

Personnel Complaints

1014.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of this department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1014.2 POLICY

This department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local laws, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1014.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1014.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the member's Battalion Chief is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the designated department representative, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the designated department representative, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1014.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging the misconduct of a member that, if true, could result in disciplinary action.
- (d) Anonymous complaints and third-party citizen complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1014.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1014.4.1 COMPLAINT FORMS

Personnel complaint forms (Form #108) will be maintained on the city computer system under the EFD Forms folder and is attached to this policy for availability for complaints from citizens.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

[See attachment: EFD Complaint Form](#)

1014.4.2 ACCEPTANCE OF COMPLAINTS

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form 108 as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

1014.4.3 ACCEPTANCE OF COMPLAINTS AGAINST A FIREFIGHTER

Complaints against a firefighter from the general public must be in writing and signed by the person making the complaint (Tex. Gov't Code § 614.022). Nothing in this section is intended to preclude a supervisor from serving as the complainant to satisfy the requirements of Tex. Gov't Code § 614.022 if the original complainant does not want to appear in person and/or reduce the complaint to writing.

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1014.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor should ensure that the nature of the complaint is defined as clearly as possible.

1014.5.1 COPY OF COMPLAINT TO THE FIREFIGHTER

If the complaint is against a firefighter, the receiving supervisor shall ensure that a copy of the signed complaint form is given to the firefighter within a reasonable time after it is filed (Tex. Gov't Code § 614.023).

1014.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows:

1014.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint should rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Fire Chief or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Battalion Chief of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Chief or the Fire Chief, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the complaint form and forward the form to the Battalion Chief.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Battalion Chief and Fire Chief are notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Department of Human Resources and the Battalion Chief for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Battalion Chief, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of additional witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1014.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or the designated department representative, the following applies to employees:

- (a) Interviews of an accused employee should be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Eules Fire Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement, see form 111. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two

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related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1014.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1014.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 180 days from the date of discovery by an individual authorized to initiate an investigation.

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1014.6.5 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1014.6.6 COMPLETION OF INVESTIGATIONS

In order to meet the 180-day limit under Tex. Local Gov't Code § 143.052, every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct should proceed with due diligence in an effort to complete the investigation within 150 days from the date of discovery by an individual authorized to initiate an investigation.

1014.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1014.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

1014.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Fire Chief or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1014.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Fire Chief through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Fire Chief may accept or modify the classification and recommendation for disciplinary action.

1014.9.1 BATTALION CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Battalion Chief of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Battalion Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Fire Chief, the Battalion Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Fire Chief, the Battalion Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1014.9.2 FIRE CHIEF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Fire Chief shall review the recommendation and all accompanying materials. The Fire Chief may modify any recommendation and/or may return the file to the Battalion Chief for further investigation or action.

Once the Fire Chief is satisfied that no further investigation or action is required by staff, the Fire Chief shall determine the amount of discipline, if any, that should be imposed. In the event that disciplinary action is proposed, the Fire Chief shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Fire Chief in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Fire Chief within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Fire Chief may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

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Once the member has completed his/her response, or if the member has elected to waive any such response, the Fire Chief shall consider all information received in regard to the recommended discipline. The Fire Chief shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Fire Chief has issued a written decision, the discipline shall become effective.

1014.9.3 SUSPENSIONS AND DEMOTIONS

Refer to the City of Eules Civil Service Provisions

[See attachment: Eules Civil Service Discipline Grievance and Appeals Section](#)

1014.9.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Fire Chief or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1014.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

Refer to the City of Eules Civil Service Provisions Chapter 7 over Discipline, Grievance and Appeals attachment above.

1014.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1014.12 POST-DISCIPLINE APPEAL RIGHTS

Refer to the City of Eules Civil Service Provisions Chapter 7 over Discipline, Grievance and Appeals attachment above.

1014.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

Refer to the City of Eules Civil Service Provisions Chapter 7 over Discipline, Grievance and Appeals attachment above.

1014.14 PROMOTION WHILE ON PROBATION

No member of the Eules Fire Department shall be eligible for promotion while they are on probation for a disciplinary reason.

1014.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Attachments

EFD Complaint Form.pdf



EULESS FIRE DEPARTMENT

108-C

Administration
Date Issued: 11/1995
Date Revised: 09/2000

COMPLAINTS Written Complaint – Form 113

Name of Complainant _____

Address of Complainant _____

Date of Complainant: _____

Date of Alleged Occurrence: _____

Approximate Time of Occurrence: _____

Incident Number (if applicable): _____

Nature of Complaint: _____

Signature of Complainant

Sworn to and subscribed before me at Euless, Texas, this the _____ day of _____, _____ (year).

