

3.00 HIRING PRACTICES

3.01 EQUAL EMPLOYMENT OPPORTUNITY

~~No discrimination will be allowed against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based upon a person's race, age, religion, color, disability, national origin, sexual orientation, or gender.~~

~~3.02 PHYSICAL STANDARDS~~

~~3.0201 The City of Fair Oaks Ranch will not discriminate in its employment and personnel practices for any physical or mental disabilities and will adhere to the spirit and intent of the American With Disabilities Act. However, once an employment offer has been made, all employees will be required to have a physical examination, including drug testing, as a condition of employment with the cost of the physical examination paid by the City.~~

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unable to perform the essential job functions safely, even with reasonable accommodation, the conditional offer may be withdrawn.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.

~~3.0202~~ 3.02.03 All records relating to ~~the~~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. (~~Legal reference:~~ U.S.

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Americans with Disabilities Act of 1990; Sec. 12112.d.3.B).

3.03 EMPLOYMENT OF RELATIVES (NEPOTISM)

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

~~3.03.02~~ 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 ~~(See "Chart of Relationships" at end of this chapter).~~ This prohibition ~~shall~~does not apply ~~however,~~ to any ~~person~~individual who ~~shall have~~has been continuously employed by the City for ~~a period of at least~~ one (1) year prior to the election of any related city official ~~so related to him or her~~.

~~3.03.03~~ 3.03.03 Employees may not directly supervise or be supervised by a member of their immediate family (~~defined as:~~ spouse, child, stepchild, adopted child, parent, sibling, grandparent, grandchild, ~~spouse of any of the foregoing,~~ or anyone living in the same household as the applicant or employee). ~~In the event that the~~ a marriage or cohabitation ~~of places~~ places them in violation of this policy, they will ~~be given~~immediately disclose the ~~opportunity~~matter to the Human Resources Department and mutually decide ~~between themselves~~ which ~~of them~~one is to resign or if available, request reassignment. If ~~the both~~ employees fail to make ~~this an~~ election within thirty (30) calendar days of the disclosure, the City ~~Administrator~~Manager will ~~determine which employee will be transferred~~decide who to transfer or ~~terminated~~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

~~Persons~~3.04.01 Individuals under ~~16 years of the~~ age of 16 will not be employed with the City. Individuals under the age of 18 will not be employed in any ~~full-time regular~~ position. ~~Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective employee 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 18 years federal or state labor laws.~~

~~3.04.01~~ 3.04.02 Individuals under the age of age 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 (~~Legal reference: Child Labor Regulations, Subpart C, U.S. Fair Labor Standards Act of, 1938~~).

~~3.04.02~~ 3.04.03 Other age limitations ~~will~~may apply ~~only~~ as required by state or federal law ~~applicable to the City (Legal reference: U.S. Age Discrimination in Employment Act 1967).~~

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3.05 VACANCIES

~~3.05.01~~ 3.05.01 Department Heads ~~shall~~will notify ~~the City Administrator~~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 ~~filed with the City Secretary to determine if it needs updating~~ prior to posting/publicizing the vacancy for recruitment.

~~3.05.02~~ When a job vacancy has been determined, copies of the applicable job description and City employment applications will be available at City Hall.

~~Vacancies are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the best qualified persons are made only on the basis of occupational qualifications and job-related factors.~~ 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~~ 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/PUBLIC POSITION ANNOUNCEMENTS

3.06.01 The City ~~has four~~will use any of the following methods ~~offer~~or recruiting and selecting ~~persons~~individuals to fill vacancies: ~~4)~~

- ~~1. promotion from within,~~ 1. promotion from within,
- ~~2. lateral transfer from within,~~ 2. lateral transfer from within,
- ~~3. Internal announcement and competitive consideration of applications for employment,~~ 3. Internal announcement and competitive consideration of applications for employment, or
- ~~4. Public announcement and competitive consideration of applications for employment. 4) selection from a valid current eligibility list (applications for the same or similar position which was received within the last year). The City Administrator and Mayor~~ 4. Public announcement and competitive consideration of applications for employment.

~~3.06.01~~ Department Heads will determine the method of selection to be used in filling each vacancy.

