



City of Dallas

Personnel Rules Updates

**Government Performance and
Financial Management
11-14-2023**

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City of Dallas

Presentation Overview



- Background/History
- Purpose
- Issues/Operational or Business Concerns
- Operational Impact
- Proposed Action
- Next Steps



Background/History



The Department of Human Resources and the City Attorney's Office review and modify Chapter 34 of the Dallas City Code (City of Dallas Personnel Rules) to address:

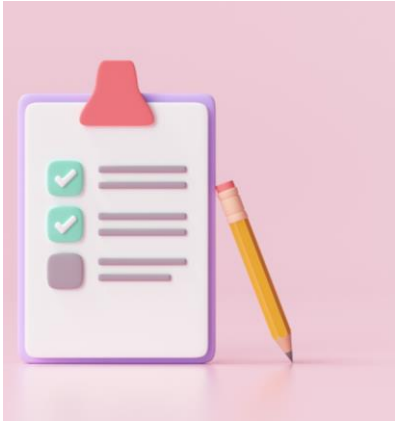
- Outdated and/or obsolete information
- Changes to federal and state laws
- Modifications to City processes and procedures



Purpose



Updates to the Personnel Rules will:



- Remove obsolete terminology and correct errors
- Allow employment of 15-year-olds as lifeguards
- Clarify how overtime and eligibility for Attendance Incentive Leave is affected by leaves
- Expand the professionals who can approve Mental Health Leave
- Revise language for clarity in the Come Back clause
- Include teleworking in the Rules of Conduct
- Expand the executives able to hear grievances and appeals



Issues/Operational Concerns



- Flex time terminology is no longer used in the current Human Resources Information System.
- The computation of overtime and compensatory leave is not addressed for compassionate leave, injury leave, mental health leave, and paid parental leave.
- Limited types of professionals who can approve the need for mental health leave due to an on-the-job traumatic event.
- There is a typographical error in the date of implementation of paid parental leave.
- Other municipalities and private employers hire 15-year-olds for lifeguard positions.



Issues/Operational Concerns



- There is a need to clarify the age of enrollment for age pre-65 retirees and the definition of a spouse to enroll in continued health benefits (Come Back clause).



- Telework should be listed in instances of unexcused absence or tardiness.
- The titles of deputy city manager and chief financial officer should be included in the reference for assistant city manager when identifying staff who can hear grievances and appeals.



Proposed Actions



- Sec. 34-4. Definitions
 - Remove **flex time**
 - Remove reference to peace officers in mental health leave reference for paid leave definition
 - Financial impact: None
- Sec. 34-6. Requirements for Induction
 - Allow the employment of applicants 15 years of age for a seasonal position as a summer lifeguard in the Parks and Recreation Department, in accordance with state and federal laws governing employment of persons age 15 years.
 - Financial impact: None



Proposed Actions



Changes to Overtime Calculation for Mental Health Leave and Compassionate Leave

- Requires changes to multiple sections in Personnel Rules to address allowing overtime calculation for use of Mental Health Leave, Injury Leave, Quarantine Leave, and Compassionate Leave:
 - Sec 34-17 Overtime and Paid Leave for Civilian Employees
 - Sec 34-19 Work Hours, Paid Leave and Overtime For Public Safety Employees



Proposed Actions



- Sec. 34-17 Overtime and Paid Leave for Civilian Employees
 - Include **compassionate leave, injury leave, mental health leave, and quarantine leave** as leaves that will be included for the purposes of computing overtime or compensatory leave.
 - Identify that **paid parental leave** and **sick leave** will not be counted as work time for purposes of computing overtime or compensatory leave
 - Financial impact: No impact for compassionate leave, injury leave, paid parental leave, and sick leave. See overtime calculation for mental health leave.





Proposed Actions

- Sec. 34-19 Work Hours, Paid Leave, and Overtime for Public Safety Employees.
 - Include **compassionate leave, injury leave, mental health leave, and quarantine leave** for the purposes of computing overtime or compensatory leave.
 - Identify that **paid parental leave** and **sick leave** will not be counted as work time for purposes of computing overtime or compensatory leave.
 - Financial impact: No impact for compassionate leave, paid parental leave, and sick leave. See overtime calculation for mental health leave.



Financial Analysis of Overtime Calculation Mental Health Leave



Scenario A: Worker receives mental health leave and takes it in two different payroll weeks. Worker works average number of hours over 40/60 hours in a week. Mental health leave hours count toward hours worked for overtime calculation.

