

City of Dripping Springs



Personnel Manual

Effective as amended _____, 2020

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SECTION 1: INTRODUCTION

1.01 Policies Established

These policies and all amendments hereto shall be the official personnel policies of the City. The City retains the right to unilaterally change policies in this Manual, and will advise employees of those changes. All prior policies are hereby repealed.

1.02 Purpose

This Manual is adopted by the City Council as a guidance document, not a contract. Through this Manual, the City Council strives to bring uniformity, consistency, and fairness to its employment practices.

1.03 Applicability

These policies apply to all City employees, except where inconsistent with state law, federal law, City ordinance, or the particular instrument hiring a specific employee. In the event of such inconsistency, the state or federal law or ordinance shall prevail.

1.04 Objectives

The City seeks to achieve these objectives through the systematic, uniform application of modern personnel practices. The City's personnel policies strive to:

- (a) promote and increase productivity, efficiency, and responsiveness to the public, and economy in the City service;
- (b) provide fair and equal opportunity for qualified persons to enter and progress in the City's service in a manner based on merit and fitness;
- (c) maintain recruitment, advancement, and other practices to enhance the attractiveness of a City career;
- (d) develop and maintain consistent, up-to-date position classifications and compensation plans;
- (e) develop high morale among City employees by fostering good working relationships, and by providing uniform personnel policies, opportunity for advancement, and consideration of employee needs and desires;
- (f) retain employees on the basis of the adequacy of their performance, correct inadequate performance, and separate employees whose inadequate performance cannot be corrected; and
- (g) assure that employees are protected against coercion for partisan political purposes and are prohibited from using their positions with the City for the purpose of interfering with or affecting the results of any kind of official election.

1.05 At-Will

- (a) All employees of the City serve at-will.
- (b) These policies and the benefits described herein do not constitute a contract of employment or a contract between the City and any employee to provide any benefit. Nothing contained herein shall create an entitlement to, or property interest in, continued employment with the City.
- (c) The City may alter, modify, amend, or terminate any of the policies or benefits set forth herein at any time, with or without notice. Notwithstanding any statement contained in these policies, or in any other document or statement issued by the City or any of its representatives to the contrary, the City shall have the right to terminate any employee from employment with the City, at any time, with or without cause, subject to state and federal law.

1.06 Dissemination

The City shall make every effort to thoroughly acquaint employees with the materials in these personnel policies and any subsequent revision. Copies of these policies and all amendments shall be furnished to each employee. Notwithstanding the foregoing, it is each employee's responsibility to become familiar with the contents of these policies, and to ask questions when necessary for a full understanding.

1.07 City Administrator

The term "City Administrator" as used in this Manual includes the City Administrator, Deputy City Administrator, and others specifically designated by the City Administrator to act as agents.

1.08 Chain of Command

Each employee has a supervisor who should be consulted should any work issue arise. If the supervisor is unavailable, or a response is determined by the employee to be inadequate, the employee may discuss the issue with the Department Director, the Deputy City Administrator, or City Administrator, unless a different procedure is described herein. The supervisory chain of command for each employee shall be listed in the employee's job description. Engaging in activity outside the chain of command as relates to employment matters is detrimental to the employment relationship and harms the ability of the City to react effectively and consistently when presented with employee issues.

SECTION 2. CLASSIFICATIONS

2.01 Classifications Listed

There are 5 classifications of employees with the City: (1) Full-Time—Exempt; (2) Full Time—Non-exempt; (3) Part-Time; (4) Temporary; and (5) Seasonal. While not considered an "employee" under this Manual, a sixth classification is Contract Services.

2.02 Full-Time—Exempt

Employees who work a regular schedule of more than 30 hours a week and meet the federal law requirements of an employee exempt from overtime shall be considered full-time—exempt. The employee’s average of hours worked per week is not considered when determining whether an employee is full-time—exempt.

Pursuant to the Fair Labor Standards Act, as may be amended (FLSA) and applicable state laws, exempt employees are those who qualify as such under the statute because they fall into one of the exempt categories. Exempt employees are not entitled to overtime compensation pay (but are entitled to compensatory time, as explained elsewhere).

2.03 Full-Time—Non-exempt

Employees who work a regular schedule of more than 30 hours a week and who are hourly employees who are eligible for overtime based on their job duties or compensation shall be considered full-time—non-exempt. The employee’s average of hours worked per week is not considered when determining whether an employee is full-time—non-exempt.

2.04 Part-Time

Employees who work a regular schedule of less than 30 hours a week shall be considered part-time.

2.05 Regular

Employees who work for an indefinite period of time (not temporary or seasonal) shall be considered regular employees.

2.06 Temporary

Employees who work for a short period of time shall be considered temporary employees.

2.07 Seasonal

Employees who work solely for a specific time of year shall be considered seasonal employees. Seasonal employees may not be employed more than three months in any one year and should start and end employment around the same time every year.

2.08 Contract Services

At the discretion of the City Council, officer or employee positions may be staffed by professional services providers on a contract basis.

SECTION 3: HIRING

3.01 Hiring Authority

~~(a)~~ The City Council is the hiring authority for all the City officers as described in Local Government Code Chapter 22 or as otherwise designated by the City Council. These officers include City Administrator, Deputy City Administrator, City Secretary, City Attorney, Parks and Community Services Director, Event Center Manager, City Treasurer, Public Works Coordinator, Building Official, Code Enforcement Inspector, Emergency Management Coordinator, and others designated by City Council. ~~except as otherwise delegated through ordinance or resolution.~~

The ~~Mayor and~~ City Administrator has~~ve~~ the authority to hire any position if such hiring

is not required to be authorized by the City Council pursuant to this provision or other resolution or ordinance. The City Administrator may delegate hiring positions to a department head. ~~delegated to the mayor or city administrator by City Council resolution or ordinance as is allowed by state law.~~

For employees of Dripping Springs Ranch Park, the Dripping Springs Ranch Park Board of Directors may be involved in the hiring process as described by city ordinance and park rules and policies. The City Administrator has the authority to hire any Dripping Springs Ranch Park position, other than those listed above as hired by the City Council, but may consider the input of the Dripping Springs Ranch Park Board, if any, in making the hiring determination.

3.02 Interim Appointment

When an emergency exists that requires the services of personnel who are not otherwise available, such employees may be immediately hired by the Mayor or City Administrator for a period not to exceed 90 days without regard to normal recruitment and selection requirements. If the hiring of the interim employee is not confirmed by the primary hiring authority for that position or the City Council within the 90-day period, the employee is considered to be automatically discharged as of the 91st day.

3.03 Vacancies

The City Council may fill all vacant employment positions for which ~~they have not delegated~~ primary hiring authority has not been delegated by this Manual or other document, upon simple majority vote. The Mayor may make interim appointments for any position for which the City Council is the primary hiring authority, provided the issue is brought before the City Council at the next regular meeting for confirmation ~~if the City Council has not delegated primary hiring authority to the Mayor or City Administrator.~~ The City Administrator may fill all vacant employment positions for which the Administrator has been delegated primary hiring authority.

3.04 Notice

- (a) The City Administrator shall provide, by appropriate means, public notification of vacancies to be filled within the City service, and shall maintain a list of current announced vacancies for public inspection. Notice is not required for those vacancies to be filled internally via promotion, transfer, temporary promotion, or reinstatement.
- (b) Each job announcement, insofar as practicable, shall specify the title, nature of the job, required minimum qualifications, and the deadline for and method of application.

3.05 Evaluation

The City Administrator shall determine the most appropriate means of evaluating applications against job requirements to identify the best qualified applicants. Interviews, background checks (criminal and credit), written tests, and/or other screening procedures may be used as appropriate. Applicants shall be required to provide any job-related information necessary to demonstrate compliance with prescribed minimum qualification requirements for the positions involved.

3.06 Residence

There shall be no residence requirement for City employment, except as may be provided by law. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work as may be specified in their job description.

3.07 Introductory Period

All employees shall serve in an introductory capacity for the first 90 days of employment. During this training period, new employees shall be subject to close evaluation. Introductory employees shall not be entitled to standard employee benefits, including paid leave, except to the extent specifically authorized by this Manual. However, (1) health benefits are begun after a 30 day introductory period; and (2) TMRS benefits will begin immediately upon full-time eligible employment with the City. Completion of the introductory period does not alter the at-will relationship, create a property interest in employment for any duration, or obligate the City to retain the employee for any certain duration. If this policy conflicts with a separate city contract with an employee or an employment benefits provider, the contract prevails over the personnel policy.

3.08 Youth Employment

It is the policy of the City of Dripping Springs that no individual under the age of ~~fourteen~~ sixteen (16) shall be hired. Applicants between the ages of fourteen (14) and eighteen (18) shall be required to show proof of age to the satisfaction of the City Administrator or the Administrator's designee. Employees under the age of eighteen (18) shall not have duties or perform work that is prohibited by state or federal law.

