City of Dripping Springs Personnel Manual Update 2023

Location of	Change	Statute, ordinance, case
Change		law
1.05(a) At-Will	Adds an exception to the "at-will" employment for parties to a City Council approved employment agreement; sets out the terms for the exception.	Byars v. City of Austin, 910 S.W.2d 520 (need to ensure policies don't create contracts)
1.08 Chain of	Adds the People and Communication Director (PCD) to the chain of command of	Position created by City
Command	city employees	Council.
1.09- Core Values	Core Values added	City Administration Request.
2.01-	Redefines "Part-Time" to include the word "regular"; Adds a sixth classification,	FLSA (Fair Labor
Classifications	"Event/Intermittent"; and adds "as a seventh classification and defines this	Standards Act – Federal
listed	classification. Adds Volunteers.	Wage Law)
2.02 Full-	Expands the definition of "Full-Time—Exempt" adding guidance about what it	FLSA
Time—Exempt	means to be Full-Time—Exempt.	
2.03 Full-Time—	Expands the definition of "Full-Time—Non Exempt" adding guidance about	FLSA
Non-Exempt	what it means to be Full-Time—non-Exempt.	
2.04 Part-Time	Adds the word, "Regular" to "Part-Time."	FLSA
Regular		
2.05- Regular	Expands the definition of a "regular" employee.	FLSA
Employees		
2.07- Seasonal	Creates an exception to the maximum 3-month rule of seasonal employees for	FLSA; requested by Parks
Employees	employees who are classified as "event/Intermittent"	for special events
<u>2.08</u>	Creates a new classification of employee, "Event/Intermittent," and defines the	FLSA; requested by Parks
Event/Intermittent	classification.	for special events
Employees		
3.01 Hiring	Adds the position of People and Communications Director, changes the title of	Positions added/changed
Authority	Public Works Coordinator to Public Works Director, deletes the position of	by city council approval of
	Maintenance Director, and adds the position of Planning Director to the officials	job descriptions
	the city has the authority to hire; Deletes the reference to Dripping Springs Park	
	Ranch Park and the Dripping Springs Ranch Park Board of Directors.	

City of Dripping Springs Personnel Manual Changes 2023 Confidential / Privileged

3.03 Background checks/vacancies	Replaces the provisions with the Background Checks provisions.	Background checks in line with federal law related to discrimination: https://www.eeoc.gov/new sroom/pepsi-pay-313- million-and-made-major- policy-changes-resolve- eeoc-finding-nationwide- hiring
3.04 Notice	Job openings will be posted on the City Website.	
3.09 Job Descriptions	Adds the phrase of "exempt" or "non-exempt" to City Job descriptions; Adds that when the City Administrator makes minor adjustments to the job description, the City Administrator must do so in consultation with the People and Communications Director.	FLSA
3.10 Nepotism	Adds this subsection to describe the City's policy regarding Nepotism; Replaces the previous subsection topic, which was Job Postings.	Nepotism as it relates to city council members is set by state law: Tex. Gov't Code Ch. 573; the remainder is just best practices.
4.04 Overtime	 (a) Holiday hours are now included in overtime, whereas previously they were not. (d) adding clause that states an employee who works overtime without getting it preapproved "shall be paid but may be subject to discipline." 	This is not required by FLSA which does not require any type of paid leave, this change is a benefit that recognizes the extra work employees do after hours on weeks that include holidays.
4.07 On-call Policy	(a)(1)(A) and (a)(1)(B)- Changes which City employees will schedule and oversee on-call necessities. Added safety provisions.	Recognizes who makes the On-Call schedules including Public Works Director, Deputy Public

