



## **Personnel Policies and Procedures**

Adopted by Ordinance 2018-03  
February 27, 2018

**Personnel Policies and Procedures Table of Contents**

<b>SECTION 1. GENERAL POLICIES</b>		<b>Page</b>
A.	Purpose of Policies	1- 1
B.	Authority	1- 1
C.	Severability	1- 2
D.	Applicability of Personnel Policies	1- 2
E.	Dissemination of Personnel Policies	1- 2
F.	Employment At Will	1- 3
G.	Equal Employment Opportunity	1- 3
H.	Sexual and Other Unlawful Harassment	1- 3
I.	Americans with Disabilities Act	1- 6
J.	Lactating/Breastfeeding Policy	1- 7
<b>SECTION 2. EMPLOYEE RESPONSIBILITIES</b>		<b>Page</b>
A.	General Employee Responsibilities	2- 1
B.	Dress, Appearance and Uniforms	2- 1
C.	Timeliness and Attendance	2- 4
D.	Use of City Property, Vehicles and Equipment	2- 5
E.	Outside Employment	2- 8
F.	Employee Safety	2- 8
G.	Political Activity	2- 9
H.	Conflicts of Interest/Solicitation and Acceptance of Gifts	2- 10
I.	Communications	2- 11
J.	Purchasing	2- 12
K.	Arrests, Confinements and Indictments	2- 12
L.	Telephone Contacts	2- 13
M.	General Computing and Office Policy	2- 14
N.	General E-mail & Voice Mail Policy	2- 14
O.	Network Security Policy	2- 15
P.	Provided Equipment	2- 15
Q.	Social Media Policy	2- 16
R.	Employee Guidelines: Use of City's Social Media on Work Time	2- 16
S.	Employee Guidelines: Use of City's Social Media While Not on Work Time	2- 17
<b>SECTION 3. EMPLOYMENT PRACTICES</b>		<b>Page</b>
A.	Employee Recruitment and Selection	3- 1
B.	Classification and Compensation Plan	3- 10
C.	New Employee Orientation and Training	3- 11
D.	Employee Probationary Period	3- 12
E.	Health / Medical Exams / Fitness for Duty	3- 14
F.	Weapons Control and Violence Prevention Policy	3- 15
<b>SECTION 4. TYPES OF EMPLOYMENT</b>		<b>Page</b>
A.	Categories of Employment	4- 1

**Personnel Policies and Procedures Table of Contents**

<b>SECTION 5. EMPLOYEE COMPENSATION AND ADVANCEMENT</b>		<b>Page</b>
A.	Pay	5- 1
B.	Paydays and Check Delivery	5- 1
C.	Payroll Deductions	5- 1
D.	Position Classification Plan	5- 2
E.	Compensation Plan	5- 2
F.	Special Pay Periods During Declared Emergencies	5- 4
<b>SECTION 6. ATTENDANCE, WORK SCHEDULE, TIME REPORTING AND OVERTIME</b>		<b>Page</b>
A.	Hours Worked	6- 1
B.	Official Work Period	6- 1
C.	Schedule Adjustments	6- 2
D.	Overtime Worked	6- 2
E.	On-Call Duty Pay	6- 4
F.	Inclement Weather / Emergency Closing	6- 5
G.	Time Reporting	6- 6
<b>SECTION 7. BENEFITS</b>		<b>Page</b>
A.	Medical and Life Insurance	7- 1
B.	Social Security	7- 1
C.	Retirement	7- 1
D.	Workers' Compensation	7- 2
E.	Leave Time	7- 2
F.	Longevity Pay	7- 3
G.	Continuation of Coverage Health Insurance (COBRA)	7- 3
H.	Education / Professional Development	7- 3
I.	Tuition Reimbursement Policy	7- 4
<b>SECTION 8. LEAVE TIME</b>		<b>Page</b>
A.	Definitions	8- 1
B.	Approval of Leave	8- 2
C.	Vacation Leave	8- 2
D.	Compensatory Leave	8- 3
E.	Sick Leave	8- 4
F.	Sick Leave Pool	8- 5
G.	Civil Leave	8- 8
H.	Voting Leave	8- 8
I.	Family and Medical Leave (FMLA)	8- 8
J.	Military Leave	8- 13
K.	Administrative Leave	8- 15
L.	Bereavement Leave	8- 16
M.	Other Leaves of Absence without Pay	8- 16
N.	Injury Leave	8- 18
O.	Using Leave in Combination	8- 19

**Personnel Policies and Procedures Table of Contents**

<b>SECTION 9. HOLIDAYS</b>		<b>Page</b>
A.	List of Holidays	9- 1
<b>SECTION 10. WORKERS' COMPENSATION</b>		<b>Page</b>
A.	Employee Safer Workplace Suggestions	10- 1
B.	Eligibility for Workers' Compensation	10- 1
C.	Accident and Injury Reporting Procedures	10- 1
<b>SECTION 11. DRUG AND ALCOHOL USE POLICY</b>		<b>Page</b>
A.	Drug-free and Alcohol-Free Workplace	11- 1
B.	Prohibition against Alcohol and Illegal and Unauthorized Drugs	11- 1
C.	Prohibition against Illegal & Unauthorized Drug-Related Paraphernalia	11- 1
D.	Permissive Use of Prescribed and Over-the-Counter Drugs	11- 1
E.	Police Department Employees	11- 2
F.	Mandatory Disclosure by Employees	11- 2
G.	On-Call Employees	11- 2
H.	Mandatory Reporting of Arrests and Convictions	11- 2
I.	Off-Duty Conduct	11- 3
J.	Rehabilitation / Treatment	11- 3
K.	Tobacco Use Prohibited	11- 4
L.	Policy Violations	11- 4
M.	Testing	11- 4
N.	CDL Employees / Applicants Subject to Testing	11- 6
O.	Refusal to Test	11- 7
P.	Searches	11- 7
<b>SECTION 12. JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS</b>		<b>Page</b>
A.	Job Descriptions	12- 1
B.	Distribution	12- 1
C.	Requests for Clarification	12- 1
D.	Purpose of Performance Appraisal System	12- 1
E.	Schedule	12- 1
F.	Performance Appraisal Process	12- 1
G.	Performance Appraisal Responses	12- 2
<b>SECTION 13. EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION</b>		<b>Page</b>
A.	Purpose	13- 1
B.	Progressive Discipline	13- 1
C.	Documentation	13- 1
D.	Supervisory Responsibility	13- 2
E.	Review by Human Resources and Approval by City Manager	13- 2
F.	Pre-Discipline Rights	13- 2
G.	Prohibited Activities	13- 3
H.	Disciplinary Meeting	13- 4
I.	Administrative Leave	13- 4
J.	Appeal Rights	13- 4
K.	Additional Information	13- 4

**Personnel Policies and Procedures Table of Contents**

<b>SECTION 14. SEPARATIONS</b>		<b>Page</b>
A.	Types of Separations	14- 1
B.	Exit Interviews	14- 2
C.	Calculation of Separation Pay	14- 2
<b>SECTION 15. CONFLICTS / GRIEVANCES</b>		<b>Page</b>
A.	Policy	15- 1
B.	Conflict / Grievance Process and Final Authority	15- 1
C.	Procedure	15- 1
<b>SECTION 16. TRAVEL EXPENSE/REIMBURSEMENT</b>		<b>Page</b>
A.	Policy	16- 1
<b>SECTION 17. PERSONNEL RECORDS</b>		<b>Page</b>
A.	Personnel Files	17- 1
B.	Employee Information	17- 2
C.	Information Disclosure Election	17- 3
D.	Leave Records	17- 3
<b>SECTION 18. ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING</b>		

## **SECTION 1. GENERAL POLICIES**

### **1.A. PURPOSE OF THESE POLICIES**

The purpose of these Personnel Policies is to provide a uniform set of guidelines governing employment with the City. The policies contained herein inform employees of the benefits and obligations of employment with the City. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors. These policies have also been prepared to provide a high quality of public service to the citizens of this City. These policies do not in any way constitute a contract of employment with the city.

### **1.B. AUTHORITY**

These policies are established by the City Council, and any deletions, amendments, revisions, or additions of substance to the policies must be approved and adopted by ordinance by the Council. These policies completely replace and supersede any and all personnel policies previously adopted, either individually or as a set of policies, by the City Council. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. In addition, the City Manager may conduct a review every three years of the policies contained in this manual as a part of the budget process and submit any necessary or recommended changes to the City Council for approval prior to the beginning of the new fiscal year. Employees will be notified by the Human Resource Director of any changes to the policies as soon as practicable. Changes will be made to the personnel policies contained in this manual for the following purposes: to clarify and/or enhance existing policies; to add new policies or amend existing policies in order to improve current management practices; and to bring current policies into conformance with changes in law or city policy.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit the suggestion to the Human Resource Director for consideration during the annual review process. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

**1.B.1. Management Authority and Amendments.** The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time.

Policy administration rests with City management and City management reserves sole authority to administer City operations. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of these policies; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager as described above.

No City supervisor is authorized to modify these policies for any employee or to enter into any

agreement, oral or written, in conflict with these policies.

**1.B.2. Departmental Policy and Procedural Requirements.** Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Human Resources Manager or other appropriate departments. All employment related department policies must be reviewed by the Human Resources Manager, and if necessary, the City Manager. Department directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures.

Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy. If discrepancy of the city-wide policy and a department, the city-wide policy approved by Council is the determining factor.

**1.B.3. Miscellaneous.** Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise restricted by proper authority, or prohibited by state and/or federal law.

Only the City Manager or the City Council, depending on the position, has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager or City Council must be contained in an express written employment contract signed by both the City Manager and the affected employee.

## **1.C. SEVERABILITY**

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal law or regulations will supersede these policies and/or departmental policies insofar as is necessary for compliance with that change in the law.

## **1.D. APPLICABILITY OF PERSONNEL POLICIES**

These personnel policies and procedures apply equally to all employees of the City unless a class of employees is specifically exempted; individuals performing community service work for the City are not covered by the terms of these policies. The provisions of these policies may be varied in the case of an employee with a written employment agreement approved by the City Council. It is the responsibility of all employees to become familiar with and abide by these policies.

## **1.E. DISSEMINATION OF PERSONNEL POLICIES**

The Human Resources Director maintains the official set of the personnel policies, with all revisions, for reference by employees, and is responsible for providing a complete copy of this

manual and copies of all subsequent revisions or policy changes to each employee. If a question arises about a particular policy, the official set of policies in the Human Resources Director's office should be consulted and will control.

As a part of the initial orientation process, the Human Resources Department will provide a copy of the *Personnel Policies and Procedures* to new employees. Upon receipt of the personnel policies, each employee is required to read the policies and sign an acknowledgment that he or she has received a copy of the *Personnel Policies and Procedures* and understands that he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file in the Human Resources office.

## **1.F. EMPLOYMENT AT WILL**

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council for those employees that report directly to the City Council. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. These personnel policies do not constitute a contract of employment. Nothing in these policies is intended to alter the continuing at-will status of employment with the City.

## **1.G. EQUAL EMPLOYMENT OPPORTUNITY**

The city is an equal opportunity employer. It is the policy of the City of Ingleside to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, rate of pay, training, awards, compensation and benefits, promotion and transfer, disciplinary measures, or any other aspect of employment based on race, age, sex, religion, color, disability, national origin, political affiliation or belief, genetics, veteran's status, sexual orientation, pregnancy, or other unlawful basis.

An employee shall not engage in conduct at work that involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated, and disciplinary action will be taken, if appropriate.

The city prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

## **1.H. SEXUAL AND OTHER UNLAWFUL HARASSMENT**

It is the policy of the City to maintain a working environment which encourages mutual respect, promotes respectful and congenial relationships between employees and is free from all forms of

harassment of any employee or applicant for employment by anyone, including supervisors, co-workers, vendors, or citizens. Harassment in any manner or form is expressly prohibited and will not be tolerated by the City. Accordingly, the City is committed to vigorously enforcing this policy against harassment, including but not limited to sexual harassment, at all levels within the City.

**1.H.1. Sexual Harassment.** All types of sexual harassment are prohibited. Unwelcome sexual advances, insinuations, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- ◆ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- ◆ Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

**1.H.2. Other Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, belittles, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, bullying or hostile conduct; denigrating jokes and comments; and writings or pictures that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that are unwelcome are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, email, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, pregnancy, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

**1.H.3. Mandatory Reporting.** The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- ◆ The employee's supervisor;
- ◆ The Director of the employee's Department;
- ◆ The Human Resources Manager; or
- ◆ The City Manager.

More than one avenue for reporting harassment is included to allow the employee to choose an organizational level that he or she is comfortable with in reporting the incident.

Any supervisor, manager, or department director who becomes aware of possible conduct prohibited by this policy must immediately advise the department director and the Human Resources Manager unless the Human Resource Manager is the subject of the complaint, and then the City Manager should be notified. A formal Complaint Form is available from the Human Resources Director or City Manager.

Under this policy, an employee may report to and/or contact the Human Resources Director directly, without regard to the employee's normal chain of command.

All reports of harassment will be treated seriously. However, absolute confidentiality is not promised nor can it be assured. The City will conduct an investigation of any complaint, which will require limited disclosure of pertinent information to certain parties, including the alleged harasser.

**1.H.4. Investigation.** All reports of prohibited conduct will be investigated promptly and in the most confidential manner possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality. The Human Resource Department will maintain a separate, confidential file on the investigation, with limited access. Investigative documents will not be placed in personnel files. Any disciplinary action will be placed in the offending person(s) personnel file.

**1.H.5. Retaliation Prohibited.** Retaliation against any employee who makes a good faith charge or report of prohibited conduct or who assists in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

**1.H.6. Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated, or when employees are untruthful during an investigation.

Once the investigation is completed, a determination will be made regarding the validity of the harassment allegations. If it is determined that harassment has occurred; prompt, remedial action will be taken. This may include some or all of the following steps:

**1.H.6.1.** Restore any lost terms, conditions, or benefits of employment to the complaining employee.

**1.H.6.2.** Discipline the harasser. This discipline will include harassment training in addition to:

- a. Written disciplinary warnings
- b. transfer;
- c. demotion;
- d. suspension; or;
- e. termination.

If the harassment is from a vendor or citizen the City will take appropriate action to stop the complained-of conduct.

## **1.I. AMERICANS WITH DISABILITIES ACT**

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise-qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's work schedule or ability to perform the essential functions of the position shall make a written or oral request for a reasonable accommodation. Once this request has been submitted, the employee shall complete a Confirmation of Request for Reasonable Accommodation, which will be provided by the Human Resources Manager. The employee will be required to furnish documentation from a treating physician to substantiate an ADA disability and the need for accommodation.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate supervisor, Department Manager, Human Resources Manager, or the City Manager.

*(Legal reference: U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008.)*

## **1.J. LACTATING/BREASTFEEDING POLICY**

Accommodations will be made for lactating mothers for up to one year after the child's birth. An employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The City will designate a room for this purpose. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Nursing mothers wishing to use this room must request/reserve the room by contacting the Human Resources Department. Additional rules for use of the room and refrigerator storage are posted in the room. City employees who work offsite or in other locations, will be accommodated with a private area as necessary. If possible, this break time shall run concurrently with any break time already provided to the employee. Any break time given for this purpose that does not run concurrently with other break time or exceeds 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

## **SECTION 2. EMPLOYEE RESPONSIBILITIES**

### **2.A. GENERAL EMPLOYEE RESPONSIBILITIES**

The city is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, city officials and their fellow employees.

### **2.B. DRESS, APPEARANCE, AND UNIFORMS**

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the work place year-round, in accordance with this policy. This policy applies to all employees except those who are required to wear uniforms or city issued shirts. Department directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform shall be worn when an employee's Department Director determines a need to present a more formal professional appearance for meetings or special events. Attire for personnel scheduled to attend City Council meetings, receptions, and similar functions should wear clean and presentable attire that is typical for the job function (i.e. suits or dresses for the Administration office, a polo with the City logo and slacks for Parks & Recreation), unless otherwise directed by the City Manager.

Employees must remember that they are professional 100% of the time and are dressing for business, not for pleasure. All clothing must be clean, not wrinkled and in good repair and appropriate to the work setting. Attire must always reflect a professional business attitude and presence. Provocative, suggestive articles or other inappropriate dress are not allowed in the workplace. When there is a question on whether or not an item of clothing is prohibited, employees should err in favor of being conservative and assume that it is not acceptable attire.

The City Manager may designate a specific day in which casual attire may be worn. However, it is at the City Manager's discretion and the attire worn on "casual days" should still reflect an appropriate professional appearance. Department directors may occasionally allow employees to wear casual attire if a specific work assignment dictates that casual attire is appropriate or to ensure the safety of an employee.

#### **2.B.1. Standards for Business Casual Work Attire**

- ◆ Cut, Ripped, or Stained Jeans, T-shirts and athletic shoes are not acceptable during normal work hours unless a special day is declared by the City Manager or as specifically approved by the appropriate Department Director as work assignment dictates.

- ◆ Sweatshirts, sweat pants of any type are not acceptable unless a special casual wear or festive occasion is declared by the City Manager.
- ◆ Shorts shall not be worn unless they are part of a City department's approved uniform and worn with a shirt that identifies them as an employee of a particular City department or division or approved by the department director as special circumstances warrant.
- ◆ Women: Camisoles or tank tops are required to be worn under low cut blouses/tops. Clothing, with thin or spaghetti straps or less than 1 inch shoulder strap tops, need to be worn with an acceptable jacket. Skirts and dresses shall be worn no shorter than 2 inches above the top of the knee. Ankle length and Capri dress slacks are appropriate. Dress shoes or dress sandals are appropriate. No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.
- ◆ Men: Knit shirts with collar, banded collar shirts, short sleeve or long sleeve dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Dress shoes, boots or loafers are acceptable footwear. Other forms of acceptable footwear may be approved by an employee's supervisor as work assignments dictate.
- ◆ No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.

**2.B.2. Examples of Inappropriate Attire.**

- ◆ Provocative or revealing attire including low cut, bare backs, midriffs, body-hugging, see-through garments, tube tops or excessively loose or tight fabrics;
- ◆ Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- ◆ Un-pressed, soiled, ripped and tattered clothing;
- ◆ Visible tattoos, intentional scarring and branding deemed offensive by management **shall not be** displayed while on duty or in a city uniform. Employees shall cover all tattoo(s)/branding(s) deemed offensive by wearing a long-sleeved uniform shirt or blouse or a patch that shall cover shall cover all tattoo (s) and branding(s);
- ◆ Nose rings, eyebrow rings, tongue studs, lip piercings, gauge piercings, or similar type facial jewelry; visible body studs.
- ◆ Flip Flops, sandals, or any beach appropriate shoes, including open-toed shoes where work assignment dictates the use of close-toed shoes, or bare feet.

**2.B.3. Jewelry.** All jewelry worn by employees must be appropriate so it does not detract from a professional appearance or conflict with department uniform guidelines.

**2.B.4. Hair and Facial Hair.** Hair styles and hair colors must be appropriate to the employee's position and of natural hues, and extremes of any type are unacceptable. For example, green hair, Mohawk style haircuts, and severely spiked hair are not allowed. The length of hair must not pose a safety hazard for employees working around machinery and moving objects. Hair, including facial hair, must be clean and neatly groomed at all times.

**2.B.5. Perfume and Cologne.** While at work, employees should minimize the use of scented

aftershave, colognes, perfumes, and lotions as these products may impact the health of chemically-sensitive customers and other employees.

**2.B.6. Personal Hygiene.** All employees must maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.

**2.B.7. Uniforms.** The City supplies many Police, Parks and Recreation, and Public Works personnel with uniforms appropriate for the respective employees' positions. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. City-owned or authorized uniforms may not be worn outside of work, for personal use, or by any third party, unless separately authorized by the employee's Department Director.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. An employee must wear his or her entire uniform when on duty; no part of the uniform shall be worn by itself.

When an employee's employment terminates, that employee must return his or her uniforms and any other City equipment that remains in the employee's possession. The City reserves the right to deduct from the employee's final paycheck the total cost of lost or damaged City property and unreturned uniforms. Employees will be required to sign an authorization form at time of employment to allow the City to deduct for these purposes.

