

~~5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT~~

5.00 PAYROLL

5.01 PAYROLL AND PAYDAY PROCEDURES

~~5.01.01~~ The City's pay period for the City is 14 days, or bi-weekly. The 14-day pay period starts at 12:00 am Monday and pay ends on the second Sunday at 11:59pm.

~~5.01.01~~ 5.01.02 Pay statements are issued the Friday following the end of the preceding pay period. Employee pay will be direct deposited on or before the Friday following the end of the pay period. Pay statements are confidential and may not be disbursed to anyone other than the employee.

~~5.01.03~~ Time sheets are due to the Finance Department ~~Heads~~ not later than 9:00 am Tuesday following the end of the pay period. Supervisors are responsible for submitting accurate, ~~total~~ employee time sheets ~~on all non-exempt.~~

~~5.01.04~~ Direct deposit is a mandatory condition of employment with the City. Exceptions to direct deposit and authorization for alternative payment methods will be approved by the Human Resources Director in accordance with Texas Labor Code Chapter 61 Payment of Wages.

~~5.01.02~~ 5.01.05 W2s will be distributed to employees ~~to the City Accountant not~~ later than 9:00 a.m. on January 31st after the Tuesday preceding the pay day ~~unless a holiday conflict tax year.~~

~~5.01.03~~ Any employee who has questions about the amount paid, any deductions from their paycheck, or who wishes to change the amount of income tax withholding shall contact the City Accountant.

~~5.01.04~~ All employees shall have their pay direct deposited.

~~5.01.05~~ The City Accountant shall be responsible for distributing required federal tax information forms to all employees during the month of January each year.

~~5.01.06~~ The annual council approved bonus pay shall be issued by paper check and distributed by December 20 of the fiscal year approved.

~~5.02 PAY STATEMENT DELIVERY~~

~~5.02.01~~ Pay statements are distributed by the City Secretary or by an individual delegated by the City Secretary as stated in 5.01.01. If a 5.01.06 The City will not make payday falls on a holiday, pay statements will be issued on the last working day preceding the holiday.

~~5.0202~~—Pay statements will not be disbursed to any other party other than the employee without prior written authorization from the employee.

~~5.0203~~ No pay advances or loans will be made to any employee for any reason. (Legal reference: Texas to employees. (Texas Constitution, Article III, Sections 51, 52, and 53)

5.035.02 PAYROLL DEDUCTIONS

~~5.0301~~ Deductions 5.02.01 Mandatory deductions will be made from ~~each employee's~~ an employee's pay for the following:

- ~~-1. Federal Income Taxes;~~income tax based on W4 elections,
- ~~-2. FICA Social Security and Medicare;~~taxes,
- ~~4. Texas Municipal Retirement System contributions;~~1.
- ~~3. The employee's portion not paid by the of group medical, dental and vision insurance premiums,~~
- ~~4. Court ordered garnishments, and~~
- ~~5. Required City reimbursements.~~
- ~~5.02.02 Voluntary deductions may be made from an employee's pay, with the employee's consent, for Group Dependent Medical/Dental premiums;~~the following:
 - ~~-1. Requested deductions by the employee for a city-approved deferred~~Deferred
compensation plan;contributions,
 - ~~Any other deductions required by law, such as legally directed garnishments;~~
 - ~~2. Such other~~Supplemental Life and AD&D insurance premiums,
 - ~~3. Flexible spending account or health savings account contributions,~~
 - ~~4. AFLAC supplemental benefits, or~~
 - ~~-5. Other deductions as may be authorized~~by the employee.

~~If 5.02.03~~ Employees are responsible for notifying the Human Resources Department when there is a change in the employee's are changes to their family status, address, or any other factor affecting their payroll withholding or benefits status.

5.03 CERTIFICATION, ~~the employee is responsible for obtaining, completing, and returning to,~~ STIPEND AND LONGEVITY PAY

~~5.0302~~ 5.03.01 Certain employees may be eligible for certification or stipend pay based on specialized certifications or specific skills proficiencies that align with the City's needs. The list of approved certifications and corresponding stipend pay will be maintained by Human Resources and reviewed and approved annually by the City Accountant the appropriate forms for communicating these changes Council as part of the budget approval

process.

