

If the Elected Official/Department Head notifies the Human Resources Director that the Elected Official/Department Head was unable to make a selection from the applicants submitted, the Elected Official/Department Head may request the Human Resources Director to screen such other Applications available in the Human Resources Director's files received from qualified individuals who did not specifically apply for the Vacancy, and if such Applications are determined to exist, the Human Resources Director shall forward such Applications to the Elected Official/Department Head for his or her consideration in filling the Vacancy. (Adopted May 14, 1997; Amended June 9, 1999)

2.25B Inter local Agreement means an Inter local Cooperation Agreement dated April 18, 2002, by and among the Commission, the County and the District governing the administration of a civil service system for District employees. (Adopted June 12, 2002)

2.26 Leave Without Pay is a period of time without pay designated "Leave Without Pay" which the Elected Official/Department Head may grant to an employee when the employee has no available time left in the employee's applicable leave accounts. (Adopted June 19, 1995)

2.27 Manual refers to this manual of rules adopted by the Commission, as amended from time to time. (Adopted June 19, 1995)

2.28A. Open Announcement Procedure means the advertising procedure used to advertise a Vacancy when the Vacancy has not been filled using the Internal Announcement Procedure. When the Open Announcement Procedure is used, the Human Resources Director screens all Applications received for the Vacancy and forwards the names of those applicants meeting minimum qualifications to the Elected Official/Department Head. If the Elected Official/Department Head notifies the Human Resources Director that the Elected Official/Department Head was unable to make a selection from the applicants submitted, the Elected Official/Department Head may request the Human Resources Director to screen such other Applications available in the Human Resources Director's files received from qualified individuals who did not specifically apply for the Vacancy, and if such Applications are determined to exist, the Human Resources Director shall forward such Applications to the Elected Official/Department Head for his or her consideration in filling the Vacancy. (Adopted May 14, 1997)

2.29 Personal Leave, as defined in Sections 7.178 through 7.184 hereof, is a benefit available only to eligible employees in the Head Start Program. (Adopted September 20, 1995)

2.30 Human Resources Department means the County's and/or District's Human Resources Department under the supervision of the Human Resources Director. (Adopted May 10, 1995)

2.31 Human Resources Director means a person employed by the County and/or District who is responsible for the operation of the Human Resources Department. (Adopted May 10, 1995)

2.31 A Primary Sick Leave Pool Benefits means, in any calendar year, the lesser of: seven hundred and twenty Sick Leave hours; or one-third of the total Sick Leave hours in the Sick Leave Pool on the date an Enrolled Employee submits his or her request for Primary Sick Leave Pool Benefits. (Adopted March 28, 2002)

2.32 Probationary Employee means an employee who has not completed his or her applicable Probationary Period with the County and/or District. Probationary Employee, however, does not include an employee who is placed on disciplinary probation pursuant to Chapter IV hereof. (Amended December 13, 1995)

2.33 Probationary Period means: (i) a six (6) month period of actual work following the date a person becomes employed or reemployed by the County and/or District. A Probationary Employee's approved absence from the job during the Probationary Period which exceeds five (5) working days in the aggregate, shall automatically extend the Probationary Period by the total period of

time such Probationary Employee was absent from the job. In such event, the Probationary Period for such employee does not expire until the Probationary Employee has completed six (6) months of actual work in the position; however, under no circumstances will: (i) a six (6) month probationary period ever extend beyond nine (9) months following the date a person becomes employed or reemployed by the County and/or District. The Probationary Period does not include time served as a Temporary Employee. During the Probationary Period, the person serves at the discretion of the Elected Official/Department Head and may be separated "at will" from employment at any time prior to completion of such Probationary Period. If a person is dismissed during the Probationary Period, no cause need be cited and no access to the grievance procedure is permitted. (Amended June 19, 2018)