**2.B.8. Employee Purchasing of City Logo Clothing.** Employees who work primarily in offices are not eligible to receive uniforms. However, employees are permitted to purchase City logo apparel at their own expense and at the City's contract price from selected vendors. Employees may wear apparel with City logos during work time in accordance with this section.

**2.B.9. Exceptions.** Employees having a conflict with any aspect of this policy, based on cultural or religious traditions or medical reasons, may request an exemption. The employee must place the request in writing to his or her Department Director. The Department Director and the Human Resources Director shall review the request and determine whether an exception will be granted. Final determination will be placed in the personnel file.

**2.B.10. Enforcement.** Employees and supervisors are responsible for ensuring compliance with the City's dress code standards. In all cases, the employee's supervisor (or Department Director or City Manager, as applicable) will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Human Resources Department.

Department Directors shall specify requirements for uniforms and other work attire. Departments may impose special dress and grooming requirements necessary for employee safety, including use of appropriate personal protective equipment, shoes and clothing.

Supervisors are responsible for ensuring that employees know, understand and adhere to this policy as well as any department specific dress policy. Department Directors and supervisors

shall counsel employees' whose dress, personal hygiene or grooming is inappropriate.

Each employee is expected to adhere to the clothing, uniform and personal appearance guidelines set forth in this policy. Each employee must use good judgment and common sense in selecting clothing that fits with the function of his/her position, while also promoting a professional image. In order to avoid bringing discredit to the City, employees shall exercise caution in their conduct when wearing uniforms or other apparel bearing the name or logo of the City of Ingleside.

Employees in violation of this policy may be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance, violate this policy may be disciplined, up to and including termination of employment.

A Department Director, with approval of the City Manager, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

## **2.C. TIMELINESS AND ATTENDANCE.**

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work in accordance with the City's **Section 6. Attendance, Work Schedule, Time Reporting, and Overtime Policy**.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor **not later than 15 minutes after the time the employee is scheduled to begin work**, and preferably prior to the start of the workday, unless emergency conditions exist. (It is preferable, and may be required in some departments, for an employee who will be late or absent to contact his or her supervisor or department head four hours prior to the employee's scheduled time to begin work unless emergency conditions exist.) See also the City's **Section 8. Leave Time Policy** of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave or vacation for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

## **2.D. USE OF CITY PROPERTY, VEHICLES, AND EQUIPMENT**

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful, and courteous operation of vehicles and equipment. Any required safety equipment provided by the City must be used at all times.

From time to time, the City may issue various types of equipment or other property to

employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property up to and including criminal charges.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc., appear to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment, will result in disciplinary action.

**2.D.1. Personal Use Prohibited.** City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises without prior written approval by the City Manager, or the Department Director, and may not be used for the personal benefit of an employee.

**2.D.2. Use of City Vehicles.** City-owned or leased vehicles may be used only for official City business. City-owned or leased vehicles may be driven only by authorized City employees.

If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- ◆ Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- ◆ Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.
- ◆ Always observe all posted laws and speed limits.
- ◆ Always wear seat belts when the vehicle is in operation.
- ◆ No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director in writing.
- ◆ No personal use of City-provided vehicles is allowed.
- ◆ All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor. City vehicles must be kept clean; dispose of trash and put away tools daily.
- ◆ Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- ◆ All drivers must be eligible for coverage under the City's insurance policy.
- ◆ Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- ◆ AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE

A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.

- ◆ EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE POLICE AND HIS/HER SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. IN CASES WHERE AN ACCIDENT INVOLVES A POLICE VEHICLE, THE POLICE DEPARTMENT WILL REQUEST THE COUNTY, SHERIFF, OR TEXAS DEPARTMENT OF PUBLIC SAFETY TO CONDUCT AN INVESTIGATION OF THE ACCIDENT AND FILE AN OFFICIAL ACCIDENT REPORT WITH THE CITY MANAGER. THE EMPLOYEE SHALL **NOT** LEAVE THE SCENE OF THE ACCIDENT UNLESS REQUIRED TO DO SO BECAUSE OF INJURY. THE EMPLOYEE MAY LEAVE THE SCENE AFTER THE POLICE INVESTIGATION IS COMPLETE OR IF THE POLICE DIRECT HIM/HER TO MOVE THE VEHICLE. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE CITY SECRETARY. IN ADDITION, THE EMPLOYEE IS REQUIRED TO PROVIDE A WRITTEN STATEMENT TO HIS/HER SUPERVISOR WITHIN TWENTY-FOUR (24) HOURS DETAILING THE INCIDENT AND INCLUDING WHETHER ANY CITATIONS WERE ISSUED.

**2.D.3. Vehicle Allowance.** An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

**2.D.4. Take Home Vehicles.** A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. Any employee residing outside the City limits or more than thirty (30) miles from his or her main job site shall be required to have written permission within his or her personnel file and signed by his or her supervisor, Department Director, and the Human Resource Manager and City Manager specifying the reason and circumstances.

To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc., without prior written approval of the City Manager or department director. No alcoholic beverages or illegal drugs are allowed in City vehicles. No passengers (other than City employees) may be transported in take-home vehicles except as required by official duties.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability

for the benefit of commuting to and from work in a City vehicle. Police vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

**2.D.5. Driver's License Check.** The City shall periodically check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver.

**2.D.6. Public Perception.** City employees must be aware of the fact that their actions while driving or in the vicinity of City vehicles are being observed by the public. Employees' irresponsible behavior and use of poor judgement reflects directly on the City and will not be tolerated. City employees must be courteous to other drivers and pedestrians.

**2.D.7. Personal Property.** All employees shall be solely responsible for their personal property at all times.

**2.D.8. Cell Phone/Electronic Device Use Policy.** Cell phone use is prohibited while driving a City vehicle. Traffic citations received for cell phone violation while driving a city vehicle or performing work for the City during working hours could be cause for disciplinary action, up to and including termination.

**2.D.9. Violations of This Policy.** The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action, up to and including dismissal.

## **2.E. OUTSIDE EMPLOYMENT**

**2.E.1. Written Authorization Required.** City employees may engage in outside employment provided they receive prior written approval from their Department Director, and the City Manager and received by the Human Resource Department to be placed in the personnel file. Authorized outside employment may be subject to review in the event of schedule changes or interference with City duties.

**2.E.2. Outside Jobs Coordinated Through Police Department.** Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures and still require written approval from their Department Director, the Human Resources Director, and the City Manager and placed in the personnel file.

**2.E.3. Prohibited Activities.** Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance. City employees may not use City property, equipment, facilities, personnel or telephones for outside business activities or for personal gain, unless Memorandum of Understanding (MOU) is approved.

**2.E.4. Workers' Compensation Coverage.** Employees are not covered by the City's workers' compensation insurance while working for another employer. The only exception is when working events in the City limits of Ingleside and they are injured in the line of duty. (Example: working the tourist events with Ingleside Chamber of Commerce.)

**2.E.5. Outside Employment While on Leave Prohibited.** Approval for outside employment as set out in this policy does **not** authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty, to engage in any outside employment. Any exceptions must be expressly authorized in writing by the Department Director, the Human Resources Director, and by the City Manager and placed with the appropriate personnel, confidential medical, or confidential worker's compensation file..

**2.E.6. Outside Employment Prohibited During Normal Working Hours.** Employees are prohibited from conducting outside employment activities during normal working hours unless on approved leave.

## **2.F. EMPLOYEE SAFETY**

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management.

**2.F.1. Safety Rules.** The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- ◆ Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes or boots, gloves, shields, etc., when those items are appropriate to the task being performed and/or when required by your supervisor or Department Director.
- ◆ Smoke only during designated times in authorized outside areas as approved by employee supervisor.
- ◆ Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, and in good condition. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured. Employees working in departments that require steel toe boots must wear them at all times.
- ◆ To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- ◆ Be aware of sharp tools. Use safety devices where provided, and do not alter or remove

them in any way. Report hazards to management immediately.

- ◆ Material Data Sheets (MDS Sheets) - Employees will be shown the location of the City's Material Data Sheets. MDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work.

MDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information from time to time.

- ◆ Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call 911. Use proper portable extinguishers for small fires.
- ◆ Do not put fingers, hands, feet or clothing in moving machinery.
- ◆ Do not carry items in a manner that obscures vision.
- ◆ Do not block access to fire extinguishers.
- ◆ Do not touch open or loose electrical circuits.
- ◆ Report unusual vibrations, smells, or noises coming from equipment.
- ◆ Do not wear rings or jewelry that may affect the operation of machinery.
- ◆ Do not perform maintenance or repairs on running equipment.
- ◆ Do not remove or alter warning tags or safety devices.
- ◆ Never leave nails or spikes protruding from planks or boards.
- ◆ Perform routine maintenance at all scheduled intervals.
- ◆ Do not use compressed air for cleaning clothing or floors.

Employees who violate these safety standards or who cause or worsen hazardous or dangerous situations may be subject to immediate disciplinary action, up to and including termination of employment.

**2.F.2. Accident Reporting.** All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor, manager, or the Human Resources Department. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

**2.F.3. Accidents Involving City Equipment or Vehicles.** Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit the report to the supervisor and to the Human Resource Department. The employee must submit to a drug screen immediately.

Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

## **2.G. POLITICAL ACTIVITY**

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- ◆ Publicly endorse or campaign in any manner for any person seeking a City public office. This provision is not intended to prevent a city employee from displaying a candidate's sign on their personal property.
- ◆ Use the employee's position or office to coerce political support from employees or citizens.
- ◆ Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- ◆ Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council, or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions, and to cast his or her vote.
- ◆ Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- ◆ Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- ◆ Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g., City of Ingleside City Council, Ingleside ISD, and San Patricio County. **Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.**

## **2.H. CONFLICTS OF INTEREST/SOLICITATION AND ACCEPTANCE OF GIFTS**

**2.H.1. Conflicts of Interest.** No employee of the City may:

- ◆ Have any financial or other interest, as defined by Chapter 171 of the Texas Local Government Code, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- ◆ Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise, or for the betterment of any member of the employee's family up to second degree of relationship, either by blood or marriage;
- ◆ Have any financial interest, as defined by Chapter 171 of the Texas Local Government Code, in the sale to the City of any land, materials, supplies or services;
- ◆ Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- ◆ Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair

- independent judgement in the performance of duties to the City;
- ◆ Use any confidential information for personal gain or release any confidential information; or
- ◆ Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

*(Legal reference: V.T.C.A., Local Government Code, Section 171; V.T.C.A. Penal Code, Chapter 36).*

## **2.H.2. Solicitation and Acceptance of Gift.**

- ◆ Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager or designee, provided that this approval will not be allowed for personal benefit of the employee. No employee may be required to make any contribution nor may an employee be penalized in any way concerning employment according to the employee's response to a solicitation.
- ◆ No employee shall accept or solicit any money property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member. However, this section shall not be interpreted to include any pen, pencil, calendar, cap, or similarly valued item distributed by any such business or organization for advertising purposes.
- ◆ If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift (other than the minimal gifts listed in the paragraph above) in writing to the supervisor and the City Manager.
- ◆ No employee shall accept or solicit any money, property, service or other thing of value in excess of \$50.00 for the benefit of the City, or any employee, or department of the City.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources Director, or the City Manager's office.

## **2.I. COMMUNICATIONS.**

**2.I.1. Staff to City Council, Public, and Media.** Communication with the public and the media about city issues or problems is the responsibility of the City Manager. Employees shall refer members of the news media to the City Manager if a question is non-routine, controversial, or outside the scope of the employee's normal duties, and are to notify the City Manager of scheduled interviews with the news media.

**2.I.2. Internal Communications.** From time to time, an employee may be given work instructions from or asked questions by a city employee or official outside the normal chain of

command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor promptly about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Supervisors are responsible for reporting these incidents promptly through the chain of command to the city manager in those instances where there could be adverse consequences.

Timeliness generally means not later than the beginning of the next shift. However, a determination of timeliness will be based on the nature of the instruction, request, or question; any potential adverse consequences of the employee's response; and/or the time frame during which an amended response could alter potentially adverse consequences.

**2.I.3. Requests for Council Action.** An employee, may request that a city related matter be considered by the City Council by submitting the item in writing to his or her supervisor. Final decisions as to what is to be brought forward to the Council from the staff are determined by the city manager.

## **2.J. PURCHASING**

Purchases by City employees will be made only as authorized by the City Manager or the City Council and must be made in accordance with state purchasing laws as they apply to cities and the Finance Department's Purchasing Policy.

## **2.K. ARRESTS, CONFINEMENTS, AND INDICTMENTS**

**2.K.1. Policy.** City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction of the employee, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

### **2.K.2. Procedure.**

- ◆ **Employee Notice of Felony and Misdemeanor Charges.** Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are convicted of any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Employees who drive city vehicles must report any suspensions of their license and any minor traffic violations. Failure to report these events in a timely manner may result in disciplinary action including possible immediate termination.
- ◆ **Employee Status after Alleged Violation of Law.** At the time the employee's department is made aware of an employee's conviction, arrest or conduct constituting an offense, the Department Director shall consult with the Human Resources Director to determine available options which may include, but are not limited to:
  - a.) allowing the employee to return to regular duty with pay;
  - b.) allowing the employee to return to restricted duty with pay;
  - c.) placing the employee on paid administrative leave;

- d.) placing the employee on unpaid administrative leave; or
- e.) terminating the employee.
- ◆ **Employee Status after Adjudication.** Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are commuted and all related administrative matters are completed, the Department Director will determine, in conjunction with Human Resources Director the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.
- ◆ **Disciplinary Action:** Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.
- ◆ **Violations of Law Discovered through Criminal History Check:** The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered and never reported or disclosed may result in disciplinary action, up to and including termination.
- ◆ **Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

## 2.L. TELEPHONE CONTACT

**2.L.1. Contact Number Required.** All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

All employees must immediately notify supervision and Human Resource Department of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

**2.L.2. Employee Use of City Telephones.** Telephones are to be used for city business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

City employees and officials may not place personal long distance telephone calls on city telephone equipment.

**2.L.3. Employee Use of Personal Cell Phones.** While in the workplace during work hours, employees are expected to focus on work. Personal cell phones and other electronic device use should be kept to a minimum and at no time may interfere with an employee's work.

It is reasonable that on occasion employees may need to check on family members, schedule medical appointments, and other matters of that nature during the workplace—it is preferable that this be done on scheduled work breaks and lunch hours whenever possible.

**2.L.4. Employee Use of City-Provided Cell Phones.** City-issued cell phones are to be used for city business only. Department Directors and other personnel deemed by the City Manager to make and receive an inordinate amount of phone calls for City business shall be issued a stipend for use of their personal cell phone for city business when approved by the City Manager.

If the city furnishes a city official or employee with cellular telephone service, any metered usage by the official or employee for personal calls must be paid personally by the official or employee on a monthly basis.

## **2.M. GENERAL COMPUTING AND OFFICE POLICY.**

**2.M.1. Internet Use.** Internet use should be kept to a minimum, and the Internet should only be utilized for matters that assist the employee in performing his or her work—to the extent that any Internet use does not assist the employee in performance of his or her duties, that use is not allowed.

**2.M.2. User ID.** When an employee receives a user ID (the combination of user name and password) to access the network, the employee hereby agrees and understands that he or she is solely responsible for all actions taken when that ID is used.

Employees also agree that:

- (a) Securing or utilizing a user ID under false pretenses is a punishable disciplinary offense.
- (b) Unauthorized sharing of an employee's user ID with any other person is prohibited. In the event that an employee does share a user ID with another person, the employee will be solely responsible for the actions of that person.
- (c) Unauthorized deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent is prohibited.
- (d) Any unauthorized, deliberate action, which damages or disrupts a computing system, alters its normal performance, or causes it to malfunction, is a violation regardless of system location and/or time duration.
- (e) Unauthorized removal of any City property is prohibited.

## **2.N. GENERAL E-MAIL & VOICE MAIL POLICY**

You hereby agree and understand that the City's e-mail, Internet access, and voice mail systems are for city business use. As such, you hereby agree and understand that the City may monitor e-mail, Internet access and voice mail systems at will, including the full content of any messages or communications therein, without further disclosure to you. You hereby warrant that you understand that whenever you send electronic mail, your account information is encoded in each mail message. You are, therefore, responsible for all electronic mail originating from your user account. Further:

**2.N.1.** Forgery (or attempted forgery) of electronic mail messages is prohibited.

**2.N.2.** Unauthorized attempts to read, delete, copy, or modify the electronic mail of other users are prohibited.

**2.N.3.** Sending harassing, obscene and/or other threatening email to another user is prohibited.

## **2.O. NETWORK SECURITY POLICY**

As a user of the network, you may be allowed to access other networks (and/or the computer systems attached to those networks). Therefore:

**2.O.1.** Use of systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited.

**2.O.2.** Use of systems and/or networks to connect to other systems, or the evasion of the physical limitations of the remote system/local, is prohibited.

**2.O.3.** Decryption of system or user passwords is prohibited.

**2.O.4.** The copying of system files is prohibited.

**2.O.5.** The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or the proper license, is prohibited.

**2.O.6.** Intentional attempts to "crash" Network systems or programs are punishable disciplinary offenses.

**2.O.7.** The attempts to secure a higher level of privilege on Network systems are punishable disciplinary offenses.

**2.O.8.** The willful introduction of computer "viruses" or other disruptive/destructive programs into the organization network or into external networks are prohibited.

**2.O.9.** The copying or disclosure of City files or information to unauthorized individuals is prohibited.

## **2.P. PROVIDED EQUIPMENT**

The equipment listed below (if any) has been provided to you to assist you in the exercise of your duties. You hereby agree:

**2.P.1.** To take care of it in a professional manner.

**2.P.2.** That you will not install software without first contacting the IT manager and receiving permission.

**2.P.3.** That you will immediately report problems with your system to your supervisor.

**2.P.4.** That you will return all of the equipment in good condition upon termination of your employment by either party, regardless of cause.

**2.P.5.** That while in custody, you are responsible for negligent or malicious damage. any violation of any of these provisions may result in disciplinary action by the City against you up to and including immediate termination.

## **2.Q. SOCIAL MEDIA POLICY**

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees, and citizens through electronic media, including but not limited to online forums, instant messaging, and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term "social media" encompasses: Twitter and tweeting, Facebook, LinkedIn, Instagram, Snapchat, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging, and all other social networking sites, instant messaging, and the posting of video on YouTube and similar media.

**2.Q.1. Use of City's Internet.** Use of the City's Internet is a privilege and City employees must use it responsibly and ethically. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the guidelines below when posting information on the City's social media sites.

**2.Q.2. Other City Policies.** This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "Grievance" policy without resorting to social media.

## **2.R. EMPLOYEE GUIDELINES: USE OF CITY'S SOCIAL MEDIA ON WORK TIME**

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

**2.R.1.** Blogging or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.

**2.R.2.** Employees must obtain written authorization from the Department Manager to update or post on social media sites on behalf of the City, and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.

**2.R.3.** No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the rights to access, intercept, monitor, and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.

**2.R.4.** Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

**2.R.5.** Employees must abide by all federal and state laws and policies of the City with regard to information sent through the City's Internet.

**2.R.6.** Individual supervisors do not have the authority to make exceptions to these guidelines based on needs of the department.

## **2.S. EMPLOYEE GUIDELINES: USE OF PERSONAL SOCIAL MEDIA WHILE NOT ON WORK TIME**

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below:

**2.S.1.** If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.

**2.S.2.** Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

**2.S.3.** Respect the City and co-workers. Do not put anything on your personal social media site that may defame, embarrass, insult, demean, or damage the reputation of the City or any of its employees.

**2.S.4.** Do not put anything on your personal social media site that may constitute a violation of the City's harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers

both work and non-work time, including postings on social media sites.

**2.S.5.** Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites without supervisor approval.

**2.S.6.** Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City including harassing or discriminatory posts.

**2.S.7.** Do not fail to remove postings violating this policy when directed to do so, even when placed by others on your social media site.

## **SECTION 3. EMPLOYMENT PRACTICES**

### **3.A. EMPLOYEE RECRUITMENT AND SELECTION**

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position. City will not discriminate on the basis of race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available within budget limits.

