

## ORDINANCE NO. 2025-02

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING POLICIES 4.01 CATEGORIES, POLICY 7.03 RETIREMENT, SECTION 13.00 DISCIPLINE AND SECTION 15.00 GRIEVANCES OF THE CITY'S PERSONNEL POLICY BY UPDATING AND CLARIFYING REQUIREMENTS

**WHEREAS**, the City Council believes that its personnel policies should reflect the needs of the City and its employees, and meet all applicable state and federal labor laws; and

**WHEREAS**, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and consideration to industry standard and best practices; and

**WHEREAS**, the City of Burnet Personnel Policy Manual was last revised on February 22, 2022; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section One. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section Two. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section Three. Adoption of Amended Personnel Policy.** The Categories Policy is approved and adopted with Exhibit "A" and is attached herewith. The Retirement Policy is approved and adopted with Exhibit "B" and is attached herewith. Section 13.00 Discipline is approved and adopted with Exhibit "C" and is attached herewith. Section 15.00 Grievances is approved and adopted with Exhibit "D" and is attached herewith.

**Section Four. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance

and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section Five. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Loc. Gov't. Code.

**Section Six. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

**PASSED, APPROVED, AND ADOPTED** on this 14<sup>th</sup> day of January 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary

**EXHIBIT A**  
**Policy 4.01 Categories Amendments**

**Note – Updated text is in red and underlined.**

**4.01 Categories**

Regular: A regular employee is one that has completed his/her training and evaluation period of 90 to 180 days and who works, on average, at least forty (40) hours per week. Only regular employees accrue benefits as described in these policies. A regular employee is employed in an authorized position that involves, on the average, at least forty (40) hours per week.

Part-time: A part-time employee is employed in an authorized position that involves, on the average, fewer than forty (40) work hours per week. All part-time employees will be covered by workman's compensation insurance but accrue no other benefits **except as otherwise provided for herein.**

Temporary: A temporary employee is an employee hired specifically to work on –

- (1) specific project, at the end of which his/her employment will cease.
- (2) work for only parts of the year when extra help is needed, or to provide services available at limited times of the year.
- (3) temporary workers will be covered by workman's compensation insurance but shall not be due nor shall accrue benefits.

Contract: A Contract worker is a persons or company retained to provide services to the City under an hourly contract or flat fee shall not receive additional compensation above and beyond the compensation negotiated in the agreement for services. A contract worker shall not be considered an "employee" of the City.

**EXHIBIT B**  
**Policy 7.03 Retirement Amendments**

**Note – Updated text is in red and underlined.**

The City of Burnet is a member of the Texas Municipal Retirement System (TMRS). Membership in the retirement system is mandatory for all regular employees **and may be assigned to other part-time positions that qualify under TMRS regulations.** Both the employee and the City contribute to the employee's retirement account. Employees must be vested under TMRS to be eligible to receive the City's matching portion. Employees who leave City employment prior to retirement will, upon request to the TMRS, be refunded their portion of the retirement account plus interest earned on their portion in accordance with TMRS policies.

**EXHIBIT C**  
**Section 13.00 Discipline Amendments**

**Note – Updated text is in red and underlined. Deleted text is strikethrough.**

**13.02 Progressive Discipline**

The City of Burnet intends to have a progressive discipline system but reserves the right to skip any level of discipline depending on the severity of the employee's actions. The Department Directors and Human Resources Director may follow the following system when utilizing progressive discipline:

- **Level I** - Verbal reminders, informal conference - The first step in the disciplinary procedure is for the immediate supervisor or Department Director to attempt to resolve problems by verbal reminders or an informal conference with the employee. The supervisor will make a written notation of reminders and informal conferences.
- **Level II** - Written reprimands – In the event verbal reminders and the informal conference does not resolve issues, the supervisor shall issue a written reprimand. A copy of the written reprimand will be provided to the employee, the Department Director and the Human Resources Director for inclusion in the employee's personnel file.

