# Employee Handbook & Personnel Policy

Effective November 15, 2007



Table of Contents

Employee Acknowledgement Form 5

Welcome Statement 6

1. Introduction & Key Policies 7

1.1 Introduction 7

1.2 Management Authority 7

1.3 Employment At Will 8

1.4 Equal Employment Opportunity Act 8

1.5 Definitions 8

2. Administration 15

2.1 Job Descriptions 15

2.2 Employment Categories 15

2.3 Basic Employment Qualifications 16

2.4 Proof of Employment Eligibility and Identity 17

2.5 Employment of Relatives/Nepotism 17

2.6 Personnel Records 17

2.7 Other Employment 18

2.8 Emergency Closing 18

2.9 Training 19

2.10 Purchasing Procedures 20

2.11 Travel and Reimbursement 20

2.12 Professional Memberships and Subscriptions 22

2.13 Probationary Employees 22

2.14 Recruitment Process 23

2.15 Medical Examinations/Fitness for Duty 24

2.16 Background Checks 25

2.17 City Driver Requirements 25

Wage & Salary Policies 27

3.1 Employee Compensation Plan 27

3.2 Pay Schedule 27

3.3 Basis for Annual Compensation 27

3.4 General Overtime Policy 27

3.5 Non-Statutory Compensatory Time for Exempt Employees 29

3.6 Payroll Deductions 29

3.7 Automatic Bank Deposits 29

3.8 Time Keeping 30

3.9 On-Call and Callback 30

3.10 Temporary Assignment Pay 31

3.11 LONGEVITY PAY 31

Operating Hours & Attendance 33

4.1 Regular Hours 33

4.2 Adjustment to Work Hours 33

4.3 Meal Periods and Breaks 33

4.4 Attendance Records 33

4.5 Attendance and Punctuality 34

Employee Benefits 35

5.1 Overview 35

5.2 Paid Vacation Leave 35

5.3 Holidays 37

5.4 Sick Leave 38

5.5 Sick Leave Sharing 40

5.6 Bereavement Leave 45

5.7 Jury Duty Leave 46

5.8 Witness Duty Leave 46

5.9 Time Off to Vote 46

5.10 Military Leave 47

5.11 Authorized Leave Without Pay 50

5.12 On-the-Job Injury Leave 51

5.13 Family and Medical Leave Act 51

5.14 Short-Term Unpaid Leave 56

5.15 On-the-Job Injuries/Worker’s Compensation Benefits 56

5.16 Group Insurance Benefits 58

5.17 Unemployment Insurance Benefits 59

5.18 Texas Municipal Retirement System 59

5.19 Deferred Compensation 457 Plan 59

5.20 Social Security 60

5.21 Light Duty 60

5.22 Free Checking at City Depository 60

5.23 Cafeteria Plan 61

Promotion, Transfer, Demotion, & Rehiring 62

6.1 Promotion from Within 62

6.2 Transfers 62

6.3 Demotion 62

6.4 Rehires 62

Employer/Employee Communications 63

7.1 Employee Relations 63

7.2 Public Relations 63

7.3 Bulletin Boards 64

7.4 Computer, Internet, E-Mail, Voice Mail, Fax Policy 64

7.5 Confidential Information 66

7.6 Mail 66

7.7 Noise/Radios 67

7.8 Solicitation 67

7.9 Telephones 67

7.10 Personal Cell Phone Use 67

7.11 News Releases 68

7.12 Performance Appraisals 68

7.13 Employee Appeals Policy 71

Employee Conduct & Work Rules 74

8.1 Disciplinary Action 74

8.2 Personal Appearance 76

8.3 Uniforms 77

8.4 Unauthorized or Improper Use of Official Uniform, Badge, or Authority 77

8.5 Housekeeping Duties 78

8.6 Safety 78

8.7 Searches 78

8.8 Smoking and Tobacco Products 79

8.9 Use of City Equipment 79

8.10 Use of City Vehicles 80

8.11 Security and Loss Prevention 82

8.12 Weapons Ban and Violence Prevention Policy 83

8.13 Conflict of Interest 85

8.14 Political Activities 86

8.15 Illegal Discrimination and Harrassment Policy 87

8.16 Smoking in Buildings Owned or Leased by City 90

Drugs & Alcohol 91

9.1 Drug and Alcohol Use 91

9.2 Drug and Alcohol Testing 94

Resignation, Termination, & Retirement 97

10.1 Resignation 97

10.2 Job Abandonment 97

10.3 Return of City Property 97

10.4 Exit Interviews 97

10.5 References 98

10.6 Separation Pay 98

10.7 Death of an Employee 98

10.8 TMRS 98

10.9 Long-Term Absence/Termination 99

10.10 Reduction-in-Force 99

## Employee Acknowledgement Form

The City of Hudson Oaks (the “City”) Employee Handbook, revised **November 15, 2017**, describes important information about the City’s personnel policies and procedures, and I understand that I should consult my supervisor and/or my Department Head regarding any questions not answered in the Employee Handbook. I have entered my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

Except for the City’s employment-at-will policy, all the information, policies, and benefits described in the Employee Handbook are subject to change. I understand that revised information may supersede, modify, or eliminate existing policies. In the event of a conflict, I understand that the Employee Handbook supersedes all department policies. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Administrator.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document. I understand that only the City Council has the authority to authorize an employment agreement or contract, and that any such agreement must be an express written employment contract, approved by the City Council in open session at a council meeting, and signed by both the City Administrator and the affected employee.

I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersede all prior written and/or oral City policies.

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EMPLOYEE'S SIGNATURE DATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EMPLOYEE'S NAME (TYPED OR PRINTED)

## Welcome Statement

The City of Hudson Oaks welcomes you as an employee. We hope your job with the City will live up to your expectations and that your tenure with us will be a rewarding one. If you are a current employee, we wish to express our sincere appreciation for your valued service. We are proud of our City and its greatest asset – our employees.

One of our objectives is to provide a work environment that is conducive to both personal and professional growth. We believe that each employee contributes directly to the long-term growth and success of the City, and we hope you will take pride in being a member of our team.

We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and practices in effect at the City. The Handbook will be a helpful reference during your association with the City. Also, we encourage you to freely ask questions of your supervisor, manager and Department Head.

The City has set very high standards for you and expects you to conduct yourself in a way that reflects favorably on the City and its administration. At the same time, the City is committed to providing you with challenges, recognition, appropriate compensation and benefits to help you reach your goals and objectives.

By working together in this way, we are confident that the future will be both productive and prosperous for all of us.

Our best wishes for your success,

Robert Hanna

City Administrator

City of Hudson Oaks

## 1. Introduction & Key Policies

### 1.1 Introduction

This Employee Handbook is designed to acquaint you with the City of Hudson Oaks (the “City”) and provide you with information about working conditions, employee benefits, and some of the other policies affecting your employment. You are expected to read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines many of the programs provided by the City to benefit employees. (Eligible employees will be given additional information about the City’s various benefit programs.)

The policies set forth in this Employee Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the Employee Handbook have been developed at the discretion of City officials and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City's sole discretion. The policies in this Employee Handbook supersede all prior written and/or oral City policies. If you have any questions about any of the City’s policies, please ask your supervisor, your Department Head, or the City Administrator.

The policies in this Handbook are established by the Hudson Oaks City Council and any amended, revised, or new policies must be approved by the Council. These policies apply to all City employees unless specified otherwise by the policy itself, by State or Federal law, or official City Council action.

A copy of the Employee Handbook shall be issued to each City employee, whether full or part-time status. Department Heads and supervisors are required to be knowledgeable and familiar with the policies contained in this Handbook.This Handbook shall supersede all previous publications of the Hudson Oaks Personnel Policy Manual. Each employee shall sign a form acknowledging receipt of this policy and the signed form shall be retained in the employee’s personnel file.

### 1.2 Management Authority

It is the policy of the City, pursuant to Ordinance 2007-02, that the general and final authority for personnel administration rests with the City Administrator, except for matters reserved to the City Council by State law. The City Administrator may, at his or her sole discretion, delegate authority to appropriate staff members to act on his or her behalf. Department Heads are responsible for the proper and effective administration of these policies within their respective departments. Individual City departments may develop policies and procedures that are consistent with City policies and procedures found in this Handbook, subject to review and approval by the City Administrator. No such departmental rule or policy is effective until approved in writing by the City Administrator. A copy of all departmental rules and policies will be filed with the City Secretary. In the event of any conflict between department rules and policies and this Employee Handbook, the policies in the Handbook will control.

### 1.3 Employment At Will

Employees who do not have a written, individual employment contract, approved by the City Council and setting forth a specific, fixed term of employment, are employed at will. This means that no individual supervisor has the authority to enter an employment contract with any employee. As an at-will employee, either the employee or the City may terminate the employment relationship at any time, for any reason, without notice or cause.

### 1.4 Equal Employment Opportunity Act

The City of Hudson Oaks is firmly committed to providing employees with a work environment where all individuals are treated with respect and dignity. No officer or employee of the City shall discriminate in employment practices based on race, creed, color, religion, veteran status, national origin, sex, age, or the existence of a physical or mental disability. This equal opportunity policy of the City applies to all areas of employment, including, but not limited to recruitment, hiring, job assignments, pay, training, promotions, privileges, and conditions of employment.

### 1.5 Definitions

For the purposes of this Handbook:

**AFFINITY WITHIN THE SECOND DEGREE** includes an employee's spouse, step-parent, father-in-law, mother-in-law, spouse’s grandparents, spouse’s grandchildren, brother-in law, sister-in-law, son-in-law and daughter-in-law.

**ALCOHOLIC BEVERAGES** means alcohol, or any substance containing more than one-half of one percent of alcohol-by-volume that is capable of use for beverage purposes alone or when diluted.

**AMERICANS WITH DISABILITIES ACT OF 1990** means Title 42 U.S.C. §12101, et seq., as amended.

**APPLICANT** means a person who has completed a written application form for an open position and provided any clarification information requested.

**BENEFIT** means an employer-sponsored program that includes, but is not limited to, holidays, vacation leave, sick leave, and health and life insurance, but does not include salary, service credit, or seniority.

**CALL BACK** means the unscheduled return to work outside of normal hours on a holiday or day off at the request of a supervisor. It does not include overtime or holiday work scheduled in advance.

**CHILD** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

**CITY** means the City of Hudson Oaks, Texas.

**CITY ADMINISTRATOR** means the City Administrator of the City or the City Administrator's designee.

**CONSANGUINITY WITHIN THE THIRD DEGREE** includes an employee's great grandparents, grandparents, parents, children, grandchildren, great-grandchildren, brother, sister, nieces, nephews, and half-nieces and nephews.

**DEMOTION** means the movement of an employee to a different classification having a lower maximum rate of pay, but not including a reclassification.

**DEPARTMENT HEAD** means a person appointed by the City Administrator who is responsible for the administration of a department, or the Department Head’s designee.

**DISMISSAL** or **DISCHARGE** means involuntary termination of employment with the City.

**DRUG PARAPHERNALIA** means equipment, products, or materials, as defined in Chapters 481, 484 or 485 of the Texas Health and Safety Code that may be used to facilitate the use of controlled substances or inhalants.

**DRUG AND ALCOHOL TEST** means the entire process of testing an individual for the presence of illegal drugs or alcoholic beverages, beginning with the collection of a specimen of bodily fluids, and continuing through the conclusion of laboratory testing of a specimen.

**EMPLOYEE** means a person employed and paid a salary by the City and includes a person working full-time or part-time, but does not include an independent contractor, volunteer, or City Council member.

**EXEMPT EMPLOYEE** means an employee who performs a function as defined in the Fair Labor Standards Act.

**FAIR LABOR STANDARDS ACT** means Title 29 U.S.C. §201, et seq., as amended.

**FMLA** means the Family and Medical Leave Act of 1993. See Section 5.12 of this Handbook for further explanation.

**GRIEVANCE** means an issue raised by an employee relating to the employee's benefits or conditions of employment.

**HEALTH CARE PROVIDER** means:

(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;

(B) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice;

(C) Nurse practitioners, nurse-mid-wives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice;

(D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or

(E) any health care provider from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**HUMAN RESOURCES COORDINATOR** means an employee, designated by the City Administrator, to handle the administrative duties of Human Resources Management. This includes, but is not limited to, benefits coordination, employment applications and processing, payroll, personnel files management, and keeping updated with laws pertaining to Human Resources Management.

**ILLEGAL DRUG** means a controlled substance, as defined in Chapter 481 of the Texas Health and Safety Code, or inhalant, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

**IMMEDIATE FAMILY** means the employee's spouse, child, brother, sister, mother, father, grandparents, grandchildren, stepparents, and shall include the spouse's immediate family. A legal guardian may be considered as immediate family, so to may a relative designated above by marriage rather than blood (“step” relatives).

**IMPAIRED** or **IMPAIRMENT** means the inability of an employee to perform duties safely and competently due to use of alcohol, illegal drugs, prescription drugs or over the counter drugs.

**INTERIM ASSIGNMENT** means a temporary assignment of a fulltime employee to another position or duties other than those of their current regular position.

**INTERMITTENT LEAVE** is FMLA leave taken in separate blocks of time due to a single qualifying reason.

**JOB** (see POSITION)

**LEGAL GUARDIAN** means a person appointed by a court to guard the interests of a child who is a ward.

**NON-EXEMPT EMPLOYEE** means an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

**PARENT** means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

**POSITION** means a collection of tasks, duties, and responsibilities regularly assigned to and performed by one person. The term "job" is synonymous with "position" when it is performed by one person.

**PROMOTION** means the change of an employee from a lower classification to a higher classification with a resulting increase in salary. A temporary or interim assignment to a higher classification, even with a temporary increase in salary, does not constitute a promotion.

**REAPPOINTMENT** means employment of a person who has previously been employed by the City.

**REASONABLE SUSPICION** means a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee may be under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job may be impaired or so the employee's ability to perform the job safely may be reduced.

**REINSTATEMENT** means the reappointment of an employee who was reduced in classification or separated from employment as a result of a position being vacated or abolished by the City council.

**REINSTATEMENT LIST** means a list of individuals, who have been reduced or separated from a particular classification as a result of positions being vacated or abolished by the City Council, ranked in the order of seniority.

**REPRIMAND** means a statement to an employee by a supervisor describing deficiencies in the employee's performance or acts of the employee that are in violation of the standards of conduct and describes corrective measures which the employee should take. A reprimand is formal if it is in writing.

**SEPARATION** means any termination of employment with the City.

**SERIOUS HEALTH CONDITION** means an illness, injury, impairment, or physical or mental condition that involves:

(A) in-patient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider, including one or more of the following:

(i) a period of incapacity of more than three consecutive calendar days that requires:

(a) treatment two or more times by a health care provider or by a provider of health care services under the orders of a health care provider; or

(b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(ii) any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;

(iii) any period of incapacity or treatment for an incapacity due to a chronic serious health condition even if no treatment is received during the absence;

(iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

(v) any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

(Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.)

**SPOUSE** means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

**SUSPENSION** means an involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

**SWORN EMPLOYEE** means an employee of the Police Department who is certified by the State Commission on Law Enforcement Officer Standards and Education or the State Commission.

**TERMINATION** means cessation of employment with the City.

**TRANSFER** means a change from one position to another in which departmental or classification lines, or both, may be crossed, but which does not result in either promotion or demotion.

**UNDULY DISRUPTIVE** means that to grant an employee leave would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

**WORKDAY** means one shift during which a department is open for business or for which an employee is scheduled to work.

**WORKING HOURS** means the time during which an employee is on duty, including regular time, overtime, and emergency duty.

**WORK PERIOD** means a regularly recurring designated period of work which is used in accordance with the Fair Labor Standards Act to determine when a nonexempt employee is entitled to overtime compensation.

**WORK WEEK** means the number of hours an employee is regularly scheduled to work during a seven-day work period.

## 2. Administration

### 2.1 Job Descriptions

Each Department Head is responsible for creating and updating written job descriptions for each position within the Department, and providing a copy of each job description to the City Administrator or his/her designee. All job description must be written in a standard format adopted and approved by the City Administrator. The City Administrator will periodically review the duties and responsibilities of each position within the City and set pay levels commensurate with the duties and responsibilities, skill and educational requirements and experience level associated with each position.

### 2.2 Employment Categories

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently, if their classification changes for any reason. The City Administrator will receive written notification of any change in an employee’s status as exempt or nonexempt.