3.09 Job Descriptions

The City Council shall be the approving authority for all new positions. All positions shall have a job description. The City Council shall be the approving authority for all job descriptions for new positions and for all positions hired by the City Council. The City Administrator may make minor amendments to any job description for which the Administrator is the hiring authority.

3.10 Job Posting

All job openings shall be posted as deemed appropriate and best designed to hire the most qualified candidate. Job postings may be placed in the newspaper, on the City website, or in any other manner. The City Administrator may post any existing position regardless of hiring authority as soon as a vacancy exists. The City Administrator may post for a new position as soon as the job description and creation of the position is approved by City Council.

SECTION 4: COMPENSATION

4.01 Appropriations

Wages, salaries, and working schedules for all employees shall be in accordance with the provisions of the City budget currently in effect, including amendments, and within the limitations of the financial provisions of each department, as approved by the City Council for each fiscal year.

4.02 Timesheets and Time Clock

(a) **Timesheets:** Each exempt employee as defined in Section 2.02 of this Manual is required to turn in the employee's timesheet by the final day of each pay period (see 4.03(a)) to the Department Head. Each Department Head must approve and submit the timesheets to the City Treasurer by 9:00 a.m. the next business day following the final day of each pay period. Absences for the pay period must be submitted with each time sheet.

(b) **Time Clock:** Each non-exempt employee as defined in Section 2.03 of this Manual is required to use the Time Clock to clock in and out each day with the employee's time card if the employee works at the site where a time clock is located and accessible. Each employee is required to sign ~~his or her~~ the employee's time card agreeing that the time card accurately and completely reflects all time worked during the period in question and that no hours were worked that do not appear on the card. It is a violation of city policy to:

- (1) allow another to clock in or out for the employee;
- (2) fail to clock in when the employee arrives;
- (3) fail to clock out when the employee takes a lunch break or leaves work;
- (4) fail to submit all hours worked; or
- (5) fail to follow time clock policies or procedures issued by the City Administrator.

Any failure of this policy may result in disciplinary action.

A non-exempt employee who works or trains off-site, ~~and~~ comes to the off-site location or leaves from the off-site location, or who is approved to use a time sheet, may use a time sheet for that time. The time sheet shall be submitted pursuant to Section 4.02(a) ~~and all other time shall be documented with the time card~~. Any nonexempt employee whose primary work location is at a location that does not have a time clock shall use a time sheet in the same manner as listed in Section 4.02(a). These non-exempt employees include, but are not limited to, those who are primarily employed at Dripping Springs Ranch Park.

Any discrepancy between the time card and the employee's work hours requires notification to the employee's supervisor within seventy-two (72) hours whether the discrepancy is based on employee error or time clock malfunction. Only an employee's supervisor, the City Administrator, or the Deputy City Administrator may make manual changes to an employee's time card or time sheet. Time recorded will be the work-time paid or employees will be paid from time sheets verified by actual recorded times. Any adjustments to the recorded time on a time card or time sheet must be approved by the employee's supervisor. Supervisors will be accountable to the City Administrator ~~and Mayor~~ for any manual changes submitted.

4.03 Payment Procedures

(a) Employees will be paid every other Friday. Timesheets must be turned in by 9 a.m. on the Monday of the week ~~first business day~~ following the end of each pay period. If a payday is scheduled for a City holiday, the payday will be processed the day before the City holiday or holidays.

(b) Paychecks shall not be given to third parties without the express written authorization of the affected employee or as required by state law.

(c) If an employee receives a paper paycheck and is absent on a scheduled payday, the employee's paycheck shall be held until the employee returns, unless a written request for other arrangements has been delivered to the City Administrator prior to such payday.

(e)(d) Direct deposit for employee paychecks is encouraged. To enroll in direct deposit, an employee shall complete the form provided by the Accounting Department and the form must be signed in ink and the original must be submitted to Accounting.

4.04 Overtime

(a) Overtime commences for each hour a non-exempt employee works beyond the standard 40-hour week in the seven-day work period. Overtime shall not be calculated to include vacation, holiday, or sick leave taken during the same seven-day work period as "hours worked." Hours worked for purposes of overtime are any hours worked in the seven-day work period. Special pay for work during non-business hours, nights, or weekends will not be given unless otherwise specified in this manual.

(b) All nonexempt employees are eligible for overtime compensation in accordance with the FLSA.

(c) Overtime compensation shall be calculated in accordance with §5.03(f).

(d) Each nonexempt employee shall be responsible for notifying the employee's supervisor if an assignment cannot be completed within the employee's regular 40-hour workweek. No employee shall work overtime unless the employee's supervisor has determined that such overtime is required. Any employee who works unapproved overtime may be subject to discipline.

(e) All exempt employees are entitled to compensatory time. Compensatory time shall accrue in accordance with §5.03(f) (below).

(f) An employee who requests the use of accrued compensatory time shall be permitted to take such leave within a reasonable period after making the request, unless the employee's absence would unduly disrupt the operations of the City.

4.05 Raises, Merit Increases, and Cost of Living Adjustments

City Council has the sole authority to pass ordinances affecting pay scales. Raises, merit increases, and cost of living adjustments shall be considered at the time of annual employee evaluations or when brought to the City Council by the City Administrator. An employee who desires to request a raise or merit increase at a time other than at the time of annual employee evaluation, may make the request in writing to the employee's supervisor and the City Administrator. The City Administrator, in consultation with the employee's supervisor, shall decide whether to bring a recommendation for a pay raise or merit increase to the City Council.

4.06 Promotions

When possible, job openings within the City are filled by promoting qualified employees. A promotion is based on several criteria which includes, but is not limited to, performance in the employee's current job, attitude, attendance, punctuality, experience and interest in the City and qualifications for the open position. Positions that become available will be posted on the City's municipal office Bulletin Board. An employee applicant will be considered in a fair and appropriate manner as would any applicant. After considering qualifications, experience, etc., an opening will be filled by the person best qualified for the position. All promotions are made without regard to race, color, religion, sex, age, national origin, disability, or marital status. No supervisor may alter the terms of employment from "at-will" to a contracted relationship due to a promotion of an employee to a different position.

SECTION 5: BENEFITS

5.01 Insurance

The City provides varying types of insurance coverage, which includes hospitalization, major medical, life, long-term disability, and dental for full-time, regular employees only. The types of insurance coverage, and the required employee participation, may vary from year to year. Upon employment, an application for coverage shall be completed on the employee and forwarded to the insurance company. The application must be submitted before coverage will become effective. If an employee is on unpaid leave for longer than thirty consecutive days, the absence may affect the employee's insurance coverage and may lose paid coverage by the City. If this occurs, the employee will be offered COBRA for the time of unpaid leave to the extent required by law.

5.02 Workers' Compensation

- (a) Workers' Compensation coverage is provided for all employees.
- (b) In the event of a job-related injury, a standard Workers' Compensation claim form must be completed and submitted to the City Administrator within forty-eight (48) hours of the accident causing the injury, or within forty-eight (48) hours from the time the employee is physically able to do so.

5.03 Leave

- (a) **Holidays:** Employees are generally not required to work on City holidays. The City may choose to observe the day preceding or following a holiday's official date. City holidays are as follows, but are subject to change:
 - New Year's Day
 - Martin Luther King's Birthday (third Monday in January)
 - Washington's Birthday (Presidents Day) (third Monday in February)
 - Memorial Day (last Monday in May)
 - Fourth of July
 - Labor Day (first Monday in September)

- Columbus Day (second Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day
- Christmas Eve
- Christmas Day
- New Year's Eve

Full-time, exempt employees required by their supervisors to work on a holiday shall be given the same amount of substitute time off as is worked, up to 8 hours substitute time off with pay on another date. Full-time, nonexempt (hourly employees who are eligible for overtime) employees who are required to work on a holiday shall be given: (1) 8 hours of holiday pay; plus (2) straight time pay for the hours of work on the holiday. Regular, part-time employees are ~~not eligible~~ eligible for holiday pay on a pro-rated basis. An employee on unpaid leave on a designated holiday, or in a non-pay status on a scheduled workday immediately preceding or immediately following a designated holiday, shall not receive pay for the holiday. An employee on preapproved vacation leave on a designated holiday, or any type of paid leave, shall not have the holiday deducted from ~~his or her~~ the employee's leave time.

- (b) Religious Observance:** Employees desiring to observe religious holidays not coinciding with an officially designated City holiday may be given time off without pay, or may be authorized to use accrued vacation leave, a floating holiday, or compensatory time.
- (c) Vacation:** Upon hire, full-time, regular employees shall commence to accrue paid vacation as follows: 4 hours each month if employed less than 1 year; 7 hours per month if employed 1 to 4 years; and 10 hours per month if employed more than 4 years, but less than 10 years. A full-time regular employee who has been employed more than 10 years shall receive 14 hours per month of vacation leave. Each regular employee will be eligible to use accrued vacation hours after successfully completing a 90-day introductory period.

