

8/21/12

ORDINANCE NO. 28794

An ordinance amending Sections 34-4, 34-25, and 34-36 of CHAPTER 34, "PERSONNEL RULES," of the Dallas City Code, as amended; including the city auditor's office and the city secretary's office in the definition of "non-civil service employee" in conformance with the city charter; granting police and fire chiefs any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement; clarifying that workplace violence is a type of disturbance constituting unacceptable conduct; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Paragraph (32) of Section 34-4, "Definitions," of Article I, "General Provisions," of CHAPTER 34, "PERSONNEL RULES," of the Dallas City Code, as amended, is amended to read as follows:

"(32) NON-CIVIL SERVICE EMPLOYEE means an employee who fills a position that is exempt from the provisions applicable to the civil service, as designated by the city charter. Non-civil service employees include:

(A) employees of the legal department, the city manager's office, the city auditor's office, the city secretary's office, the library department, the park and recreation department, and the radio department (WRR);

(B) municipal court judges; and

(C) city council office staff."

SECTION 2. That Subsection (a) of Section 34-25, "Holidays," of Article III, "Leave Policies," of CHAPTER 34, "PERSONNEL RULES," of the Dallas City Code, as amended, is amended to read as follows:

"(a) Days designated.

- (1) The following official holidays will be observed:
  - (A) New Year's Day (January 1);
  - (B) Martin Luther King's Birthday (third Monday in January);
  - (C) President's Day (third Monday in February);
  - (D) Memorial Day (last Monday in May);
  - (E) Independence Day (July 4);
  - (F) Labor Day/Cesar E. Chavez Day (first Monday in September);
  - (G) Thanksgiving Day (fourth Thursday in November);
  - (H) Day after Thanksgiving/ September 11th Remembrance Day; and
  - (I) Christmas Day (December 25).

(2) Additional holidays may be granted by ordinance or resolution of the city council at the recommendation of the city manager.

(3) The police and fire chiefs will receive any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement for the same length of time that the other police and fire personnel receive the additional holidays under the meet and confer or collective bargaining agreement."

SECTION 3. That Subsection (b)(12) of Section 34-36, "Rules of Conduct," of Article V, "Rules of Conduct," of CHAPTER 34, "PERSONNEL RULES," of the Dallas City Code, as amended, is amended to read as follows:

"(12) Disturbance is exemplified by, but is not limited to, the following violations:

- (A) fighting or boisterous conduct;
- (B) deliberate causing of physical injury to another employee or citizen;
- (C) intimidation;
- (D) unnecessary disruption of the work area;

(E) use of profane, obscene, abusive, threatening, or loud and boisterous language;

(F) harassment or workplace violence as defined in the administrative directives of the city;

(G) spreading of false reports; or

(H) other disruption of the harmonious relations among employees or between employees and the public."

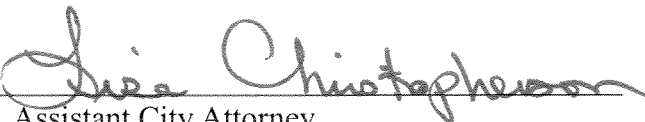
SECTION 4. That CHAPTER 34 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 5. 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 6. That this ordinance will 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:

THOMAS P. PERKINS, JR., City Attorney

By   
Assistant City Attorney

Passed SEP 19 2012

LC/DCC/00532A