

CHAPTER III  
EMPLOYMENT PROCEDURES<sup>4</sup>

APPLICATION AND REQUISITION

3.00 Any person desiring to be employed by the County and/or District for a position subject to these rules must complete an application ("Application") through the Human Resources Department. County and/or District employees who apply for another County and/or District position subject to these rules while employed by the County and/or District are also required to complete an Application so that the Elected Official/Department Head filling a Vacancy is provided the latest information. (Amended April 10, 1996)

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

3.02 To be eligible for employment with the County and/or District, 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.

3.03 All persons employed by the County and/or District 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).

3.04 Persons below the age of eighteen (18) years of age employed by the County and/or District 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.

3.05 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.

3.05A Persons selected to fill certain vacancies in the Head Start Program must also undergo and pass a criminal history check during the person's Probationary Period if such investigation is required by the Texas Department of Protective and Regulatory Services and the Department of Health and Human Services as a condition to employment. (Adopted May 15, 1996)

3.06 The completed Application must be returned to the Human Resources Director. If a Vacancy exists for which the applicant is qualified under the Internal Announcement Procedure and/or the Open Announcement Procedure, the applicant will be referred to the appropriate Elected Official/Department Head for review and possibly an interview. Otherwise, the completed Application will be maintained in the Human Resources Director's office for future reference. At the discretion of the Elected Official/Department Head filling a Vacancy, if the Vacancy is not filled from the Applications received after utilizing the Notice of Available Positions - Internal Announcement Procedure and/or the Notice of Available Positions - Open Announcement Procedure, other qualified Applications on file in the Human Resources Director's office may be considered for a Vacancy in the manner authorized in these rules. (Amended May 14, 1997; Amended December 9, 1998)

3.07 A complete, approved Human Resources Department Requisition Form (HCCS-3) must be submitted to the Human Resources Director by the Elected Official/Department Head seeking to fill a Vacancy before the Elected Official/Department Head interviews any potential employee for such Vacancy, and such interviews are limited to the applicants referred by the Human Resources Director to the Elected Official/Department Head. The Human Resources Director will

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not refer potential employees to an Elected Official/Department Head until the Human Resources Department Requisition Form has been received and processed by the Human Resources Director. At the time the Elected Official/Department Head submits the HCCS-3 Form to the Human Resources Director, the Elected Official/Department Head shall indicate on such form whether the Vacancy is to be processed under the Internal Announcement Procedure or the Open Announcement Procedure. Under no circumstances may the Open Announcement Procedure be used by an Elected Official/Department Head unless the Vacancy was previously announced under the Internal Announcement Procedure and such Vacancy was not filled following the advertising of the Vacancy utilizing the Internal Announcement Procedure. (Amended May 14, 1997)

3.08 The Human Resources Director, upon receipt of a Personnel Requisition, will initially publish the Vacancy utilizing the Internal Announcement Procedure in the following manner:

- a. A notice (the "Notice of Available Positions - Internal Announcement Procedure") summarizing all Personnel Requisitions received by the Human Resources Director during each calendar week which are ready for posting utilizing the Internal Announcement Procedure will be posted by the Human Resources Director on the first workday of the following week.
- b. The Notice of Available Positions - Internal Announcement Procedure will be posted at the places at the County courthouse designated by the Commissioners' Court as places for posting notices of Commissioners' Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a listing of the Vacancies announced in the Notice of Available Positions - Internal Announcement Procedure, together with a request that the Elected Official/Department Head make such list accessible to all County and/or District Employees.
- c. Once posted, the Notice of Available Positions - Internal Announcement Procedure will remain posted for five (5) calendar days, excluding County and/or District holidays (the "Internal Announcement Procedure Posting Period"). (Amended May 14, 1997)

3.08A The Human Resources Director, upon receipt of a Personnel Requisition regarding a Vacancy which was not filled utilizing the Internal Announcement Procedure, will publish such Vacancies following the Open Announcement Procedure in the following manner:

