request should include the position description and any special requirements or preferred qualifications.
- c. Length of time. Postings will be on the Bexar County web site for a minimum of five (5) business days. The office or department may request an extension.
- d. Approved Open Until Filled. With the approval of Human Resources, a position may be

posted "Open until Filled" at the request of the office or department. The office or department should notify Human Resources as soon as possible when the posting should be removed from the web site.

- e. Human Resources will screen all applications received, unless the office or department requests in writing to receive all applications, and forward the applications that meet minimum requirements to the hiring office or department. Each applicant selected must meet the minimum requirements of the posted position.

SECTION 4. TESTING

Any required testing identified on the position description will be administered through Human Resources, the office or department requiring the test, the Texas Workforce Commission or any other approved third party provider.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.08
TITLE: REASONS FOR DISCIPLINE
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted September 17, 2015, Effective September 18, 2015
Adopted July 20, 2017, Effective July 21, 2017

SECTION 1. VIOLATIONS

In addition to violation of office or department policies and procedures, an office or department may take disciplinary action against an employee for committing any of the following violations, to include, but not limited to:

- a. Poor attendance – excessive absences and/or tardiness.
- b. Insubordination – unwilling to follow orders of a supervisor or higher level of authority.
- c. Dishonesty – characterized by a lack of trust, honesty, or truthfulness.
- d. Failure to provide notice of absence.
- e. Misuse of leave.
- f. Unauthorized absence – absence from duty which is not authorized or for which a request for leave has been denied.
- g. Fighting or otherwise disrupting relations between employees during normal duty hours.
- h. Failure to accept a transfer, either lateral or to an uncovered position, failure to report to a different duty location, or failure to report to a different position for rotation of job duties.
- i. Failure to perform the job requirements.
- j. Being in possession and/or under the influence of intoxicating beverages or substances or illegal controlled substances while on duty.
- k. Sexual harassment.
- l. Poor job performance.
- m. Physical or verbal abuse of fellow employees, supervisors or the public.
- n. Fraud or misrepresentation in the selection process, within five (5) years of date of hire.

- o. Perjury.
- p. Violation of any statute, Civil Service Rule or office or department policies or procedures.
- q. Knowingly creating and submitting false and/or slanderous reports.
- r. Gossip regarding fellow employees, supervisors or subordinates.
- s. Conduct or actions that seriously impair the employee's job effectiveness.
- t. Conduct which is detrimental to or has an adverse effect on the office or department.
- u. Failure to obtain and maintain any position qualifications, licenses or certifications required by the employee's position description.
- v. Exhaustion of leave in excess of the allowable maximum period authorized by federal, state, county or local laws and rules.
- w. Conviction of a felony offense, Class B or above misdemeanor, or any crime involving moral turpitude which relates to job functions.
- x. Failure to satisfactorily complete, obtain or maintain the required physical and/or psychological fitness for duty.
- y. Solicitation or acceptance, directly or indirectly, of any gift, favor, entertainment, loan or other thing which has monetary value in exchange for some action of the employee in the employee's official duties for the County. This includes any solicitation by an employee to any other employee(s) for gifts for superiors.
- z. Accepting gifts from contractors, vendors, or other persons who are employed by persons/entities who are dealing with or attempting to deal with the County. These rules do not apply to calendars and similar articles that bear the donor's advertising.
- aa. Outside employment that conflicts with an employee's duties for the County. An employee shall not receive additional compensation from a source other than the County for work performed for the County. An employee may not conduct outside employment on County time. Further, an employee shall not utilize sick leave in order to appear for outside employment. All outside employment will be approved according to each office or department's rules.
- bb. Financial interests that conflict with an employee's employment with the County.
- cc. Misuse or allowing the misuse of County property, directly or indirectly.
- dd. Release of confidential information or misuse of information obtained through employment with the County.
- ee. Gambling or betting while on County time.
- ff. Failure to maintain current address and/or telephone number with the office or

department.

