

PERSONNEL POLICY

Adopted by City Council on March 08, 2022



Welcome!

Welcome to the City of Glen Rose workforce. You, our employee, are one the City's most valuable assets. Without the dedicated and coordinated efforts of you and your co-workers, with everyone doing their part, the services offered by the City of Glen Rose to its citizens would grind to a halt. The discipline and organization required of you and your fellow employees to provide the wide array of services expected of a municipality such as water, wastewater, trash collection, law enforcement, animal control, economic development, building inspections, code enforcement, street maintenance and construction, drainage, recreation, mowing, municipal court, utility billing, records management, emergency management, and administrative are all supported and encouraged by careful planning and policy making. As employees, this Personnel Policy influences our actions each and every work day. It's easy to take it for granted, but we shouldn't. The provisions of this policy, as presented in the following pages, bring order and structure to the workplace, preventing confusion, and enabling everyone to function more effectively. This policy provides a clear picture of what the citizens, their elected officials, and management expect from you as a member of the City's workforce. It also spells out what you can expect to receive from the City in return for the valuable services you render on a daily basis. Please become familiar with this policy. Should you notice something that can be improved, or if we are failing to deliver on our end of the bargain, please let us know.

Management

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

- 1.01 Objectives of Policies
- 1.02 Equal Opportunity Policy
- 1.03 Applicability and Scope
- 1.04 Distribution and Acknowledgement
- 1.05 Policy Changes and Employee Suggestions
- 1.06 Administrative Authority
- 1.07 City Organizational Chart

CHAPTER 2: RECRUITMENT AND EMPLOYMENT

- 2.01 Recruitment
- 2.02 General Qualifications for Employment
- 2.03 Employment Classifications
- 2.04 Employee Selection
- 2.05 Offer of Employment
- 2.06 Probationary Period
- 2.07 Nepotism
- 2.08 Residency Requirements
- 2.09 Medical Examinations
- 2.10 Emergency Temporary Appointments
- 2.11 Promotion Policy
- 2.12 Temporary Promotion
- 2.13 Transfers
- 2.14 Demotions
- 2.15 Re-Employment

CHAPTER 3: COMPENSATION AND PERFORMANCE EVALUATIONS

- 3.01 Pay Rate
- 3.02 Pay Schedule and Procedures
- 3.03 Work Schedule
- 3.04 On-Call Duty
- 3.05 Emergency Duty Pay
- 3.06 Overtime
- 3.07 Performance Evaluation
- 3.08 Merit Increases
- 3.09 Longevity Pay
- 3.10 Termination Pay

CHAPTER 4: EMPLOYEE BENEFITS

- 4.01 Healthcare Insurance
- 4.02 Life Insurance
- 4.03 Workers Compensation Insurance
- 4.04 Social Security and Medicare

- 4.05 Unemployment Insurance
- 4.06 Retirement
- 4.07 Long Term Disability

CHAPTER 5: ABSENCES AND LEAVE

- 5.01 Holidays
- 5.02 Personal Time Off
- 5.03 Compensatory Time Off
- 5.04 Bereavement
- 5.05 Military Leave
- 5.06 Administrative Leave Without Pay
- 5.07 Authorized Leave Without Pay
- 5.08 Absence Without Leave
- 5.09 Doctor's Release Requirement
- 5.10 Workers' Compensation and Wage Continuation Benefits
- 5.11 Inclement Weather

CHAPTER 6: EMPLOYEE CONDUCT

- 6.01 Attendance
- 6.02 Work Standards
- 6.03 Political Activities
- 6.04 Solicitation
- 6.05 Outside Employment
- 6.06 Physical Fitness
- 6.07 Personal Appearance and Dress Code
- 6.08 Financial Obligations
- 6.09 Conflict of Interest
- 6.10 General Deportment
- 6.11 Sexual Harassment
- 6.12 Indictments Against Employee
- 6.13 Stewardship of City Vehicles, Equipment, and Property

CHAPTER 7: DISCIPLINE APPEALS AND GRIEVANCES

- 7.01 Work Ethic and Disciplinary Policy
- 7.02 Grounds for Disciplinary Action
- 7.03 Types of Disciplinary Action
- 7.04 Written Reprimand
- 7.05 Suspension
- 7.06 Reduction in Pay
- 7.07 Disciplinary Demotion and Dismissal
- 7.08 Appeals of Disciplinary Action
- 7.09 Grievance Procedures

