ITEM 2 A-E

Human Resources Department

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Cortney C. Niland

City Manager
Tommy Gonzalez

TO: Civil Service Commission

FROM: Linda Ball Thomas, PHR, IMPA-CP, Human Resources Director

DATE: September 22, 2015

RE: Update to Human Resources Policies

This information is forwarded to you per direction from City Council on March 6, 2012, to provide updates on revisions to Policies formerly in Rule (as per CSC Rule 1; Section 16, Policy Creation). The Human Resources Department revised the following policies which are being forwarded to you for notation.

Original Policy	Outcome
Applications and Appeals Policy	***Added*** "Criminal History" as grounds for Disqualification of employment with possibly more stringent qualifications for Public Safety Positions; ***Added*** "Non-Disclosure of Examinations" clause making tests exempt from public disclosure under the Texas Public Information Act.
Certification and Hiring Policy	***Added*** "Limited Referral" clause where hiring official may request to interview only employees serving within their department or city-wide; ***Added*** "who accept an interview" to the Eligible List clause if there are at least six candidates on the list.
Classification Policy	***Added*** introductory paragraph describing the policy as a management tool organizing the City's large and diverse types of work with specifications; ***Added*** definitions to the terms, "Classification", "Job Field", "Job Family", "Position" and "Job". ***Deleted*** clause determining the classification of a position.
Promotional Process Policy	***Added*** classified or civil service" employees only; ***Added*** examples to "Other Causes for Removal During Probationary Period".
Provisional and Temporary Appointment Policy	***Added*** "Duration" and "Restriction on Privileges" clauses in Guidelines section; ***Added*** to Working Out of Class a beginning and ending time frame.

Linda Ball Thomas, IPMA-CP, PHR – Human Resources Director
City #1 | 300 North Campbell | El Paso, Texas 79901 | (915) 212-0045

ITEM 2A
(WITH ACCEPTED CHANGES)

ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Applications and Appeals Policy
Creation Date: October 18, 2011
Revision Date: August 5, 2013; May 30, 2015
Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

DESCRIPTION: APPLICATIONS AND APPEALS POLICY

I. POLICY

It is the City's policy to allow all interested job seekers to apply for available positions and to provide a method for appealing a disqualification determination, pursuant to the procedures set forth in this policy.

II. PROCEDURES

A. Acceptance of Applications

1. The Human Resources Director or Designee will establish a filing period to accept applications for a particular position

   a. All job seekers must complete an application for a particular position through the City's online application system.
   b. A filing period with a specific closing date may be established for a job posting.
   c. When the need exists for a limited number of applicants, the filing period will only remain open until an adequate number of applications have been received.
   d. When necessary to fill positions for which there is a constant need for qualified applicants, or for hard to fill positions, the Human Resources Director may establish an open filing period and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for accepting and processing of applications no longer exists.

B. Review of Applications

1. Human Resources Director: As required, the Human Resources Director or designee will review applications and identify candidates based solely on qualifications.

   The Human Resources Director will permit education to substitute for experience as stated in the Equivalency Guidelines. Experience will be counted from the first day of entry into a qualifying job, to the day of the first component of the examination for which they have applied.

2. Hiring Official: When requested and as appropriate, applications may be referred to the hiring official to pre-screen.

C. Disqualification:

1. The Human Resources Director will refuse to examine an applicant, or after examination refuse to certify the applicant as eligible and will remove the name from the eligible list, for any of the following reasons, in each case to be fully documented:

   a) Lacks Minimum Qualifications: The applicant lacks the minimum qualifications established in the classification for the position:

      - Applicants lacking three (3) months or less of the required job related work experience at the time of list promulgation may be placed on the eligible list. However, applicants lacking the required experience will not be certified for the appointment until after it is determined by the Human Resources Director that they have met the minimum experience required. Applicants may be asked to provide additional details concerning current or past work experience.

   b) Criminal History: The applicant has a criminal history within the seven (7) years preceding the date the application was submitted, which is determined to be job related to the position sought. For purposes of this subsection, criminal history includes conviction of a felony or misdemeanor. Additionally, the dates of release from prison, probation and/or parole for the relevant convictions will be evaluated and factored into the determination. *All applicants for Public Safety positions may be subject to more stringent criminal history standards deemed to be job related by the respective department or as required by regulatory agencies, or;*

c) Dismissed from Public Service: The applicant has been dismissed from public service (to include City employment) for delinquency or misconduct, which is determined to be job-related to the position sought.

