

RESOLUTION NO. 2026-10-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING SECTION 9.01, “DISCIPLINARY PROCEDURES,” OF THE CITY OF EVERMAN PERSONNEL POLICIES TO CLARIFY THAT EMPLOYEES SERVING IN A PROBATIONARY STATUS DO NOT HAVE A RIGHT TO APPEAL DISCIPLINARY ACTION TO THE CITY MANAGER OR MAYOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Everman, Texas (the “City”), has adopted personnel policies establishing procedures governing the employment, supervision, discipline, and separation of City employees; and

WHEREAS, Section 9.01 of the City’s Personnel Policies establishes procedures relating to reprimands, suspensions, demotions, dismissals, and appeals of certain disciplinary actions; and

WHEREAS, the City Council finds that it is appropriate and in the best interest of the City to clarify the rights applicable to employees who are serving in a probationary status; and

WHEREAS, the City Council intends that employees serving in a probationary status shall not have a right to appeal a disciplinary action, including but not limited to suspension, demotion, or dismissal, to the City Manager under Section 9.01; and

WHEREAS, the City Council further intends that probationary employees who report directly to the City Manager shall likewise have no right to appeal any disciplinary action to the Mayor; and

WHEREAS, the City Council finds that adoption of this amendment will provide greater clarity, consistency, and efficiency in the administration of the City’s personnel policies and disciplinary procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED

The findings and recitals contained in the preamble of this Resolution are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. AMENDMENT TO SECTION 9.01

Section 9.01, “Disciplinary Procedures,” of the City of Everman Personnel Policies is hereby amended to read as follows:

Section 9.01 - Disciplinary Procedures

(a) Policy. It is the policy of the city that before the imposition of discipline, the following measures should be taken in the interest of ensuring that the department head has all necessary

information, and in the interest of ensuring that mistakes in judgment are not made due to a lack of information. While the following steps and procedures should be taken in every case before discipline is imposed, failure to take any one or all of the measures shall not serve as a basis for a claim or other legal action against the city.

(b) Procedures and notices. Department heads are responsible for initiating disciplinary action when necessary to assure proper order and compliance with city or departmental policies. The procedures for a disciplinary action of reprimand, suspension, demotion, or dismissal include the following:

1. **Pre-dismissal meeting.** Before an action of dismissal is taken against an employee, the department head should meet with the employee, tell the employee of the charges and that discipline could be imposed, and give the employee the opportunity to explain or defend the employee's actions or omissions.
2. **Reprimand, suspension, demotion, and dismissal.** A department head has the authority to reprimand, suspend, demote, or dismiss an employee. When one of these disciplinary actions is taken against an employee, the employee must be given written notice stating:
 - the type of disciplinary action taken, i.e., reprimand, suspension, demotion, or dismissal;
 - the specific rule violated;
 - the specific acts of the employee which were in violation of the rule;
 - the employee's right to appeal, if any, to a specific office within a specified time; and
 - the finality of the action if the employee fails to appeal within the specified time or if no right of appeal exists.

(c) Reports to city manager. A department head must make a written report of a disciplinary action to the city manager within three working days of the action.

(d) Appeal to the city manager. An employee who has successfully completed the employee's applicable probationary period may appeal a disciplinary action involving dismissal, demotion, or suspension which was issued after and concerns conduct occurring after the successful completion of the employee's applicable probationary period by filing written notice with the city manager within three working days from the time the employee is notified of the action. The city manager will conduct an appeal hearing, at which the employee may produce witnesses and examine any documents or other evidence presented at the hearing. The decision of the city manager is final.

Employees serving in a probationary status shall have no right of appeal to the city manager under this section. A disciplinary action, including suspension, demotion, or dismissal, imposed upon a probationary employee shall be final upon issuance by the department head, subject to any rights otherwise provided by applicable federal or state law.

(e) Procedure for employees reporting directly to the city manager. The procedure shall be the same as above, except that, for an employee who has successfully completed the employee's applicable probationary period, any appeal otherwise authorized under subsection (d) shall be made to the Mayor. The decision of the Mayor is final. Employees serving in a probationary status shall have no right of appeal to the Mayor under this section.

SECTION 3. PERSONNEL POLICY UPDATED

The Human Resources Director is hereby directed to incorporate the amendment adopted by this Resolution into the official City of Everman Personnel Policies and to take all actions reasonably necessary to implement and administer the amended policy.

SECTION 4. EXISTING DISCIPLINARY MATTERS

Except as otherwise required by law, the amendment adopted by this Resolution shall apply to disciplinary actions taken on or after the effective date of this Resolution. Nothing herein shall be construed to alter or impair any appeal right that was properly initiated prior to the effective date of this Resolution under the personnel policies then in effect.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Resolution or the policy amendment adopted herein is for any reason held to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or the City's Personnel Policies, and the City Council hereby declares that it would have adopted the remaining portions notwithstanding the invalidity of any particular provision.

SECTION 6. CONFLICT

All resolutions, policies, procedures, or portions thereof in conflict with this Resolution are hereby amended or superseded to the extent of such conflict.

SECTION 7. EFFECTIVE DATE

This Resolution and the amendment to Section 9.01 of the City of Everman Personnel Policies adopted herein shall become effective immediately upon passage and adoption by the City Council of the City of Everman, Texas.

PASSED AND APPROVED by the City Council of the City of Everman, Texas, on this 13th day of October, 2026.

APPROVED:

Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

Mindi Parks, City Secretary

Victoria Thomas, City Attorney