~~5.04 PAY PLAN~~

~~5.04.01 Wages and salaries provided employees will be competitive in the job market served. A WAGE/SALARY and BENEFITS REVIEW will be made annually and provided to City Council for approval each year during the budget cycle. Texas Municipal League's comparative data and other available statistical data will be utilized in this review. At the discretion of City Council, types of pay include:~~

~~BASE PAY – The amount paid for completing the normally assigned tasks and duties associated with the position held by the employee.~~

~~BONUS PAY – City Council approved annual year-end bonus paid to all employees who are working as of September 30 of the year the bonus is received.~~

~~CALL BACK PAY – Non-exempt employees, except law enforcement, who are called back to work at other than normal working hours, shall be paid at the minimum four (4) hours pay. Non-exempt law enforcement employees shall be paid at the minimum two (2) hours pay. Hours worked as “call back” shall always be paid at the overtime rate.~~

~~COURT PAY – Law enforcement employees who are required to mandatory court appearance other than on their assigned work day shift shall be paid at the minimum two (2) hours pay at the overtime rate.~~

5.03.02 The City Manager will establish and maintain eligibility standards for certification and stipend pay.

5.03.03 [Effective October 1, 2025]

~~CERTIFICATION PAY – The hourly additive paid to the base pay of regular full-time police officers and public works employees possessing a job related certification beyond which is required as a condition of the employees employment or job description and is relevant to the position held.~~ Certification and stipend pay must ~~will~~ be approved by the

City Administrator: Certifications:

Groundwater Production B	.50 cents an hour; and
Water System Operator A	.50 cents an
hour; <u>prorated</u> and Wastewater Treatment Facility B	.50
cents an hour; and Wastewater Treatment Facility A	.50
cents an hour Police Intermediate Certification	.14
cents an hour; and Police Advanced Certification	.14
cents an hour; and Police Master Certification	.14 cents an hour

~~EDUCATION PAY – The hourly additive paid to the based~~ distributed each ~~pay of regular~~ full-time police officers possessing a college degree:

College Degree:

Associates	.48 cents an hour; or
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~~Bachelors .96 cents an hour~~

~~Law enforcement employees are entitled to either Certification or Education Pay not both.~~

~~EMERGENCY AND DISASTER PAY – Unless notified in advance by the City Administrator or Department Head, employees are required to report to work in city emergency/disaster conditions including, but not limited to, hurricanes, tornadoes, floods, ice storms, earthquakes, fires, chemical accidents including hazardous materials spills or any other disaster which threatens the safety/health or welfare of Fair Oaks Ranch's citizens. All city employees are considered Essential during emergency or disaster conditions.~~

~~Employees who request early dismissal from duty due to said conditions, shall be paid for the number of actual hours worked, and allowed to use accrued vacation or leave without pay if vacation leave is exhausted, to cover work hours missed during that work period. All employees shall use accrued vacation or leave without pay if vacation leave is exhausted, to cover a full day work time missed due to the emergency/disaster. The Mayor and/or City Administrator shall have the discretion to authorize employees to be released from their job duties with full pay.~~

~~All hours worked by non-exempt employees over 40 hours in a 7 day work period shall be compensated at the overtime rate at 1.5 times the normal rate.~~

~~FIELD TRAINING OFFICER – The hourly additive paid to the base pay to police officers designated as Field Training Officers; .50 cents an hour.~~

~~FIREFIGHTING PAY – Employees who volunteer with the Leon Springs Volunteer Fire Department (LSVFD) will be paid the following hourly additives to their base pay:~~

~~\$.50 cents – when accepted by LSVFD; and~~

~~\$.50 cents – attending and passing Fire Fighting School 1; and~~

~~\$.50 cents – attending and passing Fire Fighting School 2, 3, and 4; and~~

~~\$.50 cents – attending and passing Fire Fighting School 5 and 6; and~~

~~\$.50 cents – obtaining Fire Fighting Certification~~

~~To continue receiving the firefighting pay, the employee must attend all LSVFD scheduled meetings, unless they have obtained an excused written absence from the Fire Chief with a copy given to the City Administrator and, and must remain in good standing with LSVFD and the City.~~

~~HOLIDAY PAY – Every regular full-time employee shall be paid their normal hours of pay on all scheduled holidays. Any non-exempt call back employee who is called back on a holiday shall be compensated the callback pay in addition to holiday pay. Any “scheduled work” employee who works on a holiday shall be compensated at their normal rate in addition to holiday pay. Holidays are not considered in the same manner as “hours worked” under FLSA for the purpose of determining when the employee has worked more than the maximum allowable hours and is therefore not subject to overtime.~~

