

10-18-23

ORDINANCE NO. 32604

An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-4, 34-6, 34-16, 34-17, 34-19, 34-22.3, 34-22.4, 34-24.2, 34-32, 34-36, and 34-38; removing obsolete provisions regarding flex time for exempt employees; clarifying that paid mental health leave is not limited to peace officers; allowing the employment of persons age 15 in the seasonal position of lifeguard; clarifying leave types counted as work time for overtime and compensatory leave calculations; allowing additional licensed mental health professionals to verify the need for mental health leave; clarifying the eligibility for compassionate leave; correcting a typographical error regarding paid parental leave clarifying language in the "come-back option" for retiree health insurance and expanding spousal eligibility for enrolling in the "come-back option"; prohibiting unexcused absences and tardiness while teleworking and adding titles to the executives eligible to hear grievance and disciplinary appeals; providing a saving clause; providing a severability clause; and providing an effective date. Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (21) of Section 34-4, "Definitions," of Article I, "General Provisions," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"(21) ~~Reserved [FLEX TIME means a balancing time entry process that provides exempt employees with the opportunity to substitute additional hours worked outside of his or her normal work schedule for time not worked during the same pay period in order to meet the total 80 hours required in a pay period. Flex time is a balancing entry only and is not paid leave].~~"

SECTION 2. That Paragraph (35) of Section 34-4, "Definitions," of Article I, "General Provisions," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"(35) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, no more than 21 days of military leave each fiscal year as required by state law, parental leave, quarantine leave, mental health leave [~~for peace officers~~], compassionate leave, and mandatory city leave."

SECTION 3. That Section 34-6, "Requirements for Induction," of Article I, "General Provisions," of Chapter 34, "Personnel Rules" of the Dallas City Code is amended to read as follows:

"SEC. 34-6. REQUIREMENTS FOR INDUCTION.

To obtain employment with the city, an applicant must:

- (1) be at least 16 years of age, unless otherwise approved under a federally-sponsored program, or be at least 15 years of age for employment in a seasonal position as a summer lifeguard in the Park and Recreation Department, in accordance with state and federal laws governing employment of persons age 15 years;
- (2) be eligible to work in the United States in accordance with the federal Immigration Reform and Control Act, as amended;
- (3) have a social security number;
- (4) agree to be fingerprinted, if requested;
- (5) take a polygraph examination related specifically to job performance, for positions designated by the director of human resources; and
- (6) pass a medical, physical agility, drug and alcohol, and/or mental examination after an employment offer has been extended, appropriate for the position as designated by the director of human resources."

SECTION 4. That Paragraph (f) of Section 34-16, "Work Hours," of Article II, "Compensation," of Chapter 34, "Personnel Rules" of the Dallas City Code is deleted as follows:

~~"[(f) Flex time. Rules regarding the use and application of flex time are addressed in the administrative directives of the city.]"~~

SECTION 5. That Paragraph (b), "Paid Leave," of Section 34-17, "Overtime and Paid Leave for Civilian Employees," of Article II, "Compensation," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"(b) Paid leave. An employee is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. Except for holiday leave, mental health leave, compassionate leave, injury leave, quarantine leave, mandatory city leave, and court leave pursuant to Section 34-26, paid leave will not be counted as work time for purposes of computing overtime or compensatory leave."

SECTION 6. That Paragraph (3), "Paid Leave," of Subsection (a), "Police Department," of Section 34-19, "Work Hours, Paid Leave, and Overtime for Public Safety Employees," of Article II, "Compensation," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"(3) Paid leave. Any sworn employee of the police department is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. Authorized attendance incentive leave, vacation leave, holiday leave, leave with pay as defined by Section 34-29, compensatory leave, court leave pursuant to Section 34-26, mandatory city leave, military leave, ~~and~~ death-in-family leave, compassionate leave, injury leave, mental health leave, and quarantine leave will be counted as work time for purposes of computing overtime or compensatory leave. Paid parental leave and sick leave will not be counted as work time for purposes of computing overtime or compensatory leave."