Signature of Officer administering oath

Title of Officer administering oath

Eules Civil Service Discipline Grievance and Appeals Section.pdf

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CHAPTER SEVEN

DISCIPLINE, GRIEVANCE AND APPEALS

7.01 Discipline Defined

Discipline means dismissal, demotion, suspension, reduction of salary within range, or a reprimand, which is filed in the employee's personnel file in the Human Resources Department.

7.02 Grounds for Discipline

An employee is responsible for efficient performance of his job functions and good conduct. Many factors are considered in determining whether disciplinary action is warranted. The list below includes some of the offenses which will lead to disciplinary action. The list is illustrative and not exhaustive.

- A. Fraud in securing appointment
- B. Incompetency or unsatisfactory job performance
- C. Inefficiency
- D. Unauthorized absence
- E. Excessive use of sick leave
- F. Inexcusable neglect of duty
- G. Insubordination
- H. Failure to obey a lawful order
- I. Dishonesty
- J. Intoxication, unauthorized use of drugs or alcohol, being under the influence of drugs or alcohol while on duty, or any violation of the City's Alcohol and Controlled Substances Policy
- K. Conviction or placement on deferred adjudication (including conviction after a plea of nolo contendere) of a felony or a misdemeanor involving moral turpitude
- L. Disorderly, immoral or illegal conduct
- M. Misuse or willful damage to City property or waste of time, supplies or equipment
- N. Violation of safety rules or procedures

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- O. Discourteous treatment of the public or of other employees
- P. Conduct which reflects adversely on the City
- Q. Failure to return at the expiration of a leave of absence or being absent without leave shall be considered as an automatic resignation. Such a resignation may be rescinded by the department head if the employee presents satisfactory reasons for his absence within three (3) calendar days of the date his automatic resignation became effective.
- R. Violation of City or departmental rules and regulations or policies
- S. Unauthorized actions prejudicial to City interests
- T. Conflict of interest
- U. Engaging in any act which violates the City's policies, including but not limited to the City's policies regarding nondiscrimination and sexual harassment

7.03 Disciplinary Action

When appropriate, an immediate supervisor may issue a verbal or written reprimand. The supervisor must determine whether the more informal verbal or the formal written reprimand is appropriate. All disciplinary action will be taken in a timely manner. Factors to be considered in determining the level of any disciplinary action include:

- A. The employee's position
- B. The employee's length of employment and time in position
- C. The nature and seriousness of the conduct
- D. The circumstances surrounding the conduct
- E. When the conduct occurred
- F. Prior conduct
- G. Prior disciplinary action
- H. Any other contributing social or environmental conditions

Written Disciplinary Action

If it is determined that formal written disciplinary action is appropriate, it shall be documented and placed in the employee's personnel file, specifying:

- A. The date, time, place, and description of the incident requiring the reprimand or disciplinary action
- B. The discipline to be imposed

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- C. The effective dates
- D. The right of the employee to file a grievance or an appeal, if the action is subject to the grievance or appeal procedures.

The employee must sign the written disciplinary action form and a copy must be sent to the Human Resources Department. If the employee refuses to sign the form, it should be so stated on the form. A copy shall be served personally to the employee or mailed to him at his last known address by certified mail, return receipt requested.

Types of Disciplinary Action

During an investigation, hearing or trial of an employee on any disciplinary, civil or criminal cause, action or charge, an employee may be suspended without pay, or placed on administrative leave with or without pay, upon notice, for the duration of the proceedings, when such action is deemed to be in the best interest of the City.

A. Demotion:

An employee may be demoted for just cause and in the interest of good discipline. Demotion may be accomplished by reducing the employee's pay within the pay grade of the position he holds or by assigning him to a position of lower grade, or both. An employee who is so demoted shall be given written notice by his Director or Manager of the reasons of such action. An employee may request or accept voluntary demotion when assignment to less difficult or responsible work would be to his advantage or in the interest of the City.

B. Suspension:

An employee may be suspended for just cause and in the interest of good discipline. If an employee is suspended, the Director must schedule the start of the suspension as soon as practicable. In the event the delay is more than thirty (30) calendar days, the Director will file the reasons for the delay with the Human Resources Department. A copy will be given to the employee.