~~LONGEVITY PAY – The hourly additive paid for longevity to authorized employees based on a preset calculation by the City Council. Employees begin receiving longevity pay at the following fiscal year after achieving one year of servicethe annually authorized amount.~~

~~MERIT PAY—Merit increases will be considered annually as a part of budget review and if granted by the City Council, will be made effective the first full pay period in October of each year. Unbudgeted merit increases recommended during the fiscal year shall have City Council approval.~~

~~OVERTIME PAY—All non-exempt employees shall be compensated for overtime at 1.5 times the normal rate for hours worked in excess of 40 hours during a given 7-day work week. If an employee is required to work extra hours during a work week in which they have used sick leave, vacation leave, or any other type of leave (including holiday time off; excluding jury duty), the employee will be paid for the extra hours at the regular straight-time pay rate. However, if the extra hours worked are more than the number of leave time hours taken, the employee will be paid at one and one-half times the regular rate of pay for the number of extra hours worked in excess of 40 hours.~~

~~SICK PAY—The amount paid for approved sick leave that has been earned.~~

~~STANDBY PAY—An hourly additive given to non-exempt stand-by designated employees, excluding police, for being available to return to work 24 hours a day, 7 days a week.~~

~~VACATION PAY—The amount paid for approved vacation that has been earned.~~

~~WAGE CONTINUATION PAY—An employee who sustains an on-the-job injury that results in lost time shall receive up to one week of wage continuation pay. Wage continuation pay shall be the difference between the weekly Worker's Compensation insurance payment and the employee's base pay for one week.~~

~~5.04.02—Additive pays, as described above, are at the discretion of the City Administrator, as approved by City Council, and may be discontinued if not funded during a fiscal year.~~

5.05—PROMOTIONS

~~5.05.01—A promotion is a change in the assignment of an employee from a position in one classification to a position in a higher classification. A promotion recognizes advancement to a higher position requiring higher qualifications and involving greater responsibility. A promoted employee may receive a pay increase. No promotion shall be made solely upon the basis of seniority or longevity.~~

~~5.05.02—Promotions are approved by the Mayor with concurrence of the City Council.~~

~~5.05.03—Upon promotion, an employee serves an introductory period of 90 days.~~

5.06—DEMOTIONS

~~A demotion is a change in duty assignment of an employee to a lower job title. Demotions may be made voluntarily, may occur due to reclassification of an employee's position or~~

~~due to a disciplinary measure because of unsatisfactory performance in a higher position. Salary may be adjusted.~~

~~5.07 TRANSFERS~~

~~A transfer is the reassignment of an employee from one position to another. A transfer not involving a promotion or demotion may be affected at any time for administrative convenience or necessity, or upon request of the employee to the City Administrator, provided that the employee is qualified to perform the duties of the position to which the transfer is contemplated. Transfers between departments shall become effective following approval of the City Administrator.~~

~~5.08 PAY RAISES EFFECTIVE DATE~~

~~Any recommended salary adjustments during a fiscal year will begin to accrue on the first day of the next full pay period.~~

~~5.09 APPROVING AUTHORITY~~

~~The City Council is the approving authority for all payrolls granted under the terms of these policies, the pay plans, performance pay increases, and the annual budget.~~

5.03.04 [Effective October 1, 2025] Eligible employees will receive longevity pay each year on their employment anniversary date. Longevity pay will be issued as a lump sum and included in the payroll following the employee's anniversary date. The table of approved longevity pay amounts will be maintained by Human Resources and approved annually by the City Council as part of the budget approval process.

