Employees' Retirement Fund of the City of Dallas

Employee Evaluation, Discharge and Appeal Policy and Procedure

I. Introduction

The Employees' Retirement Fund of the City of Dallas (the "Fund") created pursuant to City Code 40A, is administered by the Board of Trustees of the Employees' Retirement Fund of the City of Dallas (the "Board of Trustees" or the "Board") which Board is obligated to administer the Fund as a trust fund solely in the interest of the participants and beneficiaries. In order to carry out the Board's duties and the administration of the Fund's investments, benefit computations, benefit applications and other matters it is necessary to have an adequate number of qualified dedicated employees who will perform the tasks involved in the administration of the Fund. While such employees working on Fund matters are in fact employees of the City of Dallas (the "City"), under the express terms of Chapter 40A-5(c) the Board is empowered to engage and employ an administrator who shall be the chief executive and operating officer of the Fund and whose title is "Executive Director". Further, pursuant to Chapter 40A-5(b) the Executive Director is authorized to appoint such assistants and other employees ("Fund Employees") as the Executive Director in her/his good judgment deem necessary to properly administer the Fund.

In consideration of the Board's and the Executive Director's duties and obligations under Chapter 40A, the Board of Trustees adopts this Employee Evaluation and Discharge Policy and Procedure ("EPP") which both codifies current Fund practices that are and shall be applicable to all appointed employees of the Fund. This EPP will be read and enforced together with those certain applicable rules found in Chapter 34 of the Dallas City Code, as herein below more fully set forth.

Per the Dallas City Code Chapter 34: SEC. 34-37. (DISCIPLINE PROCEDURES)

(b) Departmental rules: Because of the variety of services performed by the city, it may be necessary for departments to establish codes of conduct, rules, orders, directives, and procedures to accomplish departmental responsibilities. An employee who violates a departmental code of conduct, rule, order, directive, or procedure is subject to disciplinary action.

Departments may designate the level of supervisory or departmental authority at which disciplinary action may be taken or recommended. The provisions of Chapter 34 and the procedures set forth in the administrative directives of the city take precedence over departmental rules.

II. Unsatisfactory Attendance and or Performance

Chapter 34 of the Dallas City Code provides the *Code of Conduct* for all City employees, including all Fund Employees. In the event a Fund Employee fails to have satisfactory attendance or job performance or fails to work well in a collaborative manner with fellow Fund Employees, if the immediate Supervisor believes that the Fund Employee may with appropriate warning and guidance improve their attendance and or job performance or working relationships, the Fund Employee may be reprimanded and informed of the reasons for the unsatisfactory rating and what is expected and by what deadline, in order to attain a satisfactory rating in addition to instructions on necessary improvements, until such improvements have been accomplished, if the Supervisor believes it appropriate, the Fund Employee may also be subject to a period of suspension or a

demotion. The Fund Employee will be given a written copy of their review and, if necessary a Performance Improvement Plan (PIP). As a condition of continued employment by the Fund, the Fund Employee must initial her/his receipt of the review and PIP, indicating that she or he had ample time to read the review (and, if applicable, the PIP), understands same, as well as the opportunity to explain or otherwise address the Supervisor, Deputy and Executive Director, if the Fund Employee believes that there were mitigating circumstances that should be taken into account by the Fund.

In certain circumstances, if the Supervisor through documentation determines either that the attendance or job performance or both was so below the standards expected of and set for Fund Employees as to warrant suspension, demotion or immediate termination, or that after an unsatisfactory performance review and a PIP, the Fund Employee has not adequately and timely addressed the deficiencies, the Supervisor may suspend, demote or terminate the Fund Employee with the assistance of the City's Human Resources Department.

III. Appeal of Termination Decision

According to Chapter 34-38 (Grievance and Appeal Procedures) of the Dallas City Code, all employees may have up to two levels of appeals regarding disciplinary actions and the employee may file the grievance with the next higher level of supervision above the immediate supervisor. Performance appeals for all Fund Employees are final with the Executive Director. If a Fund Employee disagrees with the Supervisor's decision to suspend, demote or terminate that Fund Employee, such person will have 10 business days to submit a written appeal, attaching any and all documents or other evidence they believe supports their claim that they should not have been terminated. Within 30 days from receipt of the appeal, the Fund will notify the Fund Employee of the date and time of a scheduled hearing with the Deputy or Executive Director, which hearing will generally not exceed 30 minutes, unless the Executive Director in her/his sole and absolute discretion deems some longer hearing period would be necessary. If the former Fund Employee fails to attend the hearing, the Deputy or Executive Director shall make a decision based solely on the appeal letter and any attachments. Otherwise, the former Fund Employee shall have an opportunity at the hearing, in addition to any documents or other evidence presented by that time, to supplement and explain to the Deputy or Executive Director, why such suspension, demotion or termination decision should be rescinded. The Deputy or Executive Director will have up to an additional 30 days from the date of the hearing to render her decision.

If the former Fund Employee wishes to further appeal the decision of the Deputy or Executive Director, such person will have 10 calendar days from the date of the written decision of the Deputy or Executive Director to submit a written appeal to the Board of Trustees. The Board shall then, in its sole discretion, at the next held regular Board meeting, designate a 3-person panel of Trustees to hear such final appeal. Such final appeal to the 3-person Trustee panel shall be scheduled to take place within an additional 30 days from the appointment of the 3-person Trustee panel, and in such appeal the 3-person Trustee panel shall consider: (i) any further oral presentation by the former Fund Employee, along with (ii) only those records and other documents that had earlier been presented to the Executive Director. This 3-person Trustee panel's hearing will generally not exceed 30 minutes, unless the panel in its sole and absolute discretion deems some longer hearing period would be necessary. The 3-person Trustee panel will have up to an additional 30 days from the date of the hearing to render its decision, which decision shall be final and binding on the former Fund Employee and any and all other persons without any further appeal.

ADOPTION:

This Policy and Procedure was adopted by the Board of Trustees of the Fund at its meeting of December 13, 2016.

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John D. Jenkins Chair, Board of Trustees Employees' Retirement Fund	Cheryl D. Alston Executive Director Employees' Retirement Fund
Date: _____	Date: _____