**3.A.1. Methods of Recruitment and Selection.** The city has several methods of recruiting and selecting persons to fill vacancies:

- ◆ Promotion from within;
- ◆ Transfer from within;
- ◆ Public announcement (including media announcement and posting of notice for city employees) and competitive consideration of applications for employment; or
- ◆ Referral from a job training program; or
- ◆ Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding six (6) months.)

The City Manager approves the method of selection to be used in filling each vacancy. However, the City Council must have approved funding for a position before recruitment begins.

All external Applications and internal Letters of Interest will be submitted and processed through the Human Resources Department. Only those applications and Letters of Interest, meeting the minimum qualifications will be forwarded to the Department for consideration of the position.

Applicants for positions within the police department may be required to undergo a modified and more rigorous recruitment process including but not limited to written and oral testing, psychological and background investigations and physical agility assessments.

**3.A.2. Recruitment Requirements.** The recruitment process is initiated by a City department director submitting a request to fill a vacancy of a budgeted position to the Human Resources Director. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted simultaneously with an internal posting.

**3.A.3. Public Announcements.** When public announcements of position openings at the City are used, and competitive consideration will be given, the announcements are disseminated by the Human Resource Department in the manner most appropriate for the particular position being filled, as determined by the City Manager. City department directors wanting to fill job vacancies within their departments must submit relevant information about the position to the Human Resource Department who ensures that job opening announcements are made public through publication in the local newspaper and posting on the City website.

Current employees may apply for positions for which they believe themselves to be qualified.

If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the limits set by the City Council for the transfer position.

The length of time during which applications will be accepted will be determined by the Human Resources Director in accordance with the circumstances that exist at the time.

**3.A.4. Applications.** When a specific vacancy exists, each person desiring employment with the City must submit a written application and other pertinent information regarding training and experience. To be valid, an application must be made on the City's official application form. Each person desiring employment with the City may obtain an application for employment from the Human Resources Department. Application not required from a current city employee seeking a promotion; a letter of interest can be submitted.

The City will make appropriate inquiries to verify criminal history, education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment. In the case of applicants for positions with the City which require driving a vehicle, the City must check the prospective employee's driving record prior to offering the applicant employment with the City.

The City does not accept applications for employment unless a specific job opening exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist will be informed that City job openings are advertised in the local newspaper, on the City website; and they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. After a City position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as practicable by the Human Resources Department.

The City will retain each employment application in accordance with the Records Retention Policy. (*Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.*)

**3.A.5. Qualifications.** The City maintains a job (class) description, which establishes the required knowledge, skills and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position.

**3.A.6. Testing.** Except for drug and psychological tests for certified police employees and any other tests that may be required by state law or these policies, the only performance tests administered for employment or promotion normally will be specifically job-related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples, etc.). The city conducts pre-employment qualification testing for certain job positions. The tests vary

based on the required qualifications for the particular position. Reasonable accommodations will be made for applicants with a disability if a request for such an accommodation is made in advance of a test.

**3.A.7. Veteran's Employment Preference.** An individual who qualifies for a veteran's employment preference is entitled to a preference in employment with an appointment or promotion to a city position over other applicants for the same position who do not have greater qualifications. "Veteran" means a person who: has served in the army, navy, air force, coast guard, or marine corps of the United States and has been honorably discharged from the branch of the service in which the person served. If the City requires a competitive examination for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 5 points added to the test score.

**3.A.8. Drug and Alcohol Testing.** In addition to the physical examination required by the city for all prospective employees, all prospective employees for any regular, full-time "safety sensitive" position are required to be tested to show no trace of drug dependency or illegal drug usage.

All prospective employees are required to pass a drug/alcohol test after a conditional offer of employment has been extended, but prior to their first day of work. The offer of employment is contingent upon the prospective employee passing a drug/alcohol test. After employment, any employee may be required to submit to a test for drug dependency or illegal drug use. For more information on drug testing or drug usage, see the chapter of these policies on **Section 11. Drug and Alcohol Use.**

**3.A.9. Selection.** Except for appointments reserved to the City Council by statute, ordinance, or charter, the City Manager has exclusive authority to select and employ personnel within the limits of these policies and the City budget. The City Manager may authorize City Department Heads to appoint and remove employees within their departments, subject to approval by the manager and within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the City Manager or any of his or her subordinates is authorized to appoint. However, the City Council or its members may express freely to the City Manager their views and opinions on such matters.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources Director, along with the applicable Forms. Offers for City employment, other than department heads, will be communicated by the Human Resources Department upon receipt of the hiring recommendation and all related paperwork. Offers for City Department Heads will be communicated by the City Manager or designee.

**3.A.10. Physical Standards.** Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these

reasons certain employees are required to pass a physical examination after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the City payroll prior to passing these exams. Back X-rays may be required for persons who will perform strenuous physical activity. The required physical examinations will be performed by a physician of the City's choice and will be paid for by the City.

In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties, and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

In addition, prospective new employees for active or reserve Police Officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.

The City also may require all prospective active Police or reserve employees to submit to a polygraph test. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City. (*Legal reference: Police only – V.T.C.A., Government Code, Section 415.057.*)

**3.A.11. Age Requirements.** No persons under sixteen (16) years of age will be employed in any regular full-time position. No persons under eighteen (18) years of age will be employed in any position requiring the operation of a motorized vehicle owned by the City of Ingleside. A person under the age of eighteen (18) may be employed in a temporary or part time position if the person furnishes the City with a properly completed and signed minor's release form.

**3.A.12. Residency Requirements.** Employees who may be subject to emergency call and/or periodic service in a stand-by status may be required to establish residency within a reasonable distance from the principal work site in order to assure a timely response. For these purposes, the City Council has established that for employees hired after March 1, 2018 a reasonable response time to a civil emergency is one (1) hour.

**3.A.13. Take Home Vehicle.** See Section 2.D.4.

**3.A.14. Employment of Relatives (Nepotism).** Nepotism is the showing of favoritism in the hiring process toward a relative. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, the City forbids the practice of nepotism in hiring personnel.

A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council or to the City Manager may not be hired. (See Figures 1 and 2 on the following page for the prohibited degrees of relationship).

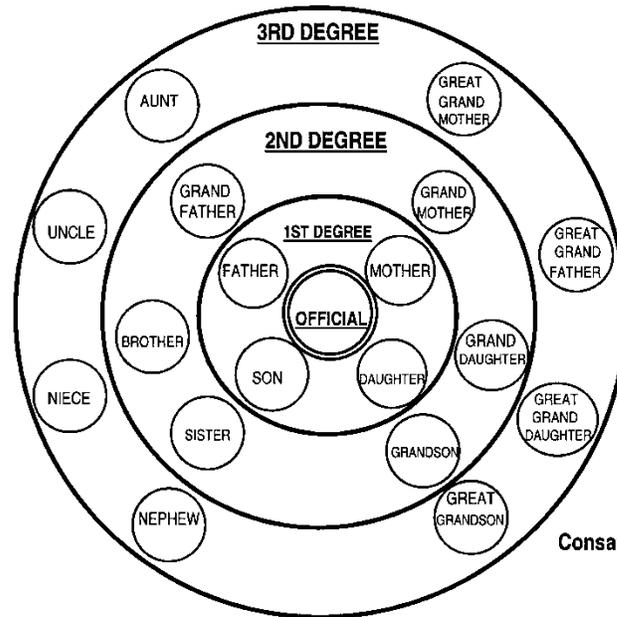
A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee had been continuously employed by the City for a period of:

At least 30 days, if the member of the City Council or to the City Manager is appointed; or at least six months at the time the member of the Council is elected into office.

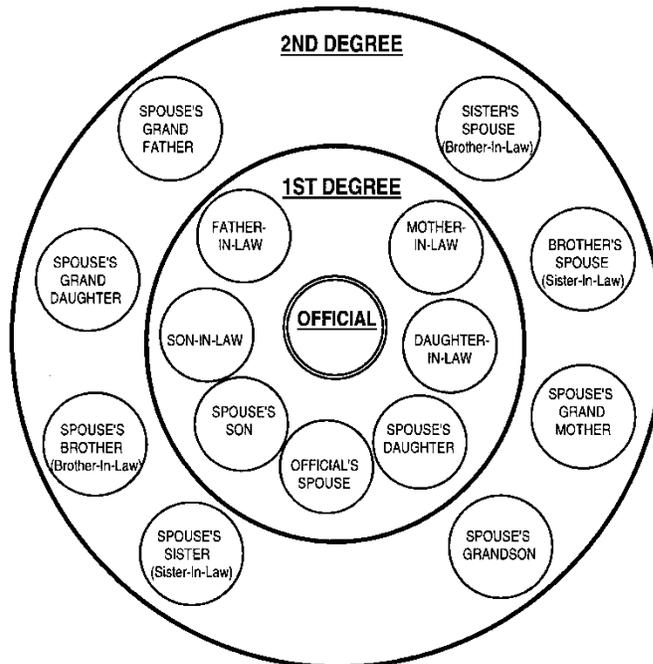
*(Legal reference: V.T.C.A. Government Code, Section 573.062, as amended.)*

In addition, no personnel action (hiring, demotion, promotion, transfer, reorganization) will be taken that would result in any employee's directly or indirectly supervising or being supervised by another employee who is related within the second degree of affinity or the third degree of consanguinity. Prohibited degrees of relationships are defined in Figures 1 and 2 of the Nepotism Charts. Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

## NEPOTISM CHARTS



**Consanguinity Kinship Chart  
(Blood)**



**Affinity Kinship Chart  
(Marriage)**

In the event that two City employees within the same chain of command become related or members of the same household, receive a promotion, or any other situation giving rise to a relationship prohibited by the paragraph preceding the above charts, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of the paragraph preceding the Nepotism charts.

If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

This directive also applies when both employees are in the same department where one is the supervisor over the other, or where any two positions have potential conflicts or create the potential for collusion.

The only exceptions to this entire nepotism policy shall be:

- (1) If the position is temporary in nature (i.e., seasonal or temporary help) and will not be upgraded to a full-time position.
- (2) If the situation is specifically allowed by law.

**3.A.15. Verification of Eligibility to Work.** In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility. (Legal reference: P.L. Number 99-603; Federal Immigration Reform and Control Act of 1986.)

In the event the employee has not provided evidence of eligibility to work within the first three days of employment, the employee will not be allowed to continue working and shall be subject to termination.

**3.A.16. Driving Record.** Every city employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record and comply with Section 2.E.2 of this policy. For this reason, the City will check a prospective employee's driving record prior to offering the applicant employment if the prospective position requires operating a vehicle or piece of equipment. The City may also periodically check driving records of regular employees who operate city vehicles or equipment to ensure employees maintain safe driving records.

**3.A.17. Medical Records.** All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the Human Resources Department has routine access to employee medical records. (Legal reference: *U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008.*)

**NOTICE OF PRIVACY PRACTICES.** This Notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (**HIPAA**). It describes how the City may use or disclose an employee's protected health information, with whom that information may be shared, and the safeguards the city has in place to protect it. This notice also describes an employee's rights to access and amend his/her protected health information. The

employee has the right to approve or refuse the release of specific information outside of the City's system except when the release is required or authorized by law or regulation.

"Protected health information" is individually identifiable health information. This information includes demographics, for example, age, address, e-mail address, and relates to the employee's past, present, or future physical or mental health or condition and related health care services. The City of Ingleside is required by law to do the following:

- ◆ Make sure that an employee's protected health information is kept private;
- ◆ Give each employee this notice of the City's legal duties and privacy practices related to the use and disclosure of an employee's protected health information;
- ◆ Follow the terms of the notice currently in effect;
- ◆ Communicate any changes in the notice to each employee.

By law, the City must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee's health information.

The City will share the employee's protected health information with third-party "business associates" who perform various activities for the City of Ingleside (for example, the City's health insurance company). The business associates will also be required to protect the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding, in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The City may disclose the employee's protected health information to comply with workers' compensation laws and other similar legally established programs.

The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

- ◆ The employee may inspect and obtain a copy of his/her protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information;
- ◆ The employee may request the City to provide him/her with an accounting of the disclosures the City has made of the employee's protected health information;
- ◆ The employee may obtain a paper copy of the notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug

Abuse, and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will use and disclose the employee's protected health information.

**3.A.18. Disqualification.** Applicants will be disqualified from consideration for one or more of the following:

- ◆ Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- ◆ If they previously worked for the City and were involuntarily terminated, or resigned in lieu of termination;
- ◆ If employment will result in a violation of the City's Nepotism Policy;
- ◆ Failure to meet minimum age requirement of 16;
- ◆ False statements or material omissions on the application form or during the application process;
- ◆ Failing any of the City's background and employment requirements including, but not limited to, drug/alcohol testing;
- ◆ The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- ◆ The applicant is not legally permitted to work in the United States;
- ◆ The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- ◆ Is not legally permitted to hold the position;
- ◆ Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
- ◆ Does not meet physical requirements as a result of the required physical examination;
- ◆ Has been convicted of a crime which, by its nature, is inconsistent with the standards for the position; or
- ◆ Any other non-discriminatory reason deemed to be in the best interests of the City.

**CRIMINAL RECORD.** The City will obtain a criminal history check on all prospective employees. The City will not employ persons whose criminal convictions, if any, support a propensity for behavior inconsistent with community standards for City employees.

**3.A.19. Prior Service with the City.** Employees entering service with the city who have had prior service with the city may be considered for appointment above the customary entry salary level. A break in continuous service with the city, however, forfeits vacation and sick leave and longevity benefits accrued prior to the break.

Former employees who have resigned without adequate notice or who were dismissed for any reason shall not be considered for re-employment, unless consideration is specifically approved by the city manager.

**3.A.20. Reinstatement.** An employee is eligible for reinstatement if:

- ◆ The employee is returning from a military duty leave of absence; or

- ◆ The employee was previously incapacitated, is no longer incapacitated, and remains otherwise qualified to perform duties of job; or
- ◆ The employee is being rehired after having been laid off.

### **3.B. CLASSIFICATION AND COMPENSATION PLAN**

Any promotion, lateral transfer, demotion requires appropriate forms to be submitted to the Human Resource Department. All new hire and changes of existing employee's (permanent or temporary) classification and compensation plans are required to be documented with a Personnel Action Form and signed by the Department Manager/designee, Human Resources Department, and the City Manager.

If an employee is on probation for new hire or disciplinary reasons, they are not eligible for any promotion or lateral transfer.

**3.B.1. Placement on City Payroll.** New employees must report to the Human Resources Department before or during their first day of employment to fill out employment forms and be scheduled for new employee probationary.

**3.B.2. Minimum Pay.** Employees shall be paid no less than the minimum of the salary range established for the position. The following exceptions may be made when approved by the City Manager:

- ◆ When a period of training is required to demonstrate the employee's ability to perform the duties; (i.e., trainee status, normally not to exceed three (3) months); or
- ◆ When the employee is temporarily assigned to a position in a higher grade, normally not to exceed one (1) month.

**3.B.3. Maximum Pay.** The City's classification and compensation plan establishes a maximum for each pay range, which is the maximum pay the market will support for the positions listed in that pay range on the pay schedule.

New employees may not be hired into City employment above the minimum pay range without the written approval of the City Manager.

**3.B.4. Promotion.** A promotion is a change in the duty assignment of an employee, which results in advancement to a position in a higher job classification with a higher starting salary, requiring higher qualifications, and involving greater responsibility. A promoted employee shall receive a pay increase of the higher of (i) the amount of difference from his or her former job classification to that of the promoted job classification, or (ii) whatever amount is required to place the employee's salary equal to the new job classification's starting salary.

Promotional opportunities will be provided whenever possible to City employees, but shall be limited to qualified City employees and shall be limited to when staffing patterns and budgetary limitations allow, as determined at the discretion of the Department Director and approved by the City Manager. A Department Director may, with the approval of the Human Resources Director

or the City Manager, authorize a temporary promotion to insure the proper performance of a City function while a position is vacant, or if the position's regular incumbent is temporarily absent. Temporary assignment pay shall be considered on a case-by-case basis and shall be determined by the department director and the Human Resources Director with the approval of the City Manager.

**3.B.5. Lateral Transfer.** A transfer is the assignment of an employee from one position to another position in the same pay classification or same pay grade either within the same department or in a different department. Directors shall have the authority to transfer employees to other positions within their department. Transfers may be made for administrative convenience or upon the request of an employee. An employee may also be transferred when the employee applies for and is selected for a position in a different department. No Lateral transfers are allowed during the initial probationary period.

**3.B.6. Demotion.** A demotion is the assignment of an employee to a position having a lower starting salary. A demotion requires the approval of the department director, the Human Resources Director, and the City Manager.

If a position is reclassified downward because of changes in the City's needs and not because of a performance problem on the part of the employee, every attempt will be made to maintain the employee's salary at its prior level. However, if the reclassification is made because of an employee's performance problems, the employee's pay will be adjusted downward by at least the equivalent of a one-step decrease.

- ◆ **Voluntary Demotions** – A voluntary demotion is not a disciplinary action and does not disqualify the employee from consideration for future advancement.
- ◆ With the approval of the department director and, if qualified to perform the duties of a lower level position, an employee may be administratively demoted at the employee's own request or as an alternative to a layoff.
- ◆ **Involuntary Demotions** – An involuntary demotion is a disciplinary action. (See section of these policies on Disciplinary Actions). The salary of a demoted employee (voluntary or involuntary) shall be adjusted. (See section of these policies on Classification and Compensation). Involuntary demotions are subject to the grievance process (See section of these policies on Grievances).

### **3.C. NEW EMPLOYEE ORIENTATION AND TRAINING**

Before an individual begins performing his or her actual duties, he or she will be given a brief orientation session, conducted by the supervisor for whom he or she will be working, or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of the City.

An orientation session will also be provided by the Human Resources Department. During the orientation, employees are given a copy of these *Personnel Policies and Procedures*, and are given information about the city's benefit programs. Employees are responsible for knowing and

following the information contained in the personnel policies, and must turn in a signed acknowledgment to this effect to the Human Resources Director within the first two days of employment with the City.

All new employees are required to complete the FEMA IS-100, IS-200, and IS-700 within the first six (6) months of employment. All supervisors and managers are required to complete the FEMA IS-300, and IS-400 within six (6) months of holding this position.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

### **3.D. EMPLOYEE PROBATIONARY PERIOD**

All new employees hired to fill regular full time or part time positions must satisfactorily complete a probationary period. All police officers hired after March 1, 2018, are required to successfully complete a one (1) year probationary period and all other employees are required to successfully complete a six (6) month probationary period.

Additionally, all current employees, including police officers, who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a probationary period of six (6) months.

The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. Employees are considered in the probationary period until they have actually performed their regular job duties for the full length of the period applicable to their job to assure their ability to meet acceptable standards of work performance and behavior for the employee's position. A probationary period is not to be construed as a guarantee of six (6) months of employment.

Each employee serving in the probationary period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position.

During the probationary period, employees are expected to maintain acceptable standards of conduct and attendance, and it will be the responsibility of the employee to correct any deficiencies or inadequacies in job performance, conduct or attendance.

**3.D.1. Seasonal/Temporary Employees.** Seasonal and temporary full and part time employees do not serve a probationary period and have no right of appeal when terminated at any time.

**3.D.2. Change in Assignment of Employee serving in the Initial Probationary Period.** Employees serving in the probationary period may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period without

written approval from the City Manager. If the reassignment, promotion, or transfer is approved, the employee will serve a six (6) month probationary period in the new position beginning with the date of the position change; however, the previous position will not be held open during this probationary period.

**3.D.3. Absences during Probationary Period.** During the initial probationary period, an employee is not eligible for paid vacation or sick leave during the first six months. Compensatory time off or recognized holidays during the probationary period may be used as approved in accordance with established City/departmental policy or practice. Transferred or promoted employees serving in the probationary period retain eligibility for all types of leave established by City policy.

**3.D.4. Probationary Period Performance Evaluations.** All employees serving in the probationary period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the “Performance Evaluation System” policy. These reviews are designed to evaluate each employee’s performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee.

**3.D.5. Extensions to Probationary Period.** The probationary period may be extended under the following circumstances:

At the end of the initial probationary period, the performance probationary period may be extended for up to an additional six (6) months when:

- ◆ An employee’s performance has been marginal due to extenuating circumstances,
- ◆ Additional training is warranted, or
- ◆ Frequent absences or an employee’s absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance.