2.34 Regular, Full-time Employee means an individual hired by the County and/or District to fill a position budgeted and approved by the Governing Authority, which position requires such person to perform work on a regular, on-going schedule of forty (40) hours per seven day work period or eighty (80) hours per fourteen (14) day work period. For employees assigned to the Head Start Program, a Regular, Full-time Employee means an individual hired by the County and/or District to fill a position in the Head Start Program which has been budgeted and approved by the Governing Authority, which position requires such person to perform work on a regular, on-going schedule of forty (40) hours or other number of hours during a seven day work period in order to be classified as a "full-time" employee. (Amended September 20, 1995)

2.35 Regular, Part-time Employee means an individual hired by the County and/or District to fill a position budgeted and approved by the Governing Authority, which position requires such person to perform work on a regular, on-going schedule of less than forty (40) hours per seven day work period or eighty (80) hours per fourteen (14) day work period. For employees assigned to the Head Start Program, a Regular, Part-time Employee means an individual hired by the County to fill a position in the Head Start Program who is not otherwise classified as a Regular, Full-Time Employee, which position has been budgeted and approved by the Governing Authority as a part-time position, which position requires such person to perform work on a regular, on-going schedule of less than forty (40) hours during a seven day work period and such position has been classified "part-time." (Amended September 20, 1995)

2.36 Secretary means the Secretary of the Commission, as appointed by the Commission from time to time, and his or her assistants or designees. (Adopted May 10, 1995)

2.36A Secondary Sick Leave Pool Benefits means, in calendar year, up to two hundred and forty Sick Leave Hours available to an Enrolled Employee who, in any calendar year, has received Primary Sick Leave Pool Benefits, and who, prior to submitting a request for Secondary Sick Leave Pool Benefits associated with the same or another catastrophic illness or disability, returned to work for at least one calendar day prior to such Enrolled Employee's application for Secondary Sick Leave Pool Benefits. (Adopted March 28, 2002)

2.37 Sick Leave is a benefit earned by an employee which may be used when the employee is ill, or for medical/dental appointments for the employee. Head Start Program employees may also use Sick Leave for an illness or for medical/dental appointments for such employee's spouse, child and/or parent. The terms "spouse," "child" and/or "parent" for purposes of eligible Sick Leave for Head Start employees, has the same meaning given such terms in Section 7.92 hereof. Sick Leave for Head Start Program employees also includes such employee's brothers or sisters. (Amended September 20, 1995)

2.37A Sick Leave Pool means the County and/or District voluntary Sick Leave Pool adopted by the Commissioners Court and/or District for Enrolled Employees with a catastrophic illness or disability. (Adopted March 28, 2002)

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 Deleted June 21, 2018

#### 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.

In addition to the foregoing, when an Elected Official/Department Head: (i) has received written notice that federal and/or state funding is in jeopardy unless certain types of regular County and/or District positions are filled immediately; or (ii) learns that an employee in a currently filled position will be absent from work for an indefinite period of time, generally not to exceed six months, due to illness or injury of the employee, or the employee's spouse, child or parent (as those terms are defined in Rule 7.92), and the Elected Official/Department Head is either required by law or elects to continue such person's employment during such absence from work; the Elected Official/Department Head may temporarily fill such vacancies as an Emergency Appointment without meeting the other criteria required for such an appointment, so long as the Elected Official/Department Head certifies such fact, in writing, to the Secretary prior to filling such vacancies. Persons employed to fill such vacancies must also acknowledge, in writing, that such person is being employed on a temporary basis and for a limited duration, generally not to exceed six months. The Elected Official/Department Head should also promptly request any vacancies which, under the circumstances, need to be filled on the termination of such temporary appointments be advertised as provided in Chapter III of these rules. (Amended November 12, 1997; Amended December 9, 1998; Amended June 9, 1999)

The Elected Official/Department Head shall fill an Emergency Appointment with either an existing employee or from qualified applicants who have an Application on file in the office of the Human Resources Director. (Amended November 12, 1997)

The Secretary shall establish procedures which insure that the Commission receives, on a quarterly basis, statistical information concerning the frequency and areas in which Emergency Appointments are being used in the County and/or District. (Adopted August 9, 1995)