**The following levels of the progressive discipline steps require the approval from both the Department Director and the City Manager or the City Manager's designee.**

- **Level III** - Probation – ~~The Department Director, with the approval of the City Manager, shall place the employee on~~ **An employee may be placed on** probation for a period of time applicable to type of infraction incurred. During that time, the employee may be subject to a reduction in pay or position.
- **Level IV** - Suspension from duty without pay – ~~The Department Director with the approval of the City Manager may relieve the employee~~ **An employee may be relieved** from active duty without pay until such time as the employee is deemed able to perform the duties of the position without the previous difficulties, but in no case longer than thirty (30) days.
- **Level V** – Demotion – An employee can be demoted because of unsatisfactory performance in a higher position, for failure to maintain a required certification or license, as a result of a reclassification or restructuring of the employee's position, for a necessary restructuring of the department where the employee works, or other reasons. A demotion includes an adjustment in pay to the pay scale of the lesser position.
- **Level VI** - Separation by involuntary dismissal. In the case where an employee is unwilling or unable to correct the undesirable action that caused the problem or where the action is of a serious nature or where the employee's actions could result in injury or death to the employee or as further directed in this Employee Manual, the employee may be terminated.

Actions other than verbal reminders or written reprimands require the approval of the City Manager or the City Manager's designee except in the case of Fire/EMS personnel where the Medical Officer also has the authority to restrict the employee from operating under the licensure of the Medical Officer.

**The City Manager has the right to override any disciplinary action decision that may result in an adverse action against any employee.**

Where disciplinary action is accomplished by written notice to the employee involved, notice shall include a description of the reason for the action and, except in the case of dismissal, state the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is recorded in the employee's personnel file.

The City may use the progressive discipline system cited. However, the severity of the discipline depends upon the nature of the infraction and one or more steps may be skipped if warranted. Employees whose actions pose an immediate threat or endangerment to himself/herself or others are subject to immediate suspension or dismissal.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial personnel action.

**Should any other section of the City of Burnet personnel manual conflict with disciplinary action procedures in any part of this policy, policy 13.02 shall supersede other policies herein.**

Employees may use the Grievance Process to request relief from disciplinary actions. (See Section 15.00 of this manual)

### **13.03 SUSPENSION FOLLOWING INDICTMENT** —

~~If the City Manager determines that suspension is in the best interests of the City and the public, the City Manager may suspend with or without pay, an employee indicted for a Class A or B Misdemeanor or a felony, or an employee accused of official misconduct or oppression, until the indictment or information is dismissed or tried and, if tried, until the trial and appeal (if any) are completed. In the case of dismissal, acquittal, reversal on appeal or governor pardon, the City Council may exercise its power of investigative body (Home Rule Charter Section 3.16) to determine the suitability of the employee's reinstatement.~~

~~A suspended employee is entitled to reinstatement to the position held before suspension, without loss of benefits, if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal and, the City Manager and City Council decline an investigation. The suspension of an employee reinstated under this subsection is not a disciplinary action. An employee found unsuitable for reinstatement, regardless of the outcome of the indictment, shall be terminated.~~

**EXHIBIT D**  
**Section 15.00 Grievance Amendments**

**Note – Updated text is in red and underlined.**

**Section 15.00 GRIEVANCES** (Revised 12-8-2020 Resolution 2020-58)

**15.01 POLICY**

It is the policy of the City of Burnet insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. In order to achieve this objective, it is imperative that employees report grievances in a timely manner. No adverse action will be taken against an employee for reason of his/her exercise of the grievance right. Definition of Grievance. Employee complaints of inconsistent and/or unlawful treatment, interpretation, application or violation of City or departmental policies, procedures, or practices; and retaliation.

**15.02 PROCEDURE**

Employees are encouraged to attempt to resolve a grievance by informal conference with his/her immediate supervisor. If the informal conference with the supervisor does not result in a resolution of the problem(s), that is satisfactory to the employee, (s)he may file a formal grievance. Formal grievances must be in writing, signed by the employee, and presented to the Director of Human Resources. A grievance should include:

- The nature of the grievance.
- Detailed information including evidence of the issue, witnesses, alleged policy violations (if applicable), etc.
- The remedy or outcome desired.

After being presented with a written, signed grievance, the Director of Human Resources shall forward to the appropriate supervisor, Department Director, the City Manager **or the City Manager's designee**. The supervisor's, Department Director's, City Manager's **or designee's** response may include a denial, or grant the appeal, a modification of the discipline, or schedule further review or action.

An employee who is not satisfied with the proposed resolution, may within the next ten (10) working days appeal in writing to the next person in the chain of command. The decision of a supervisor may be appealed to the Department Director and the decision of the Department Director may be appealed to the City Manager **or City Manager's designee**. The City Manager's decision shall be final.

Failure to meet established time limits (i.e. grievance not timely filed or appealed) will not affect the validity of a grievance upon showing good cause or extenuating circumstances for the delay, or when the City Manager deems it to be in the best interest of the City.