

3.00 HIRING PRACTICES

3.01 EQUAL EMPLOYMENT OPPORTUNITY

3.01.01 The City is an Equal Employment Opportunity Employer. The City does not discriminate against any employee or applicant in employment decisions based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or older), disability, veteran status, genetic information, or any other protected status in accordance with applicable federal, state, and local laws. This policy applies to all aspects of employment, including recruitment, hiring, training, promotion, compensation, benefits, discipline and termination.

3.01.02 Job vacancies are filled based on qualifications, merit, and business need.

3.02 MEDICAL EXAMINATIONS

3.02.01 Successful applicants for employment will be required, as a condition of employment, to take a medical examination after a conditional offer of employment but before commencement of duties. The purpose of this examination is to determine whether the candidate can perform the essential functions of the job, with or without reasonable accommodation. If the examination reveals that the candidate is unable to perform the essential job functions safely, even with reasonable accommodation, the conditional offer may be withdrawn.

3.02.02 Employees may be required to take a medical examination for other reasons when the examination is job-related or consistent with business necessity such as employee exposure to toxic conditions, an ADA accommodation request or if an employee is not able to perform the essential functions of their job.

3.02.03 All records relating to a medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. (U.S. Americans with Disabilities Act of 1990; Sec. 12112.d.3.B).

3.03 EMPLOYMENT OF RELATIVES (NEPOTISM)

3.03.01 Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring employees or awarding contracts is forbidden by the City.

3.03.02 No person related within the second degree by affinity (*marriage*), or within the third degree by consanguinity (*blood*) to the City Council, shall be appointed to any office, position or other services to the City. This prohibition does not apply to any individual who has been continuously employed by the City for at least one (1) year prior to the election of a related city official.

3.03.03 Employees may not directly supervise or be supervised by a member of their

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immediate family (spouse, child, stepchild, adopted child, parent, sibling, grandparent, grandchild, or anyone living in the same household as the applicant or employee). If a marriage or cohabitation places employees in violation of this policy, they will immediately disclose the matter to the Human Resources Department and mutually decide which one is to resign or if available, request reassignment. If both employees fail to make an election within thirty (30) calendar days of the disclosure, the City Manager will decide who to transfer or terminate based on the following factors:

1. Job performance history,
2. Disciplinary history,
3. Alignment of skills with organizational need, and
4. Workforce shortages in other job classifications.

3.04 AGE REQUIREMENTS

3.04.01 Individuals under the age of 16 will not be employed with the City. Individuals under the age of 18 will not be employed in any occupation that is considered hazardous, including jobs that involve heavy machinery, exposure to toxic substances, extreme temperatures, working at heights, working in confined spaces or any other duties deemed dangerous under federal or state labor laws.

3.04.02 Individuals under the age of 18 must have a signed Minor's Release Form from their lawful parent or guardian on file in the employee's personnel file prior to the first date of employment (U.S. Fair Labor Standards Act, 1938).

3.04.03 Other age limitations may apply as required by state or federal law.

3.05 VACANCIES

3.05.01 Department Heads will notify Human Resources when a job vacancy occurs or is projected in their department. The Department Head will create or will review and update the existing job description prior to posting for recruitment.

3.05.02 All vacant positions will be publicly posted on the City's online recruitment portal, accessible through the City's website. Internal recruitments will be announced internally by posting on the City's intranet portal and breakroom bulletin boards. All candidates must submit their applications through the City's online recruitment portal.

3.05.03 Appointments will be made to qualified individuals and will be made on the basis of merit and qualification factors identified in the job description such as skill, knowledge, education, experience, and ability to perform the specific job.

3.06 METHODS OF RECRUITMENT

3.06.01 The City will use any of the following methods for recruiting and selecting individuals to fill vacancies:

1. Promotion from within,
2. Lateral transfer from within,

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3. Internal announcement and competitive consideration of applications for employment, or
4. Public announcement and competitive consideration of applications for employment.

Department Heads will determine the method of selection to be used in filling each vacancy.

3.06.02 All job vacancies, whether posted internally or externally, will remain open for a minimum of five consecutive business days before any offer of employment is extended.

3.06.02 Current employees will not be discouraged from applying for vacancies which they believe themselves to be qualified.

3.06.03 The City will not recruit, nor will it accept, applications for employment unless a specific vacancy exists and a recruitment announcement has been posted.

3.06.04 Except for appointments reserved to the City Council by statute or ordinance, the City Manager has the authority to place individuals for City employment.

3.07 PRE-EMPLOYMENT TESTING

In addition to pre-employment drug screening and specialized tests for licensed police employees, the City may administer pre-employment screening tests to candidates as allowable by law and consistent with this policy and the required knowledge, skills and abilities identified in the job description.

