

# R U I Z

J. EDGAR RUIZ  
HIDALGO COUNTY JUDGE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a WORKSHOP of the Commissioners' Court will be held on MONDAY, JANUARY 09, 1995 at 8:30 A.M. in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

## NOTICE TO THE PUBLIC WORKSHOP

1. Progress report - Civil Service Commission
2. Adult Detention Facility - Medical Services - Jail
3. Discussion on County Wide Payroll Procedures

Dated this the 04th day of January, 1995

*Comm Panel*

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Dated this the 04th day of January, 1995



P.O. BOX 1356  
EDINBURG, TEXAS 78540  
210-318-2600

Workshop - January 9, 1995

1) Esther Cortez

Travis Heister

Ciro Treviño

2) Dick Dickinson

Travis Heister

3) Travis Heister



J. EDGAR RUIZ  
HIDALGO COUNTY JUDGE

TO: Commissioner's Court Workshop  
FROM: Esther A. Cortez, Personnel Director *ER*  
DATE: January 9, 1995  
SUBJ: Progress Report on Civil Service Commission

The following is an update on the progress of Hidalgo County's Civil Service Commission:

- I. Attended meetings gathering information and material from other counties regarding their rules and regulations already in effect.
- II. Prepared packets for each Civil Service Commissioner with samples of all rules and regulations to assist in the adoption of Hidalgo County's Civil Service Rules and Regulations.
- III. Scheduled several workshops with Civil Service Commissioners and Hidalgo County Attorneys to discuss Civil Service Language.
- IV. Civil Service Commissioners along with Hidalgo County Attorneys have completed a set of Temporary Rules and Regulations to be adopted, and will present to Commissioner's Court for approval on Monday, January 9, 1995.
- V. After the adoption of these Temporary Rules and Regulations, I will continue to schedule workshops as often as Civil Service Commissioners request and will assist them in whatever is needed pertaining to the completion of Hidalgo County Civil Service Rules and Regulations.

**HIDALGO COUNTY, TEXAS CIVIL SERVICE COMMISSION**

**TEMPORARY RULES**

**Approved January 9, 1995 by the Hidalgo County, Texas Civil Service Commission  
Approved January \_\_\_\_, 1995 by the Commissioners' Court of Hidalgo County, Texas**

## **STATEMENT OF INTENT**

**JANUARY 9, 1995**

The Temporary Rules supersede all County personnel policies in conflict with the Temporary Rules. The Hidalgo County Personnel Policy Manual, effective October 1, 1991, except as modified by the Temporary Rules, remains in effect.

All benefits afforded to County personnel under the Manual are subject to change to the extent that the cost of all or portion of such benefits may be charged against County employees, subject to such employee's consent to pay for same, should the employee desire to continue such coverage. Benefits available under the Manual are also subject to approval of the Commissioner's Court, and are contingent on the availability of funds.

These Temporary Rules are subject to change at any time, by direction of the Commission, and to the extent applicable, are contingent upon the availability of funds and any required approval of the Commissioner's Court. The Temporary Rules are interim rules for the operation of a civil service system for county employees in Hidalgo County, Texas. The Commission may amend or repeal all or any portion of the Temporary Rules. The Temporary Rules, including all benefits available as provided in the Manual, are not contractual, and are subject to unilateral repeal or amendment by the Commission, or if applicable, the Commissioner's Court.

The Temporary Rules do not restrict County departments from establishing other departmental policies and procedures governing the operation of County departments so long as such policies and procedures are not in conflict with these Temporary Rules, are consistent with good employment practices and promote equal employment opportunity.

**HIDALGO COUNTY, TEXAS CIVIL SERVICE COMMISSION**

**Ricardo Flores**

**Fernando Salinas**

**Ricardo Medina**

**SECTION I**  
**ORGANIZATION**

**PURPOSE**

**1.00**

The Temporary Rules concern the operation of an employee civil service system for the County. The Temporary Rules supersede all County personnel policies in conflict with the Temporary Rules. The Hidalgo County Personnel Policy Manual, effective October 1, 1991, except as modified by the Temporary Rules, remains in effect.