The decision to extend or not to extend an employee’s probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probationary period will be completed. Such extensions will be at the sole discretion of the department director and the Human Resources Director.

A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the probationary period will normally extend the probationary period by an additional day.

**3.D.6. Successful Completion of Probationary Period: “Regular” Status Granted.** Employees have no guarantee of employment either during or after their probationary period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the probationary period will be retained as regular employees. An employee is granted “regular” status in the new position if the employee satisfactorily completes the probationary period.

**3.D.7. Failure of Probationary Period.** An employee is considered to have failed the probationary period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probationary period may occur at any time within the probationary period. An employee who does not successfully complete the probationary period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the Human Resources Director and the City Manager.

A transferred or promoted employee who fails the probationary period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected department director(s). Department directors are responsible for ensuring the thorough written documentation of all cases of failure of the probationary period, including documentation of counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the Human Resources Manager before an employee serving in the probationary period can be terminated.

**3.D.8. Termination of Employees Serving in the Probationary Period.** All employees of the City, including those serving in the initial probationary period, are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. An employee serving in the initial probationary period who is terminated has no right of appeal. Employees serving in the initial probationary period are subject to all policies and procedures of the City with the exception of appeal rights.

### **3.E. HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY**

**3.E.1. Safe Work Environment.** The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

**3.E.2. Serious Health Condition/Disabilities.** The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with a reasonable accommodation if necessary, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees. All employees must notify Human Resources of any health development or condition which could require reasonable accommodations to assist them in continuing to perform their essential job functions even if it is only for a short period of time.

**3.E.3. Medical Exams for Current Employees.** The Human Resources Director, or an employee's department director (with the prior written approval of the Human Resources Director) may require a current employee to undergo a medical and/or psychological

examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

**3.E.4. Medical Information from an Employee's Doctor.** Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

**3.E.5. Genetic Information.** In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

**3.E.6. Medical Records.** Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business- related purposes.

**3.E.7. Return to Work/Fitness for Duty.** Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

### **3.F. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY**

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

**3.F.1. Zero Tolerance.** This policy prohibits harassment, intimidation, threats, bullying and violent behavior by or toward anyone in the workplace that is in any way job or City related, that is or might be carried out on City property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off- duty. The City has a zero tolerance policy for this type of misconduct.

**3.F.2. Firearms and Other Weapons Banned.** Unless specifically licensed by the State of Texas to carry concealed handgun and authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon inside any City buildings, property, vehicles, without City Manager written approval and placed in personnel

file. Employee must provide a copy of the concealed license permit and copy of Personal Firearm Liability Insurance to obtain City Manager approval. Employees are prohibited from open carry on any City buildings, property, and city vehicle. Prohibited weapons include firearms, long guns, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons inside City buildings.

**3.F.3. Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, department director, the Human Resources Director, and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job related or might be carried out on City property, a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her department director and the Human Resources Director.

**3.F.4. Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must immediately provide to the Human Resources Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their department director and the Human Resources Director of any protective or restraining order issued against them.

**3.F.5. Confidentiality.** To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

**3.F.6. Documentation.** When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Director and the Police Department.

**3.F.7. Policy Violations.** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

## **SECTION 4. TYPES OF EMPLOYMENT**

### **4.A. CATEGORIES OF EMPLOYMENT**

The City has four categories of employment:

**4.A.1. Regular Full Time.** A regular full time employee is appointed to an authorized regular position that involves an average of 40 or more work hours per week. Regular full time employees may be either hourly or salaried employees.

**4.A.2. Regular Part Time.** A regular part time employee is appointed to an authorized regular position that involves fewer than 40 work hours per week.

**4.A.3. Temporary Full Time.** A temporary full time employee is an employee hired to work an average of 40 hours or more per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary full time employees may be either hourly or salaried employees.

**4.A.4. Temporary Part Time.** A temporary part time employee is an employee hired to work an average of fewer than 40 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary part time employees are paid on an hourly basis.

Subject to laws governing pay and working hours and to the provisions of the city's budget, the city manager sets the number of hours required of a job classification and the compensation to be received.

See the **Section 7. Benefits** chapter of these policies for details of benefits available to each category of employee.

The following two designations indicate whether or not an employee is eligible for overtime compensation:

1. **Non-exempt.** All employees shall be considered non-exempt unless separately classified as exempt, as described below. A non-exempt employee can be paid hourly or at a salaried amount. A non-exempt employee's position is covered under the overtime pay provisions of the Fair Labor Standards Act (FLSA), and will be compensated for overtime as required by law.
2. **Exempt.** An exempt employee is considered exempt from overtime pay provisions of the Fair Labor Standards Act (FLSA) and is expected to render necessary and reasonable services beyond 40 hours per week with no additional compensation. Exempt employees will be paid a salaried amount, which is set with this consideration in mind. City employees who are in exempt positions most often qualify under the executive,

administrative or professional exemptions, as defined below:

- ◆ **Executive.** The executive exemption is for persons whose primary duty is “management” of the business. An employee who has management of a department or a sub-unit thereof as his or her primary duty, and regularly supervises two or more employees, also qualifies for the executive exemption. The Department of Labor regulations define “management” as interviewing, selecting, and training employees; planning and assigning work and determining how the work will be done; directing and evaluating the work of other employees; handling complaints and grievances; and disciplining employees, or having the responsibility to participate in these functions and have your participation given weight in the process.
- ◆ **Administrative.** Administrative employees are “white collar” employees who perform “work of substantial importance to the management of the operation” or the enterprise. An employee whose primary duty is performing office or non-manual work directly related to management policies or general business operations of the City, as opposed to production or direct services, and includes work requiring the exercise of discretion and independent judgment, will qualify as an exempt administrative employee.
- ◆ **Professional.** To qualify for the professional exemption, an employee must have as his or her primary duty work requiring knowledge of an advance type customarily acquired by a prolonged course of specialized intellectual instruction and study. The work must require the consistent exercise of discretion and independent judgment and must be predominantly intellectual and varied in character. Examples of the professional exemption include attorneys, doctors, teachers and registered nurses. In addition, computer programmers, systems analysts and certain other computer employees qualify as professional employees.

**Assigned Personnel.** Personnel who are assigned to the City but are paid directly by another government or private organization are not employees of the City. These employees’ benefits are specified in the contract for services. Assigned personnel are governed by all terms of these policies not in conflict with their contract for services.

## **SECTION 5. EMPLOYEE COMPENSATION AND ADVANCEMENT**

### **5.A. PAY**

Compensation for City employees is set each year by the City Council in the adopted City operating budget. Rules governing salary administration and pay increases are also established by the City Council.

### **5.B. PAYDAYS AND CHECK DELIVERY**

The pay period for the City is biweekly. Checks are issued every two weeks on Friday, for the 14-day period ending the previous Sunday at midnight. If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

Each Department Director, or someone authorized to do so in his or her absence, is responsible for picking up the paychecks for employees in that department from the City payroll office on paydays and distributing the paychecks to the employees. Only the employee himself or herself, or someone with prior written authorization from the employee, may receive the check in person.

If an employee is deceased, the final paycheck will be distributed only to the employee's estate.

The City requires employees to have their paychecks electronically deposited.

No salary advances or loans against future salary will be made to any employee for any reason. (*Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53.*)

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the appropriate department head, and payroll.

### **5.C. PAYROLL DEDUCTIONS**

Any deductions must be approved and authorized by the City Council or City Manager. Deductions will be made from each employee's pay for the following:

- ◆ Federal social security;
- ◆ Federal income taxes;
- ◆ Medicare;
- ◆ Texas Municipal Retirement System contributions (for regular full-time and covered part-time employees);
- ◆ Court-ordered child support; and
- ◆ Any other deductions required by law.

If a terminating City employee fails to return City-owned equipment or property to the City before his or her final paycheck is issued, the value of the property or equipment may be

deducted from the final pay.

In accordance with policies and general procedures approved by the City Council, deductions from an employee's pay may be authorized by the employee for:

- ◆ Group health/medical/life/vision insurance for employees and dependents;
- ◆ Deductions in accordance with the police equipment purchase agreements;
- ◆ City authorized 457 deferred compensation plans; and/or
- ◆ Such other deductions as may be authorized by the City Council or City Manager.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing and returning the appropriate forms to the Human Resources Department forms for communicating these changes.

#### **5.D. POSITION CLASSIFICATION PLAN**

The Human Resources Manager is responsible for preparation and administration of a Position Classification Plan for all City positions. All positions are assigned an official classification title, a description of duties and minimum qualifications. Each new or revised position must be reviewed and approved by the Human Resources Manager and the City Manager. All City positions are classified as either exempt or nonexempt from overtime compensation under the Fair Labor Standards Act (FLSA). Each job has an official job classification title which is used in all personnel matters, official records, payroll records and budgets.

#### **5.E. COMPENSATION PLAN**

The Human Resources Department is responsible for preparation and administration of a Compensation and Benefits Plan for all City employees. The Human Resources Department shall be responsible for conducting salary and benefits surveys for the City. Survey information gathered will be for the purpose of making recommendations to the City Manager and City Council on pay policies and benefit plan changes in order to keep the City's compensation and benefit plans current, equitable and competitive. Salary administration shall be as follows: Within the general guidelines of the pay plan and the budget, the city manager is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the city council.

**5.E.1. Probationary Employees.** A new employee shall normally be compensated at the minimum rate of the approved salary range. At the end of the first six months of employment (one year for Police Officers), probationary employees will be eligible for a salary increase based on their performance.

**5.E.2. Annual Salary Increases.** Each budget year the City Council may consider approval of a salary increase budget for the next fiscal year. If approved, the funds appropriated are utilized

for increases according to an established salary increase matrix. Annual salary increases will become effective on the first full pay period in the budget year.

**5.E.3. Merit Increases.** A merit increase is an advancement to a higher step in the same pay group. A merit increase cannot increase an employee's salary beyond the maximum for the pay group of the position. Instead of a merit, increase a one-time lump sum compensation can be given, annually with the City Manager's written concurrence, to employees who are at the maximum for a pay group of the position. Normally a merit increase or a bonus can be granted only when funds are set aside by the city council in the budget for this purpose.

Merit increases are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors. Merit increases recognize outstanding performance and thus are granted in conjunction with the supervisor's recommendation and a performance evaluation of the employee, the results of which are one factor used in merit pay decisions.

If a merit pool of funds is set aside for the forthcoming year by the city council during the budgetary process, a specific amount will be designated as a maximum for each department, and the department head with approval by Human Resource and City Manager will be authorized to approve increases for some (but not all) employees in his or her department, provided that the total amount of increases does not exceed that department's merit fund budget.

**5.E.4. Reallocation to a Higher Pay Grade.** Reallocation is the reassignment of an entire class of positions to a new pay grade based on market data and/or the current duties and responsibilities of the class. Reallocation can be to either a lower or a higher pay grade. Reallocations are recommended by the Human Resources Manager and approved and implemented by the City Manager within budget limitations. If an employee's job is reallocated to a higher or lower pay grade, the employee will not be required to serve another probationary period. An employee shall normally be compensated at the minimum rate of the new range, unless that pay rate is less than the employee's current salary, in which case the employee's rate of pay will remain the same.

**5.E.5. Reclassification.** A reclassification is a reassignment of a position to a lower, higher, or different class (job title) based on current duties and responsibilities of the position. An employee whose position is reclassified upward does not automatically receive a pay increase unless an increase occurs to place the employee at the entry of the pay range of the new pay group. Downward reclassifications will not result in a decrease in pay unless the demotion was for disciplinary reasons. Reclassifications are recommended by the Human Resource Manager and approved and implemented by the City Manager within budget limitations.

**5.E.6. Lateral Transfers.** An employee who transfers laterally from one position to another position in the same pay grade shall continue to receive the same salary.

**5.E.7. Demotion.** An employee who is demoted from one position to another position having a lower pay grade shall be compensated at a rate within the lower pay grade as determined by the

department director and the Human Resources Manager with approval of the City Manager. All demotions require a reduction in salary unless otherwise approved by the City Manager.

**5.E.8. Maximum Rate of Pay.** An employee shall not be paid above the maximum rate established in the approved salary schedule. If salary ranges are adjusted, making an employee's pay higher than the maximum of the pay grade to which his or her job is assigned, the employee's pay will be "frozen" until such time as the pay schedule has been adjusted a sufficient number of times that the employee's pay once again falls within the pay range. This includes annual increases allowed by Council.

**5.E.9. Termination Pay.** Employees who terminate prior to completing the six (6) month probationary period are not eligible to receive vacation pay at termination. Terminated employees will be paid within six (6) calendar days.

A regular employee, who has completed the initial six (6) months probationary period and has given the appropriate notice of resignation, will be paid for unused vacation leave, up to the limit established by these policies. Employees who are resigning from employment with the City will normally be paid on the next regularly scheduled payday. Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- ◆ The total work time and allowable vacation and compensatory leave time, if any, will be calculated as a total number of hours for which compensation is due. The employee's regular hourly rate is listed on the City's pay schedule.
- ◆ For employees who are subject to the overtime provisions of the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee's final pay period which have not been compensated through either of the time off methods described in the "**Overtime Worked**" section of these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.
- ◆ Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight time payment for these hours is equivalent to time and one-half pay for the overtime hours actually worked.)

**5.E.10. Certification Pay.** Employees may be compensated for certified or licensed skills listed and authorized by the City Manager and allowed within budget.

## **5.F. SPECIAL PAY PERIODS DURING DECLARED EMERGENCIES**

**5.F.1. Purpose.** This policy applies to employees who report to the City Manager and any other employee designated by the City Manager. The citizens of Ingleside depend on certain City employees to work before, during and in the aftermath of a disaster to assist in the preservation

and restoration of essential public services required for the health, safety and quality of life for residents of Ingleside.

### **5.F.2. Definitions**

**Emergency/Disaster:** The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property that results from a natural or man-made cause, including fire, flood, hurricane, wind storm, epidemic, blight, drought, infestation, explosion, riot, hostile military action or other public calamity requiring emergency action.

**Essential Personnel.** Employees whose presence is essential in implementing all or portions of the emergency plan. In accordance with the Labor Code, Section §22.001 (3), this would include Emergency Services Personnel such as fire fighters, police officers and other peace officers, and emergency medical technicians, as well as other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations. Essential employees will be designated to remain in the City on the job or at a designated location during an emergency and are subject to being utilized as needed

**Non-Essential:** Employees whose presence is not essential in implementing all or portions of the emergency plan. Non-Essential employees are responsible for the following activities:

1. Must call the Emergency Operations or a designated supervisor for return to duty information;
2. Must stay abreast of the emergency situation by monitoring radio/television/internet for instructions.

**5.F.3. Compensation.** At the time of a declared emergency/disaster, the City Manager may determine a distinct period of special pay for employees who worked during the Emergency. During this special pay period, Essential non-exempt personnel will receive 1.5 to 2 times their regular earnings rate for all hours worked. Only hours worked during the emergency designated by the City Manager are eligible for the special rate of pay. At the discretion of the City Manager, essential exempt personnel may be eligible for compensation at their usual rate for excess hours worked during the period of special pay.

The intent of this special pay is to recognize and reward the employee's sacrifice to stay on the job during an emergency situation to provide services to the citizens of Ingleside. As a result, employees who are non-essential, are on approved leave, are on a regularly scheduled day off or are otherwise not on the job are not eligible for this special pay.

When the circumstances of the emergency warrant it, the City Manager may release some essential employees from duties for a portion of the period of special pay. For those released employees, hours of a regular shift not worked as the result of this release are paid at the regular rate.

**5.F.4. Return to Work.** Non-Essential employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-duty date. Employees must remain in contact with their supervisor regarding assignments and return to duty information, or call Emergency Operations or designated supervisor for return to duty information. Failure to return to duty at the specified time may result in disciplinary action up to and including termination.

## **SECTION 6. ATTENDANCE, WORK SCHEDULE, TIME REPORTING, AND OVERTIME**

### **6.A. HOURS WORKED**

**6.A.1. Normal Working Hours.** Normal working hours for most City employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with written approval of the City Manager. A morning and an afternoon break of 15 minutes each will be available to each employee, but this time does not accumulate if not taken and may not be applied to any other absence, leave, or time off.

Exceptions to these normal working hours are the Police Department (24/7), the Library Department (Monday thru Saturday), and the seasonal swimming pool.

**6.A.2. Adjustment to Work Hours.** In order to assure the continuity of City services, it may be necessary for the City Manager to establish other operating hours for City departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work. The schedule of a workday may be adjusted to accommodate an employee's needs with the approval of the employee's supervisor. Flex- time arrangements for longer than one (1) month, however, must be formalized by memorandum to the department director and the Human Resources Manager.

During the summer months, employees may work different hours, while still working five (5) days a week, eight (8) hours per day. This seasonal work schedule is changed at the discretion of the department directors, who confer with the City Manager before making the transition each year.

**6.A.3. Determination of Hours Worked and Compensation.** The City Manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget and these policies.

### **6.B. OFFICIAL WORK PERIOD**

**6.B.1. Non-Police Employees' Official Work Period.** The official work period for most City employees is a seven-day period beginning at 12:00 a.m. on Monday and ending at 11:59 midnight on the following Sunday.

The official work period for sworn police personnel is different in length from the above work period due to shift work. If the shift starts on Sunday, it is calculated in that day.

**6.B.2. Police Officer Work Periods and Work Schedules.** In accordance with the exception

allowable under Section 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has established the following work period for its police officers:

- ◆ The official work period consists of 14 days with each shift consisting of eight, ten or twelve work hours per day.

Each officer on each shift is given thirty (30) minutes for a meal during the shift. However, during the mealtime, the officers are required to remain in contact with the department. Thus, each officer works eight, ten or twelve hours each workday resulting in a total of 80 scheduled working hours each 14-day work period.

- ◆ Each officer's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 80 working hours per 14-day work period; time and one-half overtime compensation will commence after the 80th hour worked in a 14-day period.
- ◆ If a police officer is required to work an extra full shift due to the absence of another officer who is on sick, vacation, or compensatory leave, the officer working the extra shift will receive time and one-half overtime compensation for the full shift. If a police officer is required to work only a partial shift to substitute for another officer who is on approved leave, he or she is paid time and one-half overtime for the total actual number of hours worked. The time-and-a-half overtime rate applies in both situations, either for pay or for accumulation of compensatory time off. However, if the employee has had unscheduled absences or time off for sickness, emergencies, or other personal reasons, the employee's additional hours worked will not be considered for overtime purposes unless the number of hours actually worked exceeds 80 for the 14-day work period. (Please see the provisions in the paragraph titled "Leave Taken and Overtime" for additional information.
- ◆ The Police Chief will notify affected employees at least once annually of the beginning and ending dates and times of the official 14-day work period. Subsequent work periods follow the calendar in 14-day cycles and track the City's pay periods.

*(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)*

**6.C. SCHEDULE ADJUSTMENTS.** Adjustments to the normal hours of operation of city facilities or departments may be made by the city manager in order to serve the public better. Offices may be required to remain open during the noon hour, and lunch periods for some employees may be staggered according to the requirements of the city. Depending upon personnel available, the police chief may establish different work schedules for their personnel for temporary periods of time until the personnel shortage has been eliminated.

#### **6.D. OVERTIME WORKED**

Overtime compensation shall be paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

The policy of the City is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the City Manager. Employees may be required in

emergencies to provide services in addition to normal hours or on weekends or holidays.

**6.D.1. Non-Exempt Employees.** When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight-time work.

All non-exempt employees must receive their supervisor's and department director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday, may not work through their lunch break and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Employees who do not obtain such authorization will still be paid for all hours worked, but may be subject to disciplinary action, up to and including termination.

On the employee's timesheet, the appropriate supervisor must also approve any overtime before the timesheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for sworn peace officers, overtime pay for non-exempt employees is at the rate of 1 ½ times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. Sworn police personnel are paid overtime based on the 14-day work cycle described earlier in this Section of the City's policies, using the Section 207(k) exemption under the Fair Labor Standards Act (FLSA).

