

CHAPTER XII

Employment

12.1 **Employment Status:**

All non-contract members of the Department are at-will staff and have no property interest in their employment. A non-contract employee may be dismissed at any time for no reason at all or for any reason, so long as the reason is not a constitutionally or legally impermissible reason.

12.2 **Employment Policy:**

Neither the District nor the Department shall fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, sex, or national origin.

12.3 **Performance Evaluations:**

Performance evaluations will be conducted on each Officer by the Chief and/or the Chief's designee twice within each school year. The results of such evaluation will be communicated to each Officer.

12.4 **Reprimands and Directives:**

An Officer shall promptly obey any order from the Chief, Chief's designee or other Departmental supervisor, and the Superintendent or the Superintendent's designee. If a conflict exists, an Officer shall obey the person in the highest position in the hierarchy: Superintendent, Superintendent's designee, Chief, other Departmental supervisor. The term "insubordination" shall include, but is not limited to: the willful disobedience of any lawful order of directive issued by an authorized person, or any insolent or disrespectful language or conduct toward a supervisor. A supervisor shall have the authority to reprimand an Officer for minor infractions. Such reprimands shall be in writing and may include a warning, corrective action, or recommend additional counseling or training. After imposing a reprimand, the supervisor shall place the written explanation in the Officer's personnel file.

12.5 **Suspension, Dismissal and Decommissioning**

The Superintendent, Superintendent's designee, the Chief, or the Chief's designee may suspend or dismiss an Officer employed at-will with or without pay at any time, including pending an investigation of misconduct. Suspension without pay generally will be utilized only in situations involving serious misconduct, repeated misconduct, or violations of law. In the event the Officer is not formally disciplined at the end of an investigation, the Officer will be entitled to back pay. In the event the

Officer is disciplined but not discharged, the Officer will be entitled to back pay upon recommendation of the Chief.

12.6 Resignations

All resignations are to be made in writing to the Chief stating the reason for the resignation and the last day the Officer will be at work. It is requested that a two (2) week notice be given.

12.7 Grievance Procedure:

Any member of the Department wishing to file a grievance against any District personnel, including any other member of the Department, shall follow the District's employee grievance Policy in DGBA(LOCAL). A Level One complaint must be filed with the lowest level administrator who has the authority to remedy the alleged problem. For complaints against another member of the Department, the Chief or his designee will hear Level One complaints. If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the member of the Department did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision at a Level Two proceeding.

If the member of the Department did not receive the relief requested at level Two or if the time for a response has expired, the employee may appeal the decision to the Board in a Level Three proceeding.

12.8 Complaints Against Officers:

In order for a complaint against a District peace Officer to be considered by the head of the District's Department, the complaint must be in writing and signed by the person making the complaint. Complaints against District peace Officers emanating from within the Department shall comply with this section and shall be in writing in accordance with Texas Government Code §§ 614.022-.023. A copy of the complaint shall be given to the Officer within a reasonable time after it is filed and no disciplinary action shall be taken against the Officer as a result of the complaint unless a copy is given to the Officer. The Officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct.

On commencement of an investigation by the District Department of a complaint that alleges that a peace Officer employed by the Department has engaged in racial profiling with respect to an individual and in which a

video or audio recording of the occurrence on which the complaint is based was made, the Department shall promptly provide a copy of the recording to the police Officer who is the subject of the complaint on written request by the office. Code of Criminal Procedure 2.132(e).

12.9 Written Report of Serious Conduct Violation(s):

All members of the Department with personal knowledge of an alleged or possible violation of this Manual, District Policy, Department regulatory directives, local ordinances, and/or laws of the State of Texas or the United States, by any member of the Department, shall submit a written report to their supervisor and to the Chief of the Department of such violation.

12.10 Supervision Notification/Serious Conduct Violation(s):

Should the alleged or possible violation involve a serious incident which, if proven, would justify suspension or discharge, the on-duty supervisor shall contact the Chief in order that he can decide if the person should be relieved of duty and sent home until further notice. If the Chief is not available, the on-duty supervisor will decide if the offender should be relieved of duty until the Chief is available to consider the appropriate discipline.

12.11 Reporting Violations of Conduct:

When a violation involves an incident which could cause public discredit to the District or to the Department, a report shall be made in writing setting out the known facts of the matter and the Chief should be contacted to determine the nature and degree of the violation.

12.12 Minor Personnel Violation(s):

Violations that indicate a need for counseling and/or training, may be handled by the shift supervisor, with the Chief's approval.

12.13 Continued Education:

Members of the Department shall maintain a working knowledge of the Texas Code of Criminal Procedure, Penal Code, Family Code, Education Code, Traffic Code and Health and Safety Code. In addition, each Officer will also maintain a working knowledge of District Policies, this Manual, other Departmental rules and directives and any directives issued by the Chief. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the rule or policy in question, but nevertheless violated it.

Pursuant to District Policy CKE (Legal), the District shall provide each Officer with a continuing education program as required by the Texas Occupations Code, Title 10, Chapter 1701, Subchapter H. See Texas Occupations Code Ch. 1701, Subch. H.

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