

**TARRANT COUNTY
CIVIL SERVICE COMMISSION MEETING
MONDAY, AUGUST 21, 2023, 9:00 A.M.**

MINUTES

The meeting was called to order at 09:00 a.m. by Chairman, Glenn Lewis.

Those present were:

GLENN LEWIS, COMMISSION CHAIR
ALEX JIMENEZ, COMMISSION MEMBER
KIRBY WALLACE

KATHRINE OWENS
MALLORY SCHUIT
ROCHELLE NEAL
SHIRLEY HERRIAGE

Approval of Minutes

Mr. Jimenez moved approval of the June 12, 2023, meeting minutes. Mr. Lewis seconded the motion. The motion passed 2-0.

Acceptance of Consent Agenda

None

Acceptance of Reports

The Commission accepted the June and July 2023 reports.

Old Business

None

New Business

Rochelle Neal, Civil Service Coordinator, presented revisions to Rule 2.30 – Equal Employment Opportunity, 5.01 – Non-Discrimination, 5.08 – Definitions, Harassment, and 10.00 – Employee and Applicant Rights. These revisions are related to the Texas State Legislature passing a H.B. 567 prohibiting discrimination on the basis of hair texture or protective hairstyle associated with race. Mr. Jimenez moved to approve the revisions and the motion was seconded by Mr. Lewis. The motion passed 2-0.

Rochelle Neal also presented revisions to 4.25 Computation of Vacation requesting approval for additions or changes to positions listed as eligible for 15 workings days of vacation upon hire and revisions to 4.61 Leave Duration which clarifies FMLA workweek entitlements as well as intermittent leave entitlements, Mr. Jimenez moved to approve the revisions and the motion was seconded by Mr. Lewis.

The revisions will read as follows:

EQUAL EMPLOYMENT OPPORTUNITY

2.30 It is the County's policy to provide equal employment opportunities to all applicants and employees without regard to race **(including hair texture or protective hairstyles such as braids, locks, and twists)**, color, gender, age, religion, national origin, citizenship, sexual orientation, gender identity, genetic information, mental or physical disability, veteran's status or political affiliation.

NON-DISCRIMINATION

5.01 It is the policy of Tarrant County that employees conduct themselves in a manner that avoids any unlawful discrimination on the basis of race **(including hair texture or protective hairstyles such as braids, locks, and twists)**, gender, sexual orientation, gender identity, national origin, citizenship, age, religious preference, physical or mental disability, veteran's status, or on the basis of genetic information and any violation of civil rights both to other employees and to the general public. Courteous and thoughtful interpersonal and official relations are supported by this policy.

HARASSMENT

5.08 **DEFINITION.** Harassment is defined as a situation in which tangible job benefits are granted or withheld based on submission to or rejection of unwelcome requests or conduct based on a statutorily protected characteristic, such as sex; and situations in which the working environment is oppressive, hostile or intimidating to members of a protected group because of the actions of coworkers, supervisors or customers.

It is against Tarrant County policy for any employee or non-employee who deals directly with the County, to display conduct which has the purpose or effect of unreasonably interfering with work performance of others or creating a hostile, intimidating or offensive work environment for others based upon harassment attributable to gender, color, race **(including hair texture or protective hairstyles such as braids, locks, and twists)**, national origin, citizenship, gender identity, sexual orientation, age, religion, physical or mental disability, veterans status or on the basis of genetic information. Thus, harassment of an employee by another employee or by a non-employee is clearly a violation of County policy. It is against County policy for any employee or official to make unwelcome sexual advances toward another employee or to take part in any personnel actions against them for rejection of a sexual favor, or for alerting proper officials of any sexual harassment. Employees are hereby protected from any reprisals or personnel actions against them for rejection of a sexual favor, or for alerting proper officials of any physical or verbal conduct of a sexual nature that is interpreted to be sexual harassment. Employees who feel they have been harassed in violation of this County policy should report such violations to their Appointing Authority and/or the County Administrator's Office in accordance with Chapter 10 of these rules. Upon receiving a report of a violation of this policy, an investigation of the allegations will be commenced and be followed to a logical conclusion as an administrative remedy. Violators of this policy may be subject to disciplinary, administrative, or legal action.