D. <u>False Statement on Application</u>

1. Any false statement knowingly made by an applicant in an application for admission to an examination or any other fraudulent conduct related to the application process will cause the Human Resources Director to:

   a) Exclude the applicant from such examination;
   b) Remove the applicant's name from any eligible list;
   c) Remove the applicant permanently from the position if the applicant has secured appointment from such examination; and/or
   d) Exclude the applicant from consideration for any City position for a period of two (2) years from the date the falsified application was submitted or discovered, whichever is later.

E. <u>Appeals from Disqualification:</u>

1. Appeals for disqualification from taking an examination, or from not being certified after examination, or from being removed from an eligible list, may be submitted as follows:

   a) Regular Employee: A regular employee may file a written appeal to the Civil Service Commission. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed to the applicant. Late appeals will not be accepted.

   b) Original Applicant: With the exception of C.1.(b) above, Criminal History, which applicants may file a written appeal to the Civil Service Commission in the form and manner described, original applicants who are not regular employees may file a written appeal to the Human Resources Director. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed. Late appeals will not be accepted.

   c) Appeal Form: Applicants may obtain an appeal form by visiting the Human Resources Department website or office.

d) Timeline: Untimely appeals will not be accepted. If the employee or applicant fails to update their contact information or respond within the timelines set, no further action will be taken.

e) Administrative Dismissal: If the examination is held before the appeal is reviewed, the Human Resources Director may allow the applicant to take the examination pending the disposition of the appeal. If the applicant fails to achieve a passing grade on the examination, the appeal shall be administratively dismissed.

F. Application Retention and Reuse: Applications and/or supporting documentation filed with the City will become the property of the City. Applications for one examination will not be used for any other or later examinations.

G. Contact Information: An applicant may update contact information by logging onto their Personal Account Profile. All applicants have the responsibility to update their Personal Account Profile through the City's online application system with any changes in their contact information.

H. Non-Disclosure of Examinations: Examination questions, and answers to test questions that do or may reveal examination questions, are exempt from public disclosure under the Texas Public Information Act (the "Act"). Accordingly, requests for a copy of the examinations and/or such examination answers will be denied pursuant to the relevant provisions of the Act.

APPROVED BY:

TOMAS GONZALEZ, City Manager

DATE: July 14, 2015

ITEM 2B
(WITH ACCEPTED CHANGES)

ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Certification and Hiring Policy
Creation Date: October 18, 2011
Revision Date: August 5, 2013; May 30, 2015
Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

POLICY: CERTIFICATION AND HIRING POLICY

I.-POLICY:

The Human Resources Director or designee shall certify candidates based solely on their qualifications.

II. DEFINITIONS:

A. Candidate: A qualified applicant who may be certified by the Human Resources Director or designee for consideration by the Hiring Official.

B. Certification: The process by which the Human Resources Director or designee certifies as candidates only those applicants who meet or exceed the minimum qualifications of the job specifications.

C. Eligible List: A list comprised of candidates eligible for certification. A list of at least three (3) or more candidates is considered an adequate eligible list. A hiring official must make a selection from the list or wait until the eligible list expires if there are at least six (6) candidates on the list who accept an interview.

D. Hiring Official: The Department Head or designee having the authority to make the hiring decision.

III. PROCEDURES:

A candidate may be appointed to a position in accordance with the established procedures:

A. Certification:

1. Non-Promotional: As necessary, the Human Resources Director or designee will certify candidates for selection interviews for non-promotional vacancies.

2. Transfer/Reinstatement: Upon request of the Hiring Official, a person on the transfer or reinstatement list may be certified ahead of or in conjunction with the names on the eligible list.