**Nonexempt Employees.** Nonexempt employees are subject to the overtime provisions of the Fair Labor Standards Act. Nonexempt employees (other than certain police department employees) are generally entitled to overtime pay for all hours actually worked in excess of 40 in a 7- day work week, under the specific provisions of federal and state laws.

**Exempt Employees.** Exempt employees are those who are not covered by applicable wage and hour laws found in the Fair Labor Standards Act. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a work week. Exempt employees are expected to put in the number of hours necessary to complete their assignments in a timely and quality basis.

In addition to the above categories, each employee will belong to one of the following employment categories:

**Regular Full-Time Employees.** Regular full-time employees are employees who have completed their probationary period, are not in a temporary or part-time status, and who are regularly scheduled to work 40 hours or more per week. Generally, regular full-time employees are eligible for the City’s benefit package including annual leave, sick leave and holiday pay, subject to the terms, conditions, limitations, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

**Regular Part-Time Employees.** Regular part-time employees are employees who have completed their probationary period, are not assigned to a temporary status, and who are regularly scheduled to work less than 35 hours per week. Regular part-time employees do not accrue vacation or sick leave. If Regular part-time employees are normally scheduled to work a holiday, they will receive holiday pay. Regular part-time employees who work at least 1000 hours in a year, are eligible to participate in TMRS.

**Temporary Employees.** Temporary employees are employees whose employment is scheduled to last less than six months; who hold seasonal positions, even though the employment may last more than six months; hold a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force; or are in a position scheduled to work 40 hours per week but on a temporary basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the City Administrator or his/her designee. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City’s other benefit programs. In addition, temporary employees have no right to appeal disciplinary action. Temporary employees who are placed with the City, but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

**Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers chose to donate their time and services for the benefit of the community without any expectation of compensation or benefits.

### 2.3 Basic Employment Qualifications

In addition to the qualifications applicable to each position, an applicant for employment with the City must:

(A) be at least 18 years of age or meet special age requirements for the police department;

(B) be of good moral character;

(C) have a social security number;

(D) be a citizen of the United States or possess a valid resident alien work card;

(E) agree to be fingerprinted when applicable to the position;

(F) not be addicted to the use of narcotics or alcohol;

(G) not have received a dishonorable discharge from the Armed Forces.

### 2.4 Proof of Employment Eligibility and Identity

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. Failure to provide the necessary documentation within 3 days will result in termination of employment. Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

### 2.5 Employment of Relatives/Nepotism

No member of the same household of a City Council Member, the Mayor, the City Administrator or a current Department Head will be employed by the City. No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, any member of the City Council, the City Administrator or any current City employee may be appointed to any office, position, or other service of the City. (See Attached Chart)

### 2.6 Personnel Records

Important events in each employee’s history with the City will be recorded and kept in the employee’s official personnel file. Performance reviews, change of status records, commendations, disciplinary actions, and educational and professional attainment records are examples of records maintained in your file.

Employees must promptly inform the Human Resource Coordinator of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation), and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information may result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee’s personnel file may be subject to disclosure in accordance with the Texas Public Information Act.

### 2.7 Other Employment

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee’s work on behalf of the City, work for other employers is strongly discouraged in most instances. Employees will not be permitted to hold another job (including self-employment and volunteer work) that might discredit the City, result in a conflict of interest (or potential conflict of interest) or result in anything less than a satisfactory performance of the employee’s regular and normal duties on behalf of the City. Other outside activities that similarly distract from an employee’s ability to satisfactorily perform his or her job with the City are also discouraged. Before engaging in self-employment or accepting employment with another employer, the employee must obtain the written authorization of their Department Head or the City Administrator. A copy of the authorization will also be filed with the Human Resources Department to be maintained in the employee’s personnel file.

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers’ compensation leave, work another job (whether for pay, as a volunteer or as self-employment), unless expressly authorized in writing by the Department Head and the City Administrator.

### 2.8 Emergency Closing

Except for extraordinary circumstances City offices do not close because of bad weather or other emergency. In the event of inclement weather, employees are expected to use their good judgment and are asked not to take unnecessary risks. If you feel that you are unable to drive due to weather conditions or are otherwise unable to get to work because of the weather, you must call your supervisor. (You must make this call no later than the time you would normally leave home for your commute to work, or as otherwise directed by your Department.) The City may then make arrangements to provide you with alternate transportation to transport you to and from work.

Under certain circumstances, the City Administrator may close certain departments, or various operations within a department. If the City Administrator makes the decision to close City offices, affected employees will have an excused absence with pay. If the employee’s department is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for the day(s) missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date. If a nonexempt employee has no accrued vacation or compensatory time available, he or she will not be paid for the time missed.

Many City departments provide essential services and employees are required to report to work regardless of adverse weather or other conditions. Essential personnel are designated by the City Administrator and/or Department Head. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment. Police, or other essential personnel will be required to report to work when other City departments are officially closed due to weather or other type of extraordinary circumstances.

### 2.9 Training

From time to time, the City offers training to its employees to enhance or acquire new skills for the performance of their jobs or future advancement. Training may include seminars, institutes, in-house training, and courses offered for credit at local colleges/universities. Department Heads or supervisors may require employees to participate in appropriate training from time to time. Employees may also request that they be allowed to participate in appropriate training. Work load, training topic and appropriateness to job duties, budget constraints, cost of training, and other factors will be considered by the City in determining if requested training will be approved.

**Time Spent in Training.** Time spent by nonexempt employees attending mandatory training will be considered work time and employees will be compensated. Attendance at training, lectures, meetings, etc., will not be counted as working time if:

(A) Attendance is voluntary;

(B) The employee’s Department Head did not approve the training, prior to the employee’s attendance;

**Prior Authorization.** All requests for outside training must be approved in advance by your Department Head.

### 2.10 Purchasing Procedures

When an employee’s position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City’s behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit. This includes the personal use of the City’s assets such as tools, equipment and computers, for example.

Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City purchasing procedures or as approved by the City Administrator.

### 2.11 Travel and Reimbursement

It is the City’s policy to pay for, or reimburse all reasonable and necessary expenses incurred by an employee when traveling on City related business in accordance with this policy, except for meals and incidental expenses (M & IE). Meals and Incidental Expenses shall only be paid on a per diem basis and in accordance with the rates established by the U.S. General Services Administration for the current fiscal year (www.gsa.gov). If neither the city nor the county is listed, then the standard CONUS destination rate will apply.

Itemized receipts are required for all expenses, except for meals and incidental expenses. Receipts must be an itemized copy from the vendor and not just the credit slip or balance due. Failure to submit itemized receipts will render those expenses non-reimbursable. Employees should use the most economical means of travel available when expending City funds.

**Request to Travel.** Whenan employee travels on behalf of the City, a Travel Request Form must be completed by the employee and submitted for approval to the Department Head; Department Heads must obtain approval for their own travel from the City Administrator. The travel request must be submitted as soon as the need for travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred.

**Request for Advance Funds**. Employees are typically provided with a City issued purchasing card to pay for expenses associated with City travel. In instances where a purchasing card is not made available, an employee needing an advance of funds must, except under emergency circumstances, complete and submit a written request for an advance of funds at least ten business days before the advance is needed. All advancement of fund requests and deviations from the above policy must be approved by the City Administrator.

**Employee Expense Report Form.** An Employee Expense Report must be completed for all travel, even when a procurement card is used to pay for expenses. The form must include the purpose of the trip, the destination (city and state), and the departure/return dates and times. All receipts and supporting documents must be attached to the Employee Expense Report.

Receipts should be affixed in date order to an 8 1/2 x 11 sheet of paper and attached to the Employee Expense Report, and then forwarded to Accounts Payable after being reviewed and signed by the Director.

**Approving Authority.** All travel and meeting documents, requests for travel, requests for advance of funds, and requests for reimbursements (with supporting receipts), must be approved as follows:

(A) The Department Heads shall be responsible for approving their employees’ travel. The CityAdministrator is the final approving authority for Department Heads’ travel.

(B) All travel documents must be submitted to the employee’s Department Head or the City Administrator, as applicable.

(C) All spouse and/or family member’s travel expenses must be paid by the employee.

(D) Only the actual cost of reasonable and necessary business related expenses incurred by the employee on behalf of the City will be reimbursed.

**Transportation.** The City has the option of requiring that travel be made in a City-owned vehicle. When a City vehicle is not furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile or the cost of a round-trip coach/economy airline ticket, whichever is appropriate, plus other stated costs (*i.e.*, parking at airport and ground transportation at destination). A receipt(s) is required for reimbursement.

Employees receiving a vehicle allowance are not eligible for mileage reimbursement unless the destination is greater than 50 miles in one direction.

**Hotel/Motel Reimbursement.** Employees will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the particular meeting or purpose of the trip. A receipt(s) is required for reimbursement. The room rate must be pre-approved by the employee’s Department Head, or in the case of a Department Head, approved by the City Administrator. Overnight stays will only be authorized for travel to destinations in excess of 60 miles from the City, unless otherwise approved in writing by the City Administrator.

**Meal Reimbursement.** The City of Hudson Oaks provides a per diem for meals and incidental expenses. The per diem rate is the rate published by the U.S. General Services Administration for the current fiscal year.

**Compliance.**  Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

### 2.12 Professional Memberships and Subscriptions

The City may elect to pay for all or a portion of an employee’s professional memberships and subscriptions. Requests for payment (or reimbursement) of such expenses must be submitted on forms provided by the City and approved by the City Administrator. Approval must be obtained in advance and will be based on such factors as available funds, the relationship of the membership and/or subscription to the employee’s job duties and the number and/or cost of other memberships and subscriptions paid by the City for the employee.

### 2.13 Probationary Employees

All newly hired or rehired employees hired to fill a regular position and employees who have been promoted must satisfactorily complete a probationary period. During an employee’s probationary period, the employee has no appeal rights *for disciplinary actions.* Temporary employees do not serve a probationary period and have no appeal rights. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. If an employee successfully completes his/her probationary period he/she is still employed at the will of the City; the employee will, however, have a right to appeal disciplinary action, as set forth in the City’s Employee Appeals policy.

**Probationary Periods.** Probationary periods are as follows:

A six-month probationary period will apply for all newly hired or promoted employees, including police personnel.

A probationary employee is ineligible for a pay increase and probationary employee has no right to appeal disciplinary actions.

The probationary period may be extended up to an additional 90 days if the employee’s performance has been marginal and/or if the employee has missed a substantial amount of work time during the probationary period due to extenuating circumstances. Any extensions to a probationary period must be approved jointly by the Department Head and the City Administrator.

Employees are required to successfully complete their probationary period (and any extensions thereof) before they are eligible for transfer or promotion unless otherwise approved by the City Administrator. An employee who is re-employed, demoted, or transferred to another position as part of a disciplinary action is required to satisfactorily complete an additional probationary period of not less than 90 days. During this time, the employee has no right to appeal disciplinary actions.

**Disciplinary Probation.** Employees may also be placed on disciplinary probation for up to 180 days. In addition, employees who receive a below standards annual performance evaluation will be automatically placed on disciplinary probation for 90 days. Employees on disciplinary probation are ineligible for a pay increase and have no right of appeal.

**Failure of Probation.** An employee will fail probation if, in the judgment of the Department Head, the employee’s performance is unacceptable. Failure of probation can occur at any time within the probationary period. Department heads are responsible for ensuring adequate documentation of all cases of failure of probation as well as counseling, training and other efforts to help employees improve their performance during their probationary period.

### 2.14 Recruitment Process

**Vacancy Identification.** All recruitment activity will be initiated by the appropriate Department Head and coordinated by the Human Resources Coordinator. Only those vacancies allocated in the annual budget and specifically authorized by the City Administrator may be filled.

**Announcement of Vacancies.** Except for promotions from within, an employment vacancy will typically be advertised as widely as possible to assure the availability of an adequate range of qualified candidates for the position. Job openings may be advertised in local and regional newspapers, on the City website, trade journals and magazines, and professional journals/websites when and where appropriate. Existing City employees will normally be given the first opportunity to apply for any job openings within the City. Job openings will usually be posted at City Hall in the break room, 10 days prior to the position being advertised in the newspaper; however the City reserves the right to forgo the internal posting policy*.*

**Applications.** Anyone seeking employment, promotion, transfer, or reinstatement with the City must complete and submit an application for the position desired. City applications officially received in the normal prescribed manner will be considered. All information set forth on an application is subject to verification. Applications will be considered active for a period of thirty days, unless the application is being retained as part of an eligibility list for six months.

**Disqualification.** Applicants will be disqualified from consideration for reasons including, but not limited to the following:

(A) Failure to meet the minimum qualifications necessary for performance of the duties for the position;

(B) False statements or material omissions on the application or during the application process;

(C) Committing or attempting to commit a fraudulent act at any stage of the selection process;

(D) Not legally permitted to work in the United States;

(E) Is unable to perform the essential functions of the job applied for with or without a reasonable accommodation;

**Acceptance of Applications.** Applications for employment will be accepted only when an employment vacancy exists, or when establishing an eligibility list.

### 2.15 Medical Examinations/Fitness for Duty

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 his or her position, either with or without a reasonable accommodation.

**Conditional Employment.** In accordance with the Americans with Disabilities Act, the City may condition employment on an individual’s providing certain medical history and/or successful completion of a medical examination. The Human Resources Department, working with Department Heads, designates those positions requiring medical history, a physical examination and/or a psychological examination.

**Medical Exams for Current Employees.** A Department Head may require a current employee to undergo a medical examination to determine fitness for continued employment following an injury or accident. With the prior approval of the City Administrator, a Department Head may require a current employee to undergo a medical examination to determine fitness for continued employment for promotion or for other personnel action; as may be necessary for the City to provide a reasonable accommodation; and as otherwise permitted in accordance with federal and state law.

With the prior approval of the City Administrator, a Department Head may require a current employee to undergo a psychological evaluation as part of an administrative action for an employee showing behavioral signs of distress or impairment or when mental instability is reasonably suspected. The signs should indicate that the behavior of the employee:

(A) Poses a threat to self and others; or

(B) Produces a significant negative impact on the employee’s ability to perform his or her job; and/or

(C) Produces a significant negative impact on the operations of the City.

All medical or psychological inquiries will be job-related, consistent with business necessity, and conducted in accordance with the Americans with Disabilities Act, and other federal and state law.

**Reasonable Accommodations.** The City will provide reasonable accommodations to disabled applicants and employees as required by law.

**Medical Records.** The City is firmly committed to protecting the privacy rights of its employees. To ensure that employees’ privacy rights are protected, the following is intended to provide guidelines for the appropriate handling of medical records:

Medical related information (i.e., results of medical examinations and post-offer inquiries, workers compensation disability reports, the physician’s portion of the Family and Medical Leave Act Forms, etc.) must be kept in a locked file separate from the personnel files. The Human Resources Department should designate a specific person or persons who will have access to the medical file. An employee’s medical related information must be kept confidential and only those individuals having a business need to know will be informed of medical related information for an appropriate business/management purpose. Officials who have access to such information are required to maintain the confidentiality of the information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with medical conditions should strictly observe applicable privacy and confidentiality requirements.

Should a department have a need to request additional information from a physician concerning an employee’s medical condition and the impact upon the employee’s ability to perform the essential job functions, this request should be made in writing to the employee. Essential job functions forms are available from the Human Resources Department.

Email should not be used to communicate regarding confidential personnel matters including medical/health related matters.

### 2.16 Background Checks

The City will perform background checks on applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, review of criminal conviction record; verification of educational degree, license, or certificate required for the position; review of driving record; drug testing; outstanding warrant check; and credit history. The extent of the background check will be consistent with the employee's position and duties. The City may also conduct periodic background checks on existing employees. As a condition of employment or continued employment, applicants and employees are required to give the City the necessary authorization to perform such checks.

### 2.17 City Driver Requirements

**Information Required**. Before hiring an applicant for a position that requires the driving of a City vehicle, the Human Resource Coordinator will secure a copy of the applicant's driving record from the Texas Department of Public Safety to determine whether the applicant qualifies for employment under this section.

**Disqualification.** A person shall not be hired for or allowed to retain a position that requires the driving of a City vehicle if within the immediately preceding 36 months, the person has:

(A) a conviction for driving while intoxicated;

(B) a conviction for driving under the influence of drugs; or

(C) three or more accidents, three or more convictions for moving violations, or a combination thereof.

## Wage & Salary Policies

### 3.1 Employee Compensation Plan

Subject to approval by the City Council, the City Administrator will prepare and administer a written compensation plan for all City employees. In preparing the compensation plan, consideration will be given to prevailing rates of pay among public and private employers; the duties, responsibilities and qualifications required for the position; and other relevant factors.

