

RESOLUTION NO. 24-15

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING THE PERSONNEL POLICY & PROCEDURE MANUAL TO INCLUDE CHANGES TO CHAPTER 15, EMPLOYEE STANDARDS OF CONDUCT, PROVIDING FOR POLICY #15.09 THROUGH 15.15 USE OF CITY PROPERTY

WHEREAS, The Breckenridge City Commission finds it in the best interest of the city and its employees, that the Employee Benefit policy be amended to include use of city property.

WHEREAS, the Breckenridge City Commission designates the City Manager and/or the City Secretary and/or Interim City Manager, as the authorities that have the power to write, reject, or alter the Personnel Policy & Procedure Manual for the City Commission to review and approve; and,

WHEREAS, after reviewing the proposed changes to the Personnel Policy and Procedure Manual, the Breckenridge City Commission finds it is in the best interest of the City and its employees to amend the Personnel Policy and Procedure Manual as provided.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS: Approves changing Chapter 15 - Employee Benefits of the Personnel Policy & Procedure Manual to include Policy 15.09 through 15.15 Use of City Property (attached as Exhibit "A")

PASSED AND APPROVED this 4th day of June 2024 by the Breckenridge City Commission.

Bob Sims,
Mayor

ATTEST:

Jessica Sutter City Secretary

Resolution 24-15
"Appendix A"

15.09 USE OF CITY PROPERTY

GENERAL POLICY. The city attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

15.10 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.

Employees who are assigned tools, equipment, vehicles, keys, uniforms, or any other city property by their department heads are responsible for them and for their proper use and maintenance. Upon separation from the city, an employee shall immediately return all property of the city to their supervisor or to the Human Resources Department.

No personal or political use of any city property, materials, supplies, tools, equipment, or vehicles is permitted. If an employee is in doubt about a circumstance, he or she must check with the appropriate department head before proceeding. Violations of this policy may result in discharge and possible prosecution.

15.11 VALID DRIVER'S LICENSE.

All operators of city vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle in the State of Texas and to keep the department head informed of any changes of status in their licenses. The Human Resources office will periodically check the driving records of all employees who operate city vehicles or are required to use their personal vehicle to conduct city business. Failure to maintain a safe driving record may result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or discharge.

15.12 VEHICLE INSURANCE.

The city maintains up-to-date insurance coverage on all vehicles owned by the city. Employees who drive a personal vehicle on city business are required to maintain automobile liability insurance as required by the State of Texas. Failure to do so may be grounds for disciplinary action up to and including discharge. A copy of the employee's current automobile liability insurance should be submitted with Travel forms if personal automobile usage is authorized. The City is not responsible for damage to the employee's vehicle or for employee's private insurance deductible. In addition, the city is not responsible for the operation and maintenance of privately owned vehicles beyond the amount of travel reimbursement.

15.13 ACCIDENT REPORTING.

Any employee operating city equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her department immediately.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The department head must notify the Human Resources Department of any accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday. Failure to make the notifications required herein is grounds for disciplinary action.

A copy of any accident report involving city equipment, or vehicles must be forwarded to the Human Resources Department as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

15.13 ASSIGNED & TAKE-HOME VEHICLE POLICY.

The purpose of this policy is to outline the procedures, rules and regulations regarding the use of city vehicles by city employees; to permit or prohibit certain activities in respect to the use of an assigned or department vehicle; and to outline procedures for repair and maintenance of city vehicles.

I. General

- A. City employees will be eligible for the use of a city vehicle if approved by the City Manager and/or department head. Any employee operating a city vehicle shall possess a valid Texas driver's License appropriate for the type of vehicle being operated. Employees operating city emergency vehicles in emergency mode shall be trained in the operation of same by an appropriate licensing agency (e.g., Texas Department of Public Safety, TCLEOSE approved or certified academy). City vehicles shall at all times be operated in a lawful

fashion and with due regard for the safety of the employee, passengers, if any, and the motoring public.

- B. Vehicles assigned to city departments are subject to reassignment within the department at the discretion of the City Manager or department head. In addition, the driving privileges of any city employee may be suspended at any time for any reason by his/her City Manager or department head.