**1.01**

As used herein, the pronouns he, him, his or their are used to signify both male and female individuals, are only used to condense the language of this text, and are not to be construed as discriminatory against either sex.

**1.02**

These Temporary Rules apply to actions taken or events occurring on or after January 9, 1995. Actions taken or events occurring prior to January 9, 1995, shall be governed by the Manual.

**DEFINITIONS**

**1.03**

"Commission" shall mean the Hidalgo County, Texas Civil Service Commission established pursuant to the Texas Local Government Code.

**1.04**

"Commissioners' Court" shall mean the Commissioners' Court of Hidalgo County, Texas, established pursuant to the constitution and laws of the State of Texas.

**1.05**

"County" shall mean Hidalgo County, Texas, as organized and existing under the constitution and laws of the State of Texas.

**1.06**

"Employee" shall mean any person employed by the County; provided however, that an Employee shall not include the following persons: (i) persons who are exempt from the System under Texas Local Government Code § 158.013 (an elected or appointed officer under the Texas constitution, employees of the criminal district attorney's office, and the official shorthand reporter of a court); (ii) persons who are a Probationary Employee; (iii) persons who are authorized by statute to perform governmental functions involving an exercise of discretion in the person's own right,

including, but not limited to, deputy sheriffs; (iv) a person who holds an office the term of which is limited by the Texas constitution; (v) the personal secretary and the chief administrative assistant/deputy of each elected official and appointed official under the Texas constitution; (vi) county court at law and district court bailiffs; and (vii) juvenile probation officers and employees of the juvenile probation office.

1.07

"Manual" shall mean the Hidalgo County Personnel Policy Manual, effective October 1, 1991.

1.08

"Probationary Employee" shall mean an employee who has not completed a six (6) month probationary period of employment with the County.

1.09

"Secretary" shall mean the Secretary of the Commission, as appointed by the Commission from time to time, and his or her assistants or designees.

1.10

"System" shall mean the Hidalgo County, Texas civil service system as operated by the Commission.

1.11

"Temporary Rules" shall mean these temporary rules, regulations, policies, procedures and benefits, as amended from time to time, prior to the adoption of the permanent rules.

## SECTION II

### EMPLOYMENT PROCEDURES

#### APPLICATION AND REQUISITION

2.00

Any person desiring to be employed by the County must complete a Hidalgo County Employment Application ("Application").

2.01

Any material misrepresentation of fact or failure to report pertinent data on the Application shall be just cause for dismissal.

**2.02**

To be eligible for employment with the County, a person must be able to show proof of citizenship or legal authority to work in the United States. Such proof must be in the form required by the Immigration Reform Act of 1986, as amended from time to time.

**2.03**

All persons employed by the County must have attained the minimum age of sixteen (16) years, and must be able to provide proof of age (e.g. driver's license or birth certificate).

**2.04**

Persons below the age of eighteen (18) years of age employed by the County are permitted to work only as provided for under Fair Labor Standards Act Regulations (29 C.F.R., Part 570), as amended from time to time.

**2.05**

Prospective employees will be required to pass performance tests to qualify for positions which have appropriate tests developed. The Commission shall be the final judge of the scope and content of such tests.

**2.06**

The completed Application must be returned to the Secretary. If an opening exists for which the applicant is qualified, the applicant will be referred to the appropriate personnel for an interview. Otherwise, the completed Application will be maintained in the Secretary's office for future reference.

**2.07**

A completed, approved Personnel Requisition must be submitted to the Secretary by the elected official or department head seeking to fill a vacant position before the elected official or department head interviews any potential employee for the vacant position, and such interviews are limited to the applicants referred by the Secretary to the department head or elected official. The Secretary will not refer potential employees to an elected official or department head until the Personnel Requisition has been received and processed by the Secretary.

**2.08**

The Secretary, upon receipt of a Personnel Requisition, will publish the vacancy in the following manner:

- (i) A notice (the "Notice of Available Positions") summarizing all Personnel Requisitions received by the Secretary during each calendar week which are ready for posting will be posted by the Secretary on the first workday of the following week.