3. Limited Referral: From an original eligible list, the Hiring Official may request to interview only employees serving within their department or City- wide.

4. Interviews: The Hiring Official may interview candidates certified from the eligible list. The Hiring Official must interview, at a minimum, as many candidates as there are vacancies, and may proceed with interviewing up to all of the candidates that are on the list. The candidates may be selected for interview in non-sequential order. Hiring Officials are responsible for being consistent and equitable in interviewing candidates.

B. Promotional: As necessary, the Human Resources Director or designee will certify candidates for selection interviews for promotion.

C. Promotional Referral: For a City-wide or departmental promotional-only list, the Human Resources Director shall refer the five (5) highest total-scoring candidates for a vacancy, as authorized by rule, for selection interviews.

D. Promotional Interviews: The Hiring Official must interview candidates on the list in sequential order. The Hiring Official is responsible for being consistent and equitable in interviewing candidates.

E. Unclassified Appointment: As necessary, the Human Resources Director or designee will provide to the Hiring Official the names of applicants in "Date Received" order. An applicant must be certified by the Human Resources Director before a job offer can be made.

1) Interviews: The Hiring Official must interview, at a minimum, as many candidates as there are vacancies, and may proceed with interviewing up to all of the candidates that are on the list. The Hiring Official may proceed with interviewing applicants in non-sequential order, and may make a recommendation for hire, from the submitted applications. Hiring Officials are responsible for being consistent and equitable in interviewing candidates.

IV. HIRING PROCESS:

A. Scheduling Interview: A candidate selected for interview will be notified by the Human Resources Department of the Hiring Official's request to interview the candidate. The candidate will be provided twenty- four (24) hours to respond to and contact the Hiring Official to schedule an interview. Failure of the candidate to respond to the request within twenty-four (24) hours will result in the Hiring Official proceeding with another candidate on the list.

B. Selection of Candidate:

1. Job Offer: The Hiring Official will submit his recommendation for the candidate desired to fill the vacancy to the Human Resources Director. The Human Resources Director or designee will make all offers of employment to the selected candidate unless alternate arrangements have been made with the Hiring Official.

2. Acceptance of Job Offer: A selected candidate will be allowed twenty-four (24) hours to accept or decline the offer. Failure of the candidate to respond to the job offer within twenty-four (24) hours may result in the Hiring Official withdrawing the offer and proceeding with selecting another candidate, and may result in the removal of the person from an eligible list.

3. Revocation of Acceptance of Offer by Candidate: A candidate who accepts a job offer and then subsequently revokes the acceptance may be removed from the eligible list.

4. Non-Selection of Candidate: Upon the conclusion of the selection process for classified positions, the Human Resources Director or designee will notify non-selected candidates that they were not selected.

5. Alternate Candidate: If the selected candidate declines or does not respond to the job offer as established by this policy, the Hiring Official may make another selection from the eligible list.

6. Pay Above Entry: A starting salary above the entry rate may be approved by the Human Resources Director or designee, not to exceed the top of the third quartile of the pay range. A Pay Above Entry may be approved when the following criteria have been satisfied:

   (a) The position to be filled requires specialized training, experience, or knowledge which is scarce or in high demand.

   (b) The selected applicant has the education, experience, or training directly related to the position, which substantially exceed the minimum qualifications for the position, or which are at a level comparable to the position sought.

(c) The position is difficult to fill as evidenced by the failure to fill the position at the entry rate.

V. MISCELLANEOUS

A. Removal: Candidates who refuse an interview or job offer or who are not selected for a position, for a cumulative total of three (3) or more times, may be removed from the eligible list.

B. Cancellation: At any time after a candidate has been certified, the Hiring Official may elect not to hire. The certification will be cancelled and the eligible candidates will be notified.

C. Duration of Eligible List: Eligible lists other than reinstatement and transfer lists will normally expire six (6) months from the date they are certified unless extended by the Human Resources Director.

