

CITY OF CASTROVILLE
PERSONNEL POLICIES AND PROCEDURES

Amended and Updated **December 16, 2025**

INTRODUCTION

This document sets forth the policies and procedures governing all City of Castroville regular full-time, part-time and temporary employees and is not intended to cover every aspect or situation that might occur. For the purpose of this document, the term City will be used to refer to the City of Castroville. The language used in this document is not intended to create, nor is it to be construed to constitute a contract between the City and any one or all of its employees. This document replaces all administrative rules, regulations and policies adopted prior to the date of this document. The City reserves the right to deviate or depart from, make exceptions to, interpret and apply any of its policies and policy provisions, including those in this document as it sees fit based on particular facts or changing conditions or as it otherwise determines for any reason in its sole judgment. If any conflict arises with these policies and procedures, Texas or Federal law governs respectively, unless such documents specifically state that it is subordinate to these policies and procedures.

Employees have a very important role in the success of the City of Castroville. Through a desire to serve, and with pride in one's job, each employee can contribute to ensuring the City of Castroville remains and improves as a great place to live, work, shop and invest.

The purpose of these rules and policies is to promote a high degree of understanding, cooperation and efficiency among all employees and to provide a good working relationship within a uniform personnel manual.

TABLE OF CONTENTS

CHAPTER 1.	SCOPE OF PERSONNEL POLICIES AND PROCEDURES	7
CHAPTER 2.	ORGANIZATIONAL STRUCTURE	8
SECTION 2.01	City Council	8
SECTION 2.02	City Administrator	8
SECTION 2.03	Department Directors	8
SECTION 2.04	Human Resource Functions	8
CHAPTER 3.	EQUAL OPPORTUNITY/ACCESSIBLE EMPLOYER	9
CHAPTER 4.	TYPES OF EMPLOYMENT	10
SECTION 4.01	Regular Full-Time Employee	10
SECTION 4.02	Regular Part-Time Employee	10
SECTION 4.03	Temporary Employee	10
SECTION 4.04	Emergency Temporary Appointments.....	10
CHAPTER 5.	CLASSIFICATION SYSTEM	11
SECTION 5.01	Job Classification Plan	11
SECTION 5.02	Job Descriptions	11
SECTION 5.03	Compensation Pay Plan	11
SECTION 5.04	Position Reviews	11
CHAPTER 6.	RECRUITMENT - HIRING PROCESS.....	12
SECTION 6.01	In-House Recruitment.....	12
SECTION 6.02	Open Recruitment	12
SECTION 6.03	Position Announcements	12
SECTION 6.04	Rejection of Applicants	12
SECTION 6.05	Selection Process.....	12
CHAPTER 7.	AT WILL EMPLOYMENT.....	14
CHAPTER 8.	APPOINTMENT AND CHANGES IN EMPLOYEE STATUS.....	15
SECTION 8.01	Orientation Period.....	15
SECTION 8.02	Promotional Orientation Period.....	15
SECTION 8.03	Promotions	16
SECTION 8.04	Transfers	16
SECTION 8.05	Demotions	16
SECTION 8.06	Reinstatement	16
CHAPTER 9.	PAY AND PAY CHANGES	17
SECTION 9.01	Employee Appointment Rate	17

SECTION 9.02	Appointment or Separation on a Holiday or Weekend	17
SECTION 9.03	Pay Days	17
SECTION 9.04	Payroll Deductions.....	17
SECTION 9.05	Pay Changes.....	17
SECTION 9.06	Merit/Performance Increases.....	17
SECTION 9.07	Uniform Salary Adjustment/Compensation Pay Plan Adjustment.....	18
SECTION 9.08	Lump Sum Adjustments.....	18
SECTION 9.09	Other Salary Adjustments.....	18
SECTION 9.10	Longevity	18
SECTION 9.11	Professional Certification Pay	19
SECTION 9.12	Pay Upon Promotion	20
SECTION 9.13	Acting Pay	20
SECTION 9.14	Pay Upon Transfer	20
SECTION 9.15	Pay Upon Demotion	20
SECTION 9.16	Pay Upon Reclassification	21
SECTION 9.17	Effective Date of Pay Changes.....	21
CHAPTER 10.	PERSONNEL RECORDS.....	22
SECTION 10.01	Content.....	22
SECTION 10.02	Accessibility	22
CHAPTER 11.	HOURS OF WORK AND OVERTIME.....	23
SECTION 11.01	Normal Hours of Work	23
SECTION 11.02	Work Week.....	23
SECTION 11.03	Work Period.....	23
SECTION 11.04	Non-Exempt Employees	23
SECTION 11.05	Overtime.....	23
SECTION 11.06	Travel Time for Non-Exempt Employees	24
A.	Travel Time Defined	24
B.	Travel Time Within Normal Work Hours.....	25
C.	Travel Time Outside Normal Work Hours	25
SECTION 11.07	Stand By Pay.....	25
SECTION 11.08	Exempt Employees.....	26
SECTION 11.09	Breaks	26
A.	Rest Break.....	26
B.	Meal Break	26
C.	Lactation Break	26
CHAPTER 12.	EMPLOYEE BENEFITS	27

SECTION 12.01	Benefits	27
SECTION 12.02	Leaves.....	27
A.	Vacation Leave.....	27
	<i>Revised March 25, 2014</i>	27
B.	Vacation Leave Buy Back.....	27
C.	Sick Leave.....	27
D.	Sick Leave Bank.....	28
E.	Pregnant Workers Fairness Act	30
F.	Whistleblower Protection	30
G.	Paid Quarantine Leave	31
H.	Mental Health Leave for Peace Officers	32
I.	Holidays	34
J.	Religious Holidays	35
K.	Leave Without Pay	35
L.	Leave of Absence.....	35
M.	Administrative Leave	36
N.	Job Injury Leave	36
O.	Military Leave	36
P.	Family/Medical Leave.....	37
	Family and Medical Leave	39
Q.	Jury Duty/Court Appearance Leave	42
R.	Bereavement Leave	42
S.	Election Leave.....	43
CHAPTER 13.	EMPLOYEE SAFETY AND ACCIDENT PREVENTION.....	44
SECTION 13.01	Safety Goals.....	44
SECTION 13.02	Employer's Responsibilities	44
SECTION 13.03	Employee's Responsibilities	44
SECTION 13.04	Seat Belts/Cell Phones.....	44
SECTION 13.05	Driving Records Check.....	44
SECTION 13.06	Use of City Vehicles	45
SECTION 13.07	Take-Home Vehicles	45
SECTION 13.08	On-the-Job Accidents and Injuries.....	46
SECTION 13.09	Alcohol/Drug Free Workplace Policy.....	46
A	Overview	46
B.	Definitions	46
C.	Notification.....	47

	D. Prohibited Conduct Relating to the Use of Alcohol and Controlled Substances.....	47
	E. Procedures for Reasonable Suspicion Testing of Employees	47
	F. Disciplinary Actions Relating to the Use of Alcohol and Controlled Substances in the Workplace	48
	G. Drug and Alcohol Policy for Safety Sensitive Positions	48
SECTION 13.10	Prohibited Weapons In The Workplace.....	53
SECTION 13.11	Tobacco-Free Workplace Policy	53
CHAPTER 14.	HARASSMENT PREVENTION.....	54
SECTION 14.01	Definition of Harassment	54
SECTION 14.02	Reporting Process	54
SECTION 14.03	Supervisor Responsibility	55
SECTION 14.04	Disciplinary Action	55
CHAPTER 15.	COUNCIL – STAFF INTERACTION	56
SECTION 15.01	Background and Purpose	56
SECTION 15.02	Directives	56
	A. Equal Treatment.....	56
	B. Favoritism.....	56
	C. Lobbying of Councilmembers	56
	D. Council Orders	56
	E. Utilization of Resources	57
	F. Staff Work in Progress.....	57
	G. Council-Staff Contact.....	57
	H. Communication – News Media Policy.....	57
CHAPTER 16.	EMPLOYEE PERFORMANCE APPRAISALS	59
SECTION 16.01	Purpose of Performance Appraisals	59
SECTION 16.02	Supervisory Responsibilities.....	59
CHAPTER 17.	MISCELLANEOUS REGULATIONS.....	60
SECTION 17.01	Public Relations.....	60
SECTION 17.02	Dress Code	60
SECTION 17.03	Conduct.....	60
SECTION 17.04	Inclement Weather/Emergency Situations	60
SECTION 17.05	Open Communications	61
SECTION 17.06	Use of City Computers, Internet Access, and Electronic Mail	61
SECTION 17.07	Social Media.....	62
CHAPTER 18.	RESTRICTED ACTIVITIES	67
SECTION 18.01	Outside Employment	67

SECTION 18.02	Nepotism	67
SECTION 18.03	Political Activity	68
SECTION 18.04	Confidential Information	68
SECTION 18.05	Conflicts of Interest/Gifts and Gratuities	69
CHAPTER 19.	INFORMATION TECHNOLOGY	70
SECTION 19.01	Electronic Mail	70
SECTION 19.02	Internet Usage	70
CHAPTER 20.	DISCIPLINE	71
SECTION 20.01	Overview	71
SECTION 20.02	Disciplinary Action	72
	A. Verbal Reprimand	72
	B. Written Reprimand	72
	C. Suspension	73
	D. Reduction In Pay	73
	E. Demotion	73
	F. Dismissal	73
CHAPTER 21.	GRIEVANCE AND APPEAL PROCESS	74
SECTION 21.01	Purpose	74
SECTION 21.02	Definition	74
SECTION 21.03	Procedure	74
CHAPTER 22.	SEPARATION - TERMINATION	75
SECTION 22.01	Voluntary	75
	A. Resignations	75
	B. Retirements	75
SECTION 22.02	Involuntary	75
	A. Dismissal	75
	B. Reduction in Force	75
	C. Recall	76
CHAPTER 23.	DEFINITIONS	77

CHAPTER 1. SCOPE OF PERSONNEL POLICIES AND PROCEDURES

This document sets forth the Personnel Policies and Procedures governing all City regular full-time, part-time and temporary employees. These policies and procedures replace all administrative rules, regulations and policies adopted prior to the date of this document. If any conflict or inconsistency arises with these policies and procedures, Texas or Federal law governs respectively, unless such documents specifically state that it is subordinate to these policies and procedures.

CHAPTER 2. ORGANIZATIONAL STRUCTURE

SECTION 2.01 City Council

The City Council is the policy-making authority of the City of Castroville. The City Council has the authority to set policy on pay rates, working conditions and employee benefits as they find to be in the public interest.

SECTION 2.02 City Administrator

The City Administrator is responsible for the effective administration of personnel policies and procedures and may delegate such functions as deemed necessary. The City Administrator may adopt, amend or rescind administrative procedures or rules and regulations to implement the provisions of these policies and procedures.

SECTION 2.03 Department Directors

Department Directors are responsible for the day-to-day administration of these Personnel Policies and Procedures. A Department Director may make departmental rules and regulations that govern the conduct and performance of employees. The City Administrator is responsible for reviewing departmental rules for consistency with these policies and procedures. Departmental rules and regulations are published and distributed. They have the full force and effect of rules of that particular department. Disciplinary action, as outlined in Chapter 20, may be based upon violation of any such rule and/or regulation.

SECTION 2.04 Human Resource Functions

The Administrative Services Director is responsible for administering and coordinating the human resource activities of the City.

CHAPTER 3. EQUAL OPPORTUNITY/ACCESSIBLE EMPLOYER

The City is an Equal Opportunity Employer. The City provides equal employment opportunities to all employees and applicants for employment without regard to the person's race, creed, sex, national origin, gender, sexual orientation, genetic information, veteran status, religion, age or any other protected class (as defined by law), or any other non-merit factor, except when specific age, sex or physical requirements constitute a bona-fide occupational qualification (BFOQ).

The City is also an accessible employer and will engage in the interactive process to address reasonable accommodations to maintain accessible working conditions which do not create an undue burden on the City.

CHAPTER 4. TYPES OF EMPLOYMENT

The City hires employees in several different employment types as defined below.

SECTION 4.01 Regular Full-Time Employee

Regular full-time employees are scheduled to work forty (40) hours during the workweek in a budgeted position on a continuous basis and receive benefits as further defined in this document. Regular full-time employees may work a different work period, other than a forty-hour workweek, for example law enforcement.

SECTION 4.02 Regular Part-Time Employee

Regular part-time employees are scheduled to work on average at least 20 hours but fewer than 40 hours during the work week in a budgeted position on a continuous basis and do not receive employee benefits, except as defined by the Texas Municipal Retirement System (TMRS). See TMRS policies for details. These employees may be in exempt or non-exempt positions.

SECTION 4.03 Temporary Employee

Temporary employees may work full-time or part-time and are hired for a specific period of time or for a special job, task or project that is intended to be of limited duration, such as summer months or holidays. Specific budgeted positions do not exist for these employees. These employees work for a specified hourly wage and are not eligible for employee benefits; except as defined by the Texas Municipal Retirement System (TMRS). See TMRS policies for details.

SECTION 4.04 Emergency Temporary Appointments

During an emergency the City Administrator may immediately fill positions without regard to normal selection and hiring processes. These appointments will not exceed 30 working days.

CHAPTER 5. CLASSIFICATION SYSTEM

SECTION 5.01 Job Classification Plan

The Administrative Services Director administers and maintains the classification plan for all positions. The classification plan groups together positions that may be similar in nature, have approximately the same level of difficulty and responsibility, require comparable skills, knowledge and abilities at the time of recruitment, and that may be fairly compensated by a general range of pay.

SECTION 5.02 Job Descriptions

Job descriptions are written and outline the duties, required skills, knowledge and abilities, education and experience requirements, and essential job functions for each job. Job descriptions are meant to include essential job functions but may not be inclusive of all job duties. Employees are entitled to have a copy of the job description for their current position.

SECTION 5.03 Compensation Pay Plan

The purpose of the Compensation Pay Plan is to ensure that the City is able to attract, retain and motivate employees through a compensation plan that is fair, representative of ability and performance, and promotes the City's goals and overall vision.

The City Administrator is responsible for the development of a uniform and equitable Compensation Pay Plan that consists of minimum and maximum pay rates for each classification, subject to the approval of the City Council.

In reviewing salary ranges, consideration is given to the following:

1. Internal alignment
2. Salary survey results
3. Labor market
4. Other benefits received by employees
5. Information on pay adjustments being given in survey jurisdictions for the same period
6. The City's funding ability

SECTION 5.04 Position Reviews

Position reviews may occur if the nature and duties of a position have changed significantly over a period of time. The Administrative Services Director periodically reviews positions and job descriptions to ensure they are accurate and up to date. Position review requests are usually conducted during the budget process each year.

CHAPTER 6. RECRUITMENT - HIRING PROCESS

Applicants may be recruited from existing employees, outside applicants or both. Job announcements state the application deadline or "Open Until Filled". The hiring authority determines the preferred means of recruitment and the application deadline.

SECTION 6.01 In-House Recruitment

Position vacancies are advertised to City employees only. When recruitment is from employees only, the job announcement indicates so and is posted for a minimum of five (5) working days. Interested employees may apply for in-house position vacancies by submitting an application and/or resume as directed in the job announcement.

SECTION 6.02 Open Recruitment

Position vacancies may be advertised on the Internet, in the local paper, etc. These positions are posted for a minimum of ten (10) working days. Applicants, including City employees, may apply for positions by submitting an application and/or resume as directed in the job announcement.

SECTION 6.03 Position Announcements

Announcements of all job openings are distributed to inform interested and qualified applicants and contain the following information when applicable:

- Job title;
- The type of recruitment (in-house or open recruitment);
- Essential job functions including major job duties and requirements;
- Time, place and manner of making application;
- Application closing date or "Open Until Filled"; and
- The statement "An Equal Opportunity Employer" appears on all advertising.

SECTION 6.04 Rejection of Applicants

Applications may be rejected for the following reason(s):

- The applicant does not meet the stated qualifications for the position;
- The application form is incomplete;
- The application form is found to contain false or intentionally misleading statements of material fact;
- The applicant has a record of unsatisfactory employment;
- The applicant has been convicted of a crime that would preclude the applicant from effectively performing the duties of the position applied for; or
- Other valid circumstances that indicate the applicant is unfit for the employment sought.

SECTION 6.05 Selection Process

Applicants for all City positions undergo an appropriate selection process. The process may consist of any or all of the following: A written test of knowledge, a skills or performance examination, an assessment of capabilities needed for the position, a verbal interview, reference checks, physical fitness test, medical examination, drug/alcohol test or any other appropriate

selection process. These are designed to determine as closely as possible the applicant's ability to perform the essential job functions and duties of the position.