- a. A notice (the "Notice of Available Positions - Open Announcement Procedure") summarizing all Personnel Requisitions received by the Human Resources Director during each calendar week which are ready for posting utilizing the Open Announcement Procedure will be posted by the Human Resources Director on the first workday of the following week.
- b. The Notice of Available Positions - Open Announcement Procedure will be posted at the places at the County courthouse designated by the Commissioners' Court as places for posting notices of Commissioners' Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a list of the Notice of Available Positions - Open Announcement Procedure together with a request that the Elected Official/Department Head make such list accessible to all County and/or District Employees.
- c. Once posted, the Notice of Available Positions - Open Announcement Procedure will remain posted for five (5) calendar days, excluding County and/or District holidays (the "Open Announcement Procedure Posting Period").

Elected Officials/Department Heads who desire to also advertise Vacancies published using the Open Announcement Procedure in additional ways, such as in an area newspaper or magazine of general circulation, must submit all proposed job announcements to the Human Resources Director for prior approval. (Adopted May 14, 1997)

3.09 The Human Resources Director shall initially utilize the Internal Announcement Procedure to process any Applications received for a Vacancy. The Human Resources Director will review the Applications and schedule appropriate interviews for Applicants who meet the minimum job qualifications under the Internal Announcement Procedure. The Human Resources Director, however, need not schedule interviews for all qualified Applicants unless requested to do so by the Elected Official/Department Head who submitted the Personnel Requisition. (Adopted May 14, 1997; Amended June 9, 1999)

3.10 In the event that fewer than three (3) qualified applicants are available for any Vacancy announced under the Open Announcement Procedure, the requesting Elected Official/Department Head may elect to interview such number of qualified applicants as are available, or to request that the Human Resources Director take further steps to solicit additional applicants as the Elected Official/Department Head and the Human Resources Director, in their sole discretion, may determine necessary or appropriate. (Adopted May 14, 1997; Amended June 9, 1999)

3.11 Except as provided in Section 3.49 hereof, no applicant shall be considered for a Vacancy, including a Vacancy proposed to be filled with a Temporary Employee, unless referred to the Elected Official/Department Head by the Human Resources Director in accordance with the procedures set forth in this Chapter III of the Rules. (Amended May 14, 1997; Amended December 9, 1998)

3.12 Any starting salary above the minimum starting salary must be cleared through: (i) the County Judge's Office and/or the comparable District office for availability of budgeted funds; and (ii) the Human Resources Director for compliance with Commission rules concerning compensation; and such increased starting salary must have the prior approval of the Commissioners' Court. (Adopted May 14, 1997; Amended June 9, 1999)

3.13 Following the interviews, the Elected Official/Department Head filling the Vacancy shall notify the Human Resources Director of the applicant selected for the position. Persons selected to fill a Vacancy in the Head Start Program must notify the Human Resources Director of the person selected to fill the Vacancy. (Adopted May 14, 1997; Amended June 9, 1999; Amended June 12, 2002)

3.14 Each new employee and each employee filling a Vacancy by promotion, will be classified as a Probationary Employee unless otherwise specified at the time of the appointment to the position.

3.15 All new employees will report to a designated representative of the hiring Elected Official/Department Head on their first day of work to process necessary forms. (Amended April 10, 1996)

#### LATERAL TRANSFERS

3.16 A lateral transfer is defined as an employee's movement within a Department or between Departments, from one position into another position, which new position has the same salary grade as the person's previous position, or until salary grades are established, is not budgeted for a higher salary than the employee's existing position.