**6.D.2. Leave Taken and Overtime.** Paid holidays, vacation, sick leave, witness duty leave, bereavement leave, jury duty or any unscheduled leave of absence is not considered time worked for purposes of performing overtime calculations.

**6.D.3. Compensatory Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and any accrued time must be used within 60 days of its accrual unless extended in writing by the City Manager.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department will pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's

accrued compensatory time. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

**6.D.4. Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Likewise, an employee who is promoted, transferred, or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective.

Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

**6.D.5. Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints, the department director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek (or work cycle if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

**6.D.6. Exempt Employees.** Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek (or 80 hours for sworn peace officers in a 14-day work period). Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

“Docking” an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Human Resources Manager. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee, who believes an improper pay deduction has been made, must immediately notify the Human Resources Manager. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

Each City job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by the overtime provisions of FLSA. See the chapter of these policies under the main heading “**Section 4.A. Categories of Employment**” for additional information on FLSA exemptions.

## **6.E. ON-CALL DUTY PAY**

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are

expected to respond to departmental after-hour service needs as required by procedures established by their Department.

**6.E.1. Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) by arriving at the worksite within one (1) hour. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.

**6.E.2. On-Call Compensation.** When city employees are assigned to be on-call for a full work week, the person(s) designated as on-call will automatically be paid for four hours of standby pay at the regular, straight-time rate of pay. If an employee is called in to work while on-call, the employee does not receive additional compensation unless the compensation for the overtime hours actually worked would exceed the on-call compensation already paid.

Travel time to and from a call-back is compensable under this policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their timesheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

**6.E.3. Employees Called in for Emergencies Who Are Not Designed as “On Call”.** Employees who may be asked to report to duty at any time due to an emergency situation are not considered to be on call. When such employees report for duty, they are paid for time actually worked at their regular hourly wage unless the additional hours actually worked constitute overtime under the FLSA provisions explained earlier in this Section.

## **6.F. INCLEMENT WEATHER / EMERGENCY CLOSING**

During normal operating hours, City offices DO NOT CLOSE during inclement weather conditions. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his or her immediate supervisor and/or department director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full time and part time non-exempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

Each department director or immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other

emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected, non-essential personnel who were scheduled to work during the time of closure will be granted paid “administrative leave” for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other types of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the department director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

In the event that weather conditions prohibit certain departments whose primary work location is outdoors, employees may be asked to perform other duties, attend training sessions or the supervisor may deem it necessary to send the employees home until conditions improve. Employees sent home due to adverse weather conditions will be paid at their regular pay rate but those hours will not count towards calculating overtime.

## **6.G. TIME REPORTING**

Employee will keep records of all hours worked and time not worked. Forms for this purpose are provided by the City. Time records must be signed by the employee’s immediate supervisor and department head.

**It is required that these forms be filled out after each day’s work in order to maintain an accurate and comprehensive record of the actual time worked.**

Altering, falsifying, tampering with time records, or recording time on another employee’s time record will result in disciplinary action, up to and including termination of employment.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the timesheets sent to Payroll and recorded on the individual department’s records.

## **SECTION 7. BENEFITS**

### **7.A. MEDICAL AND LIFE INSURANCE**

Regular full-time employees of the city are eligible for group health benefits (general medical, hospitalization, prescription drug, dental, vision, life and AD&D insurance benefits). The city pays 100 percent of the premiums for the employee for this coverage. The Human Resources Department provides current information concerning eligibility, coverage and cost.

The nature and extent of insurance coverage is subject to change for medical, dental, vision, life and AD&D insurance for new employees. (*Legal Reference: Tex. Local Gov't Code §§ 175.001 et seq., as amended.*)

Upon employment, each regular full time employee is given a benefits booklet containing detailed information about the City's insurance programs. See the provisions in these policies on **Continuation of Group Insurance** for information on continued coverage after certain status changes.

### **7.B. SOCIAL SECURITY**

All employees of the City are covered by Social Security. The City also contributes to the Social Security System on behalf of each employee.

### **7.C. RETIREMENT**

The City is a member of the Texas Municipal Retirement System (TMRS). Regular full-time employees and employees expected to work at least 1000 hours per year are required to become members of TMRS and are eligible for this benefit immediately upon employment. Members contribute five percent (5%) of their gross salary each month toward retirement. The City matches the employee's TMRS contributions at a rate equivalent to 2 to 1.

The City has a five-year (5) vesting plan, and allows retirement at or after age 60 or at any age after 20 years of participation in the TMRS plan. Accidental death and disability benefits are also incorporated into this retirement plan should an employee become disabled prior to retirement.

Funds contributed by the employee may only be withdrawn upon retirement or resignation. Vested employees will receive the City's matching funds only when they are eligible for retirement and begin receiving monthly retirement benefits.

More information is provided in the TMRS Handbook or on their website at [www.tmr.com](http://www.tmr.com).

**7.C.1. Military Leave Buy-Back.** Employees who performed active-duty military service prior to employment with the City, are eligible to establish credit in TMRS for a maximum of 60 months of military service, if the employee has been employed by the City for ten (10) years, and has at least ten (10) years of creditable service in TMRS.

Employees who voluntarily leave employment with the City to enter into active-duty military service, and terminate their TMRS membership by withdrawing their deposits are eligible to establish credit in TMRS for a maximum of 60 months of military service provided the employee is re-employed by the City within 90 days of:

- ◆ Release or discharge from active duty; or
- ◆ Release from hospitalization continuing for not more than one year after discharge.

The credit received is only for the months of active-duty service performed (maximum of 60), has no monetary value, and is not included in the calculation of Updated Service Credits. More detailed information is provided in the TMRS Handbook.

**7.C.2. Updated Service Credits.** Employees who have current service credit or prior service credit in TMRS in force and effect on the first day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date have at least thirty-six (36) months of credited service with the System, shall be and are hereby allowed "updated service credits" as defined in subsection (d) of Section 853.402 of the TMRS Act. The updated service credit is one hundred percent (100%) of the "base updated service credit," calculated as provided in subsection (c) of Section 853.402 of the TMRS Act. Each updated service credit replaces any updated service credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service. More detailed information is provided in the TMRS Handbook.

**7.C.3. Supplemental Deferred Compensation.** The city offers its employees a supplemental deferred compensation program which allows employees to defer a portion of their gross salaries up to an established maximum per year. Under this plan, the amount of salary which is deferred is not taxed in the current year; also, both the salary deferred and the earnings it generates are permitted to accumulate without being subject to taxes until the employee receives payments from his or her account. Further details of this voluntary program are distributed during employee orientation with Human Resource Department.

## **7.D. WORKERS' COMPENSATION**

Employees of the City are covered by the workers' compensation insurance program. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of this manual under the main headings of **Section 10. Workers' Compensation** and **Section 8.N. Injury Leave.** (*Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.*)

## **7.E. LEAVE TIME**

Regular full-time City employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time are found in this manual under **Section 8 - Leave Time** and **Section 9 - Holidays.**

## **7.F. LONGEVITY PAY.**

Each year, the city pays regular full time employee \$4.00 per month based on the months of service calculated from 12/1 to 11/30. After 60 months (five years) of service, the city pays \$1040.00. After 120 months (ten years) of service, the city pays \$2080.00. In order for any employee to be eligible to receive longevity pay, the employee must be employed by the city on the first day of December of the year in which it is paid. In addition, the City pays the FICA and TMRS matching costs related to the longevity pay. Longevity pay is paid within the first two weeks of December each year.

An exception can be made by the City Manager for individuals with more than ten (10) years of service who are either:

- ◆ Retiring from TMRS after June 1, or
- ◆ Leaving due to medical/disability reasons.

## **7.G. CONTINUATION OF GROUP HEALTH INSURANCE (COBRA)**

COBRA is a federal law that requires the City to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the City's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation of coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources Manager's office.

## **7.H. EDUCATION / PROFESSIONAL DEVELOPMENT**

**7.H.1. General Policy.** The City encourages its regular full-time employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of work with the City.

**7.H.2. Required Attendance.** When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals and lodging. When appropriate, the City may prepay registration fees,

hotel costs, and/or airline or other public transportation costs directly to the entity involved.

See additional information in the chapter of these policies **Section 16 - Travel/Expense**.

**7.H.3. Professional Memberships and Seminars.** Subject to the prior approval of the City Manager, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work. These items can be pre-paid by the city if pre-approved by the City Manager and within budget.

## **7.I. TUITION REIMBURSEMENT POLICY**

**7.I.1. Purpose.** The purpose of this policy is to define and establish guidelines under which employees may receive tuition reimbursement. Employees are encouraged to work to their full potential by increasing their skill and knowledge. Participation in approved external educational programs that are mutually beneficial to both the City and the employee will be given consideration for financial assistance as defined in this policy. Such assistance will be contingent on favorable business conditions that provide sufficient budget resources.

**7.I.2. Policy.** Full-time, regular employees are eligible to participate. Participants must be on the City's payroll at both the start and completion of the course(s) in order to be reimbursed.

Employees must be satisfactorily meeting the requirements of their job function. Ongoing participation in the tuition reimbursement program is contingent on continued satisfactory job performance.

Courses must be taken at a college or school accredited by one of the nationally recognized accrediting associations and all courses offered by colleges and universities must be one term in duration and must result in academic credit.

To qualify for tuition reimbursement, the employee must participate in educational activities that, in the judgment of management, are directly related to the employee's current field of work, and successful completion of which can realistically be expected to enhance the employee's knowledge of his/her job. If the course is not directly related, it must be relevant to the degree or certificate program related to the employee's current field of work.

Participation by employees in tuition reimbursement programs in accordance with this policy shall not affect the employee's status as an "At Will" employee (i.e. employment is for an undefined period and is terminable at will by either the employer or employee with or without cause and with or without notice).

An employee must receive written approval by the Department Manager, Human Resource Department, and the City Manager before commencing course work.

Attendance at the course(s) shall not conflict with the employee's work hours, unless the employee's manager before registration for such course(s) approves that conflict in writing. Employees are expected to work a full workweek, even if the work schedule is adjusted to accommodate a class schedule.

An employee will not be eligible for reimbursement of tuition and required fees that are paid by state or federal education grants or scholarships.

Reimbursable costs include tuition, lab fees, required books, and other required course materials. Reimbursable costs shall not include tools and supplies that may aid the employee with the course, but which are not specifically required (e.g., computer hardware, software, calculators, instructional tapes), parking fees or other optional expenses.

Upon successful completion of the approved course(s), the employee shall be reimbursed for 100% of reimbursable costs, up to a maximum of \$3,000 per employee per calendar year, upon receipt by the Accounting Department of official notice of acceptable grades (see below for grade requirements) and the original receipts for reimbursable costs.

Employees receiving tuition reimbursement to participate in graduate degree course work shall also remain employees "At-Will" (see above).

Acceptable grades shall be a "C" (or equivalent) or better for undergraduate work, and a "B" (or equivalent) or better for graduate work. If an employee does not receive acceptable grades, she/he shall not be eligible for reimbursement.

Employees receiving education reimbursement should be aware that these payments may become taxable at some future date as tax laws change.

The policy will reimburse the difference between your covered costs and the amount (if any) the school reimbursements when you withdraw from a course for one or more of the following reasons: • On-the-job accident • City-initiated change to working hours/work location or unanticipated business travel. • City-initiated termination for reason other than "cause." If you need to withdraw from a course for the above reasons, you should withdraw as soon as possible to receive the maximum amount of reimbursement available from the institution. A note of explanation and record of the institution's reimbursement must accompany the Tuition Reimbursement Policy Application that you submit for reimbursement processing.

**7.I.3. Work Commitment.** An employee who receives tuition reimbursement agrees to continue to work at the City of Ingleside in their current position or another position for a minimum of three (3) fiscal years after receiving the tuition reimbursement. Failure to comply with these provisions will result in the employee reimbursing the City for the tuition reimbursed monies received on the following basis:

- Leave with no service to the City - owe 100% of tuition reimbursement monies received.
- Leave after one year's service - owe 67% of tuition reimbursement monies received.
- Leave after two year's service - owe 33% of tuition reimbursement monies received.
- Leave after three year's service - owe nothing.

If the employee is terminated due to misconduct, a violation of these policies, or poor performance prior to the completion of the completion of the applicable course, the employee shall not be reimbursed for the cost of the course. If the termination is due to a reduction in force, the employee will be eligible for the full reimbursement.

## **SECTION 8. LEAVE TIME**

### **8.A. DEFINITIONS**

**8.A.1. Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

**8.A.2. Excused Absences.** Excused absences are defined in this policy manual and approved by the employee's supervisor. Examples include: paid sick leave, vacation, holidays (defined in Section 9), bereavement leave, administrative leave, work-related injury leave, and other types of approved time off. To be eligible for an excused absence, an employee must contact his/her supervisor no later than fifteen (15) minutes after the employee's regularly scheduled starting time. The reasons for the absence and the date and the time the employee expects to return to work must be reported at this time. This fifteen (15) minute provision may be waived by the supervisor if there are extenuating circumstances.

**8.A.3. Unexcused Absences.** Unexcused absences are defined as follows:

- ◆ Tardiness.
- ◆ Unverified sick time.
- ◆ Unauthorized time off.
- ◆ Failure to call within fifteen (15) minutes after regularly scheduled starting time.
- ◆ An employee may be required to furnish a doctor/hospital statement to the supervisor verifying an illness or accident under any of the following circumstances in order for the absence to be considered excused:
  - ◆ When illness or accident caused the employee to be hospitalized.
  - ◆ When the absence was for three (3) or more consecutive work days.
  - ◆ When the absence occurred on a regularly scheduled workday preceding or following a holiday or regularly scheduled vacation day.
  - ◆ When the supervisor reasonably determines that the employee's return to work may pose a health hazard to others.
  - ◆ When the employee has a record of excessive use of paid or unpaid sick leave.

**8.A.4. Repeated Unexcused Absences.** Employees who repeatedly incur unexcused absences shall be considered absence repeaters and shall be subject to disciplinary action. The disciplinary action of the absence repeater shall be handled in the following manner:

- ◆ An employee with more than two (2) unexcused absences (not approved by the employee's supervisor) in any six (6) month period will be given a written warning by his/her supervisor.
- ◆ A copy of the warning (signed by the Supervisor and the employee) will be forwarded to the Human Resources Department to be placed in the employee's file.
- ◆ An employee with more than three (3) unexcused absences in any six (6) month period may be suspended without pay for up to three (3) days.
- ◆ The signed notice of suspension will be forwarded to the Human Resources Department to be placed in the employee's personnel file.
- ◆ An employee with four (4) unexcused absences in a six (6) month period may be

terminated.

- ◆ Unexcused absences from work for a period of three (3) consecutive working days without communication shall be considered as a resignation, and the employee will not be eligible for rehire by the City.

## 8.B. APPROVAL OF LEAVE

In order to be considered an excused absence, a leave request must be authorized by the employee's immediate supervisor and approved by the appropriate department head. Employees should submit leave request forms at least seven (7) calendar days before the requested time off to the extent possible. Copies of signed leave forms are attached to the time sheets and sent to the payroll office for recording.

## 8.C. VACATION LEAVE

Temporary and part-time employees do not earn vacation leave.

**8.C.1. Vacation Leave Accrual.** All new employees are subject to a six (6) month probationary period during which time vacation leave will accrue but cannot be taken. Regular full-time employees earn vacation leave on the following basis:

Number of Years of Service	Number of Hours / Days of Vacation Leave	Hours Accrued Per Pay Period	Maximum Carryover Accumulation
End of 1st 6 Months	40 Hours / 5 Days	3.08	
End of 1st Year – 5 Years	80 Hours / 10 Days	3.08	120
6 Years	88 Hours / 11 Days	3.39	132
7 Years	96 Hours / 12 Days	3.69	144
8 Years	104 Hours / 13 Days	4.00	156
9 Years	112 Hours / 14 Days	4.31	168
10 Years	120 Hours / 15 Days	4.62	180

Vacation leave is accrued at a rate of 10 days per year of continuous employment through the fifth year of employment. One additional day per year accrues beginning with the sixth year and ending with a maximum of 15 days the tenth year. (Example: 6 years = 11 days per year, 7 years = 12 days per year, etc.)

Accumulation of Vacation Leave. Employees are encouraged to use their accrued vacation leave each year earned. Unused vacation leave of no more than one and half (1 ½) of the hours earned in the current year can be carried over to the next fiscal year. Employees will only be allowed to accumulate the maximum allowable accumulated hours, which equal the same as 18 months of accrual, calculated using the employee's current accrual rate. Any hours above the maximum accrual will be forfeited.

**8.C.2. Use of Vacation Leave.** Regular, full-time employees are charged with eight (8) hours of vacation leave for each full day they are absent on approved vacation leave. Use of vacation leave by non-exempt employees for less than full day(s) is recorded in increments of ¼ hour.

Scheduling Vacation Leave. Provided departmental workloads permit, employees should be allowed to select their desired vacation periods. Supervisors should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the city's work schedule. A vacation leave request in excess of ten working days must be submitted by the employee at least 30 days in advance. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first serve" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with city requirements, the city's requirements are given first consideration. Failure to abide by the terms of this section may result in the employee's vacation leave request being denied.

**8.C.3. Sickness during Vacation Leave.** Employees who become ill during their vacation should notify their supervisor so that the time they are ill may be counted as sick leave. Medical proof of illness will be required.

**8.C.4. Payment upon Termination.** Upon termination, all regular employees who resign or are terminated after completing the full six (6) month probationary period will be compensated for unused vacation leave, up to a maximum of thirty (30) days (240 hours). Employees who leave City employment before completing six (6) months of service shall not be entitled to vacation pay. Payment will be based on the employee's salary at the time of termination. Employees who leave employment without providing at least a two (2) week written notice will forfeit accumulated vacation leave.

**8.C.5. Holidays during Vacation.** City holidays that occur during an employee's vacation will not be charged to vacation time.

**8.C.6. Payment upon Death.** Payment for the employee's accrued vacation leave will be paid to the employee's estate.

**8.C.7. Restrictions.** An employee shall not be granted vacation leave in excess of accumulated leave. Employees may not elect to receive pay in lieu of vacation leave. Vacation leave is not transferable to another employee. Employees shall be allowed to retain their vacation leave credits if they are reassigned, promoted, or demoted. Employees shall only accumulate vacation leave while working for the City. Employees shall not accumulate vacation leave while on leave of absence for any reason.

**8.D. COMPENSATORY LEAVE.** See the section of this manual under the main heading Attendance, Work Schedule, Time Reporting, and Overtime specifically the section on "Overtime Worked," for information about earning compensatory time and using compensatory leave credits.

## **8.E. SICK LEAVE**

All new employees are subject to a six (6) months probationary period during which time sick leave will accrue but cannot be taken.

Sick leave is a benefit provided to regular City employees to be used when an employee or a member of the employee's immediate family is unable to work due to illness, physical incapacity, doctor and dental visits. (Dependent family member is defined as husband, wife, son, daughter, mother, father or other family member who is dependent upon and resides with the employee.) Abuse of this sick leave benefit will not be tolerated. Employees who willfully use sick leave for purposes other than those intended by these policies shall be subject to discipline. All regular full time employees of the City are entitled to accumulate paid sick leave credit according to the following rules:

**8.E.1. Sick Leave Accrual.** All regular full-time employees accrue sick leave at the rate of twelve (12) days per year (or eight (8) hours per month).

**8.E.2. Use of Sick Leave.** Sick leave may be taken in ¼ hourly increments; however, sick leave must be accrued before it is used. The following rules govern the use of sick leave:

- ◆ Employees may use sick leave for illness of a dependent family member. (Dependent family member is defined as husband, wife, son, daughter, mother, father or other family member who is dependent upon and resides with the employee.)
- ◆ Up to three (3) days of Sick leave may be used, if approved by the City Manager, as additional Bereavement Leave (See paragraph on Section 8.K. Bereavement Leave.)
- ◆ After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used in lieu of sick leave. When absence due to illness exceeds the amount of paid leave earned, authorized pay to the employee shall be discontinued until the employee returns to work.
- ◆ To receive paid sick leave, an employee must communicate with his/her immediate supervisor or the supervisor's authorized representative, before or within one (1) hour of the time set for beginning work unless a justifiable excuse is presented regarding an emergency situation.
- ◆ Supervisors and department directors may require satisfactory proof of illness according to these policies (for either the employee or the employee's dependent family member) if there are three (3) or more consecutive days of absence or suspected of excessive use of sick leave. (See paragraph relating to "Unexcused Absences.") If there is a question of an employee's fitness to continue in his/her present position, an employee may be required to undergo a physical examination by a physician designated by the City at the City's expense.
- ◆ Employees shall not earn sick leave while on a leave of absence for any reason.