3.10 PRE-EMPLOYMENT DRIVING RECORD AND CREDIT CHECK

3.10.01 Consistent with Chapter 11 Use of City Property, prospective City employees required to drive a vehicle or operate machinery or equipment as an essential function of their job will submit to a driving record check. The City will pay for the driving record check.

3.10.02 Driving offenses such as a recent DUI, reckless driving, hit-and-run, driving with a suspended license, and felony offenses involving a vehicle may lead to disqualification of employment.

3.10.03 Police department candidates and all other candidates for positions that involve handling money or managing finances are subject to a pre-employment credit check. A credit check authorization form must be signed by the applicant being considered for these positions.

3.10.04 Candidates will be notified of any adverse decisions in compliance with the Fair Credit Reporting Act.

3.11 VERIFICATION OF EMPLOYMENT ELIGIBILITY

Upon offer and acceptance of employment a new employee will be required to fill out and submit a Form I-9, Employment Eligibility Verification, to include presentation of acceptable documentation establishing their identity and employment authorization within three business days of commencing employment. Failure to complete and file the I-9 form by the close of the third business day of employment with the Human Resources Department will result in the employee not being able to continue working for the City.

3.12 DISQUALIFICATION

An applicant will be disqualified for employment if they:

1. Do not meet the minimum qualifications required to perform the job duties,
2. Knowingly made a false statement on the application form,
3. Committed fraud during the selection process,
4. Are not legally permitted to hold the position,
5. Have not provided proof of employment eligibility or legal work status in the United States,
6. Have offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process, or
7. Are not able to perform the essential functions of the position, with or without reasonable accommodation.

3.13 NEW EMPLOYEE ORIENTATION/IN PROCESSING

3.13.01 New employees must report to the Human Resources Department before reporting to their work center on their first day of employment. Human Resources staff will coordinate a report time with the new employee on their first day. Employees will fill out employment forms, receive a briefing on employee benefits and pay procedures and be shown where the City's Personnel Policies are electronically stored. Employees will read and acknowledge their understanding of City Personnel Policies within two weeks of employment.

3.13.02 Before new employees begin performing their job duties, they will be given a work center orientation by their supervisor and if necessary, assigned a trainer. The orientation shall address job performance standards, personal conduct standards, procedures for recording work time, a building facilities tour, an orientation to work center hazards and safety procedures, and introduction to other city employees and chain of command.

3.13.03 New employees will be given up to six months to acclimate to the job and work center. Supervisors will closely monitor job performance and immediately inform the new employee of any shortcoming in job performance or personal conduct.

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New employees who have previously worked for the City will start with a length of service of zero. After completing 24 consecutive months of uninterrupted service, their total length of service will be adjusted to include all prior months of service. At that point, they will begin accruing leave and other benefits based on their combined service time.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES

4.01.01 The City has three categories of employment:

Regular Full-Time: Regular full-time employees are individuals employed to authorized, permanent positions where the employee is scheduled to work, on average, more than 32 hours per work week. Regular full-time employees are eligible for all employee benefit programs offered by the City.

Regular Part-Time: Regular part-time employees are individuals employed to authorized, permanent positions and will be scheduled on average to work no more than 32 hours per week. Regular part-time employees are paid for holidays based on the prorated number of hours they would have worked if the holiday had been a regular workday. Regular part-time employees may be eligible to participate in the TMRS retirement program if their actual hours worked in a calendar year exceeds 1000 hours. Regular part-time employees are not eligible for any other benefits.

Temporary: Temporary employees are individuals hired to meet seasonal demands or complete specific projects for a defined period. Their employment may not exceed 1000 hours within a calendar year. Temporary employees are not eligible for benefits.

4.01.02 The City is an "at-will" employer. Both the City and the employee may terminate the employment relationship at any time, for any reason, with or without notice unless there is a specific agreement in place that dictates otherwise.

4.02 INITIAL EMPLOYMENT PERIOD

4.02.01 All new regular employees will serve an initial six-month employment period. This period allows for close observation of performance, provides support for adjustment to job responsibilities, and may result in dismissal if work standards are not met.

4.02.02 If a supervisor recommends dismissal of an employee in their initial employment period, the supervisor will coordinate this action with Human Resources and their Department Head and forward the recommendation to the City Manager for approval.

4.02.03 At the end of the six-month initial employment period, the supervisor will evaluate the employee using the City's Performance Evaluation form. If this period ends within 60 days of the City's regular evaluation cycle, the supervisor may choose not to conduct an annual evaluation.

10.00 HEALTH AND SAFETY

10.01 GENERAL

The City is committed to providing a healthy and safe working environment for its employees which includes identifying workplace hazards and taking preventive or corrective action to reduce harm.

