

RESOLUTION NO. 2024-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS ADOPTING A REVISION TO THE PERSONNEL AND ADMINISTRATIVE REGULATIONS MANUAL OF THE CITY; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) has adopted a Personnel and Administrative Regulations Manual (“PARM”) to govern employment with the City, including codes of conduct for employees, which was last revised on March 5, 2024; and

WHEREAS, the City Commission of the City of Breckenridge (the “City Commission”) finds that it would promote efficiency of government to amend Chapter 15 “Employee Standards of Conduct” to add more stringent provisions related to ethical behavior expected of employees.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

SECTION 1. All other ordinances, resolutions, or policies in conflict with this Resolution are hereby amended to the extent of such conflict.

SECTION 2. Chapter 15, Employee Standards of Conduct, of the Personnel and Administrative Regulations Manual of the City is hereby amended to read as shown in the attached **Exhibit “A”**.

SECTION 3. That this Resolution shall take effect immediately upon its adoption by the City Commission.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Breckenridge this the 27th day of August 2024.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L

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CHAPTER 15 EMPLOYEE STANDARDS OF CONDUCT

Effective August 27, 2024

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

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- 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:
 - 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

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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;
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;

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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 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. cheating, forging, or willful falsification of official City reports or records, including time keeping records and employment applications;
2. false reporting of the reason for paid leave of absence;
3. lying or willful omission of fact;
4. any other falsifying action detrimental to the City or fellow employees; or
5. 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
 - 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

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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;
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.

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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

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Acceptance of gifts, gratuities, significant discounts, commissions, loans, or any other item(s) (collectively, "Gifts") by employees from any person or entity with whom the City has or is contemplating having a business relationship (e.g., vendors, supplies, or consultants) may create an appearance that the Gift was intended to influence such employees in making certain decisions. For that reason, employees may not accept such Gifts of monetary value. This guideline is not intended to prohibit normal or customary business practices, such as meetings over meals, corporate items given to participants in meetings and conferences, or token hosting gifts, as long as they are of reasonable value and promote the City's legitimate business interests. Should an employee believe there is an appropriate reason to make an exception for a specific situation, that employee should contact his/her immediate supervisors or the City Manager prior to accepting the gift.

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:

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- 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;
- 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.

15.09 Code of Ethics

- A. Generally. The employees of the City of Breckenridge are expected to adhere to high ethical standards of conduct in the performance of their duties, observing all laws, regulations, and confidentiality governing business transactions, competing fairly with others, and using City funds only for legitimate and ethical purposes. In general, the use of good judgment based on high ethical principles will guide the employees with respect to acceptable conduct. However, to avoid any misunderstanding with regard to areas of conduct most likely to give rise to questions of ethics, confidentiality, objectivity, and conflicts of interest, the following shall be observed:
1. Employees should exercise the highest standards of care, including diligence and prudence when conducting any activity on behalf of the City.
 2. Employees should, in all of their actions, act fairly, responsibly, without any personal benefit, and without bias in any direction in regard to all decisions, transactions, or proposed courses of action.
 3. Employees should assume that every situation and every action undertaken could be subject to public scrutiny.
 4. When negotiating on behalf of the City, employees shall maintain an arm's-length relationship with those the City may enter into contracts or business transactions to remain objective.
 5. Employees have an obligation to disclose to the City Manager any relationships which create, potentially create, or may appear to be a conflict of interest.

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6. With respect to a potential contract or transaction between the City and a person or an entity with which an employee is affiliated, the employee shall not act as advocates or give any special consideration in the City's decision-making process.
 7. In the event of doubt, each situation should be resolved in accordance with the principle of avoiding the appearance of impropriety. Such matters should be brought to the attention of the City Manager or the employee's immediate supervisor.
- B. Conflicts of Interest. Although it is difficult to describe every conflict-of-interest situation, in general, a conflict of interest may arise when employees or close relatives or members of the household of such employees hold or have held positions or have interests or beliefs that would tend to affect the employees' independence of judgment in regard to a contract or other transaction or agreement. In particular, a conflict of interest may arise when employees have material direct or indirect financial interests in the outcome of a decision or when employees have a legal interest or other conflict of loyalties that would not necessarily result in financial gain but would interfere with the employees' impartiality. Any potential conflict of interest of an employee should be disclosed to an immediate supervisor or the City Manager, and such employees shall not participate in the decision-making process with respect to that potential conflict.

Although not inclusive and intended only to provide guidance, the following activities illustrate types of potential or actual conflicts of interest that should be avoided and disclosed, as applicable, in accordance with this policy:

1. **Self-benefit:** Using an employee's position or relationships within the City to promote his/her own interests or those of the employee's family, including using confidential or privileged information gained in the course of employment at the City for personal benefit or gain or for the personal gain or benefit of family members.
2. **Influence peddling:** Soliciting personal benefits from outside organizations in exchange for advancement of the interests of that outside organization within the City.
3. **Other business relationships and dealings:** Employees having significant financial or other interests or relationships in a supplier or other business or entity that conducts or seeks to conduct business with the City.
4. **Property transactions:** Employees directly or indirectly leasing, renting, trading, or selling real or personal property to the City.
5. **Use of the City property for personal advantage:** Using or taking City resources, including facilities, equipment, personnel, and supplies, for personal use or other unauthorized, non-City activities.
6. **Recording or reporting false information:** Misrepresenting, withholding, or falsifying relevant information required to be reported

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to external parties or used internally for decision-making purposes, to derive personal benefits.

- C. Confidential Information. Information should be considered confidential if it is not readily available to the public and should not be disclosed or made accessible to anyone or any entity that does not have a legitimate and business-related need for such information (e.g., vendor bids and related information or employee personal data). The City retains the exclusive right to determine who shall be granted access to such information, and employees must exercise good judgment and care at all times regarding dissemination of City information. Upon termination of employment, employees must return to the City all documents and materials that contain confidential information as determined by the City.
- D. Reporting of Code of Ethics Violations. It is the responsibility of employees to report violations or suspected violations of this Code to their immediate supervisors or the City Manager. Such violations or suspected violations may be submitted on a confidential basis or may be submitted anonymously. All reports will be kept confidential to the extent possible or allowed by law, consistent with the need to conduct an adequate investigation; all reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation and upon review and approval by the City's legal counsel.

Employees reporting a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of this Code. If reported in good faith, employees will not suffer harassment, retaliation, or adverse employment consequences as a result of their reporting violations or suspected violations. Any employee who retaliates against another employee who has reported a violation or suspected violation in good faith will be subject to discipline up to and including termination of employment. Further, any reported allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false may be viewed as a serious disciplinary offense.