CHAPTER 7. AT WILL EMPLOYMENT

Employment with the City is defined “At Will” which means that employment may be terminated at any time, at the will of either party, with or without notice and with or without cause, for any reason or for no reason at all. Employment is for an indefinite period of time and progressive disciplinary procedures as outlined in this document do not imply an employment contract. An employee’s orientation period does not alter “At-Will” status.

CHAPTER 8. APPOINTMENT AND CHANGES IN EMPLOYEE STATUS

SECTION 8.01 Orientation Period

The purpose of the orientation period is to provide an opportunity for the supervisor to train, observe and evaluate the employee's performance. The orientation period begins with the date of employment and has a minimum duration of 6 months. During the orientation period, the employee may be terminated. Employees in this orientation period have no appeal rights for termination.

A performance appraisal is completed by the supervisor at least ten (10) working days prior to the end of the employee's first six months of service. Informal evaluations may be done at any time if necessary or advisable to give the employee feedback sooner.

Upon completion of the final performance evaluation, the supervisor recommends one of the following to the Department Director:

1. That the employee be granted regular status;
2. That the employee's orientation be extended for a period not to exceed six months;
3. That the employee be demoted; or
4. That the employee be terminated.

Action "3" or "4" may be taken at any time during the first six months of employment. If no action is taken by the end of the sixth month of continuous service, the employee is automatically granted regular status.

Employees who are hired to attend and successfully complete classes or training as a condition of employment prior to performing the essential job functions of the positions they were hired for, will serve their six (6) month orientation period after completion of classes or training, for example, Police Cadets.

SECTION 8.02 Promotional Orientation Period

Employees who are promoted within the organization are subject to a six (6) month promotional orientation period that begins with the effective date of the promotion. The purpose of the promotional orientation period is to provide an opportunity for the supervisor to train, observe and evaluate the employee's performance.

A performance appraisal is completed by the supervisor prior to the end of the employee's promotional orientation period. Informal evaluations may be done at any time if necessary or advisable to give the employee feedback sooner.

If the employee does not satisfactorily meet the performance standards of the position, the:

1. Orientation period may be extended 3 more months;
2. The employee may be demoted back to their previous position and rate of pay if it is available and the Department Director agrees to accept the employee, or
3. The employee is terminated.

SECTION 8.03 Promotions

Promotions occur as a result of an employee applying and being selected for a position in a higher pay range. Employees are encouraged to apply for internal promotions.

SECTION 8.04 Transfers

A transfer is the assignment or movement of an employee from one position to another position in the same job classification or pay range in the same or different department. A transfer may be made for administrative reasons or upon written request from the employee for an available opening. The employee must possess the minimum qualifications for the new job. Department Directors may transfer employees in their department within the same classification. Any other transfer from one classification to another or from one department to another must be approved by the City Administrator.

SECTION 8.05 Demotions

Demotions may be either voluntary or involuntary and occur at the discretion of the City Administrator:

1. When the employee's position is eliminated due to a change in organization, funding, or a reduction in workforce;
2. Upon written request of the employee and if the employee meets the minimum qualifications for the position;
3. When it is documented that an employee is unable to satisfactorily perform the duties and responsibilities of their position and is reduced from their current rate of pay and pay range to a lower pay range and job classification; or
4. When the seriousness of an infraction of the Personnel Policies and Procedures is such that disciplinary action must be taken.

SECTION 8.06 Reinstatement

When it is in the best interest of the City, an employee who resigns in good standing may be reinstated to the employee's former position if it is available. Reinstatement is allowable within three months following the resignation without the employee being required to go through the selection process, provided the person remains qualified to perform the essential functions and duties of the position. Employees who resign their employment with the City a second time are not eligible for reinstatement. Tenure or length of service with the City for purposes of length of service and leave calculation do not accrue during the period the employee is gone. However, upon reinstatement, length of service will resume without loss of tenure gained prior to the employee's resignation. Leave balances are not reinstated.

Employees not eligible for reinstatement under the above provisions are eligible to submit an application. If the previous employee is rehired, the employee is treated as a newly hired employee and is required to successfully complete the orientation period. Employees who were previously employed by the City in a regular position for more than five continuous years will have their prior service credited toward their total length of service for leave benefits after the employee has completed twelve continuous months of service in the new position.

CHAPTER 9. PAY AND PAY CHANGES

SECTION 9.01 Employee Appointment Rate

Employees are normally hired at the minimum of the pay range. With written documentation, employees may occasional be hired above the minimum of the pay range if their skills and knowledge are sufficient to allow them to immediately begin performing at a very skilled level or if market conditions warrant a higher salary level as approved by the City Administrator.

SECTION 9.02 Appointment or Separation on a Holiday or Weekend

Unless it is a normal scheduled workday, appointments and separations of duty are not effective on designated City holidays or on weekends.

SECTION 9.03 Pay Days

Employees are paid on a bi-weekly system, twenty-six (26) times in a calendar year. If payday falls on a holiday, payday is the previous regular workday.

SECTION 9.04 Payroll Deductions

The City deducts from each employee's paycheck those amounts required by law such as: Social Security Taxes, Federal withholding income taxes, retirement contributions, and other amounts authorized in writing by the employee. Mandatory deductions may also include those ordered by a court.

SECTION 9.05 Pay Changes

The City provides various types of salary increases to recognize employee performance, market conditions, internal equity, etc. The City Administrator is responsible for administering pay changes and salary increases within established personnel policies, subject to funding as approved in the budget process. The City Administrator may utilize any one or combination of the following policies for administering pay changes or salary increases.

SECTION 9.06 Merit/Performance Increases

Merit/Performance increases are awarded to employees in recognition of their work performance. A merit/performance increase cannot increase any employee's salary beyond the maximum of the position's pay range.

Employees are usually eligible to receive merit increases after the required six (6) month orientation period in the current position is successfully completed. Employees are then eligible to receive merit/performance increases on their anniversary date, which is twelve (12) months of continuous service in their current position.

Each time an employee is promoted to a new position, a new evaluation date is established. These employees are eligible for merit/performance increases after their six (6) month promotional orientation period is successfully completed and then after twelve (12) months in the new position.

A written performance evaluation for each employee must be completed prior to recommendation

for a merit/performance increase. Merit/performance increases are effective on the first day of the pay period following final authorization.

SECTION 9.07 Uniform Salary Adjustment/Compensation Pay Plan Adjustment

During the budget process the City Council may authorize uniform salary adjustments to employees' base rate of pay and changes to the compensation pay plan. Factors such as the Consumer Price Index, inflation and market conditions are considered in setting a specific percentage or dollar amount increase. If a uniform salary adjustment is granted, all employees will receive an adjustment to their base rate of pay so long as they do not exceed the maximum of their pay range. When changes are made to the compensation pay plan, only employees whose pay is below the minimum of the pay range will be moved to the minimum of the pay range for their position.

SECTION 9.08 Lump Sum Adjustments

There may be times when it is appropriate for an employee to receive a one-time lump-sum salary adjustment. Specific reasons for such adjustments must be documented and follow any applicable laws and/or statutes. These adjustments may also be given to employees who have reached the maximum pay of their respective pay grade in lieu of a raise.

SECTION 9.09 Other Salary Adjustments

The City recognizes that other pay adjustments may be necessary at times to address issues of internal equity, competitive market forces or other relevant factors. The City Administrator may authorize other salary adjustments.

SECTION 9.10 Longevity

The City values retaining good employees and recognizes regular full-time employees who have completed one year of continuous service by granting longevity pay of ~~\$3.00 per month for each full month of continuous service~~ **\$100 per year for each full year of continuous service**. Longevity pay is paid the first Friday in December for service earned through the end of the current calendar year. Employees terminating before the first Friday in December are not eligible for longevity pay.

12 months	1 year of service	\$36 \$100
24 months	2 years of service	\$72 \$200
36 months	3 years of service	\$108 \$300
48 months	4 years of service	\$144 \$400
60 months	5 years of service	\$180 \$500
72 months	6 years of service	\$216 \$600
84 months	7 years of service	\$252 \$700
96 months	8 years of service	\$288 \$800
108 months	9 years of service	\$324 \$900
120 months	10 years of service	\$360 \$1,000
132 months	11 years of service	\$396 \$1,100
144 months	12 years of service	\$432 \$1,200
156 months	13 years of service	\$468 \$1,300
168 months	14 years of service	\$504 \$1,400

There is no maximum number of years of longevity pay. ~~The maximum number of years longevity pay is calculated on is 14 years; the maximum paid is \$504.~~

SECTION 9.11 Professional Certification Pay

Employees may qualify for certification pay if they earn a job related certification or license from a professional association or agency that is higher than the level required for the position they hold. The City Administrator determines whether or not to accept any certification for pay purposes on a case by case basis. The certification must require significant study and/or testing of the employee's skills or knowledge.

Certification pay applies to regular full-time employees and regular part-time permanent employees. Certifications must be relevant to the employee's position and remain valid, current, and on file with Human Resources.

Employees must submit their certifications to their **supervisor**. Department Head & Human Resources will review relevance and eligibility. The City Administrator and Finance Director will have final review and approval before pay is applied.

Annual reviews will be conducted during the budget process. Eligible certifications and incentive amounts are subject to change.

Add that employees may be paid certification pay even if performing work for the City not within their respective department.

~~Level I ————— \$25 per month
Level II ————— \$50 per month
Level III ————— \$75 per month
Level IV ————— \$100 per month~~

~~No combination of certification pay will exceed \$100 per month per employee.~~

PUBLIC WORK CERTIFICATE PAY

Water/Wastewater Department

Class D \$86.66 per month
Class C \$173 per month
Class B \$260 per month
Class A \$346 per month

Electric Department

Level I Merchant \$86.66 per month
Level II Merchant \$173 per month
Level III Merchant \$260 per month
Journeyman lineman \$346 per month

Equipment Operator \$346 per month with approved training (must be in job description and attend training courses).

Commercial Driver License A \$346 per month
Commercial Driver License B \$173 per month

Customer Service Inspection	\$43 per month
Backflow Prevention Assembly Tester	\$43 per month
Onsite Sewage Facilities	\$43 per month
License Irrigator	\$43 per month

These certification pay does not stack and only increases by license upgrade.

POLICE DEPARTMENT CERTIFICATE PAY

Basic Certificate	\$50 per month
Intermediate Certificate	\$75 per month
Advance Certificate	\$100 per month
Masters Certificate	\$150 per month
Advance Tele-communications License	\$100 per month

PARKS AND RECREATION DEPARTMENT

Certified Playground Safety Inspection	\$1.00 per month
Certified Pool Operation / Aquatics Facility Operation	\$1.00 per month
Pesticide Applicator License	\$1.50 per month
Irrigator License	\$1.00 per month
Certified Parks & Recreation Profession	\$100 per month
Certified Parks & Recreation Executive	\$200 per month

SECTION 9.12 Pay Upon Promotion

It is the intent of the City to offer a pay increase for promotions. If the employee's annual salary is less than the minimum of the new pay range, the employee's salary is increased to that amount or by 5% whichever is greater. If the employee's annual salary is higher than the minimum of the new range, the employee's annual salary is increased by 5% or to the maximum of the pay range, whichever is less. Promoted employees are not eligible for merit increases until they have been in the position for at least six months.

SECTION 9.13 Acting Pay

Under certain circumstances, an employee may be eligible for acting pay, when the employee has been appointed to assume the duties of a higher level position on a temporary basis for a minimum of 30 consecutive days. Acting pay is retroactive to day one after the completion of 30 consecutive days. The employee may be eligible for:

1. A minimum of 5% increase in pay not to exceed the maximum of the pay range for the higher position,
2. Up to the minimum of the pay range for the higher position, or
3. A maximum of 25%, as long as the amount is within the pay range of the higher position.

Upon completion of the temporary assignment, the employee is returned to their original position at the previous pay rate.

SECTION 9.14 Pay Upon Transfer

When an employee is transferred to a position in the same pay range, the employee's pay remains the same.

SECTION 9.15 Pay Upon Demotion

When an employee is demoted either involuntarily or voluntarily to a lower paying position, the City Administrator determines whether the employee's pay remains the same or is decreased immediately. If the employee's pay is above the maximum of the lower pay range, the employee's salary is reduced to the maximum of the lower pay range. In the case of a voluntary demotion, the employee's rate of pay will be adjusted so as not to create internal equity issues in the new position.

SECTION 9.16 Pay Upon Reclassification

When an employee's job has been reviewed and it is reclassified to a higher pay range, the employee's pay remains the same unless their pay is lower than the minimum of the new pay range. If the employee's pay is lower than the minimum of the new pay range, the employee is moved to the new minimum effective the first workday of the pay period following approval of the reclassification.

When an employee's job has been reviewed and it is reclassified to a lower pay range, and the employee pay is higher than the maximum of the new pay range, the employee's pay is frozen until the maximum of the new pay range equals or exceeds the employee's pay

SECTION 9.17 Effective Date of Pay Changes

Pay changes are effective the first day of a pay period following final approval of the changes.

CHAPTER 10. PERSONNEL RECORDS

SECTION 10.01 Content

The Administrative Services Director maintains the official personnel files for all employees. Personnel files include: application forms, performance evaluation forms, pay increase forms and other such documents that track an employee's employment history and job status. Unless otherwise required by law, official personnel files are confidential and may not be used or divulged for purposes unconnected with official business unless the employee involved has granted written permission or as required by law. All inquiries regarding present or former employees, whether verbally or in writing; must be referred to Administrative Services.

Upon employment, each employee is expected to provide certain personal information such as, but not limited to, home telephone number, date of birth and person to contact in case of an emergency. Such information is maintained in the employee's file but is kept confidential in accordance with legal requirements.

SECTION 10.02 Accessibility

Employees have the right to reasonable inspection of their official personnel file during normal business hours. This can be done by scheduling an appointment through Administrative Services. A member of the Administrative Services staff is required to be present when an employee reviews their personnel file.

CHAPTER 11. HOURS OF WORK AND OVERTIME

SECTION 11.01 Normal Hours of Work

City Hall is open from 8:00 a.m. – 5:00 p.m., Monday through Friday (excluding holidays). Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The City also observes a flexible work schedule in some departments.

SECTION 11.02 Work Week

Except as otherwise specified, the normal workweek is 40 hours per week, exclusive of meal breaks. The workweek begins at 12:01 a.m. Saturday and terminates at midnight on Friday. Department Directors are responsible for establishing daily work schedules.

SECTION 11.03 Work Period

Law enforcement employees follow an 86 hour work period in 14 days.

SECTION 11.04 Non-Exempt Employees

Non-exempt employees are in positions that do not meet the Administrative, Executive or Professional designations of FLSA.

SECTION 11.05 Overtime

Non-exempt employees are paid 1 ½ times their regular rate of pay for actual hours worked over 40 hours in the workweek **holidays are included in calculating overtime, other types of paid leave, such as vacation and sick leave are not included in calculating overtime.** Non-exempt Law Enforcement employees are paid 1 ½ times their regular rate of pay for actual hours worked over 86 hours in a 14 day work period. Other types of paid leave, such as vacation **and sick and holiday** leave are not included in calculating overtime; this includes Law Enforcement employees. The minimum standards for the City's overtime calculations are the basic standards set forth in the Fair Labor Standards Act.

All employees are required to work overtime when necessary as determined by their Department Director. Specific overtime assignments are rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to reasonable requests to work overtime and may be subject to disciplinary action for failing to stay or report for overtime work.

Department Directors are responsible for controlling overtime and compensatory time costs within the department and to control early or late departures of employees. All overtime must be approved in advance by the supervisor.

Example 1: An employee has worked 40 hours by the end of the day on Thursday and is scheduled to work on Friday. The employee may be given Friday off. The employee is credited with 40 hours of pay for that workweek.

Example 2: An employee has worked 34 hours and is scheduled to take 8 hours of vacation leave during the workweek.

34 hours regular pay for hours worked	34
6 hours regular pay for vacation leave	6
Total Hours	40

The vacation leave is adjusted to reflect the forty (40) hour workweek

Example 3: An employee took 8 hours of sick leave and worked forty (40) hours based on departmental needs during the workweek. The employee is not charged with 8 hours of sick leave and is paid 40 hours of regular pay.

40 hours regular pay for hours worked	40
No sick leave is charged	0
Total Hours	40

Example 4: A law enforcement officer worked 86 hours based on departmental needs during the work period (14 days). The employee is paid 86 hours at their regular rate of pay.

