

2.00 EMPLOYEE ~~RESPONSIBILITIES~~ CODE OF CONDUCT

~~14.032.01~~ 14.042.01 GENERAL

~~14.03.08 The City of Fair Oaks Ranch is a public, tax-supported organization. Its~~ City employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of ~~even the appearance of~~ illegal ~~or~~ and unethical conduct ~~at all times~~. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with the public, city officials, and their fellow employees.

~~2.00.01 In the absence of any request for clarification, the City will assume that each employee understands the responsibilities assigned to the position which they occupy as set out in the city's job description for that job.~~

~~2.00.02 Relationships between co-workers must never affect an employee's job performance or interfere with activities in the workplace. Mediocrity, indifference and other attitudes or behaviors that cause irreconcilable friction among employees or are counter-productive to completing specific tasks and delivering services shall not be tolerated and are subject to disciplinary action.~~

~~2.00.03 It shall be the responsibility of each employee to maintain the standards of physical fitness required to successfully perform their assigned job. The minimum required fitness standard shall be clearly defined at the time of employment.~~

~~2.00.04 Employees are expected to keep their financial affairs in good order. Failure to pay just debts, including taxes and court approved child support, may constitute cause for disciplinary action, particularly if the employee's job performance is impeded or there is interference in the workplace by individuals or firms attempting to collect debts.~~

~~14.042.02~~ 14.042.02 PROFESSIONAL APPEARANCE

~~2.00.05 Employees of the City are hired to provide services to the citizens of Fair Oaks Ranch and to perform specific tasks in professional manner. As representatives of the City, employees should present a positive professional image to our customers and each other. An employee's appearance can impact our citizens' perceptions of the City. Employees are expected to exercise daily hygiene care and to dress and groom themselves in a neat and tasteful manner which is appropriate to the particular job being performed. Neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the City's work force.~~

~~2.00.06 Business Casual Dress—this policy establishes “business casual” as the foundation of our professional dress policy for non-uniformed employees. On normal business days, an employee shall wear “business casual” attire. However, if business needs of the day warrant it, an employee may be required to dress in business wear (i.e. special meetings). Employee clothing should always be neat and clean. Employees who report to work in unacceptable dress~~

may be required to go home and change into acceptable clothing. The City reserves the right to change or cancel its business casual dress policy. Examples of inappropriate attire:

- ~~Shirts with slogans or large emblems that may be deemed inappropriate by citizens, the Department Head or City Administrator.~~
- ~~Strapless shirts~~
- ~~Tank tops/spaghetti strap dresses/shirts~~
- ~~Sweat suits/Windsuits~~
- ~~Shorts~~
- ~~Leggings~~
- ~~Floppy shoes such as flip flops, thongs~~
- ~~Overalls~~
- ~~Provocative or revealing attire (revealing bare back or midriffs)~~
- ~~Metal piercing(s) on a visible body part of the body (excluding ears)~~

~~Lapel pins that may be deemed inappropriate~~2.03.01 Employees are expected to present themselves and represent the City in a professional manner that reflects the City's values and the public's interest. A well-maintained personal appearance fosters a productive work environment and enhances the City's image. Employees should dress in a manner that is neat, clean, and appropriate for their job duties and work environment.

2.03.02 Dress code guidelines.

- Business Attire. Employees in executive roles, meetings with other entities representing the City, at speaking engagements on behalf of the City or a professional organization or in speaking roles at conferences will wear business professional or business casual attire, as specified by their Department Head.
- Casual Attire. May be permitted by citizens, their Department Head or City Administrator so long as it remains modest, clean and workplace-appropriate.
- ~~Shoes not in good repair and/or inappropriate for safety environments~~

~~2.00.07 Uniforms are furnished to some City employees in order to identify the employees to the public and to maintain a presentable, and uniformed appearance. Employees provided issued and required to wear uniforms are required to shall wear them while at work. In the Public Works as specified by their department, employees choosing not to be provided with pants from the City's contracted vendor, \$100 per fiscal year will be allocated to assist the employee in the purchase of blue jeans. No monies will be allocated for the maintenance costs of the purchased jeans.~~

- ~~14.04.09~~ head. Employees who have been issued City uniforms must may have to return these uniforms them upon leaving City employment.

~~2.00.08 Steel Toed Boots – The Public Works department employees are required to wear steel toed work boots. The City will reimburse non-introductory period employees up to \$100 per fiscal year to assist them in the purchase/upkeep of their steel toed work boots.~~

2.01—TIMELINESS AND ATTENDANCE

~~2.01.01 Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.~~

~~2.01.02 Advance notice of at least 15 minutes before the employees scheduled start time who expects to be late or absent from work is required. Notice will be given to the employee's Department Head. If the immediate Department Head is unable to be reached, the employee shall notify the City Administrator. See LEAVE TIME chapter of these policies for matters involving planned absences.~~

~~2.01.03 Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. If an employee is absent for medical reasons for three or more consecutive workdays, the employee may not return to work without a doctors statement giving the date of illness or injury, and releasing the employee for return to work without limitation. Frequent tardiness or un-excused absence is not permissible and is grounds for disciplinary action up to and including termination.~~

- ~~• Safety Gear. Employees issued and required to wear personal protective equipment (PPE) will comply with safety standards and dress requirements specified by their department head.~~
- ~~• Prohibited Attire. Employees who report to work in unacceptable dress may be required to leave the work center and change into acceptable attire before being allowed back into the work center. The following attire is not allowed:~~
 - ~~• Clothing with offensive or inappropriate graphics or slogans~~
 - ~~• Ripped, torn, or distressed clothing~~
 - ~~• Shorts or miniskirts~~
 - ~~• Leggings (Unless worn under a dress or tunic of appropriate length)~~
 - ~~• Athletic wear, including yoga pants or gym shorts~~
 - ~~• Shoes not in good repair or inappropriate for the safety environment, or beachwear~~

~~2.03.03 Grooming and Hygiene. Employees are expected to maintain good personal hygiene and a well-groomed appearance which includes:~~

