

City of Dripping Springs Personnel Manual Update 2023

Location of Change	Change	Statute, ordinance, case 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 Command	Adds the People and Communication Director (PCD) to the chain of command of city employees	Position created by City Council.
1.09- Core Values	Core Values added	City Administration Request.
2.01- Classifications listed	Redefines “Part-Time” to include the word “regular”; Adds a sixth classification, “Event/Intermittent”; and adds "as a seventh classification and defines this classification. Adds Volunteers.	FLSA (Fair Labor Standards Act – Federal Wage Law)
2.02 Full-Time—Exempt	Expands the definition of “Full-Time—Exempt” adding guidance about what it means to be Full-Time—Exempt.	FLSA
2.03 Full-Time—Non-Exempt	Expands the definition of “Full-Time—Non Exempt” adding guidance about what it means to be Full-Time—non-Exempt.	FLSA
2.04 Part-Time--Regular	Adds the word, “Regular” to “Part-Time.”	FLSA
2.05- Regular Employees	Expands the definition of a “regular” employee.	FLSA
2.07- Seasonal Employees	Creates an exception to the maximum 3-month rule of seasonal employees for employees who are classified as “event/Intermittent”	FLSA; requested by Parks for special events
2.08 Event/Intermittent Employees	<u>Creates a new classification of employee, “Event/Intermittent,” and defines the classification.</u>	<u>FLSA; requested by Parks for special events</u>
3.01 Hiring Authority	Adds the position of People and Communications Director, changes the title of Public Works Coordinator to Public Works Director, deletes the position of Maintenance Director, and adds the position of Planning Director to the officials 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.	Positions added/changed by city council approval of job descriptions

<u>3.03 Background checks/vacancies</u>	<u>Replaces the provisions with the Background Checks provisions.</u>	<u>Background checks in line with federal law related to discrimination;</u> <u>https://www.eeoc.gov/newroom/pepsi-pay-313-million-and-made-major-policy-changes-resolve-eeoc-finding-nationwide-hiring</u>
<u>3.04 Notice</u>	<u>Job openings will be posted on the City Website.</u>	
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

		Works Director, DSRP Manager.
5.03 Leave	<p>(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.</p> <p>(c) VACATION- Changes the structured vacation time employees are given upon hire, and then accrued during their employment; Changes the approving individual to the Department Head.</p> <p>(f) COMPENSATORY TIME OFF- Adds a clause stating that Holiday Hours are compensated even if employees are not working those days.</p> <p>(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.</p> <p>(o)(3)- PARTIAL DAY ABSENCES- Changes approving administrator from City Administrator to Department Head.</p> <ul style="list-style-type: none"> • Gives employees 40 hours of Vacation upon employment which they can use after working for 90 days • Increases first year of vacation from 48 hours (6 days) a year to 84 hours (10.5 days) • Increases 1-4 from 48 hours (6 days) to 120 hours (15 days) • 4 years and above remains the same 	<p>H.B. 3033 (PIA-makes federal holidays not be business days for purpose of deadlines) Juneteenth is the only Federal Holiday the City does not currently use. (State and Hays County have this as a holiday). The personal day would be a floating holiday which would be an additional benefit to employees. For 2024, I am also 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.</p> <p>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 add a limit, but I think saying that Civic Leave is being paid differently than other types</p>

		of leave could be problematic.
5.05 Training	(c) Tuition Reimbursement: removed prohibition on merit increases/colas while receiving tuition reimbursements	This prohibition is keeping employees for even asking for tuition reimbursement. Staff recommendation is to decide these issues on a case by case basis.
6.03 Place of Business	Redefines employees’ potential places of business; Adds respective Department Heads as having the ability to approve alternative places of business for employees.	Recognizes that there are different places where city employees work.
6.09 Drug/Alcohol-Free Workplace	Adds subsection (e)- “Commercial Driver Employees and Applicants.” Defines “Commercial Driver” as per statute; Sets out the drug testing policy, qualifications, and expectations of these employees.	49 C.F.R. § 383.23. Ranch Park and Maintenance have 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 Conduct	Adds subsection (b), attendance expectations and disciplinary actions associated with violation of the attendance policy.	Americans with Disabilities Act—Adding attendance as the essential function of the job.
6.23 Use of City Vehicles	New subsection describing who may use city vehicles, when city vehicles may be used, what constitutes misuse of city vehicles, and the disciplinary action associated with misusing city vehicles.	Assists with CDL licensees and is best practice.
6.24	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 Report	Changes the duty of city employees to report phishing emails from the City Coordinator to the City Director.	Cybersecurity Update
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	<u>Protected class has been expanded; People & Communications Director has been added to the list of City personal who can accept reports of policy violation.</u>	EEOC.
11.02 General Prohibition	<u>Sexual Orientation has been added to list of people the City shall not discriminate against the purpose of employment.</u>	<u><i>Bostock v. Clayton County, Georgia</i> (Title VII also protects employees from discrimination based on sexual orientation and gender identity); EEOC - https://www.eeoc.gov/employers/small-business/3-who-protected-employment-discrimination</u> <u>USERRA and state law protects military status from discrimination.</u>
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.	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.