EMPLOYEE AND APPLICANT RIGHTS

10.00 **General Provisions.** It is the policy of Tarrant County to provide employment opportunities without regard to race **(including hair texture or protective hairstyles such as braids, locks, and twists)**, color, religion, gender, sexual orientation, gender identity, mental or physical disability, age, national origin, veteran status or on the basis of genetic information. Applicants for employment and employees may file complaints, alleging discrimination, with the Tarrant County Administrator's Office. Complaints must be filed, in writing, within thirty (30) calendar days from the date of the alleged discriminatory incident. The Administrator's Office will notify the department charged with discrimination within three (3) working days of the date the complaint was filed.

Although complaints must be prepared on an employee's own time, the Appointing Authority should make every effort to allow the complainant and other employees time, with pay, to attend related meetings as requested by the investigating officer.

This procedure shall be available to all applicants and/or employees except those who have utilized another grievance, appeal or complaint procedure for the same or closely related issue. Nothing in this procedure shall restrict the right to file a complaint with any state or Federal agency responsible for the enforcement of civil rights laws.

4.25 Computation of Vacation. Effective April 1, 2002, employees shall be entitled to receive vacation credit and vacations on the following basis:

<u>Annual Accrual Rate</u>	<u>Continuous Service and Prior Service Credit</u>
10 days per year	0 through 5 years
15 days per year	more than 5; no more than 10 years
20 days per year	more than 10; no more than 15 years
25 days per year	over 15 years

H. Employees who have zero through five years of continuous service will be granted a vacation of ten working days per year. Employees who have less than one year of employment and have completed the probationary period may at the discretion of the Appointing Authority be granted a vacation of five working days.

I. Employees who have more than five but no more than ten years of continuous service will be granted a vacation of 15 working days per year.

J. Employees who have more than ten but no more than fifteen years of continuous service will be granted a vacation of 20 working days per year.

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K. Employees who have over fifteen years or more of continuous service will be granted a vacation of 25 working days per year.

L. Vacation will be accrued per pay period in an amount that will equal the employee's current annual accrual rate.

M. A change in the rate of vacation earned by an eligible employee shall be made only at the beginning of the pay period following the employee's eligibility for the higher rate. It shall be the responsibility of each department to maintain adequate records of employee's vacation and sick leave usage.

N. New hires in the management pay structure or in Department Head positions, Assistant Department Head positions and in the highest level management positions that report to Elected Officials as specifically listed below will receive a vacation rate of 15 working days per year for the first five years of employment.

Position#	Grade	Title	Department
20003025	98	Director, Field Operations (Precinct Supervisor)	Precinct 2
20003050	98	Exec Admin, Adm & Const Svcs	Precinct 3
20006406	98	Exec Admin, Programs & Outreach Administrator	Precinct 3
20007613	98	Exec Operations Administrator	Precinct 4
20007614	98	Exec Chief of Staff Administrator	Precinct 4

4.61 Leave Duration. An eligible employee is entitled to use a total of twelve (12) workweeks ~~(480 hours)~~ of FML during any twelve (12) month period. The twelve (12) month period will be measured forward from the date the employee's initial FML begins.

An employee who uses Family and Medical Leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, is entitled to a one time combined total of twenty-six (26) workweeks of leave within a single twelve (12) month period, to care for the service member who is undergoing medical treatment, recuperation, or therapy, is in outpatient status or is on a temporary disability retirement list for a serious injury or illness. This leave runs concurrently with other leave FML qualifying leave.

When using Military FML with other FML leave, the total will not exceed a total of twenty-six (26) workweeks. This leave may also be taken intermittently or on a reduced leave schedule, if medically necessary. If the employee does not take all twenty-six (26) weeks during the (twelve 12) month period, the remaining weeks are forfeited. The twenty-six (26) week leave entitlement is to be applied on a per-covered service member, per-injury basis.

An eligible employee is entitled to use a total of twelve (12) work weeks ~~(480 hours)~~ of Qualified Exigency (QE) Leave during any twelve (12) month period. QE leave may be taken on an intermittent or reduced leave basis.