3.17 An employee transferring laterally shall not receive a salary increase or decrease.

- 3.18 Lateral transfers may or may not involve a change in job responsibilities.
- 3.19 Employees may not transfer between Departments without prior approval from both affected Elected Officials/Department Heads and the Secretary. (Amended April 10, 1996)
- 3.20 A lateral transfer of an employee within a Department or from one Department to another within the same job classification is generally discouraged unless it is of benefit to both the County and/or District and the employee in order to improve productivity or morale.
- 3.21 Requests for lateral transfers must be submitted to the Secretary for a determination that the proposed transfer complies with the provisions of this Chapter. If such a determination is made, a lateral transfer may be made without advertising the Vacancy into which the employee is transferred. (Amended April 10, 1996)

## RECLASSIFICATION

- 3.22 Offices and Departments may submit reclassification request at any time during the year, but they will be considered for approval during the annual budget process. If an immediate business necessity exists, a reclassification request may be considered at a time other than the annual budget process, but a Commissioners' Court waiver is required. (Amended January 2, 2008)
- 3.23 Position reclassifications may be required when fundamental changes in the position duties have occurred over a period of time and are the result of required business changes, organizational restructuring or changes in a program or department mission. Reclassifications will only occur when a position's job responsibilities have changed significantly in level and/or scope over an extended period of time compared to the duties and responsibilities listed on the position job description. A reclassification request may or may not result in a change in salary grade and until salary grades are established, a change in salary. (Amended January 2, 2008)
- 3.24 Reclassification request must be submitted on a completed Personnel Adjustment Request Form with a copy of the current job description and a copy of the proposed job description to Department of Budget and Management with a copy to the Human Resources Department.

The Human Resources Department will conduct a job audit (desk audit or on-site audit) of the position to determine if a reclassification is justified, and will make a recommendation on the job title and job description. The Department of Budget and Management will conduct a salary audit of the position to determine the appropriate salary grade and until salary grades are established, the appropriate salary and will make a recommendation on the proposed salary. Both departments will submit their recommendations to the Classification Committee<sup>5</sup> for approval. If approved by the committee, the Elected Official/Department Head will present the requested reclassification to the Governing Authority for its approval. All approved adjustments will be effective on the first day of the first full pay period following approval of the Governing Authority.

Note: Department Heads/Elected Officials may assign other (additional) duties to an employee in addition to those listed in a job description without requiring a reclassification. The job description is intended to provide a general job description with examples of work and duties to be performed and these may change according to the changing needs of a Department and/or the County. A reclassification may be warranted when fundamental changes in the position duties occur over time as defined above. (Amended April 10, 1996)(Amended January 2, 2008)

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<sup>5</sup> Classification Committee will consist of a representative from the Human Resources Department, Treasurer's Office, and Department of Budget & Management.

3.25 Employees who occupy a job classification at the time of a reclassification, will be subject to meeting the minimum qualifications of the new job classification in order to remain incumbent in said job.

3.26 Positions occupied at time of a reclassification need not be advertised, so long as the incumbent meets the minimum qualifications of the new job classification and provided all procedures provided for reclassifications have been met.

3.27 An incumbent in a reclassified position is not subject to a new Probationary Period.

3.28 Positions that are Vacant at the time of a reclassification request must be advertised as provided in this Chapter.

## PROMOTIONS

3.29 A promotion is defined as an employee's movement within a Department or between Departments, from one position into another position, which new position results in the employee moving from a lower salary grade to a higher salary grade, or until salary grades are established, results in an increase in salary for such employee, or which new position which is budgeted at a salary higher than the employee's existing position.

3.30 Employee promotions must be based on the County and/or District's compliance with the Commission's policy on advertising Vacancies set forth in this Chapter.

3.31 An employee who is promoted is placed on a three (3) month Probationary Period from the effective date of the promotion. During the Probationary Period, the promoted employee must satisfactorily demonstrate his or her ability to perform the duties required. Failure of the employee to satisfactorily complete the three (3) month Probationary Period will result in demotion to the employee's old position and salary, with the affected Elected Official's/Department Head's approval, provided such position is available, or transfer to another suitable Vacancy, or termination in the event no suitable positions are open.

## DEMOTIONS

3.32 A demotion is defined as an employee's movement within a Department or between Departments, from one position into another position, which new position results in the employee moving from a higher salary grade to a lower salary grade, or until salary grades are established, results in a decrease in salary for such employee, or which moves the employee into a new position which is budgeted at a salary lower than the employee's existing position. Demotions may or may not involve a change in job responsibilities. Acceptable reasons for demotions are:

- a. the inability of an employee to fulfill the functions of the job;
- b. the employee's request for such change;
- c. disciplinary action; or
- d. reduction-in-force.