10.02 SUPERVISORY RESPONSIBILITIES

10.02.01 Supervisors are responsible for identifying, documenting and assessing workplace and job-specific hazards.

10.02.02 Supervisors are responsible for ensuring that safety inspections and preventative maintenance are complete and up to date on City vehicles and equipment. Supervisors will keep a record of all inspections and maintenance on City vehicles and equipment in accordance with the City's record retention policies.

10.02.03 Supervisors will conduct safety training for employees on the identified hazards to ensure employees take proper precautions and follow safe work practices. Training will be conducted during the employee on-boarding process, when new hazards are identified, or as needed as part of ongoing safety efforts.

10.02.04 Supervisors will ensure employees wear appropriate protective clothing and equipment necessary for the work tasks.

10.02.05 Supervisors will require employees to immediately stop work until job-related hazards can be mitigated to an acceptable risk.

10.02.06 Supervisors will forward mishap or incident reports and all supplemental documentation up their chain of command who then will forward to Human Resources as soon as practicable.

10.03 EMPLOYEE RESPONSIBILITIES

10.03.01 Employees are responsible for conducting their work activities in a manner that prioritizes their own health and safety, as well as that of their co-workers.

10.03.02 Employees will report every on-the-job accident, no matter how minor, to their supervisor immediately.

10.03.03 Employees will wear safety equipment and take safety precautions as required by their supervisor. Employees who refuse to wear the required safety equipment or follow safety instructions will be subject to disciplinary action.

10.03.04 Employees shall report immediately to a supervisor any conditions that increase the risk of accident or injury to employees or visitors.

10.04 WORKERS' COMPENSATION

The Texas Workers Compensation Act requires the City to pay certain benefits to employees who are injured or develop illnesses on the job. The City provides workers' compensation insurance coverage for its employees. This insurance pays medical expenses and a portion of lost wages due to a work-related injury. The City's workers' compensation insurance provider is responsible for making compensability determinations, as well as keeping and transmitting records necessary to process claims. The City and their insurance carrier will administer workers' compensation claims in accordance with the law and this policy.

10.04.01 Employees who suffer a work-related injury should seek medical attention as soon as practicable from a medical provider that is in the City's workers' compensation carrier's health plan network. If an injury or illness is or becomes a medical emergency, employees should call 911 or seek care at the nearest emergency room. Human Resources will publish and maintain a list of in-network medical providers.

10.04.02 In the event of a verified workers' compensation claim, the City will cover 100% of the employee's lost wages during the initial seven (7) day absence resulting from the work-related injury or illness. During this period, the employee will be placed on paid administrative leave.

10.04.03 The City will supplement workers' compensation payments by covering a portion of the difference between the workers' compensation benefits received and the employee's regular base wage for up to 12 weeks or until Maximum Medical Improvement (MMI) is reached, whichever comes first. The employee's regular base wage will be determined by the insurance carrier according to their calculation methodology. The maximum weekly payment the City will make to supplement workers' compensation payments will be 30% of the employee's regular base wage not to exceed 30% of Texas' maximum weekly Temporary Income Benefits (TIBs).

10.04.04 For the period of compensation coverage, the City will continue to cover its portion of the premiums for health, dental, or life insurance, as selected by the employee, in the same manner as prior to the absence. The employee remains responsible for their portion of the premiums.

10.04.05 Employees will not accrue vacation or sick leave, nor will they be eligible for additional holiday pay while receiving workers compensation supplemental payments.

10.04.06 After the 12-week period in which the City covers the difference between an employee's compensation and their base wage, employees who continue receiving workers' compensation and have not reached MMI may use accrued sick leave or vacation leave to supplement their earnings, provided they remain eligible for continued employment under FMLA or other protected status.

10.04.07 When an employee sustains a work-related injury or illness that qualifies as a

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serious health condition under the Family and Medical Leave Act (FMLA), the City will designate the leave as FMLA and workers compensation will run concurrently. Employees must comply with all FMLA and workers' compensation requirements including providing necessary medical documentation and follow return-to-work rules.

10.04.08 The City will make every effort to prevent financial hardship for employees with an approved worker's compensation claim due to missed or delayed insurance payments. If the City issues payments to employees in advance of insurance coverage, the employee will reimburse the City for the covered amounts.

10.04.09 Once employees are medically cleared by a physician to return to work, either in a full or limited capacity, they must report to work on the next business day. Failure to do so will be considered an unexcused absence in accordance with Chapter 8 Leave.

10.04.10 Return to Work. Before returning to work, an employee must provide the Human Resources Department with a written statement from an appropriate physician confirming their release and specifying the type(s) of work they can perform, along with any limitations. The Human Resources Department will assess the employee's physical condition to determine whether they can resume their previous duties. If the employee is unable to perform their prior duties, and no suitable vacancy or alternative position is available despite reasonable placement efforts, the employee will be separated and compensated for any authorized accrued benefits.