~~3.06.02~~ Job ~~3.06.02~~ All job vacancies ~~will be, whether~~ posted internally or externally, will remain open for a minimum of five consecutive business days ~~on the City Hall and Police Station employee bulletin boards prior to any external offerings before any offer of employment is extended.~~

~~3.06.03~~ 3.06.02 Current employees ~~may apply~~will not be discouraged from applying for ~~positions for vacancies~~ which they believe themselves to be qualified ~~as vacancies occur or new positions are established.~~

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~~3.06.04~~ 3.06.03 The City ~~does will~~ not recruit, nor will it accept applications for employment unless a specific vacancy exists. ~~Persons wishing to apply for a job with the City when a specific vacancy does not exist will be informed of this policy and may return to file an application at any time an advertised vacancy exists for the position they are considering, and a recruitment announcement has been posted.~~

~~3.06.05~~ 3.06.04 Except for appointments reserved to the City Council by statute or ordinance, the City ~~Administrator~~Manager has the authority to ~~select and employ all city employees~~place individuals for City employment.

~~3.07~~ APPLICATION FOR PRE-EMPLOYMENT

~~Each applicant for employment is required to submit a written application on the City's official application form. The City may take appropriate inquiries to verify experience, character, and suitability of each applicant. Care will be taken to avoid discriminating or inappropriate questioning throughout the application process.~~

~~3.08~~ QUALIFICATIONS

~~The City maintains a job description which establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position. The City Administrator may establish and periodically review an official job description. Job descriptions are filed with the City Secretary.~~

~~3.09~~3.07 TESTING

~~In addition to pre-employment drug screening and psychologicalspecialized tests for certifiedlicensed police employees and any other, the City may administer pre-employment screening tests that may be to candidates as allowable by law and consistent with this policy and the required by state law, the only performance tests administered for employment or promotion may be word processing and data entry tests, where applicable, or specificallyknowledge, skills and abilities identified in the job-related tests (e.g., operating equipment, tabulating columns of numbers, writing samples, physical agility) description.~~

~~3.10~~ PRE-EMPLOYMENT DRIVING RECORD AND CREDIT CHECK

~~Every city employee who is~~3.10.01 Consistent with Chapter 11 Use of City Property, prospective City employees required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe machinery or equipment as an essential function of their job will submit to a driving record. ~~For this reason, the City will check a prospective employee's. The City will pay for the driving record prior to offering employment and the City may recheck an employee's check.~~

3.10.02 Driving offenses such as a recent DUI, reckless driving record as needed after

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employment if the employee is required to operate vehicle or piece of equipment on city business, 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-~~EMPLOYMENT~~

~~In order to comply with the Immigration Reform and Control Act of 1986, each employee is require to complete and sign an INS Form I-9 within three days of their first day of employment to provide proof of their identity and 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 ~~do~~:

1. Do not meet the minimum qualifications ~~for performance of~~required to perform the job ~~duties of the position involved, knowingly has,~~
2. Knowingly made a false statement on the application form, ~~has committed~~
3. Committed fraud during the selection process, ~~is~~
4. Are not legally permitted to hold the position, ~~does~~
5. Have not ~~provide~~provided proof of ~~citizenship~~employment eligibility or legal work status in the United States, ~~has~~
6. Have offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process, or ~~is not able to perform the essential functions of the position, with or without reasonable accommodation.~~
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 ~~City Accountant~~ Human Resources Department before ~~or during~~ reporting to their work center on their first day of employment to. Human Resources staff will coordinate a report time with the new employee on their first day. Employees will fill out employment forms, ~~to discuss~~ receive a briefing on

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employee benefits and pay procedures and ~~to receive be shown where~~ the City's Personnel Policies ~~which the employee is to~~are electronically stored. Employees will read and acknowledge their understanding of City Personnel Policies within two weeks of employment.

~~3.13.02~~ 3.13.02 Before ~~a new employee begin~~employees begin performing their job duties, they will be given ~~an~~a work center orientation by their ~~Department Head which will enable the new employee to understand better their job and the relationship of the job to the overall operation of the City.~~supervisor and if necessary, assigned a trainer. The orientation shall address, ~~at a minimum, the following topics: expected job performance standards of job performance and~~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 supervisory relationships chain of command.