- ~~• Clean and well-maintained clothing.~~
- ~~• Neatly groomed hair and facial hair.~~
- ~~• Proper hygiene practices that promote a respectful and comfortable work environment.~~

~~2.03.04 Religious and cultural accommodations will be handled fairly, on a case-by-case basis, and where appropriate. Employees should discuss religious or cultural accommodations with the Human Resources department.~~

~~2.03.05 Enforcement. Department Heads in consultation with the Human Resources Department will settle and decide all conflicts on what attire is permitted in the workplace.~~

~~14.052.03 PUBLIC ACCESS **CONFIDENTIALITY OF ADDRESS OR**~~

TELEPHONE FORM

~~Each employee may choose whether the City discloses their home address and telephone number to the public on request. If a new employee, except police officers, does not request confidentiality~~Certain personnel-related information is exempt from disclosure under the Texas Public Information Act. Employees must elect, within the first 14 days of employment, ~~the~~if they do not wish to disclose their home address ~~and,~~ telephone number, emergency contact information, social security number ~~on file are considered public, or information that could reveal whether the employee has family members.~~ (see form in Appendix B).

2.02 — OUTSIDE ACTIVITIES

2.04 CONFLICT OF INTEREST / ETHICS

2.05.01 Consistent with Texas Local Government Code Chapter 171 and City Code Chapter 1.10 this policy establishes high moral and ethical standards for employees that fosters trust, respect and confidence of City residents. A fair and open government requires that City business be conducted in a manner that preserves the integrity of the local government process and avoids conflicts of interest and ethical concerns.

2.05.02 Disclosure of potential conflicts is required as soon as practicable when the employee becomes aware of the potential conflict. Employees will make disclosures in writing to their Department Head and the Human Resources Department. Disclosures will include all facts about the potential conflict, to include:

- hours and days engaged in outside activities,
- the nature of the outside activities,
- the nature of the financial interest, or
- a gift or gratuity, which includes:
 - the form (money, loan, entertainment, hospitality, promise, etc...), and
 - the circumstances in which the gift could be inferred as intended to influence the employee's official duties or confer a benefit for past performance of official duties.

The Human Resources department will refer the employee's conflict disclosure to the City Attorney's office for a conflict determination assessment. The City Attorney's office will provide conflict determination assessment to the City Manager. The City Manager will review the conflict determination assessment and forward the decision to Human Resources. The Human Resources department will reply to the employee and Department Head in writing the results of the conflict determination. The Employee will have 10 business days to resolve identified conflicts. A record of the conflict disclosure and determination will be kept in the employee's personnel file.

~~2.02.01—2.05.03 Outside activities.~~ Employees may not engage in any outside employment, activity, or enterprise ~~to be~~that is inconsistent or incompatible with City employment ~~with the City or which could adversely affect the employee's~~ job performance. ~~Conduct or injuries off the job which adversely affects the ability of the employee to properly complete their job or adversely affects the ability of the City to provide services shall be cause for disciplinary action.~~

~~14.05.08 An employee who wishes, or reflects unfavorable in any way upon the City. Advance approval is required for employees wishing to engage in outside employment activity must submit a full and complete written request describing the employment activity, and must have advance approval to engage in any outside employment, including self-employment. An administrative/public works employee must have the advance approval of the City Administrator, and a law enforcement employee must have the advance approval of the Police Chief.~~activities.

~~2.02.02 If a city employee is injured on the job in the course of employment outside of their employment with the City, the employee may not file a workers' compensation claim against the City.~~2.05.04 Gifts and gratuities. Except for benefits related general gifts available to the injury, regardless of the fact that the outside employment has been approved.

~~2.03~~ GIFTS AND GRATUITIES

~~Employees will~~all employees, individual employees may not accept personal gifts or gratuities, ~~except for generic gifts given to all for special events,~~ from contractors, vendors, residents or other persons who have any parties conducting business dealings with the City, that might influence their official actions or impair their independence of judgement in the performance of their city duties.with the City.

~~2.04~~ CONFLICT OF INTEREST

~~14.05.09 No employee~~2.05.05 Financial Interest. Employees shall have no financial interest ~~of~~in any contract, service, or other work performed by the City, nor ~~personally~~ profit directly or indirectly from a contract, purchase, sale, or service between the City and any person or company. An employee may not:

- ~~An employee may not: 1)~~ solicit or accept or agree to accept a financial benefit, that might reasonably tend to influence ~~his or her~~their performance ~~of duties for the City,~~ 2) ~~accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties,~~ 3) 1
- accept outside employment or compensation that might reasonably induce an employee to disclose confidential information or would tend to impair independence of judgement while in performance of City duties ~~for the City,~~ 4) 1
- make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and City duties ~~for the City,~~ or 5) 1

~~14.05.10~~• solicit or accept, or agree to accept, a financial benefit from another person in exchange for having performed duties as a ~~city~~City employee in favor of that person.

~~2.04.01 No employee who exercises any functions or responsibilities in the review or approval of an undertaking or the carrying out of one of the City's contracts shall participate in any decision relating to that contract if the decision affects their personal pecuniary interest as mandated by Chapter 171 of the Local Government Code.~~

2.05.06 Financial Obligations. Employees are expected to manage their personal finances and fulfill financial obligations, including taxes and court-ordered child support. Failure to pay just debts may result in disciplinary action, particularly if it affects job performance or leads to workplace disruptions.

14.062.05 POLITICAL ACTIVITY

~~14.06.08~~ 2.06.01 City employees are encouraged to ~~vote~~participate in the electoral process and ~~to exercise other prerogatives of citizenship consistent~~their civic rights, including voting, in accordance with state and federal ~~law~~laws and ~~these~~City policies. ~~A city employee~~City employees may not:

- Use their ~~official authority or position to~~ influence ~~to~~or interfere with ~~or affect~~ the result of an election or nomination for office_;;
- Directly or indirectly ~~coerce, attempt to~~ coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for a political purpose_;;
- Be a candidate for election to the City of Fair Oaks Ranch City Council_; or

~~Use their working time or city resources to participate in a political campaign of another person for an elective position or for any other political purpose including making political speeches, soliciting by telephone, distributing political literature, or writing or handling letters related to a political campaign or activity.~~

~~2.04.02 No city-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.~~

- Use City resources to contribute to a political campaign.