### 3.2 Pay Schedule

The City has 26 pay periods each year and employees will normally be paid every other Wednesday. Employees will normally be paid on the preceding workday if the current payday falls on a recognized holiday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

All employees will be required to use automatic bank deposit and each employee will receive a pay check stub. When an employee is absent or on leave on payday, the employee must report to their Department Head to receive his or her paycheck stub, or designate a person (in writing) to pick up his or her paycheck stub. The person designated to pick up the paycheck stub must be identified on the appropriate form provided by the City and completed by the employee.

No pay advances or loans will be made by the City to any employee for any reason.

### 3.3 Basis for Annual Compensation

In most instances, employee salaries (other than certain police personnel) are based on a forty-hour work week for fifty-two weeks each year (2080 hours per year). Where regular employment is less than full time (less than 35 hours per week), the employee’s salary will be based on the actual number of hours worked times the hourly rate of pay established for that position. Police personnel’s salaries are based on a forty two-hour work week for fifty two weeks each year (2184 hours per year).

### 3.4 General Overtime Policy

When the City’s operating requirements or other needs cannot be met during regular working hours, employees may be required to work overtime. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour requirements. In some cases, nonexempt employees may accrue compensatory time in lieu of being paid overtime compensation. (See Compensatory Time Policy below.) Exempt employees are not paid overtime compensation.

When possible, advance notification of mandatory overtime assignments will be provided at department head discretion. Overtime assignments will be distributed as equitably as practical to all nonexempt 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.

**Overtime Rate.** Overtime pay for nonexempt employees (excluding certain police personnel) is at the rate of 1 ½ times the employee’s regular hourly rate for hours actually worked in excess of 40 in a work week. Overtime for non-exempt police personnel on a 12-hour work cycle is at the rate of 1 ½ times the employee’s regular hourly rate for hours actually worked in excess of 84 in the 14-day work cycle.

**Work Week.** For nonexempt employees the work week is a recurring seven-day period beginning at 12:00 a.m. on Monday and ending at 11:59 p.m. on the following Sunday.

**Work Hours and Reporting Time Worked.** An employee’s specific hours of work may vary depending on his or her position and department. Employees are expected to be at their workstations and ready to work at their scheduled start time. Occasionally, staffing needs and operational demands may necessitate variations in work schedules. Supervisors are responsible for providing employees with a specific schedule. Employees are expected to cooperate when asked to work overtime or a different schedule. It is the responsibility of each employee to sign his or her time card/sheet each pay period to certify the accuracy of all time recorded, including overtime. Supervisors must review and initial the time record before submitting it for processing. If corrections or modifications need to be made to a time record, the employee and the employee’s supervisor must verify the accuracy of the changes and initial the time record. Altering, falsifying, tampering with time records, or recording another employee in or out will result in immediate disciplinary action, up to and including termination of employment.

**Prior Authorization Required Before Working Overtime.** All nonexempt employees must receive their supervisor’s and/or Department Head’s prior authorization before performing any overtime work. This means employees may not begin work prior to the start of their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. Employees are responsible for limiting overtime to that which is requested by their supervisor or Department Head. In the case of police department employees, only the Chief (or his/her designee) or the City Administrator may authorize overtime work. On the employee’s time card/sheet, the appropriate supervisor must also approve any overtime before the time card/sheet is submitted for processing and payment. Nonexempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

Overtime is budgeted annually by the City Council. Supervisors and Department Heads are responsible for insuring that employees do not work any unauthorized overtime. The City Administrator must approve all overtime that exceeds a department’s budgeted amount.

### 3.5 Non-Statutory Compensatory Time for Exempt Employees

Exempt employees receive an annual salary for the performance of services regardless of the number of hours worked. The City has no legal obligation to pay its exempt employees overtime or to provide them with “comp time.” The City Administrator may, however, from time to time, approve non-statutory compensatory time off when exceptional circumstances require an exempt employee to put in a significant amount of time in excess of 40 hours in a work week. In these instances, equivalent time off on a straight time basis may be permitted, but only if the work schedule permits and such time is approved in advance by the City Administrator and the employee’s Department Head. Comp. time must be taken within the same pay period that it is granted.

Non-statutory compensatory time should not be authorized for additional hours worked that are typical, expected, and frequently required for all managerial and professional jobs in order to meet responsibilities. It should not be authorized for occasional overtime work or for extended but clearly limited periods of additional work that are common to most departments. Nor should it be authorized if an employee chooses to work through lunch periods, to come in early or to leave late, either occasionally or consistently.

### 3.6 Payroll Deductions

In addition to their paycheck, employees will receive a statement showing gross pay, deductions and net pay. Some payroll deductions are required by law, e.g., federal income tax withholding, and court ordered child support. Employees may elect to have certain other deductions made from their pay (e.g., insurance premiums) if they authorize the deductions in writing. Deductions other than those specifically authorized by the City Administrator and Department Head are not permitted.

In the unlikely event that there is an error in the amount of a deduction, or any other payroll error, you should let your supervisor know as soon as possible. At the end of each calendar year, you will be given a Wage and Tax Statement Form (W-2). This statement summarizes your income and deductions for the year.

### 3.7 Automatic Bank Deposits

All City employees will be required to have automatic bank deposit. If the employee does not have a bank account that has this service, a temporary exception will be given for two pay periods. During this exception period the employee will receive their payroll check from their Department Head on the scheduled payroll date. If you have any questions or trouble with this process, contact the Human Resources Coordinator.

### 3.8 Time Keeping

Federal and State laws require the City to keep an accurate record of the time worked by all nonexempt employees. Accordingly, accurately recording time worked is the responsibility of every employee. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their workday, as well as the beginning and ending time of each meal period. Nonexempt employees may not begin working prior to their scheduled start time without prior approval from their supervisor. They must also record the beginning and ending time of any split shift, break or departure from work for personal reasons. Overtime work must always be approved before it is performed.

It is the employee's responsibility to sign his or her time sheet each pay period to certify the accuracy of all time recorded. The employee’s supervisor will review and then initial the time record before submitting it for payroll processing. If corrections or modifications need to be made to an employee’s time record, the employee and his/her supervisor must verify the accuracy of the changes and initial the time record. Altering, falsifying, tampering with time records, or recording another employee in or out will result in immediate disciplinary action, up to and including termination of employment.

### 3.9 On-Call and Callback

The City provides for after-hour service needs when required by allowing some departmental operations to designate nonexempt employees to be on-call. Certain exempt personnel may also be designated as on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each Department where on-call personnel are utilized.

**Call back.** During all time after regularly scheduled working hours when an employee has been designated to be available for on-call and subject to call back, the employee is free to pursue personal activities but may be requested to respond to call back (via paging, phone, or radio) within designated guidelines set by the Department. This on-call status is not considered time worked and is not compensable unless the employee responds to a call back. All employees designated to be on-call are expected to be fit (mentally and physically) to accomplish services needed within the time frame required.

Each Department shall establish internal procedures for handling emergency services which could require call back of all employees necessary to provide the needed service, regardless of on-call status. An employee will be considered officially scheduled and designated as on-call only when approved by his/her supervisor in accordance with procedures established by his/her Department.

**Compensation.** Nonexempt employees will be paid fifty dollars ($50.00) for each week they are on call. In addition, Nonexempt employees who are called back during their on-call status to the workplace will be paid at their regular rate of pay for actual hours worked, until overtime requirements are met. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and will be paid at the regular rate of pay until overtime requirements are met.

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

### 3.10 Temporary Assignment Pay

Employees temporarily assigned to perform duties of a higher-level position for the purpose of learning the position or as on-the-job training, will not be compensated at a higher rate of pay. However, when designated by a Department Head or the City Administrator, employees temporarily directed to perform the additional duties and responsibilities of a higher-level position for more than one pay period will be paid at the base rate of the higher-level position or five percent (5%) above their current salary, whichever is greater.

A payroll status change form must be completed for all employees designated to serve in a Temporary Assignment position and approved by the appropriate supervisor and forwarded to the Human Resources Department for processing.

### 3.11 LONGEVITY PAY

All full-time employees employed for one year or more shall receive longevity pay in addition to their regular base pay in accordance with the schedule in Section (A).

(A) Rates; Eligibility. All regular full-time employees of the City shall receive longevity pay in addition to their regular base pay in accordance with the following schedule:

$4/month for each year of service, up to a maximum of one thousand four hundred forty dollars ($1,440.00) for thirty (30) years of full-time City service.

(B) Establishment of Eligibility. The date on which an employee must have completed the appropriate years of service is September 30. For the employee’s time employed to be counted for purposes of calculating his/her years of service for longevity, the employee must have been in the continuous, regular full-time employ of the City for the entire period. Employees incurring a leave without pay of greater than one (1) normal workday within any month shall not be in continuous regular full-time employ of the City for that month, except as may otherwise be required by law.

To receive payment hereunder, the employee must be in a regular status with the City the month in which the payment is actually made.

(C) Continuity of Service – Exceptions.

(i) Continuity of service in the City’s employee shall not be interrupted because of absence due to compulsory military service or due to voluntary military service in the armed forces of the United States of America in accordance with personnel policies and procedures, and all such time spent in the armed forces of the United States of America shall apply toward accrued service for longevity pay.

(ii) Continuity of service in the City’s employ shall not be interrupted because of absence when such absence shall have been granted in accordance with the appropriate personnel procedures (i.e. worker’s comp injury). None of such time on an approved leave without pay shall apply toward the employee’s service credit for determining longevity pay unless the absence was for military leave as provided in subsection A above.

(D) Separation from Service. In the event any eligible officer or employee dies, retires, or is separated from the service of the City in good standing on any day other than the date on which longevity pay is distributed, he/she is not entitled to receive longevity pay.

(E) The provisions of this policy and the payments authorized hereby shall apply prospectively only.

## Operating Hours & Attendance

### 4.1 Regular Hours

Employees of the City normally work 40 hours in a five-day work week (Monday-Friday). The regular workday begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours.

### 4.2 Adjustment to Work Hours

In order to assure the continuity of City services, it may be necessary for Department Heads to establish other operating hours for their 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. Your acceptance of work with the City is your agreement that this will not create an undue hardship on you or your family and that you will be available to do such work.

### 4.3 Meal Periods and Breaks

Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by your Department Head between the hours of 11:00 a.m. and 1:30 p.m. in order to minimize departmental interruption. Your supervisor will provide you with the starting and ending time for your specific meal period. Employees will be relieved from work responsibilities during unpaid meal breaks. Nonexempt employees must record the beginning and ending times of their meal break. Employees may not extend meal breaks beyond their assigned period.

Full time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two short, paid work breaks each day, one during the first part of the work day and the other during the latter part of the work day. Each such break may not exceed fifteen minutes in length.

### 4.4 Attendance Records

Nonexempt employees are required to record the number of hours worked each day. An exception may be given if alternative record keeping is proposed by the Department Head and approved the City Administrator.

### 4.5 Attendance and Punctuality

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on your co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In the rare instance when you cannot avoid being late to work or are unable to work as scheduled, you must personally notify your supervisor as soon as possible in advance of the anticipated tardiness or absence. You must disclose to your supervisor the reason for the absence or tardiness and the date/time of your anticipated arrival. For absences of a day or more you must personally notify your supervisor on each day of your absence unless your supervisor expressly waives this requirement. If an employee is unable to contact his/her supervisor, the employee should notify the Human Resources Coordinator giving a phone number where the employee can be reached, the name of his/her supervisor, the reason for the absence, and the probable time that he/she will report to work. Police Department personnel must report their tardiness or absence in accordance with their Departmental rules and regulations.

In most instances, an employee who fails to properly notify his or her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. If an employee is absent from work for three (3) or more consecutive work days without making proper notification, this absence will be considered a voluntary resignation. If such a situation occurs, and the employee later returns to work with documentation proving that such absence was totally beyond his/her control and it was impossible to provide the necessary notification, then reinstatement may be considered.

## Employee Benefits

### 5.1 Overview

Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. Generally, however, regular full-time employees are eligible for most benefits, and regular part-time employees are eligible for certain benefits on a pro-rata basis. Part-time and temporary employees are generally not eligible for City benefits. Contact your supervisor, Department Head or the Human Resources Coordinator to obtain information regarding the benefits you for which you may be eligible.

Benefit programs available to eligible employees include, but are not limited to:

Paid Holidays Paid Jury Duty Leave

Bereavement Leave Paid Witness Duty Leave

Deferred Compensation Paid Sick Leave

Military Leave Paid Vacation Leave

Workers’ Compensation Benefit Time Off to Vote

TMRS Contributions Family and Medical Leave Act Leave

Free Checking at City Depository Group Life and Accident Insurance

Group Health Insurance Group Dental Insurance

Cafeteria Plans

While the City pays the full cost of most of these benefits, some of the benefit programs require contributions from participating employees.

### 5.2 Paid Vacation Leave

Vacation leave accrues for each pay period that an eligible employee is in a pay status for at least half the standard number of paid days for that pay period.

**Accrual Rate (Except for Eighty-four hour Police Employees).** Regular employees begin accruing paid vacation leave during their first full pay period of employment. Regular full- time employees accrue vacation leave as follows:

**Years of Service Rate of Accrual**

1 -5 80 hours per year (3.08 hours per pay period)

6- 15 120 hours per year (4.62 hours per pay period)

16 + 160 hours per year (6.15 hours per pay period)

Regular part-time employees and temporary and seasonal employees do not accrue vacation leave. An employee’s “Years of Service” may be adjusted for any significant leave of absence, except military leave.

**Accrual Rate for Police Employees.** During their first full pay period of employment, police personnel performing 12- hour shift work on a regular basis begin earning vacation leave in accordance with the following schedule:

**Years of Service** **Rate of Accrual**

1- 5 84 hours per year (3.23 hours per pay period)

6-15 126 hours per year (4.85 hours per pay period)

16 + 168 hours per year (6.46 hours per pay period)

An employee’s “Years of Service” may be adjusted for any significant leave of absence, except military leave.

**Personal Time.** Regular Employees, starting January 1st of each year, will receive 16 hours of personal time. Police Employees, starting January 1st of each year will receive 24 hours of personal time.

**Maximum Accruals.** It is the policy of the City that vacation should be taken annually in the year earned. If vacation leave is not taken, all accrued vacation leave in excess of 240 hours will be forfeited after December 31st of each year for all employees. However, no employee shall lose accrued vacation leave because of “work urgency”. “Work urgency” is defined as the Department's need to have the employee at work to perform duty assignments for a specified period of time. If an employee has reached the maximum allowed unused balance and is unable to take vacation leave due to work urgency, injury, extended medical leave, or special or pre-scheduled authorized leave, the Department Head will approve an extension of time to allow the employee a period not to exceed six months to use accrued vacation leave in excess of the maximum allowed unused balance. Documentation of the approval will be placed in the employee’s personnel file.

**Scheduling Annual Vacation Leave.** For each vacation hour used, one hour will be deducted from the employee’s accrued vacation leave. Vacation leave must be taken in minimum increments of one hour. Department Heads are responsible for scheduling annual vacation leave for employees under their authority. (Department Head vacations require City Administrator approval.) Whenever possible, vacation leave will be scheduled at the convenience of employees. However, Department Heads must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

**Compensation for Leave Time.** Vacation leave is paid at the employee’s base pay rate at the time of vacation. Vacation leave will be paid only for time that the employee would ordinarily have worked. Vacation leave is not considered time worked for purposes of calculating overtime payments. To ensure proper payment of vacation leave pay, employees must make sure they have an approved written vacation request on file before leaving for vacation.

Employees may not “borrow” unearned vacation time, nor will the city buyback vacation time from an employee. However, upon termination of employment, employees in good standing (as defined in Sec. 10.1) having accrued but unused vacation leave will be paid for that vacation time, up to 160 hours, at their regular hourly rate at the time of termination.

**Probationary Employees.** Newly hired, probationary employees are not eligible to take vacation time until they have completed six-months of service with the City. Vacation leave is forfeited if employment is terminated before a Probationary Employee completes six-months of service.

### 5.3 Holidays

It is the City’s policy to permit as many employees as possible to enjoy a day off without loss of pay on holidays. However, any or all employees may be required to work on a holiday.

**Official Holidays.** The City usually observes the holidays listed below, plus one personal holiday. When a holiday falls on a Saturday or Sunday, the holiday will normally be observed by the City on the day designated by the federal government (i.e., the Friday before or the Monday following).