10.04.11 Light Duty Assignment During Workers' Compensation Absence. If an employee on workers' compensation absence is released by their doctor for light duty, the City will evaluate the employee's position and available alternative assignments to determine whether a suitable light duty role is available for an interim period. If no appropriate light duty assignment is available, the employee will be placed on inactive status until they receive full medical clearance from their doctor and workers' compensation to return to their previous position. Employees approved for light duty may be assigned to a different department and required to perform tasks outside their current job classification.

10.05 DRUG AND ALCOHOL-FREE WORKPLACE

10.05.01 The City is committed to maintaining a drug and alcohol-free workplace. Employees are prohibited from using, possessing, distributing, or being under the influence of alcohol, illegal drugs, or unauthorized controlled substances while on duty, on City premises, or when representing the City. This policy is designed to comply with all applicable laws, respect employees' privacy rights, and provide necessary support for those seeking assistance with substance-abuse related issues.

10.05.02 Privacy and Confidentiality. The City respects the privacy of its employees and will handle all matters related to drug and alcohol testing, treatment, and accommodations with strict confidentiality. Information regarding drug or alcohol testing results or participation in a rehabilitation program will only be disclosed to authorized personnel on

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a need-to-know basis or as required by law.

10.05.03 Mandatory Post-Accident Drug and Alcohol Testing. Employees involved in workplace accidents that result in injury requiring medical attention, property damage, or where there is reasonable suspicion of impairment will be required to undergo drug and alcohol testing. Testing will be conducted as soon as possible following the accident. Employees will be on paid administrative leave status while awaiting the results of post-accident drug and alcohol testing. Employees who refuse testing or fail to cooperate will be subject to disciplinary action, up to and including termination.

10.05.04 Reasonable Suspicion Drug and Alcohol Testing. If a supervisor has reasonable suspicion to believe that an employee is under the influence of drugs or alcohol while on duty, they must immediately document the observed behavior or circumstance and notify the Human Resources Department. Reasonable suspicion must be based on specific, articulable facts, such as:

1. Observable signs of impairment (e.g., slurred speech, unsteady movements),
2. Erratic or unusual behavior,
3. The odor of alcohol or drugs,
4. Possession of drugs, drug paraphernalia, or alcohol, or
5. Reliable reports or admission of use.

The Human Resources Department, after reviewing the documented observations, may proceed with testing. Employees who refuse testing or fail to cooperate will be subject to disciplinary action, up to and including termination.

10.05.05 Compliance with ADA and Other Legal Protections. The City recognizes its obligations under the Americans with Disabilities Act (ADA) and other applicable laws. Employees recovering from substance use disorders may be eligible for reasonable accommodations if they are actively participating in a treatment program and are not currently engaging in the illegal use of drugs. Requests for accommodations will be considered on a case-by-case basis, in accordance with legal requirements.

10.05.06 Consequences of Policy Violations. Violations of this policy, including refusal to comply or cooperate with testing requirements or failure to complete required treatment programs, may result in disciplinary action, up to and including termination. Employees who believe they have a substance abuse problem are encouraged to seek help proactively before violations occur.

10.05.07 Employee Assistance and Support. The City encourages employees to seek help to address substance use issues through Employee Assistance Programs (EAPs) or other available resources. Employees who voluntarily seek assistance before a violation occurs may do so without fear of retaliation. However, seeking assistance will not exempt employees from compliance with workplace performance and safety standards.

10.06 PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING

10.06.01 All prospective employees will undergo drug and alcohol testing as a condition

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of employment. This policy applies to all candidates receiving a conditional offer of employment and is designed to comply with applicable federal, state, and local laws, including requirements for adverse action notifications.

10.06.02 Testing Requirements. All candidates who receive a conditional job offer must complete a drug and alcohol test at a designated testing facility. Failure to complete testing within the specified timeframe or refusal to submit to testing will result in the withdrawal of the conditional offer. Testing will screen for illegal drugs and controlled substances.

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11.00 USE OF CITY RESOURCES

11.09 REPORTING ACCIDENTS, INCIDENTS OR INJURIES

11.09.01 All workplace accidents or incidents shall be immediately reported to Human Resources. The City Manager shall maintain efficient accident and incident reporting systems and procedures.

11.09.02 Employees will get a police report for all accidents where they were involved in an incident or accident as a driver conducting city business which resulted in either: damage to a City-owned vehicle; damage to a non-City-owned vehicle; damage to City or personal property; or injuries to any vehicle occupant or bystander involved in the accident. Police reports will be forwarded to the Human Resources Department.

11.09.03 All workplace accidents, incidents or injuries causing property damage exceeding \$1,000 and and/or the filing of a workers compensation claim shall be investigated by the Accident Investigation Advisory Board. Drug and alcohol testing shall be performed on any employee involved in an accident in accordance with the Drug/Alcohol Tests policy.