2.06.02 Campaign materials may not be displayed on City-owned property, vehicles, or buildings.

~~14.06.09~~ 2.06.03 An employee's lawful political activity, ~~not in violation of this section,~~ shall not ~~be considered in determining his or her~~influence decisions regarding compensation, ~~eligibility for promotion or demotion~~promotions, demotions, work ~~assignment~~assignments, leave or travel ~~request~~requests, or ~~in applying any other employment practices to the employee-related matters.~~

~~2.04.03 Violation of this policy is grounds for dismissal.~~

~~2.05— COMMUNICATIONS~~

~~2.05.01 Internal Communications— Employees may, from time to time, be given directions or asked questions from persons outside the normal chain of command. In such cases, the employee must notify their Department Head by the end of their shift about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Department Heads are responsible for reporting these incidents promptly to the City Administrator in those instances where there could be adverse consequences.~~

2.06 Public and News PUBLIC RELATIONS

~~2.05.02-2.07.01 Media -Inquiries. Communication with the public and media about City issues orand problems is the responsibility of the Mayor and City Administrator. Employees are to refer members of the news media to the City Administrator if a question is non-routine, controversial or outside of the scope of the employee's normal duties, and are to notify the City Administrator of scheduled interviews with the news media.~~

~~2.05.03 Requests for Council Action— An employee may request that a matter be considered by the City Council by submitting the item in writing to their Department Head Manager and will normally be coordinated through the lines of organization to the City Council.~~

~~2.10— RECORDINGS OF CONVERSATION~~

~~If an employee wishes to tape record any conversation between themselves and any other city employee or officer, or between two or more other city employees, the employee wishing to make the recording must first notify the other person(s) of their intent and must ask the other person(s) authorization to make the recording. Any unauthorized taping of any conversation is grounds for immediate dismissal.~~

~~2.11— CHAIN OF COMMAND~~

~~In order for the City to function properly as an organization, it is necessary that employees adhere to the City's chain of command as shown on the City's Organizational Chart filed with the City Secretary. Employees are to follow the chain of command in seeking administrative or operational decisions.~~

~~2.12— MISUSE OF INFORMATION~~

~~Employees and members of their families are prohibited from using city information obtained through employment for the purpose of furthering their private interest, if such information has not been made available to the public.~~

~~2.13— TELEPHONE USE~~

~~15.00.01 City telephones are to be used for city business. It is understood that occasionally~~

~~personal calls are necessary; however, use of telephones for local personal calls is Communications Department. Employees are not permitted only if the number and lengths of calls are kept to a minimum. Personal directory assistance and call to speak to or reply to a media inquiry without written authorization from the City Manager.~~
~~back service calls are prohibited.~~

~~2.13.01 Personal long distance calls are permitted under emergency situations. If a non-emergency long distance call is made outside the exchange area, a signed statement must be submitted to the City Accountant indicating information relating to that specific call. Reimbursement by the employee is required.~~

~~2.13.02 If the City furnishes an employee with cellular telephone service, any personal usage by the employee must be paid personally by the employee upon receipt of the invoice. Failure to pay will result in termination of the phone service and a disciplinary notation placed in the employee's file.~~

~~2.14 EXPENDITURES~~

~~2.14.01 Employees are not allowed to charge personal items on the City's charge accounts.~~

~~2.14.02 All expenditures for purchasing materials and supplies must be approved by a Department Head. The City will only pay from invoices which the City Accountant will use to process for payment unless otherwise authorized by the City Administrator. See the city's Financial Policy filed with the City Secretary for further instructions.~~

~~2.14.03 The City of Fair Oaks Ranch name or its tax exempt status shall never be used by any employee for their personal advantage on any purchase.~~

~~2.14.04 Employees receiving city issued credit cards will review, read, and sign the City Credit Card Policy found in Appendix B of this manual before issuance of any city credit card. The City Secretary will issue the credit card(s) after the Department Head has forwarded the signed Policy to her for placement in the employees personnel file.~~

~~2.15 INDICTMENTS AGAINST EMPLOYEES~~

~~2.15.01 An employee may be suspended, with or without pay, if accused of or indicted for a crime or official misconduct pending a decision on the indictment such as dismissal, acquittal or conviction.~~

~~If the indictment is dismissed or if the employee is acquitted, the suspended employee shall be reinstated to their position, or a similar one if the former position is not available, without loss of any benefits and such suspension shall not be considered as a disciplinary action.~~

~~2.07.02 Media Outreach. Employees are not permitted to initiate contact with journalists or media outlets, or post content on a social media site on behalf of the City without written authorization from the City Manager. Employees wishing to publicize a program or event via media outreach will coordinate their efforts through the Communications Department.~~

2.07.03 Emergency or After-Hours Initial Media Response. In the event of crisis or rapid development of an event and when the Communications Department, Mayor or City Manager has not been mobilized, City supervisors and above may provide a brief, initial response. An emergency response should include:

- An acknowledgment of the request,
- A brief statement of facts,
- A holding statement (if available), and
- An estimate of when a more detailed statement will be available.

Supervisors, at their soonest opportunity will report to the City Manager, Mayor and the Communications Department the initial response information that was relayed to the media.

2.07.04 Media Access to City Events. Media are entitled to access the City Hall campus to the same extent as other members of the public. Media must be accompanied by a Communications Department staff member if granted access to municipal offices or work centers not accessible by the public, conference rooms or meeting spaces that have not been noticed for a public meeting, or incident sites that are temporarily blocked off from the public by an incident commander for safety concerns or operational need.

2.07.05 The City Manager will maintain supplemental media inquiry and outreach procedures that conform to this policy.

2.10 RECORDING OF CONVERSATIONS

15.00.02 Electronic recording of conversations between employees or between employees and elected officials is prohibited unless all parties are aware and have expressly consented to the recording.