Vacation leave shall accrue on a prorated basis each year of employment. All requests for vacation leave are subject to the City's staffing needs and must be approved in advance by the City Administrator. Vacation leave may not be taken in less than hourly increments. On January 1st of each year accrued vacation time will be reviewed for each employee and any accrued vacation hours over 120 hours shall expire. Accrued vacation leave that has not expired will be paid out when an employee leaves service with the city up to 112 hours.

- (d) Sick Leave:** Full-time, regular employees shall commence to accrue paid sick leave at the rate of 4 hours per month upon full-time employment with the city. ~~After successfully completing the 90-day introductory period,~~ Sick leave may be taken as accrued when an employee is ill, to attend doctor/dentist appointments, or to care for a member of the employee's household ~~a ill friend or relative~~. Employees unable to work because of unexpected illnesses shall notify their immediate supervisor as soon as reasonably possible. The City may require a physician's verifying statement for any illness that exceeds 3 working days within a two week pay period, or in the event of

excessive absences or absences of extraordinary duration. Sick leave may be carried over to subsequent fiscal years. Accrued sick leave will not be paid out when an employee leaves service with the city. Any employee who exhausts sick leave due to illness may substitute vacation leave or other appropriate paid leave during the time of the illness.

- (e) **Injury Leave:** An employee injured on-the-job shall receive benefits as provided in the City's Workers' Compensation coverage. Nothing herein shall prevent an employee from using accumulated sick leave, vacation leave, or compensatory time off during an absence due to injury. An employee shall immediately report any injury incurred in the line of duty, however minor, to a supervisor, and take such first aid treatment as may be necessary. In the event of a job-related injury, a standard Workers' Compensation claim form must be completed and submitted to the City Administrator within forty-eight (48) hours of the accident causing the injury, or within forty-eight (48) hours from the time the employee is physically able to do so.
- (f) **Compensatory Time:** Salaried, exempt employees will receive compensatory time with pay at a rate of one hour comp time for every hour worked over 40 in a standard seven-day work period (1:1). Compensatory time may be carried over to subsequent fiscal years. Compensatory Time of more than shall not exceed 100 hours may not be carried over to the next fiscal year. in a single fiscal year. The City may either: (1) recommend time off for the employee to use Compensatory Time off; or (2) shall exchange pay for Compensatory Time, at the City Council's ~~Administrator's sole discretion~~ for payouts of 80 hours or less where the hours cannot be carried over and the employee does not take the hours as paid time off. For payouts of over 80 hours, the issue may only be approved by City Council. ~~Compensatory time may be carried over to subsequent fiscal years.~~ This section does not apply to compensatory time off earned in lieu of overtime for nonexempt employees.
- (g) **Civic Leave:** After successfully completing the 90-day introductory period, full-time, exempt and non-exempt, regular employees shall commence to accrue 8 hours of paid leave each fiscal year toward satisfying civic activities, such as voting and to report to calls for jury service. Employees granted civic leave for jury service shall retain all juror fees. Employees excused or released from jury service during working hours shall report to their work stations, unless otherwise instructed. Civic leave may not be carried over to subsequent fiscal years.
- ~~(h)~~ **Bereavement Leave:** Bereavement leave shall be available to any full-time or part-time regular employee whose 90-day introductory period has been completed. Bereavement leave shall not exceed three consecutive work days, and shall be pro-rated for part-time regular employees. Bereavement leave is available upon the death of an immediate family member, a member of the employee's household, or an immediate family member of a member of the employee's household. Immediate family member includes children, spouse or partner, parent, grandparent, grandchild, or sibling, whether related by blood, marriage, or other relationship. A member of the employee's household includes any individual who resides with the employee. ~~After successfully completing the 90-day introductory period, full-time, regular employees shall~~

~~commence to accrue 8 hours each fiscal year for attending funeral services or memorials. Bereavement leave may not be carried over to subsequent fiscal years.~~

(h)

(i) Family & Medical Leave: Benefits under the Family & Medical Leave Act will not accrue to any city employee until required by law (when the city reaches 50 employees or the change in the law occurs). When the City has fifty (50) or more employees or otherwise becomes subject to the FMLA, each full-time, regular employee shall be entitled to leave in accordance with the federal Family & Medical Leave Act (FMLA), if applicable. It is the City's policy that any accrued vacation leave, sick leave, and compensatory time shall be applied toward FMLA leave and run concurrently with FMLA leave until exhausted prior to commencing any unpaid portion of the requested FMLA leave.

(j) Pregnancy & Parental Leave: An employee shall be entitled to non-compensated parental leave of up to twelve weeks of leave. The twelve weeks of leave shall be inclusive of any paid leave that is taken for the parental leave. Each pregnant employee shall be treated the same as other similarly situated employee regarding requests for sick leave and for accommodations related to performing the essential functions of the job. At least 10 working days advance written notice of cessation of work shall be required, except in emergencies or in response to doctor's orders. Pregnant employees and employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of illnesses or disabilities. Available vacation, sick leave or disability benefits may be used for the time during which the employee is medically unable to work. The employee will be entitled to resume work following the end of her pregnancy when she is able to perform her job duties and has obtained a physician's release to return to duty.

(k) Military Leave:

(1) The City complies with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), as amended. USERRA is a federal statute that protects employees who engage in military duty in the uniformed services. The exception to the "at-will" doctrine contained in USERRA applies only to this section of the Personnel Manual regarding military leave.

(2) Military leave shall be approved leave for regular, full-time employees of the City who are members of the state military forces or members of the reserve components of the Armed Forces of the United States.

(3) The paid military leave period is measured as the fiscal year October 1 through September 30.

(4) Employees may elect to continue medical benefit coverage under COBRA for the duration of the military leave unless covered under the provisions of FMLA.

- (5) All requests for leave should be accompanied by a copy of the order, directive, notice, or other documents requiring absence from scheduled work. Military Leave (short term)
- (6) An employee who is a member of the state military forces or a reserve component of the armed forces will be granted up to fifteen days of paid leave per fiscal year for days on which the employee is engaged in authorized training or duty ordered or authorized by the Texas military pursuant to Chapter 437 of the Government Code:
- (a) All requests for leave must be accompanied by a copy of the order, directive, notice, or other document requiring absence from scheduled work.
 - (b) Leave pay will not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
 - (c) No employee using Chapter 437 military leave will be discriminated against for use of this leave or lose any work benefit while using this leave.
- (l) Administrative Leave:** In circumstances not falling within other provisions of these policies, the City Administrator or Mayor may authorize an employee to take leave *without pay* under such terms and conditions as may be mutually agreeable. The City Administrator or Mayor may authorize an employee to take up to eighty (80) hours of leave with pay within a twelve-month period when it is in the best interest of the City and staff. Any request for administrative leave exceeding eighty (80) hours within a twelve-month period must be approved by the City Council.
- (m) Unauthorized Absence:** Employees who are absent from work without having provided notice, obtained a supervisor's approval, provided a legitimate excuse, or who fail to return from scheduled time off without notice, may be deemed to have abandoned their position. Abandonment of an employment position may lead to disciplinary action or the determination that the employee has resigned.
- (n) Donation of Paid Time Off:** One or more employee may donate accrued paid time off, including sick leave, vacation leave, or compensatory time off hours to another employee if: (1) the receiving employee has exhausted all paid time off or will exhaust the paid time off during the expected leave time; (2) the receiving employee is requesting leave for a reason listed above where the employee would normally have paid time off but has exhausted the employee's paid leave; and (3) the supervisor of the receiving employee and the city administrator gives their approval. A receiving employee may not: (1) use donated time off for vacation leave; or (2) use donated time off for more than twelve (12) weeks in one twelve (12) month period.
- (o) Partial Day Absences:**
- (1) Partial Day Absences of less than ~~one day~~eight hours where an exempt employee, as defined in Section 2.02 of this Manual, is unavailable for work shall:
 - (a) be charged to accumulated time off such as vacation, compensatory time off, sick leave, or other paid leave as appropriate; or
 - (b) be taken as leave without pay if all paid leave is exhausted.

(2) An exempt employee requesting an absence of less than ~~one day~~ eight hours due to unavailability, and who has exhausted all paid leave, shall request approval of unpaid leave from the City Council pursuant to Section 5.03(1) pursuant to this Manual or request Donation of Paid Leave under certain circumstances as defined in Section 5.03(n).

(3) Partial Day Absence leave is not required where the exempt employee is able to reach 40 or more hours in a 7 day work period and where such daily work periods are approved by the City Administrator.

5.04 Retirement

The City participates in the Texas Municipal Retirement System (TMRS), through which retirement benefits are provided to each permanent employee who averages 1000 hours per year or more. ~~full time, exempt and non-exempt, regular employees.~~

5.05 Training

The following educational opportunities are available, at the discretion of the Mayor and/or City Council, and subject to budget appropriations:

(a) Events: Employees are encouraged to attend professional conferences, seminars and workshops reasonably related to municipal activities.

(b) Memberships: The City may fund employee membership in professional development organizations. Membership activities must be related to the employee's position with the City. All memberships funded by the City must be approved by the ~~Mayor and~~ City Administrator.