- gg. Forcing co-workers to donate to an office fund or collection.
- hh. Conduct that occurs off-duty that negates the effectiveness of the employee or of the office or department.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.09
TITLE: DISCIPLINE
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted February 21, 2019, Effective February 22, 2019

SECTION 1. GENERALLY

- a. Rules and policies guiding conduct. Bexar County employees are expected to conduct themselves responsibly and with propriety in their work and are expected to abide by all County policies, by these Rules and by the policies and procedures in the office or department for which they work. Each office or department should develop clear and reasonable policies and performance expectations.
- b. Investigation. Before taking disciplinary action, each office or department should investigate the circumstances of apparent policy or rule violations or unsatisfactory performance and ensure that prompt, consistent disciplinary action is administered.
- c. Progressive discipline. Bexar County's policy is to encourage progressive discipline, when practicable, to permit an employee who violates policies or exhibits unsatisfactory job performance an opportunity to correct his or her actions. Progressive discipline is not mandatory.

SECTION 2. NONDISCRIMINATION

No disciplinary action may be taken against an employee with 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 non-merit factor (except where such is a bona fide occupational qualification) in accordance with applicable federal, state, and local laws governing non-discrimination in employment.

SECTION 3. LEVELS OF DISCIPLINE

- a. Discipline levels. The levels of disciplinary action include:
 - 1). Verbal Counseling

- 2). Written Reprimand
 - 3). Suspension
 - 4). Demotion
 - 5). Termination
- b. Determining the level. In determining the level of discipline to impose, the office or department should consider factors that it deems relevant on a case-by-case basis, including, but not limited to, the following:
- 1). The seriousness of the employee's offense;
 - 2). The position the employee holds;
 - 3). The employee's employment history, including any previously imposed disciplinary actions which occurred within the previous twenty-four (24) months;
 - 4). Other similar disciplinary actions with the office or department; and
 - 5). The progressiveness of the discipline, where practicable.

SECTION 4. RESIGNATION IN LIEU OF DISCIPLINE

- a. Resignation. An employee who faces disciplinary action may voluntarily resign prior to the issuance of disciplinary action. Resignation shall not be forced upon the employee by the office or department.
- b. Written resignation. If an employee chooses to resign, they should submit a written and signed letter of resignation. The written and signed resignation may be hand-delivered or emailed to the supervisor/manager of the office or department. Any emailed resignation not containing the employee's handwritten signature will not be accepted or approved.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.10
TITLE: DISCIPLINARY ACTIONS
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. VERBAL COUNSELING

- a. Applicable. A verbal counseling is the most common method for assisting an employee with improving work performance and/or complying with rules and policies. A verbal counseling must be documented. The verbal counseling should be completed as soon as possible after the underlying incident.
- b. No appeal. An employee cannot appeal a verbal counseling.

SECTION 2. WRITTEN REPRIMAND

- a. Written reprimand. A written reprimand should state that it is a "written reprimand" and that further disciplinary action may occur if the employee fails to achieve a satisfactory level of performance. A proposed form of a written reprimand is available upon request from Human Resources
- b. Time to serve. A written reprimand must be served within thirty (30) days from the date of the violation or the date of discovery except for incidents involving allegations of sexual harassment in which the written reprimand must be served within one hundred and twenty days (120) from the date of the violation.
- c. Serve. The original written reprimand should be provided to the employee and a copy should be included in the employee's personnel file.
- d. No appeal. An employee cannot appeal a written reprimand; provided however the employee may respond to their supervisor in writing in ten (10) days and such response will be attached to the written reprimand.
- e. Duration. After twenty-four (24) months, a written reprimand may not be used for progressive discipline.