Example 5: A law enforcement officer has worked 80 hours and is scheduled to take 8 12 hours of vacation leave during the work period (14 days). The employee is not charged with 8 12 hours of vacation leave and is paid 86 hours at their regular rate of pay.

80 hours regular pay for hours worked	80
6 hours regular pay for vacation leave	6
Total Hours	86

Example 6: A law enforcement officer has worked 90 hours during the work period (14 days). The employee is paid 86 hours at their regular rate of pay and 4 hours at ~~1 1/2 times their regular rate of pay~~ their overtime rate.

86 hours at the employee's regular rate of pay	86
4 Overtime hours at overtime rate	4
Total Hours	90

SECTION 11.06 Travel Time for Non-Exempt Employees

Non-exempt employees are eligible for compensation for the time they spend traveling. The compensation a non-exempt employee receives depends upon the kind of travel and whether the travel time takes place within normal work hours or outside normal work hours.

"Normal work hours" for the purpose of this policy are defined as 8:00 a.m. to 5:00 p.m. or the regular work hours for that employee. This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday).

A. Travel Time Defined

"Travel time" is defined as the time an employee arrives at the airport to the time the employee reaches their destination. If an employee is traveling to a location, then the destination is either the hotel or the work site (if the employee travels directly from the airport to work). If the employee is returning home from a location, the destination is the airport of final arrival.

Travel between home and work or between the hotel and work site, is considered normal commuting time and is not eligible for compensation.

If an employee requests a specific travel itinerary or mode of transportation that is different from the one authorized by the City, only the estimated travel time associated with the itinerary and mode of transportation that has been authorized is eligible for compensation.

B. Travel Time Within Normal Work Hours

Any portion of authorized travel time that takes place within normal work hours on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time within normal hours is paid at the employee's regular hourly rate and is factored into overtime calculations. For example if the employee worked 34 hours and had 6 hours of travel time during the work week, the employee would be paid for 40 hours at their regular rate of pay. If the employee worked 36 hours and had 6 hours of travel time during the work week, the employee would be paid for 40 hours at their regular rate of pay and 2 hours would be paid as overtime at the rate of 1 ½ times the employee's regular rate of pay.

When an employee travels between two or more time zones, the time zone associated with the point of departure is used to determine whether the travel falls within normal work hours.

C. Travel Time Outside Normal Work Hours

Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be outside travel hours. Travel time spent outside regular work hours as a passenger on an airplane, train, boat, bus, or automobile is not compensable hours and is not included in overtime calculations. However, the time spent when an employee is the driver or is required to ride as an assistant or helper and is working while riding, except during bona fide meal periods or when the employee is permitted to sleep in adequate facilities, is considered work hours and is factored into overtime calculations. For example if the employee worked 36 hours, had 8 hours of travel during normal work hours and 6 hours of travel time outside normal work hours in the work week, the employee would be paid for 40 hours at their regular rate of pay and 4 hours would be paid as overtime at the rate of 1 ½ times the employee's regular rate of pay. The 6 hours of travel time outside normal work hours is not compensable.

SECTION 11.07 Stand By Pay

The vital nature of certain City services requires that some employees be available in an "on call" or "standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. Employees who are on-call are required to maintain the "on-call" phone and to respond immediately when notified to report to work. Response time should not exceed twenty (20) minutes. The employee who is on-call is not restricted to a specific location provided the employee can meet the twenty (20) minute response time. When non-exempt employees are assigned to be on-call for a particular week, the person(s) designated, as on-call will automatically be paid for eight hours at the regular, straight-time hourly rate of pay for any on-call week and four additional hours at the straight rate for any holiday during the on-call period. If there is a second employee in the same department also scheduled for on-call, but only as a backup to the primary on-call employee, the second employee will automatically be paid six (6) hours at the regular straight-time rate of pay for any on-call week and three (3) additional hours at the straight-time rate for any holiday during the on-call period.

SECTION 11.08 Exempt Employees

Employees classified as exempt are expected to work in excess of a 40-hour workweek as needed to complete normal duties. This includes attendance at meetings or travel beyond regular business hours; which is not compensable and is considered a condition of employment. Exempt employees do not accrue compensatory time.

Exempt employees are in positions that meet the Administrative, Executive or Professional designations of the Fair Labor Standards Act.

SECTION 11.09 Breaks

A. Rest Break

Employees who are not permitted to leave their work station to take care of personal needs may be granted a recognized 15 minute rest break every 4 hours in the morning and afternoon to take care of personal needs, for example: get coffee, go to the restroom, make personal phone calls or get a drink of water.

B. Meal Break

Employees who work in excess of four (4) hours each day may take an unpaid meal break. The length of the meal break is normally 1 hour. Meal breaks are, to the extent possible, scheduled close to the middle of the shift. Transportation to and from meal breaks begin and end during the unpaid meal break. Unused meal breaks may not be used to shorten the workday.

Law enforcement officers who are scheduled to work patrol and have the opportunity may take a 30-minute meal break with pay.

C. Lactation Break

Under the Fair Labor Standards Act (FLSA), most nursing employees have the right to a “reasonable break time” and a private space to express breast milk while at work. This right is available for up to one year after the child’s birth. The law also does not apply to surrogate parents or parents who have experienced the loss of a child.

A. Before returning to work, request a lactation accommodation through Human Resources using the **Lactation Arrangement Request Form**.

B. Shall meet with Human Resources and a Supervisor before returning to work to develop a lactation schedule.

1. Experts have recognized that the frequency and length of breaks may decrease after six (6) months or when a newborn is introduced to eating solid foods. As the lactation schedule changes, the employee shall update the plan with a Supervisor and HR.

CHAPTER 12. EMPLOYEE BENEFITS

SECTION 12.01 Benefits

The City may offer regular full-time employees enrollment in a health benefit plan, life insurance with accidental death and dismemberment, Texas Municipal Retirement System (TMRS) and other benefit plans. Refer to the benefit plan document(s) for specific details.

SECTION 12.02 Leaves

A. Vacation Leave

Revised March 25, 2014

Regular full-time employees accrue vacation leave after the completion of their first full pay period. Vacation leave is then accrued on a biweekly basis. Vacation leave cannot be taken, nor will it be paid upon separation during the first six months of continuous employment. The maximum vacation leave accrual at any time is 320 hours. Accruals in excess of this amount are automatically forfeited.

After Completing	Bi-weekly	Yearly
1 year - 5 years	3.08 hours	10 days
6 5 years – 9 10 years	3.69 hours	12 days
10 years - 14 15 years	4.62 hours	15 days
15 years - 20 years	6.15 hours	20 days
20 years +	7.69 hours	25 days

Employees continue to accrue vacation leave at their regular rate or on a prorated rate while on paid leave. Vacation leave does not accrue when an employee is not in a paid status. Unpaid leave status does not constitute a break in service for vacation accrual rate determination purposes. An employee returning to work from unpaid leave status will resume vacation accrual at the rate provided for based on credited service before and during the unpaid leave.

Vacation leave must be requested in advance and be approved before taken. Vacation leave may be taken in a minimum of 1 hour increments. Failure to receive approval in advance of leave may result in leave without pay. Employees cannot take more vacation leave than they have accrued.

Upon termination, regular full-time employees with at least 6 months of continuous service are paid for accrued vacation leave up to the maximum of 320 hours at a rate based upon the employee's final hourly pay rate. Vacation leave cannot be used to extend an employee's termination date or in lieu of a notice of resignation or retirement.

B. Vacation Leave Buy Back

An employee with a minimum of 80 hours of accrued vacation leave may sell 40 hours of vacation leave back to the City. Vacation Buy Back may be done once each calendar year and must be approved by the City Administrator.

C. Sick Leave

The primary purpose of sick leave is to allow regular full-time employees to accrue leave time so that if the employee or a member of their immediate family suffers an illness, has a doctor's

appointment that requires an absence from work, the employee's income can continue at a normal level. Sick leave should not be used casually.

Regular full-time employees, including Law Enforcement, accrue sick leave after they have completed their first full pay period. Sick leave is accrued at 3.69 hours per pay period. Sick leave cannot be taken during the first three months of employment. The maximum accrual is 720 hours at any time. Employees continue to accrue sick leave at the regular rate or on a prorated rate while on paid leave. Sick leave does not accrue when an employee is not in a paid status.

1. Accrued sick leave may be used in one-half (1/2) hour increments.
2. Employees using sick leave must call their supervisor and report their absence within the first half-hour (1/2) of work or earlier if prescribed by their department policies.
3. For absences in excess of 3 days, employee may be required to provide a doctor's note or as otherwise required by law..
4. For leave of absence requested in advance a doctor's note is required upon his return to work.
5. Employees who transfer from one department to another for any reason maintain their accrued sick leave balances.
6. Employees are not permitted to engage in any employment or business outside their regular City duties while receiving sick leave benefits.
7. An employee under suspension without pay forfeits any claim to sick leave for the duration of the suspension.
8. Employees are not paid for accrued sick leave upon separation from employment.

Immediate family member includes spouse, own parents, child, and stepchild.

D. Sick Leave Bank

A Sick Leave Bank program is established to provide continuation of income for qualified employees who have exhausted all of their accrued benefit leave (sick leave, compensatory time, holiday, and vacation time) and require leave due to a personal medical emergency or to care for an immediate family member who has a medical emergency. The Administrative Services Department will maintain the Sick Leave Bank. The transfer of earned sick leave to the Bank is entirely voluntary and may be done at any time.

Full time regular employees with 12 months of continuous service are eligible to apply for the sick leave.

(i) Definitions

Medical emergency is a serious, extreme, severe, catastrophic, or life-threatening medical condition of an employee or immediate family member that requires an employee's absence from duty for a prolonged period of time. The condition should be such that:

- requires the services of a licensed medical provider,
- prevents the employee from working,
- forces the employee to utilize all accrued leave time, and
- causes the employee to lose compensation.

Immediate family member includes spouse, own parents, child, and stepchild.

(ii) Donation Procedures

1. Employees who desire to donate earned sick leave must do so by using the Donation Form.
2. Minimum sick leave contribution is two (2) hours, so long as the employee maintains a minimum balance of 10 days (80 hours) of sick leave.
3. Employees donating sick leave must have accrued the requested amount of sick leave at the time of the donation.
4. The maximum annual donation of sick leave to the Sick Leave Bank is 96 hours per employee.
5. Employees may not designate the recipient of donated sick leave.
6. Once sick leave has been donated to the Sick Leave Bank, it will not be returned to the employee who donated the sick leave. However, that employee may request sick leave from the bank in time of need.
7. Employees absent taking leave from the Sick Leave Bank are considered for all purposes as if on earned sick leave, and may be subject to leave under the Family and Medical Leave Act (FMLA).

(iii) Request for Use of Sick Leave Donation

1. An employee who has exhausted all accrued benefit time (sick leave, compensatory time, holidays, and vacation leave) is eligible to apply for and receive transfers from the Sick Leave Bank.
2. Employees desiring to request the use of voluntary sick leave donation must complete the request form available in Administrative Services.
3. The request form must be signed by the supervisor and submitted to the Administrative Services Director for consideration and approval.
4. By requesting donated sick leave, the employee must share the minimum amount necessary of their personal information, and including personal health information. This information will be kept confidential. A physician's written statement may be required.
5. Applicants for donated sick leave will not be discriminated against for not having contributed to the Sick Leave Bank.
6. The City Administrator has final approval on all voluntary sick leave donation requests.
7. If an employee is unable to make a request on their behalf, the supervisor of the employee may make a written request on the employee's behalf.
8. Eligibility will be based on the definition of a serious health condition from the Family and Medical Leave Act.
9. Approved transfers from the Sick Leave Bank will be made at the end of each payroll-reporting period to cover absences for the specified illness or injury during that reporting period until the total approved transfer is reached.
10. Any benefit time (sick leave, compensatory time, holidays, and vacation leave) earned by the employee will be used and exhausted prior to the bi-weekly transfer from the Sick Leave Bank.
11. An employee is eligible to apply to the Sick Leave Bank even if the employee has previously received a transfer from the bank.
12. Employees drawing leave from the Bank will have a limit of 30 days in any 12-month period plus two (2) weeks for each year of service with the City up to a combined total of 1040 hours of individual sick leave and sick bank leave.
13. Sick leave acquired from the Sick Leave Bank will not be paid to an employee who subsequently leaves City service or to the estate of a deceased employee. Any unused balance will be returned to the Sick Leave Bank.

(iv) Decision/Notification

1. Each request is reviewed and considered individually. In general, an employee must not be able to attend work due to a medical emergency as defined within this document.
2. A lesser number of hours than requested by the employee may be granted.
3. Notification of approval or disapproval of leave from the Sick Leave Bank is made by the Administrative Services Director to the employee as well as the employee's immediate supervisor.
4. The employee may also request an unpaid leave of absence in accordance with any current policy.

The City Administrator may terminate the program if it is determined that it is not in the best interest of the City. If the Sick Leave Bank program is terminated, the remaining leave in the bank will be used until depleted.

(v) Termination of Donated Sick Leave

Use of the Sick Leave Bank ends when the maximum donated leave time is exhausted, the employee returns to their regular work schedule, terminates employment, retires, or dies.

(vi) Abuse of Sick Leave Bank

Inappropriate use or abuse of sick leave and/or donated sick leave by an employee may be subject to disciplinary action, up to and including termination, and/or denial of use of paid sick leave and/or donated sick leave.

E. Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) requires a covered employer to provide a "reasonable accommodation" to a qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship."

The PWFA applies only to accommodations.

Reasonable accommodations are changes in the work environment or the way things are usually done at work.

Undue hardship means significant difficulty or expense.

Submit requests to your Department Head. Human Resources and City Administrator will review and approve the reasonable accommodation.

F. Whistleblower Protection

The City shall have procedures to give staff members awareness and access to report illegal, unethical, or other inappropriate/improper conduct, free from retaliation for the making such reports in good faith.

Staff members shall report to an appropriate governmental official all evidence of activity by any staff member that they believe is, including but not limited to:

- A. A violation of a state or federal law, rule, or regulation
- B. Fraud
- C. Misappropriation of city resources
- D. Any fiscal or financial irregularity
- E. A significant danger to staff member or client health or safety

Staff members who in good faith report such incidents shall not be retaliated against the terms and conditions of their employment.

No staff member will be adversely affected because the staff member refused to carry out a directive which constitutes a violation of state or federal law or poses a substantial risk of harm to the staff member, client, co-workers, or health and safety. If a staff member believes they have been retaliated against in violation of this policy, the staff member should report it to the Mayor's Office immediately.

Anonymous information will be accepted and investigated in accordance with the procedures below. Any staff member who has evidence or knowledge of alleged illegal, unethical, inappropriate or improper activity described above shall contact an appropriate governmental official. If the staff member is not satisfied with the response, or is concerned about reprisal, the staff member shall contact the Mayor. The Mayor shall have the final decision as to whether there shall be any disciplinary action for such response or retaliation. Nothing in this policy shall prevent the City from taking appropriate action against a person who knowingly makes a false accusation or provides false information related to or during an investigation or hearing.

G. Paid Quarantine Leave

The use of quarantine leave may be granted after a Fire Fighter, Peace Officer, and Emergency Medical Technician has had a possible or known exposure to a communicable disease while on duty. The City's health authority or authority designed by the City Manager will determine when a threat of highly communicable or life-endangering diseases are immediately present and may release orders for applicable/essential workers to follow general quarantine protocols. When this occurs, department supervisors will allow for the use of quarantine leave based on the protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the local health authority or authority designated by the City Manager. An employee who is in quarantine should notify the Human Resources Department of any changes to their health status.

Paid Quarantine Leave Provides that:

Eligible employees on paid quarantine leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the employee will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).

When applicable, employees who must be quarantined may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation.

If applicable, an employee on paid quarantine leave is expected to remain home during periods of quarantine and may work from home (i.e., telework) during this period if permitted by departmental arrangement and approved by the City Manager. In addition, an employee on paid quarantine leave may not work a second job, including self-employment or participate in volunteer work.

Workers' Compensation:

Applicable employees on paid quarantine leave must file the exposure to a communicable disease while on duty as a workers compensation claim. Should the employee be approved for and receive workers' compensation benefits, the City's salary payment (i.e., employee wages) will be offset to reflect total eligible/paid compensation.

DEFINITIONS

"Emergency medical technician" means an individual who is:

(A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and

(B) employed by a political subdivision.

"Fire fighter" means a paid employee of the fire department who:

(A) holds a position that requires substantial knowledge of firefighting;

(B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and

(C) performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.