(c) Tuition Reimbursement: The City may reimburse employees for the cost of tuition for the employee's continuing education. The degree program must be related to the employee's position with the City, and approved by the Mayor and City Administrator in advance. To be eligible for reimbursement, the program must be for: (1) certifications or licenses that are directly-related to the employee's core job ties; or (2) course credit at a college or university accredited by the Texas Higher Education Coordinating Board. To be eligible for reimbursement, the employee must have received a grade of "B" or higher for that semester (or "pass" if the course is only offered "pass/fail"). The Mayor or City Administrator may approve up to three thousand dollars (\$3,000) of tuition reimbursement per calendar year. Requests above three thousand dollars (\$3,000) per year require approval by City Council. While receiving tuition reimbursement, the employee shall not be eligible for cost of living or merit raises. An employee may be eligible for a salary increase if the employee receives new job duties or a new job title while receiving tuition reimbursement. No minimum amount of tuition reimbursement is mandated or required by this policy but is solely at the discretion of the Mayor, City Administrator, and City Council. The approved written reimbursement agreement shall be attached to this Manual as Attachment "A".

(d) Travel Reimbursement: Employees may submit reasonable travel expenses related to educational events, professional conferences, seminars, classes, and workshops that are reasonably related to municipal activities in writing to the City Administrator.

These expenses may be reimbursed by the City on a case by case basis and travel reimbursement may be given for events whether or not the tuition, seminar, or conference fee is paid for by the City or the Employee.

- (e) **Employee Reimbursement for Training or Tuition Costs:** Each employee who receives training or accepts tuition for continuing education that costs more than \$100 for one class, event, or related travel expenses for such training or schooling shall sign a written reimbursement agreement that states that they will reimburse the City for the costs related to the training or schooling if the employee separates from the City within two years of the date of the training if a single day, or the last day of the training if a multi-day event, or from the last day of classes for classes reimbursed by the City.

5.06 UNIFORM POLICY

- (a) The City purchases uniform shirts, pants, shoes, and other clothing for certain employees of the City. The purchase of uniforms, amount and type, are set by the budget each year based on each department's budget. When an employee receives a uniform item from the City, the employee is responsible for keeping the item in good repair. If an employee purchases clothing, and the City pays for the logo, the employee may keep the clothing upon separation from employment.
- (b) All uniforms bearing a city logo and purchased by the City are considered City property and must be relinquished to the supervisor upon the end of the employee's employment with the city. If items are not returned, the City may pursue reimbursement for the amount spent in the past fiscal year on that employee.
- (c) Supervisors are expected to exercise reasonable diligence and to make a good faith effort to ensure the return of city-purchased uniforms upon termination of an employee. This includes keeping accurate records of what uniforms the City has purchased and who is in possession of each item. Such record shall be made available to the City Administrator.
- (d) No identifiable part of the uniform shall be worn while off duty and not involved in an activity directly related to one's employment and assignments with the City. The uniform may be worn while commuting to and from the workplace. It is a violation of this policy to wear the uniform while in private employ elsewhere, or when self-employed doing outside employment.

SECTION 6: WORKPLACE CONDUCT

6.01 Standard Work Period

The 7-day work period begins each Monday at 12:01 a.m. and ends each following Sunday at 12:00 a.m.

6.02 Business Hours

Normal business hours are 8:00 am to 5:00 pm.

6.03 Place of Business

The normal place of business for City employees is the City Hall, except that, employees of the Dripping Springs Ranch Park normal place of business is the Ranch Park. Other work locations may be designated by the Mayor or City Administrator, at their discretion.

6.04 Telecommuting

Employees may be allowed to occasionally work from remote locations, with the prior consent of the Mayor or City Administrator. The City Administrator may also designate certain employees for regular telecommuting schedules. A telecommuting schedule is not guaranteed for any employee and may be modified, restricted, or removed at any time by the City Administrator or Mayor.

6.05 Accidents & Safety

All accidents and incidents shall be promptly reported to the City Administrator and, when appropriate, investigated, reviewed, and analyzed to identify contributing factors and causes to prevent recurrence. The City may provide written policy guidance on safety measures for specific positions and/or equipment.

6.06 Professional Appearance

All employees are required to wear appropriate attire while at on-duty and/or at City Hall, Dripping Springs Ranch Park Event Center, the Wastewater Treatment Plant, and at other city parks and facilities. Department heads may require that certain staff wear City of Dripping Springs clothing or other specialized apparel. If this is required, the City will provide access to such clothing. Please see the Uniform Policy for additional information. Employees are also required to engage in routine grooming and hygiene practices that are conducive to the workplace. Hair, jewelry and wardrobe choices must be appropriate for the employee's interactions with members of the public and suitable to satisfy the City's legitimate job safety concerns.

6.07 Privacy

Employees shall have no reasonable expectation of privacy in their workspaces or on their computers. All City computers, offices, lockers, cabinets, vehicles and furnishings are subject to use and search by other City officials and employees.

6.08 Smoking

All City buildings and facilities are non-smoking areas.

6.09 Drug/Alcohol-Free Workplace

(a) No employee may consume, or be under the influence of, alcohol or illegal drugs while at City facilities or on duty, unless at an event at a City facility while off duty. Exceptions include medication prescribed by a licensed physician when used as prescribed.

(b) No employee may manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance on City property or while on duty.

- (c) All City buildings and facilities are to remain drug and alcohol free except where a rental of a city facility or park is entered into and adequate insurance is provided. The Mayor and/or City Council may allow certain exceptions for alcohol served at specified official social functions.
- (d) Post-accident testing may be conducted following any accident in which violations of safety procedures occur, resulting in either property damage or personal injury caused by an employee. Post-accident testing may be conducted following any accident involving personal injury and the operation of a City vehicle or heavy machinery if evidence exists that the employee caused the accident. Individuals to be tested in a post-accident situation shall include any individual directly involved in an accident whose order, action, or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading to or causing such accident.

6.10 Violence & Weapons

- (a) The City is committed to maintaining a workplace free from threats and acts of intimidation and violence. All reported incidents will be investigated.
- (b) Any act of intimidation, threat of violence, or act of violence committed against any person on City property is prohibited. “Intimidation” includes any physical or verbal act toward another person, the result of which is that the person reasonably fears for his/her safety or the safety of others. A “threat of violence” is a physical or verbal act which threatens bodily harm to another person or damage to the property of another. An “act of violence” is any physical act, whether or not it causes actual bodily harm to another person or damage to the property of another.
- (c) No person shall possess or have control of any firearm, deadly weapon, or prohibited knife while in City Hall or in a City vehicle, except as required in the lawful course of business or as authorized by law enforcement. Except that, an employee may keep a firearm locked in ~~his or her~~ the employee’s vehicle in the parking areas of the city.
- (d) Any City employee who is the subject of, or a witness to, a suspected violation of this standard should report the violation to a supervisor or person in authority who is not involved in the conduct. Any supervisor or person in authority who receives a report of a suspected violation of this standard shall document the incident and notify an appropriate City official. Any emergency, perceived emergency, or suspected criminal conduct shall be immediately reported to law enforcement. Sexual violence is also criminal conduct and shall be immediately reported.
- (e) Any City employee found to be in violation of this standard may be subject to criminal prosecution as well as discipline up to and including dismissal.

6.11 Supplemental Employment

No full-time, regular employee may engage in outside employment without the consent of the Mayor or City Administrator if the outside employment is for or directly related to: (a) the City; (b) a vendor of the City’s; (c) a person or entity with an application pending with the City. No equipment or supplies belonging to the City may be used by employees for

supplemental employment. An employee shall not engage in outside employment, including self-employment, where such activity would constitute a conflict of interest or adversely affect the employee's performance in City service. If an employee's outside employment begins to interfere with the effective performance of assigned City duties, the employee shall be required to terminate the outside employment or to resign from City service.

6.12 Political Activity

- (a) When on duty or in City uniform, an employee of the City may not engage in any political activity relating to a campaign for any elective public office. No employee of the City shall, while on duty or in uniform, make, solicit, or receive any contribution to the campaign funds of any party, interest group or candidate for use in any City election. No employee shall participate in any political activity or campaign for, or with respect to, any candidate in a City Election, including on social media. No city employee will be disciplined for running for city or other office but may be forced to resign if elected, pursuant to state office holding laws.
- (b) When not on duty and not in a uniform of the City, an employee may engage in political activity respect to governments and entities other than the City. An employee may not use the fact of their City employment to solicit campaign contributions for a candidate.
- (c) An employee who is considering becoming a candidate for mayor or city council is hereby informed that election to such office would constitute a resignation from the City service on the day the individual, if elected, takes the oath of office. An employee is encouraged to advise the Mayor in writing prior to announcing candidacy for election or appointment to any public office.

6.13 Telephone Usage

City telephones are primarily for use in conducting City business. Personal calls shall be limited so as not to interfere with City business.