SECTION 3. SUSPENSION

- a. Defined. A suspension is the temporary release from duty of an employee for up to thirty (30) working days without pay.
- b. Applicable. A suspension is applicable when prior disciplinary action does not produce satisfactory results in correcting behavior, or when the office or department determines that a violation of a rule or policy is serious enough to warrant a suspension without prior use of less severe discipline.
- c. Appeal. An employee may appeal a suspension as provided in these Rules.
- d. Forfeiture of leave. In lieu of release from duty, an employee may request from their office or department to forfeit time from their available vacation leave, personal leave or FLSA time up to a total of five (5) days in one fiscal year as follows:
 - 1). Time to elect. Within one (1) business day of service of the disciplinary action, the employee must inform the office or department that they are forfeiting leave time, the amount of leave time they are forfeiting, and the name of the leave time account to be forfeited.
 - 2). Report to work. An employee who elects to forfeit leave time must report to work on those days of forfeited leave and waives the right to appeal the entire suspension.
 - 3). Inform employee. The office or department should inform an employee in the notice of proposed disciplinary action that the employee may request to forfeit leave, using the form which is available from Human Resources. in lieu of release from duty and that if the request is approved as evidenced by the signature of the office or department, the employee must report to work on those days of the forfeited leave, and they waive their right to appeal the suspension.

SECTION 4. DEMOTION

- a. Defined. A demotion is the involuntary reduction of an employee's pay grade and classification by the office or department based on a disciplinary action.
- b. Applicable. Demotion is applicable when prior disciplinary action does not produce satisfactory results in correcting behavior, or when the office or department determines that a violation of a rule or policy is serious enough to warrant a demotion without prior use of less severe discipline.
- c. Appeal. An employee may appeal a demotion as provided in these Rules.

SECTION 5. TERMINATION

- a. Defined. A termination is the involuntary discharge of an employee by the office or department.
- b. Applicable. Discharge is applicable when prior disciplinary action does not produce

satisfactory results in correcting behavior, or when the office or department determines that a violation of a rule or policy is serious enough to warrant a termination without prior use of less severe discipline.

- c. Appeal. An employee may appeal a termination as provided in these Rules.

SECTION 6. TIME TO SERVE

- a. 120-day deadline. Suspensions, demotions and terminations must be served on an employee within 120 days of the violation or the date the violation was discovered.
- b. No deadline. A disciplinary action for criminal or unlawful activity may be brought at any time. Criminal or unlawful activity is activity that could lead to a violation of criminal statutes but does not require that a criminal action be filed against the employee.

SECTION 7. NOTICE OF PROPOSED DISCIPLINARY ACTION

- a. Proposing discipline. Prior to suspending, demoting or terminating an employee, the office or department shall provide the employee with a Notice of Proposed Disciplinary action and an opportunity for the employee to respond in writing to the charges.
- b. Contents. The Notice of Proposed Disciplinary Action shall include the following information:
 - 1). The specific policies or rules violated.
 - 2). The level of discipline being proposed.
 - 3). Details of the violation(s), including names of witnesses, dates and times.
 - 4). The action is proposed and not a final decision.
 - 5). The employee has a right to reply in writing and that the reply will be considered.
 - 6). To whom and where the written reply should be directed, including mail and electronic addresses.
- c. Service. The Notice of Proposed Disciplinary Action, if practicable, should be served in person with a written receipt obtained. If personal service is not available, service is deemed complete if the Notice is sent by certified mail to the employee's last known address.
- d. Time for Employee Reply. An employee shall have ten (10) days from the day of receipt of the Notice of Proposed Disciplinary Action to reply to the office or department. The day of the receipt is not counted. If mailed, the reply must be postmarked by the reply date. The response must provide specific facts and reasons for the appeal.