~~3.13.03~~ 3.13.03 New employees ~~shall~~will be given up to ~~three~~six months to acclimate to the ~~standards required to complete their assigned job.~~ Department Heads are to 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 ~~as they occur. Regular meetings shall be held between the employee and the Department Head so as to assess the employee's progress. All employees are "at-will" both during and after their initial three months period.~~

3.14 PRIOR SERVICE WITH CITY

~~Employees with prior service with the City, who are rehired will be treated as new hires, as far as benefits are concerned. However after two (2) years of continued service, after being rehired, any prior service will be bridged for benefit accruals of vacation and retirement. 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.~~

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4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES

~~There are~~4.01.01 The City has three categories of employment ~~with the City of Fair Oaks Ranch::~~

Regular Full-Time: A regular~~Regular~~ full-time ~~time~~ employees are individuals employed to authorized, permanent positions where the employee is ~~one who is employed to hold an authorized position that requires~~ scheduled to work, on the average, a 40-hour ~~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: A regular~~Regular~~ part-time ~~employee is one who is~~ employees are individuals employed to ~~hold~~ authorized, permanent positions ~~but does not exceed thirty-two hours work 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 daily scheduled hours, for holidays hours, they would have worked if such the holiday occurs during their normal work schedule. had been a regular workday. Regular part-time employees will not be afforded~~ 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~~ employees are individuals hired ~~for to~~ meet seasonal demands or complete a specific projects ~~for a specified~~ defined period of time. ~~These. Their employment may not exceed 1000 hours within a calendar year. Temporary employees will~~are not ~~be afforded any eligible for~~ benefits.

4.01.02 The City is an "at-will" employer. Neither length of employment nor categorization as any type of employee shall be construed as to create an expectation of continued employment. 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 ~~INTRODUCTORY~~INITIAL EMPLOYMENT PERIOD

4.02.01 All new regular employees are introductory for a will serve an initial six-month employment period of ninety (90) days. The. This period will be used to closely observe the employee's work, to assist the employee in effectively adjusting to their work assignments, and to dismiss allows for close observation of performance, provides support for adjustment to job responsibilities, and may result in dismissal if work standards are not met.

~~4.02.01—4.02.02~~ If a supervisor recommends dismissal of an employee ~~whose performance does not meet the required work standards.~~

4.02.02 During the introductory~~in their initial employment~~ period, the supervisor will

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coordinate this action with Human Resources and their Department Head reports and forward the recommendation to the City Administrator on the employee's work, ability to perform the duties satisfactorily, attitude, habits, and dependability Manager for approval.

~~4.02.03 At any time during the introductory period, a new employee may be dismissed if, in the Department Head's opinion, with the concurrence of the City Administrator and with the Mayor's authorization, the employee is either unable or unwilling to perform his duties; or if the employee's dependability does not merit continuance of employment; or for other reasons as provided elsewhere in these policies.~~

4.02.04 4.02.03 At the end of the three six-month introductory initial employment period, the supervisor will evaluate the employee using the City's Performance Evaluation form. If this period, each new employee shall receive a personal ends within 60 days of the City's regular evaluation and interview by the Department Head cycle, the supervisor may choose not to conduct an annual evaluation.

~~Temporary employees are employed at will and may be dismissed without notice at any time during their employment, for any reason or no reason.~~

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10.00 HEALTH AND SAFETY

~~10.01 SAFETY POLICY~~

~~10.01~~ It is the policy of the ~~GENERAL~~

The City is committed to make every effort to provide healthful providing a healthy and safe working conditionsenvironment for all of 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.

~~10.02~~10.03 **EMPLOYEE RESPONSIBILITIES AND REPORTS**

~~10.02.01~~ 10.03.01 Employees are responsible for conducting their work activities in a manner that ~~is protective of~~prioritizes their own health and safety, as well as that of ~~other employees. When an individual accepts a position as an employee of the City, they are accepting the normal risk of physical harm or injury associated with that position~~their co-workers.

~~10.02.02 An employee must~~10.03.02 Employees will report every on-the-job accident, no matter how minor, to their ~~Department Head immediately. The Department Head is responsible for filing all appropriate reports immediately with the City Administrator.~~supervisor immediately.

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~~10.02.03 It shall be the duty of all employees and the responsibility of all Department Heads to insure that all employees~~ 10.03.03 Employees will wear the appropriate safety equipment, and take safety precautions as required by their supervisor. Employees who refuse to wear ~~such~~the required safety equipment or follow safety instructions will be subject to disciplinary action.