APPROVED BY:

for

TOMAS GONZALEZ, City Manager

DATE: 9/17/15

ITEM 2C
(WITH ACCEPTED CHANGES)

ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Classification Policy
Creation Date: October 18, 2011
Revision Date: August 5, 2013; May 30, 2015
Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

POLICY: CLASSIFICATION POLICY

I. POLICY

The Classification Plan is a management tool. It organizes the City's large and diverse work by type of work (occupation) and level of skill, effort and responsibility and describes the processes for keeping the classes current. The class specifications describe the varied types and levels of work in the City. As permitted by Ordinance 8064 and the City Charter of the City of El Paso, the Human Resources Director shall update, as necessary the classification plan of the City which may include the establishment of a new classification, reclassification or deletion of an existing classification.

This policy applies to all employees of the City to include those serving in classified, unclassified and uniformed service.

II. DEFINITIONS

A. Specifications of Classes: They are descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to duties, qualifications, or other attributes will not be held to exclude others not mentioned if such others are similar in kind or quality.

B. Classification: The process of organizing positions into categories of work (classes) based on the type of work (occupation) and level of required skill, effort, responsibility, experience, education and training.

C. All Positions: A set of duties, tasks, activities and elements able to be performed by a single worker. In our terminology, each employed person has a position rather than a job.

D. Job: Defined as a collection of related positions that are all similar enough in terms of the work performed or in the goals that they serve for the organization so that everybody in the organization agrees to call the positions by the same job title.

E. Class Specification: The official written source document that describes a type and level of work based on similarity of duties and level of responsibility. Class descriptions are illustrative and explanatory, and are not restrictive. The use of a particular expression or illustration as to duties, qualifications, or other attributes will not be held to exclude others not mentioned if such others are similar in kind or quality.

F. Re-Allocation: A classification decision to assign an individual to a different classification at the same or lower salary range. Rate of pay is determined in accordance with Ordinance 8064. A reallocation can occur at any time such correction is needed.

G. Re-Classification: A classification change based on significant changes in the assignment of duties, authority, and responsibilities but with a continuation of similar knowledge and skills. The changes in position duties usually occur gradually over a period of time. Reclassifications normally occur following a classification study or as a result of changes in the market place as determined by customary comparator research.

III. PROCEDURES

A. Classification of New Positions: The creation of a new position is subject to approval through the budgeting process based on needs demonstrated by the Department Head. The City Manager, in accordance with Section 6-6-1 of the City Charter, will determine the appropriate hiring and appointment process to be utilized. If required, the Human Resources Director shall update, as necessary, the classification and compensation plans of the City for the classified services. The Director shall present such plans to the City Council for acceptance and approval.

1. Whenever a new classification is proposed, the Department Head shall forward to the Human Resources Director a description of the proposed duties and responsibilities. The Human Resources Director shall, after a review of the Department Head's proposal, make changes and recommend an appropriate grade or recommend an alternate, existing classification.

B. Reclassification of Positions: The Human Resources Director may study on his own accord or upon the request of a Department Head, any change in the duties and responsibilities of a position from those upon which it was originally classified. If it is found that the duties and responsibilities of the position have changed so significantly that the former classification is an inaccurate description of the current duties and

responsibilities, the Human Resources Director will place the position in a proper class and grade, subject to the availability of funding.

1. A change in compensation applying to all positions of the same class and grade will not affect the seniority or other rights of those in the Civil Service. The Human Resources Director may at any time secure from the Department Heads or employees involved, statements of the duties and responsibilities of the position under review.

2. Whenever the reclassification of a position has been authorized, the Human Resources Director, after conferring with the City Manager or designee, and Department Head, will determine whether:

   a. The position in the new class will continue to be held by the incumbent of the position of the old class; or
   b. The position is to be filled through a non-competitive or competitive examination.

C. Reassignment into a Different Job Classification: A regular employee or Department Head may request to change an employee's job classification to another job classification at the same or lower grade. It must be determined by the Human Resources Director that the employee is fully qualified for the new job classification.

1. When needed, the Human Resources Director may reassign an employee who is fully qualified from one job classification into another job classification with an equal or lower grade.