SECTION 8. NOTICE OF DISCIPLINARY ACTION

- a. Review and consideration of response. Before taking any disciplinary action, the office or department should review and consider the employee's response and any materials which support the employee's position.
- b. Issuing discipline. The Notice of Disciplinary Action shall include the following information:
 - 1). The office or department's decision.
 - 2). The level of discipline being imposed.
 - 3). The specific policies or rules violated.
 - 4). Details of the violation(s), including names of witnesses, dates and times.
 - 5). The effective date of the disciplinary action, which shall be deemed to be one (1) day later if personally served, or three (3) days after mailing certified mail to the employee's last known address.
 - 6). The employee has a right to appeal the decision to the Commission.
 - 7). The appeal must be made using the Commission's Appeal Form.
 - 8). Information on where the appeal form may be obtained, where it is to be filed as well as information on the employee's appeals rights.
- c. Service of discipline. Service of the Notice of Disciplinary Action shall be made as follows:
 - 1). The office or department has ten (10) days from the receipt of the employee's written reply to serve the employee with a written Notice of Disciplinary Action. The day of the receipt is not counted. The deadline may be extended by written agreement of the parties.
 - 2). The Notice of Disciplinary Action, if practicable, should be made in person with a written-receipt obtained. If personal service is not available, service is deemed complete if the Notice is sent by certified mail to the employee's last known address.
- d. Copies of disciplinary action. A copy of the Notice of Proposed Disciplinary Action and Notice of Disciplinary Action shall be placed in the employee's personnel file after fifteen (15) days if no appeal of the disciplinary action has been filed with the Commission. If an appeal of the disciplinary action has been filed with the Commission, a copy of the Notice of Proposed Disciplinary Action and Notice of Disciplinary Action shall not be placed in the employee's personnel file until the final determination by the Commission upholding the discipline or the appeal is withdrawn by the employee.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.11
TITLE: INVESTIGATIVE ADMINISTRATIVE LEAVE
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
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SECTION 1. GENERALLY

- a. Defined. Investigative Administrative Leave is the paid, temporary release from duty to permit the investigation of a violation of office or department policies or Civil Service Rules.
- b. Mandatory leave. The office or department shall place an employee on Investigative Administrative Leave when the disciplinary action arises from an incident which constitutes a crime against the County.
- c. Discretionary leave. The office or department may place an employee on Investigative Administrative Leave if it is in the best interest of the County and there is no lateral position to which the employee may be reassigned.

SECTION 2. PROCEDURES

- a. Written reasons for leave. The employee shall be served with a written memo which informs the employee they are being placed on Investigative Administrative Leave and must be available during their normal working hours to participate in the investigation or respond to work inquiries.
- b. Unavailability of employee on leave. If the employee is nonresponsive or unavailable during their regularly scheduled hours, the employee may face additional disciplinary action.
- c. Second jobs not allowed while on leave. The employee is not allowed to work a second job during their regularly scheduled hours while on Investigative Administrative Leave.
- d. Contact information. The employee must provide current address and phone contact information.
- e. Leave. The regular period of leave will be no longer than thirty (30) business days.

- f. Return to work. Upon completion of the investigation, the employee may be returned to work without penalty and/or disciplinary action may be taken.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.12
TITLE: DISCIPLINE APPEALS AND HEARINGS
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REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. PROCEDURES FOR APPEALING SUSPENSION, DEMOTION OR TERMINATION

- a. Appeals. An employee may appeal a suspension, a disciplinary demotion, or termination to the Commission, except for discipline arising from an incident occurring during a probationary period.
- b. Time to file. A written appeal must be filed with the Commission using an Employee Appeal Form, which may be obtained from Human Resources, within fifteen (15) days after receipt of the Notice of Disciplinary Action. The day of receipt is not counted.
- c. Must include. A complete appeal shall include:
 - 1). A completed and signed Employee Appeal Form setting forth detailed facts, reasons and evidence in support, and
 - 2). A copy of the Notice of Disciplinary Action.
- d. Not accepted appeals. An incomplete and/or untimely appeal will be received and noted by Human Resources as incomplete or untimely and then placed on a Dismissal Docket for the Commission to enter the dismissal.
- e. In person. Appeals are filed at Human Resources, 211 S. Flores, San Antonio, Texas, 78204.
- f. Service. Within seven (7) days, Human Resources will serve the office or department with a copy of the complete appeal.

SECTION 2. HEARING PROCEDURES

- a. Setting the hearing. The Commission will set the matter for hearing.

- b. Notice of hearing. The Commission will notify the parties of the hearing date, time and location. This notice will be given at least two weeks prior to the date of the hearing.
 - 1). Notice will be sent by certified mail to the employee's address listed on the employee's appeal form.
 - 2). It is the duty of the employee to keep his or her address current with the Commission.
 - 3). If the employee has no known representative and is not able to be contacted by phone and/or email, any notice that is returned "undeliverable" will cause the appeal to be forfeited.
- c. Mandatory appearance. At the hearing, the employee shall have the right to appear and be heard in person or by counsel or union representative.