6.14 Media Relations

All media inquiries shall be directed to the Communications Director who will coordinate responses. The officially-designated spokespersons for the City are the Mayor, City Administrator, Deputy City Administrator, Communications Director, and City Attorney. Other city officials or employees may be authorized or designated to communicate with the media on the City's behalf by the Mayor, City Council or City Administrator.

6.15 Privacy

Employees do not have a reasonable expectation of privacy in storage devices provided by the City or located on City property, including but not limited to offices, desks, tool boxes, vehicles, and closets.

6.16 Performance Evaluation

The work performance of each permanent employee shall be evaluated annually. Evaluations for employees on probation shall be conducted upon completion of the probationary period. Additional evaluations may be conducted if warranted, as determined by the City Administrator. Evaluations shall be recorded in writing on forms approved by

the City Administrator. A copy of such evaluation shall be provided to the employee to whom they relate, and a duplicate copy shall be placed in the employee's permanent personnel file.

6.17 Supervisors

Each employee's direct supervisor shall be set by the ordinances, job descriptions, and contracts adopted by the city council. The city council is the final hiring and firing authority for the city, but supervisory duties may be delegated to the mayor, the city administrator, and department heads as the city council deems appropriate.

6.18 Ethical Considerations

As a City employee, you owe a responsibility to the people of Dripping Springs in the performance of your official duties. You should act fairly and honestly and should avoid conflicts of interest and creating even the appearance of impropriety.

A City employee should not:

- (a) divulge confidential City information to unauthorized persons;
- (b) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
- (c) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- (d) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
- (e) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
- (f) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

Violation of these ethical guidelines is grounds for disciplinary action, up to and including termination.

6.19 Nursing Mother Breaks

- (a) The City of Dripping Springs supports the practice of expressing breast milk by employees;
- (b) The City shall make reasonable accommodations for the needs of employees who express breast milk including:

- (1) providing a reasonable amount of break time for an employee to express breast milk each time the employee has the need to express the milk;
- (2) providing a place, other than a bathroom, that is shielded from view and free from intrusion where the employee can express breast milk;

(c) The City will not discipline or discriminate against an employee because the employee has used her right to express breast milk under this policy.

(d) Any employee wishing to use this break time and area needs to inform the City as soon as possible so the City may make adequate reasonable accommodations.

6.20 Key Control Policy

Each employee employed shall be given access through a key system subject to a Key Control Policy adopted by the City and enforced by the City Administrator. Each employee who is given a key shall be required to sign a Key Control Policy and: 1) shall not give or loan the key to others; 2) shall not make any attempts to copy, alter, duplicate, or reproduce the key; 3) shall use the key for authorized purposes only; 4) shall safeguard and store the key securely; 5) shall immediately report any lost or stolen keys; and 6) shall produce or surrender the key upon official request. If a key is lost, stolen, or not surrendered when officially requested, a charge that reflects the cost of changing any and all locks and keys affected may be assessed. Misuse of City Equipment including City keys may result in discipline up to and including discharge pursuant to Section 12.02 of this Personnel Manual. Additional requirements related to Key Control may be approved and enforced by the City Administrator or Mayor. The Key Control Policy shall be attached to this Manual as Attachment "B".

6.21 CITY HALL AND FACILITY CLOSURE POLICY

- A. The City Administrator shall determine when City Hall or other City facility is closed due to inclement weather, natural disaster, or other health or safety threat pursuant to city policy. The decision will be based on consultation with the Mayor, the Emergency Management Coordinator, and Hays County.
- B. The City Administrator shall determine which Parks are closed due to inclement weather, natural disaster, or other health and safety threat. The decision will be based on consultation with the Parks and Community Services Director, Dripping Springs Ranch Park Event Center Manager, the Mayor, the Emergency Management Coordinator, and Hays County.
- C. Unless you are personally notified by your supervisor, or their designee, that you are to work remotely or that you are not to report to your designated work site, an employee is expected to report to work. Each Department Head will determine whether employees in each Department shall be required to report to work. Any Employee who is not released from work by their supervisor or designee, shall report to work. Those who are released from work are required to work remotely if feasible. The City Administrator or Supervisor may assign specific duties that may be performed from home. Any hours worked during a closure shall be treated as regular hours worked. Any Employee who is released from work during their normal work schedule may be eligible for paid leave under the Administrative Leave Policy. Administrative paid

leave given during a full or partial city closure will solely be used to make up any time an Employee could not work due to the city closure. (For example, if an Employee is released from work for an eight-hour day, but works four hours at home, that Employee shall be paid for a regular eight hour day, four hours actually work and four hours administrative paid time off if approved).

- D. In the event inclement weather, natural disaster, or other health or safety threat makes travel to work from home unsafe or impossible for an Employee, absence from work will be considered an excused absence if the Employee provides the required notification to the Employee's Supervisor or Department Head. Work from home will be considered hours worked and shall not be deducted from paid time off. The Employee may apply for administrative leave, with or without pay, or may use vacation time or compensatory time off if Employee has accrued compensatory time off.

SECTION 7. ~~COMPUTER~~TECHNOLOGY USE POLICY

7.01 No Right to Use City Computers or Phones.

Use of City computers to access the internet or electronic mail (i.e., "email") is a privilege not a right. The City provides computers and internet / email access for the express purpose of conducting City business and performing municipal tasks.

7.02 Primary Purpose.

City computers and phones, including city-issued mobile phones and radios, are to be used primarily for conducting City business. City ~~technology~~computers ~~are~~ is not intended to be used for conducting Personal business. Incidental and infrequent personal use of City ~~technology~~computers and City internet / email access is allowable provided that it does not hinder or interfere with conducting City business. Limited personal use of City internet or personal email accounts is best conducted while on break.

7.03 No Privacy Expectation.

City officers and employees have no reasonable expectation of privacy on City computers, phones, radios, internet, or email. The City has the right to view and inspect all City computers, phones, and radios including information accessed, downloaded, viewed, sent or received over the internet or by email. Much of the information generated by or stored on City ~~computer~~technology or obtained through City internet or email access is public information that is required to be catalogued under the Texas Records Retention Act, and subject to mandatory disclosure under the Texas Public Information Act, or other law. Use of City computers, phones, radios, and internet or email accounts constitutes consent by the City officer or employee for City inspection of those computers and internet or email accounts, and data -transmitted thereon.

7.04 City Email Accounts.

All City employees are required to use their City-issued email accounts to conduct City business. Employees are prohibited from using their personal email accounts to conduct

City business. When corresponding about City business via email, all City personnel must include the City's standardized email stationary and signature within the emailed message. If an employee receives a city email at a private email address, the employee should immediately forward the email to ~~his or her~~ the employee's city email address for storage.

7.05 Prohibitions.

No officer or employee may:

- (a) download any software or program onto City computers or phones without the express written authorization of the City Administrator, city IT Coordinator or the City's Information-Technology consultant.
- (b) use City computers, phones, radios, ~~or~~ City-funded internet / email accounts, or any other communication device on which City business occurs or is funded by the City:
 - (1) in a manner that neglects the officer or employee's assigned duties or interferes in City operations.
 - (2) to participate in on-line chat rooms, unless those chat rooms are sponsored by legitimate professional organizations relevant to municipal government, and such participation is approved in advance by the Mayor or City Administrator.
 - (3) to invite an employee on a date or make sexual propositions of employees.
 - (4) to harass or otherwise interfere with a City employee. This prohibition includes but is not limited to harassment stemming from an employee's race, ethnicity, color, gender, age, or marital status.
 - (5) to send or distribute off-color jokes, articles or stories that are lewd and a reasonable person would find them to be offensive.
 - (6) to send or distribute worms, malware, or viruses.
 - (7) to send threatening messages to any other person or institution.
 - (8) use City computers or City-funded internet / email accounts to view, download, or distribute pornographic material, including obscene images or text.
 - (9) to disclose, release or otherwise transmit confidential or privileged information belonging to the City without the express permission of the Mayor or City Administrator.
 - (10) to store personal information (i.e., that information not directly related to City business). Officers and employees shall regularly remove any personal data (i.e., that which is not prepared for or by the City for conducting City business) from City computers and internet / email accounts.
 - (11) to delete or remove programs installed by the City or delete data prepared by or for the City that is related to City business.
 - (12) to operate a private business, do work for another employer, or conduct political campaigns. This prohibition does not apply to the preparation and generation of election notices and related documents required by law.
 - (13) to violate another person's privacy, perform an illicit act, or commit a crime.

7.06 Duty to Report.

Officers and employees shall report Violations of this Policy to the Mayor or City Administrator. Officers and employees who have received a worm, ~~or virus,~~ or phishing or social engineering email or text must immediately notify the City Administrator, city

IT Coordinator, or the City's Information Technology Consultant. The City Administrator may suspend or revoke an employee's internet or email access privilege for violation of this Policy. Violation of this Policy is basis for disciplinary action, up to and including termination. The unauthorized disclosure of confidential or privileged information belonging to the City is basis for disciplinary action, up to and including termination, and may be punishable as a criminal misdemeanor.