2. If the reassignment is to a lower graded classification, the employee must agree to the reassignment in writing.

3. The employee will serve a six (6) month probationary period if the employee has never successfully passed probation in the classification. The competency date will be adjusted to reflect entry into a new job classification.

APPROVED BY:

TOMAS GONZALEZ, City Manager

DATE: August 10, 2015

ITEM 2D
(WITH ACCEPTED CHANGES)

ADMINISTRATIVE POLICIES AND PROCEDURES

Policy ID: Promotional Process Policy
Date: October 18, 2011
Revision Dates: August 5, 2013; May 30, 2015
Prepared By: Human Resources Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

DESCRIPTION: PROMOTIONAL PROCESS POLICY

The City of El Paso has guidelines for the promotion and internal recruitment of its employees. Many City positions are open to City employees before they are advertised, if at all, to the public. The purpose of this policy is to outline the requirements for the City's promotional and internal recruitment process.

I. DEFINITIONS:

Regular Employee: A classified employee who has completed an original probationary period.

II. PROCEDURES:

A. Promotion within City or Department: Examinations for promotional positions will be open to all regular employees.

1. City-Wide Recruitments: Upon request of a Department Head, City-wide examinations may be limited to current regular city employees, so long as it is anticipated that there is a minimum of three (3) qualified candidates.

2. Department-Only Recruitments: Upon request of a Department Head, promotional examinations for promotional positions may be limited to employees presently working within the requesting department, so long as it is anticipated that there is a minimum of three (3) qualified applicants.

B. Eligibility and Qualifications:

1. Regular employee: A regular employee in the classified service is eligible to take a promotional examination:

a) after successfully serving in a regular position for six (6) months; and
b) upon fully meeting the qualifications of the position as specified in the job specification

2. Leave of absence: If otherwise qualified, a regular employee on leave of absence, or on a reinstatement list as a result of involuntary separation, through no fault or delinquency on his part, is eligible to take a promotional examination.

3. Effect of Demotion: An employee who is demoted for disciplinary reasons is ineligible to take a promotional examination within two years of the effective date of the demotion.

C. Voluntary Removal during Probationary Period:

1. First 30 Days: A regular employee who voluntarily seeks removal from a promotional position during the first thirty (30) working days of the probationary period is eligible to take a Civil Service examination for which he is qualified.

2. After 30 Days: A regular employee who voluntarily seeks removal from a promotional position after thirty (30) working days is not eligible to take any Civil Service examination for a period of twelve (12) months from the date of removal.

3. Placement: The employee will be placed in his former position if it is vacant. If the former position is not vacant, the Human Resources Director will attempt to place the employee at an equal or lower graded vacant position for which he is qualified. The refusal of an employee to accept an offer of placement to fill a vacancy will result in the employee being laid off and placed on a reinstatement list.

D. Involuntary Removal during Probationary Period:

1. A regular employee who is unsuccessful in completing a promotional probation is ineligible to take any Civil Service examination for a period of twelve (12) months from the date of removal.

2. Placement: The regular employee will be placed in his former position if it is vacant. If the former position is not vacant, the Human Resources Director will attempt to place the employee at an equal or lower graded position for which he is qualified. The refusal of an employee to accept an offer to fill a vacancy will result in the employee being laid off and placed on a reinstatement list.

E. Limited Placement Following other Causes for Removal during Probationary Period:

1. A regular employee who is unsuccessful in completing a probationary period for reasons other than those described in Sections II.C., (Voluntary Removal during Probationary Period), and II.D, (Involuntary Removal during Probationary Period), will be placed pursuant to Section II.E, above.

2. If unsuccessful in the first placement, the regular employee will be laid off and placed on a reinstatement list.

3. A nonexclusive example of a removal under this section is an employee who is laid off due to a lack of funding.

F. Internal Recruitment: When appropriate, the City may open an internal recruitment for a particular position, to otherwise ineligible employees, which may include, for example, employees who are temporary, provisional, unclassified, and grant funded, as well as to interns and vocational office education students.

