

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> January 16, 2020		<i>Directive</i> 2.16.1	
<i>Subject</i> Attendance and Job Performance					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 2.16.1 Attendance		<i>Review Date</i> August 16, 2023	
<i>Pages</i> 4					

This Operations Directive is for internal use only and does not enhance an officer’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to address the attendance requirements and performance standards for all employees.

SECTION 2 POLICY

It is the policy of the Department that all employees will be punctual, present, and prepared for all work-related assignments and training. It is also the policy of the department that all employees will perform at a level that meets the standards of the reasonable person doctrine.

SECTION 3 PROCEDURES

- A. All personnel are required to adhere to the following provisions regarding attendance and readiness:
1. All department employees shall report for regular duty, extra duty assignments, contract overtime assignments, court, hearings, or training at the time and place specified and shall be physically and mentally fit to perform their duties. Employees are to be properly equipped so that they may immediately assume their duties.
 2. Employees shall not leave any assignment; even if relieved by another officer, without first notifying a supervisor, or unless necessitated by exigent circumstances.
 3. Employees should always keep themselves immediately and readily available when on duty.
 4. An employee shall contact a supervisor a minimum of one (1) hour prior to the start of his tour of duty to report that he cannot come to work when the absence is due to illness or an emergency.
 5. All leave other than sick leave or emergency leave should be scheduled at least 24 hours in advance.
 6. Employees not appearing for duty, training, hearings, court appearances or other designated assignments on time shall be in violation of this directive. Employees who fail to comply with this directive shall be subject to disciplinary action up to and including indefinite suspension.

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B. MILITARY LEAVE

Military Leave will be granted in accordance with the City of Texarkana, Texas Personnel Policies and in accordance with the Texas Local Government Code Chapter 143, Municipal Civil Service for Firefighters and Police Officers, Section 143.075.

C. PERFORMANCE OF DUTY

1. The fundamental duty of a police officer is to serve and protect by enforcement of all federal, state and local laws and ordinances. By specific assignment, officers may be required to enforce certain laws and ordinances on a routine basis while not necessarily having to deal with others. These specific assignments do not relieve officers from the responsibility of taking prompt, effective action within the scope of all laws and ordinances when the occasion warrants. All officers are required to take appropriate action toward aiding a fellow officer exposed to dangerous situations.
2. All employees shall perform all specific duties and responsibilities assigned to them and shall perform all other duties as directed by a supervisor or a Division Commander. All duties must be accomplished at a level of performance that would meet the expectations of a reasonable person.

D. INCOMPETENCE

Any employee who, in the performance of his assigned duties, displays reluctance to properly perform his assigned duties, fails to perform his duties at the acceptable level of performance, or who acts in a manner tending to bring discredit upon himself or the Department may be deemed incompetent. All employees are expected to perform at a level that would meet the expectations of a reasonable person.

E. PHYSICAL AND MENTAL CONDITION

Employees shall maintain good physical and mental health. Employees determined to be in substandard physical or mental health by competent medical authority may be transferred to assignments in keeping with their condition until they are certified to return to their regular assignments.

F. TOUR OF DUTY

Employees shall have specific hours assigned as active duty each day by their division commander. This assignment shall be referred to as a "tour of duty" and shall be a minimum of eight (8) hours per day, unless otherwise specified by the division commander. Employees are to remain at their assigned station/beat and on duty until the end of their tour of duty. Officers given special assignments (directing traffic, guarding a prisoner, etc.) shall remain at that assignment until properly relieved by another officer or until dismissed by a supervisor.

G. TARDINESS

Employees shall report for duty at the time and place designated by the division commander. Habitual tardiness shall be deemed neglect of duty and shall subject the employee to disciplinary action.

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H. LUNCH/COFFEE/SMOKE BREAKS

1. Employees will have one hour for lunch. Lunch breaks taken on Department property shall be taken in designated areas and not in public view.
2. Uniformed personnel must limit their meal breaks to one hour. Meal breaks will not be taken during the first hour of the tour of duty or during the last hour of the tour of duty. Supervisors in the Operations Division will schedule all on-duty personnel for their meal break, and generally patrol personnel should take their meal break one unit at a time.
3. No more than two uniformed officers or two marked units are allowed at the same location for meal breaks during any given time period.
4. Officers must notify dispatch of their location when they are out of their unit for their meal break.
5. Officers and supervisors assigned to the Operations Division must take their meal break inside the city limits of Texarkana, Texas or at a location with a State Line Avenue address; however officers may go ¼ mile into Texarkana, Arkansas from 10pm until 6am for meal breaks.
6. Employees may suspend their duties for two 15-minute "coffee/smoke" breaks per day, one in the morning and one in the afternoon. Breaks will not be taken prior to 9:00am or after 4:00pm. Breaks cannot be aggregated into the regular one-hour lunch break. Smoke breaks will be taken outside the building at either the west or south entry.

I. OFF DUTY

When not performing a tour of duty, employees shall be considered "off duty". However, they shall be subject to duty as needed. While off duty, officers are not relieved of the responsibility of taking appropriate police action on any major offense which comes to their attention.

J. KNOWLEDGE OF CRIMINAL ACTIVITY

Employees shall report in writing to their division commander any information in their possession regarding persons and places suspected of being involved or connected with a violation of federal, state, county, or municipal laws and ordinances relating to criminal matters or vice operations. These reports shall be submitted before the end of the tour of duty during which the employee received the information, or at the beginning of the next tour of duty in instances where the information was received while the employee was off duty.

K. COURT ATTENDANCE

Officers are required to attend municipal, county, state and federal courts to testify in criminal cases to which they have been summoned.

1. Municipal Court - Notices provided to the Operations Division Commander by the City Attorney's Office of officers required to attend Municipal Court shall be posted in the Patrol Room by the Operations Division Secretary immediately upon receipt.
2. District/Federal Court - In the event an officer is summoned for district or federal court, a notice will be posted by the District Attorney's office listing the officer and the case.

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3. When attending court, officers will wear the prescribed uniform, or appropriate civilian apparel, and shall be neat and clean in appearance. While in the courtroom, officers will pay attention to the proceedings and show proper respect for the court. Officers will not read papers, books, or literature which is not relevant to the case(s) for which they are to testify. No food, drink, or chewing gum will be taken into the courtroom. Talking when not testifying will be held to a minimum. Officers shall familiarize themselves with the specifics of each case in question. When testifying, officers will use proper courtroom procedures. They will not question the judge or the attorneys. Officers of the court will be addressed by their proper titles.
4. Each unexcused court absence will be weighed on its own merits. Disciplinary action will be considered as follows:
 - a. First unexcused court absence in the calendar year will result in a written reprimand being placed in the officer's personnel file.
 - b. Second unexcused court absence in the calendar year may result in suspension without pay.
 - c. Any further unexcused court absences in the calendar year will be subject to disciplinary action, the severity of which will be based upon each individual case.
5. Refusal to testify before duly constituted federal, state, county, or local courts, grand juries, investigative committees or hearings shall constitute improper conduct and will subject the employee to disciplinary action.

L. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.