~~10.02.04 Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.~~

~~10.02.05 It is the responsibility of all Department Heads to insure that safety inspections and timely preventive maintenance is completed on all City vehicles, City equipment, and on City-owned facilities. The Public Works Administrator and Police Chief shall keep a record of all preventative maintenance on vehicles and equipment.~~

~~10.03 EMPLOYEE SUGGESTIONS~~

~~10.03.01~~ 10.03.04 Employees shall report immediately to ~~their Department Heads~~a supervisor any conditions that ~~in their judgment threaten~~increase the health and safety ~~risk~~of accident or injury to employees or visitors.

~~10.04 Employees are encouraged to make suggestions to their Department Heads for improvements that would make~~ WORKERS' COMPENSATION

~~10.03.02 The Texas Workers Compensation Act requires the City work place safe to pay certain benefits to employees who are injured or more healthful.~~

~~10.04 ON-THE-JOB INJURIES~~

~~10.04.01 Insurance develop illnesses on the job. The City provides Workers' Compensation Insurance for all of workers' compensation insurance coverage for its employees. This insurance pays medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work portion of lost wages due to a work-related injury for more than five (5) working days.~~

~~10.04.02 Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury will seek medical attention immediately at a medical facility or doctor that accepts Texas Works' Compensation Claims. No reimbursement of medical claims will be made if an employee chooses to attend a non-TWC facility or doctor for treatment. The injured person may be accompanied by a City employee.~~

~~10.04.03 Compensation. If a bona fide, on-the-job, work-related injury occurred, the City will pay the employee's first weeks salary, before the insurance company begins their compensation payments. If the insurance company reimburses the employee for the first week, the employee will reimburse the City for that amount.~~

~~After one years continuous service by regular full-time employees, or at the discretion of the City Administrator or the Mayor, the City will pay the difference between Workers' Compensation Insurance payment and the employees regular salary up to three (3)~~

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months.

~~For regular full time employees with less than one years continuous service and for employees on WC after three months who have sustained a bona fide, on-the-job, work-related injury which renders them unfit for performing their job duties, and have elected to receive Workers' Compensation payments, the employee may, at their option, use any accumulated vacation and/or sick leave time to provide additional City's workers' compensation above the Workers' Compensation payment in amounts which, when added to the Workers' Compensation payments, equal 100 percent of the employee's take-home pay (the employee's gross salary minus income tax and social security deductions).~~

~~10.04.04 An employee receiving Workers' Compensation payments does not accrue vacation or sick leave and is not entitled to receive either additional holiday pay or other benefits.~~

~~10.04.05 Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work or his eligibility expires. Duration of injury leave will be consistent with the Worker's Compensation guidelines.~~

~~10.04.06 Termination of Injury Leave. Injury leave with pay may be terminated at any time, without prior notice, upon receipt of evidence that the employee, while released to return to work, has not done so.~~

~~10.04.07 Continuation of Group Insurance. The City will continue to pay the City's portion of the premium of health, dental or life insurance (as chosen by the employee) in the same manner as prior to the injury leave for a period of time not to exceed 90 days for an employee on injury leave. The employee insurance provider is responsible for the employee's portion of the chosen insurance. The employee must pay the City the employee's portion on the first of the month for that month's coverage. To continue insurance after the 90th day, unless the City extends the period, the employee must pay both the employee's and City's portion of the insurance premiums by the first of the month 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.~~

~~10.04.08 Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, acts of God except in certain limited circumstances (i.e., assigned official duty during a hurricane, lightening storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay. (Legal reference: Workers Compensation Act, VTCS, Article 8308)~~

~~10.04.09 Reporting. While on leave because of a bona fide, on-the-job, work-related injury, the employee must provide a progress report to their Department Head on a monthly basis. Failure to do so or to contact the City Administrator on schedule is grounds for revoking the employee's leave and for taking disciplinary action.~~

~~Return to Service. A10.04.01 Employees who suffer a work-related injury should seek~~

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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 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.

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~~10.04.10~~ 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 certifying that the employee has been released to return to work confirming their release and specifying the type(s) of work they are capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of the employee's attending physician. Failure to return to work when directed will result in appropriate disciplinary action. The City will evaluate the employee's can perform, along with any limitations. The Human Resources Department will assess the employee's physical condition and to determine whether they can perform the resume their previous duties previously held. If the employee cannot is unable to perform their previous prior duties, or and no vacancy exists, or no other suitable vacancy or alternative position is available, and a despite reasonable effort has been made to place placement efforts, the employee in a suitable position, then they will be separated and paid compensated for any authorized accrued benefits.