- C. Take home vehicles will be evaluated based on the business purpose related to the official duties of the department and must have prior approval by the Department Head and City Manager. Generally, positions that are on-call outside of normal working hours will be considered for take home vehicle use. Take home vehicles privileges are for employees who reside inside the county and no more than 30 miles from their respective office/facility. At no time shall family members or friends ride in the vehicle except in the furtherance of an official city act related to the official duties of the department or law enforcement task.
- D. Employees that are assigned or are in possession of a city vehicle shall surrender said vehicle at any time upon the request of the City Manager or department head.
- E. Alcoholic beverages and controlled substances will not be transported in city vehicles except in furtherance of a law enforcement or emergency health care task. Evidence or contraband should not be stored in vehicles during off-duty periods except when circumstances prevent the prompt storage of such evidence in a secure law-enforcement facility. In such an event, all effort should nonetheless be made to secure any such evidence within the vehicle, for example, in a lockbox locked and secured within the locked vehicle.
- F. Department heads should make every effort to ensure that a minimum number of department vehicles will be used to achieve any departmental objective. Employees in possession of an assigned or "take home" vehicle shall either store said vehicle at an appropriate city facility during extended leave or vacation or shall ensure that the vehicle is stored in a secure location that is known to and promptly accessible by his/her supervisor.
- G. Non-departmental personnel or private citizens should not be transported in a city vehicle except in furtherance of or incidental to an official city act related to the official duties of the department or law-enforcement task.
- H. City vehicles should not be used outside of the city except in furtherance of an official city act related to the official duties of the department.
- I. Law Enforcement officers may utilize their assigned vehicle to travel to and from an extra-job assignment *within the County* which is related to law enforcement, with prior approval of the Police Chief and City Manager. However, the vehicle should not be used as a part of employment unless specifically required by the very nature of the job, e.g., traffic control, escorts, parades, etc. In no event shall a city vehicle be used for an extra-job assignment outside of the County.
- J. Employees/officers shall only use their assigned vehicles in furtherance of the official duties of their department. Use of a city vehicle by employees/officers for minimal personal tasks such as meals, laundry, banking, etc., while on duty or on travel, or when traveling to or from work, shall be permitted only when such use is incidental to official duties. Employees should refrain from any personal use of a city vehicle. Complaints regarding personal use of a city vehicle will be reviewed on a case-by-case basis and the employee may be called upon by the City Manager or his/her department head to justify any personal use of a city vehicle. Employees should further remain mindful that misuse of government property is a criminal offense subject to prosecution

under Section 39.02 of the Texas Penal Code.

- K. When a city vehicle is being serviced, the employee/officer shall either remove all city property contained within same; or secure such property in such a fashion as to prevent tampering or theft. Failure to adhere to this policy may result in the employee/officer being held financially accountable for any loss or damage.
- L. Employees/officers operating or traveling in city vehicles should at all times comply with Texas law concerning the use of safety belts/restraints. The operator of the vehicle should ensure that passengers comply with same.
- M. Smoking/Vaping is strictly prohibited in all City owned vehicles and equipment.

II. Vehicle Maintenance

- A. Employees/Officers will keep their assigned vehicles and associated equipment in good working order and strive to maintain a clean and positive appearance. It is the responsibility of the assigned Employee/Officer to maintain the vehicle's appearance and meet required maintenance inspections, schedules, etc.
- B. Assigned vehicles will be delivered for regular or required service to the approved Fleet Maintenance locations in accordance with established routine maintenance schedules.
- C. In addition to following regular maintenance schedules, it is the responsibility of the employee/officer utilizing a city vehicle to notify the department head in writing of any mechanical and/or operational problem experienced or suspected. Written documentation of any such problem should be furnished to the department head at the first available opportunity.
- D. Employees/Officers will refrain from installing any additional equipment of any kind on any city vehicle without approval from the City Manager or department head. In addition, employees/officers will not alter or change department-issued and/or installed equipment or the operation of such equipment without approval from the City Manager or department head.

15.14 COMPUTER, ELECTRONIC MAIL, AND INTERNET USE.

It is the policy of the City of Breckenridge to ensure that the use of computers and electronic communications equipment is consistent with the City's legitimate business interests. Therefore, The City of Breckenridge reserves and intends to exercise the right to access and monitor the use of such equipment as deemed necessary. Employees shall adhere to the following guidelines when using computer and/or electronic communications equipment:

- A. Computers, computer files, software, the E-mail system and the Internet furnished to employees are city property intended primarily for business use only. Employees should not use a password, access a file, or retrieve any stored communication without authorization. city employees are prohibited

from installing any software on city Computers without the approval of the city. This includes software on and software upgrades available on the internet. Of specific note are those software products that afford peer-to-peer connectivity and open up portals that pose a significant security risk to the city's Network. The use of radio station software programs, all of which utilize large amounts of bandwidth, are also prohibited on city machines unless otherwise authorized for a city business-related purpose. Such software (peer-to-peer and radio stations software) should never be installed on City-owned computers, or any computer attached to the city's network without explicit authorization and prior notification to and review by the City Manager and City of Breckenridge third-party IT company. Existing installations of such software should be reported to the City Manager or third-party IT company. City employees are prohibited from installing City software on their (non-city) personal computers unless authorized by the City Manager or third-party IT company. In addition, employees are prohibited from altering the existing hardware or making additions to hardware on city computers without authorization.