6.4 8.00 LEAVE TIME

8.00 GENERAL POLICY

Leave is a benefit intended to provide employees time away from the work environment to pursue activities that will promote the wellbeing of the employee. Use of leave benefits on a regular basis is encouraged and shall not be unreasonably denied. Violations of this policy may result in disciplinary action.

6.28.01 DEFINITIONS

Initial Employment Period is a period of six months commencing with the employee's first day of employment.

Leave Time -is either sick leave, vacation leave, bereavement leave, administrative leave, FMLA leave, or military leave. Leave time is time during normal working hours in which an employee is not in the work center and does not engage in the performance of job duties. Leave time may be either paid or unpaid.

Paid Leave is the authorized time off from work that an employee is compensated for, even though they are not actively working.

Unpaid Leave is an authorized time off from work where an employee does not receive regular wages or salary during the absence. Unpaid leave is typically used when an employee has exhausted their paid leave options.

Sick Leave is the authorized time off from work that an employee can take when they or qualified member of household are ill, injured, or need medical care such as doctor's appointments or recovery from a medical procedure.

Vacation Leave is the authorized time off from work that an employee takes for personal rest, relaxation, or travel.

FMLA is job protected unpaid leave under the Family and Medical Leave Act.

Military Leave is job-protected leave under the Family and Medical Leave Act for eligible employees with family members in the military. It includes two types of leave: Qualified Exigency Leave or Military Caregiver Leave.

Administrative Leave is a temporary authorized absence from work. Administrative Leave can be either paid or unpaid.

Leave of Absence is an approved period of time, typically in weeks or months, that an employee takes off from work, either in paid or unpaid status.

Excused Absence - Those hours or ~~daydays~~ when an employee is excused from being present during work time. Examples include vacation, sick, holiday, civil duty, etc. An excused absence may be with or without pay, depending on the circumstances that led to the absence.

Unexcused Absence - Those hours or ~~daydays~~ when the employee is absent from regular duty without permission of their Department Head. Employees are not paid for unauthorized absences, and such absences are subject to disciplinary action. Examples include tardiness; unauthorized absence, absence resulting from detention in a county, state or federal prison, etc.

8.008.02 **APPROVAL OF LEAVE**

~~All leave, except for Holiday, taken by employees, 8.03.01 Sick and Vacation Leave must be approved by the employee's Department Head. Approved leave requests are maintained in the employee's personnel file-supervisor.~~

~~9 Department Heads are responsible for determining that leave is accrued and available for use in the amounts requested by an employee. In addition, Department Heads are responsible for ensuring that all vacation and sick leave usage is recorded on the employee's time sheet sent to Accounting for payroll purposes.~~

~~8.03.02 Supervisors are responsible for verifying employees have adequate leave balances before approving leave.~~

9.008.03 **VACATION ~~ACCRUAL~~/LEAVE**

~~Employees are encouraged to take regular vacations at least annually.~~
8.04.01 Vacation leave accrues at the following rate for ~~all~~ regular full-time employees:

~~Length of Service Employees Vacation Leave Earned~~
~~Through 5 6.66 hours per month/80 hours per year~~
~~Years 6 through 15 10 hours per month/120 hours per year~~ ~~More than 16 years 13.33 hours per month/160 hours per year~~

~~However, no vacation will be granted during the first six months of employment.~~

<u>Length of Service</u>	<u>Accrual Rate (hours per pay period)</u>	<u>Annual Accrual</u>
<u>0 to 5 years of service</u>	<u>4.62 hours/PP</u>	<u>120 hours</u>
<u>6 to 10 years of service</u>	<u>6.16 hours/PP</u>	<u>160 hours</u>
<u>11 to 15 years of service</u>	<u>7.70 hours/PP</u>	<u>200 hours</u>
<u>16 to 20 years of service</u>	<u>9.23 hours/PP</u>	<u>240 hours</u>

<u>21+ years of service</u>	<u>10.77 hours/PP</u>	<u>280 hours</u>
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8.04.02 Temporary and part-time employees do not earn vacation leave.

8.04.03 Employees ~~cannot in unpaid leave status will not~~ accrue ~~more than two (2)~~ years worth of earned vacation time. On the employee's anniversary date, any vacation leave.

8.04.04 Except for FMLA leave, employees may not be in unpaid leave status while they have a vacation leave balance.

8.04.05 Employees ~~in excess of the appropriate maximum is reduced to the maximum without workers~~ compensation. ~~Employees status will not accrue leave.~~

• 8.04.06 The maximum accrual balance of leave may not exceed the maximum rate of accrual in a two-year period. Leave will not be paid in lieu of taking vacation leave added to an employee's leave balance once they achieve the maximum accrual balance.

8.04.07 Vacation leave is customarily not granted during the initial employment period. Requests for leave during the initial employment period should be granted based on exceptional circumstances and will be approved by a Department Head.

• 8.04.08 Vacation leave must be scheduled and approved ~~one week in advance unless unusual circumstances are present. Supervisors are responsible for publishing and, must accommodate the City's maintaining work schedule. Department Heads are responsible for establishing center~~ vacation schedules. ~~If a desired leave conflicts with city requirements, the City's requirements are given first consideration. A~~ vacation leave request in excess of 10 working days must be submitted by the employee 30 days in advance ~~and must be approved by the Department Head or Chief of Police with concurrence of the City Administrator.~~

• ~~Employees must take vacation~~8.04.09 Vacation leave will be charged in ¼ hour (0.25 hour) increments of at least 4 hours or at the discretion of their Department Head. Vacation taken cannot. Vacation leave used may not exceed the balance that ~~which~~ has been accrued.

~~A regular full-time employee who is dismissed as a result of a reduction force~~8.04.10

Upon voluntary separation of employment, employees will be paid their the balance of unused accrued vacation leave at the hourly rate of pay the employee was earning at the time of separation.