- (ii) The Notice of Available Positions will be posted at the places at the County courthouse designated by the Commissioners' Court as places for posting notices of Commissioners' Court meetings.
- (iii) Once posted, the Notice of Available Positions will remain posted for five (5) calendar days, excluding county holidays (the "Posting Period").

**2.09**

The Secretary shall screen the Applications of all persons applying for a particular vacant position to assure that all applicants meet the minimum job qualifications. The three (3) top applicants will be referred to the department head or elected official who submitted the Personnel Requisition. The Secretary shall give priority to current Employees and/or Probationary Employees, if otherwise qualified, in determining which three applicants are referred to the requesting department head or elected official.

**2.10**

In the event that fewer than three (3) qualified applicants are available for any vacant position, the requesting department head or official may elect to interview such number of qualified applicants as are available, or to request that the Secretary take further steps to solicit additional applicants as he and the Secretary, in their sole discretion, may determine necessary or appropriate.

**2.11**

No applicant shall be considered for a vacant position unless referred to the department head or elected official by the Secretary in accordance with the procedures set forth in this Section II of the Temporary Rules.

**2.12**

No starting salary will be mentioned to prospective employees during the interview. Any starting salary above the minimum starting salary must be cleared through: (i) the County Judge's Office for availability of budgeted funds; and (ii) the Secretary for compliance with Commission rules concerning compensation; and such increased starting salary must have the prior approval of the Commissioners' Court.

**2.13**

Following the interviews, the elected official or department head filling the vacant position shall notify the Secretary of the candidate selected for the position. The Secretary is responsible for notifying the person that he/she has been selected for the position.

**2.14**

Each new employee will be classified as a Probationary Employee unless otherwise specified at the time of hiring.

**2.15**

All new employees will report to a designated representative of the hiring elected official or department head on their first day of work to process necessary forms. Orientation for new employees will be scheduled by the Secretary.

**NEPOTISM**

**2.16**

The hiring of County employees shall not violate applicable federal and state laws against nepotism, including laws contained in the Penal Code of the State of Texas.

**EQUAL EMPLOYMENT OPPORTUNITY**

**2.17**

It is the Commission's policy to provide equal employment opportunities to all applicants; to that end the Commission will cause the County to recruit, hire and promote qualified persons for all job positions without regard to race, color, creed, sex, age, national origin, handicap, or political affiliation. The Commission, however, may establish "bona-fide occupational qualifications" that relate to physical or mental abilities required to perform a job.

**SECTION III**

**DISCIPLINE**

**3.00**

An Employee may be demoted, suspended, or dismissed from the County without prior notice for just cause, including, but not limited to: incompetence; insubordination; offensive conduct; conviction of a felony; conviction of a misdemeanor involving moral turpitude; failure to report for work as provided in Section 3.01 hereof; gross or repeated neglect of duty; or other conduct inconsistent with the interest of the County. A Probationary Employee may be demoted, suspended, or dismissed from the County without prior notice with or without just cause.

**3.01**

Should an Employee and/or Probationary Employee who is not on authorized leave fail to report to work for three (3) days, the employee will be removed from the payroll. Payroll records will be coded "Resigned - No Notice Given".

**3.02**

An Employee and/or Probationary Employee shall be furnished a written notice of termination at the time of termination, or the earliest possible time after the date of dismissal, with a copy to the Secretary. Such notice shall specify the cause for

termination. If the notice cannot be presented in person to the employee, it should be sent certified mail to the employee's last known address at the earliest possible time after the date of dismissal.

**3.03**

A supervisor shall inform his elected official or department head of his intention to dismiss an Employee and/or Probationary Employee, specifying the cause(s), and dismiss such person only with the elected official's or department head's approval, unless the elected official or department head has previously given the supervisor termination authority.

**3.04**

Employees and/or Probationary Employees who are being dismissed are entitled to a post-termination conference, within five (5) working days of the date of termination, with their elected official or department head to review the reasons for termination. If the elected official or department head rescinds the actions based on additional information provided by the Employee and/or Probationary Employee, the termination will be null and void.