New Year's Day (January 1)

Martin Luther King, Jr. Day

Good Friday

President’s Day

Memorial Day (last Monday in May)

Independence Day (July 4)

Labor Day (first Monday in September)

Veteran’s Day

Thanksgiving (fourth Thursday in November)

Day after Thanksgiving

Christmas Eve Day (December 24)

Christmas (December 25)

Personal Day (Floating)

**Holidays During Vacation Leave.** Employees taking vacation that includes an authorized holiday during their paid time off will be paid for the holiday without that day being charged against the employee’s paid vacation time.

**Holiday Rate of Pay (Except for “Twelve- hour Shift” Employees of the Police Department).** Nonexempt employees who work on a holiday will be paid eight hours of holiday pay, plus their regular rate of pay for each hour actually worked. If working on a holiday causes an employee to work overtime for that work week or work cycle, the employee will not be paid both the holiday rate and the overtime rate for the holiday. Exempt employees who work on a holiday will receive a day off with pay at a later date. Regular full-time employees who do not work on a holiday are paid for the number of hours they normally work on the day of the week on which the holiday falls. Regular part-time employees who do not work on a holiday receive holiday pay equal to the number of hours they normally work each day if they are normally scheduled to work on the day of the week on which the holiday falls.

Paid time off for holidays will be counted as hours worked for purposes of determining overtime.

**Eligibility.** Only regular full-time and part-time employees are eligible for paid holidays. To be eligible for holiday pay, nonexempt employees must work their regular schedule immediately before and after the holiday, unless otherwise approved by their Department Head. Employees on a leave of absence without pay the work day before a holiday are ineligible for holiday pay.

**Non-Scheduled Religious Holidays.** You may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. Time off for such absences may be taken as vacation, compensatory time, a personal holiday, an excused absence without pay, or may be exchanged for working on one of the City’s designated holidays without receiving holiday pay.

### 5.4 Sick Leave

**Eligibility.** All regular full-time employees begin accruing paid sick leave during their first full pay period of employment. Part-time, Temporary and seasonal employees do not accrue sick leave. Employees who have not yet completed six months of probationary service are ineligible to use accrued sick leave.

**Accrual Rate (Except for Employees of the Police Department).** For full-time regular employees, sick leave typically accrues based on an 8-hour day, at the rate of 3.07 hours per pay period. Sick leave does not accrue when an employee is in a leave without pay status for more than half the pay period or when an employee receives workers’ compensation pay benefits for the full pay period. Regular part-time employees accrue sick leave on a pro rata basis.

**Accrual Rate for Employees of the Police Department.** Twelve-hour shift employees accrue sick leave based on a 12-hour day, at the rate of 3.23 hours per pay period. Sick leave does not accrue during a pay period in which an employee is in a leave without pay status for more than half the employee’s workdays in the pay period or when an employee receives workers’ compensation pay benefits for the full pay period.

**Authorized Use of Sick Leave.** Accrued sick leave may be used for absences due to the employee’s personal illness, accident or injury, or absences when the employee is needed to care for a member of his or her immediate family who is ill and who resides in the employee’s house. Sick leave may also be used by employees for doctor and dentist appointments.

Employees who are unable to work due to illness or injury must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department Director.

Sick leave must be taken in minimum one-hour increments.

Sick leave may not be used if the illness, accident or injury is acquired as a result of other employment.

**Failure to Report Absence/Abuse of Sick Leave.** Abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, will likely result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness or injury may be disqualified from using sick leave for their absence. Employees on sick leave, whether paid or unpaid, may not work a second job (whether paid or voluntary) during the period of leave.

**Use of Other Leave.** If approved by the Department Head (and in the case of Department Heads, by the City Administrator), accrued vacation leave, compensatory time off, other accrued paid leave, or leave of absence without pay may be used if an employee has no accrued sick leave time.

Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a holiday under the City’s Holiday Policy.

An employee who qualifies for use of sick leave during a scheduled vacation leave may be permitted to use sick leave instead of vacation leave for a qualifying absence. In such an instance, the employee must notify his or her supervisor immediately rather than waiting until the employee returns to work. Supporting documentation will be required in such cases.

**Abuse of Sick Leave.** Employees are encouraged to use their sick leave when they are ill. This ensures the employees recover and also prevents the spread of germs in the work place. Employees are also encouraged to use good judgment when taking sick leave. An employee may be required to present satisfactory proof of illness/injury whenever he/she uses sick leave if the supervisor feels sick leave is being over used or there is reason to believe sick leave is not being used properly. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

**Family and Medical Leave Act Leave.** Any absence which qualifies for both Family and Medical Leave Act leave and sick leave will be counted as both.

**Payment for Unused Sick Leave.** Employees who terminate employment in good standing and have not been terminated for disciplinary reasons are eligible to receive compensation for a portion of their accrued sick leave. No compensation will be paid unless the employee has accrued sick leave of a minimum of 101 hours, then compensation will be calculated as a percent of the employee’s regular hourly rate as listed below, rounded to the nearest hour.

**Accrued Sick Leave Compensation.**

**Hours** **% Hourly Rate**

0-100 0

101-200 20

201-300 30

301-400 40

401-500 50

501-600 60

Using the accrued sick leave compensation schedule, an employee with 210 accrued sick leave hours would be paid 30 percent of their hourly rate for those 210 hours upon separation from employment. The maximum sick leave payment would be 60 percent of an employee’s hourly rate times 600 hours unless specified differently in the City Ordinance or employment agreement.

### 5.5 Sick Leave Sharing

This policy establishes a Sick Leave Pool to provide additional sick leave for eligible employees who have exhausted all paid leave and suffered a loss of compensation because of a catastrophic illness or injury of the employee or a member of the employee’s immediate family.

Definitions:

(A) "Catastrophic illness or injury" is any prolonged illness or injury which causes an employee to be unable to perform, with reasonable continuity, the substantial, material, and essential functions of his or her job for medically related reasons due to a serious health condition of self, or member of the employee’s immediate family, as certified by a licensed health care provider.

Such injury or illness is one that:

(1) Is not caused by employee’s willful misconduct, is not purposely self-inflicted, does not occur while on leave without pay or absence without leave, and is not acquired as a result of another job and;

(2) Poses a threat to life and/or;

(3) Requires in-patient or hospice care or extensive outpatient treatment or care and/or;

(4) Requires the services of a licensed physician for an extended period of time, and;

(5) Causes the employee to miss at least ten (10) days of work; and

(6) Causes the employee to need additional time off from work after exhaustion of all forms of paid leave.

(B) "Immediate family" means employee’s spouse, parent or child (including foster child certified by the Texas Department of Protective Services), living in the employee’s household or who are totally dependent upon the employee for personal care or services on a continuing basis.

(C) "Eligible Employee" means an employee of the City who is a member of the Sick Leave Pool, and who meets all the criteria set forth below:

(1) Has experienced a catastrophic illness or injury of self or member of immediate family;

(2) Has exhausted all accrued paid leave (including sick, vacation, holiday, and compensatory time);

(3) Has been continuously employed by the City for at least 6 months; and

(4) Has not been awarded workers’ compensation benefits or long-term or short-term disability benefits; and

(5) Has a minimum balance of eighty (80) hours in their individual accrued sick leave bank; and

(7) Has not been disciplined in writing during the last five years for abuse of sick leave; and

(8) Has not exhausted the maximum award of Sick Leave Pool hours.

Membership to the Pool:

(A) Membership to the Sick Leave Pool is open to all full-time employees of the City who have completed their probationary period and accrued at least one hundred and four (104) hours of individual sick leave.

(B) Membership to the Sick Leave Pool is voluntary, and employees may choose to leave the Pool at any time

(C) An employee must contribute a minimum of twenty-four (24) hours of their individual accrued sick leave to the Sick Leave Pool to become a member. An employee may elect to donate more accrued sick leave hours, as long as a minimum required balance of eighty (80) hours is maintained in the employee’s individual accrued sick leave bank.

(D) Employees who wish to continue their membership in the Sick Leave Pool must make a contribution to the Sick Leave Pool at least once each calendar year. A contribution of 24 hours per year is the minimum amount per year that an employee must contribute to be included in the plan.

Contributions to the Pool:

(A) Contributions to the Pool must be in units of eight (8) hours.

(B) Employees are permitted to contribute an unlimited number of hours to the Sick Leave Pool, provided they maintain the eighty (80) hour minimum in their individual sick leave banks.

(C) Sick leave contributed to the Pool may not be designated for the use of a particular person.

(D) All time contributed to the Sick Leave Pool is non-refundable.

Applying for Pool Time:

(A) A Request for Sick Leave Pool Time must be submitted, along with a signed Certification of Physician or Practitioner form to the City Administrator.

(1) The Certification of Physician or Practitioner must be signed by a licensed medical practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

(2) The Certification of Physician or Practitioner must include the date the medical condition began and the probable duration, the estimate of time that the employee will be unable to perform work of any kind or whether it is necessary for the employee to work a reduced schedule.

(B) A renewal application form and physician certification form must be filled out and signed by a physician every 30 calendar days that the employee is eligible for and requires the use of Pool leave.

(C) If the employee is incapacitated so that he/she cannot provide the application and/or physician’s certification, an employee spokesperson (family member, physician or another employee) may provide this to the City.

(D) Leave from the Sick Leave Pool, which is taken because of a catastrophic illness or an injury to the employee or the employee’s immediate family, will run concurrently with leave under the Family and Medical Leave Act (FMLA). If there are any conflict between the City’s Sick Leave Pool policy and the City’s FMLA policy, the FMLA policy shall take precedence.

Hour Disbursement Details

(A) An employee can request up to 240 hours of donated sick at a time.

(B) Should the employee need additional hours of donated leave, the employee, or a representative, may approach the City Administrator to request up to an additional 240 hours. At that time, the employee, or representative, must present the Administrator with a physician’s certification stating when the employee will be able to return to work. Any additional hours must be approved by the City Administrator before they are withdrawn from the Sick Leave Pool.

Approval Process

(A) The City Administrator will review all applications and certifications for use of Sick Leave Pool time. In determining the amount of sick leave to be awarded to an eligible employee from the Pool, the Administrator shall take into consideration the information contained in the employee's application, the number of applications then pending, and the amount of sick leave available in the Pool. In no event shall the sick leave allocated to an eligible employee from the Pool exceed two-third (2/3) of the Sick Leave Pool balance.

(B) Application for Pool leave is on a first-come, first-served basis and is contingent upon the available balance in the Pool at the time of application as well as the employee’s ability to meet the criteria listed in Section II (C).

(C) No more than 240 hours will be granted at one time.

(D) The lifetime maximum that can be received by any employee is 720 hours.

(E) Five working days from submission of the appropriate application and documentation to the Human Resource Department, a decision will be returned in writing.

Use of Sick Leave Pool Days

(A) An employee may use sick leave assigned from the Pool in the same manner as sick leave accrued pursuant to the Personnel Policies and shall be treated in the same manner and shall be entitled to accrue the same benefits as an employee who uses such accrued sick leave. However, as soon as leave is accrued, earned paid time will be used in lieu of the contributed time from the Pool.

(B) Employee and City contributions to insurance, retirement, etc. will continue while the employee is on Sick Leave Pool time.

(C) When an employee returns to work after using Sick Leave Pool time and their anniversary date fell during the period of leave, the annual merit/step increase will not be awarded until 30 calendar days after the employee initially returned to work. The merit/step increase will be awarded at this time even if the employee’s return to work after the anniversary date is on an intermittent or reduced scheduled, so long as the employee receives a passing score on the performance evaluation. This delay will not alter the employee’s anniversary date in subsequent years. Periods of absence covered by FMLA will not delay anniversary merit/step increases.

(D) While out on Pool time, any across the board salary increases, COLA’s, market adjustments, etc., which are independent of performance, will be awarded to the employee.

(E) While out on Pool time, employees will not be permitted to perform outside work for compensation prior to returning from Pool leave and working his/her scheduled shift. Employees found to be in conflict with this policy will be subject to the loss of the paid leave time, will lose all remaining Sick Leave Pool time and will be subject to disciplinary action, including termination.

(G) When the employee is absent from work because of a catastrophic illness or injury, prior to the employee's return to work, the employee must submit to the Human Resources Department a licensed health care provider’s written statement that the employee was required to be absent from duty because of the condition and the date that the employee is able to return to work. The statement must also specify what limitations, if any, exist to the employee's ability to perform his or her job duties or pose a threat to the safety of the employee or others.

(F) If the employee’s health care provider releases the employee to return to work before the end of the approved Sick Leave Pool period, the employee must notify their supervisor and the Human Resources Department and make arrangements to return to work as soon as possible.

(G) If a member withdraws sick leave hours from the Sick Leave Pool and is certified by his/her health care provider to return to work before all the sick leave hours have been used, the remaining balance of awarded and unused sick leave hours will be returned to the Sick Leave Pool.

Property Rights

No property rights or entitlements exist to sick leave contributions provided by this policy or any previous individual donations of sick leave.

The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from the Pool.

Awards from the pool are prospective. State law prohibits the retroactive granting of sick leave or Sick Leave Pool hours. Employees who have exhausted all accrued paid leave will be put on leave without pay until a Sick Leave Pool award, if any, is approved.

The City reserves the right to change modify, amend, revoke or rescind all or part of this policy at the discretion of the City Council.

### 5.6 Bereavement Leave

Upon approval of the Department Head, up to five working days of paid leave per fiscal year may be provided to regular full and regular part-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member.

An employee who wishes to take bereavement leave must notify his or her supervisor as soon as possible so that arrangements can be made to accommodate the employee’s absence. Employees may, with their supervisor's approval, use any available paid vacation leave and/or compensatory time for additional time off as necessary.

The City may require proof of death/funeral in support of bereavement leave. Bereavement leave pay is paid at the employee’s base rate at the time of absence. It does not include overtime. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

### 5.7 Jury Duty Leave

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Accordingly, regular full-time and part-time employees will be paid their normal earnings for time spent serving on a jury. Jury duty leave is paid at the employee’s base pay rate at the time of jury duty and does not include overtime. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime. Employees must show their jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. The employee may keep any jury fees paid for jury duty. Employees are expected to report to work whenever the court’s schedule permits.

### 5.8 Witness Duty Leave

The City encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the City, it will be considered part of their job duties and treated as hours worked.

When employees are requested or subpoenaed to testify in court by a party other than the City, they may use any available paid vacation, holiday or compensatory leave for this absence. If the employee has no available vacation, holiday or compensatory leave time, any time off for witness duty will be unpaid.

A subpoena for witness duty must be shown to the employee’s supervisor immediately after it is received so that employee staffing can be adjusted, where necessary, to accommodate the employee’s absence. The employee is expected to report for work whenever the court’s schedule permits.

### 5.9 Time Off to Vote

Employees are encouraged to exercise their right and responsibility to vote in national, state or municipal elections; however, employees are expected to vote during their non-working hours. If an employee needs additional time to vote, up to two hours paid leave may be authorized at the beginning or end of the work day. An employee must request time off to vote (in writing) from his or her supervisor at least 5 working days prior to Election Day. Any employee requesting paid time off for this purpose must show evidence of eligibility to vote, (a current voter registration card) when making the request. An employee is not eligible if the Election Day occurs on a non-work day.

### 5.10 Military Leave

The City complies with all federal and state laws relating to employees in reserve or active military service, and does not discriminate against employees who serve in the military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits.

This policy covers regular employees who serve in reserve or active military service, on a voluntary or involuntary basis. Please note, this policy is generally not applicable to 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 for a significant period of time.

**Notice to City of Need for Leave.** Employees must provide as much advance written and/or verbal notice to the City as possible for all military duty leave (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 the necessary documentation, including the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be turned into your Department Head and the Human Resources Department as far in advance of the leave as possible.

**Paid Leave for Training and Duty.**

(A) Full Pay For Up to 15 Days. In accordance with Section 431.005, Texas Government Code, regular full and part-time employees of the City will be paid for military absences of up to 15 workdays per fiscal year (October 1 through September 30). For purposes of calculating paid leave time, the City may temporarily transfer 12-hour shift employees to a 40-hour, 7 day work-week schedule. This paid military leave may be used when an employee is engaged in National Guard or U.S. armed forces training or duty ordered or approved by proper military authority. The paid leave days may be taken consecutively or scattered throughout the year.

(B) Other Paid Leave. Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use any other available paid leave time, except sick leave (i.e., vacation leave, holiday leave or comp time) to cover their absence from work.

(C) Unpaid Leave. After an employee has exhausted all available paid military leave (and any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to 5 years.

(D) Benefits. The City will continue to provide employees on paid military leave with most City benefits.

(E) Medical and Dental. While an employee is on 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 exceeds 31 days, the employee may elect to continue group health coverage for up to 18 months following separation of employment or until their re-employment rights expire, whichever event occurs first, for himself/herself and eligible dependent

Upon an employee’s return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. 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.

(F) Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, 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. Upon return to active employment following military leave, employees will be treated as though they were continuously employed for purposes of determining seniority and benefits based on length of service, such as vacation accrual.

(G) 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 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

(H) Returning from Leave.

(i) Re-employment Rights. In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they held at the commencement of their military leave.

(ii) 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 he/she intends to return to work following military leave depends upon how long the employee’s military service lasted:

(a) For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.

(b) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for re-employment.

(c) For service of more than 180 days, employees have 90 days following their release from service to apply for re-employment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent him/her from applying for re-employment or when circumstances beyond the employee’s control make reporting within the time limits impossible or unreasonable.

(iii) Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her 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.

(iv) Rights to Continued Employment. Employees who actively serve in the military, and take military leave in excess of 6 months will not be discharged by the City without cause for 1 year following the date of their re-employment. Employees who actively serve for between 1 and 6 months will not be discharged without cause for 6 months following the date of their re-employment.

(v) Changed Circumstances. If the City’s circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. (For example, a reduction-in-force that eliminates the position held by an employee returning from military leave.) The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

### 5.11 Authorized Leave Without Pay

In circumstances not falling within other leave policies, the City Administrator may, upon the recommendation of the appropriate Department Head and in his or her sole discretion, authorize leave without pay. Example of factors considered by the City in granting leave without pay include the reason for the leave, departmental work requirements, and the employee’s work performance and disciplinary history. Such leave will normally be granted up to a maximum period of 30 days. The Employee may seek extensions of leave up to a maximum of 6 months. This policy will be administered consistent with the City’s obligations under the Americans with Disabilities Act.

**Documentation.** Requests for leave without pay must be made in writing to the employee’s Department Head as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Head. The need for a medical leave of absence must be supported by documentation as required by law and these policies.

Before returning to work from a medical leave of absence, the employee will be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties, as outlined in the employee’s position description.

**Other Employment During Leave.** Under no circumstances may an employee on an authorized leave without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Head and the City Administrator.

**Anniversary Date.** An employee’s anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be changed to account for extended absences from work. With the exception of military leave, any leave without pay exceeding 30 calendar days will result in the employee's anniversary date being changed by adding the exact number of days of leave to the employee’s existing anniversary date.

**Reinstatement.** Employees returning from “Authorized Leave Without Pay” 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. An employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his or her employment with the City.

**Payment of Insurance Premiums.** 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 unpaid leave of absence. (Note: The City will continue to pay its portion, if any, of group health insurance premiums for any Family and Medical Leave Act qualifying leave). 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 leave of absence. An employee’s failure to pay insurance premiums due during a leave of absence may result in cancellation of coverage.

**Benefits.** All leaves of absence are unpaid, and vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid leave of absence.

**TMRS.** Employee contributions to TMRS while an employee is in a leave without pay status may be made on a voluntary basis through a special arrangement with the City. It is the employee’s responsibility to initiate such an arrangement by timely contacting the Human Resources Department and completing the necessary paperwork.

**Revocation.** The City Administrator may revoke “Authorized Leave Without Pay” at any time.

### 5.12 On-the-Job Injury Leave

Most on-the-job injuries are covered by the City’s workers’ compensation insurance. Please see the City’s Workers’ Compensation Benefits Policy. Employees may supplement any workers’ compensation wage benefits with any accrued vacation, holiday, sick or compensatory leave. However, in no event will an employee be paid more than 100% of his or her regular pay.

### 5.13 Family and Medical Leave Act

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave during a twelve month period for specified family and medical reasons. The 12-month period during which an employee is eligible for 12 work weeks of leave will be measured forward from the date of the employee’s first day of FMLA leave.

**FMLA Leave Runs Concurrently with Other Types of Leave.** If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave. If the employee has no sick time, or once all accrued sick time has been used, all unused holiday, and vacation leave will be used and will run concurrently with any remaining FMLA leave. If the employee is eligible for short-term or long-term disability, it too must be used concurrently with any available FMLA leave. FMLA leave shall also run concurrently with leave taken by an employee as worker's compensation leave if the illness or injury meets the criteria for a serious health condition.

Employees may also request to use accrued compensatory leave for an FMLA reason. Any leave time paid from the employee's accrued compensatory leave will not be counted against the employee's 12-week FMLA leave entitlement.

**Employee Eligibility.** To be eligible for FMLA leave, an employee must have worked for the City:

(A) for at least 12 months, and

(B) for at least 1,250 hours during the 12 months preceding the start of the leave.

**Leave Entitlement.** Eligible employees may take FMLA leave for one or more of the following reasons:

(A) for the birth of the employee’s child or placement of a child with the employee for adoption or foster care;

(B) to care for a spouse, child, or parent of the employee with a serious health condition;

(C) when the employee is unable to perform the functions of his or her position because of his or her own serious health condition.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

**Notice Requirements.** In order for the City to accommodate an employee's workload during his or her absence, employees seeking to take FMLA leave must provide their Department Head with at least 30 days’ advance notice when the leave is foreseeable. If the leave is not foreseeable, employees are expected to provide their Department Head with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the City’s operations.

When an employee takes paid or unpaid leave for a reason that qualifies for FMLA leave, the employee shall include in the notice or request given to the Department Head, a description of the reason for the leave. (Note: Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies as FMLA leave, the employee, will likely have met the FMLA’s notice requirements).

Within two business days of receipt of notice from an employee requesting leave, the Department Head shall determine whether the reason for the leaves qualifies for FMLA leave, and notify the employee and the Human Resources Department in writing of the determination. If the Department Head is not given sufficient information to determine whether the employee qualifies for FMLA leave, within two business days of receiving adequate information, the Department Head will notify the employee that the leave has been designated as FMLA leave and leave taken before the date of notice will be counted against the employee’s twelve-week FMLA leave.

When leave qualifies as FMLA leave, the Human Resources Department shall provide the employee with an FMLA Information Form detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. The written information will be provided to the employee in a language in which the employee is literate.

All supervisors must immediately notify the Human Resources Coordinator if they have reason to believe that an employee’s absence is due to an FMLA-covered reason.

**Medical Certification and Other Required Documentation.** Employees must provide the City with a medical certification from the employee’s health care provider supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. The certification must set forth the beginning and expected ending dates of the leave. If the ending date is subject to change, the employee must notify the City of any changes within two business days, if possible. The certification must also contain the appropriate medical facts within the knowledge of the health care provider regarding the condition. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

If the City has reason to doubt the validity of the medical certification provided, the City may require a second or third medical opinion (at the City’s expense) and periodic recertification of the serious health condition. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided.

During FMLA leave, employees must provide the Human Resources Department with periodic reports as to their status and intent to return to work.

Employees returning from FMLA leave due to their own serious health condition will be required to submit a "fitness-for-duty" certification before returning to work. If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certificate.

**Delay or Denial of FMLA Benefits.** The City may delay the taking of FMLA leave under the following circumstances:

(A) if an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, FMLA leave may be delayed until 30 days after the date the employee provides notice to the City of the need for FMLA leave;

(B) if an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave, the continuation of FMLA leave may be delayed until the employee submits the certificate.

If the employment relationship terminates, an employee's rights to continued leave, maintenance of health benefits, and restoration cease under FMLA. If an employee fraudulently obtains FMLA leave, the city may deny job restoration and/or maintenance of health benefits.

**Intermittent Leave.** Eligible employees may take FMLA leave on an intermittent or reduced schedule basis only if medically necessary to care for a seriously ill spouse, child or parent; or because of the employee's serious health condition. Intermittent leave may be taken to care for a newborn or newly placed adopted or foster care child only with the approval of the employee’s Department Head and the City Administrator.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their supervisor to schedule the leave so as not to unduly disrupt the City's operations, subject to the approval of the employee's health care provider. In such cases, the City may temporarily transfer the employee to an available alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence.

**Benefits During FMLA Leave.** During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. Upon at least 15 days written notice, the City may discontinue insurance coverage if the employee’s share of health insurance premiums are more than 30 days past due. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee’s use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee’s leave; however, benefit accruals, such as vacation and sick leave, will be suspended during any 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 Finance Director and completing the necessary paperwork.

**Job Restoration After FMLA Leave.** Upon return from FMLA leave, an employee will be restored to his or her original job or to an equivalent job in terms of pay, benefits, and other terms and conditions of employment. Under certain circumstances, however, the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the City’s operations. A “key” employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

**Spouses Employed by the City.** If an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious or life threatening health condition.

**Other Employment.** Under no circumstances may an employee on FMLA leave work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Head and the City Administrator.

**FLSA Considerations.** Salaried executive, administrative, and professional employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the “salary basis” requirements for the FLSA’s exemptions extends only to eligible employees’ use of leave required by the FMLA.

**Other Provisions.** The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which provides greater family or medical leave rights.

This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If you would like additional information on the FMLA, please contact your supervisor. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor’s Wage & Hour Division for more information.

### 5.14 Short-Term Unpaid Leave

Exempt employees may take a partial day of unpaid leave only under the following circumstances:

(A) Unpaid leave may be taken pursuant to the Family and Medical Leave Act.

(B) Pursuant to principles of public accountability, an absence of less than one work-day may be taken for personal reasons or because of illness or injury when accrued leave is not used because permission for its use has not been sought or has been sought and denied; accrued leave has been exhausted; or the employee chooses to use leave without pay.

In all other situations, exempt employees who wish to take unpaid leave for personal reasons may not take a partial day of unpaid leave; unpaid leave may only be taken in full-day increments.

No deductions will be made from an exempt employee’s salary for absences, whether for a full or partial day, if the absence is caused by the City or by the operating requirements of the City, e.g., if City Hall is closed due to bad weather, if City Hall is closed for an official City holiday, or if there is no work to be performed. Further, exempt employees will be paid for absences caused by jury duty, or attendance as a witness in a legal proceeding where the employee is not a party (unless it is job related). The City may, however, offset an exempt employee’s salary by the amount the employee receives in jury or witness fees.

This policy is subject to the general rule that, absent accrued paid leave time, an employee need not be paid for any work week in which he or she performs no work.

### 5.15 On-the-Job Injuries/Worker’s Compensation Benefits

**Coverage.** The City provides workers’ compensation coverage for all employees through the Texas Municipal League. The Fund provides for medical expenses and partial compensation to employees injured on the job. The cost of such coverage is paid by the City and covers most injuries sustained on the job. Neither the City nor its workers’ compensation insurance carrier will be liable for the payment of workers’ compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Such injuries, however, may be covered under your personal medical insurance plan.

**Report of Accidents and Injuries.** All employees must comply with any initial reporting requirements established by the City. Supervisors, in turn, must complete the TWCC-1 form and have it delivered to the Human Resources Coordinator within 24 hours of the time and date of the incident. Thereafter, an employee on worker’s compensation leave must report to the City on a weekly basis, or as otherwise directed by their Department Head. An employee must immediately notify the City when released to return to work.

**Filing Claims.** All workers’ compensation claims must be filed with the Human Resources Department through appropriate supervisory channels.

**Salary Continuation Benefits.** Temporary, part-time, and seasonal employees, as well as full-time employees who have not completed their initial probationary employment period or are on a disciplinary probation, are ineligible for salary continuation benefits.

When a regular, full-time employee incurs an on-the-job injury or illness that is covered by the City’s workers’ compensation carrier and requires the employee to take workers’ compensation leave, the employee is eligible for salary continuation benefits. To receive salary continuation benefits, the injured employee is required to exchange his/her workers’ compensation benefit payments for the employee’s regular pay checks. Salary continuation benefits may be paid for up to six months.

Under no circumstances will an employee on workers’ compensation leave receive paid benefits (e.g., workers’ compensation, salary benefits, salary continuation benefits, disability insurance benefits, or paid leave time) in excess of the amount the employee would normally receive in base salary/wages (excluding overtime, shift differential, or any other type of extra compensation) if the employee was not injured and able to return to work.

**Modified Duty.** Every effort will be made to return injured employees to the workplace as soon as they are medically released. The Human Resources Department will coordinate the employee’s return to work with that employee’s Department Head. Modified duty will be offered if a work assignment exists within the City which meets the abilities documented by the employee’s attending physician or the city physician; and a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness. A modified duty work assignment may last until the time that the attending physician or city physician has set as the expected date of return to the employee's previous work assignment, but not to exceed three months unless the City Administrator gives written approval for a longer period. As a condition of continuing in a modified duty work assignment, an employee must adhere to prescribed treatment and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full performance capability.

An employee's modified duty work assignment will be terminated immediately if:

(A) the employee is found performing beyond the modified duty restrictions;

(B) the work assignment is completed;

(C) the employee performs unsatisfactorily in the position; or

(D) budgetary constraints do not allow continuation of the position.

An employee who does not agree or accept a bona fide offer of employment, including a modified duty work assignment that has been approved by his/her physician may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits, as allowed by the Texas Workers’ Compensation Act.

**Use of Accrued Leave to Supplement Compensation Benefits.** Employees who do not qualify for salary continuation benefits or who do not wish to be bound by the restrictions imposed for salary continuation benefits, may use any available paid leave time to supplement their worker’s compensation salary benefits.

**TMRS.** Employee contributions to TMRS made on the basis of temporary income benefits received through workers’ compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee’s responsibility to initiate such an arrangement by timely contacting the City’s Human Resources Department and completing the necessary paperwork.

### 5.16 Group Insurance Benefits

**Life Insurance.** The City presently provides life insurance coverage for all regular full-time employees at no cost to the employee. Part-time and temporary employees are not eligible for participation. Eligibility for life insurance coverage usually begins after a brief waiting period required by the insurance carrier. Employee dependents may also be eligible for participation under the City’s life insurance plan. Dependant life insurance must be paid for by the employee through a payroll deduction.

**Health, Dental and Accident Insurance.** Regular full-time employees are presently provided group health and at no cost to the employee. Part-time and temporary employees are not eligible for participation. Coverage generally begins immediately upon employment or after a short probationary period (if required by the insurance carrier). Employees may elect to cover their current spouse and/or dependent children under the City’s health and dental plans, provided the premiums are paid for by the employee through a payroll deduction.

**Group Life and Accident Insurance.** Eligible employees may elect to purchase life, accident, and cancer insurance for themselves or their dependents from a company, which has made arrangements with the City, through payroll deduction. Additional information may be obtained in the Human Resources Department. Eligibility begins after 30 days of employment.

**Additional Information.** This is only a general description of available group insurance coverage. For additional information regarding the City’s group insurance policies, you may review the appropriate Summary Plan Description and/or contact the Human Resources Department.

### 5.17 Unemployment Insurance Benefits

The program provides weekly benefits if you become unemployed through no fault of your own or due to circumstances described in the law.

### 5.18 Texas Municipal Retirement System

The City participates in the Texas Municipal Retirement System (TMRS) to provide retirement benefits for employees. Full-time employees are eligible for participation immediately upon employment. Regular part-time employees who work at least 1,000 hours or more per year are also eligible for participation immediately upon employment. Temporary employees are not eligible for participation in TMRS.

Employees who terminate employment or retire from the City prior to establishing the mandatory number of contributing years to TMRS may be refunded their contributions to date, plus any accrued interest subject to TMRS’ policies and regulations. If an employee transfers to another city with TMRS benefits, he or she is eligible to have his or her contribution transferred to that city subject to TMRS’ policies and regulations.

The above information is a summary only. Additional information is provided in the TMRS handbook, available in the Human Resources Department.

Appropriate forms must be filed with TMRS before contributions can be refunded. Employees terminating employment after the mandatory contribution time have the choice of remaining in TMRS or receiving a refund of their contributions to date, subject to TMRS’ regulations.

### 5.19 Deferred Compensation 457 Plan

Regular full-time employees have the option to contribute to the International City Administrators Association Retirement Corporation 457 retirement plan through payroll deduction. Additional information on this benefit may be obtained from the Human Resources Coordinator. Eligibility begins after 30 days of employment.

### 5.20 Social Security

The City of Hudson Oaks does not participate in Social Security, and does not withhold Social Security wages.

### 5.21 Light Duty

Light duty assignments for employees with a disability, illness or medical condition which makes them unable to perform their regular job duties are made at the sole discretion of the City, for up to a maximum of three months. The City may terminate a light duty assignment at any time in its accordance with the City’s operational needs. While a genuine effort will be made to locate light duty assignments for employees when temporary medical restrictions preclude their return to their regular duties, the City will not create light duty assignments.

Light duty assignments must be coordinated through the employee’s Department Head. Light duty assignments may be in the employee’s own department, or in another department, depending upon the employee’s circumstances and needs of the City. Employees with an on-the-job injury or illness will be given priority over other employees in the assignment of light duty jobs. The duration of light duty should be the lesser of the duration of the medical restriction or three months. At the end of three months, the case shall be reviewed for determination of status.

Twelve-hour personnel may be reassigned to 40-hour weeks by the Department Head.

Employees on FMLA leave may have the option, but will not be required, to perform a light duty assignment. If the employee refuses a light duty assignment, it will not affect the employee’s entitlement to FMLA leave, but may render the employee ineligible for workers’ compensation salary continuation benefits.

The employee's physician must review and certify that the employee can perform the light duty assignment. The City reserves the right to require an employee to be medically released (i.e., able to perform his/her essential job functions with or without a reasonable accommodation) before returning to full and regular duty.

### 5.22 Free Checking at City Depository

Employees and family members are eligible to receive free checking accounts at the City’s bank depository. Additional information may be obtained from the Human Resources Coordinator. Eligibility begins 30 days from the first day of employment.

### 5.23 Cafeteria Plan

Under section 125 of the IRS Code, employees may pay for dependent health, accident, and dental insurance deductions on a pre-taxed basis in accordance with Section 125 of the Internal Revenue Code. This election is made annually. Eligibility begins 30 days from the first day of employment.

## Promotion, Transfer, Demotion, & Rehiring

### 6.1 Promotion from Within

It is the City’s policy to promote from within whenever management believes a current employee has the requisite skill and ability to perform effectively in a vacant position. The City may, however, in its sole discretion, elect to look outside the City to fill a particular position without considering current employees. Employees who desire a change of position should discuss the matter with their Department Head and submit an application to the Human Resources Department.

### 6.2 Transfers

Under certain circumstances, non-promotional reassignments (“lateral transfers”) may be approved if determined by management to be in the best interests of the City and/or the employee. Transfers may be initiated by either the employee or the City and normally occur in response to the business needs of the City and/or other extenuating circumstances. Lateral transfers are usually reassignments from one position to another of comparable duties and salary.

### 6.3 Demotion

An employee may be demoted from a position in one classification range to a position of another classification range. A demotion may result from an unfavorable performance evaluation, a transfer, or as a result of a disciplinary action.

### 6.4 Rehires

Employees who leave the City’s employment but are rehired within six months will not have a break in service for purposes of vacation and sick leave accrual.

## Employer/Employee Communications

### 7.1 Employee Relations

The City believes that the work conditions, wages, and benefits it offers to employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City makes every effort to amply demonstrate its commitment to employees by responding effectively to employee concerns.

### 7.2 Public Relations

Employees must take care to separate their personal roles from their positions with the City when communicating on matters not involving City business. Employees must not use City employee identification, stationery, supplies or equipment for personal or political matters.

When communicating publicly on matters that involve City business, employees must not presume to speak for the City on any topic, unless they are certain that the views they express are those of the City, and it is the City’s desire that such views be publicly disseminated.

When dealing with anyone outside the City, including public officials, employees must take care not to compromise the integrity or damage the reputation of either the City, or any outside individual, business, or government body.

Providing high quality service to the public in a timely, accurate, efficient and courteous manner is primary objective of each City employee and official. Each employee represents the City when in contact with the public, and employees must constantly strive to be good-will ambassadors for the City. Any employee who fails to demonstrate the proper level of courtesy and professionalism will be subject to disciplinary action, up to and including termination of employment.

In all matters relevant to the City, employees must make every effort to achieve complete, accurate, and timely communications by responding promptly and courteously to all proper requests for information and to all complaints.

In serving the citizens, always remember the following:

(A) City employees’ jobs are dependent on the citizens of Hudson Oaks;

(B) Citizens are not an interruption of the process — they are the purpose of the work effort;

(C) The City’s citizens are always deserving of courteous treatment; and

(D) Satisfied citizens are our primary goal.

### 7.3 Bulletin Boards

City bulletin boards are restricted to use by the City for the posting of official City matters, e.g., announcements, internal memos, job openings, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain approval from a supervisor before posting any information on a City bulletin board.

### 7.4 Computer, Internet, E-Mail, Voice Mail, Fax Policy

All of the City’s computers, electronic and telephone communications systems, and all communications and stored information which is or has been transmitted, received, or contained in the City’s information systems (including, without limitation, e-mail, Internet, pagers, voice mail, facsimiles, and information stored on computer hard drives and City-provided diskettes) are the City’s property and are to be used solely for job-related purposes. Due to the considerable risks associated with computer viruses, employees are prohibited from using their own diskettes or otherwise downloading any unauthorized software to the City’s computers. All software downloaded must be registered to the City. Do not open or forward e-mail received from unknown sources, or those that contain undefined or unexpected attachments, as they may contain viruses or other harmful or inappropriate content or information. Do not download .exe files, or any other file that has not been authorized by the Department Head.

To ensure proper use of communications systems and business equipment, and to ensure professional service to all citizens, the City reserves the right to monitor the use of these systems and equipment. Therefore, by this policy, employees are on notice that all e-mail messages, voice mail messages, and facsimiles sent to the City’s address, and information stored on pagers, computer hard drives, City-provided diskettes, etc. are subject to inspection by the City at any time, with or without advance notice. Employees are not entitled to any expectation of privacy with respect to such information.

The City has invested in a Voice Mail System for efficiency and to better serve our citizens. Those employees with a voice mailbox may learn how to use this system by reading your voice mail instructions or asking the phone system administrator. From time to time, especially when you are on vacation, business trips, a leave of absence or otherwise absent from work, your Department Head, supervisor, or another employee may listen to your voice mail messages to better serve our citizens and to make sure that all City business is timely performed. Employees should have no expectation of privacy in connection with any message left on the City’s voice mail system.

The City’s e-mail and Internet access may not be used for transmitting, retrieving or storage of any obscene, discriminatory or harassing communications. Illegal harassment of any kind is strictly prohibited. Accordingly, no messages with derogatory, inflammatory, or otherwise unwelcome remarks regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preference may be transmitted. Similarly, no abusive, profane or offensive language or images may be transmitted through the City’s e-mail or Internet access. Further, electronic media may not be used for any commercial, illegal, or illicit activity, or in any way that violates City policy or is contrary to the City’s best interests. Solicitation of non-City business or any use of City e-mail or the Internet for personal gain is also strictly prohibited.

The City prohibits non-job-related use of its software and business equipment, including but not limited to computers, copy machines, facsimiles, long distance telephone service and postage meter. However, the City may authorize limited personal use of this equipment provided that such usage (i) does not interfere with work performance or business needs, (ii) is in full compliance with this policy, (iii) and the employee takes personal responsibility for any costs incurred. Even though the employee assumes responsibility for the costs incurred, this shall not create any expectation of privacy with respect to information or material transmitted, received or stored using City equipment.

Department Heads will not allow access to web sites that do not provide information beneficial to their departments, and will implement immediate corrective and/or disciplinary action, up to and including termination of employment, for those employees who violate any portion of this policy.

Employees should be aware that electronic mail (e-mail) is considered a public record and may be subject to public disclosure in accordance with applicable law. Use of e-mail and the deletion of messages should be done with caution. All employees are personally accountable for communications that they originate or forward using the City’s electronic and/or telephonic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user’s identity on any communication is prohibited. The user name, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.

### 7.5 Confidential Information

From time to time, employees may be privy to confidential information which is vital to the interests and success of the City. Employees are prohibited from disclosing confidential or non-public information relating in any way to the City, its employees, or citizens.

When handling financial or personal information, employees must observe the following principles:

(A) Collect, use, and retain only the personal information necessary for the City’s business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.

(B) Retain information only as long as necessary or as required by law. Protect the physical security of the information.

(C) Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing and personal information, unless the legal process or contractual obligations provide otherwise.

(D) Employees are prohibited from using e-mail to transmit confidential or non-public information to any person or party outside of their physical site of employment. Employees who have a business need to use e-mail to transmit confidential or non-public information to any party must first obtain the approval of their Department Head, who will determine whether security measures are necessary to ensure that the confidentiality of the transmission is not compromised.

Any employee who is aware of, or suspects, that an employee is or is about to violate this policy must immediately tell their supervisor or someone else in City management. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

### 7.6 Mail

Employees may not use City postage, stationery, stamps, supplies, etc. for personal business. Personal mail may be placed in the City’s outgoing mail, but City postage may not be used for such mail. Employees may not direct personal mail to be delivered to them at the City. However, employees may have packages, deliveries or overnight correspondence delivered to them at the City from time to time.

### 7.7 Noise/Radios

All employees must be considerate of their fellow employees with respect to their conversations, telephone usage, etc. Please make every effort to keep voices low and to refrain from group conversations in areas where other employees are working. Employees with private offices should conduct business in their offices, to the extent possible, rather than in common areas where others are working. Employees may only play radios, tape cassettes, CDS, etc. at their work station if not objectionable to any co-workers. Any radio noise must be kept low.

### 7.8 Solicitation

Persons who are not employees of the City may not solicit or distribute literature in the workplace at any time for any purpose. Employees may not solicit, distribute, or post literature concerning events and associations unrelated to the City’s business during work time or in work areas, without the prior written authorization of the City Administrator. For purposes of this policy, work time does not include lunch breaks or any other period during which employees are not on duty.

### 7.9 Telephones

City telephones are to be used for City-business purposes. Answer all calls promptly and courteously. Please ask your family and friends not to call during business hours except in cases of emergency. Your own calls should be made during breaks. Long distance calls on City phones may only be made for City business. Employees may not make personal long distance calls on City telephones; if this occurs, you may be disciplined and you will also be required to reimburse the City for any charge resulting from personal use of the phone. Employees who have been issued a City cell phone must reimburse the City for all personal calls if the cost exceeds the amount the City normally pays for the service. Excessive personal use of City telephones, or other violation of this policy, will result in disciplinary action up to and including termination of employment.

### 7.10 Personal Cell Phone Use

Personal cell phones are permitted in the work place; however, employees are encouraged to use good judgment when using personal cell phones during business hours. Department Directors may prohibit an employee from using personal cell phones during business hours if he/she thinks the privilege is being abused.

### 7.11 News Releases

When communicating with the media, employees should remember that they represent the City and should conduct themselves accordingly. No employee may give a news or press release on behalf of the City without the prior authorization of the City Administrator.

An employee who receives a request from the media for a scheduled interview on behalf of the City must obtain authorization from the City Administrator prior to scheduling the interview. Employees shall attempt to provide a timely and thorough response to all interview requests, but may ask for and expect to be afforded additional time to research the relevant issues and to prepare for the interview. If an employee does not feel comfortable answering a reporter’s questions, he or she may terminate the interview with the understanding that the employee or another City representative will follow up with the reporter in a timely fashion. When an employee terminates an interview, he or she shall immediately discuss the topic with the City Administrator to determine if any further action should be taken.

Items of confidential or litigious matter shall not be addressed or discussed with the media. Such items include, but are not limited to, the following:

(A) Medical records

(B) Certain personnel records

(C) Pending investigations

(D) Actual proceedings of executive sessions of City Council

(E) Draft correspondence (preliminary notes or intra-city memoranda not yet finished)

(F) Records pertaining to pending litigation where the City is a party

(G) Legal opinions of City attorneys

(H) Certain law enforcement records

Employees in violation of this policy may be subjected to disciplinary action, including termination.

### 7.12 Performance Appraisals

The purpose of the City of Hudson Oaks performance pay policy is to encourage personnel to perform to higher standards by rewarding those employees who exceed expectations, as determined through the annual evaluation process, with a percentage increase to their base salary in addition to the cost of living adjustment.

**METHODOLOGY**

Evaluations

Employees will be evaluated on an annual basis through the means of an evaluation instrument. The evaluation will serve as the official method for communicating job performance to the employee. During the annual review period, the employee and the evaluator will set goals and establish objectives to be reached during the course of the following year. Supervisors will hold a mid-year review with their employees to determine if the goals and objectives identified are realistic, or if additional goals and objectives are needed. Evaluations will be conducted annually during the month of August. The mid year review will be conducted annually during the month of February.

Performance Assessment Reports

Throughout the year, personnel job performance will be assessed through Performance Assessment Reports (PAR). The PAR will allow managers to address performance issues throughout the year and also provided a means to document exemplary performance. A PAR should be used any time an employee does something above and beyond their normal job performance expectations. It should also be used to document any behavior that is below normal job performance expectations. The PAR’s are essential in the monitoring and effectiveness of the evaluation instrument throughout the year and should be used as a means to assist the evaluator during the annual review period and the mid year review.

Performance Improvement Plan

If during the annual review period, during the mid-year review or at any other time during the year, an employee’s job performance falls below expectations, the City of Hudson Oaks will enter into a Performance Improvement Plan (PIP) with that employee. The PIP is a document that is used to clearly identify the job performance issue, map out a strategy to address the resolution of the issue and to establish a time frame in which to resolve the issue. If at the end of the time period established for issue resolution, the employee’s performance has not improved, additional measures may be taken up to and including termination. The employee’s immediate supervisor will develop the PIP with input from the employee. The department head or department manager must review and sign the PIP for it to be considered valid.

Termination without Performance Improvement Plan

Some employee actions may result in immediate termination. Such events include, but are not limited to: theft, gross negligence and actions unbecoming a City of Hudson Oaks employee. The City Administrator must approve the termination of the employee if progressive discipline, including a PIP, was not used to correct the employee’s performance.

**MERIT PAY INCREASE**

The evaluation instrument and the PAR constitute the only method in determining whether or not an employee is eligible for a Merit Pay Increase (MPI) in addition to the across the board cost of living adjustment (COLA). The City Administrator, based on the recommendation of the department head or division manager, will have oversight and final approval of all MPI recommendations.

The amount of the MPI will be determined based on the outcome of the annual evaluation and shall take effect on January 1, of the following year. The following classifications will be used when determining the amount of the MPI:

|  |  |  |  |
| --- | --- | --- | --- |
| **CLASSIFICATION** | **MPI** | **COLA** | **TOTAL** |
| Exceeds Expectations | 3.0% | 2.0% | 5.0% |
| Above Expectations | 2.0% | 2.0% | 4.0% |
| Meets Expectations | 1.0% | 2.0% | 3.0% |
| Below Expectations | 0.0% | 0.0% | 0.0% |

*(MPI + COLA = Total percentage salary increase for following calendar year)*

Council will establish actual COLA and MPI percentages during the budget process. Actual percentages may be greater or less than the proposed values based on Council direction and budgetary constraints.

The above classifications are defined as follows:

**Exceeds Expectations.** In general, an employee who exceeds expectations has received three or more PARs documenting the exemplary nature of the action undertaken by the employee throughout the year. Additionally, the employee has completed all goals and objectives as identified in the evaluation instrument and mid year review for the review period ending. The employee must not have received a negative PAR during the review period ending. The employee must not have been placed on a PIP within the past two years.

**Above Expectations.** In general, an employee whose performance is classified as above expectations has received one or more PARs documenting the exemplary nature of the action undertaken by the employee throughout the year. The employee has completed all goals and objectives as identified in the evaluation instrument, but may not have completed new goals and objectives as established in the mid year review. The employee must not have received a negative PAR during the review period ending. The employee must not have been placed on a PIP within the past year.

**Meets Expectations.** In general, an employee whose performance is classified as meeting expectations may or may not have received one or more PARs documenting the exemplary nature of the action undertaken by the employee throughout the year. The employee may or may not have completed all goals and objectives as identified in the evaluation instrument, but has completed all goals and objectives as adjusted in the mid year review. The employee must not have received more than two negative PARs during the review period ending. The employee must not have been placed on more than one PIP during the review period ending, and the outcome of the PIP must have resulted in the employee correcting their behavior as identified in the PIP.

**Below Expectations.** In general, an employee classified as performing below expectations has received more than two negative PARs during the review period ending. The employee may or may not have completed all goals as identified in the evaluation instrument. The employee has been placed on one or more PIP during the review period ending, the outcome of which may or may not have resulted in the employee correcting their behavior. More than one classification as below expectations in a two-year period may result in the immediate termination of the employee.

The above definitions are not meant to prohibit department heads or division managers from developing additional clarifications for the performance classifications, but any additional clarification must include the core elements defined above, and any additional clarification or adaptation of the above must be reviewed and approved by the City Administrator before taking effect.

### 7.13 Employee Appeals Policy

The City provides employees with a process for appealing certain matters to their Department Head and/or the City Administrator. Matters not specifically mentioned in this policy are not appealable. The City provides most employees with two levels of appeal. The first level appeal is to the employee’s Department Head. The second level appeal is to the City Administrator.

**Appealable Actions.** Employees may appeal the following:

(A) Annual performance evaluations if the employee is rated below expectations overall - appealable only to the Department Head.

(B) Allegedly unlawful treatment;

(C) Disciplinary action involving an unpaid suspension of at least 1 day or 1 shift (or more), demotion, reduction in rate of pay, or termination.

**Appeal Form.** All appeals must be written and submitted to the employee’s Department Head on the City’s appeal form. The appeal form must be fully completed, including employee’s signature and date, before the appeal will be considered. Any documentation relevant to the appeal must be attached to the appeal form, including: copies of applicable policies, rules or regulations; names of individuals involved in the action and date it occurred; the adverse action taken or the alleged unlawful treatment complained of; the remedy sought; and any other information or documentation relevant to the appeal.

**Time Limits for Filing Appeal.** An employee wishing to make an appeal must submit a fully completed appeal form to his or her Department Head within five business days of the act giving rise to the appeal. If an employee fails to file his or her appeal by the deadline, the employee waives his or her right to appeal.

**First Level of Appeal.** All appeals are initially heard by the employee’s Department Head. First level appeals to the Department Head are informal and are conducted in a meeting format with the employee and his or her supervisor(s) in attendance. If, during the meeting the Department Head finds that he or she needs additional information in order to make a determination, the Department Head may suspend the meeting for up to five business days. The Department Head will reschedule the appeal meeting at a time mutually agreeable to both the employee and the City. The Department Head will provide the employee with a written decision (on the original appeal form) within five business days of the conclusion of the appeal meeting.

**Second Level of Appeal.** If an employee is unsatisfied with the outcome of the first level of appeal, the employee may pursue a second level of appeal to the City Administrator. To request a second level of appeal, the employee must submit a copy of the employee’s original appeal form to the City Administrator’s Office within five business days of the employee’s receipt of the Department Head’s first level appeal decision.

Unless waived by the employee, within ten business days of receiving the notice of appeal to the City Administrator, the Human Resource Coordinator will schedule the appeal hearing. The employee may be represented by another employee of his or her choosing during the second level appeal. The City and the employee will each be afforded an opportunity to present evidence and witnesses to assist the City Administrator in making an informed determination. If the City Administrator decides he or she needs additional information in order to make a determination, the City Administrator may suspend the hearing for up to five business days to obtain the information. The City Administrator will then reschedule the appeal meeting at a time mutually agreeable to both the employee and the City.

Requests for other City employees to testify at an appeal hearing with the City Administrator must be made in writing to the City Administrator within a reasonable time (at least five business days) prior to the scheduled hearing. The Human Resources Coordinator will coordinate attendance by witnesses who are employees of the City. Employee witnesses who participate in an appeal hearing will be compensated at their regular rate of pay. Except under unusual circumstances, employees who are not scheduled to work at the time of the appeal hearing will not be required to attend.

The City Administrator will provide the employee with a written decision (on the original appeal form) within five business days of the conclusion of the appeal hearing. The decision will include the following:

(A) recap of details of the incident(s) giving rise to the appeal;

(B) reference to any applicable rules, regulations, policies, procedures, laws, etc., relevant to the appeal; and

(C) the decision, along with the appropriate action to be taken, if any.

The decision of the City Administrator is final.

**Frivolous Appeals.** An unreasonable number of appeals filed by an employee or group of employees which are designed to thwart the City’s orderly processing of appeals, or which are patently irrelevant or incomprehensible, as determined in the City Administrator’s sole discretion, will be rejected as “nonappealable.” Employees involved in the filing of such appeals may also be subject to disciplinary action, up to and including termination of employment.

**Upper Management Appeals.** Where an appealable action is initiated by a Department Head, the appeal of such action shall be to the City Administrator. In this circumstance, there shall be only one level of appeal, which shall conform to the above procedures established for a Second Level of Appeal and the decision of the City Administrator is final. Where an appealable action involving a Department Head is initiated by the City Administrator, there shall be no right to appeal and the decision of the City Administrator shall be final.

## Employee Conduct & Work Rules

### 8.1 Disciplinary Action

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 of the City and the safety of all employees and citizens.

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be above the minimum standards required by law. Accordingly, employees must ensure than their actions cannot be interpreted as being, in any way, in violation of the laws and regulations governing the operations of the City. Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor, who, if necessary, should seek the advice of the City Administrator.

**Employee Discipline.** The decision to issue employee discipline will be made after consideration of a variety of factors including, but not limited to the severity of the misconduct, the employee’s past work performance and prior disciplinary history, the employee’s length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

(A) counseling session;

(B) documented verbal reprimand

(C) written reprimand;

(D) suspension without pay;

(E) reduction in rate of pay;

(F) demotion;

(G) discharge.

**Disciplinary Probation.** Employees who are suspended or demoted, or whose pay rate is reduced, will automatically be placed on disciplinary probation for up to six months. During the probationary period, employees have no right of appeal. Further, during any disciplinary probation period, the employee is not eligible for any merit pay increases.

**Decision-Making Leave.** Decision-making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior. An employee may only be given decision-making leave with pay once and the leave cannot exceed one day or one shift, as appropriate.

**Pre-disciplinary Meeting.** When proposed disciplinary action includes suspension of one day or one shift (or more), a reduction of an employee’s rate of pay, demotion, or termination, the employee will be given an opportunity to respond to the allegations prior to disciplinary action being taken. The employee’s supervisor will meet with the employee, inform the employee in writing of the specific rule(s) violated; the specific acts of the employee which were in violation of the rule; and that discipline could be imposed, and give the employee at least 24 hours to respond to the charges, either orally or in writing.

**Review by Department Head.** Any proposed disciplinary action in excess of a verbal reprimand must be reviewed by the employee’s Department Head prior to being given to the employee. This applies to both probationary and non-probationary employees.

**Prohibited Activities.** The City expects its employees to conduct themselves in a businesslike manner. Disciplinary action will be imposed for violations of City or Departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. Disciplinary action may also be imposed for acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, but which may adversely affect the City or put the health and safety of fellow employees or citizens at risk.

**Felonies and Misdemeanors.** Employees must immediately notify their supervisor and/or their Department Head if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony; provided, however, employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

When an employee is arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, and the evidence obtained during an internal administrative investigation supports a violation of this section, disciplinary action may be taken independently of and before any legal action or criminal conviction.

**Administrative Leave.** During an internal investigation into alleged misconduct or violations of City policies, the City may, at its sole discretion, place the employee on paid administrative leave.

At the City Administrator’s discretion, an employee arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on unpaid administrative leave until the charge, indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. An employee on administrative leave may 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.

### 8.2 Personal Appearance

**General Guidelines.** Dress, grooming, and personal cleanliness are vital to the City’s image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in a professional manner while on City premises and/or while conducting City business. Reporting to work in a clean and professional manner helps the City to present a positive and professional public image. Employees are expected to dress appropriately for their job and the nature of the work performed. All employees must adhere to the following guidelines (excluding public works, police and managerial personnel):

(A) Khaki, navy or black cotton twill pants (“Dockers” style).

(B) Collared shirt provided by the City.

(C) Friday shall be a standing casual day, allowing employees the freedom to wear blue jeans and collared shirts that are appropriate for a professional business setting.

(D) The City Administrator may declare a casual day at any time.

**Employees Working at City Hall, Having Routine Contact with the Public and/or Other Third Party Contact.** Employees who work at City Hall, as well as other City employees who routinely have citizen and other third party contact, must also abide by the following:

(A) No visible tattoos. Employees who have tattoos must keep them covered with a shirt, pants, skirt, socks, hosiery, or other clothing.

(B) No facial or mouth jewelry shall be worn. Women are permitted to wear a single or double earring in each earlobe provided the earring is not otherwise unprofessional in appearance. Men may not wear earrings.

(C) Beards and mustaches must be kept clean and neatly trimmed and/or within department guidelines.

(D) Hairstyles and hair colors must be appropriate to the employee’s position.

**Enforcement.** In all cases, the City will make the determination as to what is acceptable dress and grooming. Normally, the Department Head will determine appropriateness; however, the City Administrator has final determination. If you have any questions about the dress code, please ask your supervisor or Department Head.

Anyone who is not appropriately groomed or who dresses in violation of the policy will be sent home. Under such circumstances, nonexempt 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 and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

### 8.3 Uniforms

The City supplies those employees required to wear uniforms with appropriate uniforms. If your job requires that you wear a uniform, you will be told how and where they can be obtained. Appropriate shoes and hats may also be required - in some cases they will be furnished to the employee by the City. Replacement uniforms will be provided by the City as necessary. Uniforms must be clean, neat and in good repair when worn.

City-owned or authorized uniforms may not be used by City employees outside of work, for personal use, or by any third party. City uniforms may be used by City employees in connection with their outside employment only if their Department Head and the City Administrator have given prior written authorization.

Uniforms for public safety employees will be provided and employees must abide by these policies, as well as their department’s policies regulating uniforms.

### 8.4 Unauthorized or Improper Use of Official Uniform, Badge, or Authority

Employees whose duties involve the use of a badge, identification card, uniform or insignia as evidence of authority or for identification purposes may not permit such badge, identification card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his of her possession. Badges, identification cards, uniforms and insignia may only be used in the performance of the official duties of the position to which they relate. Badges, identification cards, must be worn at all times and be visible to citizens and co-workers, unless such display would interfere or jeopardize an official cover or undercover investigation.

### 8.5 Housekeeping Duties

Each employee is responsible for maintaining a neat, sanitary and orderly work area, including, if applicable, office spaces, vehicles and equipment.

### 8.6 Safety

The City strives to conduct its operations with the utmost regard for the health and safety of its employees and citizens. Each and every employee is required at all times to obey safety rules, to follow appropriate safety procedures, and to exercise caution and good judgment in all work activities. Some employees may be required to wear protective clothes and/or use certain equipment in order to safely carry out their duties. Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to immediate disciplinary action, up to and including termination of employment.

**Reporting Requirements.** Employees must immediately report any unsafe condition, equipment or practices to the appropriate supervisor and/or Department Head. In addition, all accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and/or the Department Head. If needed, first aid or medical treatment should be requested. An employee report of accident form must be completed by each employee involved in an accident or injury and turned into the employee’s supervisor. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers’ compensation benefit procedures where appropriate. Failure to complete and turn in the employee report of accident form and/or failure to report any accident or injury within twenty-four hours of its occurrence will likely result in disciplinary action, up to and including termination of employment.

**Departmental Rules.** Certain Departments will have safety rules specific to the duties performed and equipment used. These policies may include training requirements (including initial training for new employees as well as on-going training for other employees), use of protective equipment and clothing, and other appropriate topics. Employees with questions regarding safety should talk to their supervisor.

### 8.7 Searches

The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, vehicles, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee’s personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. Employees are not entitled to any expectation of privacy with respect to such items.

All searches must be authorized in advance by the City Administrator and conducted under the direction of the Department Head and/or City Administrator. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

### 8.8 Smoking and Tobacco Products

In keeping with the City’s desire to provide a safe and healthful work environment, smoking (and the use of other tobacco products) is prohibited throughout the workplace, including City vehicles. Smoking is only permitted outside, in areas specifically designated for smoking. Smoking is not permitted during an employee’s work time -- it is only permitted during meal breaks, designated rest periods, before and after regular business hours. When conducting City business in the offices or other premises of a third party, employees must follow their smoking policies.

This policy applies equally to all employees, citizens, and other visitors. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### 8.9 Use of City Equipment

From time to time, the City may issue equipment or other property to employees, e.g., purchasing cards (credit cards), keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, 2-way radios, 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.

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using equipment owned or leased by the City, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The City’s equipment and other property may not be removed from the premises or used for personal business. Under no circumstances may City property be loaned or rented.

You must notify your supervisor immediately if any equipment, machines, or tools appear to be damaged or defective, or are in need of repair. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

**City Owned Computers Used Primarily At Home.** City-owned computers may be issued to certain employees for use at their home or other locations for City business, subject to advance written approval by the City Administrator. Employees who are issued a City computer agree to the following:

(A) An itemized list describing in detail all City hardware and software must be made and signed by both the employee and the City Administrator before an employee may take a City computer home;

(B) Prior to being issued a City computer and related items for home use, the employee must acknowledge, in writing, that this policy has been read, understood, and will be followed;

(C) The employee will not use the City computer and/or related items for any purpose other than City business;

(D) The employee may not allow anyone else to use the computer and/or related items assigned to him/her;

(E) The employee will maintain the computer and related items in good working order;

(F) The employee will immediately (within 24 hours or sooner) return the City computer and related items if requested by the City Administrator for any reason;

(G) The employee will return the City computer and related items immediately upon termination of employment; and

(H) A payroll deduction will be made 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.

### 8.10 Use of City Vehicles

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives his or her own vehicle to conduct City-related business, or a City-owned, rented or leased vehicle, the employee must comply with the following:

(A) Employee must have a valid State of Texas driver’s license appropriate for the vehicle operated and must inform his or her supervisor of any change in status.

(B) Employee must always observe all posted laws and speed limits.

(C) Employee must always wear seat belts when the vehicle is in operation.

(D) AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.

(E) EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT HEAD AND/OR CITY ADMINISTRATOR. ANY ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT HEAD THE DAY OF THE ACCIDENT (Accident Report Forms can be obtained from the Human Resources Coordinator). AFTER FILLING OUT THE ACCIDENT REPORT, EMPLOYEES INVOLVED IN ACCIDENT WHILE OPERATING A CITY VEHICLE MUST TAKE A DRUG SCREEN IMMEDIATELY FOLLOWING (The Drug Screen will be set up by the Human Resources Coordinator).

Employees who drive a City-owned, rented or leased vehicle must also comply with the following:

(A) No passengers other than other City employees or others on City business unless otherwise approved in advance by a supervisor.

(B) No personal use of City-provided vehicles is allowed without the prior, specific approval of your Department Head.

(C) All maintenance and use records must be completed as directed by a supervisor.

(D) Report any broken, missing, or worn parts, tires, etc., or any needed maintenance, to a supervisor immediately.

(E) All drivers must be eligible for coverage under the City’s insurance policy.

(F) Drivers covered by Department of Transportation regulations must comply with them at all times.

**Accident Review Board**

A. An Accident Review Board will be established to review all vehicle accidents and damage. The chairman will be appointed by the Chief of Police or his designee and will serve a one year period. The Board will be comprised of the following personnel:

1. one supervisor – chairman (No Vote)

2. one patrol officer

3. one city employee from administration

4. one city employee from public works

5. one outside law enforcement Agency Officer

B. At the discretion of the City Administrator the Accident Review Board may review and recommend action on other accidents involving the City of Hudson Oaks vehicles.

The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate by providing the City any authorization that may be required for this purpose.

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, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

### 8.11 Security and Loss Prevention

It is everyone’s responsibility to help the City in loss prevention. If an employee becomes aware of losses or damage due to negligence, theft, willful destruction or abuse, or for any other reason, it is the employee’s responsibility to report it to a supervisor, a Department Head and/or the City Administrator’s office immediately. Employees must notify management immediately of any incident that results in loss or damage to the City, its employees, or the general public. Employees should also promptly notify management of any situation which may result in such a loss. Investigation of theft or other criminal behavior may require that employees cooperate with law enforcement officials. Failure to report loss or damage, or failure to cooperate in an investigation may result in disciplinary action, up to and including termination of employment.

Employees who have access to the City’s funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in this policy, and departmental procedures and guidelines. The City imposes strict standards to prevent fraud and dishonestly. If employees become aware of any evidence of fraud or dishonestly, they must immediately advise their supervisor so that the City can promptly investigate.

Accurate and reliable records are necessary to meet the City’s legal and financial obligations and to manage the affairs of the City. The City’s books and records must reflect, in an accurate and timely manner, all business transactions. The employees responsible for accounting and record-keeping must fully disclose and record all assets and liabilities, and must exercise due diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to:

(A) False expenses, attendance, production, financial, or other similar reports or statement.

(B) False advertising, deceptive marketing practices, or other misleading representations.

Supervisors, or their designees, are responsible for locking and securing all doors, gates, chains, locks, setting alarms, etc., and for key removal from vehicles and equipment. Other security measures may also be required from time to time. Failing to comply with security precautions is a serious violation of City policy.

Any employee who becomes aware of or witnesses an incident of a nature described above – and who fails to report it in a timely manner – may be considered a party to any loss that occurs. In such cases, disciplinary action may be taken against the primary offender and the employee who failed to report it or concealed knowledge of the incident.

Absent specific approval from the City Administrator, only authorized City employees are permitted on City premises outside of regular business hours. Only authorized City employees are permitted in secured areas of the premises. A violation of this policy, or a failure to report a violation of this policy may result in disciplinary action, up to and including termination of employment.

### 8.12 Weapons Ban and Violence Prevention Policy

**Zero Tolerance.** The City is concerned about providing its employees with a safe and productive work environment and thus has taken certain steps to help prevent incidents of violence from occurring in the workplace. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and a citizen arising from or is in any manner connected to the employee’s employment with the City, whether the conduct occurs on duty or off duty, will not be tolerated. Violations of this policy will lead to disciplinary action which may include discipline up to and including termination, as well as arrest and criminal prosecution.

Any person who makes a threat of use of force, violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts on City property will be removed from the premises pending the outcome of an investigation. The City will initiate an appropriate response which may include, but is not limited to, suspension and/or termination of the employment relationship, reassignment of job duties, mandatory counseling with a psychologist or other mental health care provider of the City’s choosing, and/or criminal prosecution of the person or persons involved.

**All Weapons Banned.** No employee, other than a licensed peace officer of the City, may carry or possess a firearm or other weapon on City property, including, without limitation, buildings, entrances, exits, break areas, parking lots, surrounding areas and parks. The City’s policy flatly prohibits employees, other than licensed peace officers, from carrying or using any weapons, concealed or otherwise, on the City’s premises. This ban includes keeping or transporting a weapon in any City-owned or leased vehicle or in a personal vehicle in a City-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc., as defined by Texas Penal Code Section 46.01.

No existing City policy, practice, or procedure will be interpreted to conflict with decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

**Mandatory Reporting.** An employee who witnesses, or has knowledge of intimidation, threats, threatening behavior, violent behavior or acts of violence involving a City employee must immediately notify his/her supervisor, Department Head and/or the City Administrator’s office. Employees must also report any behavior they have witnessed which may be regarded as threatening or violent, when that behavior is job related or might be carried out on a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activities. 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 focus of the threatening behavior.

All individuals who apply for or obtain a protective or restraining order which lists City property as a protected area, must notify their Department Head and provide 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 to the City Administrator’s office. Likewise, all employees must immediately advise their Department Head or the City Administrator’s Office if any protective or restraining order is issued against them.

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.

### 8.13 Conflict of Interest

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the operations of the City. Employees who are uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor, who, if necessary, should seek the advice of the City Administrator or the City Attorney’s office.

The City expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the City of Hudson Oaks. Employees must not use their position or the knowledge gained as a result of their position for private or personal advantage. Regardless of the circumstances, if an employee knows or have reason to suspect that a course of action he or she has pursued, is presently pursuing, or is contemplating pursuing may involve the employee in a conflict of interest with the City, the employee must immediately communicate all the facts to his or her supervisor.

All employees share a serious responsibility for the City’s good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the City and is encouraged. Employees must, however, avoid acquiring any business interest or participating in any activity that would, or would appear to:

(A) Create an excessive demand on their time to the extent that it deprives the City of the employee’s best efforts on the job.

(B) Create an obligation, interest or distraction that may interfere with the independent exercise of judgment in the City’s best interest.

An employee of the City shall not:

(A) Invest in or acquire a personal financial interest in any business that has a contractual relationship with the City, or that provides goods or services to the City, if such interest could influence or create the impression of influencing an employee’s decisions in the performance of duties on behalf of the City.

(B) Accept entertainment, gifts or personal favors that could, in any way, influence or create the impression of influencing the employee’s decisions in the performance of duties on behalf of the City.

(C) Receive payment or compensation of any kind, except authorized under the City’s policies. In particular, the City strictly prohibits the acceptance of kickbacks or commissions from suppliers or others. Any breach of this rule will result in termination and prosecution to the fullest extent of the law.

(D) Use a municipal title, position or uniform in any advertisement or endorsement of products.

### 8.14 Political Activities

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. A City employee may not:

(A) Publicly endorse or campaign in any manner for any person seeking a City of Hudson Oaks public office.

(B) Use his/her position or office to coerce political support from employees or citizens.

(C) Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or a nomination for public office.

(D) Make, solicit or receive any contribution to the campaign funds of any candidate for City Council, directly or indirectly through an organization or association; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to express his or her opinions and to cast his or her vote.

(E) Use working hours or City property to be in any way associated with soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of an election issue or candidates for public office in any jurisdiction.

(F) Contribute money, labor, time or other valuable thing to any person for City election purposes.

(G) Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, (e.g. City Council). Upon becoming a candidate for such an office, an employee must immediately resign or be dismissed upon failure to do so. If the employee loses the election, he or she may seek reinstatement if the employee’s former position is still open and available.

Notwithstanding any provision in this policy, a sworn employee of the police or fire department may engage in political activities to the extent permitted by state law.

### 8.15 Illegal Discrimination and Harrassment Policy

Pursuant to Title VII of the Civil Rights Act of 1964, the City prohibits all forms of discrimination, including harassment, on the basis of race, color, ancestry, religion, national origin, age, sex, marital status, disability, or veteran status. In keeping with this commitment, the city will not tolerate discrimination or harassment.

The Personnel Officer is responsible for enforcing this policy and will serve as the investigative officer for harassment, discrimination and retaliation issues. The Personnel Officer will receive training about harassment, discrimination and this policy, and will be responsible for investigating complaints.

The Personnel Officer will distribute this policy to all employees. Employees are expected to read this policy and adhere to its provisions at all times.

The City shall provide mandatory training in discrimination and harassment matters for Department Heads and supervisors.

Definitions of Harassment. Harassment constitutes discrimination and is illegal under federal and state law.

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

(B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace or sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that singles out, denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, veteran status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

(A) has the purpose or effect of creating an intimidating, hostile or offensive work environment;

(B) has the purpose or effect of unreasonably interfering with an individual’s work performance; or

(C) otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that singles out, denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer’s premises or circulated in the workplace.

**Individuals and Conduct Covered.** This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. This policy also applies to citizens, vendors, and visitors to the workplace. Likewise, employees are also prohibited from harassing citizens, vendors, and other third parties.

**Mandatory Reporting of Harassment, Discrimination or Retaliation.** The City requires reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender’s identity or position. An employee who believes that he/she has been a victim of such conduct must immediately report their concerns to a supervisor, Department Head, the City Secretary, the Assistant to the City Administrator, or the City Administrator, whomever the employee feels most comfortable approaching. Any employee who observes or becomes aware of possible sexual or other unlawful harassment, discrimination or retaliation must immediately report it to a Department Head, the City Secretary, the Assistant to the City Administrator, or the City Administrator.

The report may be either oral or written. However, oral reports of harassment, discrimination or retaliation must be reduced to writing by either the complainant or the person who receives the report, and must be signed by the employee.

Anonymous reports will be taken seriously and investigated.

Supervisors and Department Heads must promptly report all harassment, discrimination and retaliation complaints to the Human Resources Director.

In addition, the City encourages employees who encounter harassment to firmly and promptly notify the offender in a professional manner that the behavior is unwelcome and that the conduct must stop.

**Investigation.** Allegations of harassment, discrimination or retaliation will be investigated promptly. Within a reasonable time, the Personnel Officer will produce a written report and provide a copy of the report to the complainant, upon request. The investigation will 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. The Personnel Officer will recommend remedial measures based upon the results of the investigation, and the City Administrator or City Council, as appropriate, will promptly consider and act upon the recommendation. To the extent practicable and allowed by the Texas Public Information Act, the City will keep complaints and the terms of their resolution confidential.

**Retaliation.** Retaliation against an individual for reporting a good faith charge of harassment, discrimination, or retaliation, or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will result in serious disciplinary action. Acts of retaliation must be reported immediately and will be promptly investigated and addressed.

**Responsive Action.** Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

False complaints, exaggerated and malicious complaints of harassment, discrimination or retaliation as opposed to complaints, which even if erroneous, are made in good faith, will result in appropriate disciplinary action.

**Conclusion.** The City has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has any questions or concerns about these policies should talk with his/her Department Head, the City Secretary, the Assistant City Administrator, or the City Administrator.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristics, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic with regard to terms, conditions, privileges and perquisites of employment.

### 8.16 Smoking in Buildings Owned or Leased by City

Smoking is prohibited in buildings owned or leased by the City and at all entrances to public buildings owned or leased by the City.

## Drugs & Alcohol

### 9.1 Drug and Alcohol Use

It is the City’s desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

**Prohibition Against Alcohol and Illegal and Unauthorized Drugs.** While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City vehicle, or while operating or using other City property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol, 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.

This policy does not prohibit the moderate use of alcoholic beverages at city sponsored social functions if such social functions do not involve the use of a city vehicle to or from the event.

**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 vehicle, or while operating or using other City 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.

**Permissive Use of Prescribed and Over-the-Counter Drugs.** The legal use of prescribed and over-the-counter drugs is permitted if it 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. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Employees are required to notify their supervisor prior to reporting for work if their performance is compromised or diminished from use of prescription or over-the-counter drugs. It is the responsibility of employees to request reassignment to other duties, if needed, for the duration of impairment, or to request the use of available leave. Employees who fail to notify their supervisor of such impairment, and who continue to work, may be required to take available leave, or to perform other assignments and may be subject to disciplinary action if supervisory intervention is required.

**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; these employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police and Fire Department operating procedures. Police officers on under-cover assignments must follow the drug and alcohol guidelines established by their department.

**On-Call Employees.** Employees scheduled to be on-call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on-call who is called out is governed by this policy. Sometimes an employee who is not scheduled to be on-call may nevertheless be called out. If this occurs and the employee called out is under the influence of drugs and/or alcohol such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty prior to reporting for work; the employee will not be required to report to work.

**Mandatory Reporting of Convictions.** Within five calendar days, employees must notify their Department Head, in writing, of any criminal convictions involving drugs or alcohol (including a plea of nolo contendere), if the violation occurred in the workplace, during working hours, while attending to City business or while operating a City vehicle.

**Off-Duty Conduct.** The City may take disciplinary action, up to and including termination of employment, if an employee’s off-duty use 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.

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

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 one-time 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 one-time leave of absence may be granted at 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, and the resulting hardship on the City due to the employee’s absence.

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.

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. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City’s Family and Medical Leave Act policy.

If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her 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:

(A) Initial negative test for drugs and/or alcohol before returning to work;

(B) A written release to return to work from the City-approved rehabilitation or treatment facility/program;

(C) 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;

(D) 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;

(E) The employee’s formal written agreement to abide by the above conditions as well as any other conditions deemed appropriate by the City. The employee must meet with a City representative to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.

**Policy Violations.** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Department Head to receive assistance or referrals to appropriate resources in the community.

The City may have additional obligations in addressing controlled substances and alcohol abuse for those employees regulated by the U.S. Department of Transportation. The City will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

### 9.2 Drug and Alcohol Testing

**Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally accepted testing procedure.

**Testing of Applicants.** All applicants to whom a conditional offer of employment has been made may be required to submit to testing for alcohol and illegal and unauthorized drugs. 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.

**Testing of Employees.**

(A) Employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” or when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.

(B) 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, wreck or accident in a city vehicle, 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 must document the specific, observable facts in support of 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).

(C) Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.

(D) 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 subject to disciplinary action, up to and including termination.

(E) A positive test result is a violation of the City’s Drug and Alcohol Use Policy and will likely 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

(F) Police and Fire Department employees are also subject to departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing, including provisions for random testing.

(G) The City may have additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation.

**Testing Procedures.**

(A) All testing must be authorized in advance by the City Administrator. For reasonable suspicion testing, testing may not be authorized without a supervisor’s documentation of the articulable observations which led him or her 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.

(B) If an employee’s conduct resulted in a work place accident, injury or “near miss,” or reasonable suspicion otherwise 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, at its discretion, reassign the employee or put him/her on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

(C) All substance abuse testing will be performed by a laboratory or health-care provider chosen by the City. All positive test results will be subject to confirmation testing.

(D) 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 only accessible by designated City representatives 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.

**Positive Test.** A positive drug and/or alcohol test will likely result in termination.

## Resignation, Termination, & Retirement

### 10.1 Resignation

To resign “in good standing,” the City requires that employees give at least two weeks advance written notice, return all City-issued property, pay all debts owed to the City, and attend an exit interview before terminating their employment so that an orderly transition can be made. Employees who resign in good standing may be eligible to be paid for unused vacation, sick (as discussed in Section 5.4) and holiday leave and may be eligible for rehire. Employees who resign are asked to furnish written notice to their supervisor or Department Head, giving the reasons for and the effective date of their resignation. Employees who fail to give a two-week notice will not be paid for unused vacation, sick or holiday leave, and may not be eligible for rehire.

### 10.2 Job Abandonment

If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization for three or more consecutive days, the City will consider the employee to have abandoned his/her employment, which constitutes a voluntary resignation without notice. Employees resigning in this manner will not be paid for unused vacation or sick leave, and are generally not eligible for rehire. In unusual circumstances, employees resigning in this manner may seek reinstatement. Under this policy, the City Administrator may reinstate an employee who abandoned his or her position only when the employee presents good cause for the absence and failure to timely notify a supervisor.

### 10.3 Return of City Property

If an employee fails to return City property upon resignation, termination or retirement, the City may make a payroll deduction from the employee’s final paycheck(s) in an amount equal to the value of the property the employee failed to return.

### 10.4 Exit Interviews

Employees who leave the City are expected to attend an exit interview with the Human Resources Coordinator or another representative designated by the Human Resources Director on or before their last day of work. The purpose of the exit interview is to go over the reason the employee is leaving and to solicit constructive feedback to improve the City.

### 10.5 References

All requests for information, including requests for verification of employment and requests for employment references, regarding current and former employees, must be in writing and should be directed to the Human Resources Department.

The City will release only dates of employment and job title to third parties unless the employee or former employee has signed a written authorization to disclose further information about his or her employment, or if such information must be disclosed in accordance with a request pursuant to the Public Information Act. Authorization forms are available from the Human Resources Department.

All employees are expected to strictly abide by the terms and procedures of this policy. An employee who receives a request for information should never make any “off-the-record” statements regarding a current or former employee. Employees who violate this policy may be subject to discipline, up to and including termination.

### 10.6 Separation Pay

Employees who leave the City’s employment will receive all pay to which they are legally entitled. Any debt owed to the City by the employee will be deducted from the employee’s final paycheck(s). Employees who leave the City’s employment while in good standing will be paid for unused vacation, sick (as discussed in Section 5.4) and holiday time in accordance with those policies. Under any of the following circumstances, an employee will not be considered to leave the City’s employment in good standing: (1) resigning employees who do not provide the City with at least a two-week notice; (2) employees who fail to return all City-issued property; (3) employees who fail to attend an exit interview; (4) employees who are terminated for cause as determined in the City’s sole discretion; (5) employees who resign in lieu of termination and (6) employees who fail to complete probation.

### 10.7 Death of an Employee

Any unpaid compensation, including unused vacation, sick (as discussed in Section 5.4) and holiday time, of an employee who dies while employed by the City will be paid to his/her designated beneficiary. If there is no designated beneficiary, payment will be made to the employee’s estate, or as otherwise required by law.

### 10.8 TMRS

Employees who leave the City’s employment prior to retirement may request a refund of their portion of their TMRS retirement account, plus earned interest on their contribution. If an employee begins employment with a participating employer without a break in service, the employee can request that the account balance be transferred to the new City.

### 10.9 Long-Term Absence/Termination

Any employee who is absent from work for more than six consecutive months, for any reason, will be terminated. (Note: This policy will be administered consistently with the City’s obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation.)

### 10.10 Reduction-in-Force

The City Administrator may implement a reduction-in-force at any time because of budget reductions or curtailment of work. A reduction-in-force may require the separation, demotion, reassignment or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department or a functional area within a department. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees’ unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount. If more than one employee holds the same position within a department as the position that is vacated or abolished, the employee(s) with the least seniority shall be separated.