8.04 SICK LEAVE

• 8.05.01 Regular full-time employees earn and may use sick leave benefits

starting on their date of employment. Temporary and part-time employees do not earn sick leave. Employees using sick leave are in paid status. Sick leave accrues at the employee's current following rate of pay.:

~~10 — Upon voluntary termination, a regular full-time employee who has completed at least six months of continuous employment will be paid for accrued and unused vacation leave up to the limit of their maximum allowable accumulation. No payment will be paid if employment is voluntarily terminated within six months of employment.~~

<u>Employee Type</u>	<u>Accrual Rate (hours per pay period)</u>	<u>Annual Accrual Amount</u>
<u>Regular Full-Time, Working 2080 annual hours</u>	<u>4.00 hours/PP</u>	<u>104 hours 13 days</u>
<u>Regular Full-Time, Working 2184 annual hours</u>	<u>6.00 hours/PP</u>	<u>156 hours 13 days</u>

8.05.02 Employees

~~11 — SICK ACCRUAL/LEAVE~~

• An employee may use ~~accrued~~ sick leave when ~~the employee is~~ absent from work due to:

- 1. Personal illness or physical or mental incapacity,
- 2. Medical, dental, or optical examinations or treatments,
- 3. Physical therapy if prescribed by a physician, or
- 4. Illness of immediate family member or any other relative of the employee who resides in the employee's household and requires the employee's personal care and attention.

~~Regular full-time employees are entitled to paid sick leave benefits from the employee's date of employment. Sick leave accrues at a rate of two (2) hours per work week. Employees do not earn sick leave while out on unpaid leave of any type for the entire pay period.~~ 8.05.03 Employees may accumulate an unlimited balance of sick leave – there are no sick leave caps. Accumulated sick leave balances are not paid to employees upon termination of employment.

~~12 —~~ 8.05.04 Requests to use Temporary and part-time employees do not earn sick leave.

~~Approval of sick leave for non-emergency medical, dental or optical appointments shall be reasons should be made and~~ secured at least one workday in advance. ~~In all other instances of use of sick leave, the employee, except for law enforcement, must verbally notify their Department Head not later than 15 minutes of their scheduled time on the first day of when possible.~~

• ~~8.05.05 Employees must inform their supervisor as soon as possible via phone call, text message or email that they will need to use sick leave and the expected duration of the absence unless emergency conditions exist. If the period of sick leave exceeds one day, the employee absence needs to be extended, employees must notify their Department Head within 15 minutes of their scheduled work time on a daily basis. Police personnel must notify the on-duty supervisor at least supervisor not later than four hours prior to the beginning of their next assigned scheduled shift.~~

• ~~8.05.06 Failure to provide the required notice may result in the employee being placed on into a leave-without-pay status and may result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave. Immediately upon. Upon returning to work and before the end of the pay period, employees who have been absent on sick leave must complete the required sick leave approval form.~~

~~8.05.07 Sick leave must will be taken charged in a minimum of 1¼ hour (0.25 hour) increments or at, not to exceed the discretion employee's normally scheduled hours for that day. The use of sick leave will not be considered hours worked in the calculation of overtime.~~

~~8.05.08 If a sick leave absence exceeds three days or if a pattern of sick leave abuse arises, a Department Head may request a written physician's note certifying the employee's illness or fitness for duty.~~

~~8.05.09 Abusing sick leave for purposes other than legitimate reasons outlined in this policy is prohibited.~~

~~8.05.10 If sick leave balances have been exhausted, employees may use vacation leave (if available) in lieu of un-paid leave.~~

~~8.05.11 When an employee is on vacation leave and an authorized reason for sick leave occurs, the employee may be granted sick leave for the duration of time needed to address the illness. Changes in leave type must be approved by the supervisor.~~

~~8.05.12 Supervisors shall notify Human Resources if an employee is absent for more than three consecutive days on sick leave or become aware of a potential FMLA eligible condition.~~

8.05 FAMILY AND MEDICAL LEAVE

8.06.01 General Policy.

1. The Family and Medical Leave Act of 1993 (FMLA) (including subsequent amendments) provides **eligible** employees the right to take an unpaid, job-protected leave of absence for specified family and medical reasons with a continuation of group health insurance coverage under the same terms and conditions as if they had not taken leave.
2. Eligible employees reporting back to work from FMLA leave are entitled to be returned to the same position the employee held before the FMLA leave started, or moved to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment as provided by the Act.
3. The Human Resources Department will implement FMLA leave administrative procedures consistent with this policy.

8.06.02 Family and Medical Leave – Eligibility and Qualifying Circumstances

1. In order to qualify for family or medical leave under this policy, employees must meet the minimum **conditions** in the ACT.
2. The 12-month eligibility period for leave will be computed as a **rolling 12 month period** measured backward from the date leave is used.
3. To qualify for family medical leave under this policy, leave may be granted for any one of the **reasons** listed in the Act.

8.06.03 Length of Qualified Leave

Eligible employees are entitled to up to 12 weeks of leave within a 12-month rolling period for reasons defined in the Act except for military care giver leave. Eligible employees are entitled to up to 26 weeks of military care giver leave as defined in the Act, within a 12-month rolling period.

8.06.04 Employee Status and Benefits During Qualified Leave

1. Employee Status

- Should the employees' circumstances change at any time during the FMLA leave period, or if an employee has decided or is otherwise unable to return from FMLA leave, immediate notice to the Human Resources Department is required.
- The City, periodically through the course of FMLA leave, may request the

employee to verify their intent to return to City employment and may require recertification or follow-up confirming the conditions of the medical qualifying event.

- The employee is responsible for providing appropriate documentation and responding to the City's requests. Failure to provide appropriate documentation may result in a denial of FMLA leave.