H. Mental Health Leave for Peace Officers

The City is committed to protecting the psychological health, safety, and wellbeing of its Peace Officers. The City acknowledges that workplace trauma is a health and safety issue and that by creating a Mental Health Leave Policy for Peace Officers to address employees experiencing a traumatic event we can improve the well-being of the organization. This policy is to provide guidance in following Texas Local Government Code Section 614.015 to provide for paid mental health leave for peace officers who experience a traumatic event in the line of duty who are employed with the China Grove Police Department. Mental health leave is designed to be a resource available for eligible officers to support staff in maintaining a healthy state of mind while

at work and at home, however requesting or taking leave is not a requirement for every traumatic event.

Application

a) Mental Health Leave for licensed Peace Officers is intended to provide full-time Peace Officers who experience a traumatic event that occurs while on duty, time away from work to receive assistance in dealing with the event that was experienced.

The following are examples that may be considered a traumatic event. As these examples will not encompass all traumatic events Peace Officers may potentially encounter, the Police Chief will evaluate requests for leave under this policy to determine if Mental Health Leave is applicable.

1. Officer involved shooting.
2. Vehicle crash involving serious injury or death to an officer or citizen.
3. Officer being the victim of a felonious assault.
4. Death of a coworker.
5. Death or serious injury to someone in custody of officer.
6. Severe trauma or death of a child.
7. Homicide Scenes.
8. Incident involving multiple deaths and/or injuries (natural disaster or terrorist attack).

b) Peace Officer Mental Health Leave provides paid leave for up to 3 shifts from work, per traumatic event that occurred while on duty, in order for the Peace Officer to seek professional treatment for the handling of the traumatic event in which they were involved. The City Manager or designee may re-evaluate additional days for additional paid leave under this policy subject to peer to peer review or other consultation with a mental health leave professional.

c) The Peace Officer will contact the Chief of the department and request the use of the leave in order to obtain mental health assistance. The Chief may consult with the City Manager or his/her designee prior to granting the Leave.

d) Based upon the information provided to the department administration after the event, Mental Health Leave will be granted if ordered by a mental health professional or the Chief of Police/designee.

e) Mental Health Leave hours will be recorded on the timesheet as regular hours, to provide anonymity. However, the City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.

f) Mental Health Leave provides that Peace Officers will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid Mental Health Leave, the Peace Officer will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).

- g) An employee on Mental Health Leave may not work a second job, including self-employment or participate in volunteer work.
- h) If additional time off is needed employees may apply for a Leave of Absence or other leave as authorized under the personnel policies.
- i) If a Peace Officer is off work due to Mental Health Leave and the employee qualifies for family and medical leave, it will run concurrently with the Mental Health Leave.
- j) Following use of Mental Health Leave, the City may require a Peace Officer to undergo a psychological examination, by a professional of the City's choosing, to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation and as otherwise permitted in accordance with applicable laws.

Definitions

"Peace Officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.

Confidentiality

The City will keep requests or leave for mental health leave and any medical information related to mental health leave under this policy confidential, in accordance with applicable state or federal laws and regulations. Any request for mental health leave by an eligible officer shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside of the eligible officer's chain of command, and only to facilitate the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests an eligible officer seek mental health leave shall not discuss that matter with any third party. Any breach of confidentiality may be grounds for discipline. Confidentiality may be waived by the eligible officer seeking mental health leave. Confidentiality may be waived under circumstances in which indicate the eligible officer is a danger to himself or herself or others and department personnel must confer with mental health professionals, in accordance with applicable state and federal laws. Information will be kept separate from the personnel file as required for medical information and will only be shared with those entitled to access. The City cannot guarantee anonymity of information that is otherwise public or necessary to carry out the City's duties. If a supervisor becomes aware of a violation of confidentiality by another member of the department or another employee, that supervisor shall take appropriate action to address or report the violation.

I. Holidays

The following days are observed as paid City holidays for regular full-time employees:

1. New Year's Day
2. [Martin Luther King Jr. Day](#)
3. [Presidents' Day](#)
4. Good Friday
5. Memorial Day
6. Independence Day

7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving
11. Day After Thanksgiving
12. Christmas Eve
13. Christmas Day
14. New Year's Eve Day
15. One Floating Holiday (Employee's choice with supervisor's approval)

If a holiday occurs on a Saturday, it will be observed on the Friday before. If a holiday occurs on a Sunday, it will be observed on the Monday after.

The floating holiday must be scheduled and approved in advance and must be used within the calendar year. New employees hired before October 1st are granted one floating holiday for the calendar year. Floating holidays cannot be carried over from one calendar year to the next if not used.

Regular full-time employees earn eight hours per holiday, regardless of their normal work schedule. Law Enforcement employees earn twelve (12) hours per holiday, regardless of their normal work schedule.

~~When employees are scheduled to work on a holiday as part of their normal work schedule, they receive their regular rate of pay for hours worked and are credited with holiday leave to be taken at a later date within the work period. If the workload does not permit, the employee may accrue up to 3 days of holiday leave to be used at a later date as approved by the Department Director. The maximum holiday leave accrual is 3 days. Employees are paid holiday leave at their regular rate of pay for holiday leave over 3 days.~~

When employees are on some type of approved paid leave that includes an observed holiday; the holiday counts as a day of holiday leave. Employees in a non-paid status that includes an observed holiday do not receive holiday or accrue holiday leave. City Council may amend these holidays as needed.

J. Religious Holidays

Religious holidays not observed by the City may be granted as vacation leave, compensatory time or leave without pay upon advance request and approval of the Department Director and Administrative Services Director.

K. Leave Without Pay

Consistent with the leave policies, employees are placed on leave without pay for short periods of time when the employee does not have sufficient leave time to cover the absence. Leave without pay can be excused or unexcused.

L. Leave of Absence

Leaves without pay may be granted in increments of up to 30 days, not to exceed 3 months in duration. The request must be submitted in written form and approved through the Department Director and the City Administrator. The City will make efforts to place a returning employee in the

same position at the time the leave was granted but reserves the right to reassign the employee according to business requirements and the employee's job qualifications and ability to perform the essential functions of the position. If the employee does not return at the agreed upon time, the employee will be considered to have voluntarily resigned their employment.

Leave benefits and seniority credits are not accrued during this period of time. Pay increases and performance evaluation dates are adjusted according to the length of leave of absence. Employees may be required to contribute towards their insurance benefits.

M. Administrative Leave

The City Administrator may grant up to fifteen (15) working days of administrative leave to relieve an employee from work with or without pay. Administrative leave may be used when it is in the best interest of the City, when an employee investigation is being conducted or when warranted by unforeseen circumstance not otherwise provided for in these policies.

The City Administrator may grant up to ten (10) working days of administrative leave per calendar year with pay when an exempt employee has been required to work considerably more hours on a regular basis than the normal work hours.

N. Job Injury Leave

If an employee has been disabled due to an on-the-job injury or illness and is entitled to receive benefits under the Workers' Compensation Law of the State of Texas for temporary partial disability or temporary total disability, work time missed is recorded as job injury leave.

Job injury leave terminates after ninety (90) calendar days or as it applies below.

1. On the date a ruling of permanent disability is made;
2. When the employee is released to return to work;
3. At such time as the employee is declared capable of performing their normal duties by a designated physician.

Employees who exhaust the 90 calendar days of job injury leave may be eligible to continue to receive compensation at the rate set out by the Workers' Compensation Law of the State of Texas.

The City will make efforts to place a returning employee in the same position at the time the leave occurred, but reserves the right to reassign the employee according to business requirements and the employee's job qualifications and ability to perform the essential functions of the position. If a position for which the employee is qualified is not available, the City is not obligated to create or make such a position available.

O. Military Leave

Employees who voluntary or involuntary perform service in the United States uniformed services are granted military leave without pay in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. The employee is required to provide a copy of the military notice to the supervisor and Administrative Services, unless the employee is unable to provide such notice because of "military necessity".

Employees who have military reserve obligations are granted a maximum of fifteen (15) calendar days of paid military leave per fiscal year. The employee must furnish a copy of the military orders

to the Department Director. Pay is calculated at the employee's regularly scheduled work hours and base pay rate in effect on the date the Military Leave is granted.

Employees returning from military leave are required to report for duty per the following:

- Service less than 30 days – Employees must report at the beginning of the first regularly scheduled workday after release from service, allowing eight (8) hours for travel or rest.
- Service 31 - 180 days – Employees must request reemployment and report to work no later than fourteen (14) days following completion of military service.
- Service over 181 days – Employees must request reemployment and report to work no later than ninety (90) days following completion of military service.

An employee is generally allowed up to five (5) years total (cumulative) of military leave and may not be eligible for reemployment thereafter.

An employee returning from military leave from the uniformed services with a dishonorable or bad conduct discharge is not eligible for reemployment.

P. Family/Medical Leave

Regular full-time and regular part-time employees may be eligible for Family/Medical Leave, subject to the following rules established by the Federal Family/Medical Leave Act as amended.

Family/Medical Leave is an approved leave of absence available to employees who have been employed for at least 12 months and have provided at least 1250 hours of service during the previous 12 months at the time the leave is requested.

An eligible employee may take up to a maximum of 12 weeks of Family/Medical Leave in any 12-month period for any of the following circumstances:

- Birth of the employee's child;
- Placement of a child with the employee for adoption or foster care;
- When the employee is needed to care for the physical or mental needs of the employee's child, spouse, or parent who has a serious health condition;
- When the employee is unable to perform the essential functions of the position because of the employee's serious health condition.
- "Qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan.

An eligible employee may take up to a maximum of 26 weeks of Family/Medical Leave in any 12-month period for any of the following circumstance:

- To care for a covered family member, kin or nearest blood relative who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces and is unable to perform the duties of the member's office, grade, rank or rating.

Spouses employed by the City are entitled to a combined maximum total of 12 workweeks of leave (rather than 12 weeks each) for the birth or adoption of a child or placement into foster care of a child. Leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.

Parents or spouses who both work for the City are each entitled to 12 workweeks of leave to care for a sick child or because of the illness of the other spouse.

An eligible employee is entitled to 12 or 26 workweeks of leave as described above during any 12-month period measured from the first day Family/Medical Leave is taken. The next 12-month period begins the first time Family/Medical Leave is taken after completion of any previous 12-month period.

The following words and phrases, as used in the application and interpretation of the Family/Medical Leave Policy are defined as:

- “Child”, “Son” or “Daughter” means a biological, adopted, foster child, step child, legal ward or child of a person standing in loco parentis (i.e., in the place of a parent) who is under 18 years of age or 18 years or older if the child is incapable of self-care because of a mental or physical disability.
- “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition involving either inpatient care at a hospital, hospice, residential medical care facility or continuing outpatient treatment by a health care provider for more than three days (i.e., a doctor of medicine or osteopathy authorized to practice medicine, surgery, or other person determined by the Secretary of Labor to be capable of providing health care services).
- “Unmarried domestic partners” and “in-laws” do not qualify as spouses or parents for Family/Medical Leave.

An employee must first use and exhaust all available and accrued paid leaves, unless provided for in other benefit plans. The use of paid leave is included in the maximum 12 or 26 week period allowed as Family/Medical Leave. Any remaining Family/Medical Leave beyond applicable paid leave as mentioned above is without pay.

The employee may be required to provide medical or active duty/Armed Forces certification to support a claim for leave for an employee’s own serious health condition or to care for a seriously ill child, spouse, parent or service member. For the employee’s own medical leave, the medical certification must include a statement that the employee is unable to perform the essential functions of the position. For leave to care for a seriously ill child, spouse, parent or service member, the medical certification must include an estimate of the amount of time the employee is needed to provide care.

If medically necessary for a serious health condition of the employee or the employee’s child, spouse, parent or service member, leave may be taken on an intermittent or reduced work schedule subject to the provisions of this policy. If the leave is requested on an intermittent or reduced basis for planned medical treatment, the employee may be transferred temporarily to an available alternate or part-time position or to a schedule that better accommodates an intermittent or reduced work schedule. The employee’s current hourly rate of pay remains the same for hours actually worked, regardless of the temporary employment transfer to a different position or schedule.

When the need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide reasonable prior notice and make efforts to schedule leave

so as not to disrupt work operations. In cases of illness, the employee is required to report at least every 30 calendar days on their leave status and intention to return to work.

Employees who are granted an approved leave of absence must continue to pay their portion of the health and/or optional/supplemental benefit(s) premium(s). The City continues to pay its portion of employee's premium(s). Non-payment of premiums results in the cancellation of benefits.

If an employee elects not to return to work upon completion of an approved unpaid leave of absence, The City will recover the cost of any payments made to maintain the employee's insurance, for example health premiums, from the employee, unless the reason the employee does not return is due to the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under FMLA, or to other circumstances beyond the employee's control.

The employee must submit a completed request for Family/Medical Leave Form to their supervisor. The form is then forwarded to Administrative Services for processing. If possible, the form should be submitted 30 days in advance of the effective date of the leave.

The use of Family/Medical Leave is not considered negatively or held against the employee as it relates to evaluations, promotional considerations or any other employment factors. No supervisor will interfere with, restrain or deny employees their rights under this policy; nor will an employee be discharged or discriminated against based on the employee's use of Family/Medical Leave.

Family and Medical Leave

Eligible Employees. To be eligible for family leave, an employee must have been employed continuously by the City for at least 12 consecutive months, and must have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. However, if the city employs both spouses, and the reason for the leave is to care for a newly arrived child or a sick child or parent, 12 weeks is the aggregate family leave limit for both. Temporary employees are not eligible for family leave. This policy and the City's Disability policy will be administered consistently with the City's obligations under FMLA and ADAAA, including considering an extended leave as a reasonable accommodation, without an undue hardship to the City.

Eligible Circumstances. An eligible employee is entitled to 12 workweeks of leave during any 12-month period for three purposes:

1. Birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement);
2. A serious health condition of a spouse, child (including step-child), or parent; or
3. The employee's own serious health condition.

A serious health condition is one that requires either inpatient care or continuing treatment by a health care provider.

Calculation of 12-Month Period. The 12-month period during which an employee may use a maximum of 12 workweeks of this type of leave is measured forward from the date on which the employee's first Family and Medical Leave Act (FMLA) leave begins.

Definition of Family Members. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or an individual 18 years of age or older who is incapable of self-care because of a mental or physical disability. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the department head. However, leave for serious health conditions either of an eligible family member of the employee or the employee himself or herself may be taken intermittently or on a reduced schedule if medically necessary, provided that the other conditions of these policies are met.

Temporary Transfer. If the employee's request for intermittent leave is foreseeable, based on planned medical treatment, the city may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates recurring periods of leave.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time that the family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Once the employee's leave balances have been exhausted, the city will then provide enough unpaid family leave to total 12 weeks. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

Part-Time/Variable Hour Employees. If an employee works a part-time schedule, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis, provided that the other requirements for eligibility are met.

Notice. When an eligible FMLA circumstance occurs for an employee, the employee must contact Human Resources and complete a request for family leave, with the leave request specifying the first date of absence or expected absence. In the case of leave for the birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable, based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the city's operations unduly. The same advance notice requirements apply.

City Designation of FMLA Leave. If the employee does not request family leave, yet requests the use of accrued leave, and a condition of FMLA eligibility exists, then the city may designate the leave as family leave. If the city designates an employee's leave as FMLA leave, without a request by the employee, then the city must notify the employee of the FMLA designation. The city's notification to the employee of FMLA notification may be communicated orally, but must be

confirmed in writing no later than the next regular payday (unless less than a week remains until the next payday).

Certification of Condition. An employee requesting a paid or unpaid family leave of absence for extended illness or temporary disability must submit to the department head (1) a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties, or (2) a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period, or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the department head with a written statement from the employee concerning his or her intentions about returning to work at the city. An employee on family leave must contact his or her supervisor at least once each workweek unless another schedule satisfactory to the city has been established in writing and signed by the department head and the employee. The city may also require subsequent re-certifications as reasonably needed and based on the information in the prior FMLA certification. Failure to provide required medical status reports or to contact the office on the schedule required by the department head will result in disciplinary action.

Second, Third Opinions. The city may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of family leave. The second and third opinions, if sought and obtained by the city, will be paid for by the city and will be obtained from independent health care providers who are not employed by the city. If a third opinion is necessary, the third opinion obtained is final.

Return to Work/Assurances. After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees," defined as those salaried employees in the top 10 percent of the city's workforce. Key employees will be notified in advance of their status.

Health Insurance Coverage while on FMLA Leave. Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period. However, should the employee decide, at any time after family leave begins, that he or she will not return to work at the city, the employee must reimburse the city for health coverage premiums paid by the city that normally would have been paid by the employee during the family leave period, unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification. The City will determine and advise the employee of the payment for insurance premiums while on unpaid leave.