C. Discharge:

An employee may be discharged from employment for just cause when appropriate, depending on the circumstances. All discharge decisions must be approved by the Director and the City Manager or his designee.

7.04 Appeal Procedures

Employees serving a probationary period are not eligible for appeal.

- A. Appeals – Any eligible employee may file an appeal to protest, contest, or challenge a demotion, suspension, or discharge. The appeal shall be filed with the Civil Service Officer. The appeal shall be in hard copy, signed and dated by complainant and in legible writing, printed or typed giving the following information.
 - 1. Date, time, place and detailed description of the incident

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2. Specify the nature of the appeal
3. Explain why the action is considered unjust/unfair.

- B. Appeals to the Director – The employee may request a hearing with the Director. The request for a Director hearing must be filed with the Civil Service Officer within three (3) business days of the immediate supervisor's decision, or imposed disciplinary action or conduct. The Civil Service Officer shall date stamp the appeal when received, shall determine whether the request states a valid ground of appeal, and whether the appeal was timely filed. Upon Determination that the appeal is valid, the Civil Service Officer shall forward the appeal to the Director.

The Director will schedule and conduct a hearing within ten (10) business days from the date the Director receives the appeal from the Civil Service Officer.

In the event the Director is unavailable, his designee shall conduct a hearing and provide a response in the time required.

Following the hearing, the Director will review the appeal and respond in writing within two (2) business days from the date the appeal is heard by the Director.

- C. Appeals to the City Manager – An appeal by an employee must be delivered to the Civil Service Officer within three (3) business days after the date of the Director's written decision. The Civil Service Officer shall date stamp the appeal when received, shall determine whether the request states a valid ground of appeal, and whether the appeal was timely filed. Upon determination that the appeal is valid, the Civil Service Officer shall forward the appeal to the City Manager.

The City Manager will schedule and conduct a hearing within ten (10) business days from the date the City Manager receives the appeal from the Civil Service Officer.

Following the hearing, the City Manager shall review the appeal and respond in writing within two (2) business days from the date the appeal is heard by the City Manager.

In the event the City Manager is unavailable, his designee shall conduct a hearing and provide a response in the time required.

- D. Appeals to the Commission - If the appeal is not resolved to the employee's satisfaction at the City Manager's level, the employee has recourse to appeal to the Civil Service Commission. Requests for a Commission hearing must be filed with the Civil Service Officer within three (3) business days from the date of the City Manager's written decision. The Civil Service Officer shall date stamp the appeal when received, shall determine whether the request states a valid ground of appeal, and whether the appeal was timely filed.

Upon determination that the appeal is valid, the Civil Service Officer will notify Commission members within five (5) business days to schedule a meeting to hear the appeal.

The Civil Service Officer shall post a notice for at least seventy-two (72) hours prior to the scheduled time of hearing.

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When a hearing date has been scheduled, the Civil Service Officer shall acknowledge, in writing, to the employee and the City Manager, receipt of the appeal, and the date and time of the hearing. The hearing shall be held within twenty (20) business days after the date the Civil Service Officer receives the appeal, unless unable to establish a quorum. If a quorum cannot be established within twenty (20) business days, the hearing shall be held as soon as practical. Notice of the hearing shall be posted for at least seventy-two (72) hours prior to the scheduled hearing.

- E. Hearings Before the Commission - The hearing before the Commission shall proceed as follows:
1. During the hearing, the City Manager or his designee shall present the City's position and the employee or his designee shall present the position of the employee. The Commission shall consider all evidence presented and shall extend equal privilege to both parties.
 2. The City Attorney will advise the Commission as needed during the hearing.
 3. The Commission shall render its decision on the appeal at the conclusion of the hearing or any continuance thereof. Copies of the appeal and the Commission's decision shall be forwarded to the City Manager and the employee.

An appeal is a mature and proper way to resolve a difference in opinion; therefore, neither the person filing an appeal nor the person cited in the appeal should ever attempt to use these provisions as a means to resolve a personality conflict or to air menial differences. The guaranteed right to appeal without consequence is a privilege which the Commission will guard carefully and no abuse of the privilege or of the person using the privilege will be tolerated. The decision of the Commission is final.

7.06 Grievance Procedures

A grievance is the method available to an employee to address a complaint concerning a written reprimand, compensation, work hours, working conditions, transfers, job performance reviews, job assignment, or other treatment received from management or a supervisor which the employee considers to be unjust or unfair.