## REORGANIZATION AND/OR CONSOLIDATION

3.33 A County and/or District reorganization and/or consolidation ("reorganization") occurs when the structure of a single Department or several Departments is changed in such a way as to significantly alter the number of employees and/or level of job classes within that Department.

Such changes may be proposed by an Elected Official/Department Head, or in certain instances, initiated by the Governing Authority.

3.34 All reorganization plans must be submitted, in writing, to the Commission, and must have attached a completed personnel action request form with specific changes requested for each affected position.

3.35 The Secretary will review and coordinate administrative items such as job descriptions and support documents with requesting Departments, and will forward the completed package to the Commission for approval.

3.36 If the reorganization is approved by the Commission, the completed package will be forwarded to the Governing Authority for its approval, unless the Governing Authority is the entity which requested the reorganization.

3.37 In all cases, the affected employees must be given at least seven (7) days written notice prior to the implementation of the reorganization.

3.38 Promotions resulting from a reorganization do not require announcement in accordance with these rules, but the employee so promoted must have completed his or her probationary period.

3.39 Any Vacancy resulting from a reorganization, or any Vacancy which occurs during a reorganization, must be announced in accordance with the provisions of this Chapter.

#### REDUCTION-IN-FORCE

3.40 Whenever it becomes necessary to reduce the number of employees of any Department in the County and/or District, such as through a reorganization, or termination or reduction in County and/or District programs based on action of the Governing Authority, the Elected Official/Department Head of the affected Department shall communicate, in writing, the following information to the Human Resources Department:

- a. the number of positions to be eliminated; (Amended April 10, 1996)
- b. the salary grade(s) or, until salary grades are established, the salaries for each position involved;
- c. the job title(s) of the affected positions; and
- d. the date the layoffs are to be effective.

Upon receipt of such notice, the Secretary will prepare a reduction in force list, by Department, of all employees affected. Whenever possible, the reduction in force list will group like positions. The reduction in force list will assign an order of layoff to each affected employee and the Department must conform to that order. The intent and purpose of this subsection is to insure fairness and equity in the exercise of employee layoffs.

3.41 The order of layoff of employees in the Department in which the reduction in force is to be made shall be:

- a. Temporary Employees;
- b. Probationary Employees;
- c. Regular, Part-time Employees; and

d. Regular, Full-time Employees.

3.42 Regular, Full-time Employees shall also be laid off according to a layoff rating. Seniority shall be the sole layoff rating, unless two or more affected employees have equal seniority, in which event, performance appraisal ratings shall be taken into consideration in determining an employee's layoff rating. Employees with the lowest ratings will be laid off first. Among employees with equal layoff ratings, the order of layoff shall be determined by the Commission.

3.43 Generally, seniority shall be the sole layoff rating. The seniority rating will be determined simply by such employee's continuous County and/or District service as a Regular, Full-time Employee. Leaves of Absence shall not be included in computing continuous County and/or District service. An employee who resigns from County and/or District service shall lose all seniority credited to him/her prior thereto for purposes of this layoff formula, and subsequent reemployment of that employee shall not restore the seniority so lost. An employee shall receive two (2) points for each year of continuous County and/or District service. Portions of a year shall be prorated.

3.44 The second component of the layoff rating, applicable only to those with equal seniority ratings, will be the performance appraisal rating index derived by averaging the total scores of all "overall ratings" shown on all performance appraisals filed in that individual's official personnel file for the two year period preceding such computation. The value assigned to each "overall rating" shall be: the addition of ten (10) points for the highest possible overall rating (Superior); or five (5) points for the next highest overall rating (Exceeds Requirements); or two (2) points for a rating of "Meets Requirements"; or minus two (-2) points for a "Does Not Meet Requirements" rating.