**8.E.3. Exempt Employees.** Exempt employees will be paid their full salary for any week in which the employee performs work for the City. The employee's accrued sick leave bank will be deducted, however, for any time the employee is absent from work due to sickness. If the

employee has exhausted his or her sick leave bank, the employee's salary will be deducted for absences of one or more full days.

**8.E.4. Forfeit Sick Leave Upon Termination.** Unused sick leave is forfeited upon termination of employment without compensation to the employee. Employee shall not be allowed to take sick leave before retiring or resigning unless medical documentation is provided that employee is unable to perform job duties.

**8.E.5. Light Duty.** An arrangement mutually acceptable to both the employee and supervisor may be made to allow an employee to return to work when regular duty is not possible. Light duty must be approved by the department director and the Human Resources Director on a case by case basis. A physician must specify what will constitute light duty. Light Duty will only be available to employee if such work is needed by the City and will not be provided if no such work is available.

**8.E.6. Work at Home.** Work from home may be an option for some staff if the parameters are agreed upon in writing by the employee, department manager, and the Human Resource Director and thereby placed in the confidential medical file.

**8.E.7. Accumulation of Sick Leave.** Sick leave not used by regular employees during the year in which it accrues accumulates is available for use in succeeding years up to a maximum allowable accumulation of 720 hours (90 days) for regular full-time employees. Annually, on the last day of the fiscal year, any sick leave balance in excess of this maximum shall be reduced to the maximum without compensation to the employee.

## **8.F. SICK LEAVE POOL.**

Should an employee exhaust their accrued sick, accrued vacation, and personal leave day, it is possible to receive voluntarily donated sick-leave from the "Sick Leave Pool" if you have contributed to it yourself in the current fiscal year.

**8.F.1 Purpose:** A "Sick Leave Pool" shall be established and maintained to provide for the alleviation of the hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all his/her available annual leave and sick leave and to lose compensation from the City.

### **8.F.2 Definitions:**

1. **CATASTROPIC ILLNESS:** A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all annual leave and sick leave and to lose compensation from the City. For purposes of this policy, a catastrophic illness is not:
  - a. elective surgery;
  - b. injuries or illnesses which the city employee is receiving worker's compensation from the City of Ingleside or other employment, sustained as a result of or

acquired while committing a crime, sustained while participating in a riot or an act of war, or voluntarily self-inflicted.

2. **CATASTROPIC ILLNESS.** For purposes of this policy, catastrophic illness is a severe illness requiring prolonged hospitalization or recovery for a prolonged period. Examples would include coma, cancer, leukemia, heart attack or stroke.

3. **CATASTROPIC INJURY.** For purposes of this policy, catastrophic injury is a severe injury to the spine, spinal cord, or brain, and may also include skull or spinal fractures that require recovery for a prolonged period. This is a subset of the definition for *catastrophic injury*, which is based on the definition used by the American Medical Association.

4. **EMPLOYEE:** For purposes of this policy, employee means a regular, full-time employee with 1 year of continuous employment with the City.

5. **IMMEDIATE FAMILY:** Immediate family is defined as self, spouse, child, parent, brother, sister, or foster children who are so certified by the Texas Department of Human Services who are living in the same household or, if not in the same household, are totally dependent upon the employee for personal care or services on a continuing basis.

6. **LICENSED PRACTITIONER:** A licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee or family member.

7. **POOL ADMINISTRATOR:** The City Manager or designee will serve as the Pool Administrator and will administer the sick leave pool.

8. **PROLONGED PERIOD:** A prolonged period of time is defined as 14 calendar days of absence for a single illness or injury, or in the case involving terminal illness, as certified by a licensed practitioner, any period of absence.

9. **SICK LEAVE POOL:** The sick leave pool means the accumulated sick leave donated voluntarily by employees for utilization in accordance with this policy.

### **8.F.3. Eligibility and General Provisions:**

1. All regular, full-time employees with a continuous year of service eligible to accrue and use sick leave may apply to use sick leave from the sick leave pool.

2. Employees may use pool leave for their own catastrophic illness or injury or for someone in their immediate family.

3. Employees may also use pool sick leave if they contributed sick leave to the pool and then exhausted their sick leave balance in the same calendar year. Such employees may receive only the number of hours they contributed to the pool in the calendar year, unless the employee suffers a catastrophic illness or injury.

4. Employees must be meeting job performance requirements and observing work rules to be eligible for pool leave beyond that period which is covered by Family Medical Leave.

5. Employees must exhaust all annual leave, personal leave, and sick leave before they are eligible to use leave from the pool and have met the prolonged period prior to sick leave pool utilization

6. Employees who file for workers' compensation benefits are NOT eligible to use sick leave from the sick leave pool. In no case may sick leave pool time be used in conjunction with a workers' compensation claim.

7. Employees who use sick pool leave are not required to pay back such leave.

#### **8.F.4. Contributing Sick Leave to the Pool::**

1. Contributions to the pool are strictly voluntary.
2. Employee contributions to the pool must be on approved forms, which are available from the Human Resources Department.
3. Employees may contribute, in increments of eight hours, a maximum of 40 hours of sick leave to the pool annually during benefits open enrollment only.
4. Employees who make contributions to the pool may not stipulate who is to receive the contributions.
5. Employees who contribute leave to the pool and then exhaust their sick leave in the same calendar year may use sick leave from the pool, however, the employee may receive only the number of hours they contributed to the pool that calendar year, unless they suffer a catastrophic injury or illness.
6. An employee may not contribute any hours to the sick leave pool once they have begun their termination process.

#### **8.F.5. Requesting Use of Leave from the Pool::**

1. Requests for pool leave must be on approved forms, which are available from the Human Resources Department.
2. Requests for pool leave will be forwarded to the Pool Administrator, through departmental supervisors, and will be considered by the Pool Administrator on a first-come, first-served basis.
3. Requests for pool leave must be accompanied by a statement from the licensed practitioner who treated the illness or injury that resulted in the exhaustion of the annual leave and sick leave of the employee making the application.
4. The Pool Administrator will consider applications and approve or deny an application within ten (10) working days after receipt. If the application is approved, a notification letter will be sent to the employee and the employee's supervisor advising them of the number of hours approved. If the application is denied, a notification letter will be sent to the employee and the employee's supervisor explaining the reason for the denial.
5. The amount of pool leave granted for each catastrophic illness or injury will be determined by the Pool Administrator. In no case may an employee receive more than ninety (90) days from the pool. The 90-day lifetime maximum benefit may be for one or a combination or more than one catastrophic illness or injury, the total of which cannot exceed 90 days.
6. Sick leave hours granted from the pool may be taken on an intermittent basis.
7. The Pool Administrator will approve the use of not more than 30 workdays at a time.
8. Renewal of approval for pool leave is subject to:
  - a. continuing medical necessity;
  - b. required medical updates and the availability of an appropriate leave balance in the pool.
9. Failure to provide medical documentation can result in loss of pool benefits.
10. Any pool leave granted to an employee that is not used by the employee returns to the pool.
11. The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from the pool.

12. The decision of the Pool Administrator regarding contributions to and withdrawals from the pool shall be final.

## **8.G. CIVIL LEAVE**

The City provides paid leave to regular full time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off to testify will be considered a leave without pay. (*Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.*)

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a Leave Request Form, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. An employee, who is called for jury duty, must provide his or her supervisor with an acknowledgement of service from the court. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation. Jury Duty is not considered worked time when calculating overtime.

## **8.H. VOTING LEAVES**

Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during working hours at the employee's base rate at the time of the leave and does not include overtime or any other special forms of compensation..

Upon ten (10) days' notice to the supervisor, employees may be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time will be charged to vacation, accrued compensatory time, or leave without pay for the period of time missed.

## **8.I. FAMILY AND MEDICAL LEAVE (FMLA)**

**8.I.1. Policy.** In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling

twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) consecutive months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons:

- ◆ Birth of a child;
- ◆ Placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement);
- ◆ When the employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- ◆ When an employee's own serious health condition leaves the employee unable to perform the essential functions of his/her position.

#### **8.I.2. Procedure:**

- ◆ **Twelve Month Period:** The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.
- ◆ **Employee Notification:** An employee must give at least thirty (30) days' advance notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as possible should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.
- ◆ **Department Notification:** Each department supervisor is responsible for notifying the Human Resources Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or once the employee exceeds three (3) days.
- ◆ **Human Resources Responsibility:** The Human Resources Department is responsible for central administration of all requests for family and medical leave. The Human Resources Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resources Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.
- ◆ **Approval:** An employee shall submit a request for family and medical leave through proper channels to the department director who will then forward it to the Human Resources Department for approval. Confidential medical information that accompanies the application will be submitted directly to the Human Resources Department.
- ◆ **Substitution of Paid Leave:** An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued sick leave, vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or

parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave.

An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, the family and medical leave will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

- ◆ **Maximum Time Allowed:** The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.
- ◆ **Medical Certification:** The City requires medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required every 30 days. An employee will be notified if recertification is required.

For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and the expected duration.

The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.

- ◆ **Check-In Requirement:** Employees on an extended FMLA leave must check in at least every two weeks by phone or email and one week prior to the end of their absence with the Human Resources Department and their supervisor.
- ◆ **Certification Required to Return to Work after FMLA Leave for Self:** Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties.

If the validity of a certification is questioned, the City may require that a second opinion be obtained.

If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of the second and third opinions.

- ◆ **Return to Work:** When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.
- ◆ **Effect on Married Couples:** If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks (or twenty-six (26) weeks, if applicable).
- ◆ **Continuation of Insurance Benefits:** While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.
- ◆ **Intermittent Leave:** When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor and Human Resource Department so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.
- ◆ **Holidays:** Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.
- ◆ **TMRS:** Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Director and completing the necessary paperwork.
- ◆ **Recordkeeping:** Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.
- ◆ **Exempt Employees:** Salaried executive, administrative, professional, and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime shall not lose their FLSA-exempt status by using any unpaid FMLA leave. Exempt employees will not be paid for absences of unpaid leave under the FMLA.

### 8.I.3. Definitions

- ◆ **12-Month Period:** A rolling 12-month period measured backward from the date leave is taken.
- ◆ **12-Month Service Member Period:** A single 12-month period measured forward from the first day Service member Family Leave is taken.
- ◆ **Child:** A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resources Department.
- ◆ **Health Care Provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resources Department.
- ◆ **Next of Kin:** The nearest blood relative of a Covered Service member.
- ◆ **Parent:** A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
- ◆ **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care.

Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

- ◆ **Spouse:** A husband or wife as defined or recognized under state or federal law for purposes of marriage, including common law marriage.

### 8.I.4. Military Family Leave Entitlement.

- ◆ **Military Exigency Leave** – Employees who are otherwise eligible for FMLA and have a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school

activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

- ◆ **Military Caregiver Leave** – Employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness while on active duty in the Armed Forces and is undergoing medical treatment, recuperation or therapy, may take up to 26 weeks of leave to care for the injured service member in on 12-month period. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render him/her medically unfit to perform his/her duties.

**8.I.5. Retention of Benefits.** An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave.

**8.I.6. Posting of Summary of Act.** The city has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information.

*(Legal references: Family and Medical Leave Act of 1993 (Pub. L. 103-3), as amended; and National Defense Authorization Act of 2008 (Pub. L. 110-181); and related U. S. Department of Labor regulations).*

**8.I.7. Request for Leave without Pay Immediately Following Family and Medical Leave.** If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies (or the 26-week period, if applicable), any extension granted will be under the terms set out in these policies headed **Section 8.M. Other Leaves of Absence without Pay**. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

**8.I.8. Documentation.** All documentation regarding family leave will be filed in the employee's confidential medical file, which is maintained separate from the personnel files in Human Resource Department, and is accessible to a limited number of persons, and only on a "need-to-know" basis. *(Legal reference: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; and Ragsdale v. Wolverine Worldwide Inc.)*

## **8.J. MILITARY LEAVE**

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, re-employment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

**8.J.1. Notice to City of Need for Leave.** Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Request for Leave Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Leave Request Form must be turned into the department director and the Human Resources Director as far in advance of the leave as possible.

**8.J.2. Paid and Unpaid Leave for Training and Duty.**

- ◆ **Full Pay For Up to 15 Days.** Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40 hour workweek during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave.
- ◆ **Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, may use other available paid leave time (i.e., vacation leave, holiday leave, and compensatory time) to cover their absence from work.
- ◆ **Unpaid Leave.** After an employee has exhausted all available paid military leave (including other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.
- ◆ **Medical and Dental.** While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents at the employee's expense.
- ◆ **Return to Employment.** Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.
- ◆ **Other Benefits.** While on *paid* military leave, employees continue to accrue vacation, sick leave, and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on **unpaid** military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will

resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

- ◆ **TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five years or three times the length of the military service to make up any TMRS contributions that were missed while on military leave.
- ◆ **Return to Work:** A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall reemploy a returning veteran according to the provisions of USERRA.
- ◆ **Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:
  - ◆ For service of less than 31 days, employees have eight (8) hours following their release from service to report for their next scheduled work period.
  - ◆ For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
  - ◆ For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.
  - ◆ These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevents the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.
- ◆ **Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

## 8.K. ADMINISTRATIVE LEAVE

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department directors, in consultation with the Human Resources Director, may designate Administrative Leave with pay only pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Human Resources Director for inclusion in the personnel file and proper payroll processing.

## **8.L. BEREAVEMENT LEAVE**

With the approval of the Human Resource Director, bereavement leave with full pay, up to a maximum of three (3) working days, shall be granted to employees in the case of the death of an immediate family member. This applies to regular full time employees and regular full time employees serving their probationary period. Immediate family shall be defined as a husband, wife, father, father-in-law, mother, mother-in-law, son, daughter, brother, sister, grandfather, grandmother, brother-in-law, sister-in-law or other members of kinship who may be residing under the same roof with an employee at the time of death.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

The terms of and reasons for the leave must be documented and filed in the employee's personnel file. Bereavement leave cannot be accumulated or carried forward.

Additional Bereavement Leave may be granted by the department director with the approval of the City Manager. This additional leave (in excess of the up to (3) three days allowed) will be charged to the employee's sick leave.

Employees who wish to attend funerals for other than immediate family must use vacation, compensatory time, or unpaid leave.

## **8.M. OTHER LEAVES OF ABSENCE WITHOUT PAY**

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted on the City's Leave Request Form. Department directors are authorized to grant an unpaid LOA for up to 30 days after consulting with the Human Resource Department and documentation placed in the confidential medical files. Any LOA beyond 30 days must be authorized by the City Manager and documentation placed in the confidential medical files. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, the American with Disabilities Act as Amended and the Family Medical Leave Act (FMLA). An LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

**8.M.1. Use of All Other Available Leave.** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing an LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing an LOA.

**8.M.2. Criteria.** Factors considered by the City in granting an LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and

disciplinary history.

**8.M.3. Reasons for LOA.** An LOA may be considered in the following circumstances:

- ◆ Recovery from extended illness, injury or temporary disability.
- ◆ Extended care for immediate family members.
- ◆ Educational purposes when successful completion will contribute to the work of the City.
- ◆ Public service assignment.

**8.M.4. Documentation.** Requests for LOA without pay must be made in writing to the employee's department director as far in advance as possible prior to the requested leave date and the department Director will consult with the Human Resource Department. Requests for an extension of leave must also be in writing and submitted to the department director, who will forward the request to the City Manager's office and the Human Resources Director. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity.

Any employee on LOA without pay must contact the department head and the Human Resources Director weekly to report on the employee's condition or status. Before returning to work from a medical LOA, the employee must submit a letter from the doctor stating that the employee is able to resume normal job duties. The City may also impose additional return to work requirements.

**8.M.5. Other Employment during Leave.** Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the department director and the Human Resources Director.

**8.M.6. Reinstatement.** Employees returning from an LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City.

**8.M.7. Benefits/Premium Payments.** All LOA's are unpaid. Vacation, sick leave, holiday pay, and other benefits **do not** accrue during an unpaid LOA. Any benefit continuation during an LOA must be approved in advance by the Human Resources Director and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of an LOA. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either the employee's, or the City's, portion of insurance premiums

during an LOA will result in cancellation of coverage.

**8.M.8. Revocation.** The City Manager may revoke authorized leave without pay at any time with reasonable notice to the employee. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual, longevity and any other benefits that may be based on length of employment.

## **8.N. INJURY LEAVE**

**Every injury, no matter how minor, must be reported to the Human Resources Department within 24 hours of occurrence by the injured employee or employee's supervisor.** Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

**8.N.1. Police Personnel.** Police personnel will be compensated according to State law for injuries occurring in the course of employment.

**8.N.2. All Other City Employees.** All other employees will adhere to the following policy upon incurring an on-the-job injury:

- ◆ **First Seven (7) Days.** The City will pay the employee's full salary for the first seven (7) calendar days, whether that employee is a regular employee, still in the probationary period, full-time, or temporary
- ◆ **After First Seven (7) Days.** If the employee must be absent from work for more than seven (7) calendar days, Worker's Compensation will pay either seventy percent (70%) or seventy-five percent (75%) (depending on wage – per TML-IRP regulations) of the employee's base salary. The City will provide the difference between the employee's regular pay and the Worker's Compensation payment. The combined total of the City paycheck and the Worker's Compensation check shall not exceed the employee's base 40 hour per week salary.

If the employee misses more than fourteen (14) days, TML-IRP will pay the seventy percent (70%) or seventy-five percent (75%) of the base wage for the first seven (7) days. Because the City has already paid full base salary for those days, the employee is required to reimburse the city for the amount paid by TML-IRP.

- ◆ **Time Limit.** The time limit for use of injury leave is in conjunction with FMLA with the count beginning on the first day the employee is off work. At the end of FMLA allowed time limits, the employee will either receive Workers' Compensation checks only, or he/she will begin to use accrued sick or vacation leave. No exceptions to this policy will occur.

- ◆ **Modified Duty.** If modified duty can be arranged by the supervisor, the employee shall return to work on a modified duty status with no loss in pay. The doctor is to determine what modified duty entails as far as activity. As soon as the doctor rules that the employee is able to return to full duty, he/she will be taken off modified duty and placed back on his/her regular tasks.
- ◆ **Return to Work.** If at any point information is obtained that the employee is able to return to work but not willing to do so, the Human Resources Director will report this information to the Worker's Compensation insurance carrier and the carrier will investigate the matter. Refusal to return to work could result in the loss of Worker's Compensation benefits and the possibility of termination.
- ◆ **Benefits.** Employees accrue vacation, sick and holiday leave while on injury leave.

For information on eligibility and injury reporting procedures for bona fide, on-the-job, work-related injuries, please see the section in this manual under the main heading **Section 10 - Worker's Compensation.**

## **8.O. USING LEAVE IN COMBINATION**

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on compensatory leave if the employee has accrued compensatory leave available, and then vacation leave on if the employee has that leave available.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the City Manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the City and the employee.

## **SECTION 9. HOLIDAYS**

### **9.A. LIST OF HOLIDAYS**

The following is a list of approved holidays:

<b>Holiday</b>	<b>Date(s)</b>
New Year's Day	January 1
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday In November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
Personal Day	Employee/Supervisor Discretion

\*Holidays may be adjusted by City Council.