~~7.00 BENEFITS~~

~~7.01 MEDICAL, LIFE, AND LONG-TERM DISABILITY INSURANCE~~

~~7.01.01 The City of Fair Oaks Ranch provides group hospitalization, dental and medical insurance, long-term disability and life insurance for regular full-time employees. Employee premiums are paid for by the City and only a council-approved portion for dependent medical/dental premiums for employees opting for such coverage. Additional coverage cost payable by the employee through payroll deductions at the prevailing rate. Medical insurance coverage becomes effective first date of employment. Long-term disability insurance begins after a 120-day elimination period.~~

~~7.01.02 Upon employment, each regular employee will be given detailed information about the insurance programs and amendments as provided by the City's insurance carrier.~~

~~7.01.03 See Section 13.10; Continuation of Group Insurance for information on continued coverage after certain status changes.~~

~~7.02 125 PLAN~~

~~Through the I.R.S. Code, Section 125, the City sponsors a Flexible Spending Account Plan for its employees who pay premiums for dependent medical/dental care. This reduces the amount of the participating employee's taxable wages subject to Federal Income, Social Security, and Medicare taxes.~~

~~7.03 TEXAS MUNICIPAL RETIREMENT SYSTEM~~

~~7.03.01 The City is a member of the Texas Municipal Retirement System (TMRS), a non-traditional joint contributory, defined contribution plan. Membership in the retirement system is mandatory for all regular full-time employees (defined by TMRS as an employee who works in excess of 1,000 hours per year). Upon employment, each eligible employee receives a TMRS brochure about the retirement coverage and options under TMRS.~~

~~7.03.02 A salary percentage, as approved by City Council, is paid by all regular full-time employees and matched by the City. Employees will be kept informed when percentages change. Employee contributions are tax deferred until the employee receives the funds either as a refund upon termination of employment or as monthly retirement benefit.~~

~~7.03.03 Employees who leave the city employment prior to retirement will, after filing a request with TMRS, be refunded their portion of the retirement account plus interest earned on their portion.~~

~~7.03.04~~ Additional information about retirement is contained in Section 13.03; Retirement.

~~7.04—SOCIAL SECURITY/MEDICARE~~

~~All employees of the City are covered by Social Security/Medicare. The City contributes to the Social Security/Medicare System for each employee as required by law.~~

~~7.05—DEFERRED COMPENSATION~~

~~All City employees are eligible to participate in one or both of the Deferred Compensation plans the City offers. The programs follow the rules established by the Internal Revenue Service, Title 457. Participation is optional and the City does not match funds.~~

~~7.06—UNEMPLOYMENT COMPENSATION INSURANCE~~

~~All employees of the City are covered under the Texas Unemployment Compensation Insurance Program, and the City pays for this benefit. This program provides payments for workers when terminated under certain circumstances (Legal reference: V.T.C.S., Article 5221b-1). It is the employees responsibility to file for unemployment compensation with the State of Texas when terminated. Eligibility will be determined by the State and verified by the City on a case-by-case basis.~~

~~7.07—WORKERS' COMPENSATION~~

~~All employees of the City are covered under the Workers' Compensation Insurance Program, and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide on-the-job, work-related injuries (Legal reference: V.T.C.S., Article 8306-8309). Additional information on Worker's Compensation benefits is found in Section 10.04; On the Job Injuries.~~

~~7.08—LEAVE TIME~~

~~Regular full-time employees are eligible for holiday leave, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in Chapter 8; Leave Time of this manual.~~

~~7.09—CONFERENCE, SEMINAR, TRAINING~~

~~When a Department Head approves an employee to attend an educational or training course, conference, or seminar, the City will provide the necessary time off with pay and~~

~~will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals and lodging. See Chapter 17; **Travel/Subsistence Reimbursements** and Chapter 18; **Professional Development** for additional information.~~

~~7.10 SICK LEAVE POOL~~

~~7.10.01 The purpose of the Sick Pool is to assist employees who have a serious medical condition, with paid sick leave once they have exhausted all their holiday, sick, and vacation leave until they qualify for long term disability or return to work. Employee participation in the Pool is totally voluntary; but to be eligible to use the pool, the employee must be a pool member.~~

~~7.10.02 A pool member may contribute a maximum of eight hours per fiscal year to the Sick Leave Pool. When an employee leaves the employ of the City, they may contribute a maximum of 24 hours to the Pool prior to receiving their final paycheck. The City Accountant will be responsible for keeping records indicating the total number of hours accrued in the Sick Leave Pool.~~

~~7.10.03 A committee of employees to include the Police Chief, Public Works Administrator, City Secretary, one at-large employee, selected by a lottery system, and one City Council Member will be responsible for administrating the Pool. When an unexpected medical condition occurs which causes a member to use all of their accrued sick, holiday, and vacation leave they may request that the committee grant them additional sick leave time from the Pool. The committee will review the employees medical condition, sick leave usage history, length of time in the Pool and financial impact on the member in granting or denying request for sick leave from the Pool. The decision of the Committee is final. Being a member does not entitle the member to the benefit.~~