SECTION 8. SOCIAL MEDIA POLICY

8.01 Introduction.

Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Instagram, Snapchat, LinkedIn, Twitter, etc.) this Social Media Policy ("Policy") establishes prudent and acceptable practices regarding City of Dripping Springs officials and employees (personnel) use of the internet.

8.02 Purpose.

The City has a legitimate government interest in effective, efficient, and consistent communications with the public. The City also strives to have a productive workplace. While the City encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if such activities could:

- (a) impair the work of any City official or employee; create a harassing, demeaning, or hostile work environment; or
- (b) disrupt the smooth and orderly flow of work; or harm the goodwill and reputation of the City among its citizens or in the community.

For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, while both on and off duty.

8.03 Disclaimer.

- (a) Under this Policy, the City disavows, and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the City Administrator or Communications Director.
- (b) If City personnel posts data purporting to be on behalf of the City while using a social media site without the prior approval of the City Administrator, the City is not responsible for said posted content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City Staff, and the City is not responsible for archiving such content in accordance with the records retention schedule, or providing copies in accordance with the Texas Public Information Act (PIA) and may be grounds for disciplinary action.
- (c) The absence of explicit reference herein to a particular site does not limit the extent of the application of this Policy. If any City personnel is uncertain, he/she must consult their supervisor before proceeding.

8.04 General Guidelines

- (a) While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities shall never interfere with work commitments.
- (b) It shall be a Policy violation for any City personnel to post online content as a representative of the City, or on the City's behalf without the City Administrator's or Communications Director's prior approval.
- (c) All City personnel posting City-related issues online, but not as an approved representative of the City or on the City's behalf, shall explicitly clarify they are speaking for themselves and not on behalf of the City by displaying the following disclaimer: "This is my own opinion and not necessarily the opinion or position held by the City or City Council."

8.05 Guidelines for Official City Sites

- (a) All City-sanctioned social media sites shall be maintained by the Communications Director, City Administrator, or the Administrator's designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the Communications Director or the City Administrator before it is posted.
- (b) All personnel that engage in social media activities and/or visit any City-sanctioned social media site on the City's behalf shall adhere to applicable federal, state and local laws, regulations and policies, including the Texas Public Information Act and the records retention schedule. All content must be managed, stored, and retrieved to comply with these laws.
- (c) Any personnel that posts online content as a representative of the City, or on the City's behalf shall clearly state within said post that said content is subject to all applicable records retention and public disclosure laws. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure.
- (d) Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following is prohibited:
 - (1) Comments not topically related to the particular site or blog article being commented upon;
 - (2) Profane language or content;
 - (3) 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;
 - (4) Sexual content or links to sexual content;
 - (5) Conduct or encouragement of illegal activity;
 - (6) Information that may tend to compromise the safety or security of the public or public systems;
 - (7) Content that violates a legal ownership interest of any other party;
 - (8) Information that is incorrect or misleading;

- (9) Information that is in conflict with an approved City policy, ordinance, directive, or plan; and/or
- (10) anything else that creates a disruption in the workplace.
- (e) Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the Communications Director or the City Administrator because it violates criteria in the preceding item (Item 4, immediately above) of this Policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.
- (f) Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by the following disclaimer: “The City guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto.”
- (g) Personnel found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment.

SECTION 9: SURPLUS EQUIPMENT POLICY

9.01 Purpose

The purpose of this *Surplus Equipment Policy* is to establish procedures for managing and disposing of the City’s surplus property and equipment in a manner that is fiscally responsible. This policy applies to all City of Dripping Springs staff.

9.02 Definitions

Office Equipment: Not office supplies. Includes furniture, electrical appliances, wall hangings, and anything else valued over \$25.00 and/or listed in the City of Dripping Springs liability inventory.

IT Equipment: Machines used to acquire, store, analyze, or process data and information electronically, including for printing, transmitting, and receiving, or storing electronic information such as a computer, computer accessories, or copy machine.

Surplus Property: Equipment, furniture, scrap or salvaged material, or other tangible property that might still have some usefulness but is no longer needed or required by the City of Dripping Springs, regardless of its present condition or estimated value.

Office Supplies: Office tools such as staplers, writing utensils, scissors, and other tools used within the office with a replacement value of under \$25.00.

Salvage Property: Generally, refers to personal property that is damaged, used, or consumed so that it has no value for the purpose for which it was originally intended.

9.03 Procedure

Under this policy, City staff are responsible for:

- Coordinating the transfer of surplus equipment from the City;
- Ensuring that the appropriate paperwork or forms are completed prior to transfer;

- Providing temporary storage until sale or disposal of the surplus equipment or property;
- Maintaining a master list of all surplus equipment that is transferred or is awaiting transfer;
- Updating the master list of surplus equipment accordingly;
- Allocating the proceeds from the sale of surplus equipment properly and in accordance with Texas Local Government Code Chapter 51, if necessary.

Unauthorized removal, disposal, or expropriation of City equipment or surplus property is considered theft and constitutes a serious breach of City policy. Unauthorized disposition could subject individuals to disciplinary action, including, but not limited to dismissal, or criminal prosecution.

- (a) **Reporting Authority:** Parks employees shall report issues related to non-IT equipment to the Parks and Community Services Director.

All other employees shall report issues related to non-IT equipment to the Maintenance Director.

All employees shall report issues related to IT equipment to the IT Coordinator.

- (b) **Surplus Equipment:** The City Maintenance Director may declare equipment or property that is no longer useful for the City of Dripping Springs as surplus. Before declaring equipment or property as surplus, the Maintenance Director is encouraged to:

- (1) Trade in the property towards the purchase of new property;
- (2) Transfer the property within the City; or
- (3) Transfer the property to another City office.

The City Maintenance Director shall oversee any of the above transactions or other disposal of surplus equipment or property.

- (c) **Broken Equipment (Non-IT):** The City Parks and Community Services Director and the City Maintenance Director can determine the procedure for the disposition of broken equipment that can be repaired.

If broken equipment cannot be repaired, an employee shall inform their immediate supervisor. The Department Director will work with the City Parks and Community Services Director or the City Maintenance Director to dispose of that broken equipment or property with written approval by City Administrator. This does not govern the procedure for disposal or transfer of broken IT equipment or property.

- (d) **Unused Equipment (Non-IT):** An employee shall inform their immediate supervisor if there is unused equipment at their work station or site. The Department Director will work with the City Parks and Community Services Director and the City Maintenance Director to determine the procedure for the disposition of unused equipment or property with written approval of the City Administrator. Unused equipment is equipment that is no longer needed due to:

- Lack of continued need
- Lack of trade-in value
- Obsolescence
- Wear, damage, or deterioration
- Major repair is impractical
- Excessive cost of maintenance

(e) **Broken Equipment (IT):** The City IT Coordinator is in charge of processing, transferring, and disposing of broken IT equipment or property. In general, the length of time that an electronic or computing device should be a consideration when determining whether such a device should be deemed surplus, especially if IT equipment is broken, or breaks often. Used IT devices, even broken devices, can contain confidential data and licensed software that are at risk of unauthorized use. To promote the security of confidential information, the IT Coordinator is required to erase data stored on IT devices before their sale, disposal or relocation.

Many IT devices contain harmful heavy metals that are harmful to the environment when improperly disposed. If these devices are subject to disposal, they cannot be disposed of in landfills or other scrap metal recycling programs. Compliance with local or state recycling programs is requested.

Employees shall inform IT coordinator of broken equipment. If broken beyond repair, IT equipment cannot be repaired, an employee shall inform IT Coordinator. The IT Coordinator may dispose of that the broken equipment or property with written approval by City Administrator.

(f) **Unused Equipment (IT):** The City IT Coordinator is in charge of processing, transferring, and disposing of unused IT equipment or property. In general, the length of time that an electronic or computing device should be a consideration when determining whether such a device should be deemed surplus. If the equipment is unused and can be transferred or sold, then the City IT Coordinator should make that consideration when determining proper disposition procedures for that equipment or property.

Unused IT devices still contain harmful heavy metals that are harmful to the environment when improperly disposed. If these devices are subject to disposal, they cannot be disposed of in landfills or other scrap metal recycling programs. Compliance with local or state recycling programs is requested.

Employee shall inform the IT Coordinator if there is unused IT equipment at their work station or site. The IT Coordinator can determine the procedure for the disposition of unused equipment or property with written approval of the City Administrator. Unused equipment is equipment that is no longer needed due to:

- Lack of continued need
- Lack of trade-in value

- Obsolescence
- Wear, damage, or deterioration
- Repair is impractical
- Excessive cost of maintenance

(g) Equipment for Sale: The City Maintenance Director is in charge of selling any surplus equipment or property. Items may be transferred to other City departments, donated to non-profit organizations, or given away at no cost to avoid landfill disposal. Items will be sold at the discretion of the City Maintenance Director with approval from the City Administrator. The City Maintenance Director, with the prior approval of the City Administrator, may donate surplus equipment or property directly to a non-profit organization with proof of the 501(c)(3) status of recipient.