2.18 Employee, [whether the term is capitalized or not], unless the context clearly indicates otherwise, means any person employed by the County and/or District. The term "employee" excludes:

- a. 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);
- b. persons who are authorized by statute to perform governmental functions involving an exercise of discretion in the person's own right, except for deputy sheriffs and deputy constables, who shall be considered Employees;
- c. a person who holds an office the term of which is limited by the Texas constitution;
- d. the personal secretary and the chief administrative assistant/deputy of each elected official and appointed official under the Texas constitution;
- e. justice of the peace and staff, county court at law and district court staff, including bailiffs and court coordinators and assistant bailiffs and assistant court coordinators (Amended November 15, 2000);
- f. adult and juvenile probation officers and employees of the adult and juvenile probation offices;
- g. the county auditor, assistant or deputy county auditors and employees of the county auditor;
- h. Persons who are offered and accept employment with Hidalgo County under a grant/inter local funded and/or grant/inter local reimbursed position (Amended June 21, 2018); and
- i. the following positions in the Hidalgo County Sheriff's Department: Commander of Criminal Enforcement and Commander of Detention (Amended June 12, 2002)

- j. two (2) additional key positions in each county commissioner precinct as determined by each county Commissioner, not to exceed four (4) in number for each precinct. (Amended April 10, 2010)
- k. deputy clerk and assistant deputy clerks of Hidalgo County District Clerk's office (Amended April 10, 2010).

2.18 A Enrolled Employee means an employee who, in any calendar year, has elected to participate in the Sick Leave Pool, and who, during the Enrollment Period, meets all requirements of Section 7.210 of these Rules with respect to the following calendar year, or with respect to an employee who elects to participate in the Sick Leave Pool after twelve months of County and/or District employment, for the remainder of the calendar year following enrollment. (Adopted March 28, 2002)

2.18 B Enrollment Period with respect to the Sick Leave Pool means: (a) during the month of November in each calendar year; or during the twelfth month of County and/or District employment for employees who, based on length of County and/or District service, are not eligible to enroll in the Sick Leave Pool during the preceding November. (Adopted March 28, 2002)

2.19 Family and Medical Leave means leave available to "eligible employees" pursuant to a leave program adopted by the Governing Authority which complies with 29 U.S.C. 2601-2654, as amended. (Adopted June 19, 1995)

2.19A Governing Authority means the Commissioners Court, in its capacity, as applicable, of the County and/or the District. (Adopted June 12, 2002)

2.20 Head Start Administrative Staff means Head Start Program employees who are not classified as Head Start Center Staff. (Adopted September 20, 1995)

2.21 Head Start Center Staff means Head Start Program employees who are assigned to work at the Head Start Program centers whose primary job responsibilities involve the delivery of services to clients. The Head Start Program Director is responsible for classifying employees as Head Start Center Staff. (Adopted September 20, 1995)

2.22 Head Start Policy Council means the Head Start Policy Council established by the County under the Head Start Program. (Adopted September 20, 1995)

2.23 Head Start Program means the federal grant program administered by the County under 42 U.S.C.A Section 9831, et. seq., as amended, and implementing regulations and guidelines. (Adopted September 20, 1995)

2.24 Head Start Program Director means the person selected by the Governing Authority and Head Start Policy Council as Head Start Program Director. For purposes of these rules, the Head Start Program Director is a Department Head. (Adopted September 20, 1995)

2.25 Holidays means authorized days off from work as declared by the Governing Authority. (Adopted June 19, 1995)

2.25 A. Internal Announcement Procedure means the advertising procedure used to advertise a Vacancy when the Vacancy is to be filled from qualified individuals who are already employed by the County and/or District. When the Internal Announcement Procedure is used, the Human Resources Director screens only the Applications received from existing County and/or District employees for the Vacancy and forwards the names of those applicants meeting minimum qualifications to the Elected Official/Department Head.