2. Employee Benefits

• Health Benefits

- While an employee is on FMLA leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. All Health payments will continue to be deducted from the employee's paycheck for as long as the employee remains in paid status.
- If an employee goes into leave without pay status, the employee must continue to pay the employee share of premiums. These may be deducted, where possible, from the paycheck issued just prior to commencement of the FMLA leave or paid directly to the City. In the event advance deductions or payments are not made, premiums will be deducted from the first full paycheck upon return to work. Pay cannot be reduced below minimum wage and therefore may require more than one pay period to recover payroll deductions.
- If at any time FMLA leave goes into unpaid status, the employee will be notified in writing and required to make the employee's share of the Health premium payment. The employee will then have a 30-day grace period in which to make the payment. If payment is not made within this timeframe, the employee's health care coverage may be cancelled, provide the City notifies the employee in writing at least 15 days before the date on which the healthcare coverage will lapse.

• Supplemental Life or Supplemental Insurance (AFLAC)

- Premiums must be paid during an employee's leave without pay.
- Payment must be received by the first of the month by cash, personal check or credit card, or through payroll deduction. The City will not advance premiums to the carrier if those premiums are not paid timely by the employee.
- If payment is not received by the due date, the employee must contact the carrier to determine status and continuation of coverage.

• Flexible Spending Account

- If the employee has elected to pay into a Flexible Spending Account, the amounts specified to be withheld each pay period must be continued at the originally designated rate for the duration of leave without pay.
- Since these deductions are withheld from pre-tax dollars, whenever possible, deductions will be made in advance of the employee going into leave without pay status.
- If funds are not available for these deductions to be taken in advance, all amounts will be deducted from the employee's first paycheck upon return to work. Pay cannot be reduced below minimum wage and therefore may require more than one pay period to recover payroll deductions. In the event an employee does not return to work all applicable deductions will be made from the employee's final paycheck.
- 457 Deferred Compensation Plan
 - If the employee has elected to contribute to a 457 Deferred Contribution Plan, contributions will be deducted as normal while in paid status.
 - If the employee goes into leave without pay status, all contributions will be discontinued for the period of leave without pay. Upon return to work, contributions will commence at the previously designated amount.
- TMRs Contributions
 - Leave without pay can affect TRMS service credit, as time spent in a non-paid status may not be considered creditable service for retirement purposes, depending on the length and circumstances of the leave.
 - All contributions will be discontinued for the period of leave without pay. Upon return to work, contributions will commence at the previously designated rates.

8.06.05 FMLA - Use of Paid or Unpaid Leave

1. An employee authorized for FMLA leave must use available sick leave and personal holidays prior to using leave without pay (unpaid FMLA leave). Employees may use vacation leave prior to using unpaid FMLA leave.
2. Once an employee elects to go into a leave without pay status (unpaid FMLA leave), they cannot later change their mind and decide to intermittently or in full use their vacation leave during the FMLA leave qualifying event.

8.06.06 FMLA - Intermittent Leave or Reduced Work Schedule

1. When intermittent FMLA leave is necessary and authorized due to the serious

health condition of the employee or qualified family member of the employee, the employee may take FMLA leave on an intermittent basis per processing increments of ¼ hour (0.25 hours).

2. An employee may request a reduced hours work schedule for the birth, adoption, or foster care of a child; however, reduced hour work schedule must be mutually agreed upon by both the City and employee and must be taken in a single block of time.

8.06.07 Certification of the Serious Health Condition

1. The City will use Department of Labor published forms for certification of serious health conditions.
2. If the certificate does not include all required information needed to make the FMLA leave eligibility determination, the City will contact the employee who will be responsible for obtaining the information from the health care provider within a reasonable length of time.
3. The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor selected by the City.
4. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. This third opinion will be considered final.

8.06.12 Certification of Military Related FMLA Leave

1. The City requires the employee to provide a copy of the covered military member's active-duty orders or other documentation issued by the military that indicates that the covered military member is on active-duty or called to active-duty status in support of a contingency operation, and the dates of the covered military member's active-duty service.
2. The employee must respond to requests for certification within 15 calendar days of notice or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of FMLA leave.

8.06.12 Responsibilities

1. Employees: It is the responsibility of the employee to promptly notify his/her supervisor of the request for time off required for family or medical reasons and to produce any required medical certifications within the time limits provided by the FMLA. If the employee intends to retain or use vacation leave in FMLA status, it is their responsibility to notify payroll in advance of the payroll processing.
2. Supervisors: It is the responsibility of the supervisor to notify Human Resources immediately once they become aware of requested leave due to family or medical reasons. If an employee calls-in sick for more than three consecutive

workdays, and the employee's supervisor becomes aware of a potential FMLA qualified leave, then the supervisor shall notify the Human Resources Department immediately.

3. Human Resources: It is the responsibility of the Human Resources Department to notify the employee of his/her eligibility to take a designated family medical leave of absence within five business days of the date an employee requests FMLA leave, or when notified by the supervisor.

- The City may, where information suggests an absence is a qualifying condition, initiate FMLA leave for employees. Such FMLA leave designation shall not be declined by the employee.
- If the supervisor is not aware of the reason for leave, or if the employee requests FMLA leave retroactively, leave may be designated retroactively only while the leave is in progress or within three business days of the employee's return to work.
- FMLA leave will only be considered for absences dating back no more than 15 days from the date the FMLA leave was approved by the City.
- Calls to either the supervisor or the Human Resources Department by persons other than the employee will be accepted when the employee or other person can demonstrate the employee was incapacitated due to a serious medical condition and not able to report.

8.06 EXTENDED LEAVE OF ABSENCE

8.07.01 General Policy

1. The City recognizes that there may be situations where an employee needs to take extended time away from work for personal reasons that may not be covered by sick leave, vacation leave, FMLA leave, ADA accommodations, worker's compensation or any other formal remedy.
2. Employees who have been employed by the City for at least two years may be eligible for an extended, unpaid leave of absence.
3. An extended leave of absence may be granted following the completion of a qualified FMLA leave.
4. Extended leave of absence request shall be made in writing to include a description of circumstances to the employee's Department Head. The request will be reviewed and may be approved by the City Manager.

8.07.02 Qualifying Extended Leave of Absence Circumstances

1. Sabbatical leave,
2. Treatment of health conditions or recovery from treatment,
3. Care for a family member with a serious health condition,
4. Education,
5. Family emergencies, or
6. Employee has not taken an extended leave of absence in the past five years.