(h) Office Supplies: For office supplies, as defined above, that are broken, such as a stapler or scissors, an employee may dispose of such supply. After disposing of any such property, the employee should inform their immediate supervisor and the Department Director will inform the City Maintenance Director or City Parks and Community Services Director of the disposition.

For office supplies, as defined above, that are unused, such as a stapler or scissors, an employee shall inform their immediate supervisor. The Department Director will inform the City Maintenance Director or City Parks and Community Services Director so that such supply can be stored.

If there is a question of whether an item can be disposed of as an “office supply” or whether an object is “equipment”, the employee should contact the City Maintenance Director or City Parks and Community Services Director for verification and handle such property appropriately.

SECTION 10: TRAVEL AND REIMBURSEMENTS

10.01 Registration Fees

Fees charged for registration for conferences meetings, or seminars are allowed for prepayment or reimbursement. Invoices, registration forms, and supporting information providing documentation of fees or rates must be submitted with the request for payment.

10.02 Reimbursements

Reimbursement for education, training, conference, and other business related expenditures incurred by City employees and officials in the performance of their duties and responsibilities will comply with standard, uniform procedures. Reimbursements may be made for the following types of expenditures, upon submittal of an expense report along with the receipts:

(a) Transportation: Coach rate air fare, toll roads, out-of-pocket expenses incurred during use of a City vehicle, mileage at the current Internal Revenue Service established rate. Cost of any taxi fare incurred, plus gratuity. Cost associated with parking of personal or City vehicles resulting from travel or conduct of City business.

Each official and employee will use best efforts to use the most cost-efficient travel for each trip. Reimbursements will only be given for the actual cost of travel and will not be given for the use of reward travel or “miles”.

- (b) **Meals:** Cost of meal reimbursement will be based on actual charges and should be reasonable and prudent, not extravagant. The costs of meals will be reimbursed up to the state per diem rate for the location at which the meal is purchased pursuant to the rates established by the U.S. General Services Administration.
- (c) **Entertainment:** Employees are responsible for the costs of their own entertainment.
- (d) **Lodging:** Actual cost of room, plus appropriate taxes.
- (e) **Per Diem:** The City Administrator or Mayor may establish per diem for certain travel events.

10.03 Cash Advances

Employees shall submit receipts accounting for all cash advances made from petty cash.

SECTION 11: DISCRIMINATION

11.01 Equal Employment Opportunity

The City’s employment decisions are made without regard to race, color, religion, sex, age, national origin, handicap, or marital status. Discrimination or harassment against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations, membership or non-membership in employee organizations, or because of race, color, national origin, age, disability, veteran status, sex, or marital status is prohibited. Any employee discriminated against or harassed shall report such conduct to ~~his or her~~ the employee’s immediate supervisor or City Administrator; provided, however, if a City Administrator is the alleged source of a claim of discrimination or harassment, the aggrieved employee may address such claim directly to the Mayor, or if the Mayor is the alleged source of a claim, then the aggrieved employee may address such claim directly to any member of City Council.

11.02 General Prohibition

The City shall base all employment actions and decisions on a person’s qualifications, experience, performance, demeanor, and behavior. The City shall **not** discriminate against employees on the basis of race, ethnicity, gender, religion, or nation of origin.

11.03 Harassment

(a) Harassment Prohibited

It is City Policy that all employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual, racial, religious, or other

harassment. Accordingly, no employee shall engage in harassment of any employee, applicant, or any other individual.

(b) Harassment Defined

~~Harassment is behavior that is motivated in whole or in part by a person's protected class, that is not welcome, and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness. It can include verbal abuse and gestures. Sexual harassment is behavior that is motivated in whole or in part by a person's gender that is not welcome, and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness. Sexual harassment occurs in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, electronic communication, and more subtle communication or advances and pressure inviting sexual activity involving the individual's protected class. Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:~~

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, whether or not it is directly linked to the granting or denial of an economic benefit.

~~Other types of harassment can include harassment based on other protected classes including religion, race, disability, age, and any other protected class. Harassment is behavior that is motivated in whole or in part by a person's protected class, that is not welcome, and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness. It can include verbal abuse and gestures.~~

(c) Harassment is Punishable

Harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical or verbal abuse related to a protected status. A finding that any employee has committed any such form of harassment will result in disciplinary action.

(d) Reporting Required

Any employee who believes that he or she has been subjected to any of the forms of harassment set forth above should report this harassment to: (1) the employee's supervisor; (2) the City Administrator; (3) the City Attorney; and/or (34) the Mayor. Complaints against the City Administrator should be reported to the Mayor, the City Attorney, or ~~members~~ a member of the City Council. Every supervisor or officer receiving a report of alleged harassment must notify the Mayor and all persons in the alleged offender's chain of command. Appropriate action must be promptly taken. The first action taken in such event shall include steps calculated to prevent reoccurrence

of any such alleged incidents, pending investigation and final resolution of the complaint. Each such report shall be investigated promptly and appropriate corrective action will be taken with the City Administrator's concurrence unless the allegation involves the City Administrator, in which case the appropriate corrective action will be taken by the Mayor.

(e) Investigation Without Retaliation

All good faith complaints of harassment will be promptly investigated, ensuring confidentiality to the maximum possible extent. Disciplinary action shall be taken against any employee in violation of this policy. Such disciplinary action will be determined by the nature of the wrongful act and may result in immediate dismissal of the offending employee. No employee of the City shall be retaliated against for filing a complaint of harassment in good faith or for participating and cooperating in the good faith reporting or investigation of such a claim. However, the City recognizes that false accusations of harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action.

(f) Training Required

It will be the responsibility of the City Administrator to inform all employees of the policy concerning non-discrimination, equal employment opportunities, and harassment, as well as the gravity of such behavior and the procedure to be employed in the event an allegation develops.

11.04 Disabilities

The City shall evaluate all job applicants and employees based on ability to perform the essential functions of the position with or without reasonable accommodation. The City shall comply with the federal Americans with Disabilities Act (ADA).

11.05 Religious Affiliation

The City shall not evaluate or take employment action on job applicants or employees based on the applicant or employee's religious practices or membership. It is imperative, however, that employees not allow their religious activities to interfere with the performance of work-related duties or the completion of assignments. Being a government institution, the City does not allow employees to proselytize.

11.06 Immigration Law Compliance

- (a) Federal law requires that the City ensure all employees are authorized for employment in the United States. Therefore, only individuals lawfully authorized for employment in the United States will be employed.
- (b) In connection with federal law, the City must collect certain information and review certain documentation concerning the employment authorization of individuals hired. This information and documentation will be used only for compliance with the Immigration Reform and Control Act, as amended, and not for any unlawful purpose. If an employee's employment authorization changes or terminates after the start date of employment, the employee will be responsible for informing the City Administrator or a Human Resources representative immediately.

SECTION 12: DISCIPLINARY MEASURES

12.01 Progressive Discipline

To the extent practicable, the City prefers to pursue a course of progressive discipline, which may include the following options (in no particular order): verbal counseling, training, verbal reprimands, written reprimands, suspension with pay, suspension without pay, demotion, reduction in pay, and discharge.

12.02 Discretionary Discipline

Whether to take disciplinary action rests with the discretion of the City Administrator, Mayor, and City Council, who shall not be bound by the terms or procedures of this Manual (which is solely a guide).

12.03 Grievance Procedure

- (a) Employees or recently separated former employees dissatisfied with any employment issue, such as a possible job discrimination matter, health and safety issues, drug-related issues, or a disciplinary matter, may pursue a grievance.
- (b) Employees or recently separated former employees may submit a written grievance regarding any employment issue to the Mayor within five (5) calendar days of the latest occurrence. A written grievance involving the Mayor may be submitted to the City Secretary within five (5) days of the latest occurrence. The notice must specify what action was taken by the City or what action has been observed, and how the action is either unwarranted or inappropriate.
- (c) The City will investigate when necessary, allow the initiator of the grievance a reasonable opportunity to bring forth evidence and witnesses to support the initiator's case, and allow the initiator to question and fully refute any charges brought against the employee or recently separated former employee.

12.04 Personnel Files

Employees may request access to their personnel files via the City ~~Secretary~~ Administrator. In general, for individuals other than the employee, an employee's personnel file should be accessed only by those who have a job-related need to know or if a law requires the release.

SECTION 13: SEPARATIONS

13.01 Non-Disciplinary Separations

- (a) **Layoffs:** The City retains the ability to restructure all employment positions and perform any necessary Reductions in Force (RIFs).
- (b) **Resignation:** Employees may resign at any time. To remain in good standing, employees are encouraged to provide 2 weeks' notice of any intent to voluntarily leave employment.

(c) **Retirement:** Any retirement intentions must be in conformance with the City's retirement plan.