CHAPTER 8: NON-DISCIPLINARY TERMINATIONS

- 8.01 Resignation
- 8.02 Layoff

- 8.03 Incapacity
- 8.04 Retirement

CHAPTER 9: PERSONNEL RECORDS

- 9.01 Personnel Records Maintenance
- 9.02 Status Changes or New Hirings
- 9.03 Personnel Reports

CHAPTER 10: TRAVEL POLICY

- 10.01 Applicability of Travel Policy
- 10.02 Authorization Required
- 10.03 Transportation
- 10.04 Food And Lodging
- 10.05 Travel Advances and Reports

CHAPTER 11: VEHICLE POLICY

- 11.01 Purpose of Vehicle Policy
- 11.02 Applicability
- 11.03 Take-Home Vehicles
- 11.04 Vehicle Logs

CHAPTER 12: PROFESSIONAL TRAINING

- 12.01 Purpose
- 12.02 Criteria
- 12.03 Appeal
- 12.04 Cross Training

CHAPTER 13: DRUG FREE WORKPLACE POLICY

- 13.01 Purpose
- 13.02 General Policy Statement
- 13.03 Application of Policy
- 13.04 Pre-Employment Screening
- 13.05 Reasonable Suspicion Testing of Current Employees
- 13.06 Conducting Drug and Alcohol Tests
- 13.07 Consequences of Refusing Test or Testing Positive
- 13.08 Self Declaration as a Substance Abuser
- 13.09 Drug or Alcohol Convictions
- 13.10 Employee Assistance
- 13.11 Follow-Up Testing of Known Substance Abuser
- 13.12 Disclosure of Subscription or Over-the-Counter Drug Use
- 13.13 Employees on Stand-By or Subject to Call-Back
- 13.14 Off-Duty Conduct
- 13.15 Searches
- 13.16 Transportation

CHAPTER 14: CONFIDENTIAL AND PROPRIETARY INFORMATION POLICY

- 14.01 Scope
- 14.02 Types of confidential and proprietary information
- 14.03 What employees should do
- 14.04 What employees should not do
- 14.05 Consequences for violations

CHAPTER 15: MISCELLANEOUS PROVISIONS

- 15.01 Activity Reports
- 15.02 Property Control
- 15.03 Ordering Utility Services
- 15.04 Purchases
- 15.05 Housekeeping Duties
- 15.06 Safety
- 15.07 Breaks
- 15.08 Lunch Breaks
- 15.09 Telephone and Data Equipment Usage
- 15.10 News Releases
- 15.11 Professional Memberships & Subscriptions
- 15.12 Unauthorized or Improper Use of Official Badge or Uniform
- 15.13 Smoking in the Workplace
- 15.14 Aids in the Workplace
- 15.15 Driver Insurability
- 15.16 Professional Work Environment
- 15.17 Return of City Provided Equipment and Paraphernalia

CHAPTER 1 INTRODUCTION

1.01 OBJECTIVES OF POLICIES

The purpose of this policy is to bring into the service of the City of Glen Rose (hereafter, City) a high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees, with all the benefits such a program ensures. The basic objectives of this policy are:

- (a) To promote and increase efficiency and economy in the service of the City.
- (b) To provide fair and equal opportunities to all qualified applicants to enter City employment on the basis of demonstrated qualifications, merit, and fitness as ascertained through fair and practical methods of recruitment and selection.
- (c) To develop a program of recruitment, advancement, and tenure that will make employment with the City attractive as a career and encourage each employee to render his or her best service to the City.
- (d) To establish and promote high morale among City employees by providing a good working environment, uniform personnel policies, opportunity for advancement, and consideration for employee needs and desires.

Nothing in this policy shall be construed as restricting an employee's right to discuss the terms, status or conditions of the employee's employment position.

1.02 EQUAL OPPORTUNITY POLICY

The City is an Equal Opportunity Employer. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations; because of membership in employee organizations; because that person reports a violation of law; or because of race, color, ancestry, origin, marital status, or other non-merit factors is prohibited. Discrimination on the basis of age, sex, physical handicap or disability is prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

Disabled employees, and/or disabled applicants for employment, will be afforded reasonable accommodation when it is mutually determined not to create an undue hardship.