8.07.03 Length and Employee Status During Extended Leave of Absence

1. Extended leave of absences may not exceed 90 days in duration.
2. Employees must exhaust their vacation leave before requesting an extended leave of absence and before entering unpaid status.
3. Accrued sick leave may be used and exhausted for health or health care related circumstances before entering unpaid status.
4. Employees in unpaid extended leave status may continue to receive City benefits such as Health benefits and supplemental insurance benefits so long as they pay the full premiums for said benefits (i.e. COBRA insurance coverage).
- *5. Employees wishing to end the extended absence leave early must give their Department Head at least two-weeks notice.

~~13 To receive sick leave pay for sick time taken that precedes or follows a holiday, a regular day off, a vacation day or some other form of excused absence, the Department Head feels that the employee's return to work may pose a health hazard or safety hazard to others or to the employee, or when deemed appropriate by the City Administrator, a written physician or hospital/clinic statement must be provided to the employee's Department Head upon return to work; otherwise, the sick time off will be unpaid.~~

~~14 Undocumented sick leave occurrences are limited to three (3) per calendar year (January 1 to December 31). Undocumented sick leave is when an employee does not provide a written physician or a hospital/clinic statement to support the use of sick leave. An employee having more than three undocumented sick leave occurrences during a calendar year will be required to take all additional undocumented sick leave in that calendar year without pay. Undocumented sick leave cannot be used for sick leave instances listed in Section 8.04.06.~~

~~6. Excessive use of sick leave without justification shall result in disciplinary action, including~~Upon return to work, employees will be reinstated to their position to include pay and benefits status.

~~15 Employment while on extended absence leave will be grounds for immediate dismissal.~~

~~16 Sick leave not used during the year in which it accrues, accumulates and is available for use in succeeding years.~~

~~8 For documented sick leave, an employee who has exhausted earned sick leave benefits may request to use accrued vacation, other paid leave, or may request leave of absence without pay. No advance of unearned sick leave benefits will be made.~~

~~9 When an illness or physical incapacity occurs during the time an employee is on vacation leave, sick leave may be granted by the Department Head to cover the period of~~

~~illness or incapacity, and the charge against vacation leave reduced accordingly.~~

Application for substitution must be supported by a medical certificate or other acceptable evidence.

- ~~7. Unused sick leave is canceled upon termination of of City employment without compensation to the employee.~~

~~16.00~~ **EXTENDED LEAVE FOR ILLNESS, MATERNITY, OR TEMPORARY DISABILITY**

~~This section applies to extended illness, extended maternity, or temporary disabilities which are not related to bona fide, on-the-job work-related injuries. Please see Chapter 10, Health and Safety, for information on absences resulting from those types of injuries.~~

~~16.01 Upon written approval of the employee's Department Head, an employee may use accrued sick leave and vacation leave for the purpose of paid absence from duty during an extended illness, extended maternity, or temporary disability. All accrued sick and vacation leave be must used prior to any requested leave without pay being granted.~~

~~16.02 During an unpaid leave of absence, an employee accrues no additional vacation leave or sick leave. Other benefits are retained during unpaid leave of absence unless otherwise prohibited by the terms or provisions of the benefit program. Medical insurance will be continued if the employee pays the premiums in full (including the City's share) in a timely manner.~~

~~16.03 An employee requesting a paid or unpaid leave of absence for extended illness, extended maternity, or temporary disability must submit to the Department Head a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties and the expected length of the recuperation period, as well as a written statement for the employee concerning his or her intentions about returning to work at the City.~~

~~16.04 An extended maternity leave must be taken in a continuous time period and may not be taken in intermittent periods (e.g., one week working and the next week on leave) or through a reduced work schedule (e.g., changing from 40 hours per week to 20 hours per week).~~

~~16.05 Eligible employees may take reasonable leaves of absence for adoption or placement of a foster child as determined by the Mayor.~~

16.068.07 MILITARY LEAVE

~~17 ——— 8.08.01 Employees who are qualified members of uniformed services, have applied for membership in the National Guarduniformed services, or Federal Reserve~~

~~components of have obligations to serve in the Armed Forces are uniformed services may be entitled to an extended leave of absence from their City duties, without loss of time, seniority, benefits, or salary, based on all days during which they are engaged in authorized training or duty ordered by proper authority, for not more than 15 working days in any one calendar year. Military leave in excess of 15 working days will be charged to vacation leave or leave without pay their uniformed services duties. The Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law defines uniformed services and eligibility requirements.~~

8.08.02 Eligible employees may use 15 calendar days of extended military leave per year for active duty, active-duty training, or inactive duty training. This can be extended under certain conditions in accordance with USERRA.

~~8.08.03 Employees shall not lose pay while on authorized extended military, reserve/guard training (leave, not to exceed 15 days annually). The City will reimburse employees for any short fall in compensation from military pay received and their monthly rate of City pay. Employees will provide the City documentation of all pay received while on reserve/guard duty extended military leave.~~

~~18 Regular employees who are ordered to extended active duty with the federal military forces are entitled to all of the re-employment rights and benefits provided by USERRA upon their release from active duty when submitting documentation of timely application, absence did not exceed 5 years, or no dishonorable discharge or other event causing loss of military benefits (Legal Reference: LGC 143.072)~~

~~19 Requests for approval of military leave must have copies of the relevant military orders attached. (Legal Reference: VTCA Government Code, Section 413.005; 28 US Code Ann. Chapter 43).~~

CIVIL 8.08.04 Employees performing eligible service in the uniformed services may continue coverage under the City's health plan for up to 24 months. The City will pay the premium through the end of the first month of eligible absence and the employee, if they wish to participate, will reimburse the City for the monthly premium (i.e. COBRA insurance coverage) for the remainder of the eligible absence.

8.08.04 An employee who has been absent from their City position due to qualified service in the U.S. Armed Services is eligible for reemployment if: the employee provided advanced notice of their service to the City; the cumulative service is five years or less; the employee timely returns to work or re-applies for work after the service; and the employee's separation or dismissal from service does not disqualify the employee. Human Resources shall consult with the City Attorney about each reemployment situation.