~~10.04.11~~ 10.04.11 ~~Light Duty Assignment.~~ During the course of an occupational disability leave of absence, if During Workers' Compensation Absence. If an employee on workers' compensation absence is released by their doctor for light duty, the employee's job or City will evaluate the employee's position and available alternative job assignment(s) will be evaluated for a determination of assignments to determine whether a positionsuitable light duty role is available in which the City can use the employee's limited services for an interim period of time. If no acceptable appropriate light duty assignment can be found is available, the employee will be placed on inactive status until released by the they receive full medical clearance from their doctor and Workers' Compensation workers' compensation to return to their previous job. An employee who is able to return to work in position. Employees approved for light duty status may be required assigned to work in a different department and required to perform duties not contained within tasks outside their current job classification.

10.05 SUBSTANCE ABUSE 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 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.

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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.

10.05.10.06 PRE-EMPLOYMENT DRUG AND ALCOHOL MISUSE TESTING

~~10.05.01 Scope and Intent. The City of Fair Oaks Ranch desires to establish itself as a drug/alcohol-free workplace. The City believes that it is in the best interest of the City and its~~
10.06.01 All prospective employees to maintain a work environment in which the health and safety of employees are protected and city business is conducted efficiently. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include inhalants.

~~10.05.02 All employees are subject to the provisions of this section and shall be administered in accordance with all applicable federal, state, and local laws and~~

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regulations.

~~10.05.03—Responsibilities and Prohibitions. It is unlawful and prohibited in the workplace for employees to manufacture, distribute, dispense, possess, or use a controlled substance. In addition, the City prohibits employees from being under the influence of alcohol, drugs, or inhalants in the workplace or while on duty for the City. Employees who violate this policy will be subject to disciplinary action up to and including termination.~~

~~10.05.04—Each employee of the City will abide by the terms of this policy and will notify the City Administrator of any charges of a drug and/or alcohol law violation no later than the commencement of their next workday.~~

~~10.05.05—Any employee convicted of a drug and/or alcohol violation will be subject to serious disciplinary action up to and including immediate dismissal.~~

~~10.05.06—The City will make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy. Department Head responsibilities include communicating this policy to their employees, identifying any employee behavior which may indicate a violation of this policy, and reporting to the City Administrator when there's reason to believe this policy may have been violated.~~

~~10.05.07—Rehabilitation. An employee with an alcohol or substance abuse problem shall be referred to a rehabilitation facility. The employee is responsible for all charges associated with rehabilitation and must adhere to the requirements of the rehabilitation program. Any failure to adhere will result in discipline up to and including dismissal.~~

~~10.05.08—Return to Work. An employee with an alcohol and/or substance abuse problem may be returned to their position after having successfully completed a city-approved rehabilitation program. Any violation of this policy subsequent to completion of rehabilitation will result in immediate dismissal.~~

10.06 DRUG/ALCOHOL TESTS

~~10.06.01—All employees of the City are subject to~~undergo drug and alcohol ~~testing for drugs and/or alcohol—~~

Pre-as a condition of employment~~Testing. After extending an.~~ This policy applies to all candidates receiving a conditional offer of employment,~~the potential employee shall take a pre-employment drug test~~ and is designed to comply with applicable federal, state, and local laws, including requirements for adverse action notifications.

Post-accident Testing. At the discretion of the City Administrator, drug and alcohol testing shall be performed on any employee involved in an accident, if the accident results in damages to city property, the employee or another person having to seek medical attention, loss of human life, or the driver being given a citation for a moving violation as a result of an accident. Drug testing will be performed within 24 hours of an accident; alcohol testing will be performed within 2 hours of an accident, or as soon as reasonably possible thereafter. Failure to submit to the required testing will result in disciplinary action up to and including termination.

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~~Reasonable Suspicion Testing. If reasonable suspicion exists, the Department Head must obtain concurrence of the City Administrator. An employee failing to submit to the required testing will result in disciplinary action up to and including termination.~~

~~10.06.01 An employee who tests positive for drugs shall be removed from duty immediately and, if not terminated, must be referred to a Substance Abuse professional for evaluation. If the employee refuses to be evaluated, the employee will be terminated immediately. An employee who is not terminated will be suspended without pay until the employee successfully passes a drug rehabilitation program and is cleared to return to work. 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. ~~At the discretion of the City Manager, d~~ Drug and alcohol testing shall be performed on any employee involved in an accident in accordance with the Drug/Alcohol Tests policy.