SECTION 3. CONTINUANCES

- a. When made. A request for continuance must be made in writing as soon as is practicable before the hearing date.
- b. More than 7 days before hearing. Any request for continuance made more than seven (7) days before the hearing may be granted by the Chairperson upon a showing of good cause or the agreement of the parties, as evidenced by the written agreement of both parties.
- c. Within 7 days of hearing. Any request for continuance made within seven (7) days of the hearing must be made in writing and may be granted by the Chairperson if the parties agree, as evidenced by the written agreement of both parties, or for an emergency. An emergency is a sudden, urgent, unexpected occurrence or occasion requiring immediate action by one party. An emergency includes unsafe weather conditions where the County Judge has suspended services, medical emergencies of a party or a dependent or immediate family member of a party. An emergency is not a scheduling conflict by either party, transportation issues, child care, unpreparedness or the sudden failure of a representative to appear.
- d. Approved Continuances. Each party may have two approved continuances.
- e. Waiver of back pay. In cases involving terminations or appeals requesting back pay, any motion for continuance made by or on behalf of the employee must contain a waiver of back pay, if any is subsequently awarded, from the originally scheduled hearing date.

SECTION 4. EMPLOYEE'S ATTENDANCE AT THE HEARING

- a. Must be present at hearing. The employee must be present at the hearing and may represent themselves or be represented by another person.
- b. Dismissal for nonappearance. If the employee is not present at the time of the hearing,

the Commission shall dismiss the appeal and enter a written order to that effect.

- c. Notice of representative. The employee must notify the Commission as soon as he or she selects a representative or within fifteen (15) days of the scheduled hearing and must identify the representative by name, address, phone, telefax and email address.
- d. Spokesperson. If the employee selects a representative, that representative shall act as the spokesperson for the employee at the hearing and during the appeal process.
- e. Not without employee. The employee's representative may not appear without the employee unless requesting an emergency continuance on behalf of the employee.

SECTION 5. OFFICE OR DEPARTMENT'S ATTENDANCE AT THE HEARING

- a. Must be present at hearing. The office or department must be present at the hearing through the elected official, department head or other designee. The office or department may represent themselves or be represented by another person or attorney at the hearing and during the appeal process.
- b. Notice of representative. The office or department must notify the Commission as soon as it selects a representative or within fifteen (15) days of the scheduled hearing and must identify that representative by name, address, phone, telefax number and email address.
- c. Spokesperson. If the office or department selects a representative, that representative shall act as the spokesperson for the office or department at the hearing and during the appeal process.

SECTION 6. HEARING PROCEDURES

- a. Quorum. Two Commissioners constitute a quorum which allows a hearing to proceed.
- b. Oath. The Commission has the authority to administer oaths to all witnesses. All testimony shall be given under oath or affirmation. Once sworn, witnesses will be subject to penalties for perjury.
- c. Cause announced. At the beginning of the hearing, the disciplinary action and cause number will be announced.
- d. Open hearing. The hearing shall be open to the public unless the employee notifies the Commission in writing prior to the time of posting of the hearing notice that the employee wishes the hearing to be closed.
- e. Burden of proof. The office or department has the burden of proof.
- f. Exclusionary rule. Either party may invoke "The Rule," Texas Rule of Evidence 613, which means that all witnesses, excluding the office or department representative and the employee, will not be allowed to remain in the hearing and no witness shall discuss their testimony with other witnesses.