8.08.05 Returning service members have a set period of time in which to report back to work to preserve their reemployment rights. The City will accept a verbal or written notification as application to return to their City position. Application shall be made to the

Human Resources department. Employees who served more than 180 days must provide application not later than 90 days after completing service. Employees who served more than 30 days, but less than 181 days must provide application not later than 14 days after completing service, unless it is impossible or unreasonable for the employee to do so, in which case the employee must submit application not later than the next full calendar day after it becomes possible to do so. Employees who served less than 30 days must submit application not later than the second day of the first full, regularly scheduled work period.

19.008.08 CIVIC DUTY LEAVE

• 8.09.01 Employees are granted ~~civil~~civic duty leave with pay for jury duty, when subpoenaed to testify before a grand jury at a criminal trial, or in a civil case in which the City is a party ~~of and, for the purpose of voting if the employee's work schedule would otherwise prohibit travel to their voting place.~~ Any wage received for ~~service is to jury duty shall~~ be ~~reimbursed~~remitted to the City.

8.09.02 Employees are granted one (1) hour of civic duty leave to vote in a regular or special federal, state, or local election. Employees must coordinate with their supervisors before taking civic duty leave.

• 8.09.03 When an employee has completed ~~civil leave~~civic duty leave for the day, and the total accumulated time for civic duty and work time has not reached their normally scheduled work hours, they must report to the City for duty ~~for the remainder of the workday. If to complete the employee will~~remaining work hours, or take vacation leave to accumulate the required paid hours. Employees who expect to be absent from work for more than one workday on ~~civil~~civic duty leave, ~~they~~ must notify their ~~Department Head~~supervisor daily and at the beginning of the workday.

• 8.09.04 When an employee is absent for serving as an authorized subpoenaed witness or for jury duty, if asked by a supervisor they must provide documentation of actual time served ~~upon returning~~when they return to duty.

19.018.09 BEREAVEMENT LEAVE

~~In the event of a death in~~8.10.01 If an employee's ~~employee~~ experiences a family, ~~no more than three~~ member's death, the employee is authorized to take five working days ~~per funeral~~of paid leave to grieve and attend to necessary arrangements. Bereavement leave will be taken in consecutive days and ~~may be granted to full time employees by~~not be used intermittently. Employees may be asked to provide documentation supporting a bereavement leave request and if asked they shall present it to their Department Head ~~within five business days from the date they return to work.~~

• 8.10.02 Employees may supplement bereavement leave with additional paid or unpaid leave if extra time is needed. Additional time ~~(vacation, administrative, sick, or~~

leave-with-out pay) must~~shall~~ be approved by the City~~employee's Department Head.~~
~~Administrator in advance and will depend on the circumstance.~~

* 8.10.03 For purpose of funeral~~bereavement~~ leave eligibility, "family" only includes a spouse, child, parent, brother, sister, grandchildren, grandparent, child, grandchild, sibling, equivalent relations of a spouse (e.g. in-laws) or grandparents of employee. ~~It also includes any relative~~person in the employee's household who ~~is~~was dependent on the employee for care.

19.028.10 ADMINISTRATIVE LEAVE

The City ~~Administrator~~Manager may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

~~8.10 INJURY LEAVE~~

~~For information on occupational disability of injury leave for bonafide, on-the-job, work-related injuries. Please see Chapter 10; Health and Safety.~~

~~8.11 LEAVE OF ABSENCE WITHOUT PAY~~

~~8.12 Leave of absence without pay is an approved absence from duty in a non-pay status. Granting a leave of absence without pay is at the discretion and recommendation of the City Administrator and approved by the Mayor, but such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period and is based upon the employee's length of service with the City, past attendance record, the department's needs and prospect for temporary replacement of the employee or reassignment of the employee's duties.~~

~~8.13 Leaves of absence without pay will not be authorized unless all applicable accrued paid leave has been exhausted. Approval of leave and any extensions must be documented and placed in the employee's personnel or medical file, as appropriate.~~

~~8.14 A leave of absence without pay must be appropriate for the following reasons:
Recovery from extended illness, extended maternity, or temporary disability;
Educational purposes when successful completion will benefit the City;
National Guard, reserve training, and active military duty; or~~

~~Any other reason which, in the judgement of the City Administrator and the Mayor, merits a leave of absence without pay.~~

JOB

~~8.15 Employees on leave of absence without pay receive no compensation and accrue~~

~~no benefits. However, previously accrued benefits are retained during leave of absence unless otherwise prohibited by the terms or provisions of the benefit programs. Medical insurance can be continued if the employee pays the monthly premium (including the City's portion) in full.~~

~~8.16 An employee on extended leave must contact the appropriate Department Head at least once a week to report on their status unless another schedule is agreed to in writing. Failure to provide required medical status reports or to contact the office on the schedule required by the City may result in the City revoking the leave and taking disciplinary action up to and including dismissal.~~

~~8.17 The City ensures an employee's return to the same or equivalent position when they return from an authorized leave of absence without pay status. Upon returning to work after a leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflects the period of time that the employee used for the purpose of calculating leave accrual benefits.~~

~~8.18 A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting such leave was misrepresented, or has ceased to exist.~~

~~8.19 USING LEAVE IN COMBINATION~~

~~With the approval of the Department Head and the City Administrator, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the City and the employee.~~

~~8.208.10 ABANDONMENT OF POSITION~~

Unauthorized absence from work ~~for a period of exceeding~~ three consecutive ~~days~~workdays without ~~the employee~~ notifying ~~the City~~a supervisor or the Human Resources Department ~~will be~~ considered job abandonment and will be treated as a voluntary resignation. ~~Prior to dismissal for job abandonment, the Human Resources Department will make reasonable efforts to contact the employee to determine if there are mitigating circumstances (i.e. employee is incapacitated).~~ Exceptions due to mitigating circumstances ~~can only~~may be ~~granted~~approved by the City ~~Administrator~~Manager.