

**COURT ORDER
2018-1438**



Policy Revision – Civil Service Commission – Sec 86-1(2) Category B -- One Comment
Received 30+ Day Review

On a motion made by Commissioner Mike Cantrell, District 2, and seconded by Commissioner Dr. Theresa M. Daniel, District 1, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 12/4/2018
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby approve the revision to Section 86-1(2), Category B, of the Dallas County Code as outlined on the attachment.

Done in open court December 4, 2018, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
Commissioner Dr. Theresa M. Daniel, District 1
Commissioner Mike Cantrell, District 2
Commissioner John Wiley Price, District 3
Commissioner Dr. Elba Garcia, District 4

OPPOSED: None
ABSTAINED: None
ABSENT: None

Recommended by: Urmit Graham
Originating Department: Human Resources

COMMISSIONERS COURT BRIEFING



DATE: 12/4/2018

SUBMITTING DEPARTMENT: Human Resources

THROUGH: Human Resources

SUBJECT: Policy Revision – Civil Service Commission – Sec 86-1(2), Category B, One Comment Received 30+ Day Review

BACKGROUND:

Section 86-1(2) of the Dallas County Code was submitted on March 6, 2018 to Commissioners Court for review. The Commissioners Court requested a 30-day review and comments from the departments regarding the proposed changes. As part of lengthy (30+) review and comment period, the Elected Officials/Department Heads were given an opportunity to provide their input regarding the proposed changes. The Human Resources/Civil Service Department received one comment/suggestion from the various departments which resulted in no additional policy revision. The comment and response is listed below with the revised policy below:

1. Will grade J personnel be reclassified as a Category B employee?
HR's Response: No, Job grade J is below the 11 grade threshold consistent with other grades that would be changed to a Category B.

The Human Resources Department surveyed other counties near the Dallas/Ft. Worth area to identify positions that these counties deemed as Category B employees. The survey results showed Dallas County is currently in line with counties in Texas with their current classification of a Category B employee. Therefore, changing the requirements for a Category B employee as proposed, Dallas County will no longer be in line with the most other counties surveyed. The survey consisted of six counties; they were Denton, Tarrant, Rockwall, Travis Collin and Bexar. Rockwall County does not offer civil service, and Travis County excludes all employees except Sheriff Personnel. Denton and Bexar county excludes elected officials, department heads and various employees reporting directly to elected officials (see attached) similar to Dallas County.

OPERATIONAL IMPACT:

The proposed policy revision will eliminate approximately 80 additional upper level management jobs from civil service protection. Advantages to approving this revision are: it will allow Department Heads a different approach to address management level employees with low performance other than the progressive discipline matrix; provides consistency with positions on the IT salary scheule that are already category B; and, is considered industry standard for positions in upper level management. Disadvantages to approving this revision are: not in line with other similar sized counties; a quick way to exit employees without progressive discipline; and a potential morale issue for upper level management not having civil service protection.

RECOMMENDED BY:	Human Resources	PREPARED BY:	Shirley Johnson
		APPROVED BY DEPT HEAD:	Urmit Graham

FINANCIAL IMPACT:

There is no financial impact associated with the adoption of this policy.

LEGAL IMPACT:

The Civil Section of the District Attorney's Office has reviewed this policy.

PROJECT SCHEDULE:

N/A

SBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

Recommendation supports Dallas County's Vision under the Administrative Plan of becoming operationally a model governmental entity by supporting Objective 6: Update, Improve, Maintain, and Make Readily Available Online Collection of All County Policies.

RECOMMENDATION:

The Human Resources/Civil Service Department submitted this policy to the Civil Service Commission for review. The Commission is in agreement with the change and requested the Human Resources/Civil Service Department respectively submit this revision to Commissioner Court for approval consideration.

Attachment A-86-1(2)

ARTICLE 1. IN GENERAL – with revisions underlined/~~strikethroughs~~

Sec. 86-1 (2)

Category B employees ~~includes all~~ department heads who report to the Commissioners Court, assistant department heads, in departments that report to the Commissioners Court, assistant public defenders, employees who were hired after June 7, 2011 into and Information Technology positions in the ~~IT~~ Information Technology Services Department at a ~~job~~ grade IT11 or above higher; and, ~~and others as designated by the commissioners. These positions do not fall under the jurisdiction of the civil service system~~ employees who were hired or promoted after December 4, 2018 into positions on the E Schedule grade K or higher, ET Schedule grade KM or higher, Engineering Schedule grade PE 11 or higher, or the Open Pricing Schedules E1 and E2. Category B employees are excluded from coverage afforded in reduction-in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures. Other than a department head, a Category B employee who: (1) held a Category B position ~~Assistant department heads as of December 4, 2018;~~ Assistant department heads as of December 4, 2018; (2) ~~that~~ have five or more years of continuous service; (3) ~~were previously employed held a in a civil service position, Category C position immediately before accepting a Category B position;~~ held a in a civil service position, Category C position immediately before accepting a Category B position; and, (4) ~~who are~~ is terminated for reasons other than just cause shall be given the opportunity to accept a demotion to their the employee's last lower grade and prior Category C position ~~before they were promoted~~, provided that such a vacancy exists. If no vacancy exists, then the Reduction-In-Force Reinstatement policy (Section 86-628, will apply. ~~Category B employees are excluded from coverage afforded in reduction in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures of this Code.~~

ARTICLE 1. IN GENERAL – with revisions – clean copy

Sec. 86-1 (2)

Category B employees include department heads who report to the Commissioners Court, assistant department heads in departments that report to the Commissioners Court, assistant public defenders, employees who were hired after June 7, 2011 into Information Technology positions in the Information Technology Department at grade IT11 or higher and, employees who were hired or promoted after December 4, 2018 into positions on the E Schedule grade K or higher, ET Schedule grade KM or higher, Engineering Schedule grade PE 11 or higher, or the Open Pricing Schedules E1 and E2.

Category B employees are excluded from coverage afforded in reduction-in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures.

Other than a department head, a Category B employee who: (1) held a Category B position as of December 4, 2018; (2) has five or more years of continuous service; (3) held a Category C position immediately before accepting a Category B position; and, (4) is terminated for reasons other than just cause, shall be given the opportunity to accept a demotion to the employee's prior Category C position, provided that such a vacancy exists. If no vacancy exists, then the Reduction-In-Force Reinstatement policy (Section 86-628) will apply.