- g. Opening. Each party may make a brief opening statement to the Commission. The office or department will go first, followed by the employee.
- h. Office or department's case. The office or department will present their witnesses first and has an opportunity to present rebuttal witnesses.
- i. Employee's case. The employee will present their witnesses second and be allowed to respond to the office or department.
- j. Witnesses. Each side may call witnesses and will be allowed to cross-examine each other's witnesses. All witnesses must be physically present to testify.
- k. Objections and inquiries. The Commission will hear objections and decide any evidentiary issues and may ask any questions of any party or witness or recall any witness if necessary for clarification.
- l. Release of witnesses. Any witness may be released by the Commission after giving testimony.
- m. Exhibit. Each party should present five (5) copies of any exhibits to be submitted.
- n. Closings. Each side shall have an opportunity to make a closing statement to the Commission. The office or department shall make the first closing statement followed by the employee. The office or department may choose to make a short rebuttal after the closing statement of the employee.
- o. Deliberation. The Commission may recess to deliberate in executive session.
- p. Decision in open. If an executive session is held, the Commission shall reconvene in open session and make a decision.
- q. Decision. The Commission may choose to deny the appeal and uphold the disciplinary action, impose a lesser penalty than the one taken by the office or department, and may include an award of back pay, less any offsets of other earnings, or overturn the disciplinary action. The Commission is not limited in the length of time a suspension may last.
- r. Back pay. Any back pay ordered is calculated at the rate of pay that was provided for the position at the time of the appeal, less any offsets for other earnings, or any other amount deemed fair by the Commission.
- s. Order. A signed written order of the Commission shall be entered in 72 hours and sent to all parties which clearly states the order of the Commission signed by the commissioners who made the decision.
- t. Refusal or reorganization. Should the office refuse to reinstate the employee as ordered by the Commission, the employee shall be entitled to their full salary just as though they had been reinstated as ordered, unless the employee's position no longer exists due to a reorganization as follows:

- 1). Since the date of the disciplinary action, a reorganization occurred, as defined by Bexar County policies; and
- 2). If no other qualifying position at the same grade is available, the employee shall be placed in the next lower position available but keep the same pay the employee had in the former position for a period of one (1) year at which time the new base pay will be 8% less than their current salary or the maximum of the new grade, whichever is lower.

SECTION 7. APPEAL TO THE DISTRICT COURT

Pursuant to Chapter 158 of the Texas Local Government Code, an employee, who on final decision by the Commission, is suspended, demoted or terminated from the employee's position, may appeal the Commission's decision in district court within thirty (30) days of the date of the decision.



7.6 BEXAR COUNTY CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE NUMBER: 7.6.13
TITLE: FITNESS FOR DUTY EVALUATION
EFFECTIVE DATE: March 16, 2007
REVISED: Adopted May 24, 2012, Effective June 8, 2012
Adopted September 17, 2015, Effective September 18, 2015

SECTION 1. WRITTEN ORDER FOR FITNESS FOR DUTY EVALUATION

- a. Criteria for ordering a fitness for duty. Offices or departments may order an employee to take a fitness for duty medical examination when a specific injury, incident, action, or behavior indicates that such an evaluation may be warranted.
- 1). The order for a fitness for duty examination shall be signed by the elected official or department head.
 - 2). Examples include if the office or department has knowledge that an employee is a danger to self, others or County property, or is unable to perform the essential functions of their position.
- b. Written order for fitness for duty. The office or department shall provide the employee with a written Order for Fitness for Duty Evaluation which provides the following:
- 1). The reason(s) the evaluation is being ordered, including a brief description of the facts underlying the reason for the evaluation.
 - 2). Whether the employee will be placed on administrative leave with pay, or retained on duty until a final determination is made.

SECTION 2. MEDICAL EVALUATION

- a. Referral documents. In referring the employee for medical evaluation, the referral for the medical evaluation should include the following:
- 1). The job description,
 - 2). A statement of the particular demands of the position, and

- 3). A statement of how the employee is unable to perform the essential functions of their position.
- b. Doctor evaluation. Evaluations shall be conducted by a physician, psychiatrist, or psychologist selected under the procedures in this Rule at no expense to the employee. A list of doctors is maintained at Human Resources.
- c. Notice to employee. Human Resources will notify the employee the name and location of the doctor, and the time and date of the evaluation.
- d. Refusal or failure to complete. Failure by the employee to complete the evaluation process may result in disciplinary action, including termination.

SECTION 3. REMOVAL OR REQUEST FOR ADA ACCOMMODATION

- a. Unfit for duty. In the event that the fitness for duty medical evaluation finds the employee unfit for duty, the employee may be removed from his or her position pursuant to these rules.
- b. Request for accommodation. If the employee has a qualifying disability protected under the Americans with Disabilities Act, the employee may request an accommodation within that office or department.
 - 1). The employee must be able to perform the essential functions of the job in question, with or without reasonable accommodation, and must meet the minimum job requirements.
 - 2). The employee's salary will depend on the pay range for the open position and will be in accordance with County policy.
 - 3). If there are no qualifying open positions or the employee refuses the offer, the office or department may proceed with termination under these rules.