SECTION 7. That Paragraph (9) of Subsection (b), "Fire Department," of Section 34-19, "Work Hours, Paid Leave, and Overtime for Public Safety Employees," of Article II, "Compensation," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

“(9) Authorized attendance incentive leave, vacation leave, holiday leave, leave with pay as defined by Section 34-29, compensatory leave, court leave pursuant to Section 34-26, mandatory city leave, military leave, ~~and~~ death-in-family leave, compassionate leave, injury leave, mental health leave, and quarantine leave will be counted as work time for purposes of computing overtime or compensatory leave. Paid parental leave and sick leave will not be counted as work time for purposes of computing overtime or compensatory leave.”

SECTION 8. That Paragraph (1) of Subsection (a) of Section 34-22.3, “Mental Health Leave,” of Article III, “Leave Policies,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(1) An employee who experiences a traumatic event while on duty is eligible to receive paid mental health leave if the need for mental health leave is verified by a licensed psychiatrist, ~~or~~ licensed psychologist, or licensed mental health professional.”

SECTION 9. That Subsection (a), “Purpose,” of Section 34-22.4, “Compassionate Leave,” of Article III, “Leave Policies,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(a) Purpose. Compassionate leave is intended for employees with a serious medical condition or injury that prevents the employee from performing any type of work and, due to the employee's medical condition, it is anticipated that the employee will not be able to return to work for an extended period of time or indefinitely.”

SECTION 10. That Section 34-24.2, “Paid Parental Leave,” of Article III, “Leave Policies,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“**SEC. 34-24.2. PAID PARENTAL LEAVE.**

On or after October 1, 2021 [~~January 1, 2022~~], a maximum of six weeks of paid parental leave is available to employees following the birth of the employee's child or to care for the child after birth, or for the placement of a child with the employee for adoption or foster care or to care for the child after placement. Specific procedures and requirements for the administration of paid parental leave are outlined in the administrative directives of the city.”

SECTION 11. That Paragraph (5) of Subsection (c), “Notice of Retirees’ Rights to Purchase Continued Health Benefits,” of Section 34-32, “Health Benefits Plans,” of Article IV, “Benefits,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(5) A retiree who is age 65 ~~[or older]~~ may enroll in the city’s post-65 plan after separating from employment under the “come-back option” if, within 30 days of timely enrolling in the Medicare program, the retiree submits an enrollment request to the city, is eligible to receive an immediately-distributable pension benefit under the Employees’ Retirement Fund or Dallas Police and Fire Pension System, and provides satisfactory evidence of continuous comprehensive health plan coverage for the 36-month period immediately preceding the enrollment request. An employee is not required to have commenced receipt of pension benefits in order to enroll in the city’s retiree health benefit plan. A retiree who enrolls in the city’s post-65 plan under the come-back option and subsequently terminates coverage will not be eligible to reenroll thereafter. The come-back option is available beginning with the 2022 calendar year benefits enrollment period to retirees who meet the eligibility criteria on or after the enrollment period begins.

~~[(A)]~~ A retiree's legally-recognized spouse may be enrolled in the post-65 plan under the come-back option at the same time as the retiree's enrollment, but no spousal enrollment independent of the retiree is permitted.

~~[(B) Only the spouse to whom the retiree was legally married at the time of separation of employment will be eligible for enrollment under the come-back option.]”~~

SECTION 12. That Paragraph (1) of Subsection (b), “Unacceptable Conduct,” of Section 34-36, “Rules of Conduct,” of Article V, “Rules of Conduct,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(1) Unsatisfactory attendance is exemplified by, but is not limited to, the following violations:

- (A) unexcused absence or tardiness, including during telework;
- (B) failure to give notice of an absence or tardiness to the supervisor from within two hours before to within 30 minutes after starting time, as prescribed by departmental procedure;
- (C) excessive separate absences or tardiness;
- (D) absence or tardiness that causes service reduction or disruption; or

(E) excessive amounts of time off the job, regardless of the reason.”

SECTION 13. Subsection (k) of Section 34-38, “Grievance and Appeal Procedures,” of Article VI, “Discipline, Grievance, and Appeal Procedures,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(k) For purposes of this section only, a reference to an assistant city manager also refers to a non-sworn managerial chief designated by the city manager, including, without limitation, deputy city manager, chief of economic development and housing, chief of community services, chief financial officer, and chief of staff to the city manager.”

SECTION 14. That Chapter 34 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 15. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 16. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 17. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By  Assistant City Attorney

Passed DEC 13 2023



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 13 2023

ORDINANCE NUMBER 32604

DATE PUBLISHED DEC 13 2023

ATTESTED BY: