

CITY OF BRECKENRIDGE



PERSONNEL AND ADMINISTRATIVE REGULATIONS MANUAL (PARM)

**MAY 2022
CITY OF BRECKENRIDGE
PERSONNEL POLICY MANUAL**

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CHAPTER 1 GENERAL PROVISIONS

Effective May 1, 2022

1.01 Purpose

This Personnel Policy Manual aims to create a high degree of understanding, cooperation, efficiency, and unity, all of which come through the systematic application of established procedures in personnel management and administration, and provide a uniform policy for all employees.

This Manual is designed to provide information regarding working conditions, employee benefits, and policies affecting employment. Employees are required to read and comply with all provisions of the Manual. In the event of any conflict between department rules and policies and the City's Personnel Policy Manual, this Manual adopted by the City Commission will supersede.

1.02 Objectives

The fundamental objectives of this Personnel Policy Manual are:

- A.** To establish and promote high morale among City employees by providing a fair and equitable working environment and uniform personnel policies;
- B.** To promote and increase efficiency, responsiveness to the public, and economy in the service of the City;
- C.** To establish and maintain an equitable and uniform plan of compensation and evaluation based upon the relative duties and responsibilities of positions within the City;
- D.** To communicate freely, and to encourage communication from and among all employees; and
- E.** To provide a work environment conducive to personal and professional growth.

1.03 Statement of At-Will Employment

Employment with the City of Breckenridge is on an "at-will" basis. No individual Supervisor has the authority to enter into 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.

The policies contained in this Manual are not intended to, and do not create a contract of employment. Benefits granted herein such as vacation, holiday or sick pay, rest periods, and other forms of leave are given to the employees by the Mayor and City Commission and are not required by law. The opportunities granted to employees such as grievance procedures, appeals, and other policies do not create a property interest in the employee's position with the City and do not preempt the fact that the City and the City's employees have an "at-will" relationship unless altered by a written contract, as set forth above.

1.04 Administration of this Policy

A. City Manager

The Mayor and City Commission has the final authority and responsibility for adopting the policies set forth in this Manual. The Mayor and City Commission has appointed the City Manager to administer and enforce the policies in this Manual. With the exception of matters reserved by the Mayor and City Commission, the general and final authority for administering this Manual is the City Manager or his designee, including the appointment, and when necessary for the welfare of the City, removal of any employee. The City Manager will be informed of all departmental personnel actions.

B. Human Resources Department

The Human Resources Department will assist the City Manager in setting and enforcing standards of employee conduct, welfare, and morale in all departments. The Human Resources Department has responsibility for the following functions:

1. administer the regulations of this Manual in cooperation with the Department Heads;
2. review departmental policies affecting employees and ensure that the policies do not conflict with the policies contained in this Manual;
3. administer employee benefits;
4. review all new state and federal laws affecting personnel administration of the City, consult with the City Attorney, and report to the City Manager when adjustments are needed to the policies contained in this Manual or other City procedures to conform to these laws;
5. maintain a personnel records system, including work records,

leave records, disciplinary records, and all pertinent data needed for efficient and proper personnel administration; and

6. other responsibilities assigned by the City Manager.

C. Department Heads

Department Heads are responsible for the proper and effective administration of the policies contained in this Manual within their departments. Department Heads have the authority to reprimand, suspend, demote or dismiss an employee. Routine matters and duties, such as maintaining records and preparing reports and payrolls may be assigned to a subordinate.

D. Employees

City employees are responsible for complying with this Manual and for adhering to the directions provided by departmental management in the fulfillment of the policies contained herein. Failure to comply with this Manual may result in appropriate disciplinary action, up to and including termination. All City employees are responsible for being thoroughly familiar with all City's Personnel Policy Manual provisions.

1.05 Availability of this Manual

A copy of this Manual shall be issued to each City employee, whether full or part-time status. Additionally, the full document may be accessed through the City Shared files via the City's computer system. Department Heads and Supervisors shall be required to be knowledgeable of the provisions of this policy. This revision shall supersede all previous publications of the Personnel Policy Manual. Each employee shall sign a form acknowledging receipt of this Manual, and the signed form shall be placed in the employee's personnel file.

1.06 Amendments to this Manual

The City Commission establishes the policies contained in this Manual and any amended, revised, or new policies must be approved by the Commission. Employee manuals cannot anticipate every circumstance or question about policy; therefore, as the need arises, the City reserves the right to revise, supplement, or rescind any policies or portion of the Manual from time to time, as it deems appropriate. When a situation arises that is not outlined herein, the City Manager (or his designee) shall make a determination on the point(s).

1.07 Reservation of Authority

The City reserves the authority to modify, revoke, interpret, or terminate any or all of the rules and regulations specified in this Manual, in whole or in part, at any time, with or without notice. The issuance of this Manual does not constitute an express or implied contract between the City and its employees. City supervisory personnel shall not make any representation to employees or applicants concerning the terms or conditions of employment with the City which are not consistent with the policies contained in this Manual.

1.08 Departmental Rules/Policies

Because of the variety of services performed by the City, it may be necessary for individual departments to establish codes of conduct, rules and regulations, and policies and procedures to accomplish departmental responsibilities. All such departmental rules/policies may be more restrictive but not less restrictive than this policy. In the event of any conflict between departmental rules/policies and the City's Personnel Policy Manual, this Manual will prevail. An employee who violates departmental code of conduct, rules, policy or procedure is subject to disciplinary action, up to and including termination. Department heads are responsible for the creation and oversight of departmental manuals. Every department policy manual, and any revision to the department policy manual, must be provided to the City Manager's office.

1.09 Grammatical Clarification

Any reference to any person in this policy by use of the masculine gender is for purposes of grammatical clarity only and shall not be construed to exclude the feminine gender.

Titles utilized herein shall not govern, limit, modify or affect any provision's scope of meaning or intent. Any provision contained herein that is found or determined to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

1.10 Definitions

The words and terms used in this Personnel Policy shall have the meaning indicated as follows (unless the context in which the word is used clearly indicates otherwise):

ADDRESS means the street and number, City, state, and zip code of a residence and/or the post office box mailing address, if applicable.

AFFINITY WITHIN THE SECOND DEGREE includes an employee's spouse, stepparent, 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 the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

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

ANNIVERSARY DATE means the month and date at which one (1) year or additional years of employment with the City are attained by a regular full-time or part-time employee.

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

APPOINTING AUTHORITY means a person or group of persons having authority to appoint or to remove a person from a position of City employment.

APPOINTMENT means initial employment by the City.

AT-WILL EMPLOYMENT means the employee may quit, and the City may terminate the employee at any time, for any non-discriminatory reason or for no reason.

BASE PAY means an employee's salary excluding certification pay, overtime pay, and any other additional compensation.

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 a supervisor's request. 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

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of a mental or physical disability.

CITY means the City of Breckenridge, Texas.

CITY MANAGER means the City Manager of the City or the City Manager'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 means a major functional unit of City government.

DEPARTMENT HEAD means a person appointed by the City Manager who is responsible for the administration of a department.

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 or wages by the City and includes a person employed on a temporary or part-time basis, but does not include an independent contractor, volunteer, contract employee, the City Attorney, a member of an appointed Board or Commission, or a member of the City Commission. It is the policy of the City to classify employees for the purposes of compensation and benefits administration.

Classifications: There are five classifications of employment with the City:

- A. Regular Full-Time Employee** is appointed to an authorized budgeted position that involves, on average, 40 work hours per workweek. Regular Full-Time employees are classified as either non-exempt (hourly) or exempt (salaried).

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- B. Regular 29 Part-Time Employee** is appointed to an authorized budgeted position that involves, on average, no more than 29 hours per workweek (but less than 1500 hours/year). Regular 29 Part-Time employees are classified as non-exempt (hourly).
- C. Regular 19 Part-Time Employee** is appointed to an authorized budgeted position that involves, on average, no more than 19 hours per workweek (less than 1000 hours/year). Regular 19 Part-Time employees are classified as non-exempt (hourly).
- D. Seasonal Part-Time Employee** is hired to work an average of 40 or fewer hours per workweek (and less than 1000 hours/year) for a specific time period of time in a seasonal position. A Seasonal Part-Time employee is classified as non-exempt (hourly) and is:
1. a position that is scheduled to last less than nine (9) months;
 2. a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the workforce;
 3. a position funded under a federal employment and training program as a participant meeting Federal eligibility requirements; or
 4. a cooperative work-study program with an educational institution.
- E. Fill In Part-Time Employee** is an employee hired to work on an "as needed" basis and classified as non-exempt (hourly).
- F. Employee Benefits:** Only certain classifications are eligible for benefits:
1. **Regular Full-Time** employees qualify for all City employee benefits, such as certification pay, retirement, insurance, telemedicine, paid leave, and paid holidays as specified by the policy.
 2. **Regular 29 Part-Time** employees qualify for partial City employee benefits, such as certification pay, retirement, telemedicine, partial paid leave and partial

Exhibit 'A'

paid holidays as specified by policy.

3. **Regular 19 Part-Time** employees qualify for the City employee benefit of telemedicine only.
4. **Seasonal Part-Time and Fill In Part-Time** employees are ineligible for City employee benefits.

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 10.28 of this Policy Handbook for further explanation.

GRADE means a division of a salary and classification schedule with specified rates and/or ranges of pay into which a job or position is classified according to such factors as level of difficulty, responsibility, and other criteria.

GRIEVANCE is an allegation regarding the violation, misinterpretation, or improper application of a specific State or Federal law, City policy, or ordinance. This does not include questioning the substance of policy nor complaints regarding disciplinary action or an employee's individual working conditions.

HARASSMENT consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, color, ancestry, religion, national origin, age, sex, genetics, marital status, disability, or veteran status.

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. Physician Assistants (PA), nurse practitioners, nurse-midwives, and clinical social workers who are authorized to practice under State law and who are performing within the

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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 DEPARTMENT means the Human Resources Director, Human Resources Manager, or their designee.

ILLEGAL DRUGS means controlled substances, as defined in Chapter 481 of the Texas Health and Safety Code, and inhalants, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

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 full-time 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 means a collection of tasks, duties, and responsibilities regularly assigned to and performed by an individual or individuals.

JOB CLASSIFICATION means all positions, regardless of departmental location, that are sufficiently alike in duties and responsibilities to:

- A. Be called by the same descriptive title;
- B. Be accorded the same pay scale under like conditions; and/or
- C. Require substantially the same education, experience, and skills.

LEAVE WITHOUT PAY means an authorized temporary absence without pay.

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

Exhibit 'A'

MANUAL means this Personnel and Administrative Policy Manual (PARM).

MILITARY LEAVE means any authorized absence of an employee for active or reserve duty or training in the United States armed forces.

MONTH means one (1) calendar month.

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.

PAYCHECK means an actual paycheck or a direct deposit notice showing the employees' compensation and deductions for a specific pay period.

PHYSICIAN OR LICENSED PHYSICIAN means any physician licensed by the Texas State Board of Medical Examiners.

POLICIES mean this Personnel and Administrative Policy (PARM).

POSITION means a collection of tasks, duties, and responsibilities regularly assigned to and performed by one person.

PROFESSIONAL means exhibiting a courteous, conscientious, and generally businesslike manner in the workplace.

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.

RECLASSIFICATION means a change in job title when the job duties are actually performed, and the minimum qualifications of the position have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given advanced written notice of the reclassification by the Supervisor. The City

Exhibit 'A'

Manager has final authority for approval or denial of a reclassification. Reclassifications are not appealable.

REDUCTION IN FORCE means separation from City service because of a shortage of funds or materials, elimination of a position, or other reasons beyond the control of an employee and not reflecting discredit upon him.

REGULAR EMPLOYEE means a person employed by the City in a full-time or part-time capacity, providing the position is not of a seasonal nature; nor stated as a restricted period of employment (temporary).

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 Commission.

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

RESIDENCE means the actual place of abode of an employee.

RETIREMENT DATE means the first day an eligible employee becomes entitled to receive retirement benefits.

SECONDARY EMPLOYMENT means any business, trade, occupation, or profession performed for any entity other than the City for more than ten (10) hours per week, including self-employment.

SEPARATION means a voluntary or involuntary cessation 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:
 - 1. 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

Exhibit 'A'

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;
- 2.** any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;
- 3.** 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;
- 4.** a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
- 5.** 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, earaches, 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.)

SEXUAL HARASSMENT consists of unwelcome sexual advances, requests for sexual favors, or verbal or physical acts of a sexual or sex-based nature where:

- A.** submission to the conduct is made an explicit or implicit term or condition of employment;
- B.** submission to or rejection of the conduct is used as the basis for an employment decision; or
- C.** the conduct unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

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

Exhibit 'A'

SUPERVISOR means any person responsible to a superior for directing the work of others.

SUSPENSION means an involuntary absence with or 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.

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 non-exempt employee is entitled to overtime compensation.

WORKWEEK means a fixed, recurring period as follows:

- A. 40 hours per week, which is defined as Monday 12:01 a.m. to Sunday 11:59 p.m., for regular full-time employees;
- B. 106 hour work schedule within a 14-day work cycle for firefighter shift personnel; and
- C. 86 hour work schedule within a 14-day work cycle for non-exempt police patrol personnel pursuant to Section 142.015(j) of the Texas Local Government Code.

CHAPTER 2 RECRUITMENT AND EMPLOYMENT

Effective May 1, 2022

2.01 Vacancies

The Human Resources Department administers employment procedures and is responsible for posting job announcements as necessary for filling job vacancies. The Department Head is responsible for notifying the Human Resources Department when there is a current or anticipated job vacancy within the department. Department Heads shall submit an Employee Requisition Form to permit sufficient time for the recruitment and selection of qualified candidates. Vacancies may be filled through outside hiring, promotions, transfers, demotions, or reinstatements.

2.02 Equal Opportunity Policy

No officer or employee of the City shall discriminate in employment practices based on race, creed, color, religion, veteran status, national origin, sex, age over 40, the basis of genetic information, the existence of a physical or mental disability, or any other classification protected under applicable state or federal law. 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.

The full cooperation and assistance of all officers and employees of the City is expected to maintain and promote this policy. It is a violation of this policy to take adverse employment action against any employee because he has opposed any practice they reasonably believe to be discriminatory or filed any internal or external complaint/grievance/charge or participated in any investigation or proceeding, in accordance with this Equal Opportunity Policy.

2.03 Employment Contracts

This manual does not create any contract of employment with the City. Any employment contract must have the Mayor and City Commission's approval, be signed by the Mayor and the employee, and be retained in a separate instrument. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that effect.

2.04 Recruitment

The Human Resource Department shall:

- A.** advertise the employment needs of the City in a positive manner to obtain an adequate supply of qualified candidates; the recruitment process may or may not include the advertising of City positions openings in a newspaper.
- B.** establish recruiting procedures and techniques that will result in the most successful recruitment within the limitations of budget and time; and
- C.** consult with operating departments concerning their recruitment needs and receive their suggestions and advice.

2.05 Applications

A. Application Form

Applicants for employment with the City shall complete an application form provided by the Human Resources Department. Every applicable question on the form must be answered. Failure to answer all applicable questions may result in the disqualification of the applicant.

B. False or Misleading Information

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, the employee is subject to dismissal, or other disciplinary action.

C. Clarifications

When information provided on an application needs clarification or is incomplete, the Human Resources Department may notify the applicant to request clarification or additional information. If no reply is submitted within ten (10) days after mailing the notification, the application may be placed in an inactive file.

2.06 Basic Employment Qualifications

In addition to the qualifications applicable to each position, an applicant must:

- A.** be at least 18 years of age, or meet special age requirements for the Police Department;
- B.** be at least 15 years of age for specified temporary seasonable positions (a birth certificate and a minor's release will be required of each applicant who is under eighteen years of age prior to employment with the City);
- C.** have a Social Security number;
- D.** be a citizen of the United States or possess a valid resident alien work card; and
- E.** agree to be fingerprinted, if required.

2.07 Special Qualifications for Sworn Employees of the Police Department

Applicants for sworn positions in the Police Department must be at least 21 years of age. Prospective or transferring employees for law enforcement positions are required to undergo a written examination, oral interview board, physical (medical) examination including drug screening, psychological evaluation, and physical agility evaluation. No person required to undergo such examinations will be employed unless the examining physician certifies that the applicant meets the minimum standards of physical and mental fitness required for the essential functions of the position.

2.08 Evidence of Qualifications

- A.** Applicants for positions that are scientific, professional, or technical or duties that require special qualifications may be required to provide documentary evidence of necessary education, training, or experience.
- B.** Applicants for positions requiring college graduation may be required to furnish a transcript of their college work as well as a copy of their diploma.
- C.** Whenever college training is allowed to substitute for work experience, an applicant may be required to document the education with a transcript.

2.09 Retention of Applications

Whether or not an applicant is hired, promoted, or transferred, the application shall not be returned. Applications from applicants who are not awarded the position shall be retained by the Human Resources Department for a period of one year from the date of creation of the application or the date of the personnel action involved, whichever is later. Applications over one year old will be retained in the Office of the City Secretary for a period of time as prescribed under the provisions of the Records Retention Act. Applications from applicants who are awarded the position shall be retained in their personnel files.

2.10 Physical Examinations and Health

A. Pre-employment

In compliance with the Americans with Disabilities Act of 1990 ("ADA"), the City does not:

1. inquire as to whether an applicant has a disability before the offer of a position is made; or
2. require an employment physical examination for any City position before the offer for employment is made;
3. inquire about an applicant's worker's compensation history.

B. Positions with Physical Requirements

The Human Resources Department shall, with the advice of the Department Head, designate which City positions require regular and sustained periods of physical effort, agility, and mobility, or regular and sustained operation of motor equipment or vehicles. In positions having a minimum physical requirement set by the City, the minimum physical requirements shall be identified in the Job Description.

When an offer of employment is made for these positions, the offer will be conditioned upon the applicant passing a physical examination to ensure the applicant is physically capable of performing the essential functions of the position. All requirements to pass the physical examination will be job-related and consistent with business necessity and in conformance with Federal and State law.

A post-offer physical examination, psychological and drug testing shall be required for all Sworn Police Department positions.

C. Confidentiality

Exhibit 'A'

The results of a physical examination shall be kept confidential and may only be disseminated in accordance with State law and HIPPA regulations, with the following exceptions:

1. Supervisors may be informed regarding restrictions on work duties of employees and necessary accommodations;
2. if emergency treatment might be required, then first aid and safety personnel may be informed; and
3. information may be provided to government officials investigating compliance with the ADA.

D. Reasonable Accommodations

If an otherwise qualified applicant has a disability which might impede job performance, the City will nevertheless consider the applicant in competition with other qualified applicants and determine whether reasonable accommodations can be made to overcome the impediment without imposing an undue hardship.

All departments of the City shall make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee. A department may not deny any employment opportunity to a qualified disabled person if the basis for the denial is the need to make reasonable accommodation to the physical or mental disability of such person.

E. Drug Test

Before employment with the City, all prospective employees are required to submit to a urine test to ascertain the presence of illegal drugs in accordance with Section 16.07. Potential employees shall be advised that refusal to submit to a drug test or a positive result of a drug test shall eliminate them from employment with the City. See Chapter 16 for the City's Drug-Free Workplace policy.

2.11 Selection

Employment with the City of Breckenridge shall be based on experience, job knowledge, and qualifications for the position. The following conditions must be satisfactorily met by all applications prior to employment.

- A. Adequate training, experience and/or certification required by the position;
- B. Satisfactory results of a drug screening and medical exam, if medical

Exhibit 'A'

exam is required because of job duties;

- C. Satisfactory results on a criminal history investigation, if required because of job duties;
- D. Satisfactory driving record, if required because of job duties;
- E. Satisfactory results on employment, education, and personal reference check;
- F. Satisfactory completion of physical fitness tests, if required because of job duties; and
- G. Satisfactory completion of a psychological examination, if required because of job duties.

2.12 Reemployment

A. Acceptable Prior Service

Consideration for reemployment of any former employee may be granted to those applicants who had acceptable prior service. Former employees who are rehired with more than one (1) year of separation shall have the same status as a new employee for employee benefit purposes and probationary period.

B. Prior Length of Service Granted

If the City rehires an employee within one (1) year after their termination, and the employee had acceptable prior service, the employee may be credited with their prior length of service at the discretion of the City Manager.

C. Other Provisions

1. The employee will not be deemed to have earned any benefits during the period of his separation; and
2. Nothing herein shall be deemed to supersede the requirements for vesting and eligibility for benefits under the Texas Municipal Retirement System; and
3. Upon being rehired, the employee will have the same probationary period as a newly hired person as stated herein.

2.13 New Hire Briefing

A. Briefing Information

The Human Resources Department shall brief new, regular full-time and part-time employees, which at a minimum, should include the following information:

- Personnel and Administrative Policy Manual (PARM);
- Retirement and Insurance Benefits; and
- Other Benefits.

B. Required Forms

During the briefing, the new employee shall complete all required employment forms, insurance forms, and all forms concerning payroll deductions for State and Federal requirements.

C. Department Head Responsibility

The Department Head or his designee shall orientate the new employee with regard to departmental and/or divisional standard operating procedures, work schedule, attendance, lunch periods, safety, and other pertinent matters.

2.14 Personnel Records

A. Retention and Inspection

The Human Resources Department will maintain work history records for each employee and retain those records in accordance with the City's records retention schedule. An employee's record is available for inspection in the Human Resources Department by that employee and the employee's immediate supervisor, manager, department director, or City Manager.

B. Information Update

Each employee shall report to the Human Resources Department any change in the following:

1. Change of address, whether it is mailing or residential;
2. Change of phone number, whether it be listed or unlisted;
3. Change in marital status or in number of dependents (for

Exhibit 'A'

purposes of health insurance and income tax withholding);

4. Change of beneficiary for life insurance and retirement benefits;
5. Any additional schooling, training, certificates, or degrees earned during an employee's course of employment;
6. Any changes in Social Security or driver's license numbers or class;
7. Any criminal matter resulting in arrest, conviction, probation, or deferred adjudication;
8. For drivers of City vehicles, any motor vehicle accident; moving violation; or arrest, conviction, probation, or deferred adjudication resulting for DWI/DUI; or
9. The existence of any protective order or restraining order to which an employee is a party.

Failure to provide the required notification in a timely manner may result in disciplinary action, up to and including termination.

2.15 Verification of Employment/Employment References

The Human Resources Department is responsible for any verification of employment information or employment references requested by any member of the public. Upon request, all information subject to the Public Information Act shall be released; however, an employee's home address, home telephone number, and social security number shall not be released if the employee has requested in writing that such information not be released.

CHAPTER 3 CONDITIONS OF EMPLOYMENT

Effective May 1, 2022

3.01 Regulation of Employees Not a Contract; Expectations

All employees of the City serve at the will and pleasure of the City. Neither this policy nor any other policy of the City, nor any statement of a City official, shall be construed as granting a property interest in employment with the City. The existence of this policy does not constitute any limitation on the rights of the City to manage its affairs. The City reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this policy. Employees will be notified before implementation of any change.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees are expected to continue to meet job performance standards, observe departmental regulations, observe City rules of conduct, and follow established policies and procedures in order to continue employment with the City.

3.02 Immigration Law Compliance

- A. The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and who comply with the Immigration Reform and Control Act of 1986.
- B. Before commencing work, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9 and provide the appropriate documentation for section two of Form I-9 indicating their legal right to work in this country.
- C. Before rehired employees commence work, they must also complete the Form I-9 if a) they had not previously filed with this organization, b) the previous form is more than three (3) years old, and c) if the previous form is invalid in any other aspect.

3.03 Nepotism

- A. No person who is related within the first and second degree of affinity (marriage) or within the first, second or third degree by consanguinity (blood) to any elected officer of the City or to the City Manager is eligible for

Exhibit 'A'

any office, position, or other service of the City. This prohibition does not affect an officer or employee who has already served at least six months employment with the City at the time when the elected officer or the City Manager takes office. Seasonal employees are exempt from this policy; however, they must not work more than 500 hours within a calendar year.

B. No employee may work in a position which is in the line of supervision of a member of the employee's immediate family or anyone living in the same household as the employee. Employees working in the same department who are related by marriage or blood, or who are defined as immediate family, will not, to the extent possible, be assigned to the same shift. Shifts of relatives working in the same department at the time of adoption of this policy will not be changed unless one of the relatives changes positions.

C. Consanguinity Kinship Chart (Blood)

1st Degree:	2nd Degree:	3rd Degree:
Father	Grandfather	Great grandfather
Mother	Grandmother	Great grandmother
	Brother	Uncle
	Sister	Aunt
Son		Cousin
Daughter		Nephew
		Niece
	Grandson	Great grandson
	Grand-daughter	Great grand-daughter

D. Affinity Kinship Chart (Marriage)

1st Degree	2nd Degree
Spouse	
Spouse's father	Spouse's grandfather
Spouse's mother	Spouse's grandmother
	Spouse's brother
	Spouse's sister
Spouse's son	
Spouse's daughter	
	Spouse's grandson
	Spouse's grand-daughter

3.04 Probationary Period

- A.** The City shall require a six-month probationary period for all regular full-time and regular part-time employees. This initiation period is a time for the employee to demonstrate qualifications for continued employment. Every employee appointed to a regular full-time position or promoted to a new position shall be required to successfully complete a six-month probationary period. Licensed Police Department employees shall be required to complete a 12-month probationary period, but shall also be subject to the 6-month probationary period in regard to the review process.
- B.** The probationary provision shall not affect the employee's eligibility for health insurance benefits, nor shall it waive retirement contribution requirements through the Texas Municipal Retirement System. Sick leave shall accrue from the date of employment and can be used at the end of the first month of employment. A new full-time employee accrues forty (40) hours of vacation leave upon the completion of six (6) full months of employment. An employee becomes eligible to use vacation leave after 6 months of continuous employment.
- C.** Probationary employees do not have a right to present a grievance or appeal discipline.
- D.** At-will status does not change upon completion of a probationary period. Continued employment after the probationary period does not change or affect the employee's at will status.
- E.** An employee who fails to successfully complete the probationary period may be separated from employment with the City.

3.05 Extended Probationary Periods

- A.** Probationary periods may be extended for up to three (3) additional months for performance reasons. The reason(s) for the extension must be documented, and the City Manager must approve all extensions of the probationary period for performance reasons. Documentation must provide information to the employee about the performance deficiencies, expected level of performance and the period for which the probationary period is extended.
- B.** Probationary periods may be extended when probationary employees are on any leave with or without pay, for more than ten (10) consecutive business days. Probationary period extensions because of leave will be for a period equal to, but not exceeding, the days of absence.

3.06 Work Periods

Standard work periods are established for purposes of compliance with the Fair Labor Standards Act.

- A.** The standard work period for non-exempt employees is seven (7) days. The standard number of required work hours within the work period is established as a minimum of forty (40) hours for full-time, regular, non-exempt employees. For overtime pay purposes, the workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday each week.
- B.** The standard work period for exempt employees is fourteen (14) days. The standard number of hours worked during this work period is eighty (80) hours, which is defined as beginning on Monday 12:00 a.m. on the pay period begin date and ending on Sunday 11:59 p.m. on the pay period end date. The overtime pay requirements of the Fair Labor Standards Act (FLSA) do not apply to certain categories of exempt employees such as executives, managers, supervisors, administrative personnel, and professional employees.
- C.** The standard work period for Sworn Police Officers is fourteen (14) days. The standard number of hours worked during this work period is eighty-six (86) hours per FLSA Standard 207(k). For purposes of overtime calculation, the police work period is defined as beginning on Monday 12:00 a.m. on the pay period begin date and ending on Sunday 11:59 p.m. on the pay period end date.
- D.** The standard work period for Fire Personnel is fourteen (14) days. The standard number of hours worked during this work period is one hundred and six (106) hours per FLSA Standard 207(k). For purposes of overtime calculation, the fire work period is defined as beginning on Monday 12:00 a.m. on the pay period begin date and ending on Sunday 11:59 p.m. on the pay period end date.

3.07 Hours of Work

The City Manager or the City Commission reserve the right to determine the regular, open business hours for City offices and facilities. Employees shall be required to maintain a regular work schedule consistent with the established open business hours of the City, unless the employee has been approved for an alternative schedule pursuant to the City's Flextime policy. This policy does not prohibit overtime hours worked by an hourly-paid employee provided authorization has been given by the Supervisor or the Department Head prior to incurring overtime. In addition, supervisors may modify work schedules as needed to accommodate budgetary constraints and changing demands in workload or services provided.

3.08 Promotion

Insofar as may be consistent with the interests of the City, vacancies in higher classifications may be filled by promotion of qualified employees in lower classifications, when possible. To be eligible for a promotion, an employee must meet the current minimum requirements for the vacant position and all requirements for employment with the City.

3.09 Interim Promotion

The City Manager may authorize an interim promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent. An employee so promoted shall be additionally compensated as administratively determined for the duration of his interim assignment. Such employee shall be required to sign documentation relating to the terms and compensation related to the interim promotion. Interim promotions shall not be used to circumvent normal selection procedures. The employee involved shall not acquire any status or rights in the position to which temporarily promoted, except as provided above.

3.10 Rate of Pay for Interim Status

An employee who has been assigned to an interim status position may receive additional compensation, as administratively determined. Such terms and compensation shall be agreed to in writing by the employee and the City.

3.11 Removal from Promoted Position

A promoted employee who, in the judgment of management, is not successful in the new position may be removed from that position at any time. If this occurs, the employee may be allowed to return to his former job, or to a comparable job for which the employee is qualified, depending on the availability of such positions, the City's needs, and upon approval of the Department Head and City Manager.

3.12 Reclassification of Positions

The City Manager or Department Head may determine the need for a reclassification of any position where a change in the character of the position (e.g. duties, responsibilities, authorities, level of supervision or qualifications) or a study of related positions within or outside of the City organization, suggests a change is warranted. Unless otherwise approved by the City Manager, reclassification requests shall be submitted in conjunction

with departmental budget requests. No reclassification shall occur for the purpose of circumventing regulations, rules or procedures relating to demotion or promotion. The City Manager must approve all reclassifications in advance. The City Manager has final authority for approval or denial of a reclassification. Reclassifications are not appealable.

3.13 Transfers

A transfer not involving promotion or demotion into a vacant position may be effected at any time for administrative purposes, or upon request of the employee to his immediate Supervisor with approval of the Department Head(s), provided the employee is qualified to perform the duties of the position to which transfer is contemplated, and meets the current minimum requirements for employment with the City. Transfers may be made administratively or in conjunction with an announced vacancy.

3.14 Demotions

A demotion is the assignment of an employee to another position having less responsibility or requiring less experience, education, technical, or professional expertise, and which is usually at a lower salary. A demotion may be effected for either a disciplinary or non-disciplinary action. With the approval of the Department Head, and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his own request or as an alternative to reduction in force. Such demotion shall not be considered disciplinary action nor shall disqualify the employee from consideration for later advancement. Demotion, when used as an alternative to layoff, may be fully or partially rescinded at any time.

3.15 Health Fitness

- A.** It is the continuing responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential duties of his position. An employee who becomes aware of a medical or mental disability that may affect his ability to perform the essential duties of his assigned position must inform the Human Resources Department.
- B.** When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing his essential assigned duties, the employee may be required by his Department Head to submit to a health examination, drug screening, and/or psychological examination. The employee shall be paid for the time required for such examination. Authorization for disclosure of all reports to the City shall be a condition of continued employment with the City.

3.16 Secondary Employment

Outside employment will be allowed only with the prior written approval of an employee's immediate supervisor and the City Manager. A copy of the authorization will be filed with the Human Resources Department to be maintained in the employee's personnel file. Failure to acquire prior written approval is grounds for disciplinary action, up to and including termination.

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.

City requirements, including overtime, will have precedence over any other employment. In addition, the employee will notify his supervisor immediately upon any change in outside employment status or condition.

A. Conflict of Interest

Permission will not be granted for outside employment with an organization or municipality that is in competition with, or presents a potential conflict of interest, with the City of Breckenridge.

B. Work performance

If the work standards or performance of an employee of the City suffers and it is determined to be caused by outside employment, permission to work at the outside job may be rescinded, or the employee may be subject to discharge.

C. Injury or Illness

The City will not pay leave benefits for injuries or illnesses suffered as a result of employment at another job.

D. Employee on Leave

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 City Manager.

CHAPTER 4 CLASSIFICATION AND SALARY ADMINISTRATION

Effective October 11, 2021

4.01 Job Descriptions

Job descriptions shall describe the job duties for all positions in the City and shall include the factors of experience, training, education, responsibilities, supervision, and working conditions. Such factors establish the classification of the position and the salary.

4.02 Salary Schedule

All salary ranges of City employment shall be identified in the salary schedule approved by the City Manager and Human Resources Department. Generally, changes in the schedule are made through the adoption of the annual operating budget.

4.03 New Hire Salaries

Under most circumstances, new employees are hired at the minimum of the approved salary range. In exceptional circumstances, based on unique qualifications or recruiting difficulties, the Department Head may approve a hiring rate more than the minimum of the approved salary range; however, any rate more than 25% higher than the minimum of the salary range must be pre-approved by the City Manager prior to an employment offer being made.

4.04 Overtime Policy

Employees covered by the overtime pay requirements of the Fair Labor Standards Act (FLSA) may not start work earlier than their regularly scheduled hours or work later than their regularly scheduled hours unless they have obtained prior permission from their supervisor. Supervisors are responsible for determining that funds are available before authorizing overtime work and administering overtime as evenly as possible among all employees qualified to do the job. If an employee fails to obtain prior permission to work overtime, he is subject to disciplinary action, up to and including termination. Overtime must be justified and proper documentation provided to support the hours worked.

4.05 Overtime Rate

All non-exempt employees, including Police and Fire Department employees, will be paid for overtime worked at the rate of one and one-half ($1\frac{1}{2}$) times the employee's regular hourly rate of pay with time rounded to the nearest quarter of an hour. For purposes of

calculating overtime pay, this hourly rate shall include base and any incentive or certification pay.

4.06 Holiday, Vacation, Sick, Personal Time not Counted as Hours Worked

Scheduled periods of absence such as holiday, vacation, sick and personal leave shall not be counted as hours worked when determining whether overtime pay rates apply to an employee's work.

4.07 Overtime Accrued (Compensatory Time)

At the discretion of the Department Head for budgetary purposes, regular full-time non-exempt employees who work overtime may be required to take compensatory time off in lieu of overtime wage payments. Compensatory time off will be credited at the rate of one and one-half (1½) hours for each overtime hour worked and recorded on the employee's timesheet. Upon termination of employment, a non-exempt employee will be paid for unused compensatory time earned.

4.08 Accrual of Compensatory Time

All regular non-exempt employees may accrue up to forty-eight (48) hours (32 x 1.5) compensatory time off and non-exempt Police Department and Fire Department employees up to seventy-two (72) hours (48 x 1.5). Compensatory time off must be used within 120 calendar days after the date on which it was earned. Employees who have accrued the maximum allowable amount of compensatory time must thereafter be paid for overtime hours worked.

After the employee has accrued the maximum compensatory time and he has not used it as leave, all compensatory time accrued above the maximum must be paid. Accrued balances of compensatory time at separation from employment must be paid at the current rate of pay, or the average rate of pay earned during the last three years of employment, whichever is higher.

4.09 On Call Policy

"On-call" is all time outside of regularly scheduled working hours when a non-exempt employee is required to be available on a stand-by basis to respond to a work demand or return back to work. The City reserves the right to require employees to be designated as on-call on a given day or week, as needed. An employee is considered to be in on-call status only when specifically assigned by a supervisor. When on-call, employees are unrestricted in their activities, but must remain accessible by phone or pager and in a fit condition to return to work within one hour.

Exhibit 'A'

- A. All non-exempt employees formally designated as on-call will be compensated for four (4) additional hours during the seven-day work period during which they were on-call. **This pay is at the employee's regular pay rate.**
- B. An employee scheduled for on-call time fails to respond within one hour to a job-related situation requiring immediate action will lose his on-call compensation for that week, and may be subject to disciplinary action, up to and including termination.
- C. Exempt employees are considered to be "on-call" at all times exception when on scheduled time off (i.e. vacation, sick, personal time).

4.10 Call Back Pay

- A. A non-exempt employee who is contacted, but is able to perform the work from home will be paid for the actual hours worked.
- B. A non-exempt employee who is contacted and must return to the work site outside of regularly scheduled work hours will be paid a minimum of one hour, or the actual hours worked, whichever is greater. If the call back merges with the employee's regularly scheduled working hours, the employee will be paid for the actual hours worked or a minimum of one hour, whichever is greater.
- C. A non-exempt employee who is called back to work shall gather any tools or equipment necessary to complete the job. When the emergency is resolved, or a supervisor has decided that the problem can be resolved the next working day, the employee shall return to his work location, put away his tools and equipment. The on-call employee will be compensated at time and ½ for the time he is called out. The on-call employee is responsible for reporting accurate times for the responding call out.
- D. This section does not apply to exempt employees.

CHAPTER 5 COMPENSATION POLICY

Effective May 1, 2022

5.01 Purpose

The City of Breckenridge's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining a professional and competent workforce, and to encourage and reward employees who perform at the highest levels of productivity and routinely meet or exceed performance expectations. All pay components are subject to availability of funding and appropriation through the annual budget process.

5.02 Compensation System Components

The two components to the City's compensation system are Market Adjustments and Pay for Performance.

A. Market Adjustments

Market adjustments are designed to retain the City's quality employees by maintaining competitive salaries with other similar organizations in the area. Based on this analysis, changes are made to minimum and maximum pay rates of the various pay grades of the City. Market analysis will be performed in even fiscal years.

B. Pay for Performance

Performance Pay is intended to address individual performance issues based upon the achievement of a performance rating.

1. Merit Pay: Merit Pay may result in a base pay increase of 0% (needs improvement) to a maximum of 5% (for an excellent rating), and may be awarded in conjunction with the employee's annual performance evaluation. A base pay decrease of 3% may be given to employees that receive a rating of unacceptable.
2. Step Pay: Step Pay shall address individual performance issues for the City's sworn non-exempt police and fire employees as well as specified non-sworn police employees. A Step employee may receive a base pay increase of 5% for a rating of "satisfactory" or higher on their annual performance evaluation.

5.03 Market Analysis - Purpose and Provisions

The purpose of market adjustments is to correct situations that might adversely affect the City's competitive position relative to comparable positions in similar area municipalities or businesses. In doing so, the City strives to retain employees and to remain competitive in the applicable labor market.

Prior to the preparation of the City's annual budget, the Human Resources Department shall prepare an analysis of current rates of identified positions with comparable public employment in the area, and comparable private industry positions where applicable. Determining what other cities pay for comparable jobs assists in establishing the minimum and maximum pay rates within pay grades. When selecting the survey market, other employers are selected for comparison because of their similar jobs.

The Human Resources Department shall assist the City Manager in making recommended changes in the Pay Plans that are necessary to keep the Classification and Pay Plans current, uniform, and equitable. The salary pay ranges in the City's pay plans shall be reviewed annually on a rotating basis. Recommended changes in the City's Pay Plans or Pay Plan Policy shall become effective upon approval by the City Commission.

5.04 Merit Pay

A. Purpose

The purpose of Merit Pay is to reward employees who strive to perform consistently at a level which sets them apart from their peers. Merit Pay addresses individual performance issues, is based upon the performance evaluation score, and if earned, may equal up to a 5% increase in the employee's base pay. The performance rating scale is specified on the performance evaluation forms.

Merit Pay shall be awarded as an increase to base salary on or after the employee's annual performance evaluation.

B. Provisions

All regular full-time and part-time employees shall receive an annual performance evaluation before April 30th of each year. Annual performance evaluations are based on results measured against performance standards as well as achievement of individual goals. Merit Pay is subject to the availability of funding and appropriation during the annual budget process.

C. Eligibility

All regular full-time and part-time employees are eligible for Merit Pay. Eligibility is based on the employee's performance for the previous twelve-month period.

5.05 Step Pay

A. Purpose

The purpose of Step Pay is to reward the City's public safety employees who strive to perform consistently at a satisfactory or higher level. Step Pay addresses individual performance issues, is based upon the performance evaluation score, and if earned, may equal a 5% increase in that employee's base pay.

B. Provisions

All sworn, non-exempt police employees, as well as specified non-sworn police employees, shall receive a performance evaluation by April 30th each year. Annual performance evaluations are based on results measured against performance standards as well as achievement of individual goals. Step employees who received a performance rating of "Satisfactory" or higher may proceed to the next pay step. Step Pay is subject to the availability of funding and annual budget approval.

C. Eligibility

All sworn, non-exempt police and fire employees as well as specified non-sworn police employees are eligible for Step Pay. Eligibility is based on the employee's performance for the previous twelve-month period.

CHAPTER 6 TIMEKEEPING AND PAYROLL

Effective October 11, 2021

6.01 Time Collection

All non-exempt employees are required to clock in at the beginning of each shift and clock out at the end of each shift. Employees are required to clock in and out for lunch if their department or division has a scheduled lunch. At this time the City utilizes a paper time system therefore the employee will maintain their "clock in and out" time by writing down their time on the provided timesheet.

Employee time is required to be reviewed by the Department Heads and Supervisors prior to submitting it for payroll processing. If there is a discrepancy, the Supervisor and employee must resolve the situation prior to submitting the time record for processing. Any violation of this policy can subject both employees to disciplinary action, up to and including termination.

6.02 Failure to Timely or Properly Report Absence

Excessive absenteeism, tardiness, and or failure to timely or properly report an absence reflects on an employee's overall job performance and subsequently on performance evaluations. It is the employee's responsibility to contact his Supervisor regarding any tardiness or absence. Except where otherwise provided by law, an employee with an excessive absenteeism and/or tardiness record will be subject to disciplinary action, up to and including termination.

6.03 Tardiness

If an employee expects to be late by more than fifteen (15) minutes, he must call the Supervisor and inform them of the delay. An employee who is late for work will forfeit pay for the actual work time missed. If the employee cannot reach his immediate supervisor, he must notify the next level Supervisor or Department Head of the tardiness.

6.04 Request for Leave

When an employee knows in advance of an impending absence, he must submit a Request for Time Off to his Supervisor. The Supervisor will evaluate the reason for the absence and decide whether the employee may be excused. The Supervisor will then approve or deny the Request for Time Off. Unexcused

absences shall subject the employee to disciplinary action, up to and including termination.

6.05 Unexcused Absences

Unexcused absences are absences that occur without proper notification or without satisfactory reason. An employee having one (1) unexcused absence in any twelve (12) month period shall be warned in writing by his immediate Supervisor that any further unexcused absence may result in termination from City employment. The second unexcused absence in a twelve (12) month period may result in the employee's termination.

6.06 Job Abandonment

If an employee is absent and his Supervisor is not directly notified for two (2) consecutive workdays, the employee will be considered to have abandoned his job and he will be terminated from the City. The employee is required to personally report during any period of absence unless there are extenuating circumstances prohibiting him from doing so.

6.07 Pay Days

The City pays all employees on a bi-weekly basis (twenty-six pay periods per year). For pay calculation purposes, the City's workweek begins Monday at 12:00 a.m. and ends Sunday at 11:59 p.m. Direct deposit is required by the City of Breckenridge to deposit net pay directly to a financial institution (checking or savings account) of the employee's choice. Paychecks shall be automatically deposited in employee's authorized accounts every other Wednesday following the pay period end date by 5:00 p.m. If a scheduled payday falls on a holiday, paychecks shall be deposited the day preceding the holiday. Employees are required to notify Human Resources immediately if their bank account is no longer active and must provide new account information prior to payroll processing day. Any exception to this policy must be approved by the City Manager.

6.08 Release of Employee Paycheck to a Third Party

Written authorization from the employee shall be submitted to the Human Resources Department for delivery of the employee's paycheck to a third party. The third party may be required to provide proof of identification.

6.09 Earnings Statements

A. Statement Information

With each paycheck, employees receive an earnings statement that itemizes the earnings and deductions. Deductions fall into two groups: those required by law and those authorized by the employee in writing. Deductions required by law are:

- Texas Municipal Retirement System (TMRS): The amount deducted from the employee check is sent to TMRS. The City contributes an additional amount to the employee's retirement account as well.
- Federal Withholding Tax: The amount deducted for Federal Income Tax Withholding varies depending upon the employee's earnings and the number of exemptions that an employee has authorized on the W-4 (Exemption Certificate).
- F.I.C.A. (Social Security and Medicare): The amount of deduction is determined by the Federal Government.
- Involuntary Garnishments: These are court ordered deductions and other mandated deductions (i.e. child support, IRS levy, student loan garnishments).

B. Voluntary Deductions

Voluntary deductions authorized by the employee may include payments for health insurance premiums and other benefit deductions. No such deductions will be made from an employee's paycheck unless the employee authorizes it in writing.

C. Employee Responsibility

A paycheck is payment from the City to an employee for services rendered, less any applicable deductions. Employees are not allowed to assign their wages to any other person. When an employee receives his payroll check, it is the employee's responsibility to make sure the hours, pay rate, and deductions are correct. If an employee believes that there is an error on his paycheck, he must return it to the Human Resources Department for correction. If the paycheck is cashed before the error can be corrected, the information on the check stub can be used to review the paycheck detail. Errors on paychecks must be reported to the

Human Resources Department within ninety (90) days of receiving the paycheck.

6.10 Federal and Court Ordered Garnishments

A. Child Support Wage Withholding

The City, upon receipt of a court order or letter signed by the employee, will automatically deduct child support in accordance with the directions contained in the court order or employee letter. An employee letter cannot supersede a court order. If child support is ordered by a court, another court order must be issued to cancel or modify the amount of the original court order.

B. IRS Garnishments

The City will adhere to any wage garnishment issued by the Internal Revenue Service. A garnishment issued by the IRS must be released by the IRS.

C. Other Court Ordered Garnishments

Upon receipt of a court order, the City will automatically deduct garnished wages in accordance with the directions contained in the court order.

6.11 Payment of Compensation upon Employee's Death

In order to settle the accounts of deceased employees, all unpaid compensation due a deceased employee shall be paid to the person or persons surviving at the date of the employee's death, in the following order of precedence. When payments are made in accordance with this section, no other person may collect any of the amounts so paid.

- A.** First, to the beneficiary or beneficiaries designated by the employee in writing to receive the compensation, if the written designation is filed with the payroll office before the employee's death;
- B.** Second, if there is no designated beneficiary on file with the personnel clerk, to the employee's surviving spouse;
- C.** Third, if there is no designated beneficiary or surviving spouse, to the child or children of the employee, or the descendants of deceased children, by representation;

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- D.** Fourth, if none of the above, to the parents of the employee, or the survivor of them;
- E.** Fifth, if none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there is none, to the person or persons determined to be entitled under the laws of descent and distribution of the State of Texas.

CHAPTER 7 CERTIFICATION POLICIES AND PROCEDURES

Effective May 1, 2022

7.01 Certification Pay

Incentive Pay is a program that promotes and maintains a highly qualified, trained, and professional workforce by providing paid incentives for each qualifying certificate or license obtained above the “basic required level” within their respective professions, as listed in their job descriptions.

7.02 Certification Pay - Eligibility

In order to receive certification pay the certification must:

- A. be directly applicable to the individual’s current job within the City;
- B. be above the level of certification required for the individual’s current job within the City; and
- C. be updated and current if renewals are required.

Departments may not include certifications, licenses, or other educational programs for any employee if said certification, license, or educational degree program is a requirement of the position held by that employee.

7.03 Certification Pay - Criteria

The following criteria will be used in determining the credibility of any incentive pay:

- A. The employee must be classified in a Regular Full-Time, or Regular Part-Time permanent position.
- B. Requested certification pay must be within the scope of the employee’s normal job functions or within the range of advancement.
- C. The certification pay must be requested by the department head and approved by the City Manager or his/her designee.
- D. A copy of the certification qualifying the employee for the certification pay must be submitted to Human Resources Department prior to receiving pay.

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- E. Proof of any continuing education requirements must be submitted to the Human Resources Department as the education requirements are obtained. (It will be the department heads responsibility to notify Human Resources on the types of certification that require continuing education and be responsible for ensuring that the employee maintains required continuing education).
- F. The City Manager will have the final approval on all certification pay and classifications.

7.04 Certification Pay - Procedure to Add Certifications to the List

The procedure to add certifications to the approved list are as follows:

- A. The proposing Department Head will submit a memorandum to the Human Resources Department providing the following:
 - 1. Name of the certification and all eligibility requirements.
 - 2. Written justification for allocation of pay for the certification.
- B. The Human Resources Department reviews all submissions for the following:
 - 1. Type of certification.
 - 2. Eligibility requirements.
 - 3. Level of expertise gained through certification.
 - 4. Degree of positive impact to the City as a result of certification.
- C. The Human Resources Department will submit a memorandum with the recommendation for approval/disapproval to the City Manager for final approval. This memorandum will contain a thorough justification for the recommendation. Additionally, it will contain the approximate budgetary impact if approved.
- D. Should the recommendation require adjustment to the budget, the recommendation for approval will be submitted to the City Commission.

7.05 Qualified Certification Pay Classifications

A. Certification Pay for Regular Full-Time Employees:

(Regular Part-Time (25+ hrs per week) receives half the below amount)

	<u>Per Pay Period</u>	<u>Annual</u>
<u>TCOLE Dispatch/Police Communications</u>		
Intermediate	\$25.00	\$650.00
Advanced	\$50.00	\$1,300.00
Masters	\$75.00	\$1,950.00
<u>TCOLE Peace Officer /TCFP Fire Personnel</u>		
Intermediate	\$75.00	\$1,950.00
Advanced	\$100.00	\$2,600.00
Masters	\$150.00	\$3,900.00
Paramedic	\$100.00	\$1,950.00
	<u>Per Pay Period</u>	<u>Annual</u>
<u>Public Works Classification</u>		
C Surface Water/Distribution/Treatment	\$25.00	\$650.00
B Surface Water/Distribution/Treatment	\$50.00	\$1,300.00
A Water/Treatment	\$75.00	\$1,950.00
II Collections	\$25.00	\$650.00
III Collections	\$50.00	\$1,300.00
<u>Other Classifications</u>		
Bilingual Pay	<u>\$25.00</u>	<u>\$360.00</u>

7.06 Payment of Certification Pay

Certification Pay will be paid on a bi-weekly basis.

7.07 Maximum Allowances

A maximum of \$75 per pay period per Regular Full-Time employee is allowed in the positions of TCOLE Police Communications and Public Works. A maximum of \$150 per pay period per Regular Full-Time employee is allowed in the positions of TCOLE Police Officer and TCFP Fire Personnel. Bilingual and Paramedic pay does not count towards maximum allowed.

A maximum of \$37.50 per pay period per Regular Part-Time employee is allowed.

CHAPTER 8 TUITION REIMBURSEMENT POLICY

Effective May 1, 2022

8.01 Purpose of the Program

The City of Breckenridge is committed to employee growth and development. To support this commitment, a Tuition Reimbursement Program has been established. The program is designed to assist those employees who elect to improve job performance or increase skills through education. Participation should be mutually beneficial to both the employee and the City of Breckenridge.

8.02 Tuition Reimbursement Policy

On a case-by-case basis, the City may provide tuition reimbursement to employees wishing to continue their education off the job in order to improve job qualifications, skills or knowledge. This program is subject to the availability of funds.

8.03 Scope

- A. Courses directly related to the employee's job will be reimbursed upon approval of the City Manager.
- B. Courses must be taken at a fully accredited, in-State, tax-supported educational institution to be considered for reimbursement.
- C. Online courses may be reimbursed if they are taken from an in-State, tax supported educational institution and are equivalent in cost to classroom courses.
- D. Fees and expenses other than tuition fees are excluded from reimbursement. Although not limited to the following, excluded expenses are: books, supplies, parking fees, room and board and other miscellaneous student fees.
- E. Employees attending a private educational institution will be expected to pay the difference between private and tax-supported tuition costs.

8.04 Applicability

Regular full-time employees who have been employed full-time with the City for at least two years are eligible to apply for tuition reimbursement.

8.05 Procedure

An employee who is interested in participating in the Tuition Reimbursement Program must:

- A.** Receive prior approval from the City Manager to sign up for the course; and
- B.** Obtain his supervisor's prior approval and signature on the Tuition Reimbursement Request Form indicating his supervisor's approval; and
- C.** Sign and submit to the Human Resources Department a Tuition Reimbursement Agreement Form documenting the course titles and approximate costs for the course for which he intends to register.

8.06 Flexible schedule

Upon approval of his supervisor and department head, an employee may work a flexible schedule when classes are during work hours. Any accommodation of an employee's class schedule is at the department head's discretion.

8.07 Reimbursement Terms

To be reimbursed, an employee must provide proof of successful completion of the class or course (a grade of at least a "C" or comparable) and a receipt of payment. Classes will be reimbursed 100% for a grade of A or B, and 50% for a grade of C; except for graduate level courses, which shall not be reimbursed for a grade less than a B. The City will not reimburse funds for a class if the employee has already been reimbursed once for the same class.

8.08 Reimbursement Amounts

The total maximum reimbursement amount to eligible employees is \$1,000 per employee per calendar year. Maximum lifetime tuition reimbursement to an employee shall not exceed \$5,000.

8.09 Time Period

An employee will be required to sign documentation agreeing to remain with the City for two years following completion of the class. An employee who voluntarily resigns during that time the will be required to reimburse the City the amount of tuition reimbursed up to that point.

Review of the employee's account and arrangements for repayment will be made when the employee reports to the Human Resources Department for termination processing.

8.10 Job Related Training

If an employee is required to receive training for a specific job-related license or certification, that employee will also be required to sign documentation agreeing to remain with the City after completing and passing the classes for two years or reimburse the City for its costs. This does not apply to those employees maintaining a current license or certificate.

Employees who fail testing and/or classes for job-related certification, will be required to re-take the test and/or class at their own expense. Any exception to this policy must be approved by the City Manager.

8.11 Not Eligible for Reimbursement

- A.** Seasonal or Part-Time employees are not eligible for Tuition Reimbursement.
- B.** If an employee resigns or is terminated for any reason (other than specified in Section 8.12) prior to course completion, the City shall not be obligated to pay reimbursement.
- C.** Reimbursement shall not be paid for audited courses or for non-credit, continuing education courses.
- D.** Credits obtained by the College Level Examination Program (CLEP) are not eligible for Tuition Reimbursement.
- E.** Incomplete forms or forms without all required documents attached will not be processed.

8.12 Exceptions to Payback Provision

Employees terminated due to a reduction in force, medical disability, or as a result of occupational injuries or illnesses shall not be required to pay back the monies received for tuition reimbursement and are not subject to the payback provision.

CHAPTER 9 EMPLOYEE BENEFITS

Effective November 1, 2021

9.01 Health Insurance

All regular full-time employees are covered by medical insurance. This insurance generally provides for physician care, hospitalization, major medical expenses and prescription drugs. Coverage for dependents is available by payroll deductions at reduced group rates on the first day of the month following thirty (30) days of employment. Detailed information concerning employee insurance is contained in the City's Benefits Brochure.

9.02 Life Insurance

The City provides group term life and accidental death and dismemberment insurance for regular full-time employees. The cost of providing this insurance coverage for employees is paid by the City. Optional supplemental coverage for employees and their dependent is available by payroll deduction at reduced group rates on the first day of the month following thirty (30) days of employment.

9.03 Cafeteria Plan (IRS Section 125)

Each employee of the City is able to design an additional benefit program, meaning he can choose optional benefits that best accommodate his personal situation. Included in the cafeteria plan are supplemental insurance policies, including accident, cancer and optional life insurance. Such programs are available through payroll deductions with pre-tax dollars on the first day of the month following thirty (30) days of employment. Detailed information concerning optional benefits can be obtained in the Human Resources Department.

9.04 Worker's Compensation

- A.** Any City employee becomes eligible for Workers' Compensation when he is injured in the scope of his employment for the City of Breckenridge.
- B.** When the attending physician has instructed the employee, in writing, to remain off the job until the physician releases the employee to return to work, Texas state law prescribes that an employee shall receive Workers' Compensation payments during the

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recovery and recuperation period. An injured employee is entitled to medical aid and hospital services which are required at the time of injury, and at any time thereafter, as may be necessary to cure and relieve the effects of the injury.

- C.** The Human Resources Department is responsible for administering, pursuant to the requirements of state law, and the City's Workers' Compensation program.
- D.** A full-time employee, who is injured on the job, shall be granted injury leave not charged against his sick leave or vacation leave, to extend for such time as a physician shall certify that the injured employee is unable to work, but in no event to extend beyond twenty-four (24) continuous weeks, unless expressly authorized by the City Manager.
- E.** During the first twelve (12) weeks of such injury leave, the leave shall not be charged against sick leave nor vacation leave and runs concurrently with Family and Medical Leave. Regular full-time employees shall continue to receive their current rate of pay, exclusive of overtime. During such injury leave, the City shall pay such employee as direct payments from salary funds an amount that, when combined with Workers' Compensation Insurance benefits payable to such employee, would equal his base pay, but the total amount so paid for loss of time from work shall not exceed the full pay which such employee would have received for such period at his regular rate of pay.
- F.** If the employee is unable to return to work upon expiration of the first twelve (12) weeks of injury leave, the employee shall be allowed to use any accrued leave to make up the difference between workers' compensation and full pay up to the twenty-four (24) week total.
- G.** If the employee is unable to perform the essential duties of his assigned position at the end of twenty-four (24) weeks, reasonable accommodations may be made by the City to provide for employee to perform such duties. If reasonable accommodations cannot be made and an employee is unable to perform the essential duties of his assigned position at the end of twenty-four (24) weeks, he may be terminated.
- H.** While on injury leave, an employee shall continue to earn vacation and sick leave at the regular rate and shall remain eligible for health insurance benefits; however, the employee's portion of any additional premiums, supplemental insurance and dependent coverage must continue to be paid by the employee during such leave.

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- I. An employee who is physically able and who fails to report by the end of the employee's current shift any injury to his supervisor, however minor, and fails to take such first aid treatment as may be necessary, may not be eligible for injury leave. When an employee is injured on the job, the supervisor shall contact the Human Resources Department and request completion of a Workers' Compensation First Report of Injury (TWCC-1) immediately. When an accident causes serious bodily injury or death to an employee, the supervisor shall notify his Department Head, the Human Resources Department, the Financial Services Department, and the City Manager immediately.
- J. Part-Time and Seasonal employees shall be eligible to receive Workers' Compensation benefits only and shall not receive Workers' Compensation injury leave. These employees may use any accrued paid leave or be granted a "leave of absence without pay" by the City.
- K. No employee may return to work from an injury involving lost time without first obtaining a physician's release. The physician's release must be forwarded to the Human Resources Department.
- L. An employee injured in the scope of his employment for the City may be subject to alcohol/substance screenings.
- M. An employee who is unable to return to work shall contact the Human Resources Department every Friday until the doctor has released the employee to return to work. It is the employees responsibility to provide updated paperwork to the City while being out on a Worker's Compensation injury.

9.05 Social Security

All employees of the City are covered under the Federal Insurance Contributions Act (FICA) in accordance with Federal law.

9.06 Retirement

The City of Breckenridge is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a plan for the retirement of employees of Texas municipalities. Participation in this system is required for all regular employees who are scheduled to work a minimum of one thousand (1,000) hours annually.

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- A.** The plan requires a contribution be made by means of payroll deductions. The City matches each employee's contribution at a 1.5:1 ratio.
- B.** In the event a member of the retirement system leaves the employment of the City prior to retirement, and is not vested, such member may elect to leave his contributions on deposit with the system for not more than five (5) years, or may file application for a full refund of the employee's contributions and accrued interest thereon, or may roll the funds over into a qualified account.
- C.** More complete information regarding the City's retirement plan is provided in the Texas Municipal Retirement System Handbook available in the Human Resources Department.

9.07 Continuation of Insurance Coverage (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides that covered employees, their spouses and dependents are eligible to continue their group health insurance coverage for a specific period of time and upon certain qualifying events for up to eighteen (18) months when employment is terminated due to resignation, reduction of work hours, or dismissal (for other than gross misconduct).

Covered employees, their spouses and dependents are eligible to continue their group health insurance coverage for a period up to 36 months should one of the following events take place:

- A.** Death of the covered employee
- B.** Divorce or legal separation
- C.** Covered employee's entitlement to Medicare
- D.** Dependent child ceasing to be dependent

9.08 Additional Continuation for Spouses and Dependents

COBRA also entitles spouses and dependents of a covered employee to continue their group insurance coverage for up to 36 months upon certain qualifying events which may include the termination of a covered employee; a reduction in such employee's hours of employment; upon the death of a covered employee; the employee's divorce or legal separation; when dependent children are no longer an "eligible dependent" under the definition in the policy; and when the employee

Exhibit 'A'

ceases to participate in the City sponsored plan if the employee is Medicare eligible. The employee, spouse, or dependent must request continuation of coverage in order to be eligible for COBRA.

9.09 Unemployment Insurance

Texas law provides that, under certain conditions, payments of money may be made to unemployed individuals from an unemployment insurance fund administered by the Texas Workforce Commission. The City contributes to this fund under the Texas Employment Compensation Act.

CHAPTER 10 EMPLOYEE LEAVE

Effective October 6th, 2021

10.01 Official City Holidays

City holidays are determined by the City Commission. The following days are official holidays for City employees:

A.	New Year's Day	January 1st
B.	Martin Luther King Day	3rd Monday in January
C.	Presidents Day	3rd Monday in February
D.	Good Friday	Friday preceding Easter
E.	Memorial Day	Last Monday in May
F.	Independence Day	July 4 th
G.	Labor Day	First Monday in September
H.	Columbus Day	Second Monday in October
I.	Veterans Day	November 11th
J.	Thanksgiving Day	4th Thursday in November
K.	Thanksgiving Friday	4th Friday in November
L.	Christmas Eve	December 24th
M.	Christmas Day	December 25th

10.02 Holidays Falling on Weekend Days

If a holiday falls on a Saturday, it will be observed on the preceding Friday; if a holiday falls on a Sunday, it will be observed on the following Monday.

10.03 Holiday Pay

All Regular Full-Time and probationary employees are eligible for eight (8) hours of holiday pay. Regular Part-Time employees shall receive four (4) hours of holiday pay. Holiday pay shall be based on eight (8) hours regardless of normal length of shift.

10.04 Holidays Not Coinciding with City Holidays

Employees desiring to observe religious holidays not coinciding with official City holidays may be authorized to use other accrued leave such as vacation leave, comp time, flex time or a personal day.

Per Local Government Code, Section 142.013 (c), firefighters shall have one of the holidays designated as September 11th. The City of Breckenridge has designated one Personal Day as September 11th.

10.05 Unexcused Absence Preceding or Following a Holiday

An employee who has an unexcused absence on the day immediately preceding or following a holiday(s) may be subject to disciplinary action. This does not apply to an employee who has called in sick and has approval from his supervisor.

10.06 Extra Police and Fire Holiday Pay

Police and Fire employees who work a full workday on a holiday as directed will receive extra holiday pay and pay for time worked. This extra holiday pay will be paid at regular pay in twelve (12) hour increments for sworn police employees and twenty-four (24) hour increments for shift fire employees.

10.07 Personal Day

All Regular Full-Time employees receive two (2) Personal Days on October 1st that must be used within the fiscal year. Unused Personal Day time shall not be rolled over to the next fiscal year. The Personal Day shall not be taken in intervals of less than one (1) day (8, 10 or 12 hours, depending upon shift assigned).

All Regular Part-Time employees receive one (1) Personal Day on October 1st that must be used within the fiscal year. Unused Personal Day time shall not be rolled over to the next fiscal year. The Personal Day shall not be taken in intervals of less than four (4) hours.

New Full-Time Employees hired on or after April 1st shall receive one (1) Personal Day in that calendar year.

10.08 Vacation Leave

Regular Full-Time and Regular Part-Time employees earn vacation leave in accordance with this chapter, but vacation leave may not be taken until the employee has completed six (6) months of employment.

All employees are encouraged to take their earned vacation time. Although the City tries to comply with employees' wishes when it comes to taking time off, the efficiency of the departments and the needs of the public come first. To maintain service levels in the City, the City Manager, Department Heads, and Supervisors have the discretion to regulate the times when vacations may be taken.

10.09 Vacation Leave Accrual

Vacation time must be earned before it can be taken. Subject to the terms and

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conditions set forth below, Regular Full-Time employees are entitled to vacation according to the following schedule:

Anniversary Date	Vacation Accrued	Accrual Rate
1 to 4 years	80 hours/year	6.67 Hours/Mo.
5 to 9 years	120 hours/year	10.00 Hours/Mo.
10 to 19 years	160 hours/year	13.33 Hours/Mo.
20 years or more	200 hours/year	16.67 Hours/Mo.

Subject to the terms and conditions set forth below, twenty-four (24) hour shift employees are entitled to vacation according to the following schedule:

Anniversary Date	Vacation Accrued	Accrual Rate
1 to 4 years	120 hours/year	10.00 Hours/Mo.
5 to 9 years	168 hours/year	14.00 Hours/Mo.
10 to 19 years	216 hours/year	18.00 Hours/Mo.
20 years or more	264 hours/year	22.00 Hours/Mo.

Regular Part-Time employees accrue vacation leave at the rate of four (4) hours for each month of continuous service with the City.

10.10 Maximum Accumulation of Vacation Time

The maximum number of vacation hours an employee can accrue and maintain at calendar year-end is 240.

10.11 Vacation Rules

Vacation leave will be administered according to the following rules:

- A.** Vacation time will be charged only for time during which the employee would ordinarily have worked.
- B.** Employees who are transferred, promoted, or demoted shall retain accrued vacation time.
- C.** When taking vacation, an employee must take a minimum of one (1) hour and must have the approval of the employee's immediate supervisor.
- D.** An employee must submit a Leave Request to the immediate supervisor in advance an equal number of days as the employee is

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requesting, except in extenuating circumstances as determined by the City Manager.

- E.** Vacation time shall not be advanced to employees.
- F.** Vacation credits are not transferable between employees.
- G.** No employee shall be permitted to take more than two weeks of vacation time in succession without prior approval of the City Manager.
- H.** An employee that is sick during his vacation leave may request sick time be charged for the days he was sick. The request must be approved by the immediate supervisor and supported by a doctor's certification that the employee was sick during that time.
- I.** Vacation in the last two weeks of December must be approved in advance and at the discretion of the Department Head. All requests for vacation leave during this time must be received prior to December 1st.
- J.** Department Head vacations require City Manager approval.
- K.** An employee on disciplinary suspension forfeits all claims to use vacation leave for the duration of the disciplinary suspension.
- L.** Vacation time does not count as hours worked and shall not be used in over-time calculations.
- M.** Employees on leave without pay, disability leave, family medical leave, or workers' compensation injury leave (after period of salary continuation) or receiving donated sick leave that have exhausted all leave shall not accrue vacation leave. Vacation leave shall accrue based on a prorated basis of the actual hours worked within that month. The accrual rate is based on length of service and number of hours worked per regular workweek.
- N.** Employees are strongly encouraged to use vacation leave. When it appears that a vacation, or at least time away from the workplace, may be in the best interest of the employee, or those for the department or City, the Department Director may, with the approval of the City Manager, require an employee to take at least one week of accrued vacation leave to be away from the job for an extended period, particularly if the employee has not taken at least one consecutive week of vacation leave in the past twelve months. Similarly, the City Manager may require a Department Director to

take accumulated vacation leave if the City Manager deems it is in the best interest of the employee, the department, and the City.

10.12 Selling Vacation Time

Subject to availability of funds, employees with eighty (80) hours or more of accumulated vacation leave may sell back vacation hours up to a maximum of forty (40) hours on the condition that they have taken at least 40 hours of vacation or exempt leave during the previous twelve (12) months. All employees must fill out the Vacation Sell Back Form during the budget process each year, indicating their intent to convert the leave time to cash and turn it into the Human Resource Department as required by the Finance Department. This form is for budgetary purposes only. Therefore, individuals will need to fill out an additional form when it is time for the payment to be made and turn it into the Human Resource Department no later than October 31st. The conversion is made at the individual's pay rates as of September 30th. Individuals shall be paid their vacation proceeds in December.

10.13 Sick Leave Benefits

Sick leave benefits are to be used only for medical conditions of the employee or the immediate family or for medical quarantine resulting from exposure to a contagious disease. For these purposes, "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. Any attempt to obtain sick leave by fraud may subject the employee to disciplinary action, up to and including termination.

Employees are required to communicate with their immediate supervisor or department head that they will be absent as soon as the employee knows of the need for absence.

10.14 Sick Leave Accrual

Regular Full-Time exempt and non-exempt employees accrue sick leave at the rate of ten (10) hours for each full month of continuous service with the City. Regular Part-Time employees accrue sick leave at the rate of four (4) hours for each month of continuous service with the City. Twenty-four (24) hour shift employees will accrue sick leave at 12.5 hours for each full month of continuous service with the City.

10.15 Maximum Accumulation of Sick Leave

The maximum number of days an employee can accumulate from year to year is 720 hours. Twenty-four (24) hour shift employees can accumulate a maximum amount of 1,008 hours from year to year.

10.16 Sick Leave Use

Sick leave with pay may be used when:

- A.** an employee is incapacitated from the performance of the employee's duties due to an illness, surgical procedure, or injury;
- B.** a medical, dental, or optical examination or treatment is necessary; provided, that approval of the supervisor is obtained;
- C.** an employee is incapacitated by or recovering from pregnancy, miscarriage, or childbirth;
- D.** an employee has been exposed to a contagious disease that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others; or
- E.** an employee needs to remain with a sick child, spouse, parent or other family member.

10.17 Sick Leave Rules

- A.** Sick leave time will be charged only for time during which the employee would ordinarily have worked.
- B.** Sick leave shall not be taken in advance of it being earned.
- C.** When taking sick leave, an employee must take a minimum of one (1) hour.
- D.** Employees who are transferred, promoted, or demoted shall retain accrued sick time.
- E.** An employee on disciplinary suspension forfeits all claims to use sick leave for the duration of the disciplinary suspension.
- F.** Absences of three (3) or more consecutive days will require specific documentation before an employee can return to work. A Supervisor shall also be responsible for notifying the Human Resources Department when an employee is absent due to illness for three (3) consecutive workdays so the time may be evaluated for family and medical leave status.
- G.** Employees who are separated from employment for any reason shall not be compensated for any accrued sick leave.

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- H. An employee cannot take sick leave after notice of resignation or termination.
- I. Employees on leave without pay, disability leave, family medical leave, or workers' compensation injury leave (after period of salary continuation) or receiving donated sick leave that have exhausted all leave shall not accrue sick leave. Sick leave shall accrue based on a prorated basis of the actual hours worked within that month. The accrual rate is based on length of service and number of hours worked per regular workweek.
- J. Employees on sick leave may not work a second job even if they have been authorized for outside employment by their Department Director.
- K. Sick leave does not count as hours worked and shall not be used in overtime calculations.

10.18 Physician's Statement

An employee may be required to furnish a statement from an attending physician when:

- A. there is reasonable cause to question the merits of an employee's claim that an absence is due to a reason described in Section 8.18; or
- B. the employee's safety or ability to work is in question; or
- C. absence from work due to illness for three (3) or more consecutive days; or
- D. when requesting an extension of sick leave for serious illness.

An employee who is released by an examining physician to return to regular or light duty and refuses to report for work or perform their assigned duties is subject to disciplinary action, up to and including termination.

10.19 Sick Leave on Holidays

If an official paid holiday falls during a period of sick leave, the employee will not be charged for sick leave on the holiday.

10.20 Use of Other Leave

The employee shall be required to charge against vacation leave any additional

hours that may be required where an employee has reported illness but does not have sufficient sick leave. The employee shall not have the option to take leave without pay in order to reserve available vacation leave. Leave without pay shall be permitted only in cases where all leave has been exhausted, or the employee is on paid suspension for disciplinary purposes, or on authorized leave of absence.

Sick and vacation leave accrual and all other benefits shall be suspended during any period of leave without pay unless otherwise permitted under the provisions of this policy. The City Manager must approve any exceptions to this policy.

10.21 Credit for Unused Sick Time

Regular Full-Time employees who do not use any sick leave in an anniversary year shall be credited with one (1) additional personal holiday for the following fiscal year.

10.22 Sick Leave Donation

1. Sick leave may be contributed from one employee to another for illness, injury, exposure to contagious disease, or routine medical or dental appointments which cannot reasonably be scheduled outside of working hours.
2. Sick leave may not be transferred from one employee to another within (fourteen) 14 days of notice of termination of employment with the city.
3. Employees must have over 80 hours in their sick-leave bank to be eligible to transfer hours to another employee, and employees must have a balance of 80 hours left in their sick leave after the transfer.
4. The Human Resources Department will notify all employees when a request is made for Sick Leave and will provide the donation form.
5. The donations will not be processed until the eligible employee has used all hours of their accumulated leave. The employee will only be given the hours for each payroll period as needed. Hours donated from other employees must be used when donated and may not be accumulated for future use. Donation hours will be deducted in equal amounts as needed. Only one request for donations is allowed per occurrence.

10.23 Exempt Staff Leave

The City Manager, Department Heads, and other executive, administrative, and professional personnel, as defined by the Fair Labor Standards Act, are excluded from the provisions of the City's overtime policies as exempt personnel and are

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expected to work whatever hours are necessary to accomplish required duties, tasks, and responsibilities.

Exempt employees are not required to clock in and out for their work shifts. Instead, exempt employees' time will be reported on an exception basis. This means that they will only be required to submit documentation for work time missed (i.e. sick leave, vacation time, personal day, jury duty, etc.) through the time off request feature in the timekeeping software or in the form of a Leave Request Form.

Exempt personnel shall receive 40 hours of exempt leave each anniversary year, and such leave may be used pursuant to the following terms and conditions:

- A. The taking of such exempt leave must be authorized in advance by the appropriate department or division head.
- B. Unused, exempt leave may not be carried over from one (1) anniversary year to the next.
- C. Balances of exempt leave shall not be paid upon termination of employment with the City, or at any time.
- D. Exempt leave must be taken in a minimum of one (1) hour increments.
- E. For terminating employees, exempt leave may not be used during the final two-week notice period.

A new employee may not take exempt leave until the employee has completed three months of employment.

10.24 Bereavement Leave

Regular Full-Time and Regular Part-Time employees may receive up to three (3) workdays per calendar year in cases of the death of a member of the employee's immediate family. For these purposes, "immediate family" shall mean the employee's spouse, child, brother, sister, mother, father, grandparents, grandchildren, stepparents, great grandparents, uncles, aunts, cousins, nephews, nieces, great-grandchildren and shall include the spouse's immediate family. A legal guardian may be considered as immediate family.

In order to establish eligibility for bereavement leave, the employee shall be required to disclose the relationship of the deceased person to the Department Head. The supervisor may require the employee to provide proof of death, such as an obituary notice.

The employee's supervisor will approve the appropriate amount of time off for

bereavement, but it shall not exceed three (3) workdays. No more than three (3) working days may be used for bereavement leave within a calendar year. In the event of another qualifying death and the employee's bereavement leave days have been utilized, he may use accrued leave, including vacation, sick leave and/or comp time. If there is no balance in an employee's accrued leave, the employee will be required to take leave without pay if no leave is available.

An employee not otherwise meeting the qualifications under this provision may claim the absence against available sick or vacation leave. The employee would otherwise be required to take leave without pay if no leave is available. Bereavement leave with pay does not accrue or carry over to the next calendar year.

If a bereavement request is denied by a Supervisor, the employee may appeal that decision to the City Manager.

10.25 Flextime Policy

The City recognizes employees are most productive when they are able to successfully achieve a balance in their personal and professional lives and that one way to achieve this is to promote a program of flexible or alternate work scheduling. A flexible or alternate work schedule program has been developed to promote such productivity. Dependent upon the needs of the City and the employee, employees may be permitted or required to work an alternate schedule. This policy does not supersede the Department Head and Supervisors' authority to set employee schedules to meet budgetary limitations and/or changes in service levels and operational needs.

A. Parameters

Flextime is allowed as long as departmental staffing levels are sufficient to maintain appropriate customer service levels. All flextime options are at the discretion of the employee's immediate supervisor and must be approved prior to beginning any alternative work schedule.

B. Definitions

- 1. Flextime Work Schedule** - Permits flexibility in arrival and departure times. The time or hours are selected by the supervisor and the employee to complete a full work week of forty (40) hours.
- 2. Occasional Flex** – If the employee works late one evening, he or she may request or be required to come in late one morning or leave early one afternoon in the same workweek. This option also gives the employee the opportunity to take a

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short lunch period, or no lunch period, in order to leave early or come in late. This option must be approved by the immediate supervisor and scheduled in advance when possible.

3. **Seasonal Flex** – This option may be used in any department to handle peak summer workloads and/or extreme heat. For example, the Water, Wastewater, and Street Departments could implement an altered work schedule during the summer months of 7:00 a.m. through 3:30 p.m. with a half-hour lunch. Seasonal flex schedules must be approved by the immediate supervisor. They must also be scheduled in advance of implementation and announced to all City personnel.
4. **Special Flex** – Under special circumstances, the City Manager may approve Special Flex for employees based upon out of the ordinary circumstances. Special Flex will be posted to an accrual balance for each employee and must be taken within sixty (60) days of the date it was earned.

C. **Exceptions**

Police and fire personnel have written guidelines addressing uniformed and sworn personnel's work schedules. This policy is not intended to supersede any written guidelines pertaining to such schedules within that department.

D. **Authority**

The Department Head shall have the authority to approve or deny employee requests to participate in the program on an individual, work unit, division or departmental basis. The Department Head shall also have the authority to require participation in the program on an individual, work unit, division or departmental basis. The Department Head shall have the authority to schedule and determine which employees shall have which days off and to amend, modify, or revoke that schedule as appropriate or necessary.

E. **Participation**

Participation in the program is available only to those who are deemed eligible by the Department Head. An employee may not appeal or grieve the denial or revocation of a schedule or participation in the program by a Department Head, and an employee who requested participation in the program or his immediate supervisor may terminate participation in this program at any time.

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Management has the right to remove an employee from the program if the employee's performance declines, if the program fails to benefit the City's needs, or for policy violations. An opportunity to request participation in the program is offered only with the understanding that it is the responsibility of the employee to meet and adhere to all components and requirements, to include, but not limited to the following:

1. Employee understands that he is obligated to comply with all City rules, policies, practices, instructions, which apply to his job and any other specified agreements.
2. Employee agrees that all tasks, duties, obligations, responsibilities, and conditions of employment shall not be changed by reason of participation in the Program.
3. Employee who participates shall continue to accrue leave benefits.

F. Participant Selection Criteria

Any employee requesting to participate in the program with an identified, documented performance problem shall not be selected to participate in the program. Supervisors will assess each request on a case-by-case basis, and will consider the following factors to determine if the employee shall be selected to participate:

1. The ability of the employee to work independently and effectively with little or minimal supervision.
2. Positive or negative effects of the flexible work schedule on the fulfillment of the employee's responsibilities; customer service; the remainder of the department, division, or office; working with contractors or clients; additional costs or savings to be incurred or realized.
3. Employee must have completed six (6) months of employment with the City and be a Regular Full-Time employee.
4. The employee's need for flexibility in work scheduling.
5. Consideration of the employee's performance indicators; within the last year, including, but not limited to, punctuality, attendance and quality and quantity of work performed.
6. Consideration of the impact on the office, counter assistance, telephone coverage, attendance at meetings, workload, City Commission, board and commission deadlines, project deadlines and any other factors that contribute to the City's goal of providing the highest level of customer service.

7. Consideration of other relevant factors that may affect the effective and efficient operation of the City, i.e., knowledge requirements, contact requirements, reference material requirements, travel requirements, and information security requirements.

G. Request to Participate

Any employee wishing to participate in either fixed or seasonal flextime must fill out the Request of Alternate Work Schedule Form. For those wishing to participate in the program for two weeks or less, the form must be submitted to the immediate supervisor at least five working days in advance for approval. The supervisor will then grant his approval or denial at least three working days in advance of the requested effective date. For requests longer than two weeks, the request form must be submitted to the supervisor at least ten working days before the effective date of the work schedule change, and the supervisor will grant approval or denial at least five working days in advance of the requested effective date. Occasional flextime does not require the Request of Alternate Work Schedule Form but does need to be verbally approved by the immediate supervisor as early in advance as possible.

H. Work Tasks

The employee shall meet with the supervisor to receive assignments and to review completed work as necessary or appropriate. Further, the employee shall also complete all assigned work according to work procedures mutually agreed upon by the employee and the immediate supervisor.

I. Exempt Employees

Exempt employees are expected to work whatever hours are necessary to accomplish required duties, tasks, and responsibilities. This often requires in excess of eight hours per day. To provide for employees to be more productive and to successfully achieve a balance in their personal and professional lives, a flexible work schedule will be permitted. The ability to flex one's work schedule is dependent upon the employee's workload and the impact on the City. The flexible work schedule opportunities do not affect the Exempt Leave benefit.

The exempt employee's alternate work schedule provisions are as follows:

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1. When an exempt employee physically works in excess of 8 hours a day, he may use those excess hours to flex his work hours within the same pay period. Hours may not carry over from one pay period to the next.
2. No more than eight (8) consecutive hours shall be flexed in any given pay period.
3. If additional leave is needed within a pay period, the employee shall use his accrued leave.
4. Such flextime work schedule changes shall be authorized in advance by the immediate supervisor.

J. Enforcement

This policy will be enforced by all supervisory and management personnel. Employees who violate or abuse this policy will be subject to disciplinary action, up to and including termination. If employees have questions regarding flex time (as defined by this policy) they should consult their supervisor. Unresolved issues between employees and management concerning flextime will be addressed by Human Resources.

10.26 Military Training Leave

A. Eligibility

An employee who is a member of the National Guard or reserves of the United States armed forces shall, upon notification to the Department Head and submission of appropriate documentation, be granted leave for a period required to perform active duty for training.

B. Definition

Active duty for training means to be engaged in short periods of authorized military training such as cruises, training schools, weekly or weekend drills, and other similar activities.

C. Length of Leave

In accordance with Section 437.202, Texas Government Code, an employee engaged in authorized military training or duties will receive pay and accrue benefits as if the employee were on the job, for up to one (1) month in any one year.

10.27 Military Active Duty Leave

A. Eligibility

An employee who leaves a position with the City for the purpose of entering any branch of the United States armed forces, including a reserve component, for extended active duty, shall be placed in military active-duty status and granted leave without pay. The employee should give a Supervisor advance notice of the employee's intent and, for reemployment purposes, submit a copy of the orders for inclusion in the employee's personnel record.

B. Use of Military Leave and Vacation Leave

While serving on military active duty as a member of a reserve component of the armed forces, an employee may elect to use military training leave and any accrued vacation leave, or similar leave accrued before the commencement of such service.

C. Length of Active Duty

In accordance with Section 4312, Title 38, United States Code, an employee may serve a total of five years on active duty in the armed forces as a member of a reserve component and still be eligible for reemployment. An employee's right to reemployment is not protected for periods of military active duty longer than five years.

D. Reemployment

A regular employee who returns from active duty as a member of the armed forces of the United States is entitled to reemployment in the position the employee would have been employed if continuous employment with the City had not been interrupted by military service; or in the same position held upon entrance to active duty; or in a position of comparable seniority, status and pay, if the employee:

1. is physically and mentally qualified to perform the duties of the position;
2. was discharged, separated, or released from military active duty under honorable or general conditions;
3. has not been on military active duty leave for more than five years; and
4. makes written application for reemployment within 90 days after discharge, separation, or release from military active

duty and presents evidence of the discharge, separation, or release from military active duty.

E. Leave for Military Physical Exam

An employee called for a military preinduction physical examination will be allowed a reasonable time with pay, including travel time, to take the examination.

F. Credit for Military Service

Upon reemployment with the City following military active duty, an employee will be allowed full credit for time spent in the military service for the purpose of computing eligibility for vacation and sick leave. The employee will be entitled to all seniority, rights and benefits that the employee would have attained had the employee remained continuously employed with the City.

10.28 FMLA Leave

A. Federal Law

FMLA leave is provided in compliance with the Family and Medical Leave Act of 1993. When questions arise concerning FMLA leave that are not answered in this section, the Department Head or Human Resources Department should refer to federal regulations, 29 C.F.R. Part 825, for additional guidance. These regulations are controlling in any matter on which this policy is silent.

B. Eligibility and Entitlement

Any employee who has completed twelve (12) months of employment and at least 1,250 hours of service during the previous twelve (12) month period with the City is entitled to receive Family and Medical Leave during a rolling year for one or more of the reasons listed below:

1. Birth of a child of the employee in order to care for such child (leave must be taken within a twelve (12) month period after birth);
2. Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a twelve (12) month period after placement);
3. To care for the employee's spouse, son, daughter or parent

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who has a serious health condition;

4. When the employee is unable to perform the essential functions of his position because of a serious health condition.
5. If an immediate family member (spouse, child or parent) is a Reservist or a member of the National Guard and is on active duty or has been notified of a call to active duty in support of a contingency operation and has a qualifying exigency. A qualifying exigency is defined as short-notice deployment, military events and related activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities and additional activities where the employer and employee agree to the leave.
6. To care for a family member (spouse, child, parent, or next-of kin) who is a covered service member who is recovering from a serious injury or illness sustained in the line of duty on active duty.

10.29 FMLA Leave Provisions

The provisions for using Family and Medical Leave for 1 through 6 listed above are as follows:

- A. An employee who has no accrued paid leave must receive unpaid family and medical leave up to twelve (12) weeks during a rolling twelve month period; twenty-six (26) weeks if caring for an injured or ill service member recovering from a serious injury or illness sustained in the line of duty on active duty. All of the twenty-six weeks of leave which are available to care for an injured or ill service member must be taken during a single twelve month period.;
- B. An employee who has less than their eligible FMLA weeks, in accrued paid leave must first use the accrued paid leave towards their FMLA weeks; thereafter, the remaining balance of their FMLA weeks shall be unpaid family and medical leave;
- C. An employee, who has more than their eligible FMLA weeks in accrued paid leave, must substitute accrued leave for unpaid FMLA leave. Upon expiration of FMLA leave, the employee may use the accrued paid leave over and beyond, their eligible FMLA weeks, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager; and

- D. Family and Medical Leave may be paid or unpaid.

10.30 FMLA Leave – Reasonable Accommodations

After completion of twelve (12) or twenty-six (26) weeks of leave under the Family and Medical Leave Act, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule. If an employee is unable to perform the duties of his assigned position, reasonable accommodations may be made by the City to provide for the employee to perform such duties. If reasonable accommodations cannot be made and the employee is unable to perform the essential duties of his assigned position, he may be terminated.

10.31 FMLA – Supervisor Notice to Human Resources

A Supervisor shall be responsible for notifying the Human Resources Department immediately when an employee is away from work for a Family and Medical Leave qualifying event (if Family and Medical Leave has not been approved), even if the employee is utilizing paid vacation, sick or other types of leave or is out due to a work related injury. A Supervisor shall also be responsible for notifying the Human Resources Department when an employee is absent due to illness for three (3) consecutive work days, so the time may be evaluated for Family and Medical Leave status.

10.32 FMLA – Other Provisions

- A. When Family and Medical Leave is foreseeable, an employee must provide at least thirty (30) days advance written notice. When the need for Family and Medical Leave is unforeseeable, as much notice as is practicable should be given. A form requesting Family and Medical Leave is available in the Human Resources Department. If it is determined that the need for Family and Medical Leave was foreseeable, the leave can be delayed until at least thirty (30) days after the date that the employee provides notice to the City. In the absence of unusual circumstances, nothing herein excuses an employee from complying with the requirement to notify his/her immediate supervisor of an absence as required by Section 15.05.A.2. of the PARM.
- B. **Medical Certification:** The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resources Department within fifteen (15) working days.

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Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his/her position. Upon returning to work after leave for his/her own illness, an employee is required to provide a fitness for duty certification which addresses the employee's ability to perform the essential functions of the employee's job.

If the City determines that a certification provided is incomplete or insufficient, the City will provide the employee with seven calendar days to cure any deficiency. When leave is requested due to a serious health condition affecting the employee or the employee's spouse, child or parent or for leave requested to care for an injured or ill service member and the deficiency is not cured, the City has the right to either deny FMLA leave or contact the health care provider for purposes of clarification and authentication of the medical certification. Any contact with a health care provider will be made only by a health care provider, the Human Resources Department or the City Manager and, when necessary, upon receipt of a HIPAA authorization provided by the employee. If an employee refuses to provide a HIPAA authorization when necessary and does not otherwise clarify the certification, the City may deny FMLA leave.

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

- C. Service Member Certification:** An employee requesting leave to care for an injured or ill service member must provide certification of the need for leave from the service member's health care provider. Invitational Travel Orders or Invitational Travel Authorizations issued to the employee to join an injured or ill service member at his or her bedside may be provided in lieu of this certification for the duration of time specified in the orders or authorizations. Employees seeking leave for a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation must also provide a certification of the need for leave to the Human Resources Department.
- D.** This policy does not affect the accrual or usage of leave provisions

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(i.e., vacation, sick, compensatory or exempt leave, or holiday).

- E.** An employee shall continue to receive health insurance benefits during Family and Medical Leave. The City shall continue paying its portion and the employee shall continue to pay his portion of health insurance benefits.
- F.** Family and Medical Leave may be delayed or denied due to the failure of an employee to adhere to these Regulations.
- G.** Within five business days of receipt of notice from an employee requesting paid or unpaid leave, the Human Resource Department shall notify the employee of the employee's eligibility to take FMLA leave and the employee's rights and responsibilities for taking FMLA leave. This written information must be provided to the employee in a language in which the employee is literate.
- H.** Within five business days of receipt of enough information to determine whether the leave is being taken for an FMLA-qualifying reason, the City must notify the employee whether the leave will be designated and counted as FMLA leave.
- I.** When medically necessary, an employee may take Family and Medical Leave on an intermittent basis or work a reduced schedule. Leave taken due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

10.33 Leave of Absence without Pay or Inactive Status

- A.** In addition to the paid leaves of absence discussed above and in the FMLA provision, an unpaid leave of absence for a reason acceptable to the City may be granted for up to seven (7) calendar days to Regular Full-Time and Regular 29 Part-Time employees. A request must be made by the employee in writing at least ten (10) days prior to the beginning date of the leave of absence, except in an emergency situation. The Department Head and the Human Resources Department must approve the leave of absence in advance.
- B.** An employee who does not return to work on the first regular working day following the end of the leave of absence period shall be

terminated unless he has received an extension before the expiration of the originally approved leave.

10.34 Administrative Suspension

When an employee is under investigation for a crime, official misconduct or disciplinary matters, or is awaiting a hearing or trial, he may be suspended with or without pay for the duration of the investigation or proceedings. If the investigation or proceedings clear the employee, he shall be eligible to resume work under such terms and conditions as may be specified by the City Manager or Department Head, which may include compensation of back pay if pay was withheld.

10.35 Jury Duty and Other Court Leave

- A.** An employee shall be granted paid jury leave when he is summoned for jury duty.
- B.** The employee must notify his supervisor upon receiving a summons for which jury leave is requested. A copy of the summons must be submitted to the employee's supervisor and to the Human Resources Department.
- C.** All fees paid and expenses reimbursed by the court may be retained by the employee.
- D.** Employees shall report to work on any business day or partial day when the jury/court is not in session.

10.36 Paid Time Off for Voting

An employee eligible to vote in a national, state, county, or municipal election, shall, when necessary, be allowed sufficient leave with pay to exercise this right. The requested leave must be approved by the Department Head.

10.37 Other Leave without Pay

A. Eligibility

Leave without pay, other than military leave and FMLA leave, is granted as a matter of administrative discretion. No employee is entitled to leave without pay as a matter of right, but it may be granted to any employee.

B. When Granted

The City Manager may grant leave without pay to an employee for

the following reasons:

1. To participate in training or education that would result in increased job ability;
2. To recover from illness or disability after FMLA leave has been exhausted or if the employee is not eligible for FMLA leave; or
3. In circumstances described in other parts of these policies.

C. Benefits

Except for military training or active duty leave, benefits shall not accrue while an employee is on leave without pay, when leave exceeds time worked for any month.

D. Return from Leave

When an employee who has been granted leave without pay desires to return before expiration of the leave, the Department Head may require that reasonable notice, not in excess of 15 calendar days, be given. Except for military training or active duty leave, an employee who returns to work after leave without pay which exceeds three months, shall be given an adjusted service or seniority date and an adjusted anniversary date for merit review and vacation leave carry over purposes.

E. Revocation of Leave

A Department Head may revoke leave without pay upon finding evidence that the cause for granting leave without pay was misrepresented or has ceased to exist.

F. Recordkeeping

A Department Head is responsible for submitting to the Human Resources Department accurate records of employees who are on leave without pay (LWOP). The biweekly report shall show absentees who are not entitled to pay.

10.38 Absence without Leave

Unauthorized absence without leave for two (2) or more consecutive working days, or failure to return at the expiration of a leave is considered to be an automatic resignation or job abandonment. An automatic resignation may be rescinded by the Department Head if the employee presents satisfactory reasons for the absence within three (3) days of the date the automatic resignation became effective.

10.39 Breastfeeding Support

- A.** In order to allow employees to take advantage of the many health benefits of breastfeeding, and in compliance with the Fair Labor Standards Act, the City provides reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.
- B.** All women who breastfeed their children and who need to express milk during the working day will work with their supervisor and the Human Resources Department to determine how best to accommodate the needs of the mother while still accomplishing the performance of her job.
- C.** Supervisors will allow flexible working arrangements. Women may use their break and lunch time to express milk. Sick or vacation hours may also be used to express milk if needed. Breaks to express milk should not last longer than 30 minutes. If an employee needs to take more than two breaks during the work day to express milk, the employee will need to use personal time (lunch, sick and/or vacation hours).
- D.** The Human Resources Department will work with each nursing mother to determine a private area in which they may express milk. Milk may be placed in City refrigerator so long as it is appropriately marked.

Exhibit 'A'

CHAPTER 11

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CHAPTER 12 INJURED OR ILL EMPLOYEES

Effective May 1, 2022

12.01 Injury on the Job

A. Medical Care

The Supervisor is responsible for ensuring that an employee who is injured during the course of employment receives appropriate initial medical care. When notified that an employee has been injured, a Supervisor shall:

1. if qualified personnel are available, assure that first aid is begun;
2. if the injury is serious, as may be indicated by, but not limited to, profuse bleeding, broken bones, unconsciousness, or shock, call for emergency medical transportation through 9-1-1;
3. if the employee needs immediate medical care, care should be sought at the nearest emergency care facility. The Supervisor must be notified as soon as possible of the employee's injury;
4. if the injury requires medical care but does not warrant emergency transport, the employee must select a physician from a list provided by the Human Resources Department in order to be covered under Workers' Compensation. If an employee chooses to seek physician care with a physician not on the list provided, the expenses incurred may not be covered under Workers' Compensation insurance.

B. Reports

Regardless of the severity of the injury, an employee who is able must report immediately to the Supervisor any injury incurred in the course of employment with the City. The immediate supervisor is responsible for contacting the Human Resources Department to file the following reports for inclusion in the employee's personnel file:

Exhibit 'A'

1. Texas Worker's Compensation Injury Report (DWC -1): must be filed with the Human Resources Department within seventy-two (72) hours of the occurrence on all injuries regardless of severity of the injury; and
2. Supervisor Incident Report: an incident report is to be filed with the Department Head and Human Resources Department within seventy-two (72) hours of the occurrence on all injuries regardless of severity of the injury; and
3. When medically feasible, Witness Reports and Employee's Report of Injury or Illness: must be filed with the Department Head and Human Resources Department by the end of the shift if the injury requires medical treatment or lost time.
4. Fire department personnel are also required to report injuries to the Texas Commission of Fire Protection. The fire chief will be responsible for the reporting of the applicable incidents.

12.02 Physical Examination

A. When Required

An employee who has been ill or injured shall obtain a physical examination from the employee's attending physician or a physician designated by the City if:

1. the employee has received emergency treatment at a hospital; or
2. the Department Head has reason to believe that the physical condition of the employee could result in danger to persons or property or that it interferes with normal work performance, and the Department Head instructs the employee to report for examination.

B. Physician's Release

If it is determined that an employee returning from injury or illness must have a physical examination before resuming work, the employee must obtain a written release from the employee's attending physician or the City's physician, indicating the employee's fitness to return to duty. The release must stipulate what kind of duty is permitted, specify limitations, if any, and state the date of the employee's release from medical care.

Exhibit 'A'

C. Determination Made by Physician

If the physician determines that an employee is not able to perform all of the duties of the employee's position as set forth in the job description, the physician shall document the limitations.

12.03 Modified Duty Policy

The purpose of this policy is to provide a process by which injured and ill employees may receive temporary work assignments that will benefit their full recovery. It is not intended nor to be used as a disability program.

A. Evaluation of Injured or Ill Employee

When an employee is required to be absent from work because of an extended period of recovery from injury or illness, the employee's case will be reviewed by the Department Head and the Human Resources Department. A report of examination and evaluation conducted by the treating physician or the City physician (hereafter "attending physician") will be used to determine the capabilities and prognosis for recovery of the injured or ill employee. A review of the potential work assignments will be conducted by the Department Head and Human Resources Department to determine if an assignment is available which matches the injured or ill employee's training and skills and/or physical limitations as determined by the attending physician.

B. Work Assignment

A modified duty work assignment may be offered to an injured or ill employee if:

1. it is approved by the Department Head and the Human Resources Department;
2. a work assignment exists within the City which meets the abilities documented by the attending physician; and
3. 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.

C. Length of Modified Duty Work Assignments

Modified work assignments shall not exceed sixty (60) calendar

days. An extension may be granted at the discretion of the City Manager when work assignments exist, and modified duty continues to enhance the recovery of the injured or ill employee. However, an employee is limited to a total of ninety (90) calendar days per 12-month period of Modified Duty.

D. Conditions of Modified Duty

As a condition of continuing in a modified duty work assignment, an employee must:

1. adhere to prescribed treatment and make reasonable efforts toward rehabilitation;
2. continue to provide progress updates to the Department Head and Human Resources Department regarding the status of his/her condition;
3. accept progressively more demanding assignments as the employee's condition improves; and
4. make visible progress in returning to full performance capability.

E. Termination of Modified Duty

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

1. the employee is found to be performing beyond the modified duty restrictions;
2. the work assignment is completed, and no work assignments exist within the City which suit the employees' abilities and meet the limitations documented by the attending physician;
3. the employee performs unsatisfactorily in the modified position; or
4. budgetary constraints do not allow continuation of modified duty.

F. Reassignment to a Vacant Position

If an employee's injury or illness will regularly prevent the employee from performing the essential functions of the employee's regularly assigned duties, the City Manager, in conjunction with the Department Head and Human Resources Department, shall attempt to locate a suitable City position for the employee. Such position must be authorized and vacant, and the injured or ill employee must be qualified to perform the essential functions of the position. If no

other position is available at the time the employee is determined unable to perform the essential function of the employee's job, or, should the employee refuse to accept an available position, then termination of employment will occur. The City will not create a position.

12.04 Life-Threatening Illness

A. Fair and Equal Treatment

Pursuant to its commitment to providing fair and equal opportunity to all employees while providing a safe work environment, the City will treat employees with life-threatening illness like other employees as long as they meet performance standards, are able to perform the essential functions of their position, and medical and other information indicates that their condition is not a threat to themselves or to others. The City will attempt to reasonably accommodate these employees whenever practicable.

B. Confidentially and Sensitivity

If an employee contracts a life-threatening illness, or if an employee discovers a fellow worker has contracted a life-threatening illness, all reasonable efforts should be exercised to ensure that this information remains private and confidential. All employees should treat employees with a life-threatening illness with compassion and understanding.

C. Educational Information

The City has access to educational programs for persons who want to know more about life-threatening illness. These programs discuss how to prevent or reduce the chance of contracting a life-threatening illness, as well as, how to deal with fellow workers, family members or friends who have a life-threatening illness. Supervisors and employees should contact the Human Resources Department for more information about these programs.

D. Physical Examination

To assure the City that an employee with a life-threatening illness is not a danger to anyone, the City may require the employee to be examined by a physician. All information related to the examination will be confidential and will be disclosed to a Department Head only when it is necessary.

CHAPTER 13

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CHAPTER 14 EMPLOYEE APPEARANCE

Effective May 1, 2022

14.01 Policy

It is the policy of the City that an employee's dress and grooming should be appropriate to the work responsibilities. The purpose of this policy is to create and maintain a favorable image of the City of Breckenridge to the general public. All employees, regardless of work location and degree of public contact, are expected to dress in a manner that is appropriate to their work environment and positions that will represent pride in the City and the citizens they serve.

14.02 Department Head Responsibility

City employees must maintain the highest standards of personal cleanliness and grooming and shall present a neat appearance at all times during working hours. It shall be the responsibility of the Department Head to determine and enforce specific standards of dress and appearance within their department except as outlined in this policy.

14.03 Personal Hygiene

A. Professional Appearance

All employees should be aware that it is necessary to include regular bathing, the use of deodorant, and the practice of good dental hygiene in their personal hygiene habits in order to maintain a good professional appearance and non-offensive work environment.

B. Neatly kept hair

Hair should be kept clean, combed and neatly trimmed or arranged. Shaggy, un-kept hair is not permissible regardless of length. Sideburns, moustaches and beards should be neatly trimmed. Non-traditional hair colors must be cohesive and are subject to Department Head approval.

C. Body piercing

1. Facial jewelry including, but not limited to, nose, eyebrow, lip and/or tongue rings and studs must be removed during working hours. At the discretion of the Department Head and/or City Manager, an exception may be granted to permit an employee to wear one small (2 mm or less) nose stud that

is either silver, gold, or clear in color.

2. Gauges are not permitted.

D. Fragrance

Employees shall be considerate and recognize that employees and visitors to the workplace may have sensitivities or allergies to fragrant products, including but not limited to perfumes, colognes, body lotions, hair products, oils, candles, and more. Fragrant products that may be offensive to others should be used in moderation out of concern for others in the workplace.

E. Under garments

Appropriate underclothing must be worn at all times. Under garments shall not be visible under and/or through clothing.

F. Excessively tight clothing

No revealing or excessively tight clothing is allowed.

G. Tattoos

1. Tattoos, body art, temporary tattoos or branding that displays obscene, extremist, racist or offensive design, logo or wording which represents an illegal act or gives the impression that an employee may not impartially discharge their duty, or detracts from a uniform, professional appearance is prohibited.
2. The City Manager has the final authority as to the appropriateness of any visible tattoos, body art, temporary tattoo or branding and may order them to be covered with a bandage or wrap when representing the City.

14.04 Standard Dress Policy – Office Employees

It is the policy of the City to present a conservative and professional image to the citizens we serve. Because every employee may at one time or another come in contact with our citizens, it is important for all staff members to be dressed appropriately at the office every day.

A. Male Employees

Appropriate dress for male employees includes slacks, khakis or jeans with appropriate shirt. Shirts must have sleeves. Examples of inappropriate shirts include torn or ripped shirts, tank tops, sleeveless shirts. Appropriate footwear should be worn at all times

while in the workplace. Shorts may be allowed by the Department Head if they are considered part of a standard City uniform such as those working in the Parks Department during summer pool season.

B. Female Employees

Appropriate dress for female employees includes slacks, khakis, capris, jeans, dresses, or skirts with appropriate shirt, sweater, or jacket. Examples of inappropriate shirts include beachwear, exercise wear, tank tops, spaghetti straps, halter tops, and crop tops. Shorts may be allowed by the Department Head if they are considered part of a standard City uniform such as those working in the Parks Department during summer pool season.

14.05 Standard Dress Policy – Field Employees (does not include Police)

Field employees that are issued City uniforms are required to wear their uniforms to work. City uniforms are to be worn only while on duty and are not to be worn on days off or after hours. Each Department Head will determine what type of shoes/boots to wear based on the safety needs of the department. Shorts may be allowed by the Department Head if they are considered part of a standard City uniform.

14.06 Standard Dress Policy – Uniformed Police and Fire Personnel

Uniform specifications for Police and Fire personnel can be found in the department's standard operating procedures.

14.07 Wearing of Clothing with City Logo Outside of Work

An employee is prohibited from wearing any attire while off-duty that identifies the person as a member of the City while engaging in conduct or activity that by virtue of the association discredits the City or places either the employee or the City in disrepute or discredit.

14.08 Enforcement

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.

14.09 Exceptions

Exceptions to these guidelines may apply where the position warrants (i.e., Parks and Recreation Lifeguards in swimsuits). Such exceptions must be approved by the City Manager and the Human Resources Department.

CHAPTER 15 EMPLOYEE STANDARDS OF CONDUCT

Effective May 1, 2022

15.01 City Responsibilities

The City's work force exists to provide essential municipal services to the community. The City of Breckenridge is committed, within its financial constraints, to maintaining a work force of the most qualified workers to provide reliable, quality, and cost-efficient services to the community in a respectful and friendly manner.

15.02 Management Responsibilities

In keeping with the respect due each employee, management is committed to:

- A. providing effective and efficient delivery of services;
- B. compensating employees fairly for work done;
- C. providing safe, healthy, work conditions in accordance with provisions of all applicable law;
- D. adequately instructing and training employees in their duties;
- E. supplying necessary tools and equipment (except those customarily provided by employees);
- F. providing reasonable opportunities for development experience and competitive advancement; and
- G. actively engaging in equal opportunity activities.

City management shall not dismiss an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, creed, color, religion, veteran status, national origin, sex, age over 40, the basis of genetic information, the existence of a physical or mental disability, or any other classification protected under applicable state or federal law. 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.

15.03 Employee Responsibilities

An employee shall:

- A.** be loyal to and meet the reasonable expectations of City management and the citizens of the City;
- B.** report to work regularly and on time;
- C.** consistently meet or exceed performance standards established for the employee's job; and
- D.** work in a professional, cooperative, safe, and friendly manner.

15.04 Employee Conduct

An employee is expected to consistently maintain satisfactory performance standards. Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, the problem should first be addressed by the mutually cooperative efforts of the Supervisor and the employee. Those efforts include but are not limited to:

- A.** an analysis of the problem;
- B.** a determination of needed changes and assistance; and
- C.** implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the documented reasons for failure, may be transferred, demoted, or dismissed.

15.05 Unacceptable Conduct

The following types of conduct are unacceptable and may be the reason for corrective discipline in the form of reprimand, suspension, demotion, or dismissal, depending upon the facts and circumstances of each case. The examples given are typical but not all-inclusive.

- A.** Unsatisfactory attendance exemplified by, but not limited to, the following violations:

Exhibit 'A'

1. unexcused absence or tardiness;
 2. failure to give notice of an absence or tardiness to the Supervisor from within two hours before to within 15 minutes after starting time;
 3. separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification;
 4. absence or tardiness without sufficient justification that causes significant curtailment or disruption of service;
 5. excessive amounts of time off the job, regardless of the reason; or
 6. any absence when the employee has exhausted all sick, vacation, or other available paid leave, if the employee is not on an approved unpaid leave of absence.
- B.** Job abandonment occurs when an employee, deliberately and without authorization from a Supervisor, is absent from the job, or refuses a legitimate order to report to work. If an employee is absent from work for two (2) or more consecutive work days without properly notifying his Supervisor, the 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 control and it was impossible to provide the necessary notification, then reinstatement may be considered.
- C.** Inability or unwillingness to perform assigned work satisfactorily is exemplified by, but is not limited to, the following violations:
1. failure to follow routine written or verbal instructions or being insubordinate to a Supervisor or Department Head;
 2. arguing over assignments or instructions; or
 3. an accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.
- D.** Indifference towards work is exemplified by, but is not limited to, the following violations:
1. inattention, inefficiency, loafing, sleeping, carelessness, or negligence;

Exhibit 'A'

2. failure to remain at one's work station, leaving work without permission, or taking excessive time or more time than allowed for meal or rest periods;
 3. interference with the work of others; or
 4. discourteous or irresponsible treatment of the public or other employees.
- E. Sabotage is exemplified by, but is not limited to, the following violations:
1. deliberate damage to or destruction of City equipment or property;
 2. defacing of City property;
 3. unauthorized alteration, removal, destruction, or disclosure of City records;
 4. advocacy of or participation in unlawful trespass or seizure of City property;
 5. encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
 6. interference with the public use of or access to City services, properties, or buildings; or
 7. threats to commit any act of sabotage.
- F. Safety violations are exemplified by, but are not limited to, the following violations:
1. failure to follow City or departmental safety regulations;
 2. failure to use required safety apparel;
 3. removal or circumvention of a safety device;
 4. lifting in an unsafe manner;
 5. operation of vehicle or other equipment in an unsafe manner;
 6. smoking in a prohibited area;
 7. endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
 8. failure to report an on-the-job injury, vehicle accident, or unsafe work condition; or
 9. failure of a Supervisor to remove from the work place or to assist to a safe location an employee whose mental

Exhibit 'A'

capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress.

G. Dishonesty is exemplified by, but is not limited to, the following violations:

1. acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employee;
2. cheating, forging, or willful falsification of official City reports or records, including time keeping records and employment applications;
3. false reporting of the reason for paid leave of absence;
4. lying or willful omission of fact;
5. any other falsifying action detrimental to the City or fellow employees; or
6. making or publishing false, vicious, or malicious statements about the City, a coworker, or a Supervisor.

H. Theft regardless of property value, is exemplified by, but is not limited to, the following violations:

1. unauthorized taking of City property or the property of others;
2. unauthorized use of City or employee funds;
3. using or authorizing the use of City equipment or employee services for other than official City business;
4. using or authorizing the use of City equipment or employee services without proper authority; or
5. falsification of time worked.

I. Insubordination is exemplified by, but is not limited to, the following violations:

1. willful failure or refusal to follow the specific orders or instructions of a Supervisor or higher authority; or
2. pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
 - a. if the employee believes an instruction or order is improper, he should obey the instruction or order and file a grievance later; or

Exhibit 'A'

- b.** if the employee believes the instruction or order, if followed, would result in physical injury to the employee or others or damage to City equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

J. Abuse of drugs or alcohol:

Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:

- 1.** an employee is judged unable to perform duties in an effective and safe manner due to:
 - a.** ingestion, inhalation, or injection of a drug; or
 - b.** ingestion of an alcoholic beverage;
- 2.** an employee possesses or ingests, inhales, or injects into his body an illegal drug:
 - a.** during working hours;
 - b.** in a City vehicle; or
 - c.** on City property; or
- 3.** an employee possesses or ingests an alcoholic beverage:
 - a.** during working hours;
 - b.** in a City vehicle; or
 - c.** on City property, except at an authorized City event.

K. Disturbance is exemplified by, but is not limited to, the following violations:

- 1.** fighting or boisterous conduct;
- 2.** deliberate causing of physical injury to another employee or citizen;

Exhibit 'A'

3. threatening to cause physical injury to another employee or citizen;
 4. intimidation;
 5. unnecessary disruption of the work area;
 6. use of profane, abusive, threatening, or loud and boisterous language;
 7. spreading of false reports; or
 8. other disruption of the harmonious relations among employees or between employees and the public.
- L.** Abuse of City property:
1. Abuse of City property is exemplified by, but is not limited to, the following violations:
 - a. negligent damage or destruction of City equipment or property;
 - b. waste of materials or negligent loss of tools or materials;
 - c. improper maintenance of equipment; or
 - d. damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
 2. In addition to appropriate disciplinary action, damage caused by proven intent will cause the employee to be responsible for the repair or replacement of any damaged property. Failure to reimburse the City is cause for dismissal.
- M.** Misconduct is any criminal offense or immoral conduct, during or off working hours, which, if it should become public knowledge, could have an adverse effect on the City or on the confidence of the public in City government.
- N.** Disregard of public trust is any conduct, during or off working hours, which, if it should become public knowledge, could impair the public's confidence or trust in the operation of City government.

- O. Failure to report a violation is exemplified by, but not limited to, failure to report to the proper authority any known violation described in this Chapter.
- P. Violation of City Codes is any activity which violates any provision of the City Code or any City Ordinance. Compliance with City Codes is required by all City employees.

15.06 Disciplinary and Legal Actions

Employees must immediately notify their Supervisor and/or their Department Head if they are arrested, charged, indicted, convicted, receive deferred adjudication, probation, 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.

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 Manager'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.

15.07 Gifts and Gratuities

No officer or employee of the City shall solicit, accept, or agree to accept directly or indirectly, any gift, favor, privilege, or employment having a monetary value of fifty dollars (\$50) or more from any person, firm, or corporation doing business with, or seeking to do business with the City during the employment of the officer or employee and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the City and for its benefit.

Under no circumstance shall cash or any instrument of cash from any person, firm, or corporation doing business with, or seeking to do business with the City be accepted by any an officer or employee of the City.

15.08 Political Activity

- A. Policy.** In order to maintain a high level of professionalism within the City and maintain the proper operation of a democratic government, an employee of the City shall not:
1. Coerce another employee to participate in, or to refrain from participating in, a political campaign; or
 2. Require an employee to contribute to any political fund, render any political service, or support any political election or punish an employee in any way for refusing to do so.
- B. Endorsements as City Employees.** Employees are prohibited from using their official capacity to influence, interfere with, or affect the results of an election. City employees shall not participate in any of the following types of activities:
1. Employees, during hours of work or while in uniform, shall not take an active part in any political campaign for an elective position. The term “active part” includes but is not limited to the following:
 - a. making political speeches;
 - b. passing out cards or other political literature;
 - c. writing letters or signing petitions;
 - d. actively and openly soliciting votes; or
 - e. making public remarks about the candidates for such elective positions.
 2. Employees shall not engage in any activity which could be construed as giving Departmental sanction to any candidate for public office. This includes, but is not limited to, the following:
 - a. soliciting votes, wearing campaign buttons, or distributing campaign literature at work or in a City uniform or in the offices or buildings of the City of Breckenridge;

Exhibit 'A'

- b. listing the employee's position or occupation in an endorsement of a candidate for public office; or
- c. addressing political gatherings in support of, or in opposition to, a partisan candidate where the employee's occupations is mentioned or listed.

C. Candidates for Breckenridge City Commission. Any City employee who enters a race for Breckenridge City Commission shall resign. If he loses the race, he can be reinstated to his previous position if the position is still open and available.

D. Candidates for Political Office. Employees shall not hold an appointive or elective City office, a partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment. If an employee decides to assume such an office, the employee shall resign from City employment or shall immediately forfeit employment with the City.

CHAPTER 16 DRUG-FREE WORKPLACE

Effective May 1, 2022

16.01 Purpose

It is the desire of the City of Breckenridge to provide a drug-free, healthful; and safe workplace for all employees. 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. Violations of this policy may lead to disciplinary action, up to and including termination of employment.

16.02 General Policy Statement

The City has a “no tolerance” policy, whereby employees who test positive as a result of drug or alcohol testing, or who refuse to submit to a drug or alcohol test, shall be terminated. Employees who are terminated as a result of testing positive for drugs or alcohol or refusing to submit to a drug or alcohol test shall not be considered for re-employment with the City.

To maintain a drug-free workplace, the City prohibits the unlawful manufacture, distribution, dispensing, possession, sale, purchase, use or presence of illegal drugs, alcoholic beverages, or drug paraphernalia in the workplace, during working hours, on City premises or in a City vehicle.

16.03 Application of Policy

This policy applies to all City employees regardless of rank or position.

16.04 Definition of Drug

For purposes of this Chapter, the term “drug” includes alcohol, prescription drugs when not taken as directed by the employee’s doctor, illegal inhalants, and illegal drugs.

16.05 Voluntary Disclosure

An employee’s voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a “voluntary disclosure” upon being notified that he must submit to a drug or alcohol test.

Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

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 unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of any substance not prescribed or approved by his attending physician; abides by all City policies, rules and prohibitions relating to conduct in the workplace; and if granting the leave shall not cause an undue hardship on the City.

16.06 Drug or Alcohol Convictions

Under the Drug-Free Workplace Act, any employee must notify the Human Resources Department of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.

16.07 Employee Drug/Alcohol Testing

All employees of the City of Breckenridge are subject to drug and/or alcohol testing. The following tests shall be conducted:

- A. Pre-employment** drug and/or alcohol tests shall be conducted after the employment offer has been made, and applicants will not be hired until results are received. All such tests will be conducted under the supervision of the City's designated physician or testing facility. Applicants who refuse to submit to pre-employment drug tests will not be considered for employment. The applicant may be considered for employment and retesting after a period of twelve (12) months.
- B. Post-Accident Testing** shall be conducted on all employees as soon as practical following the accident. The employee shall remain readily available for such testing or shall be deemed to have refused to submit to testing.
- C. Reasonable Suspicion Testing of Current Employees** shall be conducted when a trained supervisor has reasonable suspicion, or observes behavior, speech, appearance, or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing shall occur as soon as practical following the supervisor's observation. The supervisor shall document his observations and forward the document to the Department Head and Human Resources Department. The Human Resources Department must concur with the Department Head's recommendation before a drug and alcohol test is performed.

16.08 U.S. Department of Transportation (DOT) Drug and Alcohol Testing

The City shall comply with the Department of Transportation rules requiring drivers who hold a position requiring a Commercial Driver's License (CDL) to submit to random alcohol and drug testing. Employees holding a position that requires a commercial driver's license shall be tested on a random, unannounced basis for drugs and alcohol. The testing shall be performed with unpredictable frequency throughout the year. Employees shall be randomly selected for testing from a pool of employees who hold a commercial driver's license.

16.09 Consequences of Positive Test Results or Failure to Submit to a Test

- A. Positive test.** Any current employee who tests positive for the presence of illegal drugs or alcohol in a reasonable suspicion, post-accident or DOT required drug and/or alcohol test shall be subject to disciplinary action, up to and including termination.
- B. Refusal.** Employees who refuse to submit to a drug and alcohol test required pursuant to this article shall be subject to disciplinary action, up to and including termination.

16.10 Disclosure of Prescription or Over-the-Counter Drug Use to Supervisor

- A. Notification required.** Any employee who is legally taking a prescription drug or over-the-counter medication that causes him light-headedness, weakness, dizziness, drowsiness, sedation, loss of coordination, disorientation, or other comparable side effects is required to notify his supervisor prior to reporting for duty. If the prescription drug impairs the employee's ability to perform the essential functions of the job effectively and in a safe manner, the supervisor shall reassign the employee to other duties, if needed, for the duration of impairment, or request the employee to use his available leave.
- B. Failure to notify.** 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.

16.11 Employees on Designated On-Call Status

Employees who are designated for "on-call status" are expected to be free of alcohol or illegal drugs, and available to report to work for the duration of their on-call status. "on-call" employees who fail to report to a call to duty, or who report for duty under the

influence of drugs or alcohol, may be subject to drug and alcohol testing and disciplinary action, up to and including termination.

16.12 Searches

When reasonable suspicion exists, as defined by this article, the City reserves the right to conduct unannounced searches for unauthorized substances anywhere on City property, including, but not limited to, lockers, desks, file cabinets, City vehicles and employees' personal vehicles parked on City parking lots. Personal property on City premises shall also be subject to such searches. All such searches must be authorized and conducted under the direction of the City Manager or his designee, and the grounds for suspicion must be described in writing prior to the search. Employees who refuse to cooperate during such unannounced searches shall be subject to disciplinary action, up to and including termination.

**CHAPTER 17
ILLEGAL DISCRIMINATION AND HARASSMENT POLICY**

Effective May 1, 2022

17.01 Purpose

The purpose of this policy is to provide all employees a work environment that is free from harassment, discrimination, and retaliation.

17.02 General Provisions

A. Policy Against Harassment

Pursuant to Title VII of the Civil Rights Act of 1964, The Age Discrimination in Employment Act of 1967 and Title II of the Genetic Information Nondiscrimination Act of 2008, the City prohibits all forms of discrimination, including harassment, on the basis of race, color, ancestry, religion, national origin, age, sex, genetics, marital status, disability, or veteran status. In keeping with this commitment, the City will not tolerate discrimination or harassment.

B. Human Resources Department

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

C. Distribution of Policies

The Human Resources Department will distribute this policy to all employees. Employees are expected to read this policy and adhere to its provisions at all times.

D. Amendments

The City Commission reserves the right to amend this policy. The Human Resources Department will notify employees of changes to this policy.

E. Training

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

17.03 Definitions

In this policy:

- A.** HARASSMENT consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, color, ancestry, religion, national origin, age, sex, genetics, marital status, disability, or veteran status.
- B.** SEXUAL HARASSMENT consists of unwelcome sexual advances, requests for sexual favors, or verbal or physical acts of a sexual or sex-based nature where:
 - 1. submission to the conduct is made an explicit or implicit term or condition of employment;
 - 2. submission to or rejection of the conduct is used as the basis for an employment decision; or
 - 3. the conduct unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

17.04 Prohibited Conduct

The City considers the following conduct to represent the types of acts which violate this policy:

- A.** Physical assaults, such as:
 - 1. rape, sexual battery, molestation, or attempts to commit these assaults; and
 - 2. intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body, or poking another person's body.
- B.** Unwanted sexual advances, propositions, or other sexual comments, such as:

Exhibit 'A'

1. sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience;
 2. preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; or
 3. subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's rejection of sexual advances, speech, or conduct.
- C.** Sexual or discriminatory displays or publications in the workplace or when engaged in City business by employees, such as displaying pictures, posters, calendars, graffiti, objects, promotional materials, or reading materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing the material to read, display, or view at work. A picture is presumed sexually suggestive if it depicts a person who is not fully clothed or in clothes that are not suited to or ordinarily accepted for accomplishing routine work and who is posed for the obvious purpose of displaying or drawing attention to the private portions of the body.
- D.** Subjecting, or threats of subjecting, an employee to unwelcome attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's race, color, ancestry, religion, national origin, age, sex, marital status, disability, or veteran status.
- E.** Retaliation for harassment complaints, such as disciplining, changing work environments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with an employee because that employee has complained about or resisted harassment, discrimination, or retaliation.
- F.** Other acts of a similar nature.

17.05 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, volunteers and other third parties.

17.06 Complaint Procedure

- A.** 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.
- B.** An employee who experiences or observes harassment, discrimination or retaliation must report the incident to a supervisor, department head, or Human Resources Department, whomever the employee feels most comfortable approaching.
- C.** The complaint 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 complaint, and must be signed by the employee.
- D.** The supervisors and department heads must report all harassment, discrimination and retaliation complaints to the Human Resources Department.
- E.** Each complaint will be promptly and thoroughly investigated to determine whether the acts complained of occurred. Within a reasonable time, the Human Resources Department will produce a written report. The Human Resources Department will also recommend remedial measures based upon the results of the investigation, and the Human Resources Department or City Manager, 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.
- F.** An employee will not be subject to retaliation or discipline for reporting or pursuing a harassment or discrimination complaint made in good faith.

17.07 Responsibility of Employees

An employee or applicant for employment who has been harassed or knows of or suspects harassment in the workplace, sexual or otherwise, has the responsibility to report the conduct to a supervisor, a department head, or the Human Resources Department.

17.08 Duties and Responsibilities of Supervisors

- A.** Supervisors must treat all complaints seriously and confidentially. Each case will be promptly and thoroughly investigated to determine whether the harassment, discrimination or retaliation complained of occurred.
- B.** All reports or suspicions of retaliation, discrimination or harassment, sexual or otherwise, which come to a supervisor's attention must be referred immediately to the Human Resources Department for investigation.

17.09 Discipline

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, including written reprimands, withholding of a promotion or pay increase, transfer, demotion, suspension, or termination. By enforcing this policy, the City will preserve the right of every employee and applicant for employment to enjoy a workplace free of discrimination and harassment of any type.

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.

17.10 Disparate Treatment

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 characteristic, from participating in business or work-related discussions or activities, including work-related social activities. 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 prerequisites of employment.

17.11 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 is firmly committed to providing employees with a work environment where all individuals are treated with respect and dignity. All employees have the unconditional right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. Any employee who has any questions or concerns about these policies should talk with his or her supervisor, department head, the Human Resources Department, or the City Manager.

CHAPTER 18 DISCIPLINE AND APPEAL PROCEDURES

Effective May 1, 2022

18.01 Fair and Equitable Standards

It is the intent of the Discipline and Appeal Procedures to safeguard the rights of all employees, to ensure that all employee actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis. A statement of reasons for disciplinary action, up to and including termination, is intended to benefit the employee in assisting the employee to retain employment or to improve performance and is not intended to, nor does it, create a contract, either express or implied, or a property interest, in continued employment.

18.02 Probationary Employees cannot File an Appeal

An employee cannot file an appeal if he is still within his probationary period (first six months of employment).

18.03 Guidelines

The Human Resources Department is authorized and directed to disseminate guidelines and procedures, consistent with the City's personnel policies and ordinances, as are reasonably necessary and appropriate to implement the rules of employee conduct and discipline.

18.04 Pre-Clearance by Human Resources Department

In all matters involving a written reprimand, suspension, demotion or termination, the Human Resources Department shall be consulted prior to the implementation of such action in order to ensure equitable and consistent treatment of employees.

18.05 Types of Disciplinary Action

- A.** In making a decision as to what type of discipline should be imposed, the department or division head should consider such factors as the type and severity of the offense(s), the employee's work record, and any mitigating circumstances which may be relative to the situation.

B. The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Regulations and/or City or departmental rules and regulations:

1. Employee Counseling

Employee counseling is designed to provide constructive feedback to the employee for infractions that need improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department or division file, which, upon separation from employment, shall become a permanent part of the employee's personnel file.

2. Documented Oral Reprimand

An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. A written record of this warning shall become a permanent part of the employee's personnel file.

3. Written Reprimand

A written reprimand is a formal warning of an infraction that may result in suspension, demotion, or termination should the violation recur. Included in the written reprimand shall be a statement(s) of the specific violation(s) of policy, the specific incident(s) causing the action, what changes in behavior are expected what penalty shall be imposed if no changes are made by the employee, and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining Supervisor and the employee should sign the written reprimand. Copies of the written reprimand and all supporting documentation, if any, shall become a permanent part of the employee's personnel file.

4. Suspension

A suspension is to bring about a change in behavior and may result in time off without pay. The employee should be encouraged to reflect on his behavior during the suspension and to decide whether he wishes to correct the offending behavior or terminate his employment.

A Department Head may suspend an employee without pay for a period of not less than one (1) hour nor more than ten (10) working days. Prior to suspending an employee, the Department Head shall confer with the Human Resources Department. Suspension for more than ten (10) working days requires the written approval of the City

Exhibit 'A'

Manager. The Department Head contemplating a suspension shall give written notice to the employee stating:

- a. the type of disciplinary action contemplated,
- b. the specific rule(s) or policy(s) violated,
- c. the specific incident(s) causing the action,
- d. the employee's right to appeal to the City Manager within a specified time, and
- e. the finality of the action if the employee fails to appeal within the specified time period, and
- f. an opportunity for the employee to provide a written or verbal statement in response to the allegations.

Upon review of any information provided by the employee, the Department Head shall make his final determination in writing. The suspension documentation shall become a permanent part of the employee's personnel file.

5. Demotion

A Department Head may demote an employee for a disregard or violation of these Regulations and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee, the Department Head shall confer with the Human Resources Department regarding the proposed demotion.

Demotions may be either permanent or for a predetermined specified period of time, and shall result in a reduction of salary. The Department Head contemplating a demotion shall give written notice to the employee stating:

- a. the type of disciplinary action contemplated,
- b. the specific rule(s) or policy(s) violated,
- c. the specific incident(s) causing the action,
- d. the employee's right to appeal to the City Manager within the specified time,

Exhibit 'A'

- e. the finality of the action if the employee fails to appeal within the specified time period, and
- f. an opportunity for the employee to provide a written or verbal statement in response to the allegations.

Upon review of any information provided by the employee, the Department Head shall make his final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.

6. Termination

A Department Head contemplating a termination shall give written notice to the employee stating:

- a. the type of disciplinary action contemplated,
- b. the specific rule(s) or policy(s) violated,
- c. the specific incident(s) causing the action,
- d. the employee's right to appeal to the City Manager within the specified time,
- e. the finality of the action if the employee fails to appeal within the specified time period, and
- f. an opportunity for the employee to provide a written or verbal statement in response to the allegations.

Upon review of any information provided by the employee, the Department Head shall make his final determination in writing. The termination documents shall become a permanent part of the employee's personnel file.

18.06 Procedures to Appeal a Written Reprimand

- A.** Any employee dissatisfied with any written reprimand received by that employee may file a written appeal to his Department Head within three (3) working days of the action taken. In the event the Department Head or the City Manager has rendered the written reprimand, the Department Head's or City Manager's action shall be non-appealable.
- B.** The written appeal must be submitted to the Department Head and shall contain the following information:

Exhibit 'A'

1. The type of disciplinary action being appealed and the effective date of the action;
 2. The specific reason the discipline is judged to be unjust or otherwise in error;
 3. The remedy or solution sought; and
 4. The signature of the disciplined employee.
- C. The Department Head shall discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Head. The Department Head shall respond in writing to the employee, stating the disposition of the written reprimand within three (3) working days of the discussion. The Department Head may sustain, reverse, modify, or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case.

18.07 Appeal Review Board

The Appeal Review Board shall hear and make recommendations on disciplinary actions involving a suspension, demotion or termination from which an appeal has been taken to the City Manager. The Appeal Review Board shall hear all appeals submitted to the City Manager and shall consist of three (3) mid- and/or senior-level management staff members designated by the City Manager.

The City Manager should attempt to rotate appointments over time and a member of the Appeal Review Board should recuse himself if an appeal to be heard by the Board has been filed by an employee who works under the supervision of that member of the Board or who works in the same department and/or division. In such situations, the City Manager may appoint a temporary replacement for purposes of that appeal if the City Manager determines it is in the best interest of the City and the parties to do so. The Appeal Review Board may adopt rules governing its procedures.

18.08 Procedures to Appeal a Termination, Demotion, or Suspension

- A. Any employee who is terminated, demoted, or suspended without pay shall have a right to appeal that decision to the City Manager. The right to appeal must be exercised within three (3) working days of the date of the decision, by filing a written request with the City Manager and a copy to the Human Resources Department for a hearing before the Appeal Review Board. If the employee fails to appeal the decision of the department or division head in accordance with these provisions, the decision of the Department Head shall become final and non-appealable.

Exhibit 'A'

- B.** In the event an appeal is requested, the Appeal Review Board shall hear the appeal within a reasonable amount of time. The Appeal Review Board shall render a written recommendation to the City Manager within a reasonable amount of time after the conclusion of the hearing. The Appeal Review Board may recommend to the City Manager that he sustain, reverse, modify or amend the action taken. Further, the appeal hearing may be audiotaped and, if so, the audiotape shall become part of the employee's permanent personnel file.
- C.** Any hearing conducted by the Appeal Review Board for a termination, demotion, or suspension shall proceed as follows:
- 1.** City representative(s) shall be allowed to make a presentation of the City's case, explaining and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed.
 - 2.** After the City's presentation, the employee or his attorney shall be permitted to ask questions and/or cross examine witnesses. Thereafter, the affected employee or his attorney shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf.
 - 3.** After the employee's presentation, the City representative or the City's attorney shall be permitted to ask questions and/or cross examine witnesses. Both sides shall be permitted to ask questions and/or cross examine witnesses. Both sides shall be permitted to make a closing statement, if desired. At any time during the hearing, members of the Appeal Review Board may ask questions of the City's representative(s), the employee and any witnesses. The hearing presentation or procedure referenced herein may be modified and there is no absolute right to any hearing procedure or presentation. Further, the failure to follow any hearing presentation or procedure referenced herein does not create any additional appeal rights.

18.09 City Manager's Review and Determination

Upon receipt of the Appeal Review Board's recommendation, the City Manager shall have twenty (20) working days to make a determination or to conduct a hearing if he deems that further information is needed to render a final decision. After reviewing evidence presented, the City Manager may sustain, reverse, modify, or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. The decision of the City Manager is final and non-appealable.

18.10 Failure to Follow Appeal Procedure

If any employee fails to appeal an action within the time limits specified in this chapter or in accordance with the guidelines and procedures promulgated by the Human Resources Department or fails to appear at any hearing, the disciplinary action shall be final and non-appealable.

18.11 “Working Days” Defined

“Working days”, as referenced in this section, means the scheduled work days of the person responsible for initiating an action in these rules and regulations for which a time limit is established. Time limits begin to run the working day following the incident, event, hearing, or notice.

18.12 Appeal Not Answered

If an appeal is not answered within the specific time limits, the employee may proceed to the next step in the appeal process.

18.13 Time Limits

Any time limit specified in the procedures under this chapter may be extended by mutual agreement.

18.14 Inapplicability

Reclassifications and reductions in force are not appealable personnel actions. Any employee reclassified or separated from City employment as a result of a reduction in force has no right to appeal such actions.

CHAPTER 19 GRIEVANCE AND APPEAL PROCEDURES

Effective May 1, 2022

19.01 Grievance Defined

A grievance is an allegation regarding the violation, misinterpretation, or improper application of a specific State or Federal law, City policy or ordinance. This does not include questioning the substance of policy nor complaints regarding disciplinary action or an employee's individual working conditions.

19.02 Probationary Employees cannot File a Grievance

An employee cannot file a grievance if he is still within his probationary period (first six months of employment).

19.03 Grievance Procedure and Appeals

- A.** An employee shall, within three (3) working days of the date of the incident occurred or from which he could have become knowledgeable of the incident, discuss the matter with his supervisor. If the supervisor is not able to resolve the matter, or fails to respond, the employee may, within three (3) working days of the date the grievance was first discussed with the supervisor, present a grievance in writing to the Department Head with a copy to the Human Resources Department. The Department Head shall respond in writing within ten (10) working days of the receipt of the grievance.

If the Department Head is the employee's immediate supervisor, the employee may, within three (3) working days of the date the grievance was first discussed with the Department Head, present the grievance in writing to the City Manager with a copy to the Human Resources Department. The City Manager, within three (3) working days, will designate himself or a designee to hear the grievance.

- B.** The City Manager or his designee shall review the grievance and render a decision within ten (10) working days after receiving the grievance, unless extension of time is required in order to gather additional information. The decision of the City Manager or his designee regarding the grievance is non-appealable.

- C. A grievance initiated by any Department Head shall be reviewed by the City Manager. The decision of the City Manager regarding the grievance is non-appealable.

19.04 Failure to Follow Grievance Procedure

If any employee fails to appeal an action or fails to file a grievance within the time limits specified in this Chapter; fails to appeal or grieve in accordance with the provisions of this Chapter or in accordance with the guidelines and procedures promulgated by the Human Resources Department; or fails to appear at a hearing, the grievance decision shall be final and non-appealable.

19.05 “Working Days” Defined

“Working Days”, as referenced in this section, means the scheduled work days of the person responsible for initiating an action in these rules and regulations for which a time limit is established. Time limits begin to run the working day following the incident, event, hearing, or notice.

19.06 Appeal or Grievance Not Answered

If a grievance is not answered within the specific time limits, the employee may proceed to the next step in the grievance process.

19.07 Time Limits Extended

Any time limit specified in the procedures under this Chapter may be extended by mutual agreement.

CHAPTER 20 SEPARATION FROM EMPLOYMENT

Effective May 1, 2022

20.01 Resignation in Good Standing

For an employee to resign in good standing, he must submit a written resignation to the Department Head at least two (2) weeks before the effective date of the resignation. Any waiver of this rule must be approved by the Department Head and City Manager.

20.02 Leave Not Allowed

An employee shall not be allowed to use any available exempt, comp, personal days, vacation or holiday leave during his two (2) weeks' notice period unless specifically authorized by the Department Head.

20.03 Return of City Property

All records, property, or other instruments, including this Personnel Manual, belonging to the City of Breckenridge in the possession of the separated employee shall be returned before a final paycheck will be issued. This includes any serviceable uniforms furnished to the employee by the City.

20.04 Pay Upon Separation

All employees who leave the service of the City for any reason shall receive all pay which legally may be due them. Any indebtedness to the City which the employee may have incurred shall be deducted from the final paycheck.

Generally, the City does not pay accrued paid time off to employees who leave employment. Any unused paid time off is forfeited upon an employee's work separation. However, unused vacation leave may be paid out under the following circumstances:

- A. If an employee is involuntarily separated from employment for economic reasons as part of a reorganization or a reduction in the workforce, the employee will receive the full balance of accrued, but unused vacation leave.

Exhibit 'A'

- B.** If an employee retires from employment pursuant to the City's retirement policy, the employee will receive the full balance of accrued, but unused vacation leave.
- C.** If an employee voluntarily resigns from employment with at least two weeks' advance written notice, the employee will receive the full balance of accrued, but unused vacation leave.

Paid or unpaid leave time may not be counted toward a notice period under this policy unless specifically authorized by the Department Head. Any payment made under this provision will be subject to set-offs and deductions for any amounts due or owing pursuant to legal requirements and to the wage deduction authorization agreement signed by the employee.

20.05 Reduction in Force

Employees may be discharged for lack of work or funds, or the elimination of positions. Insofar as practicable, or for the betterment of the department, Department Heads shall endeavor to give advance notice of such reduction in force.

20.06 Elimination of Positions

The City Manager may eliminate a position of employment when one or more of the following conditions exists:

- A.** When the position is no longer required in order to provide services for the citizens of Breckenridge;
- B.** When budgeted manpower ceilings have been exceeded;
- C.** When there is insufficient revenue to support the function of the position; or
- D.** When there is a reorganization.

20.07 Exit Interviews

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Exit interviews are conducted

Exhibit 'A'

confidentially by the Human Resources Department. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Human Resource Department of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.