~~7.10.04 The City is not obligated to provide additional sick leave if there is no time accrued in the pool.~~

7.00 HARASSMENT

7.01 GENERAL

7.01.01 The City is committed to promoting an environment that is free of harassment and unlawful discrimination and requires all employees to complete an annual training course on harassment. The City recognizes that harassment based on sex (with or without sexual conduct), race, color, religion, national origin, age, disability or genetic information, is a violation of federal and state laws. Harassment is unwelcome conduct that is based on race, color, religion, sex, national origin, age, disability or genetic information. The City prohibits any harassment where:

1. Enduring the offensive conduct becomes a condition of continued employment, or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider to be intimidating, hostile, or abusive.

7.01.02 Each supervisor is responsible for maintaining their workplace free harassment. This duty includes discussing and enforcing this policy and procedure with all employees.

7.01.03 It is the responsibility of all employees to immediately report any violation or breach of harassment policies and to cooperate in any resulting investigation. Prompt notification to the City is essential. Employees will not be penalized in any way for reporting in good faith a harassment concern. The City prohibits employees from hindering an internal investigation or an internal complaint. Retaliation for harassment complaints is prohibited and is grounds for disciplinary action up to and including dismissal.

7.01.04 This policy applies to City employees, volunteers, contractors for the City, citizens, vendors, and other visitors to the workplace, work-related activities, events, conferences, travel as well as offsite city events and social gatherings.

7.02 SEXUAL HARASSMENT

7.02.01 Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a harassing nature. Such conduct includes but is not limited to the following when:

1. Submission to such sexual conduct is made a term or condition of an individual's employment,
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual (i.e., denial of a pay increase, promotion, transfer, leave of absence, imposing disciplinary action, promising to withhold disciplinary action, etc.).

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment,
4. Offering employment benefits in exchange for sexual favors,
5. Making or threatening reprisals after a negative response to sexual advances,
6. Leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, or posters,
7. Using sexually offensive jokes, materials, and tricks,
8. Using verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual,
9. Suggestive or obscene letters, notes, e-mails or invitations,
10. Physical conduct such as touching (pinching, hugging, patting, or repeated brushing against another individual's body), assault, impeding or blocking movement,
11. Gifts of a sexual nature given at the workplace or at anniversary parties, retirement parties, and other work-related functions. The workplace includes conferences, workshops, and traveling on City business, or
12. Threatening retaliation for reporting sexual harassment.

7.02.02 Any of the above conduct will be considered sexual harassment if the purpose or effect unreasonably interferes with an employee's work performance, or creates an intimidating, hostile or offensive working environment.

7.02.03 The City does not condone any form of sexual harassment of its employees. All employees, including supervisors and Department Directors, will be subject to strict discipline, up to and including dismissal, for any act of sexual harassment they commit.

7.02.04 The creation of an intimidating, hostile, or offensive working environment may include but is not limited to such actions as persistent comments on an employee's sexual preferences or the display of obscene or sexually oriented photographs or drawings.

7.02.05 Department Directors and supervisors will be held strictly accountable to being aware of what constitutes alleged sexual harassment, that they are observant for behaviors of sexual harassment, and they educate their subordinates on proper interpersonal conduct as it relates to sexual harassment. Department Directors and supervisors will immediately report to the Human Resources Department their knowledge of any incident or suspected incident of sexual harassment and actively participate in ensuring a working environment

free of sexual harassment. Failure to comply with these requirements will be considered a serious offense, subject to disciplinary action, including dismissal.

7.03 OTHER PROHIBITED HARASSMENT

7.03.01 In addition to the City's prohibition against sexual harassment, harassment or discrimination on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

7.03.02 Prohibited conduct includes, but is not limited to:

1. Epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others and third parties as offensive are wholly inappropriate and are strictly prohibited under this policy.
2. Bullying also constitutes a form of harassment and will not be tolerated. Cursing, demeaning, and/or personal ideas will not be conveyed upon employees for any reason. Any of these are grounds for discipline up to and including dismissal.
3. Sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

7.04 TRAINING

All employees are required to undergo annual harassment training. Supervisors will receive additional training on how to recognize and address complaints.