The supervisor, focusing on the needs of the disabled individual and the nature of the particular job, will take affirmative steps to arrange and secure funding for reasonable accommodation when and where necessary and when and where possible.

1.03 APPLICABILITY AND SCOPE

These policies apply to all City employees unless specified otherwise by state law or department policy approved by the City Council or other official City Council action. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that effect.

It should be understood that employment is for an indefinite period and is at-will for both employer and employee. This policy is not intended to constitute an employment contract and the employer reserves the right to amend this policy unilaterally. No manager, supervisor, or other representative of the City, other than the City Council, has the authority to enter into any agreement guaranteeing employment for any specific time or to make any written or oral promises, agreements, or commitments contrary to this policy.

1.04 DISTRIBUTION AND ACKNOWLEDGEMENT

All City employees and Council Members shall be informed of the existence of this policy and each department shall keep a copy available for reference by its employees. A copy of this policy will be furnished to all employees for their personal use and reference. The City shall require that all employees sign a statement that they have been furnished a copy of the City's Personnel Policy. It shall be the employee's responsibility to become thoroughly familiar with said policy.

1.05 POLICY CHANGES AND EMPLOYEE SUGGESTIONS

This policy may be amended, supplemented, or superseded at any time upon approval of the City Council. In addition, the City Administrator and City Attorney may conduct a review of the policy and submit any necessary or recommended changes to City Council for approval.

Employees are encouraged to make constructive suggestions for improvements of this policy or to work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit their suggestion(s) in writing to the immediate supervisor or department head for consideration.

Employees shall be notified of proposed changes to the Personnel Policy prior to their adoption. In the event of any change, each employee will be given a copy of the revised policy changes in writing as soon as possible thereafter.

1.06 ADMINISTRATIVE AUTHORITY

The City Council shall be responsible for establishing the policy under which personnel matters are to be administered.

The City Administrator shall administer and interpret the City's Personnel Policy as it applies to their respective department and employees. Each supervisor is responsible within

the scope of his or her authority for enforcing the provisions of this policy and related rules and procedures in regard to matters involving his or her department.

1.07 CITY ORGANIZATIONAL CHART

To maintain order within the organization, it is important that the established day-to-day operational chain of command as described below be observed by all employees. Although the City Council is not directly involved in the day-to-day operations of the City, they as a body, do reserve the right to interact with all employees regarding personnel matters relating to grievances and/or appeals provided that the proper chain of command has been followed. Instructions and communications shall be routed according to the following chain of command chart.