(d) **Incapacity:** An employee may be separated if such employee is unable to perform the functions of ~~his/her~~ the employee's position, as expressly provided in the job description for such position, with or without reasonable accommodation. A finding that an employee is Unfit for Duty shall be made only through individual medical determination by a competent medical authority as prescribed by the City Administrator and Mayor. The City Administrator may require that a current employee undergo a Fit for Duty evaluation, at the City's expense, to determine if such employee is able to satisfactorily perform the essential functions of the employee's current position, and whether the employee can satisfactorily perform such functions with or without reasonable accommodation.

13.02 Discharge

Either the City or employees may terminate the employment relationship, for any reason, or no reason (so long as the reason is not discriminatory, as established by this Manual).

The City may discharge employees with or without stating justification.

A non-exhaustive list of grounds for discharge of an employee by the City include (but is not limited to) the following:

- (a) Insubordination
- (b) Neglect of Duty
- (c) Violation of City Policy, City Ordinance, State Law, or Federal Law
- (d) Discourteous Conduct
- (e) Misappropriation of Funds, Equipment or Supplies
- (f) Persistent tardiness or truancy
- (g) Carelessness or Recklessness
- (h) Misconduct
- (i) Misuse of City equipment or information
- ~~(i)~~ (j) Dishonesty

13.03 Return Items

On or before the last day of employment with the City, all departing employees must return all equipment, supplies, files, and resources provided to the employee by the City during the employee's tenure with the City.

13.04 Payment for Leave

The City will pay separated employees for untaken vacation leave of up to 112 hours if the employee has worked for the City for at least 1 year. Compensatory time will be paid-out upon termination for all exempt ~~and non-exempt~~ employees.

13.05 Referrals

All referral inquiries are to be directed to the City Administrator. Under state law, the City is allowed to provide a truthful employment reference regarding a current or former employee. However, the City is not required to provide an employment reference to or about a current or former employee.

City of Dripping Springs

Acknowledgement

I, _____ (*printed name*), hereby acknowledge that I have received a copy of the City of Dripping Springs’s ***Personnel Manual***. I have read and understood the information presented to me. If I have questions about anything I have read, I have asked my Supervisor for and received clarification. Specifically, I understand the following:

- My employment status is *at-will*, and either I or the City of Dripping Springs may terminate my employment at any time, with or without reason.
- I do not have a contract or term of office with the City of Dripping Springs unless it is through a separate written and signed agreement.
- My supervisor does not have the authority to enter into a contract with me.
- Harassment and discrimination are not tolerated in the workplace.
- I share with my fellow employees a duty to prevent and report violations of the policies set forth in the Personnel Manual.
- My employer will promptly and thoroughly investigate all claims and take remedial measures, up to and including termination.

Employee’s Signature

Witness’s Signature

Date

Date

City of Dripping Springs

Election Regarding Personal Information

TO THE CITY SECRETARY:

I, _____ (*printed name*), hereby make the following election with respect to allowing public access to information in the custody of the City of Dripping Springs that relates to my home address, home telephone number, and social security number or that reveals whether I have family members.

I do *not* want the City of Dripping Springs to disclose or allow public access to the following (*check all that apply*):

- _____ My home address
- _____ My home telephone number
- _____ Information that reveals whether I have family members

Employee's Signature

Date

ATTACHMENT "A"

EMPLOYEE TRAINING AND REIMBURSEMENT AGREEMENT

THIS EMPLOYEE TRAINING AND REIMBURSEMENT AGREEMENT (the "Agreement") dated _____, 20____, ("Effective Date") is by and between, the City of Dripping Springs, a municipality in Hays County, and _____, a current employee of the City ("Employee").

RECITALS

WHEREAS, Employee has requested and the City has agreed to pay for the Employee to attend a conference, meeting, seminar, workshop, training, educational course, or similar instructional class (collectively, "Training"); and

WHEREAS, in consideration for the City's payment for the Training, Employee acknowledges that through attendance at such Training, Employee will acquire skills and enhance ~~the Employee's~~ his or her professional skills or knowledge making the Employee more marketable; and

WHEREAS, Employee agrees to reimburse the City for the cost of such Training in the event that employment with the City is terminated in accordance with the terms of this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals and the individual and mutual covenants of the parties hereinafter set forth, and for other good and valuable consideration, it is hereby agreed by and between the parties hereto:

1. Cost of Training and Expenses. The City agrees to pay a total of \$_____ ("Cost") for the following Training:

Name of Training: _____

Training Provided by: _____

Training Location: _____

Date(s) of Training: _____

In addition to the Cost of the Training, the City agrees to reimburse additional reasonable expenses related to attendance at such Training up to \$_____ for travel, food, and incidentals; provided that the Employee submits the appropriate expense reports and all receipts for the expenses associated with the Training and such expenses are reimbursable.

2. Reimbursement for Cost of Training. Except as provided below, Employee agrees to reimburse the City for the Cost of the Training paid by the City if the Employee's employment terminates within two (2) years of completion of the Training. Employee agrees to reimburse the City within thirty (30) days of termination.

3. Salary Deduction. Employee agrees and authorizes the City to deduct the amount owed hereunder, to the extent permissible by law, from Employee's pay following notification of termination of employment with the City. The City, in its sole discretion, may determine whether to deduct any amount owed from the Employee's pay. If the amount owed under this Agreement exceeds the amount deducted from the Employee's pay, in accordance with Section 2, Employee agrees to reimburse the City any remaining amount due to the City within thirty (30) days of terminating employment.

4. Continuation of Employment-at-Will Relationship. Employee and the City understand and agree that this Agreement does not constitute an employment agreement and nothing in this Agreement shall replace the Employee and the City's at-will employment arrangement. Both Employee and the City understand that the employment relationship may be terminated by either party for any or no reason at any time prior to the termination of this Agreement.

5. Term. This Agreement shall be in effect from the Effective Date until all reimbursement, if any, is due under this Agreement.

6. Entire Agreement; Amendments. This Agreement contains the entire understanding of the parties. Employee and the City may mutually agree to modify the terms of this Agreement at any time; provided, however, that any such modification must be in writing and signed by both parties to this Agreement.

7. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Texas and any dispute shall have venue in Hays County.

8. Severability. If any provision of this Agreement is held to be invalid by a court of law, the remaining provisions shall remain in full force and effect.

9. Counterparts. This Agreement shall be executed in one or more counterparts and all such counterparts shall constitute one and the same instrument.

10. Headings. Headings of provisions of this Agreement are solely for the convenience of reference and are not a part of this Agreement and shall not affect the meaning, construction, operation or effect hereof.

IN WITNESS WHEREOF, the City and Employee hereto have caused this Agreement to be executed on the date and year first above written.

EMPLOYEE

Employee Name: _____ (Printed)

CITY OF DRIPPING SPRINGS

Michelle Fischer, City Administrator

ATTACHMENT “B”
KEY CONTROL POLICY

The purpose of this *Key Control Policy* is to establish reasonable personal security for the staff of the City of Dripping Springs and to ensure the protection of personal and city property through the control of keys (including fobs) to city facilities.

In return for the loan of a key, employees: 1) shall not give or loan the key to others; 2) shall not make any attempts to copy, alter, duplicate, or reproduce the key; 3) shall use the key for authorized purposes only; 4) shall safeguard and store the key securely; 5) shall immediately report any lost or stolen keys; and 6) shall produce or surrender the key upon official request.

If a key is lost, stolen, or not surrendered when officially requested, a charge that reflects the cost of changing any and all locks and keys affected may be assessed. *Misuse of City Equipment including City keys may result in discipline up to and including discharge pursuant to Section 12.02 of the CITY OF DRIPPING SPRINGS PERSONNEL MANUAL.*

KEY DISTRIBUTION & RETURN

EMPLOYEE NAME: _____ DEPARTMENT: _____

ISSUE DATE: _____ ISSUER’S

SIGNATURE: _____

RETURN DATE: _____ RECEIVER’S

SIGNATURE: _____

REQUESTED ACTION/RECORD (circle those that apply)

KEY ISSUANCE

RETURNED KEY

LOCK OPENING

LOCK/HARDWARE CHANGE

REPORT OF LOST/STOLEN KEY

DESCRIPTION OF KEY(S)

1. _____

6. _____

2. _____

7. _____

3. _____

8. _____

4. _____

9. _____

5. _____

10. _____

DETAILS

ACKNOWLEDGEMENT AND AGREEMENT

I, _____ (*printed name*), hereby acknowledge that I have received a copy of the City of Dripping Springs's **Key Control Policy**. I have read and understood the information presented to me. I agree to return any City of Dripping Springs keys/fobs to the City upon my separation from the City on or before the last day of my employment or upon request of the City Administrator.

In return for the loan of this key(s), I agree to: 1) not give or loan the key(s) to others; 2) not make any attempt to copy, alter, duplicate, or reproduce the key(s); 3) use the key(s) for authorized purposes only; 4) safeguard and store the key(s) securely; 5) immediately report any lost or stolen key(s); and 6) produce or surrender the key(s) upon official request. I also agree that if the key is lost, stolen, or not surrendered when officially requested, a charge that reflects the cost of changing any and all locks affected may be assessed.

Employee's Signature

City Administrator's Signature

Date

Date