Retention of Benefits. An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave.

Posting of Summary of Act. The city has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information.

Request for Leave without Pay Immediately Following Family and Medical Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the

family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section of these policies headed Other Leaves of Absence Without Pay. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis.

Employee Status After Leave. An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from their health care provider. This requirement will be included in the City's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The City Manager also has the option to extend the employee's designated FMLA leave as necessary.

Q. Jury Duty/Court Appearance Leave

Employees who are required to miss work in order to serve as a juror or who are subpoenaed to appear as a witness in court receive their normal compensation. It is the responsibility of the employee to provide a copy of the notice to the employee's supervisor as far in advance as possible and to present certification of the dismissal date and time upon the employee's return to work to be eligible for paid Jury Duty/Court Appearance Leave.

If the employee is released from jury or witness duty by a Judge or the Central Jury Room Manager at a time where 50% or more of the employee's regularly scheduled work hours remain; the employee is required to report to work at the City for the balance of that regular scheduled work day.

Jury duty/court appearance leave may not be used in any instance when an employee is a plaintiff or defendant in a court action, unless the employee's involvement arises as a result of the employee's job duties or responsibilities.

R. Bereavement Leave

In the event of a death in the employee's family, a regular full-time employee may be granted up to ~~three~~ five work days of bereavement leave with pay. This pay is for the time actually lost from regularly scheduled work on the day of the death and the days following to attend the funeral and handle the personal affairs ~~of the deceased~~. For the purpose of bereavement leave, the definition of family includes the employee's or their spouse's: child(ren) parents, brother(s), sister(s), grandparent(s), grandchild(ren), or "half" or "step" relationships. It also includes any relative living in the employee's household who is dependent on the employee for care.

If additional time off is needed due to unique circumstances, earned vacation time or compensatory time may be used or leave without pay may be granted upon approval by the employee's supervisor. Documentation may be required to verify the death of an immediate family member as described above and approve funeral leave.

S. Election Leave

Employees are encouraged to vote in all elections. Employees should make an effort to vote before or after work, during the lunch break, by early voting or through the absentee ballot alternative. If employees cannot vote during these times, a maximum of up to two hours election leave is allowed upon advance approval of their supervisor. Election leave is a non-paid leave. Employees may request vacation leave or compensatory time.

CHAPTER 13. EMPLOYEE SAFETY AND ACCIDENT PREVENTION

SECTION 13.01 Safety Goals

It is the City's goal to maintain a safe working environment for its employees, citizens, vendors, suppliers and visitors.

SECTION 13.02 Employer's Responsibilities

The City is responsible for providing a reasonably safe and healthy working environment for employees. In an effort to do so, the City provides specialized safety equipment and training for employees as deemed necessary in accordance with City policy. Supervisors are responsible for addressing such reports immediately and taking steps to correct problems or violations.

SECTION 13.03 Employee's Responsibilities

All employees are responsible for observing safe work practices at all times and are expected to conform to safety rules and regulations as set out by the City. Questions concerning proper safety methods, noticed safety problems or violations should be referred immediately to the employee's supervisor. Failure to properly wear and utilize equipment may result in disciplinary action.

SECTION 13.04 Seat Belts/Cell Phones

All drivers and passengers of City vehicles and personal vehicles used for City business are required to use safety seat belts as equipped for the particular vehicle.

Cell phone use is not permitted while operating a City vehicle unless it is required for public safety.

SECTION 13.05 Driving Records Check

Driving records may be obtained prior to employment or at any time during employment.

Employees, who operate a vehicle for City business on a frequent basis or when such operation is an essential function of the job must immediately notify their supervisor if their driver's license has been suspended, revoked or denied.

If an employee receives a traffic citation that may result in the employee's driving privileges being suspended, and driving is an essential function of the job, the employee must notify their supervisor immediately. If the traffic citation is received during non-work hours, the employee must notify their supervisor at the beginning of their next work day or within three days of the issuance of the ticket, whichever is first. If the traffic citation requires an appearance at court, the employee must notify their supervisor of the status of the citation the next working day after the court proceeding.

If an employee occasionally operates a vehicle for City business, prior to such operation, the employee must advise their supervisor if the employee's license is under suspension, revocation, denial or if the employee has received a traffic citation that may result in the employee's driving privileges being suspended.

The City periodically requests driver's license information from employees so that driving record information can be obtained. An unsatisfactory driving record may be a factor in determining an

employee's ability to perform their job and may be grounds for disciplinary action or termination.

SECTION 13.06 Use of City Vehicles

Designated employees may be authorized to use City vehicles to conduct official City business. Personal use is prohibited with the exception of incidental personal use. The City reserves the right to search those vehicles at any time, for any purpose. Employees have no expectation of privacy in City vehicles.

All City employees who operate City vehicles must:

1. Maintain a clean driving record and be insured while performing duties for the City.
2. Obey all traffic laws while operating the vehicle. Fines resulting from violation of motor vehicle regulations are the responsibility of the employee and will be paid by the employee. Failure to pay such fines by the payment due date may result in revocation of vehicle privileges and or/or termination of employment.
3. Have in their possession at all times, their valid Texas Driver's License and City vehicle proof of insurance.
4. Take precautions to ensure the safety and security of City vehicles. This includes, but is not limited to locking doors and/or compartments and properly parking vehicles in accordance with applicable laws and ordinances.

SECTION 13.07 Take-Home Vehicles

Certain employees may be identified by the Department Director and approved by the City Administrator as requiring a vehicle on a twenty-four (24) hour on call basis. Authorization, given by the City Administrator of a take-home vehicle will be based solely on the best interest of the City. Eligibility requirements:

1. The employee performs an essential and/or strategic function and/or facilitates specific departmental emergency operations; or
2. The employee is the primary operator of the vehicle during standard working hours; and
3. The employee resides within the City limits of Castroville or has a required response time as approved by the City Administrator; and
4. The employee is authorized to drive a City vehicle; and
5. The employee has been assigned use of a take-home vehicle by the Department Director and the City Administrator.

Employees authorized to use take-home City vehicles, who submit leave notices for three (3) or more consecutive workdays must leave their assigned take home vehicle and keys at their work station for use by other City employees during such periods. This includes law enforcement officers or other employees who work four days/ten hour shifts (4/10's) and have three (3) consecutive days off.

Employees given the use of a take-home City vehicle must ensure that there is adequate and safe parking for such vehicles. Marked law enforcement take-home vehicles must be visible from the street.

City departments may have additional requirements or rules for use of City vehicles as approved by the City Administrator.

The City reports personal use of a government-owned vehicle as a taxable fringe benefit as required by the Internal Revenue Service.

SECTION 13.08 On-the-Job Accidents and Injuries

An employee who receives an injury while working for the City may be entitled to benefits under the Worker's Compensation Law of the State of Texas. Benefit coverage provides for payment of medical expenses and partial salary continuation for work related illness and/or injury. Employees may elect to supplement their worker's compensation pay by using sick leave or other accrued leave in order to receive their regular rate of pay.

All employees are required to immediately notify their supervisor and the City Secretary whenever an accident or injury/illness occurs on the job.

SECTION 13.09 Alcohol/Drug Free Workplace Policy

A Overview

While at work, each employee has the responsibility to deliver services in a safe, efficient and conscientious manner. In order to perform a job in the safest manner possible, employees must be able to work in an alcohol/drug free work environment and be free from the effects of alcohol and other job-impairing substances while on the job. Accordingly, the use, sale, distribution, possession or being under the influence while on the job of alcohol or an intoxicating liquor, controlled substance, drugs not medically authorized or any other substances that impairs job performance or poses a hazard to the safety and welfare of the employee, visitors, clients or other employees, is strictly prohibited and may result in disciplinary action, up to and including termination.

B. Definitions

Alcohol: means any beverage, mixture or preparation containing ethyl alcohol (ethanol).

Controlled Substance (Drug): means any drug, controlled substance, inhalant (abuseable glue or aerosol paint), or perception altering substance, including but not limited to marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, amphetamines, barbiturates, hallucinogens, phencyclidine (PCP) and inhalants.

Urinalysis Test: means screening by a laboratory designated by the City for drugs in a urine specimen provided by an applicant or employee.

Blood Test: means a screening by a laboratory designated by the City for alcohol in a blood specimen provided by an employee

Breathalyzer Test: is a test to confirm the specific level of alcoholic beverage present in the body.

Intoxication: any level of mental or physical impairment resulting from the introduction of alcohol or a controlled substance.

Positive Test Result For Alcohol: means having a reportable blood alcohol concentration (BAC) level in the body of .02 as determined by a blood and/or Breathalyzer test.

Positive Test Result for Drugs: means having a “reportable level” of a drug in the body as determined by a urinalysis and/or blood test.

Reasonable Suspicion: a conclusion based on personal observation of specific, objective instance of employee conduct, that an employee is unable to satisfactorily perform assigned job duties due to the suspected use of controlled substances or alcohol. Such inability to perform may include, but is not limited to: a pattern of abnormal or erratic behavior, physical symptoms (i.e. glassy or bloodshot eyes, slurred speech, odor, unsteady gait, poor coordination or reflexes) or direct observation of controlled substance or alcohol use. Information provided by a reliable and credible source of possession of controlled substances or alcohol will also constitute a basis for reasonable suspicion.

Testing Facility: means a hospital, clinic or laboratory approved by the City.

C. Notification

City rules and regulations prohibit the use or possession of controlled substances or alcohol while on duty, on City property or in a vehicle while conducting City business. Violation of these rules and regulations will subject the employee to discipline, that may include termination.

Based on reasonable suspicion, an employee is requested to submit to testing for controlled substance and/or alcohol use. Prior to such testing, employees are required to sign a form consenting to testing.

D. Prohibited Conduct Relating to the Use of Alcohol and Controlled Substances

Employees Will Not:

1. Have a breath alcohol concentration as determined by an Evidential Breath Testing (EBT) device or a laboratory analysis of a blood specimen of .02 or greater while on duty.
2. Test positive, equal to or exceeding the maximum levels for a confirmatory test as established by the Federal Department of Health and Human Services, for a controlled substance.
3. Report for duty or return to duty exhibiting the odor of alcohol or a controlled substance.
4. Be under the influence of alcohol or a controlled substance, or exhibit any element or the appearance of intoxication.
5. Possess, use or distribute alcohol or controlled substances while on duty, while in a City vehicle or while in a privately owned vehicle operated for City business.
6. Consume any alcoholic beverage or controlled substance immediately before or following their tour of duty at their work-site.
7. Refuse or fail to comply with the requirements, referrals or time frames within this policy.

E. Procedures for Reasonable Suspicion Testing of Employees

1. When there is reasonable suspicion that an employee has ingested, inhaled or injected a drug or has ingested an alcoholic beverage when reporting for work or while on duty:
2. The employee is prohibited from working or continuing to work.
3. The supervisor or manager requests a personal observation and review of specific objective instances of employee conduct to confirm that reasonable suspicion exists.
4. The employee is immediately transported for testing to the appropriate testing facility. After testing, arrangements are made for safe transportation to the employee's residence or a place selected by a relative of the employee.

F. Disciplinary Actions Relating to the Use of Alcohol and Controlled Substances in the Workplace

1. Employees who refuse to consent or submit to a drug or alcohol test are terminated.
2. Employees who produce a positive test result for drugs or alcohol, or who otherwise violate this policy are subject to disciplinary action, up to and including termination.

G. Drug and Alcohol Policy for Safety Sensitive Positions

(i) Scope

All employees in safety-sensitive positions are required to comply with Federal safety standards as regulated by the Department of Transportation (D.O.T.). Safety-sensitive positions include the following:

Public ~~Services~~ Works Director
Assistant Public Works Director
Community Services Director
Street Crew
Building & Maintenance Crew
~~Utility Superintendent~~
~~Meter Reader~~
Water ~~Operator~~ Department Crew
~~Utility Worker~~
~~Electric Line Services~~
Electric ~~Helper~~ Department Crew
Wastewater Plant ~~Operator~~ Crew
~~Customer Services~~
~~Utility Billing Clerk~~
~~Technical Services Clerk~~
~~Public Works Secretary~~

Additional safety-sensitive positions may be added by the City as prescribed by the Department of Transportation.

(ii) Prohibited Conduct

1. Employees in safety-sensitive positions are prohibited from reporting to work, performing safety-sensitive duties, or having any controlled substance present in their body while in the employ of the City.
2. Employees in safety-sensitive positions are prohibited from reporting to work within 4 hours after consuming alcohol.
3. Employees in safety-sensitive positions are prohibited from consuming alcohol while at work, including while performing safety-sensitive functions.

4. Employees in safety-sensitive positions are prohibited from possessing alcohol while on duty.
5. Employees in safety-sensitive positions are prohibited from reporting to work or performing safety-sensitive functions while having an alcohol concentration of .02 or greater.
6. Employees in safety-sensitive positions are prohibited from leaving the scene of an accident, without a valid reason as determined by the Department Director or designee, before arranging to have both a controlled substance and alcohol test performed.
7. Employees in safety-sensitive positions are prohibited from consuming alcohol after an accident unless:
 - a. Eight hours have expired.
 - b. The employee has been tested.
 - c. The City has determined that the employee's performance could not have contributed to the accident.
8. Excluded from this policy are prescribed controlled substances when used by the person for whom prescribed and when used in the manner, combination and quantity prescribed.

Employees who are using prescribed controlled substances that may affect their ability to perform their job in a safe manner are required to notify their supervisor prior to performing their job duties.

(iii) Consequences of Violation of this Policy

In accordance with this policy and as provided by the D.O.T. regulations, any violation may result in disciplinary action up to and including termination.

1. Alcohol

The City will not hire applicants who test with an alcohol concentration of .02 or greater and applicants are not eligible to reapply for any City position for 90 days after a positive result.

If an employee in a safety-sensitive position has an alcohol concentration of .02 or greater, the employee will be removed from performing their safety-sensitive duties and will be placed on accrued leave, or leave without pay if no accrued leave is available, for 24 hours or until further administrative or disciplinary action is taken.

To be eligible to return to work after a test indicating an alcohol concentration of .04 or greater, the employee must be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that additional treatment is necessary, the employee must complete such treatment. In addition, the employee will be subject to follow-up testing as described in this policy.

2. Controlled Substance

The City will not hire applicants who test positive for controlled substances and applicants are not eligible to reapply for any City position for 90 days after a positive test.

If an employee in a safety-sensitive position is requested to submit to a controlled substance test under the reasonable suspension or post-accident circumstances as described in this section, or in conjunction with reasonable suspicion, the employee will be suspended from job duties and placed on leave with pay pending the results of the testing.

If an employee in a safety-sensitive position tests positive for a controlled substance, the employee will be removed from performing their safety-sensitive duties and will be placed on accrued leave, or leave without pay if accrued leave is not available, for 24 hours or until further administrative or disciplinary action is taken

To be eligible to return to work after a positive controlled substance test, the employee must be evaluated by a SAP. If the SAP determines that additional treatment is necessary, the employee must complete such treatment. In addition, the employee will be subject to follow-up testing as described in this policy.

(iv) Treatment Costs

Treatment costs prescribed by the Substance Abuse Professional (SAP) or other assessment, referral or rehabilitation sources will be the responsibility of the employee. Evaluation by and compliance with any treatment prescribed by the SAP does not exclude an employee from disciplinary action and does not guarantee an employee will be returned to work following a violation of this policy.

(v) Substance Screening

1. Applicants

Applicants for safety-sensitive positions will undergo a test for the presence of controlled substances and alcohol prior to being hired or promoted by the City. Failure to test will result in withdrawal of the application.

2. Employees

(a) Pre-Promotion Testing

Employees who have been conditionally selected for promotion into a safety-sensitive position will undergo a test for the presence of controlled substances and alcohol prior to being promoted. Employees who are in safety-sensitive positions and who test positive for a controlled substance or an alcohol concentration of .02 or greater will automatically be disqualified for promotion and subject to disciplinary action. Employees who are not in safety-sensitive positions and who test positive for a controlled substance or an alcohol concentration of .02 or greater are not eligible to reapply for promotion to a safety-sensitive position for a period of 90 days. Refusal of any employee to test will result in withdrawal of the application for promotion.

(b) Post-Accident Testing

Employees in safety-sensitive positions are required to submit to a controlled substance test and an alcohol test after an accident as defined below.

- When the accident results in a fatality.
- When the accident results in injury requiring medical treatment within two hours.
- When the employee receives a moving traffic citation.
- When the accident results in physical damage to a vehicle requiring it to be towed.
- When the accident results in damage to property estimated to be equal to or greater than \$1,000.