I. If both husband and wife are employed by Tarrant County and are otherwise eligible for an FML, the husband and wife may be limited to a combined total of twelve (12) weeks of leave during the twelve (12) month FML period if the leave is taken:

1. for birth of the employee's son or daughter or to care for the child after birth;
2. for placement of a son or daughter with the employee for adoption or 14 foster care, or to care for the child after placement;
3. to care for the employee's parent with a serious health condition.

Where personal illness or illness of a son or daughter is the reason for the leave, each spouse is eligible for the full twelve (12) weeks, if needed.

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J. If both husband and wife are employed by Tarrant County, and are requesting Military FML, the husband and wife may be limited to a combined total of twenty-six (26) weeks during the twelve (12) month FML period.

K. If both husband and wife are employed by Tarrant County, and are requesting Qualifying Exigency Leave, the husband and wife may be limited to a combined total of twelve (12) weeks during the twelve (12) month FML period.

L. An employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of the twelve (12) month period beginning on the date of the birth or placement. Any such FML leave must be concluded within this one (1) year period. The Appointing Authority will determine if the employee must take the time intermittently or all at once.

M. FML may be taken as prescribed by the certification from the attending health care provider in intermittent periods such as for medical appointments or for chemotherapy. **Regularly scheduled work missed due to the use of intermittent FML shall be counted toward an employee's FMLA leave entitlement. However, an employee is allowed to make up time to compensate for lost wages if the FMLA leave was unpaid.**

N. FML may be taken on a "reduced leave schedule" where the employee's number of working hours per workweek or workday is reduced to adapt to the certified needs of the employee.

O. If the employee needs additional time off work after the twelve (12) week maximum (or twenty-six (26) workweeks as specified above), the employee may make such a request following the guidance contained in the Civil Service Rules for paid leave (if the employee still has unused paid leave in the account). If the employee has no paid leave remaining and needs additional time, the employee may make such a request in writing for a Leave of Absence Without Pay subject to the rules defined in this chapter. If the employee requires additional time, the combined FML leave and leave of absence without pay together cannot exceed ninety (90) cumulative business days during his or her Tarrant County employment.

P. Performance appraisals and accompanying pay increases may be delayed for those employees on Family and Medical Leave.

Civil Service Schedule of Meetings Calendar 2024

The 2024 Civil Service Schedule of Meetings was presented to the Commissioners for approval. Mr. Jimenez moved to accept the schedule; Mr. Lewis seconded the motion.

Hearings

Florastine Mack – Grievance

The Commission, by a vote of 2 to 0, finds there is a specific showing of good cause to permit Ms. Mack's grievance be dismissed from its initial appearance. The grievance is clearly moot and is not within the scope of the Civil Service Commission's authority pursuant to this Code of Conduct policy due to the following reasons: the grievance is related to a Second Level Disciplinary action; Florastine Mack retired from employment with Tarrant County effective March 31, 2023; and Ms. Mack's attorney communicated to the Criminal Districts Office that Ms. Mack has decided to dismiss the grievance pending before the Civil Service Commission.

22-03 – Natalia Gallon – Appeal of Termination

Attorney Katherine Owens, counsel for the Appointing Authority received confirmation from Alberto Herrera, counsel for Ms. Gallon, on July 7, 2023, that conveyed his client no longer desires to pursue an appeal of her termination before the Civil Service Commission. The parties agree that this matter has been fully resolved without the need for a hearing before the Commission and requested that the hearing be cancelled, and the appeal be removed from the Commission's docket. Mr. Jimenez moved to accept the settlement and Mr. Lewis 2nd the motion. The motion passed 2-0

23-03 – David Merton – Appeal of Termination

Attorney Kirby Wallace appeared before the Commission to request Mr. Merton's appeal be dismissed with the following conditions: 1) The Appointing Authority and Appellant request the Commission to mark the allegations of insubordinate as unfounded; 2) Mr. Merton agrees to dismiss his appeal in the above-referenced matter and to make no further contest of his former employment before the Commission or in any judicial forum; 3) The Appointing Authority will submit paperwork to TCOLE showing Mr. Merton's discharge from employment as a General Discharge. Mr. Jimenez moved approval and Mr. Lewis seconded the motion. The motion passed 2-0

With no further business before the Commission, the meeting adjourned at 9:12 a.m.