Scenario A With Mental Health Leave Counting Toward Overtime Calculation

A. Employee Type	A Estimated number taking mental health leave annually	B. Amount of mental health leave available	C. Estimated average amount of overtime in week	D. Weeks with mental health leave	E. Hours subject to overtime premium (C x D)	F. Fully loaded hourly rate	G. Overtime premium (F x 0.5)	H. Overtime cost = Overtime premium x hours subject to overtime premium (E x G)	Estimated total cost (A x H)
Civilian hourly	12	40	2	2	4	\$ 34.12	\$ 17.06	\$ 68.24	\$ 818.88
DPD uniform hourly	12	40	2	2	4	\$ 56.44	\$ 28.22	\$ 112.88	\$ 1,354.56
DFR uniform hourly 2808	10	60	2	2	4	\$ 43.68	\$ 21.84	\$ 87.36	\$ 873.60
DFR uniform hourly 2080	2	60	2	2	4	\$ 55.77	\$ 27.89	\$ 111.54	\$ 223.08
Total									\$ 3,270.12

9-5-23



Issues/Operational Concerns



- Sec. 34-22.3 Mental Health Leave



- Include **licensed mental health professionals** to be able to verify the need for mental health leave.
- Financial impact: None

- Sec. 34-24.2. Paid Parental Leave

- Correct the typographical error for the implementation date of **October 1, 2021**, for paid parental leave.
- Financial impact: None



Issues/Operational Concerns



- **34-22.4. Compassionate Leave.**
- Expand the eligibility for compassionate leave for employees not expected to return to work to include employees who may be able to return to work in the future after an extended period of time of 20 weeks or more.
- Financial impact: \$131,000.



Financial Analysis of Additional Compassionate Leave



Calculation September 5, 2023

Scenario: Compassionate leave available to employees who are out longer than 12 weeks, receive Long Term Disability payments, and are able to return to work.

A. Employee Type	A Estimated number taking compassionate leave annually	B. Amount of compassionate leave available per employee	C. Total hours of compassionate leave granted (A x B)	D. Average fully loaded rate	Estimated total cost (C x D)
Civilian Non-Exempt	2	232	464	\$34.12	\$15,831.68
Civilian Exempt (Non-Executive)	1	232	232	\$47.47	\$11,013.04
DPD uniform	3	232	696	\$57.24	\$39,839.04
DFR uniform Exec (Non-Exempt)	1	232	232	\$90.52	\$21,000.64
DFR uniform 2808	2	348	696	\$43.66	\$30,387.36
DFR uniform 2080 (Non-Exempt)	1	232	232	\$54.81	\$12,715.92
Total	10				\$130,787.68

Assumptions:

1. Use of compassionate leave increases from 4 per year to 14 per year based on current requests and use of Long Term Disability Insurance.
2. Calculations include hourly and salaried employees unless noted.
3. Fully loaded hourly rate from HR compensation.

9-5-23



Proposed Action



- Sec. 34-32 Health Benefits Plan
 - (c) Notice of retirees' rights to purchase continued health benefits.
 - Amend Sec (5) to clarify the enrollment period for health benefits is at **age 65** and not older than age 65.
 - Remove Sec (5) (B) clause which required the spouse to be married at the time of separation.
 - Financial impact: None



Proposed Action



- Sec. 34-36. Rules of conduct.
 - (b) Unacceptable conduct.
 - (1) Unsatisfactory attendance:
 - Include **telework** in instances of unexcused absence or tardiness.
 - Financial impact: None
- 34-38. Grievance and Appeals.
 - (k) Reference to assistant city manager.
 - Include **deputy city manager** and **chief financial officer** to be included in the reference.
 - Financial impact: None



Staff Recommendation



- Staff recommends the Government Performance and Financial Management Committee forward the following to City Council for consideration and approval:
 - Approval of all proposed amendments to Personal Rules.



Next Steps



- Council Action
 - Timeline for implementation:
 - If approved, the changes will be effective after council approval.
 - Information will be provided to all city management staff and impacted employees.
 - Personnel Rules will be updated and published.
 - If not approved, alternative processes will be developed based on items not approved.





City of Dallas

Updates to Personnel Rules

**Government
Performance and
Financial Management
11-14-2023**

Nina Arias, Director
Human Resources
City of Dallas

Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-4 (21) DEFINITIONS	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.	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. (21) Reserved.	Remove FLEX TIME from definitions list. Terminology and process are not used in current Human Resources Information Systems timekeeping processes. Reserve the number to keep number references consistent.
34-4 DEFINITIONS	(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.	(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.	Mental health leave is not restricted to only peace officers.
SEC. 34-6 REQUIREMENTS FOR INDUCTION	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;	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, <u>or be at least 15 years of age for employment in a seasonal position as a summer lifeguard in the Parks and Recreation Department, in accordance with state and federal laws governing employment of persons age 15 years;</u>	Allow the employment of persons age 15 in the seasonal position of lifeguard.



Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
SEC. 34-16. WORK HOURS.	(f) <u>Flex time</u> . Rules regarding the use and application of flex time are addressed in the administrative directives of the city.	(f) <u>Flex time</u>. Rules regarding the use and application of flex time are addressed in the administrative directives of the city. Reserved	Terminology and process are not used in current Human Resources Information Systems timekeeping processes.
SEC. 34-17. OVERTIME AND PAID LEAVE FOR CIVILIAN EMPLOYEES.	(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, 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.	(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, <u>mental health leave, compassionate leave, injury leave, quarantine leave,</u> 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.	Add quarantine leave, mental health leave and compassionate leave to the categories of leave counted as work time for overtime calculation.



Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
<p>SEC. 34-19. WORK HOURS, PAID LEAVE, AND OVERTIME FOR PUBLIC SAFETY EMPLOYEES.</p>	<p>(a) Police Department (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 will be counted as work time for purposes of computing overtime or compensatory leave.</p>	<p>(a) Police Department (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, <u>compassionate leave, injury leave, mental health leave, and quarantine leave</u> will be counted as work time for purposes of computing overtime or compensatory leave. <u>Paid parental leave and sick leave will not be counted as work time for purposes of computing overtime or compensatory leave.</u></p>	<p>Add compassionate leave, injury leave, mental health leave, and quarantine leave to the categories of leave counted as work time for overtime calculation. Reorder leaves in alphabetical order. Clarify that paid parental leave and sick leave are counted a sick leave when computing overtime or compensatory leave.</p>



Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
<p>SEC. 34-19. WORK HOURS, PAID LEAVE, AND OVERTIME FOR PUBLIC SAFETY EMPLOYEES.</p>	<p>(b) Fire Department(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 will be counted as work time for purposes of computing overtime or compensatory leave.</p>	<p>(b) (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, <u>compassionate leave, injury leave, mental health leave, and quarantine leave</u> will be counted as work time for purposes of computing overtime or compensatory leave. <u>Paid parental leave and sick leave will not be counted as work time for purposes of computing overtime or compensatory leave.</u></p>	<p>Add mental health leave and compassionate leave to the categories of leave counted as work time for overtime calculation. Reorder leaves in alphabetical order. Clarify that paid parental leave and sick leave are counted a sick leave when computing overtime or compensatory leave.</p>



Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-22.3 MENTAL HEALTH LEAVE	(a) <u>Eligibility.</u> An employee who experiences a traumatic event while on duty if the need for mental health leave is verified by a licensed psychiatrist or psychologist.	(a) <u>Eligibility.</u> An employee who experiences a traumatic event while on duty if the need for mental health leave is verified by a licensed psychiatrist, or licensed psychologist, or <u>licensed mental health professional.</u>	Add “licensed mental health professional” to professional who can provide documentation for mental health leave. Expand type of professional who can verify need for mental health leave.
34-22.4. COMPASSIONATE LEAVE.	(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	(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 <u>for an extended period of time or indefinitely.</u>	Expand the eligibility for compassionate leave to include employees who may be able to return to work in the future.
34-24.2. PAID PARENTAL LEAVE	On or after January 1, 2021, a maximum of six weeks paid parental leave is available to employees...	On or after January 1, 2022 <u>October 1, 2021</u> , a maximum of six weeks paid parental leave is available to employees...	Correct date of implementation for paid parental leave.



Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-32 (c) (5) HEALTH BENEFITS	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...	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...	Remove "or older" after "age 65" for enrollment in city's post-65 plan. Eligibility to enroll only happens at age 65.
34-32 (c) (5) (B) HEALTH BENEFITS	(B) Only the spouse to whom the retiree was legally married at the time of separation of employment will be eligible for enrollment under this come back option.	(B) Only the spouse to whom the retiree was legally married at the time of separation of employment will be eligible for enrollment under this come back option. <u>Reserved</u>	Remove requirement for spouse of retiree to married at time of separation from the City. Spouse needs to be married when retiree turns 65 not when retiree leaves the City.
34-36 (b) (1) (A) RULES OF CONDUCT	<u>34-36 (b) (1) Unsatisfactory attendance</u> is exemplified by, but is not limited to, the following violations: (A) unexcused absence or tardiness	34-36 (b) (1) Unsatisfactory attendance is exemplified by, but is not limited to, the following violations: (A) unexcused absence or tardiness <u>including during telework;</u>	Include reference to teleworking in absence or tardiness clause for unsatisfactory attendance



Addendum



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-38 (k) GRIEVANCE AND PROCEDURES	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, chief of economic development and housing, chief of community services, and chief of staff to the city manager.	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, <u>deputy city manager</u> , chief of economic development and housing, chief of community services, <u>chief financial officer</u> , and chief of staff to the city manager.	Include “deputy city manager” and “chief financial officer” to executives who can hear grievance and appeal