Any employee who is seriously injured and cannot provide a specimen at the time of the accident, or who is otherwise unable to comply with the controlled substance and/or alcohol concentration testing, will provide the necessary authorization for obtaining hospital reports, law enforcement reports and other documents that would indicate whether there were any controlled substance in the employee's system and/or the employee's alcohol concentration.

3. Reasonable Suspicion Testing

An employee in a safety-sensitive position will be required to submit to controlled substance and/or alcohol testing upon reasonable suspicion to believe the action(s), appearance or conduct of the employee on duty is indicative of the use and/or presence in the employee's body of a controlled substance or alcohol.

4. Random Testing

Safety-sensitive employees are subject to controlled substance and alcohol testing at any time on a random basis as a term and condition of holding a safety-sensitive position. Random testing is reasonably spread throughout the year and is unannounced to ensure that no employee receives advanced knowledge of the time of testing. All safety-sensitive employees have an equal chance of being selected each time a random selection is made.

The number of controlled substance tests conducted annually equals or exceeds 50% of the number of safety-sensitive positions subject to testing. The number of alcohol tests conducted annually equals or exceeds 25% of the number of safety-sensitive positions subject to testing.

5. Return to Duty and Follow Up

Any employee who has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to a controlled substance test and an alcohol test and provide negative test results before returning to work. In addition, the employee is subject to at least 6 unannounced tests over the 12 months following the employee's return to work. Unannounced testing will be conducted for at least 12 but not more than 60 months following the safety-sensitive employee's return to work.

6. Refusal to Test

Refusal to submit to testing is a violation of this policy and subjects the employee to disciplinary action up to and including termination. The following behavior constitutes a refusal:

1. Refusal to take the test.
2. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.
3. Tampering with or attempting to adulterate the specimen or collection procedure.
4. Not reporting to the collection site in the time allotted.
5. Leaving the scene of an accident without a valid reason before the tests have been conducted.

(vi) Testing Procedures

1. Controlled Substances

Controlled substance screening is conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. These procedures include split sampling which provides that a urine sample be split into two separate containers.

The substance screen tests for the following drugs: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

Any positive initial test is confirmed by a gas chromatography and a mass spectrometry (GC/MS) test.

The City contracts with a Medical Review Officer (MRO) who receives the laboratory results of the testing procedure. The MRO is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to evaluate positive test results, medical histories and any other relevant biomedical information. The MRO reviews all medical records made available by the testing individual when a confirmed positive test may have resulted from legally prescribed medication.

The MRO is the sole custodian of the completed individual test results. The MRO informs the City of test results only; that is, whether the test results were positive or negative. The laboratory maintains custody of the physical samples.

After receiving notification of a verified positive test, an employee may request that the split sample be analyzed. Such requests must be made within 72 hours of notification of the verified positive test. If a timely request is made, the sample is tested at another DHHS certified laboratory. The employee is responsible for reimbursing the City for the cost of that test.

2. Alcohol Testing

Alcohol testing is conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The employee provides a breath sample. If the employee's alcohol concentration is greater than .02, a second breath sample is obtained and a confirmation test is performed.

(vii) Training Requirements

Each supervisor is required to receive a minimum of 60 minutes of training on alcohol misuse and 60 minutes of training on controlled substance use each year. The training covers the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substance.

Each employee in a safety-sensitive position or who is hired, transferred or promoted into a safety-sensitive position is required to receive a copy of the City's Drug and Alcohol policy for Safety-Sensitive Position and additional educational materials concerning the use of alcohol and controlled substances.

SECTION 13.10 Prohibited Weapons In The Workplace

To maintain a safe workplace, the City prohibits the carrying of a handgun, firearm or weapon of any kind into buildings owned or controlled by the City and in vehicles owned by the City.

Specifically prohibited on City premises are:

1. Any type of firearm
2. A knife with a blade over 5 ½ inches
3. "Brass knuckles" or "knuckles" made of any other hard substance
4. A throwing knife, dagger or switchblade
5. Any other weapon made illegal as described in the Texas Penal Code, Section 46.01

Violation of this policy may result in disciplinary action, up to and including termination.

Nothing in this Section shall prohibit an employee in lawful possession of a firearm from transporting or storing a firearm in a locked, privately owned vehicle in a parking area owned by the City and designated for employee parking.

SECTION 13.11 Tobacco-Free Workplace Policy

To provide a healthy, comfortable, protective and safe work environment for employees, volunteers, citizens, vendors, suppliers and visitors, tobacco usage in all forms, such as smoking and chewing tobacco are prohibited in any City owned or leased building and in all City owned, leased or rented vehicles at any time or at any location. This includes, but is not limited to heavy equipment and motorcycles.

Tobacco usage is also prohibited within 15 feet of building entrances, unless it is designated as an outside tobacco area.

CHAPTER 14. HARASSMENT PREVENTION

The City is committed to providing a work environment that is free from harassment or intimidation from any employee, supervisor, manager, vendor, supplier, visitor or other non-employee work contact.

SECTION 14.01 Definition of Harassment

Harassment is defined as unwelcome or unsolicited verbal, physical or sexual conduct that:

- Is made a term or condition of employment,
- Is used as the basis for employment decisions, like pay, promotion or job assignments,
- Interferes with the employee's work performance, or
- Creates an intimidating, hostile or offensive working environment.

Examples of what may be considered harassment, depending on the specific facts and circumstance, include but are not limited to the following:

Verbal and Non-Verbal Harassment: Derogatory, vulgar or degrading comments regarding a person's race, sex, religion, ethnic heritage or physical appearance, or the distribution or posting of similar written or graphic material that is offensive in nature.

Physical Harassment: Hitting, pushing or other aggressive physical conduct or threats to take such action.

Sexual Harassment: Unwelcome or unsolicited sexual advances, demands for sexual favors, or other verbal or physical conduct of a sexual nature. Behavior that may, depending on the circumstances, be considered sexual harassment includes unwanted touching, holding, grabbing, hugging or other unwanted physical contact. In addition, offensive language or jokes, whistles or "cat calls", staring at a person's body, offensive gestures or motions, or distributing or displaying sexually oriented cartoons, pictures, calendars or other objects may be considered sexual harassment.

Retaliation: Demonstrating hostility toward, alienating or otherwise taking unfriendly action against an employee for complaining about or reporting the behaviors described above. Retaliation is prohibited.

SECTION 14.02 Reporting Process

If an employee believes harassment has occurred or witnessed what is believed to be harassment of or by another employee(s), immediate action should be taken by:

- Identifying the offensive behavior to the harasser and requesting that it stop.
- Discussing the concern as soon as possible with a supervisor, or manager whom the employee feels comfortable talking with about the problem.
- Contacting the Administrative Services Director or the City Administrator to report the complaint/incident when the employee is not comfortable talking directly to the harasser or employee's supervisor or Department Director.
- In the event a complaint is against the City Administrator, the complaint should be forwarded to the Mayor.

There is no requirement for the form or content of a harassment complaint. The complaint may be verbal or written. It is recommended that as much information as possible be provided regarding the offending incident or conduct; such as: what happened or is continuing to happen, the person(s) causing the harassment, time(s), place(s), and if available the names of witnesses, etc.

SECTION 14.03 Supervisor Responsibility

Supervisors are responsible for the conduct of all employees. As part of this responsibility they must take steps to eliminate any harassment and counsel or discipline employees as necessary to correct inappropriate behavior. Supervisors who are aware of or should have known of harassment by employees or non-employees and who do not take immediate action to correct the situation are subject to disciplinary action. Allegations of harassment are dealt with in strict confidence.

When a supervisor is notified of alleged harassment, the supervisor is required to promptly notify their Department Director and Administrative Services Director for a determination as to how the investigation is made. The complaint is promptly and thoroughly investigated. The investigation may include interviews with individuals directly involved and where necessary, with employee(s) who may have observed the alleged harassment or who may be similarly situated. The complaint, investigative steps and findings are documented as thoroughly as possible.

All employees filing a complaint regarding harassment are to receive either a verbal or written response to their complaint.

SECTION 14.04 Disciplinary Action

If the investigation indicates that harassment or retaliation against complainant(s), witness(es) or person(s) who participate in the investigation occurred, appropriate action up to and including termination is taken.

Employees who file a harassment complaint that is groundless and brought in bad faith, or brought for the purpose of humiliating others, are subject to disciplinary action up to and including termination.

CHAPTER 15. COUNCIL – STAFF INTERACTION

SECTION 15.01 Background and Purpose

The purpose of this policy is to guide City employees in the relationships and interactions with the Mayor and City Council. The Mayor and Councilmembers do not surrender their rights as a citizen upon taking the oath of office. They are free to make inquiries and to request service like other taxpayers and residents of the City of Castroville. Because of their position, however, their inquiries and requests take on a special nature that can easily be misconstrued and lead to problems if they are not handled thoroughly.

The Mayor and City Council are the policy makers for the City. They have the important task of establishing the vision for the community and providing the means to see it accomplished. To carry out their vision, the Council approves an annual budget and adopts policies that set boundaries in which employees must operate. To do their job effectively, they rely on employees to provide them with complete and accurate information.

The effectiveness of the City Administrator is directly related to the quality and flow of information that passes between the City Council and the employee. Information must pass through lines of communication that are fair, clear, consistent, and open. If not, the effectiveness of the whole organization will suffer.

SECTION 15.02 Directives

A. Equal Treatment

All Councilmembers will receive the same information about a matter, particularly as it relates to business items for consideration as a body. No one will receive different or special information that would tend to put one Councilmember at an advantage over the others. To avoid such problems and in general, employee reports will be prepared for the entire City Council.

B. Favoritism

All Council inquiries and requests are to be handled professionally and courteously. Individual Councilmembers may have more of an interest in some departmental functions than others; however, that should not cause employees to show special deference to certain Councilmembers. Every Councilmember is to be treated equally, and no favoritism is to be demonstrated. Employees will be cooperative and responsive.

C. Lobbying of Councilmembers

Employees will not lobby individual Councilmembers to support a project, budget request, etc. Employees will operate on the principle that the best idea for continuous improvement of citizen and community service should prevail. Proposals or programs must stand on their merits. Employees may offer their personal viewpoint when asked directly by a Councilmember. Staff should make known all their concerns and insights on an issue to the City Administrator.

D. Council Orders

The Council sets policy as a body. No Councilmember, as an individual, can issue an order that contradicts a policy that has been approved by the majority of the City Council. Once the City

Council issues a policy, it is the City Administrator's responsibility to determine how it is to be carried out and by whom.

If a Councilmember or a group of Councilmembers make an order that contradicts established policy or instructions from the City Administrator, the employee will immediately relay their concern to the City Administrator. The City Administrator will address the concerns in a professionally responsible manner in keeping with the City ordinances, state/Federal law, past practices, and generally accepted ethical standards.

E. Utilization of Resources

Staff resources are limited. They are devoted to carrying out the priorities and programs determined by the entire City Council. As a result, the staff cannot pursue special projects or interests of individual Councilmembers. If a request from a Councilmember will require a special research effort, staff will report that request to the City Administrator. The City Administrator will determine if the request will serve the interest of the City and/or if the request needs to be considered by the entire City Council.

F. Staff Work in Progress

There are always a number of policy proposals under review prior to presentation to the City Council for a decision. While these matters are in process at the staff level, it is inappropriate for staff to consult with individual Councilmembers on their preference for possible recommendation. This does not apply when Councilmembers have been identified to assist staff in developing recommendations.

G. Council-Staff Contact

It is of the utmost importance that all communication between the staff and City Council be conducted in a manner that is fair, clear, open and consistent. When the staff communicates with the City Council outside of these basic principles, the integrity of the entire organization is compromised. Therefore, it is critical that all contact with Councilmembers that involve policy and/or operational issues be reported to the City Administrator the same day, if possible. If it is not possible, then the report should be given within 24 hours.

Furthermore: Unless first approved by the City Administrator, a staff member may not initiate a contact with a Councilmember(s) to discuss a policy issue or an operational issue. If a request by a Councilmember requires anything more than a very basic exchange of factual information, the request should first be directed to the City Administrator before a response is given. A staff member will never speak negatively or disparagingly about another staff member(s) with a Councilmember. The City Administrator expects that all staff members will comply with this policy and will not permit an activity that the City Administrator or Council does not condone.

H. Communication – News Media Policy

Employees are extremely important in fostering public relations. It is the policy of the City to remain open and accessible to the media. The following guidelines shall be followed:

- Employees may provide factual information related to an incident or in response to a question to the media if they feel comfortable doing so.

- Employees may refer a media question to their supervisor if they are unsure of the appropriate response or if they do not feel comfortable answering the question.
- Employees shall report all media contacts to their supervisor immediately.
- Supervisors shall report all media contact to their Department Director immediately.

CHAPTER 16. EMPLOYEE PERFORMANCE APPRAISALS

SECTION 16.01 Purpose of Performance Appraisals

Performance appraisals are conducted to give employees feedback on their overall job performance. The performance appraisal interview establishes a time when employees and supervisors can meet to assess compliance with City core ideologies, work performance, work goals and personal development goals. The appraisal is intended to give the employee and the City information that assists the employee in becoming a more effective worker.

Written performance appraisals are conducted on an annual basis. Informal appraisals and work discussions may occur on a more frequent basis. The supervisor may delay completion of a performance appraisal due to a pending disciplinary review.

SECTION 16.02 Supervisory Responsibilities

When conducting performance appraisals, supervisors are responsible for objectively evaluating the employee's job performance throughout the evaluation period. Supervisors are responsible for the validity of the justification of performance ratings. If an employee has a history of good work performance, the appraisal should reflect the same. If the employee's work history has been unsatisfactory or shows a pattern of performance or attendance problems, the appraisal should reflect those facts.

CHAPTER 17. MISCELLANEOUS REGULATIONS

SECTION 17.01 Public Relations

All employees of the City are hired to perform a service for the citizens of Castroville. Creating and maintaining a good relationship with the public is critical to City operations.

City employees are expected to treat all citizens equally and respond to the public with respect. It is a policy of the City to make every effort to be receptive to a citizen's comments and concerns.

SECTION 17.02 Dress Code

Employee safety is the first priority and employees are to dress appropriately for their individual job assignments. Business casual is permitted in the office area. Employees are expected to dress in a manner that is neat, clean and appropriate for their specific job and work environment. Employees who are required to wear uniforms and/or safety gear are to wear them appropriately.

Unusual circumstances, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or non-normal working hours may be sufficient reasons to grant exceptions.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed. Employees whose dress and appearance do not meet the standards of sound judgment and are not appropriate for their job and work environment are subject to disciplinary action.

SECTION 17.03 Conduct

City employees are prohibited from engaging in any conduct, on or off-duty, that could reflect unfavorably upon the City. Employees must avoid any action that might result in, or create the impression of, using their position for private gain, or giving preferential treatment to any person or company while conducting City business. It is the responsibility of all employees to observe rules and regulations adopted for the orderly, proper, efficient and safe operation of City functions.

SECTION 17.04 Inclement Weather/Emergency Situations

Employees are expected to report to work as scheduled at all times, to include periods of inclement weather, unless directed not to do so by the City Administrator. In the event of official City closures, the City Administrator will determine the amount and type of leave to be deducted for each event.

Essential personnel are designated by their Department Directors, by virtue of their specialized function or necessary skills are essential to the department's operational needs during inclement weather or emergency situations and are therefore required to report for duty.

Non-exempt employees who are unable to arrive at work or must leave before the end of their scheduled work day due to severe weather conditions must notify their supervisor. ~~and must take authorized vacation leave, accrued compensatory time, or leave without pay for the portion of the work day missed.~~

Upon direction of the City Administrator, regular full-time and part-time employees who are sent home may be given credit for having worked the number of hours in the employee's regular scheduled work day. This time will be recorded as administrative leave and will not be considered for any overtime compensation.

SECTION 17.05 Open Communications

The City maintains an "open door" policy to encourage employees to discuss issues, problems or suggestions without fear of retaliation. This process is to help the City remain a positive, productive and enjoyable place to work.

The following steps are recommended, however employees may contact another supervisor or manager, up to and including the City Administrator without fear of retaliation.

Employees should first meet with their supervisor to discuss the issues, problems or suggestions. This provides an opportunity for the employee and supervisor to gain additional information and eliminate any misunderstandings; however, if the employee does not feel comfortable discussing the situation with the supervisor, the employee may contact their Department Director or the Administrative Services Director.

If the supervisor is unable to settle the matter, the employee may contact their Department Director or the Administrative Services Director.

The last step is to contact the City Administrator to discuss the issues, problems or suggestions.