#### **9.A.1. Rules Governing Holidays**

- ◆ If the holiday occurs on Saturday, it will be observed on the preceding Friday. If the holiday occurs on Sunday, it will be observed the following Monday.
- ◆ Full-time regular employees will receive holidays off with pay. If a full-time regular, non-exempt employee is required to work on a holiday, that employee will be paid their regular hourly rate and will accrue a leave day to be taken in the future. Any accrued holiday leave must be used within six (6) months of accrual and will be paid upon termination if accrued within six (6) months of termination.
- ◆ Regular Part-time employees who regularly work at least 25 hours weekly shall be granted a prorated benefit based on the time they would normally work on a day that coincides with a holiday. Temporary employees are not eligible for paid holidays.
- ◆ An employee who is absent without pre-approved or medically documented leave on the day immediately preceding or following a City holiday shall not be paid for the holiday.
- ◆ In addition, each full-time regular employee is authorized to take one additional personal leave day per calendar year on a date that is mutually agreeable to the employee and his or her supervisor. If the employee does not take his or her additional personal leave day before the end of the calendar year, the employee may not carry over the personal leave day to the following year.

- ◆ If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

#### **9.A.2. Rules Governing Non-Traditional Schedules.**

This section applies to employees who work shifts occurring other than the traditional Monday through Friday schedule.

Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will (1) be provided with an alternate day off on what would otherwise have been a regular workday for the employee, or (2) be paid his or her regular salary amount for the pay period involved, plus eight additional hours for the holiday.

## **SECTION 10. WORKERS' COMPENSATION**

### **10.A. EMPLOYEE SAFER WORKPLACE SUGGESTIONS.**

Employees shall report immediately to their immediate supervisors any conditions that in their judgment threaten the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their supervisors for improvements that would make the city workplace safer or more healthful.

### **10.B. ELIGIBILITY FOR WORKER'S COMPENSATION**

**10.B.1. Purpose.** Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's city's employment. All regular, temporary, and seasonal employees and volunteers of the City are covered by workers' compensation insurance.

**10.B.2. Eligibility.** Employees injured on the job are eligible for worker's compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, as well as possible partial salary continuation.

**10.B.3. Not Covered.** Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City. Also, injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

### **10.C. ACCIDENT AND INJURY REPORTING PROCEDURES**

**10.C. 1. Medical Attention.** When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention and possible drug screen. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from an approved provider list as provided by the City's Workers' Compensation insurance carrier or the Texas Department of Insurance.

**10.C.2. Reporting and Documentation.** The employee and the employee's supervisor is responsible for notifying the Human Resources Department and the employee's department head immediately upon being made aware of an employee's involvement in an accident or injury but no more than one (1) working day after the accident. This timely notification is critical.

**10.C.3. Investigation.** The employee's supervisor or if supervisor unavailable, the Department Director will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor or Department Director must submit the First Report of Injury and any other related information to the Human Resources

Department no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.

**10.C.4. Report Suspicious Circumstances.** If the employee's supervisor or Department Director has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor or Department Director must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by worker's compensation will be made by the City's Workers' Compensation insurance carrier or the Texas Department of Insurance and not by the City.

**10.C.5. Employee Reporting Requirements.** If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work and to report to the Human Resources Department each Friday. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Human Resources Department. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

**10.C.6. Returning to Work.** The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

**10.C.7. Approval of Modified Duty Assignments.** All modified duty assignments must be approved by the Human Resources Department to ensure compliance with the City's policies, the physician's restrictions/release, and with the Americans with Disabilities Act (ADA), the Americans with Disabilities Act as Amended (ADAAA).

**10.C.8. Maximum Time Limits.** The City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City. Twelve (12) weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave.

**10.C.9. Consideration of Reasonable Accommodations.** The Human Resources Department will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform.

If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

**10.C.10. Continuation of Group and/or Dependents' Medical Insurance.** The city will continue to pay the city's portion of the employee's group medical insurance in accordance with FMLA standards for a period of time not to exceed twelve (12) weeks for an employee on work related injury leave. To continue group and/or dependents' medical insurance after the FMLA period on which the employee is on injury leave and no longer receiving a regular city paycheck, the employee must pay both the employee's and the city's portions of these insurance premiums to the city.

## **SECTION 11. DRUG AND ALCOHOL USE POLICY**

### **11.A. DRUG-FREE AND ALCOHOL-FREE WORKPLACE**

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace in conformance with the Federal Drug Free Workplace Act of 1988. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

### **11.B. PROHIBITION AGAINST ALCOHOL AND ILLEGAL AND UNAUTHORIZED DRUGS**

Except as provided in this section, while on City premises, while on duty, while conducting City-related business or other activities off premises, while at City locations that sell alcohol, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

An employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages on City premises, and may not store or transport alcohol in a City-owned or leased vehicle, except as authorized in writing by the City Manager.

This section does not apply to the possession or consumption of *alcohol* at City-sponsored or City-sanctioned events at which alcohol is served, including such events hosted at City facilities. This policy does not apply to the possession or consumption of alcohol by employees who may be attending a business or social event at which the employee represents the City and alcohol may be served. Employees attending such events are expected to behave appropriately and comply with all applicable laws.

### **11.C. PROHIBITION AGAINST ILLEGAL AND UNAUTHORIZED DRUG-RELATED PARAPHERNALIA**

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

### **11.D. PERMISSIVE USE OF PRESCRIBED AND OVER-THE-COUNTER DRUGS**

The legal use of prescribed and over-the-counter drugs is permitted while on City premises,

while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if such use does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property, or other equipment) effectively and in a safe manner that does not endanger the employee, citizens, or other individuals in the workplace. Notice of legal use of prescribed drugs should be provided to Human Resources Department and such information shall be kept confidential in accordance with HIPPA regulations. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

#### **11.E. POLICE DEPARTMENT EMPLOYEES**

Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

#### **11.F. MANDATORY DISCLOSURE BY EMPLOYEES**

Employees taking prescription medication and/or over-the-counter medication must report such use to either their department director, Human Resource Director, or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property, or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens, or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

#### **11.G. ON-CALL EMPLOYEES**

Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee who is scheduled to be on call, and is called to work, is governed by this policy. If an employee is scheduled to be on call and is called to work and is under the influence of alcohol or has the presence of drugs in his or her system such that reporting to work would result in a violation of this policy, the employee must advise the appropriate supervisor on duty. The employee will not be required to work, but will be subject to discipline, up to and including termination.

Sometimes, emergency situations that may occur in which an employee who is not scheduled to be on call may nevertheless be called to work. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence of drugs in his or her system, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

#### **11.H. MANDATORY REPORTING OF ARRESTS AND CONVICTIONS**

Employees must notify their immediate supervisor and the department director, in writing, of any alcohol or drug-related arrest and/or conviction, (including a plea of *nolo contendere*) or deferred

adjudication, for a violation occurring off duty and/or in the workplace as soon as possible or no later than twenty-four (24) hours after the arrest and/or conviction.

## **11.I. OFF-DUTY CONDUCT**

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

## **11.J. REHABILITATION / TREATMENT.**

**11.J.1.** It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

**11.J.2.** Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include:

- ◆ The length of the employee's employment with the City;
- ◆ The employee's prior work and disciplinary history;
- ◆ The employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program;
- ◆ The reputation of the program and the likelihood of a successful outcome;
- ◆ The employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace;
- ◆ The resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

**11.J.3.** The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

**11.J.4.** During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

**11.J.5.** If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for

rehabilitation or treatment is conditioned on the following:

- ◆ Initial negative test for drugs and/or alcohol before returning to work;
- ◆ A written release to return to work from the City-approved rehabilitation or treatment facility/program;
- ◆ Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
- ◆ In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
- ◆ The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Human Resources Manager. The employee must meet with the Human Resources Director to discuss the terms of continued employment and sign a formal agreement before returning to work.

#### **11.K. TOBACCO USE PROHIBITED.**

The City's policy is to provide a smoke-free workplace. Smoking is prohibited in City buildings or outdoors within twenty-five (25) feet of any entrance utilized by employees or the public. Smoking is also prohibited in all City vehicles, in garages or around the entrances to city buildings. Smoking is allowed only in designated smoking areas. Cigarette or cigar butts may not be discarded on the ground at any City facility, including parking lots. This prohibition applies to electronic cigarettes or any similar device.

Users of smokeless tobacco are prohibited from spitting on sidewalks, parking lots, landscaping, or in bathroom facilities. Spit cups, if used, must be kept out of the view of other employees or the general public and must not be disposed of in any of the trash cans inside City buildings.

#### **11.L. POLICY VIOLATIONS**

Violations of this policy will lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Human Resources Director to receive assistance or referrals to appropriate resources in the community.

#### **11.M. TESTING**

**11.M.1. Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally-accepted testing procedure. City will test for any substance as defined by Section 1.02 of the Texas Controlled Substance Act and/or Section 202, Schedules I through V of the Federal Controlled Substance Act, including but not limited to marijuana, hashish, cocaine, heroin, morphine, codeine, .opiates, amphetamines, barbiturates, hallucinogens, and phencyclidine (PCP ). City employees are subject to five types

of testing: pre-employment (applicants), post- accident (all employees and volunteers), random (employees and volunteers in safety-sensitive positions), reasonable suspicion (all employees and volunteers), and return to duty (specific employees).

**11.M.2. Testing of Applicants.** Applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. Applicants must consent and execute a Release prior to testing. (**Attachment A**). A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

**11.M.3. Testing of Employees/Volunteers.**

- ◆ Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
- ◆ The City may conduct random testing on employees/volunteers holding safety-sensitive positions. Human Resources will determine which positions qualify as safety-sensitive and subject to random drug testing.
- ◆ Post-accident testing is appropriate whenever there is reason to believe that an employee while on the job may have contributed to an injury to himself or herself, another employee or another person, or who may have contributed to damage to City property or the property of another entity or individual.
- ◆ Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- ◆ For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing). When there is a reasonable suspicion that the employee is considered under the influence of or using drugs or alcohol during work time, the employee will be asked to sign a consent form and agree to submit to a drug and alcohol test at a City authorized and City approved collection laboratory. (**Attachment B**). An employee must agree to be tested for drugs and/or alcohol and agree to undergo substance screening in order to be considered for continued employment. Subject to any limitations imposed by law, an employee's refusal to consent and submit to drug and alcohol testing (provide a body substance sample) under the conditions described in this Policy will result in disciplinary actions up to and including termination.
- ◆ Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
- ◆ Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be terminated.

- ◆ A positive test result is a violation of the City’s Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.
- ◆ The City has additional obligations when testing for controlled substances and alcohol for those employees who are licensed to drive commercial City vehicles regulated by the U.S. Department of Transportation.

**Testing Procedures.**

- ◆ All testing must normally be authorized in advance by both the employee’s department director and the Human Resources Director. If the department director is unavailable within a reasonable period of time, the Human Resources Director may, with sole discretion, authorize the testing of an employee. If the Human Resources Director is unavailable within a reasonable period of time, the department director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor’s articulable observations.
- ◆ If an employee’s conduct resulted in a work place accident, injury or “near miss,” or reasonable suspicion exists to believe that the employee has violated the City’s Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
- ◆ All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. Positive test results may be subject to confirmation testing.
- ◆ Test results will be maintained in a confidential file separate and apart from the employee’s personnel file. Any medical-related information will be confidential and accessible only by the Human Resources Department; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

**11.N. CDL EMPLOYEES / APPLICANTS SUBJECT TO TESTING.**

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver’s License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee’s supervisor or the Human Resources Manager will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

CDL employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy, as outlined above. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this section may be a person employed by the City, Volunteers of the City, a contractor engaged by the City or an employee of such contractor. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this section.

### **11.O. REFUSAL TO TEST**

An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers with/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will be terminated. A refusal to test includes the failure to appear for testing within a reasonable time after being directed to appear, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

### **11.P. SEARCHES**

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee; the employee shall have no expectation of privacy. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots, and personal cell phone on City premises.

All searches must be authorized and conducted under the direction of the Human Resources Director and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

**ATTACHMENT A**

**A CITY OF INGLESIDE**

**I. PRE-EMPLOYMENT/INTERN DRUG AND/OR ALCOHOL TESTING CONSENT AND RELEASE FORM**

I hereby agree, under the City of Ingleside ("CITY") Drug and Alcohol Policy to all terms and conditions for employment and/or internship regarding the City's drug and alcohol testing policy. I hereby agree to submit a urine sample to the City's authorized screening facility for analysis.

I agree to submit the required specimen to the City's authorized screening facility, within ten (10) days of being offered employment or internship with The City of Ingleside. Facility may test the specimen or forward it to an authorized testing laboratory for analysis.

I further agree to and hereby authorize the release of the results of said test to the designated City of Ingleside staff. I understand that under the City's policy, applicants may be required to provide body substance samples to include, but not limited to, (blood, urine, hair, etc.) for the sole purpose of determining if they use illegal drugs and/or alcohol. The City's drug and alcohol testing is limited to testing for blood alcohol and specific drugs and/or controlled substances as listed in schedule 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. - 812) or subsequent amendments thereof.

An offer of employment at The City of Ingleside is contingent on the prospective employee-testing negative for drugs and/or alcohol. An applicant with a positive test result will not be considered further by the CITY for employment.

I further agree to hold harmless the CITY and its agents, from any liability arising in whole or part, out of the collection of a specimen, testing, and/or use of the information from said test in connection with the CITY's consideration of my application of employment or internship.

*I have read the foregoing and the C/IT's drug and alcohol policies and fully understand the contents of each. I acknowledge that my signing this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.*

Applicant:  
Print Name \_\_\_\_\_ Social Security #: \_\_\_\_\_

Applicant:  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**ATTACHMENT B**

**CITY OF INGLESIDE**

**RELEASE AND WAIVER OF LIABILITY**

I \_\_\_\_\_, voluntarily grant permission to the City of Ingleside (City) for the purpose of requiring me to take an alcohol and drug test. I understand that the drug test is limited to testing for blood alcohol and specific drugs and I or controlled substances as listed in schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. - 812). I hereby release the City, its officials, employees and its agents from liability for any and all claims arising from participation in this alcohol and drug test, including those that are known and unknown, foreseen and unforeseen.

I further understand that my refusal to consent and submit to drug and alcohol testing (provide a body substance sample) under the conditions described in the City's Policy will result in disciplinary action up to and including termination.

I further agree not to commence or prosecute any action, suit or other proceeding against the City, its officials, employees and its agents because of this alcohol and drug test, including those that are known and unknown, foreseen and unforeseen.

This document shall be binding upon my legal representatives, heirs, successors, assigns and I.

The undersigned has **read and voluntarily signed** this Release and Waiver of Liability and **agrees** to be bound by its terms.

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

## **SECTION 12. JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS**

### **12.A. JOB DESCRIPTIONS.**

The city manager establishes and periodically reviews an official job (class) description for each position in the city.

### **12.B. DISTRIBUTION.**

The job description for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) placed in the employee's personnel file along with a certification that the employee has reviewed it. In addition, each employee is given a copy of the job description to keep.

### **12.C. REQUESTS FOR CLARIFICATION.**

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies.

### **12.D. PURPOSES OF PERFORMANCE APPRAISAL SYSTEM**

The City uses a thorough performance appraisal system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance appraisal system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance appraisal system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

### **12.E. SCHEDULE**

**12.E.1.** Regular full time and part time employees are eligible for:

- ◆ A performance review after six (6) months of their initial probationary period, except for new Police Officers, who serve a twelve (12) month probationary period; and
- ◆ Annual performance appraisal in December of each year.

**12.E.2.** Newly transferred or promoted employees who are serving their initial probationary period may also receive periodic evaluations during their probationary period.

**12.E.3.** Department directors are not governed by the above schedule; the City Manager's office establishes a performance appraisal system for director-level positions.

### **12.F. PERFORMANCE APPRAISAL PROCESS**

**12.F.1. Written Appraisals.** All performance appraisal information must be written where

required and forwarded to the Human Resources Department for retention in the employee's official personnel file. An appraisal is considered complete at the time the employee signs and dates the appraisal document or the supervisor and/or department director has a witness acknowledge the employee's refusal to sign the appraisal document.

**12.F.2. Clear Communication.** Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed. Each employee will sign and date a copy of the performance appraisal when it is reviewed with him or her and the supervisor will forward a copy to the Human Resources Department for filing in the employee's official personnel file and provide the employee a copy.

**12.F.3. Reviewers Properly Trained.** Department directors are expected to ensure compliance with this policy and ensure that supervisors and managers under their direction are adequately trained in the performance appraisal process. In order to correct any obvious errors or rating bias, department directors and/or mid-level managers are encouraged to review all performance appraisal documents for validity prior to the department supervisor conducting the performance appraisal meeting with the affected employee.

**12.F.4. Human Resources Department Responsibilities.** The Human Resources Department will review all appraisal documents for obvious errors and return them to the department directors for any clarifications or procedural corrections. The Human Resources Department is responsible for maintaining original appraisal documents in the City's official personnel files and for timely processing appraisals for any compensation due.

**12.F.5. Employee Responsibilities.** Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance appraisal with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the department director; if the department director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

## **12.G. PERFORMANCE APPRAISAL RESPONSES**

Employees have the right to present a response concerning their performance appraisal. The employee may attach written comments which will be reviewed by the Human Resource Department and be included with the personnel file.

## **SECTION 13. EMPLOYEE CONDUCT & WORK RULES / DISCIPLINARY ACTION**

### **13.A. PURPOSE**

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

### **13.B. PROGRESSIVE DISCIPLINE**

In certain instances, the City may use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. In no circumstance will the City's use or non-use of the progressive disciplinary steps, or the stage at which an employee's disciplinary process begins, depend on any discriminatory factor, including an employee's race, age, sex, religion, color, disability, national origin, political affiliation or belief, genetics, veteran's status, sexual orientation, or pregnancy. At-will employment status is not affected by the use the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

Level I – Department Director

1. oral warning

Level II – Department Director to review with Human Resource Department before taking action

2. letter of counseling
3. written reprimand
4. suspension from duty up to five (5) days with or without pay
5. probation
6. Performance Improvement Plans

Level III – Department Director to review with Human Resource Department and City Manager before taking action.

7. Reduction in Pay
8. suspension from duty, with or without pay, up to fourteen (14) days and renewable after informal review of the circumstances;
9. demotion
10. discharge

### **13.C. DOCUMENTATION**

All forms of discipline must be documented and will be placed in the employee's personnel file. Even an oral warning should be noted in writing by the supervisor or director issuing the oral warning; the employee should be asked to acknowledge the oral warning. The note, signed by the employee and the person conducting the oral warning, should be sent to the employee's

personnel file.

All documentation of disciplinary action should set forth:

1. Examples of conduct, incidents, actions, or failures to act, that resulted in the discipline;
2. The discipline to be imposed;
3. The effective dates of the discipline, if applicable; and
4. If the action is not a dismissal, the likely effect if the employee continues to perform, or fail to perform, in the manner that resulted in the disciplinary action.

In the event an employee is to be discharged, the supervisor, prior to taking the action, shall forward a copy of the documentation to the Human Resources Manager for review, who shall forward a copy of the proposed dismissal to the City Manager. The supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

### **13.D. SUPERVISORY RESPONSIBILITY**

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; and discipline their subordinates as required under their departmental and/or City policies and procedures. Employees with supervisory responsibilities shall also address performance responses submitted to them, as provided by policy, in a professional manner. The intent of these policies is to attempt to resolve such issues at the lowest possible supervisory level.

### **13.E. REVIEW BY HUMAN RESOURCES MANAGER AND APPROVAL BY CITY MANAGER**

Any proposed disciplinary action in excess of Level I must be reviewed by the Human Resources Manager prior to being given to the employee. This applies to both employees serving the initial probationary period and regular employees that have completed the initial probationary period.

Level I disciplinary action will be done by the Department Director. Level II disciplinary action requires the advance review with Human Resource Department before taking action, unless an emergency situation exists. Level III disciplinary action requires the advance review with Human Resource Department and City Manager before taking action, unless an emergency situation exists. Any written notice of disciplinary action will be included in the employee's personnel file.

### **13.F. PRE-DISCIPLINE RIGHTS**

Where a disciplinary action involves a suspension of one (1) day (or one (1) shift) or more, demotion, and/or termination, the employee will be given an opportunity to respond to the allegations prior to disciplinary action being taken and meet with the Department Director in accordance with 13H. However, positions classified as Director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary

action, including termination. Employees serving the initial probationary period have no right of appeal for disciplinary action taken against them. .