Any employee may file a grievance within their department following the chain-of-command. The employee has three (3) business days to file a grievance. The grievance shall be in hard copy, signed and dated by complainant and in legible writing, printing or typing giving the following information:

- A. Date, time, place and detailed description of the incident
- B. Specify the nature of the grievance
- C. Explain why the action is considered unjust/unfair

The supervisor must respond within three (3) business days excluding the date of receipt and forward the grievance and response to the employee and the next level of supervision. If the employee wishes to grieve the supervisor's decision, he has three (3)

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business days excluding day of receipt to file a written grievance with the next level of supervision. This process will be repeated within the chain of command until it reaches the Director. The Civil Service Officer shall be notified of any grievance filed with the Director. The Director has five (5) business days excluding the date of receipt to respond to the employee. The City Manager will be consulted prior to a final decision being made and will be copied once the final decision is made. The Director's decision is final.

If the employee reports directly to the Director, the employee may request a review of the decision by the City Manager. The request shall be in legible writing and contain a copy of the original grievance. The City Manager must respond within ten (10) business days. The decision of the City Manager is final.

In the event the supervisor, Director, or City Manager is unavailable, his designee shall review the grievance and respond within the required timeline.

All time frames related to the filing of a grievance can be waived by the concurrence of the Director and the employee. If an employee fails to receive a response to a grievance within the specified timeframe, and no extension has been mutually agreed upon, the employee may file the grievance with the next level of supervision within his chain of command.

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CHAPTER EIGHT

DUTIES, RESPONSIBILITIES, AND OPERATION PROCEDURES

8.01 Duties and Responsibilities

The Euless Civil Service Commission, in accordance with applicable City Ordinances, will be responsible for:

- A. Proper conduct of Commission business
- B. Serving as a review board for all appeals to the Commission

The City Manager and the Civil Service Officer shall be responsible for:

- A. Preparation, implementation, enforcement and interpretation of these Provisions
- B. Systems for testing, examination, and qualification of applicants for employment
- C. Certification of qualified applicants
- D. Policies, procedures, rules and regulations for general employee conduct, discipline or dismissal of employees, and provisions for discipline or dismissal of employees
- E. Establishment of a system for job descriptions, classifications, and compensation
- F. Provisions for employee fringe benefits
- G. Employee personnel actions including promotion, demotion, seniority, tenure, cutbacks, dismissals, suspensions, and other disciplinary action
- H. Submitting additions, revisions, or amendments to these Provisions for approval
- I. Performing such duties as are requested by the Commission incidental to the conduct of business of the Commission

8.02 Conduct of Business of the Commission

The Commission shall be organized in accordance with applicable City Ordinances.

- A. Meetings - The Commission meetings shall be planned, conducted and documented as follows:
 - 1. Meetings shall be called by the chairman, with notice given in accordance with State Law, and these Provisions.
 - 2. Emergency meetings may be called by the chairman with notice given in accordance with State Law and these rules.

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3. Meetings shall comply with applicable statutes, including, but not limited to, the Texas Open Meetings Act.
 4. Meetings shall be held in facilities approved by the City Council.
 5. All meetings shall be documented by approved minutes.
 6. In any meeting wherein any party plans to call witnesses, the list of witnesses shall be provided to the Civil Service Officer 72 hours prior to the scheduled meeting time.
- B. Publishing Provisions - Upon final approval by the Council of these Provisions, or subsequent changes thereto, the Civil Service Officer shall proceed as follows:
1. Publish all approved items.
 2. Post published items in City buildings which are designated by the City Manager as primary work stations for employees.
 3. Forward copies of all published items to the City Manager, Directors and branch work stations.
 4. Maintain extra copies for review by employees and citizens of Euless.
- C. Investigations - The Commission, with approval of the Council, shall provide for investigations to determine compliance with these Provisions or when approved by the City Council for other purposes.
- In the conduct of investigations, the Commission may require, during normal working hours:
1. The attendance of witnesses.
 2. The production documents pertinent to the investigation.
- D. Maintenance and Retention of Records - Maintenance and retention of records will be in compliance with federal and state guidelines and records retention requirements and will remain consistent with guidelines required by the City's Records Management Program.
- E. Reports - The City Manager and the Civil Service Officer shall provide, at the Commission's or Council's request, prompt and complete reports on matters under consideration or to keep the Mayor and Council informed on these Provisions.