**3.05**

The five (5) day time limit provided in Section 3.05 may be extended for a reasonable length of time if the extension is mutually agreed upon by both parties.

**3.06**

If an Employee feels he is being unjustly disciplined he may utilize the grievance system provided for in Section V of the Temporary Rules provided such person meets the filing deadlines provided in such section. Utilizing the grievance procedures will not alter or delay an Employee's disciplinary action or termination date (i.e. an Employee may be terminated and then file a grievance).

**SECTION IV**

**SEXUAL HARASSMENT**

**4.00**

Sexual harassment of an employee(s) by another employee(s), or non-employee, in any form is a violation of the Commission's and County's policies, and any Employee, Probationary Employee, elected official, or other person in violation of such policy is subject to disciplinary action appropriate to the alleged violation. Non-employee(s) violating such policy may be subject to administrative or legal action.

4.01

It is against Commission and County policy for any elected official, Employee or Probationary Employee to:

- (i) Make sexual advances toward individuals over whom the elected official, Employee or Probationary Employee is authorized to make or recommend personnel action; or
- (ii) Refuse to take any personnel action because a sexual favor has been granted, or take, or fail to take personnel action as a reprisal against an individual for rejection or reporting a sexual advance.

4.02

An Employee or Probationary Employee who feels he or she has been sexually harassed in violation of the policies set forth in this Section IV should report such violation to his supervisor, department head or the Secretary, as he may deem appropriate.

## SECTION V GRIEVANCE PROCEDURES

### PURPOSES

5.00

The purpose of the grievance procedure is to settle all grievances between the County and all Employees and/or Probationary Employees under the System as quickly as possible and at as low an administrative level as possible so as to assure efficient work operations and maintain employee morale. Grievances shall be processed under this Section V rather than under Chapter XXI of the Manual.

### ELIGIBILITY

5.01

An Employee may process a grievance on any of the grounds set forth in Section 5.02. A Probationary Employee may file a grievance on the same grounds available to an Employee, except no grievance may be filed by a Probationary Employee on an Adverse Personnel Action (defined in Section 5.02). Except as qualified in this Section 5.01, the use of the word "Employee" in this Section 5 shall also be deemed to refer to "Probationary Employee."

## **SCOPE OF GRIEVANCE APPEAL PROCEDURES**

### **5.02**

A grievance may be filed on one or more of the following grounds:

- (i) Improper application of rules, regulations and procedures.
- (ii) Unfair treatment, including coercion, restraint or reprisal.
- (iii) Discrimination because of race, religion, color, creed, sex, age, national origin, handicap or political affiliation.
- (iv) Disciplinary actions taken against him/her without proper cause.
- (v) Improper application of fringe benefits or improper working conditions.

A grievance which relates to demotion, suspension or termination shall be referred to as an "Adverse Personnel Action." All other grievances shall be referred to as "Employee Complaints."

## **TIME LIMITS FOR FILING AND RESPONSE**

### **5.03**

Grievances shall be promptly filed. To be considered, a grievance must be filed in writing on the prescribed "Formal Grievance Form" within seven (7) calendar days from its occurrence, and/or from the date of receipt of written notification of disciplinary action, exclusive of county holidays, unless it is beyond the control of the Employee. Adverse Personnel Action grievances should be initially filed with the first level of supervision above the Employee's supervisor who has caused the action, with a copy to the Employee's immediate supervisor; provided that where the supervisor who has caused the action is a department head or elected official, the grievance should be initially filed with the Secretary for action by the Commission. Employee Complaint grievance should be initially filed with the Employee's immediate supervisor.

### **5.04**

A copy of the grievance should be retained by the Employee and a copy shall be filed with the Secretary within the time limits prescribed in Section 5.03. All copies should note the date the grievance was typed or written and the date and time the grievance was received by the supervisor. The copy filed with the Secretary shall additionally note the date and time of day of receipt by the Secretary.