SECTION 4. APPEAL FOR EVALUATION BY THREE-DOCTOR PANEL

- a. Appeal. An employee who is terminated as unfit for duty under this Rule may appeal his termination to the Commission following the appeal procedures in Procedures for Appealing Suspensions, Demotion or Termination.
- b. Selection of three-doctor panel. Within ten (10) days after an appeal has been accepted for filing, Human Resources will select a panel of three (3) physicians or psychiatrists depending on the nature of the fitness and submit the names and addresses of the panel of three (3) doctors to the employee by certified mail to the employee's address listed on the Employee Appeal Form.
 - 1). The selection of the panel of doctors by Human Resources shall be made from a

list of eligible physicians, psychologists, or psychiatrists maintained by Human Resources for this purpose.

- 2). Eligibility for any doctor to be appointed to the list shall be determined by Human Resources based upon the recommendations of the Bexar County Medical Association.
 - 3). None of the appointed doctors on the panel may be employed or under contract with the County.
- c. Election of doctors. The employee has the option of being examined by at least two (2) of the three (3) doctors on the panel to determine the employee's fitness for duty.
 - d. Expenses for the examinations. All expenses and fees for these medical evaluations shall be paid for by the County if the employee is found fit for duty by two (2) of the three (3) doctors. If the employee is found unfit for duty by two (2) of the three (3) doctors, all expenses and fees for the medical evaluations shall be paid for by the employee.
 - e. Deadline for doctors' reports/forfeiture. The evaluations must be conducted and the doctors' reports must be submitted to the Commission within forty-five (45) days after receipt of the notification of the panel of three doctors by the Commission. Failure by the employee to schedule the evaluation(s) or have the reports submitted timely will act to forfeit the appeal.
 - f. Records. In order to aid in the evaluation of the employee, the office or department and the physician, psychiatrist, or psychologist who conducted the fitness for duty medical evaluation shall submit the results of the initial fitness for duty medical evaluation and any attending medical records or reports to the doctors on the panel selected by the employee.
 - 1) The employee must sign a medical release and will be responsible for any costs for obtaining these records if found unfit for duty by two (2) of the three (3) doctors.
 - 2) The employee shall also submit any medical records or reports concerning their condition prepared by their personal physicians or hospitals to the doctors on the panel selected by the employee.

SECTION 5. HEARING ON THE PANEL FINDINGS

- a. Setting hearing. If two (2) out of three (3) doctors on the panel find that the employee is not fit for duty, the Commission will set the matter for hearing following the Civil Service Rule on Disciplines and Hearings.
- b. Panel findings. The hearing will not be an evidentiary hearing except to admit the findings by the examining doctors. The Commission will not analyze or debate the

medical findings or evidence. The Commission's decision will be solely based on the findings of the panel.

- 1). If two (2) out of the three (3) doctors on the panel find that the employee is fit for duty, the Commission shall order the reinstatement of the employee.
 - 2). If two (2) out of the three (3) doctors on the panel find that the employee is unfit for duty, the Commission shall deny the appeal for reinstatement.
- c. Order. A signed written order of the Commission shall be entered in 72 hours and sent to all parties which clearly states the order of the Commission signed by the commissioners who made the decision.

SECTION 5. BIFURCATED APPEALS

- a. Fitness for duty appeal determined first. The Commission shall resolve the issue of fitness for duty prior to determining any appeal of related disciplinary matters.
- b. Related discipline allowed. If the employee is reinstated on the issue of fitness for duty, the office or department is not prohibited from bringing or maintaining disciplinary action against the employee for any conduct and rule violations related to the fitness for duty evaluation.
- c. Bifurcated appeals. A disciplinary appeal for conduct and rule violations related to the fitness for duty evaluation shall be severed from the fitness for duty appeal and will be heard at a separate hearing in accordance with the rules for Discipline Appeals and Hearings.