APPROVED BY:

TOMAS GONZALEZ, City Manager

DATE: August 11, 2015

ITEM 2E
(WITH ACCEPTED CHANGES)

ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Provisional and Temporary Appointment Policy
Creation Date: October 18, 2011
Revision Date: August 5, 2013; May 30, 2015
Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

POLICY: PROVISIONAL AND TEMPORARY APPOINTMENT POLICY

Provisional and temporary appointments shall be made to meet the business and operational needs of the City, as permitted by the City Charter and all applicable federal and state employment laws.

I. GUIDELINES FOR LIMITED APPOINTMENTS

A. Provisional Appointments: A provisional appointment to a higher position may be authorized by the Human Resources Director without examination upon written request of the Department head, when a vacancy cannot be filled with an existing eligible list. All such provisional appointments may continue only until certification from an eligible list can be made, unless extended by the City Manager or designee.

B. Temporary Appointments: A temporary appointment to a position may be authorized by the Human Resources Director without examination upon written request of the Department Head, when for example:

1. Vacancy: When a position is vacant due to the sickness, disability or other absence of a regular employee.
2. Flexible Staffing Needs: Such as, employees hired to perform seasonal work.

C. Duration: Provisional and temporary appointments may not exceed one (1) year.

D. Restriction on Privileges: A provisional or temporary appointment will not confer upon the appointee any privileges of promotion, transfer or reinstatement to any other position in the classified services other than as specified in this policy.

E. Working Out of Class (WOC): The temporary assignment of an employee to perform duties of a significant and distinct nature allocated to a higher graded job classification, for fifteen days or more, but not to exceed one year.

F. Developmental Assignment Request: A Department Head may request that the Human Resources Director appoint a regular employee to a developmental assignment. Approval of the request will be based on the following:

1. Qualification: To qualify, the employee must meet the minimum qualifications for the position or be within eighteen (18) months of meeting the minimum qualifications.

2. Standing: The employee shall not currently be on a performance improvement plan (PIP) and shall not have received any disciplinary action within the preceding twelve (12) months.

3. Situation: The employee may not have been previously granted a developmental assignment that was substantially similar in nature.

4. Consent: The employee must consent to appointment in the developmental assignment.

5. Pay: Typically, no increase from the normal pay rate will be earned for developmental assignments for the first 180 days since they are learning the assigned work.

6. Duration: A developmental assignment may not exceed one (1) year.

II. TEMPORARY APPOINTMENT MADE REGULAR

A. Any person who has been temporarily appointed from the appropriate eligible list, and who at the time of the appointment was willing to accept the appointment under the conditions stated, may, in the case of the position being made regular, be regularly appointed in the position. This appointment is authorized regardless of the number of higher-eligible applicants willing to accept regular appointment.

B. Temporary employees who are made regular will be considered fully qualified for the position and not required to complete the probationary period provided they have successfully completed six months in the same position.

III. REAPPOINTMENT TO TEMPORARY EMPLOYMENT

Any person who has been appointed to a temporary position from an eligible list and who at the time was willing to accept appointment, may be reappointed to another temporary position, provided such reappointment is requested by the Department Head and approved by the City Manager or designee.

A. Duration: Temporary appointments may not exceed one (1) year.

B. Restriction on Privileges: A temporary appointment will not confer upon the appointee any privileges of promotion, transfer or reinstatement to any other position in classified service other than as specified in this policy.

IV CATASTROPHIC EVENT

Employees may be worked out of class by the City Manager or designee during a catastrophic event or during a period of recovery following the occurrence of such an event and may not be eligible to receive additional compensation.

V. APPOINTMENTS

A. Direct Appointment: Non-competitive selection and appointment procedures may be used for skilled or semi-skilled positions, or where job related ranking measures are not practical or appropriate. Direct appointments must be approved by the City Manager or designee, in accordance with the following:

1. Requires special or unique skills such as expert professional or executive level positions; or

2. Have critical timing requirements affecting recruitment; or

4. Hiring Official may hire no more than one percent of their employees using a direct appointment.

APPROVED BY:

_____ DATE: 9/17/15

TOMAS GONZALEZ, City Manager