#### REINSTATEMENT FOLLOWING REDUCTION-IN-FORCE

3.45 If an employee should be laid off as the result of a reduction-in-force, and if within a period of one (1) year thereafter, a Vacancy should occur in the same Department and in the same or in a lower salary grade, the said employee shall be reinstated in the vacant position, provided that such employee is willing to accept the offered employment, and provided further that such employee meets all qualifications for said position. When more than one person qualifies for reinstatement under this Section, the preference shall be given to the person laid off last.

#### NEPOTISM

3.46 The hiring of County and/or District employees shall not violate Hidalgo County's Nepotism Policy or any applicable federal and state laws against nepotism, including laws contained in the Penal Code of the State of Texas.

#### EQUAL EMPLOYMENT OPPORTUNITY

3.47 It is the Commission's policy to provide equal employment opportunities to all applicants; to that end the Commission will cause the County and/or District 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.

#### SPECIAL POSTING PROCEDURES FOR ENTRY LEVEL DEPUTY SHERIFF POSITION

3.48 The posting procedures provided in this Rule 3.48 are an exception to the requirement that all Vacancies first be announced utilizing the Internal Announcement Procedure. Posting of Vacancies under this Rule 3.48 shall be announced utilizing the Open Announcement Procedure, as modified by this Rule. The Sheriff's Department may use the Human Resources Department

Requisition Form to request that the Human Resources Director advertise for any job openings which may occur in an entry level deputy sheriff position during the six month period immediately following the posting, even if there are no Vacancies at the time of the request. If such a request is received, the Human Resources Director will publish such request for applications in the following manner:

- a. A notice soliciting applications for any openings which may occur for the entry level deputy sheriff position during the six month period immediately following the posting is posted at the places at the County courthouse designated by the Commissioners Court as places for posting notices of Commissioners Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a copy of the notice soliciting applications pursuant to this Rule 3.48, together with a request that the Elected Official/Department Head make such notice accessible to all County and/or District Employees;
- b. The notice, once posted, will remain posted for fourteen (14) calendar days, excluding County and/or District holidays; and
- c. A statement should be included in the job announcement indicating that applications are being accepted for any existing or future job openings for the entry level deputy sheriff position which are now available or which will become available during the six month period following the posting.

If the notice provided in this Section has been given, the Sheriff's Department may fill Vacancies in entry level deputy sheriff positions during the six month period immediately following the posting of such notices without further advertising such Vacancies. Such Vacancies are filled by the Sheriff's Department otherwise completing the Human Resources Department Requisition Form required by this Chapter for each Vacancy, complying with all other provisions of this Chapter, and requesting that the Human Resources Director send the Sheriff's Department the names and Applications of those applicants meeting minimum qualifications who responded to the general job announcement permitted by this Section rather than by posting such Vacancy. If the Secretary, at the request of the Sheriff's Department, has conducted testing of the eligible applicants following testing procedures acceptable to the Sheriff's Department, the Secretary may, at the request of the Sheriff's Department, in lieu of sending the Sheriff's Department a list of all applicants who met the minimum qualifications for the Vacancies, send the Sheriff's Department the names and Applications of the applicants with the highest over-all test scores, and absent good cause, following a personal interview with the Sheriff's Department, and such additional testing as the Sheriff's Department shall determine to be reasonable under the circumstances, such applicant shall be selected to fill such Vacancy. (Amended May 14, 1997)

#### SPECIAL POSTING PROCEDURES FOR DETENTION MATRON/DETENTION OFFICER POSITIONS

3.48A The posting procedures provided in this Rule 3.48A are an exception to the requirement that all Vacancies first be announced utilizing the Internal Announcement Procedure. Posting of Vacancies under this Rule 3.48A shall be announced utilizing the Open Announcement Procedure, as modified by this Rule. The Sheriff's Department may use the Human Resources Department Requisition Form to request that the Human Resources Director advertise for any job openings which may occur in the detention matron and/or detention officer positions during the six month period immediately following the posting, even if there are no Vacancies at the time of the request. If such a request is received, the Human Resources Director will publish such request for applications in the following manner:

- a. A notice soliciting applications for any openings which may occur for the detention matron and/or detention officer position during the six month period

immediately following the posting is posted at the places at the County courthouse designated by the Commissioners Court as places for posting notices of Commissioners Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a copy of the notice soliciting applications pursuant to this Rule 3.48A, together with a request that the Elected Official/Department Head make such notice accessible to all County and/or District Employees;

- b. The notice, once posted, will remain posted for fourteen (14) calendar days, excluding County holidays; and
- c. statement should be included in the job announcement indicating that applications are being accepted for any existing or future job openings for the detention matron and/or detention officer positions which are now available or which will become available during the six month period following the posting.