**5.05**

The supervisor shall then investigate the grievance and make a written determination within seven (7) calendar days, exclusive of County holidays, from receipt of the grievance.

**5.06**

If the Employee is not satisfied with the determinations of the grievance he shall have seven (7) calendar days, exclusive of County holidays, to make a written appeal to the next level of supervision.

**5.07**

The preceding time limits, seven (7) calendar days exclusive of County holidays for investigation and determination, and seven (7) calendar days exclusive of County holidays for appeal, shall be used consistently for each succeeding higher level of management with whom the grievance is filed, unless there is a mutually agreed time extension between the Employee and management for fact finding purposes, emergencies, or other similar purposes.

**5.08**

If the Employee fails, without good cause, to meet the filing time limits, the grievance will be considered null and void.

**5.09**

If the supervisor fails to meet the time limits the Employee may then file with the next higher level of management without waiting for a determination.

**5.10**

In order to expedite the grievance process, if succeeding levels of management are aware of all facts contained in a grievance and concur with the preceding supervisor's determination, they may elect to allow the grievance to be forwarded to the next higher level of management by initiating their concurrence on the grievance.

**5.11**

Date and time of response by the supervisor and the Employee must be noted on the Formal Grievance Form to assure verification of compliance with the time limits. It shall be the responsibility of the Secretary to assure that all parties are aware of any deadline, and that all relevant dates are noted on the Formal Grievance Form on file with the Secretary.

## **GRIEVANCE RESOLUTION**

### **PROCEDURES**

#### **5.12**

In solving grievance matters the supervisor should investigate the complaint thoroughly and when deemed appropriate or at the Employee's request, conduct an informal hearing and require witnesses or interested parties to provide testimony, and verify grievance charges.

#### **5.13**

Informal grievance hearings are non-judicial in nature, therefore, rules of courts of law will not be followed.

#### **5.14**

The grievance hearing shall be recorded on tape cassette in order to reduce the rehearing of testimony during appeal proceedings. Reasonable time limits may be imposed on the parties to present their evidence related to the grievance.

#### **5.15**

The Employee or supervisor may represent himself, have a designated representative present, or have an impartial representative from the office of the Secretary to assure both parties' rights are protected.

#### **5.16**

If a hearing is conducted and the grievance is between two or more Employees, the Employees' supervisor will act as an administrator of the hearing. If the grievance is between an Employee and his supervisor, the next higher level supervisor in the department will act as administrator of the hearing.

#### **5.17**

The administrator will establish a mutually agreeable date and time for the hearing to be conducted, when all witnesses can be present and when it is not disruptive to work patterns of the department, and will notify all parties and witnesses sufficiently in advance so that they may appear at the designated time.

#### **5.18**

The supervisor will then be allowed to present his facts or witnesses with the Employee or his representative being allowed to cross-examine.

#### **5.19**

The Employee or his representative will be allowed to present pertinent facts or witnesses to testify on his behalf with the supervisor then being allowed to cross-examine the witness and provide a rebuttal to other facts presented.

**5.20**

Loud and abusive language by the Employee, supervisor, witnesses, or representative will not be allowed and will be grounds for disciplinary action or dismissal from the hearing proceedings.

**5.21**

After conclusion of the hearing, the administrator will have five (5) calendar days, exclusive of County holidays, to make a written determination of the hearing proceedings.

**ORDER OF APPEALS**

**5.22**

A grievance must be processed through the chain of command in the following order:

- (i) Grievant's immediate supervisor;
- (ii) Elected official or department head or division head;
- (iii) Governing Board of Managers - where applicable. Advisory boards may uphold termination or disciplinary actions or may make recommendations to the department head or Commission on matters concerning reinstatement, back pay or financial impact awards;
- (iv) Civil Service Commission. The Commission will hold a de novo hearing on all Adverse Personnel Action grievances, and the Commission, at its discretion, may either rule on appeals of Employee Complaint grievances based on the Formal Grievance Form, the decision of any supervisor or administrator, and other pertinent written information furnished by the parties to the grievance, or may elect to grant a de novo hearing on such grievance. Only the Commission, with approval of the expenditure by the Commissioners' Court, may make back pay awards.