The design of this policy is to encourage employees to be direct and address issues, problems or suggestions without having to be anonymous. The ability to speak directly with the City Administrator without fear of retaliation supports this "open door" policy.

SECTION 17.06 Use of City Computers, Internet Access, and Electronic Mail

City computer systems, including Internet access and electronic mail systems, are to be used for city business. Occasional use of electronic mail for personal communications is permissible if the length and number of such communications are kept to a minimum. However, because all computer systems are City property, there is no expectation of privacy for an employee using these systems. Any and all electronic communications in connection with the transaction(s) of official City business on any electronic device, personal or city, is subject to the Texas Open Records Act and may be subject to release.

Unacceptable Uses of the Internet and City E-Mail. City e-mail systems and Internet access may not be used for transmitting, retrieving, or storing any communications, images, or other content of a discriminatory or harassing nature or any materials that are obscene or pornographic. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual orientation may be transmitted or forwarded using the city system. No abusive, profane, or offensive language may be transmitted through the city's e-mail or Internet system. The city's harassment policy applies in full to e-mail and Internet use. Employees do not have a personal privacy right regarding any matter created, received, stored, or sent from or on the city's e-mail or Internet system or computers.

The city e-mail and Internet system may not be used for any purpose that is illegal, against City policy, or contrary to the city's best interest. Solicitation of non-city business or any use of the city e-mail or Internet system for personal gain is prohibited.

City employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message.

Rules for Electronic Communication. Each employee is responsible for the content of all text, audio, or images that he or she accesses, places, or sends over the city's e-mail or Internet system (including bulletin boards, online services, or Internet sites). Employees must include their name in all messages communicated on the city's e-mail or Internet system.

If any employee receives unsolicited e-mail from outside the city that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor immediately.

System Security. The city reserves the right to routinely monitor how employees use e-mail and the Internet. The city may monitor to measure cost analysis/allocation and the management of the city's gateway to the Internet. All messages created, sent or received over the city's e-mail or Internet system are the city's property and should not be considered private information.

Reporting Requirements: Violations.

If an employee receives any unauthorized material from another employee or outside individual or entity, the employee shall immediately report said receipt to their immediate Department Head. An unauthorized materials found on an employee's computer or in their workspace which was not previously reported shall be deemed the in the possession of the employee and such the employee shall be subject to appropriate disciplinary action including and up to termination from employment.

Any employee who violates these rules or otherwise abuses the privilege of the city's e-mail or Internet system will be subject to disciplinary action up to and including termination. If necessary, the city also reserves the right to advise appropriate officials of any illegal activities.

SECTION 17.07 Social Media

City departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

Definitions

For the purpose of this City Social Media Policy, the following terms are defined as provided below:

- A. Social Media and Social Networking: Both terms are used to refer to social Internet sites or websites wherein information is created, exchanged, or provided by/to third parties and individuals. Examples of social media include Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, Flickr, and blogs of all types, etc.
- B. City Author: City Administrator or his/her designee. An authorized City official that creates and is responsible for posted articles and information on social media sites (see article below).
- C. Article: An original posting of content to a City social media site by a City author.
- D. Commenter: A City official or member of the public who submits a comment for posting in response to the content of a particular City article or social media content.
- E. Comment: A response to a City article or social media content submitted by a commenter.

General Provisions

- 1. All City social media sites shall be (1) approved by the City Administrator and the requesting Department Head; (2) published using approved City social networking platform and tools; and (3) administered by the Department of Information Technology or their designee. Designees can be any department employee or volunteer designated by the requesting Department Head that has a complete understanding of this policy and has appropriate content and technical experience.
- 2. All City social networking sites and entries shall adhere to applicable state, federal and local laws, regulations and policies including all Information Technology and Records Management City policies and other applicable City policies.
- 3. Texas Public Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
- 4. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- 5. Content submitted for posting that is deemed not suitable for posting by a City social networking moderator because it is not topically related to the particular social networking site objective being commented upon, or is deemed prohibited content based on the criteria in Policy –Item H. of this policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.
- 6. The City or Author reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

7. Each City social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social network site. Where possible, social networking sites should link back to the official City Internet site for forms, documents and other information.
8. City social networking content and comments containing any of the following forms of content shall not be allowed for posting:
 - a. Comments not topically related to the particular site or blog article being commented upon;
 - b. Profane language or content;
 - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - d. Sexual content or links to sexual content;
 - e. Solicitations of commerce;
 - f. Conduct or encouragement of illegal activity;
 - g. Information that may tend to compromise the safety or security of the public or public systems; or
 - h. Content that violates a legal ownership interest of any other party
9. All City social networking moderators shall be trained regarding the terms of this City policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
10. All social networking sites shall clearly indicate they are maintained by the City and shall have City y contact information prominently displayed.
11. Where appropriate, IT security policies shall apply to all social networking sites and articles.
12. Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all City Personnel Policies.
13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

Employee Guidance for Participating in Social Networking

The City understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

Employees that choose to participate in social networks while a City employee should adhere to the following guidelines.

1. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City e-

mail address and communicating in your official capacity will constitute conducting City business.

2. Employees who participate in social media outlets on or off-duty are subject to the same standards for such communications as set forth within this Personnel Policy Manual.

3. Although minimal personal computer usage is allowed during the workday, participating in non-work-related social media outlets while on duty is assumed to impact productivity and cause performance issues and therefore is prohibited.

4. City employees shall notify their supervisor and the IT department if they intend to create a social networking site or service to conduct City business.

5. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments as to existing social networking sites for the City.

6. Confidential or proprietary information or similar information of third parties who have shared such information with the City should not be shared on social media outlets.

7. Employees shall follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any other laws that might apply to the City or your functional area.

8. Employees shall not cite vendors, suppliers, clients, citizens, co-workers, or other stakeholders without their approval.

9. When participating in social networking sites not related to City business, an employee shall make it clear that they are not speaking on behalf of the City but speaking in their capacity as a private citizen. If an employee publishes content on any website outside of the City and it has something to do with the employee's employment at the City or subjects associated with the City, the employee shall use a disclaimer such as: "The postings on this site are my own and don't necessarily represent the City's positions or opinions." It should be noted however that a disclaimer will not prevent an employee from being disciplined if their communication has the effect of violating any City policy.

10. Employees shall not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.

11. If an employee identifies oneself as a City employee, the employee shall ensure that their profile and related content is consistent with City performance and conduct standards regarding how to present oneself to colleagues, citizens, and other stakeholders.

12. When speaking on behalf of the City, employee comments should add value to the City and interaction should provide worthwhile information and perspective.

13. While the City encourages its employees to enjoy and make good use of their off-duty time, City employees may be subject to discipline if their activities on or off duty have

the effect of disrupting the functioning or efficiency of the workplace. Activities which are considered disruptive include, but are not limited to, harassing, demeaning, or creating a hostile working environment for any official or employee; disrupting the smooth and orderly flow of work within the City; or disrupting working relationships. The City recognizes an employee's first amendment rights, but employees must also adhere to the City's policies related to social media. In addition, employees are subject to discipline for inappropriate activities, on or off duty, if they are acting pursuant to their official duties, or if they engage in inappropriate conduct or speech on private employment matters.

CHAPTER 18. RESTRICTED ACTIVITIES

Certain activities, by virtue of their relationship to the City service or to the unique characteristics of the City, must be regulated or restricted. These activities include, but are not limited to the following:

SECTION 18.01 Outside Employment

Outside employment includes, but is not limited to, other employment, the ownership or operation of a business, employment as a consultant or advisor, or employment with another local governmental entity. Such employment must not conflict with the performance of assigned City duties nor be in competition with the City.

Outside employment must be reported to and may be authorized by the City provided that the employment does not affect or interfere with any City programs.

Employees desiring to engage in outside employment must submit a written notification to their Department Director and the City Administrator, stating the type of work to be performed, the employee's business agency or organization and the hours of work. In cases where the outside employment is deemed a conflict of interest, a written response stating the reason or justification for not authorizing the request is provided.

SECTION 18.02 Nepotism

To avoid any real or apparent conflict of interest or any situation that may suggest a conflict of interest, no person is hired into a position and thereafter promoted, transferred or demoted to a position in a department where an employee would be in a position of supervising or being supervised by a member of their family that is related by blood or marriage.

No person within any degree of the relationship defined below to the Mayor, any member of the City Council, or the City Administrator will be appointed to or hired for an office, position, clerkship, and/or other service of the City wherein the individual would be a full-time, part time. **This policy does not apply to temporary or seasonal employment.**

The following defines the relationships between relatives by blood (consanguinity) and by marriage (affinity).

Consanguinity (Blood Relationship)

First Degree
Second Degree
Mother
Father
Sister
Brother
Daughter
Son
Grandmother
Grandfather
Granddaughter
Grandson

Affinity (Marriage Relationship)

First Degree
Second Degree
Wife
Husband
Mother-in-law
Father-in-law
Daughter-in-law
Son-in-law
Stepmother
Stepfather
Stepson
Stepdaughter

Uncle
Aunt
Niece
Nephew
First Cousin
Aunt/Uncle's Child

Sister-in-law
Brother-in-law
Spouse's Grandparent
Spouse's Grandchild
Step-Grandparent
Spouse's Stepsiblings

Common Law or "informal" marriages, as recognized by the State of Texas are also included for purposes of this policy.

Other conflicts that must be avoided are when immediate family members working together are involved in checking, processing or verifying each other's work.

In the event two employees become related and one of the above situations occurs, one employee must resign or transfer to another position consistent with this policy, within 30 calendar days after the occurrence of such a change in status

Employees hired before the effective date of this policy that are found to be in violation of this policy but are not otherwise in violation of any other City or departmental policy, rule, policy, or procedure are grandfathered in their current positions.

SECTION 18.03 Political Activity

Any funds provided from or through the City are not to be contributed to or used for the conduct of political activities or the benefit of any candidate for public office, partisan or non-partisan; nor is any employee to be assigned to work for or on behalf of any partisan activity or candidate.

The following actions are strictly prohibited and appropriate disciplinary action is taken:

1. Working or directing other staff to work on any political activity on paid time.
2. The use of City facilities or equipment paid for in whole or in part with City contract funds for political purposes. This includes the use of space, office equipment and telephones during regularly scheduled work hours, as well as after regular work hours.
3. The implicit or explicit coercion of employees to work on political activities on their own time.
4. The use of City rank or title to assist any public official or candidate in any election at any time.
5. Engaging in any political activity while wearing City uniforms or driving City vehicles.
6. Campaigning for and/or assisting in the election of any public official running for public office during work hours.

SECTION 18.04 Confidential Information

Confidential and proprietary information is information that is not generally known by non-City personnel or knowledge that is obtained as a result of employment with the City. Confidential information includes but is not limited to social security numbers, unpublished financial data, etc.

The use or disclosure of confidential information for the benefit of any employee or any employee's friend, relative, spouse or other acquaintance that might in any way injure, hinder or compromise the City is prohibited. Violation of this policy may result in disciplinary action up to or including termination.

SECTION 18.05 Conflicts of Interest/Gifts and Gratuities

It is considered a potential conflict of interest for any employee to give or receive gifts of more than nominal value (generally \$50 or less unless occurring on a continuing and frequent basis) that are in any way connected with business relationships, or to loan or borrow from individuals or concerns that do business with the City, except normal and customary financial services from banks or other financial institutions, and include but not limited to the following:

- to accept compensation from outsiders for services or time that the employee is being paid by the City;
- to use or reveal outside the City (without appropriate authority and/or specific authorization) confidential information concerning the City;
- to use or permit others to use City employees, materials, or equipment improperly for personal purposes;
- to speculate or deal in securities or acquire an interest in a firm with which the City, to your knowledge, is negotiating or contemplating negotiating a business relationship;
- to do business within the City, directly or indirectly, on terms different than those offered to all employees;
- to serve as an officer, director, employee or a consultant of, or receive income from, any enterprise doing business with the City, or seeking to do so;
- to speculate or deal in materials, equipment, supplies or products purchased by the City, or for which any negotiations to purchase are pending or may reasonably be anticipated, or to receive any compensation, gift, bonus, gift certificate, or commission from an outsider in connection with any such transaction;
- to be a giver or receiver of a bribe, kick-back or pay-off;

CHAPTER 19. INFORMATION TECHNOLOGY

The City provides employees with personal computers that may include access to e-mail and the Internet for the purpose of performing their jobs more efficiently. This technology is provided by the City at its own expense and its use and all related resources are restricted to City business. All work done using this technology is and remains the property of the City. It is not intended for use in connection with employee's personal business, private or non-business matters, to solicit business for a non-work related venture or for any personal cause, including political or religious issues.

Employees do not have the right of privacy with respect to software, data, information, files, e-mail or the Internet and are strictly prohibited from printing, displaying, downloading or sending any sexually explicit images, messages, cartoons or jokes. This includes excessive messages with little information that slows down productivity and clogs the system or non-work related activities, such as chat rooms. Inappropriate or abusive use of computer technology may result in disciplinary action up to and including termination. Any information stored on City equipment is subject to review or audit at any time.

SECTION 19.01 Electronic Mail

Electronic mail (e-mail) is used to facilitate business-related communication between employees and other businesses outside the organization. The use of e-mail is considered the same as creating or sending a business letter or office memo and is structured in a professional manner that represents the employee and the City. They are not the private property of any employee. The City reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose.

SECTION 19.02 Internet Usage

Access to the Internet is provided to employees in certain positions in order to utilize its resources for conducting City business. The City reserves the right to review and monitor employee's Internet access. Employees are not permitted to download, display or disseminate materials that may be considered obscene, racist, sexist or otherwise offensive.

CHAPTER 20. DISCIPLINE

SECTION 20.01 Overview

It is the responsibility of all employees to observe City policies, procedures, rules and regulations. Procedures have been established for handling disciplinary measures of reprimand, suspension and discharge. Wherever practical, discipline is progressive; however, any disciplinary measure may be used in any given situation where deemed appropriate.

Reasons for disciplinary action include, but are not limited to the following:

1. Insubordination;
2. Demonstrated incompetence or inefficiency in the performance of job duties;
3. Failure to follow directions or instruction or to carry out assigned duties;
4. Carelessness, negligence or misuse of City property or funds;
5. Theft or intentional destruction of City property or funds;
6. Neglect or refusal to comply with a lawful directive;
7. Being under the influence of intoxicants or drugs while on duty or possessing such substances on City property;
8. Indulging in offensive conduct or using offensive or abusive language in public or at the work site;
9. Conviction of a felony or misdemeanor that has a harmful effect on work operations or the employee's ability to carry out their job duties or subjects the City to increased liability for the employee's actions;
10. Deliberate or careless conduct endangering the safety of the employee or other employees;
11. Inducing or attempting to induce any employee to commit an unlawful act in violation of City rules, regulations or official policy;
12. Using, threatening or attempting to use personal influence in an effort to secure special consideration as an employee;
13. Falsification of employment application, personnel records, time cards, or other City records;
14. Abuse of any type of paid or unpaid leave or other benefit program;
15. Habitual absenteeism or excessive tardiness;
16. Smoking in unauthorized areas;
17. Violating a safety rule or practice;
18. Leaving assigned work area without prior authorization by the supervisor;
19. Violation of a departmental rule, regulation, order or professional ethics;
20. Quitting work early without authorization to do so;
21. Leaving the work site during working hours without authorization from the supervisor;
22. Lying to supervisors or falsifying records with respect to official duties, including work duties and discipline;
23. Discussing with unauthorized persons any confidential information gained through employment with the City;
24. Indulging in offensive conduct, on or off-duty, which reflects unfavorably upon the City or which subjects the City to increased liability for the employee's actions;
25. Engaging in an unlawful act while on duty or while representing the City;
26. Threatening another employee with bodily harm;
27. Physical attacks on supervisors or co-workers;
28. Creating or contributing to unsanitary conditions, including spitting of tobacco on the floor, throwing cigarette butts on the floor or ground;

29. Posting or removing notices, signs or writing in any form on bulletin boards on City property without proper authorization;
30. Failure to maintain required licenses or certifications;
31. Operation of a vehicle for City business if driver's license is suspended or revoked;
32. Failure to notify supervisor of driving violation within three days of receipt of the violation if operation of a vehicle for City business is an essential function of the job;
33. Any employee absent from work for three consecutive days without notification of such absence is deemed to have abandoned their job and is terminated, unless extenuating circumstances require a lesser action;
34. Refusal to sign a performance impairment exam consent form and/or submit to alcohol/drug testing;
35. Failure to comply with the City's Drug/Alcohol Free Workplace Policy;
36. Possession of weapons on City property;
37. Failure to comply with the City's Prohibited Weapons Policy;
38. Harassment, sexual or otherwise, or the use of offensive or abusive language or conduct, including but not limited to racial or ethnic slurs or other discriminatory slurs; or
39. Failure to comply with the City's Harassment Prevention Policy.