- B. The city prohibits the use of computers, the E-mail system, or the Internet in ways that are disruptive to others. Inappropriate or offensive messages, images, or documents containing racial or religious slurs or sexually suggestive or explicit language/photographs are prohibited. Employees should also note that E-mail messages and other contents of a computer hard drive are a public record and are open to public inspection in accordance with the Open Records Act of the State of Texas.
- C. The city purchases and licenses the use of various types of computer software for business purposes. The city does not own the copyright to this software or its related documentation and unless authorized by the software developer, does not have the right to reproduce it. Employees shall use the software only in accordance with the license agreement. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment.
- D. The Internet is to be used primarily for city business only and is not to be used for personal gain. Employees should adhere to the highest professional/ethical standards when using the Internet as they are representatives of the city. Employees should not access the Internet without city-authorized virus detection software enabled.
- E. Employees having knowledge of the misuse of any computer equipment, electronic communications equipment, or software shall notify their respective Department Head. The Department Head is responsible for notifying the Human Resources Department, and/or the appropriate law enforcement agency when necessary and applicable.
- F. Employees in violation of any portion of this policy shall be subject to

disciplinary action, up to and including termination. In addition, there are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with an offense or civil action being taken or which criminal or civil administrative penalties may be imposed. In the event that The City of Breckenridge incurs a cost due to employee negligence or misuse, the employee may be responsible for reimbursement of that cost.

- G. Non city employees should never be permitted to use city computer equipment without approval of the City manager or Department Head for specific authorization of city business only.

15.15 COUNTY ISSUED CELL PHONES.

City-issued cell phones are intended for city business only. City-issued cell phones may be used in place of a cell phone allowance for the City Manager, department head, or position requiring 24/7 access. Employees issued cell phones are discouraged from using them for personal use. They must never use them for private business and/or political purposes. Use of city-issued cell phones for illegal, unethical, sexual, or purposes that interfere with or affect the ability of the employee to perform their duties is expressly prohibited. Personal use of the cell phone could result in a cost to the employee if minutes, data, or messages exceed the contracted amount. The employee must re-pay the city for all charges plus taxes, by the end of the payroll period in which the billing is received. The accounting office will review all billing statements and any discrepancies will be reported to the City Manager or department head. If you misuse or fail to return the issued property when requested to do so you will be liable for full replacement cost of the equipment. Failure to comply with this policy as stated could result in disciplinary action up to and including termination.

CITY OF BRECKENRIDGE CELLULAR TELEPHONE AGREEMENT

As an employee of this City of Breckenridge, I, the undersigned employee, recognize and understand that City issued cell phones are provided for use in support of the business operations of this city and are to be used for legitimate business purposes. I further understand that the equipment belongs to The City of Breckenridge and is to be used in an effective, efficient, ethical, and lawful manner and in compliance with the City of Breckenridge Cell Phone Policy.

I am aware that the city reserves the right to review, audit, and inspect the city issued cell phone records at any time, with or without notice.

I understand that I am responsible for good care and maintenance of my assigned cell phone and may be required to pay for any damage done to this equipment due to my negligence.

I am aware that my assigned cell phone may be reassigned or withdrawn at any time, with or without notice, at the discretion of my supervisor.

I understand that I will surrender my city issued cell phone upon termination of employment (voluntary or involuntary termination, including retirement). At that point, I am aware no further use of my cell phone is authorized.

I understand work communications for city business conducted on the city issued cell phone are considered City of Breckenridge records and are subject to the Freedom of Information Act. It is a violation of this policy and a Class "A" misdemeanor, to delete, destroy, or otherwise make unavailable any City of Breckenridge business records.

I certify and acknowledge that I have read and understand City of Breckenridge Cell Phone Policy and will comply with the terms and conditions stated therein.

Employee Signature

Date

Cell Phone Number Assigned

Cell Phone Device Type

Cell Phone IMEI