7.05 MANDATORY REPORTING

7.05.01 The City requires employees to report all perceived incidents of harassment, regardless of the offender's identity or position. The report need not be in writing and can be anonymous.

7.05.02 Employees who observe or believe they are the victim of harassment must report such conduct as soon as possible to management:

1. Supervisor or if the supervisor is the subject of the complaint, report to the Department Head, or
2. Directly to Human Resources Department.

7.05.03 Reports may be made verbally or in writing and should include as much detail as possible, including the names of those involved, dates, witnesses and descriptions of the behavior.

7.05.04 Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director or their designee and they shall immediately forward the complaint/report to the Human Resource Department. A complaint form is available from Human Resources or can be downloaded from the City's Intranet site under Human Resources Department.

7.05.05 Incidents of harassment should be reported within 48 hours so the City can undertake a prompt investigation. Employee notification to the City is essential. Employees will not be penalized in any way for reporting in good faith a harassment problem. All complaints of illegal discrimination or harassment will be promptly and thoroughly investigated, and violations of the policy will be treated as serious disciplinary infractions. All complaints of sexual harassment will be confidential and only those persons necessary for the investigation and resolution of the complaint will be given information concerning it. Retaliation for harassment complaints is prohibited and is grounds for disciplinary action up to and including dismissal.

7.05.06 A harassment claim should be presented to a supervisor or appropriate Department Head. If the complaint is against the Department Head, the claim should be presented to the Human Resources Department and/or City Manager. The claim will be promptly reviewed, investigated and the complaining party will be advised within limits of the disposition.

7.05.07 A substantiated report of harassment of any kind may result in disciplinary action up to and including immediate dismissal.

7.05.08 Any employee who knowingly or maliciously makes a false harassment complaint or report will be grounds for discipline up to and including dismissal.

7.06 RETALIATION PROHIBITED

Retaliation or reprisal against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited, regardless of the outcome. Acts of retaliation must be reported immediately as set out above.

7.07 RESPONSIVE ACTION

7.07.01 Misconduct constituting harassment or retaliation will be promptly investigated and if substantiated, the City will take prompt remedial and immediate action. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated, or when employees are untruthful during an investigation.

7.07.02 Complaint procedure for discrimination, sexual harassment and retaliation.

1. If any employee believes they are the subject of an employment action that is substantially motivated by unlawful discrimination or retaliation based on considerations of protected status (such as race, color, ethnicity, national origin, gender, sex discrimination (including sexual harassment)), age, disability, religious belief, or any other characteristic protected by state or federal law, that employee may, and should advise the offending person or persons that their behavior is unacceptable and should be stopped. Often this action will resolve the problem.
2. If such action does not resolve the concern or action is believed to be improper, then the employee should immediately report the matter to their supervisor or Department Head.
3. Employee complaints about City elected officials (Mayor or City Council) must be made in writing and filed with the City Manager and City Secretary. The City Secretary will provide a sealed copy of the complaint to the City Attorney or other outside legal counsel for the City, and to the Mayor.

7.07.03 Complaint Investigations. All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with an investigation and to maintain confidentiality. Failure to cooperate may result in discipline up to and including dismissal.

16.00 PERSONNEL FILES

16.01 GENERAL

16.01.01 Personnel files of active employees records are maintained in the ~~City Accountant's office. Additional police~~ Human Resources Department. Personnel files, when not directly supervised, will be kept behind a locked door and in a locked file cabinet or in a password protected, access-controlled system that restricts access to authorized personnel only.

16.01.02 The Police Department will maintain a separate file on each licensed officer as allowed by Texas Local Government Code § 143.089(g). The Police Department may keep copies of documents listed in Section 16.02 of this policy in the Police Department's licensed officer files as required by Texas Local Government Code § 143.089(a) and Texas Occupations Code § 1701.4535.

16.01.04 16.01.03 Medical related personnel records such as ADA accommodations, FMLA, workers' compensation claims, benefits enrollment, and disability claim records are confidential files maintained in the Police Chief's office. The record copy of all personnel information related to an employee shall be filed in the employee's by the Human Resources department. Paper versions of these records will be kept behind a locked door and in locked storage separate from other personnel file files. Electronic versions of these records must be securely stored in a password protected, access-controlled system that complies with data privacy laws and regulations and restricts access to authorized personnel only. When transmitting these records electronically, they must be encrypted using IT Department approved protocols and sent via secure methods such as encrypted email or a secure file transfer service.