5.03 Leave (a) HOLIDAY- Adds Juneteenth to the City Holiday schedule; Adds 1 personal floating day to each City employee annually (it does not carry over to the next year; Changes holiday overtime pay from "straight time" to time and a half. HB.3033 (PLA-makes faderal holidays not be business days for purpose of deadlines) Juneteenth is (c) VACATION- Changes the structured vacation time employes are given upon hire, and then accrued during their employment; Changes the approving individual to the Department Head. the only Federal Holiday (D COMPENSATORY TIME OFF- Adds a clause stating that Holiday Hours are compensated even if employees are not working those days. the only Federal Holiday use. (State and Hays County have this as at obliday). The personal day would be a floating holiday (g) CIVIC LEAVE- Each year on January 1, employees will accrue 8 hours of paid time off for completed "civic duties" such as voting and donating blood. boliday). The personal day would be a floating holiday would be an additional benefit to employees. For 2024, Lam abso recommending we make April 8, 2024, a city holiday for anyone who doesn't need to work since travel to and from the office will likely be an issue. • Gives employees 40 hours of Vacation upon employment which they can use after working for 90 days Jury Leave; I researched this issue and no entity I could find limits the number of hours/days that is paid for Jury Leave. We could ad at limit, but I think saying that Civic Leave is being paid			Works Director, DSRP
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		of leave could be
		problematic.
<u>5.05 Training</u>	(c) Tuition Reimbursement: removed prohibition on merit increases/colas	This prohibition is keeping
	while receiving tuition reimbursements	employees for even asking
		for tuition reimbursement.
		Staff recommendation is to
		decide these issues on a
		<u>case by case basis.</u>
6.03 Place of	Redefines employees' potential places of business; Adds respective Department	Recognizes that there are
Business	Heads as having the ability to approve alternative places of business for	different places where city
	employees.	employees work.
<u>6.09</u>	Adds subsection (e)- "Commercial Driver Employees and Applicants." Defines	49 C.F.R. § 383.23. Ranch
Drug/Alcohol-Free	"Commercial Driver" as per statute; Sets out the drug testing policy,	Park and Maintenance have
Workplace	qualifications, and expectations of these employees.	said they plan on having
		CDLs in the near future.
		This policy is the required
		drug testing policy for
		CDLs. The majority of
		city employees cannot be
		randomly drug tested under
		the Fourth Amendment
		(Search and Seizure) to the
		U.S. Constitution.
6.22 General	Adds subsection (b), attendance expectations and disciplinary actions associated	Americans with
Conduct	with violation of the attendance policy.	Disabilities Act—Adding
		attendance as the essential
		function of the job.
6.23 Use of City	New subsection describing who may use city vehicles, when city vehicles may be	Assists with CDL licensees
Vehicles	used, what constitutes misuse of city vehicles, and the disciplinary action	and is best practice.
	associated with misusing city vehicles.	
<mark>6.24</mark>	In City Training.	
7.05 Prohibitions	(a) No employee may have TikTok on a City owned device.	H.B. 2206 (No TikTok on
		City Devices)

7.06 Duty to	Changes the duty of city employees to report phishing emails from the City	Cybersecurity Update
Report	Coordinator to the City Director.	
8.01 Social Media Policy	Adds TikTok to the list of social media platforms this policy is meant to control.	H.B. 2206
8.06 Guidelines for Marketing and Branding	New section adding guides for marketing and branding.	City has adopted guidelines for using our logos. This is part of the Logo Ordinance that we are proposing.
11.01 Equal Employment Opportunity	Protected class has been expanded; People & Communications Director has been added to the list of City personal who can accept reports of policy violation.	EEOC.
<u>11.02 General</u> <u>Prohibition</u>	Sexual Orientation has been added to list of people the City shall not discriminate against the purpose of employment.	Bostock v. Clayton County, Georgia (Title VII also protects employees from discrimination based on sexual orientation and gender identity); EEOC - https://www.eeoc.gov/em ployers/small-business/3- who-protected- employment- discrimination USERRA and state law protects military status
12.04 Personnel Files	People and Communications Director added to the list of people employees can request their personnel files from; At the time of an employee's separation (or after) the employee may request a copy of their file.	from discrimination. Gov't Code Sec. 552.023.
13.02 Discharge	Discourteous Conduct towards other employees, officials, or the public Failure to attend mandatory meetings or trainings without cause	Best practices.