SECTION 20.02 Disciplinary Action

Disciplinary action may be taken for any of the reasons outlined in the above section or for any other cause that warrants such action. The degree of discipline is reasonably related to the seriousness of the offense and takes into consideration the employee's past record. Wherever practical, discipline is progressive; however, any disciplinary measure may be used in any given situation. Discipline may include, but is not limited to, verbal/written warnings, suspension, demotion, or termination, depending on circumstances.

A. Verbal Reprimand

Whenever grounds for less severe disciplinary action exist, and the supervisor determines that more severe action is not immediately necessary, the supervisor verbally communicates to the employee the deficiency and when appropriate, tells the employee how to correct the deficiency. The supervisor also states that failure to remedy the deficiency may result in more severe disciplinary action.

B. Written Reprimand

A supervisor may initiate a written reprimand in situations where a verbal reprimand has not resulted in improvement or where stronger initial action is warranted. The written reprimand identifies

- the offense(s),
- the necessary corrective action(s) to be made by the employee,
- the time period in which the employee must accomplish the corrective action and
- that further action may be taken if the problem is not corrected.

A signed copy of the written reprimand must be included in the employee's personnel file. The employee's supervisor must sign the written reprimand.

The employee may submit a written response to the written reprimand for inclusion in the

employee's personnel file.

C. Suspension

When a written reprimand(s) has not corrected a problem, or when a more severe infraction occurs, the supervisor may recommend to the Department Director that the employee be suspended without pay. Suspensions are generally used for rule infractions rather than as a step in progressive discipline for cases of incompetence. Suspensions normally do not exceed 15 working days.

In cases of gross misconduct, the Department Director may immediately suspend the employee with or without pay.

D. Reduction In Pay

When previous disciplinary action(s) has not corrected the problem, or when a more serious infraction occurs, an employee's pay may be reduced to a lower amount.

E. Demotion

When previous disciplinary action(s) has not corrected the problem, or when a more serious infraction occurs, an employee may be demoted.

Employees demoted for disciplinary reasons are placed on a 6-month orientation period in the new position.

F. Dismissal

The Department Director with prior notification to the City Administrator may dismiss an employee for disciplinary reason(s); however the City continues to maintain its right for at-will employment even if an employee is terminated for cause. Employees on their original orientation period may be dismissed with or without cause.

CHAPTER 21. GRIEVANCE AND APPEAL PROCESS

It is the policy of the City to provide employees with avenues for the presentation of grievances and appeals.

SECTION 21.01 Purpose

The grievance process provides employees with a formal mechanism to resolve disputes concerning disciplinary actions, employment practices, or violations of established personnel policies in a fair and timely manner.

SECTION 21.02 Definition

A grievance is a written complaint by an employee regarding an alleged violation, misinterpretation, or inequitable application of City policy or procedure that directly affects the employee's terms or conditions of employment. Complaints related to discrimination, harassment, or retaliation are handled separately under applicable state or federal laws.

SECTION 21.03 Procedure

A. Step 1 – Department Level Review

The employee must submit the grievance in writing to their immediate supervisor within **five (5) working days** of the event giving rise to the complaint. The supervisor shall meet with the employee and provide a written response within **five (5) working days**.

B. Step 2 – Department Director Review

If not resolved, the employee may appeal to the Department Director within **five (5) working days** of receiving the supervisor's response. The Department Director shall review and respond in writing within **ten (10) working days**.

C. Step 3 – Administrative Appeal Officer Review (Final Step)

If still unresolved, the employee may file a final written appeal to the **Administrative Appeal Officer**, designated by the **City Administrator**, within **five (5) working days** of the Department Director's decision.

The Administrative Appeal Officer shall conduct a meeting with the employee (and optional representative or witness) and render a written decision within **fifteen (15) working days** of the hearing.

This decision shall be final and binding.

CHAPTER 2. SECTION 20.04 Finality of Decision

The decision of the Administrative Appeal Officer constitutes the City's **final administrative action**.

There shall be **no further appeal** to the Mayor, City Council, or any elected body.

CHAPTER 22. SEPARATION - TERMINATION

Employees terminating their employment are required to turn in all keys, uniforms, material, cell phone, equipment, or other City property by their last day of employment. Failure to do so may result in legal action.

SECTION 22.01 Voluntary

A. Resignations

Employees resigning from City service are requested to submit a resignation in writing and give a minimum of ten working day notice.

B. Retirements

Employees retiring from the City are eligible for benefits as provided for by the Texas Municipal Retirement System (TMRS.)

SECTION 22.02 Involuntary

A. Dismissal

Employees may be dismissed for the following reasons:

1. Inability to perform the job;
2. Disciplinary action;
3. Incapacity and/or results of medical/psychological evaluations;
4. Extended leave and/or
5. Elimination of position.

B. Reduction in Force

The City in its sole discretion determines whether a reduction in force is necessary as a result of lack of work, lack of funds, curtailment of operations or programs or other circumstances in its best interest. The City Administrator authorizes all reductions by the number of positions in each classification by department, group, or office. If it is determined that a reduction in force is necessary, employees are laid off in the following order.

- Part-time/Temporary employees;
- Employees who have not completed their orientation period;
- Regular full-time employees whose performance reviews document poor or inadequate performance; or
- If two or more regular full-time employees have the same performance and attendance ratings, seniority is the determining factor.

Nothing in this policy prevents an employee's hours of work from being adjusted in lieu of, or in addition to layoffs. A regular full-time employee to be laid off may be considered for transfer or demotion to other vacancies if the employee has the ability and qualifications to satisfactorily perform the new job. An employee has the right to refuse the transfer. If the employee accepts the transfer, the employee forfeits all recall rights to the previous position.

Regular full-time employees laid off are placed on a recall list for a period of one year. After one year from the date of layoff all recall rights are terminated.

C. Recall

Recall rights apply to the following situations if the position(s) becomes available within the one-year recall period and provided the employee has the ability and qualifications to satisfactorily perform the job.

1. Recall to the employee's former position — such recall occurs in reverse order of layoff, not including part-time or temporary employees.
2. Recall to a vacant full-time position within the same classification.
3. If an employee is recalled to a position other than previously occupied, the employee has the right to refuse the recall. If an employee accepts the recall, the employee forfeits all other recall rights to any other position.
4. Regular full-time employees who are eligible for recall are given 14-calendar day notice of recall. The recall notice is sent by certified or registered mail. The employee must notify Administrative Services of their intent to return within three days of receipt of such notice of recall. It is the employee's responsibility to provide the City with the most current and correct mailing address.

Tenure or length of service with the City, for purposes of fringe benefit calculation does not accrue while an employee is on layoff status. However, upon recall to work, tenure or length of service resumes without loss of tenure gained prior to layoff. Amounts of earned but unused vacation leave are paid out consistent with current benefit plans to eligible employees at the time of layoff.

CHAPTER 23.DEFINITIONS

Appeal: The right of a regular full-time employee to file an appeal from an action relating to a written reprimand, pay increase or decrease, suspension, involuntary demotion or dismissal, except that employees serving their original orientation period may not appeal dismissals.

Benefits: Vacation, holiday, sick leave, health insurance, life insurance, retirement and any other financial or economic benefits that are offered by the City of Castroville.

Birth of a Child: For a woman giving birth, an initial leave request, either before or after the birth, is usually treated as a request for disability. Since a “normal” birth may result in six weeks of leave due to a disability, any additional leave requested would be due to the birth of a child as provided for under Family/Medical Leave.

Bona Fide Occupational Qualification: A qualification requirement for a job that is made in “good faith” and is designed to insure that applicants have the necessary skills and knowledge to perform the job.

Break in Service: Any lapse of working time between the official separation of any employee and subsequent rehiring.

Call Back: An unscheduled or emergency return to work outside of normal hours or on a holiday or day off as directed by the supervisor

City Administrator: The Chief Administrative Officer of the City, or designee, appointed by the City Council.

City Council: The policy making body of the City of Castroville.

Classification (Class): Positions that are similar in nature, have approximately the same level of difficulty and responsibility, require comparable skills, knowledge and abilities at the time of recruitment and may be fairly compensated by a general range of pay.

Compensatory Time Earned: The time earned by non-exempt employees as defined under the Fair Labors Standards Act

Compensatory Time Used: The hours absent from duty granted to compensate for authorized overtime worked.

Demotion: The assignment of an employee from one classification to another classification having a lower maximum salary rate.

Department Director: An individual, or designee, who is regularly responsible for directing the overall operation of a department as designated by the City Administrator.

Disciplinary Action: A verbal reprimand, written reprimand, pay reduction, suspension, involuntary demotion or dismissal.

Dismissal: The involuntary separation from employment.

Employee: A person on the payroll of the City of Castroville, except for City Council who are elected officials.

Employment Date: The date an employee is hired in a regular full-time/part time or temporary position.

Essential Function (Essential Job Function): The fundamental duties of a position that the employee must be able to perform with or without reasonable accommodation and without undue hardship to the employer. An essential job function is one that is so critical it cannot be eliminated from the job description without significantly changing the position's role and contribution to the City.

Examination: A written, verbal, physical, skill, performance, psychological or other job related test or review specifically used to assist in evaluating an applicant's ability to perform the essential functions and duties of a particular job.

Exempt Position: Employees in exempt positions that spend the majority of their work time in administrative, supervisory or managerial duties. Exempt positions are not eligible for overtime compensation and meet the Fair Labor Standards Act definitions for exemptions.

Family: The definition of family for bereavement leave includes spouse, child, parent, brother, sister, grandparents or grandchildren of an employee or employee's spouse. It also includes any relative living in the employee's household who is dependent on the employee for care. For purposes of Family/Medical Leave, see the definition of "immediate family".

Full-time Position: One where the employee is scheduled to work 40 hours per week or another approved full-time schedule.

Grievance: A complaint to management about conditions of work, work relationships or the interpretation or application of policies, rules or regulations adopted to cover personnel practices.

Hiring Authority: The person that makes the hiring decision. The City Administrator has the final approval for all positions except the City Attorney, Municipal Judge and City Secretary.

Holiday, Designated: The period between 12.01 a.m. and the following midnight of the date on which the observed holiday falls. All eligible employees receive 8 hours of leave for the holiday.

Immediate Family for FMLA: The employee's spouse, child(ren), mother, father or covered service member.

Internal Alignment: The internal ranking of classifications based upon factors such as level of responsibility, skills, level of education, knowledge and authority.

Job Announcement: A posted announcement of a position vacancy that is to be filled.

Job Description: A written statement of the essential job functions, general characteristic duties, responsibilities and qualification requirements of a job.

Job Audit: A fact finding investigation of the work performed by an employee in a given position, including work processes, material processed, actions taken, tools used and supervision received

for the purpose of analyzing the duties and evaluating the difficulty and responsibility of the position.

Layoff: A separation from City service because of a shortage of funds or materials, organizational restructure, or elimination of an employee's position for other reasons beyond the control of the employee.

Layoff Unit: A City department, division, section or similar organizational unit considered for layoff purposes.

Leave: An approved absence from work.

Maternity: See birth of a child

Minimum Qualifications: The qualifications contained in the job description that a person must possess in order to qualify or compete for a given class of positions within the City.

Non-Exempt Position: Positions that do not meet the definition of Administrative, Executive, Professional or Supervisor as designated by the Fair Labor Standards Act and earn compensatory time or overtime pay at the rate of time and one half for actual hours worked in excess of 40 hours in the work week, or actual hours worked in excess of 86 hours in a 14 day period for police (Law Enforcement).

On Call: Being at an available place for a designated period of time or utilizing a pager that would not require limitation on activity and movement of the employee.

Orientation Period: The 6 month period of time beginning with the initial hiring of a person or the rehiring of a previous employee after a break in service in excess of 3 months.

Original Appointment: The initial hiring of a person or the rehiring of a person after a break in service in excess of three months.

Outside Employment: Any work performed on a recurring or sporadic basis for monetary compensation for an employer other than the City; including self-employment.

Overtime: Time paid at one and one half (1 ½) times the employee's base rate when employees exceed 40 actual hours worked during the 40 hour work week, or Law Enforcement employees exceed 86 actual hours worked during the designated 14 day period.

Pay Decrease: A decrease in pay that may result from reclassification, demotion, unsatisfactory performance or disciplinary action.

Pay Increase: Movement from one pay rate in a pay range to a higher pay rate within the same pay range.

Pay Period: The work period that the employee's earnings are calculated.

Pay Plan: The schedule of pay ranges for each classification (or positions) in the classification plan.

Pay Range: The range of pay rates for jobs.

Pay Rate: A specific rate of pay within a pay range.

Performance Appraisal: An appraisal that is placed in the employee's file. The appraisal is completed on an approved form signed by the employee, the employee's immediate supervisor, the Department Director and Administrative Services Director.

Promotion: The result of an employee applying and being selected for a position in a higher pay range.

Promotional Orientation Period: The six month period of time beginning when the employee is promoted into a new position.

Reasonable Accommodation: Changes that can be made to a position to create opportunity for a qualified applicant or employee with a disability that does not cause undue hardship for the City.

Reassignment: The change of duties of an employee in a position or the movement of an employee from a position in one classification to a different position in the same classification within the same organizational unit.

Reclassification: The significant change in duties actually performed by an employee that result in a change in the employee's classification. A reclassification can result in a title change only, creation of a new classification at the same pay range, or a change in classification with a different pay range.

Regular Full-time Employee: An employee in a budgeted full-time position with benefits, regardless of whether the employee is in the original orientation period.

Resignation: The voluntary separation of an employee from the City.

Retirement: Refer to retirement/pension policies for information regarding retirement benefits.

Separation: The termination of employment by reason of failure to satisfy the orientation period, disqualification, layoff, resignation, retirement, dismissal or death.

Standard Work Week: A 40 hour workweek for employees, does not include Law Enforcement.

Suspension: An involuntary absence with or without pay imposed on an employee as a disciplinary action, or during civil or criminal proceedings.

Temporary Employee: An employee who works for a specific period of time or for a special job task or project that is intended to be of limited duration, such as summer months or holidays. The employee may work full-time or part-time during that period of time.

Transfer: The movement of an employee from one position to another position of the same classification or pay range in the same or different department.

Undue Hardship: An act requiring a significant expense or difficulty for the City.

Vacancy: An authorized budgeted position that is not occupied.

Verbal Reprimand: A verbal statement telling an employee about a violation or failure to perform and advising the employee of the consequences of repeated acts or omissions. A verbal warning does not become a written reprimand merely because the supervisor makes a note of the event.

Work Days: The established or scheduled days an employee works.

Work Period: The total scheduled workdays in a 14 day period for Law Enforcement.

Workweek: The total scheduled workdays in a seven-day period.

Workers' Compensation: Benefits received by an employee who is injured while carrying out assigned duties as determined by the Worker's Compensation Act of the State of Texas.

Written Reprimand: A written statement of specific charge(s) of violation(s) or failure(s) to perform, or the acts that such charges are based on and a warning of the consequences of repetition.

Draft v4.1 – Legal/Compliance Updates (Redlined):

CHAPTER 12. Leave: Expanded Family and Medical Leave Act details (eligibility, intermittent leave, restoration rights, notice requirements). Added Pregnant Workers Fairness Act (reasonable accommodations for pregnancy/childbirth) and lactation breaks.

NEW SECTION: Whistleblower Protections: Employees are protected under Texas Government Code Ch. 554 from retaliation for reporting violations of law to appropriate authorities.

NEW SECTION: First Responder Leave: Includes quarantine leave, mental health support, and line-of-duty illness/injury leave provisions as required by Texas statutes.

CHAPTER 14. Harassment Prevention: Expanded definitions, clarified multiple reporting avenues, and prohibition of retaliation.

CHAPTER 20. Discipline: Discipline may include, but is not limited to, verbal/written warnings, suspension, demotion, or termination, depending on circumstances.

CHAPTER 7. Employment Status: Clarified that the orientation period does not alter at-will status.

CHAPTER 12. Leave: Employees may be required to provide a doctor's note for absences exceeding three consecutive days, or as otherwise required by law.

~~CHAPTER 15. Technology Use: Employees shall not post any comments about the City on social media.~~

CHAPTER 15. Technology Use: Employees may not disclose confidential information or make postings that damage the City's reputation. ~~This policy shall not restrict employees' rights to discuss wages or working conditions.~~