**5.23**

In grievance hearings before the Commission, the department head shall have the burden of proof by a preponderance of the evidence in all Adverse Personnel Action grievances. In all other grievance hearings before the Commission, the grievant shall have the burden of proof by the preponderance of the evidence.

**5.24**

If an Adverse Personnel Action grievance results in a recommended reversal of such decision to terminate the individual, the Employee shall be reinstated, and subject to Commission order and approval of the expenditure by the Commissioners' Court, may be granted back pay.

**5.25**

If the Commission determines a de novo hearing will not be held on the appeal of an Employee Complaint, it shall send its written decision to the elected official or department head and the Employee stating that the Commission has upheld the elected official or department head's final written determination on the grievance.

**5.26**

The Secretary, together with the elected official or department head involved in the grievance hearing, other than as provided in Section 5.25 hereof, is responsible for implementing the decision reached at the grievance hearing after all levels of appeal have been exhausted.

PERSONNEL REQUISITION FORM

FORWARD COMPLETED FORM TO: PERSONNEL DIRECTOR

FROM: \_\_\_\_\_  
NAME OF DEPARTMENT

POSITION TITLE/GRADE \_\_\_\_\_

NEW POSITION \_\_\_\_\_ OR REPLACEMENT FOR \_\_\_\_\_

JOB CODE \_\_\_\_\_ POSITION NUMBER \_\_\_\_\_

SPECIAL REQUIREMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WORK LOCATION /HOURS: \_\_\_\_\_  
\_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ PHONE \_\_\_\_\_

\_\_\_\_\_  
SECTION HEAD/DATE

\_\_\_\_\_  
DEPARTMENT HEAD/DATE

\*\*\*\*\*

FUNDS AVAILABLE: \_\_\_\_\_ YES \_\_\_\_\_ NO ON \_\_\_\_\_

AUTHORIZED SALARY, GRADE & STEP \_\_\_\_\_

\_\_\_\_\_  
COUNTY JUDGE/DATE

\*\*\*\*\*

APPROVAL BY COMMISSIONERS' COURT REQUIRED \_\_\_\_\_ YES \_\_\_\_\_ NO. If Yes, please attach copy of Court approval and/or have authorized representative of Commissioner's Court sign below.

\_\_\_\_\_  
SIGNATURE/DATE

FORMAL GRIEVANCE FORM

Please complete form and submit through your supervisor and the Hidalgo County Civil Service Commission.

DEPT. NAME \_\_\_\_\_

GRIEVANT'S NAME \_\_\_\_\_

RACE \_\_\_\_\_

GENDER \_\_\_\_\_

TEL NO. WORK \_\_\_\_\_

HOME \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

OFFICE ADDRESS \_\_\_\_\_

REPRESENTATIVE'S NAME \_\_\_\_\_

TEL NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_

PLEASE PROVIDE A DETAILED STATEMENT OF THE DECISION OR EVENT(S) OCCASIONING THE GRIEVANCE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF DECISION OR EVENT(S) OCCASIONING GRIEVANCE \_\_\_\_\_

SUMMARIZE DISCIPLINARY ACTION TAKEN, IF ANY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE SPECIFIC POLICY OR REGULATION VIOLATED (IF ANY): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SPECIFY REMEDY SOUGHT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SUMMARIZE EFFORTS FOR INFORMAL RESOLUTION OF GRIEVANCE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please attach a copy of any documents you believe are relevant to your grievance.

\_\_\_\_\_  
SIGNATURE/DATE

\*\*\*\*\*

(DO NOT WRITE BELOW THIS LINE)

RECORD OF ACTIVITY: DATE SUPERVISOR NOTIFIED OF GRIEVANCE \_\_\_\_\_

DATE OF INITIAL APPEAL \_\_\_\_\_

DATE OF 2ND APPEAL: \_\_\_\_\_

DATE(S) OF SUBSEQUENT APPEAL: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

DATE FILED IN PERSONNEL \_\_\_\_\_