~~16.01.02 Medical records are kept in a separate confidential file maintained by the City Accountant. (Legal reference: U.S. Americans with Disabilities Act of 1990).~~

~~16.01.03 Information in an employee's personnel file is public information and shall be disclosed upon request unless specific items are excepted from disclosure by law. (Legal reference: Texas Open Records Act, V.T.C.S., Article 6252-17a). No personnel information in an employee's file will be communicated to any person or organization except by the City Administrator~~

~~16.01.04 Employees may choose whether the City discloses their home address and telephone number to the public on request. If an employee does not request confidentiality in writing within the first 14 days of employment, the home address and telephone number on file are considered public information, with the exception of peace officers, whose addresses and telephone numbers are not public information (See Appendix C).~~

16.01.04 I-9 Employment Eligibility Verification records and supporting documents in paper form will be kept behind a locked door and in locked storage separate from other personnel records. Electronic versions of these records must be securely stored in a

password protected, access-controlled system that complies with data privacy laws and regulations and restricts access to authorized personnel only. I-9 related records may only be transmitted electronically after consulting the City Attorney's Office and the IT Department.

16.01.05 Unless exempted by law, some records contained in an employee's personnel file are subject to disclosure under the Texas Public Information Act.

~~16.01.05~~ 16.01.06 Employees may examine their personnel file upon request during normal working hours at City Hall. Employees may request copies of items or materials in their file but may not remove anything ~~any information~~ from the file.

~~16.01.06 When a~~ 16.01.07 Department Head ~~requires access to a~~ Heads may view a non-medical related personnel file of an employee under their supervision for the handling of personnel matters, ~~the City Accountant. The Human Resources Department will provide supervised access to the specific file(s). The file and any of its contents may not be copied, photographed or leave the Human Resources department.~~

~~16.01.07~~ 16.01.08 Employees ~~are required to inform their~~ will notify the Human Resources Department ~~Head and City Accountant~~ of any changes or corrections to information ~~recorded~~ contained in their ~~individual~~ personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

16.02 PERSONNEL ACTIONS FILE CONTENTS

~~All~~ The Human Resources Department will keep records of employee personnel actions ~~documented and placed in the employee's personnel file includes~~ files. The following documents ~~used to promote uniformity are maintained~~ in matters affecting:

- Employment Category
- Position Title and Classification
- Compensation and Benefits
- Other Actions Affecting the Employee Work Status

~~All~~ employee personnel actions ~~become a permanent part of the employee's personnel file, and a copy is given to the employee.~~ files and retained in accordance with the City's records retention policies:

~~16.03~~ CONTENTS OF PERSONNEL FILES

An employee's personnel file may contain, but not limited to:

- A copy of the employee's application/resume for employment;
- A signed copy of the employee's acknowledgment of receiving and reviewing

~~a copy of this manual;~~

~~— Election to keep confidential home address and home telephone number;~~

~~— Employee's job description(s);~~

~~— Performance Evaluation Records;~~

~~— Records of any Citations for Excellence or Awards For Good Performance;~~

~~— Records of Disciplinary Action(s);~~

~~— Copies of any Grievances and the Results;~~

~~— W-4 Forms;~~

~~— I-9 Forms;~~

~~— Any other pertinent information having a bearing on the employee's status;
and~~

~~— Policy and procedure forms requiring employee signatures~~

<u>Personnel File Records</u>
<u>Job description assignments, including employment categories and work status</u>
<u>Compensation and benefits change records</u>
<u>Application for employment documents, to include resume, written application and offer letter</u>
<u>Training records</u>
<u>Election to keep certain records confidential</u>
<u>Performance evaluations</u>
<u>Awards</u>
<u>Disciplinary actions</u>
<u>Grievances</u>
<u>W-4 withholding certificates</u>
<u>Employment agreements</u>
<u>Policy and procedure forms requiring employee signatures</u>
<u>Any other relevant records relating to employment decisions</u>
<u>Employment Eligibility Verification Records</u>
<u>I-9 and supporting documents</u>
<u>Medical Related Document Records</u>
<u>Workers' compensation claims</u>
<u>FMLA</u>
<u>ADA</u>