If the notice provided in this Section has been given, the Sheriff's Department may fill Vacancies in any detention matron and/or detention officer positions during the six month period immediately following the posting of such notices without further advertising such Vacancies. Such Vacancies are filled by the Sheriff's Department otherwise completing the Human Resources Department Requisition Form required by this Chapter for each Vacancy, complying with all other provisions of this Chapter, and requesting that the Human Resources Director send the Sheriff's Department the names and Applications of those applicants meeting minimum qualifications who responded to the general job announcement permitted by this Section rather than by posting such Vacancy. If the Secretary, at the request of the Sheriff's Department, has conducted testing of the eligible applicants following testing procedures acceptable to the Sheriff's Department, the Secretary may, at the request of the Sheriff's Department, in lieu of sending the Sheriff's Department a list of all applicants who met the minimum qualifications for the Vacancies, send the Sheriff's Department the name and Application of the applicant with the highest over-all test score, and absent good cause, following a personal interview with the Sheriff's Department, and such additional testing as the Sheriff's Department shall determine to be reasonable under the circumstances, such applicant shall be selected to fill such Vacancy.(Amended May 14, 1997)

#### EXCEPTIONS TO EMPLOYMENT PROCEDURES

3.49 The following situations do not require that an Elected Official/Department Head use the employment procedures described in this Chapter III to fill a vacancy for:

- a. a position used to settle a complaint, grievance or civil rights complaint, provided the Elected Official/Department Head certifies such fact to the Secretary;
- b. a position to which an individual charged with a crime under a criminal complaint or indictment is transferred pending final resolution of the criminal complaint or indictment, provided the Elected Official/Department Head certifies such fact to the Secretary;
- c. Emergency Appointments;
- d. an upgrade or downgrade of an occupied position as the result of a reclassification, so long as the procedures described in Section 3.22 through 3.28 hereof have been followed;
- e. a lateral transfer so long as the procedures described in Sections 3.16 through 3.21 hereof have been followed;
- f. a voluntary or involuntary demotion as described in Section 3.32 hereof;

- g. a reorganization and/or consolidation so long as the procedures described in Sections 3.33 through 3.39 hereof have been followed. If the reorganization and/or consolidation also involves a reduction in force, the procedures described in Sections 3.40 through 3.44 hereof must also be followed;
- h. an entry level position filled by an individual referred to the Elected Official/Department Head from programs associated with a Workforce Development Board ("WDB Programs"), provided the Elected Official/Department Head notifies the Secretary, in writing, prior to the selection of such person, that the Elected Official/Department Head has a vacant position, identified by job number, for the WDB Programs participant, and the Elected Official/Department Head represents to the Secretary that such position will remain vacant until the earlier of: (i) the WDB Programs participant is dismissed; or (ii) funding for the WDB Program position expires, at which time the Elected Official/Department Head shall process the paperwork necessary for such WDB Programs participant to be placed in such position on the County payroll. The WDB Programs participant's Probationary Period with the County begins on the day such participant is first assigned to work for the Elected Official/Department Head, NOT the date such participant is placed on the County payroll;
- i. a position filled based on a specific, prior, written waiver granted by the Commission; or
- j. persons employed in the Head Start Program as "substitute teachers" for a period of twelve months or less so long as such employees are not scheduled to work a regular, recurring schedule, but rather are on call to work as substitute teachers for other employees in the Head Start Program who are not available for work on any particular school day (Adopted August 9, 1995; Amended July 14, 1999)