### **13.G. PROHIBITED ACTIVITIES**

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens, or other third parties at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- ◆ Theft or inappropriate removal or use of City property or other property not belonging to the employee;
- ◆ Falsification of timekeeping or other records, including employment application;
- ◆ Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs;
- ◆ Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment;
- ◆ Violation of City's policy regarding sexual or other unlawful harassment;
- ◆ Interfering with work schedules or another employee's ability to work;
- ◆ Misuse of City telephones, computers, mail systems, internet, etc.;
- ◆ Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, or absence without notice and/or approval;
- ◆ Breaks in excess of the allotted time allowed;
- ◆ Violation of smoking/tobacco policy;
- ◆ Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;
- ◆ Profanity, abusive language, or racial slurs;
- ◆ Unauthorized disclosure of confidential information;
- ◆ Violation of any provision of the City Charter;
- ◆ Violation of City or departmental policies, codes of conduct, rules and procedures;
- ◆ Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- ◆ Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others;
- ◆ Unsatisfactory performance or conduct;
- ◆ Inefficiency, incompetence, or neglect of duty;
- ◆ Fighting, provoking or instigating a fight, or threatening violence;
- ◆ Disruptive activity in the workplace;
- ◆ Engaging in a work stoppage;
- ◆ Conduct which results in waste or damage of a co-worker's, the City's, or citizen-owned property;
- ◆ Insubordination or other disrespectful or unprofessional conduct;

- ◆ Discourteous treatment of the public;
- ◆ Violation of local, state or federal law;
- ◆ Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude,
- ◆ Repeated conviction or deferred adjudications of traffic violations for any employee who drives for the City;
- ◆ Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension;
- ◆ Outside employment that conflicts with, or potentially conflicts with, City interests;
- ◆ Acceptance of payment of any kind for activities related to City employment;
- ◆ Failure or refusal to follow lawful orders;
- ◆ Sleeping on the job;
- ◆ Dishonesty, including misrepresentation during the hiring process; or
- ◆ An accumulation of minor infractions.

### **13.H. DISCIPLINARY MEETING**

A disciplinary meeting will be scheduled prior to the imposition of a suspension of one (1) day (or one (1) shift) or more, demotion, or termination. The department director, the affected employee, the Human Resources staff member and anyone else deemed necessary by the department director or Human Resource Manager typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

### **13.I. ADMINISTRATIVE LEAVE**

During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

### **13.J. APPEAL RIGHTS**

Disciplinary actions in Level I and Level II shall have no right to appeal. Disciplinary actions in Level III have the right to appeal to the City Manager. Appeal must be submitted in writing to the City Manager within five (5) working days from receipt of disciplinary action. Positions classified as Director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination.

### **13.K. ADDITIONAL INFORMATION**

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal see the following sections of this manual relating to **Section 14. Separations.**

## **SECTION 14. SEPARATIONS**

### **14.A. TYPES OF SEPARATIONS**

The City designates all employee separations as one of the following types:

**14.A.1. Resignation.** An employee who intends to resign is expected to notify the supervisor and/or the Human Resources Director in writing at least (2) two weeks prior to the last day of work. Department Directors are expected to notify the City Manager and the Human Resources Director at least thirty (30) days in advance. Employees who fail to give the required advance notice are typically not eligible for rehire.

**14.A.2. Retirement.** An employee who intends to retire is requested to notify the department director, supervisor, and the Human Resources Director, in writing at least one month prior to the date of retirement. The Texas Municipal Retirement System (TMRS) application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

**14.A.3. Dismissal/Termination.** The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails the probationary period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and/or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

- ◆ **Job Abandonment.** If an employee fails to properly notify the City of an absence from work, or if an employee is absent without authorization and/or notification, the City will consider the employee to have abandoned his or her employment, at which time the employee will be terminated. Job Abandonment will be determined separately for employees who have and who have not completed their introductory period, as follows:
  - regular employees: three (3) or more consecutive days;
  - employees within their introductory period (6 months regular employee, 1 year for police employee): one (1) or more days,

Employees who are deemed to have abandoned their position shall have no rights to appeal their termination.

- ◆ **Long-Term Absence.** Leave of absence beyond 180 days may be granted if it is a reasonable accommodation justified by medical necessity.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the Amendments to the Americans with Disabilities Act.

- ◆ **Incapacity.** An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirements of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued vacation benefits if provided by policy, payable upon termination.
- ◆ **Reductions-in-Force/Reorganization.** An employee may be separated from City service

when it is deemed necessary by reason of shortage of funds or work, the elimination of the position, other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

When reductions in force are necessary, decisions on individual separations will be made after considering:

The relative necessity of each position to the organization,

The performance record of each employee,

Qualifications of the employee for remaining positions with the city, and

The employee's length of service with the city.

Employees who have been laid off may reapply to the City for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has been employed by the city for 12 continuous months is dismissed as a result of a reduction in force, he or she will be given a minimum of two (2) weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the City department director will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

- ◆ **Death.** If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

#### **14.B. EXIT INTERVIEWS**

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Human Resources Department shall complete an Exit Interview Form, and the supervisor also completes a form.

Exit interviews are conducted confidentially by the Human Resources Department. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The department director (or designee) is responsible for promptly notifying the Human Resources Director of all separations, arranging for the exit interview, and providing documentation of receipt of all departmental and/or City property from the exiting employee.

#### **14.C. CALCULATION OF SEPARATION PAY.**

Upon separation from city employment, a regular employee who has completed his or her

introductory period will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit, provided the employee has met the conditions specified in **Section 8 – Leave Time**.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

**14.C.1.** The total work time and allowable vacation (see **Section 8 – Leave Time** to determine allowable vacation) and compensatory leave time for nonexempt employees will be calculated as a total number of hours for which compensation is due. Any amount paid for unused vacation and compensatory time will be based on the current salary rate in effect for the employee at the time of termination.

**14.C.2.** For employees who are subject to the Fair Labor Standards Act, any overtime hours worked during the employee's final pay period, which have not been compensated through any of the time-off methods described under the "Overtime Compensation" section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.

**14.C.3.** Compensatory time for nonexempt employees, which has been entered and carried on the employee's records at one and one-half times the number of hours worked, will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. Since the compensatory time was recorded at one and one-half times the number of hours worked, the payment for these hours is equivalent to time and one-half pay for the hours actually worked.

Unused sick leave will be canceled upon termination of employment, and the employee will not be compensated for it.

The employee will receive his or her final paycheck within six business days of his or her last day of employment.

The employee will be provided information regarding COBRA coverage within six business days of his or her last day of employment.

## **SECTION 15. CONFLICTS / GRIEVANCES**

### **15.A. POLICY**

It is the policy of the city, insofar as possible, to prevent the occurrence of conflict/grievances, and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his or her good faith exercise of the conflict/grievance right. The Texas Whistle Blower Act provides that the City may not suspend or terminate the employment of, or otherwise discriminate against, a City employee who reports a violation of law to an appropriate law enforcement authority, if the employee report is made in good faith.

All employees may file a conflict/grievance on one or more of the following grounds:

- ◆ Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- ◆ Unfair or harassing treatment;
- ◆ Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- ◆ Improper application of fringe benefits;
- ◆ Improper or unsafe working conditions; or
- ◆ Any other work related matter raised by the employee.

The City's conflict/grievance procedure ensures the employee due process in the City's consideration of his or her work-related conflicts/grievances:. **Employee disciplinary actions are not grievable under this process.** .

### **15.B. CONFLICT / GRIEVANCE PROCESS AND FINAL AUTHORITY**

The Procedure described below is written for convenience purposes to apply to employees, but this policy and the Procedure described below applies to all employees, supervisors, department directors, and the City Manager.

Conflicts/Grievances can be appealed through the employee's chain of command to the City Manager whose decision is final, except in the case of conflicts/grievances alleging discrimination or sexual harassment against the City Manager or Municipal Court Judge, in which case the employee may appeal to the City Council.

### **15.C. PROCEDURE**

The following procedures are applicable to regular employees.

**15.C.1. Informal Conflicts/Grievances.** The first step in the conflict/grievance procedure is for the employee to attempt to resolve the conflict/grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written conflict/grievance.

**15.C.2. Formal Conflicts/Grievances.** Formal conflict/grievances must be in writing, signed

by the employee, and presented to the employee's supervisor within five (5) working days after the alleged conflict/grievance occurred. If the alleged conflict/grievance occurs over a period of time, the formal conflict/grievance must be presented to the employee's supervisor within five (5) working days of the most recent conduct the employee wishes to include in the grievance. A statement of the specific remedial action requested by the employee must be included in the written conflict/grievance.

An employee may be represented throughout the conflict/grievance process by a representative including another City employee of his or her choosing.

After being presented with a written and signed conflict/grievance, the supervisor will:

- ◆ Meet with the employee and such other persons as may be necessary to gather the facts;
- ◆ Notify his or her supervisor and department director, who must notify the Human Resources Manager and the City Manager's office immediately upon learning that a conflict/grievance has been filed;
- ◆ Attempt to resolve the conflict/grievance with the employee and, if requested by the employee, with the employee's representative; and
- ◆ Communicate the decision to the employee in writing within fifteen (15) working days after receipt of the conflict/grievance, sending a copy of the proposed resolution to the Human Resources Manager and City Manager, as well as the department head.

**Written Appeal.** If an employee either receives no written resolution from the supervisor within fifteen (15) working days from the date on which the conflict/grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the department director within ten (10) working days after the time period for the receipt of a proposed resolution has elapsed. The department director will review the facts and the file; consult with the Human Resources Manager; meet with the parties involved; attempt to resolve the conflict/grievance within five (5) working days after receipt of the conflict/grievance appeal; and respond in writing to the employee within ten (10) working days of the date on which the appeal was received in the department director's office, sending a copy to the Human Resources Manager and the City Manager.

**Next Level Written Appeal.** If the employee either receives no written resolution from the department head within ten (10) working days from the date on which the appeal was filed with the department head, or if the employee is not satisfied with the department head's proposed resolution of the appeal, the employee must file a written appeal with the City Manager within ten (10) working days. The City Manager will then review the facts and the file and meet with the parties involved, if deemed appropriate, before responding in writing to the employee within fifteen (15) working days of the date the appeal was received in the City Manager's office. The City Manager's decision is final, except as provided above.

**15.C.3. Maximum Time Periods.** At each stage of the conflict/grievance process, the time periods specified are maximums. Conflicts/Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within five (5) working days in simple conflict/grievance matters.

**15.C.4. Documentation.** Copies of all documentation relating to the conflict/grievance will be forwarded to the Human Resource Manager immediately upon conclusion of each step in the conflict/grievance process and will be placed in the appropriate Human Resources file.

**15.C.5. Grievances Relating to Sexual or Other Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual or other harassment or discrimination on the basis of race, religion, color, sex (including sexual or other harassment), national origin, age, or disability.

1. The initial written grievance may, at the employee's option, be submitted directly to the Human Resources Manager immediately.
2. If the grievant is a City Staff alleging discrimination or sexual or other harassment by the City department director, he or she may file a grievance directly with the Human Resources Manager within 10 working days of the alleged discriminatory act.
3. If the grievant is a City department director alleging discrimination or sexual or other harassment by the Human Resource Director, he or she may file a grievance directly with the City Manager within 10 working days of the alleged discriminatory act.
4. If the grievant is a City department director alleging discrimination or sexual or other harassment by the City Manager, he or she may file a grievance directly with the Human Resources Manager within 10 working days of the alleged discriminatory act.
5. In all instances of alleged discrimination or sexual or other harassment, the City Attorney will be consulted before a written resolution is provided to the grievant.

**15.C.6. Requirement for Appeal if Dissatisfied.** If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal within the timeline required, employee will forfeit right to appeal any further.

## **SECTION 16. TRAVEL EXPENSE / REIMBURSEMENT**

### **16.A. POLICY**

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

**16.A.1. Transportation.** The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile equivalent to the current IRS rate, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

**16.A.2. Travel Approval and Cash Advances.** All travel and cash advances must be approved in advance by the employee's department director (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be in the budget and approved by the City Manager as set out below.

**16.A.3. Lodging.** Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided.

**16.A.4. Meal Allowance.** The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. Travelers are expected to make every effort to provide receipts.

- ◆ Those with city credit cards will provide receipts at actual cost.
- ◆ Those who do not have city credit cards will be provided a per diem set by Federal guidelines with percent of first/last day travel minus meals provided by the conference. If per diem not provided, employee will be reimbursed but employee must provide receipts at actual cost.
- ◆ If meals are provided by the conference and the employee does not participate, receipts will be required for those meals whether city credit cards or not.

**16.A.5. Internet Expense.** Only reasonable and necessary computer related expenses for City business reasons will be reimbursed.

**16.A.6. Non-Allowable Expenses.** Expenses or charges for the following will not be reimbursed:

- ◆ In-hotel pay television and movies
- ◆ Health club and spas;
- ◆ Expenses of a spouse;

- ◆ Alcoholic beverages; and
- ◆ Other items of a personal nature.

**16.A.7. Request for Reimbursement and Return of Unexpended Funds.** Upon return to the City, a complete accounting of all expenditures of City funds shall be filed within one (1) week on the City's Expense Form. Receipts for expenses, including hotel bills and registration fees, must be attached to the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

- ◆ Those employees with city credit cards will provide itemized receipts for all expenses.
- ◆ Those employees without city credit cards will not be required to provide itemized receipts unless their expenses exceed the per diem provided.

**16.A.8. Travel to Training.** The current IRS reimbursement rate will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made for miles driven from the normal work location or employee's home whichever is less. Map printouts with mileage are required. Employees will be paid for time traveling to and from training destinations. Travel time will be considered hours worked for the purpose of calculating overtime.

**16.A.9. Expenses Not Covered in Policy.** The City Manager's approval must be obtained prior to any expenditure of funds for items or charges which are not specifically addressed in the travel policy.

**16.A.10. Exceptions.** Employees who receive monthly automobile allowances are eligible for mileage reimbursements for outside of a 30-mile radius of city travel. Employees who travel in a city-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle, which were necessary during the course of the employee's use of the vehicle on official business.

When two or more employees travel outside the county in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made payable only to the organization sponsoring the conference.

Travel and/or moving expenses involving applicants, new employees, or transferred employees may be reimbursed by individual action of the appropriate department head, with written approval from the City Manager.

**16.A.11. Compliance.** Violation of this policy, including but not limited to falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

## **SECTION 17. PERSONNEL RECORDS**

### **17.A. PERSONNEL FILES**

The City of Ingleside believes it has a duty to protect its employee's right to privacy and therefore adopts the following principles:

**17.A.1. Retain Only Needed Information.** The City will request and retain only that information which it has a legitimate need to know for legal or city purposes.

**17.A.2. Confidentiality.** The City will protect the confidentiality of all personal information in its files to the extent permitted by the Texas Public Information Act, as amended from time to time. However, information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excluded from disclosure by law.

**17.A.3. Employee Access.** Each employee or his/her designated representative may request access to his/her personnel file at any time.

**17.A.4. Correct Inaccurate Information.** Each employee shall correct any inaccurate information such as address, phone number, name changes, change in dependents, etc. within a reasonable time.

**17.A.5. Limited Access.** The City will strictly limit accessibility of personnel files to the employee, the employee's designated representative, the employee's immediate supervisor, department director, Finance Department or designee (material is restricted to financial matters), the Human Resources Department, the City Manager, the City Attorney, and any duly sworn officer of the court upon proper subpoena, court order, or written request, except when a request for personnel information is required under the Texas Open Records Act.

**17.A.6. Prohibition against Removing Personnel Files.** Personnel files will not be removed from the Human Resources Department and will be reviewed in the presence of the Human Resources Director or his/her designee.

**17.A.7. Limited Reproduction of Materials.** The Human Resources Department will strictly limit reproduction of any material within an employee's personnel file. All requests must be made in person or in writing. Requested material will be reproduced by the Human Resources Manager or designee upon approval of the employee and the Human Resources Director or his/her designee.

**17.A.8. Notification of Requests for Information.** In instances where a request has been made under the Texas Open Records Act for information contained in an employee's personnel file, the employee will be notified in writing that such a request has been made, along with the name of the person making the request.

**17.A.9. Personnel Action Form.** The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to

promote uniformity in matters affecting:

Employment Category,  
Position Title and Classification,  
Pay Group and Rate, and  
Other Actions Affecting the Employee's Status.  
Personal changes such as phone, address, name changes, etc.

The Personnel Action Form is completed on the employee's first day of work and again when there is any change in his or her status which relates to employment, benefits, or personal changes. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

## **17.B. EMPLOYEE INFORMATION**

**17.B.1. Contents of Employee Personnel Files.** An employee's official personnel file contains all documents related to an employee's employment relationship with the City, except for medical records and I-9 forms. Examples of information contained in employee official personnel files:

- ◆ Initial employment information, including application form, reference checks, interview results, reports, evaluations, and test results.
- ◆ Employee performance appraisals.
- ◆ Letters of commendation or other recognition of performance.
- ◆ Notices of disciplinary actions, investigations and confirmed letters of complaint.
- ◆ Notice of termination.
- ◆ Letter of resignation.
- ◆ W-4 Form
- ◆ For Police Personnel: L-1, L-2, L-3, L-4, etc

**17.B.2. Forms I-9 File.** Form I-9, Verification of Eligibility to Work, required for all City employees, documents a person's legal work status in this country. All I-9 forms are filed in a single file that is separated from individual personnel files. (*Legal Reference: U.S. Immigration Reform and Control Act of 1986.*)

**17.B.3. Separate Medical File.** An employee's personnel file does **not** contain information regarding an employee's medical record(s), nor does it contain any information relating to drug or alcohol testing. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the Human Resources Department has routine access to employee medical records.

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Department maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- ◆ A note to justify an absence;
- ◆ A note to request a leave;
- ◆ A note to verify the employee's ability to return to work;
- ◆ Medical records to support a claim for sick pay or disability benefits;
- ◆ Insurance records;
- ◆ Workers' compensation records; and
- ◆ Medical history records.

Genetic Information. The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider. *(Legal Reference: Genetic Information Notification Act, GINA.)*

Confidentiality of Medical Information. It is important that employees understand that medical records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Human Resources Director. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

Maintaining Confidentiality of Co-Workers' Information. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other co-workers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.

*(Legal reference: U.S. Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008.)*

## **17.C. INFORMATION DISCLOSURE ELECTION**

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen (14) days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information.

However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Manager.

*(Legal reference: Public Information Act, V.T.C.A. Government Code, Sec. 552.024.)*

## **17.D. LEAVE RECORDS**

Official records of vacation leave and sick leave accrual and of leave usage are kept for each

employee by the Payroll Department. Leave records are updated at the end of each biweekly pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Supervisors must submit a copy of an approved leave request to the payroll office for any paid leave time used by an employee under his or her supervision. The approved leave request forms must be attached to the payroll information sent to the payroll office at the end of each pay period.

Sick Leave consisting of more than three (3) days once reported to Payroll will be forwarded to Human Resource Department for inclusion to FMLA requirements.

**SECTION 18. ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING**

I, the undersigned employee of the City of Ingleside, Texas, hereby acknowledge that I have received a copy of the City of Ingleside's Personnel Policies and Procedures. I agree to read this Manual carefully within the first week of receipt and to abide by all of its policies and procedures, including but not limited to the Safety Policy and the Drug/Alcohol Policy. I agree that if I do not understand any part of the Manual, I will ask my supervisor, a member of Management, or Human Resource Department for assistance.

I understand the City of Ingleside is an at-will employer and all employees are subject to termination for any reason or no reason at all, either voluntarily or involuntarily, unless otherwise subject to a written Employment Agreement with the City.

I understand the City will attempt to apply its policies and regulations in a fair and impartial manner. However, I also understand such policies and regulations do not create any contract or due process rights for employees; and are intended as a guide only for use and application within the City organization; and that a decision by the City Manager or the City Council, as applicable, with respect to any employment issue controlled by such policies and regulations, will be final and unappealable.

I understand that the Personnel Policies and Procedures are subject to change(s) as authorized by the City Manager and/or City Council. Applicable changes are to be communicated by the Human Resource Department.

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Human Resource Department Employee Signature*

\_\_\_\_\_  
*Date*

**THIS PAGE IS TO BE DATED, SIGNED AND RETURNED TO THE HUMAN RESOURCES DEPARTMENT UPON RECEIVING A COPY OF THESE POLICIES AND PROCEDURES**