Field Supervisor

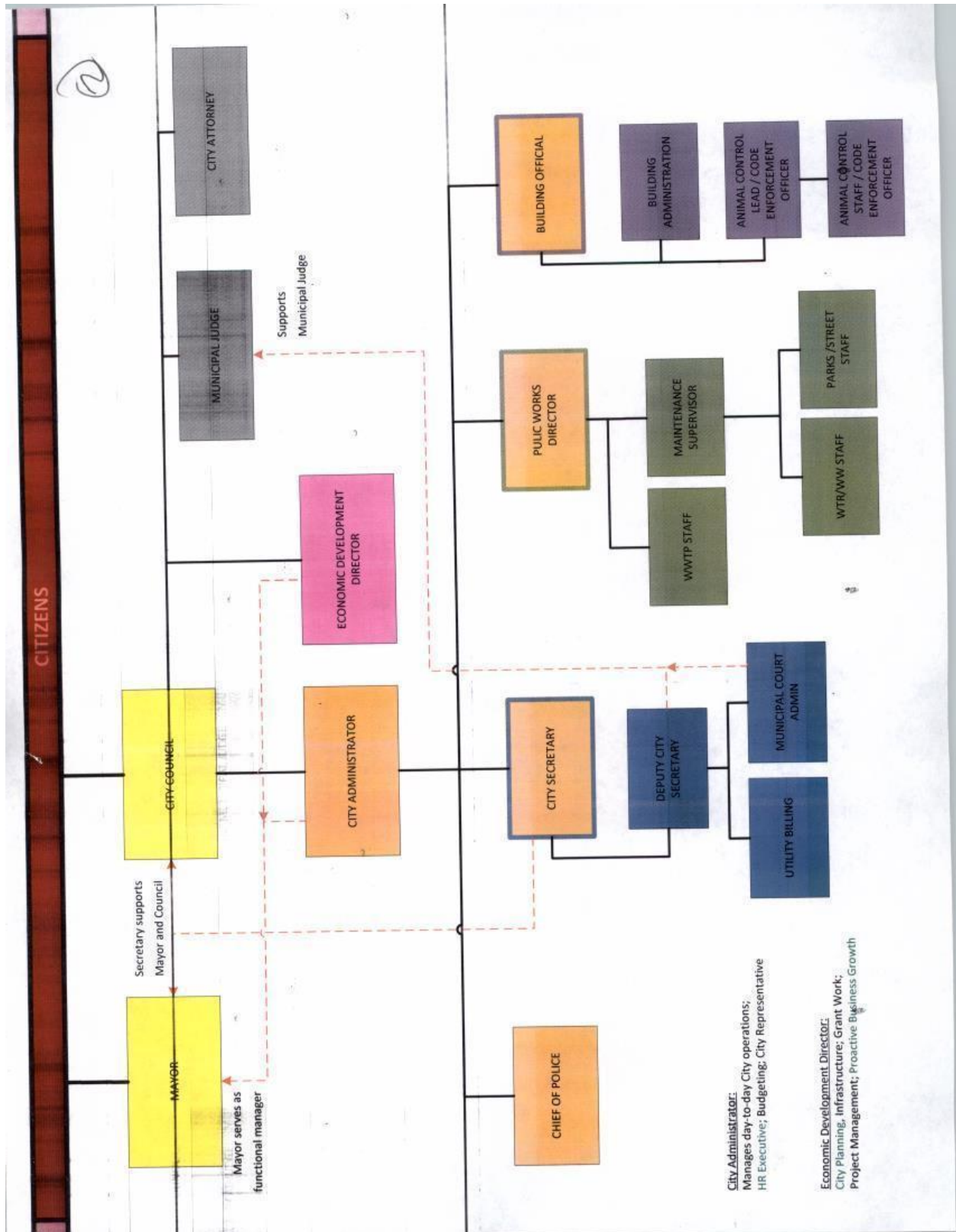
Department Head

City Administrator

Mayor

City Council

(Organizational Chart listed on the following page.)



CHAPTER 2 RECRUITMENT AND EMPLOYMENT

2.01 RECRUITMENT

- (a) All employee recruitment activities are to be conducted in a manner consistent with the policies of the City of Glen Rose and applicable State and Federal Laws. Recruitment activities are performed in compliance with Federal Equal Employment Opportunity Regulations.
- (b) Supervisors shall notify the City Administrator when job vacancies occur in their department. Only those vacancies allocated in the annual budget or new positions authorized by the City Council shall be filled. The City will seek to obtain the most capable person available to perform a particular job.
- (c) The City has several methods of recruiting and selecting persons to fill vacancies:
 - (1) Promotion from within;
 - (2) Transfer from within;
 - (3) Public notice and competitive consideration of application for employment;
 - (4) Selection from a valid current list of eligible applicants; or,
 - (5) Secure help through an employment agency.
- (d) When public announcements of position openings within the City are used and competitive consideration will be given, the announcements are to be disseminated in the manner most appropriate for the particular position being filled, as determined by the City Administrator. The length of time during which applications will be accepted will be determined by the City Administrator in accordance with the circumstances that exist at the time.
- (e) Department heads wanting to fill job vacancies from within their departments must submit relevant information about the position to the City Administrator.

2.02 GENERAL QUALIFICATIONS FOR EMPLOYMENT

- (a) The City maintains a job description which establishes the required knowledge, skills, abilities and compensation for each position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualification to fill the position.
- (b) A job applicant must:

- (1) be at least sixteen (16) years old, for temporary or seasonal employment, or eighteen (18) years old, for regular full-time employment or if the job duties include hazards such as excavation or the operation of motor vehicles, heavy equipment, or chain saws;
- (2) provide a valid Social Security number;
- (3) provide a valid Texas Driver's License, if the job being applied for involves the use of City vehicles.

2.03 EMPLOYMENT CLASSIFICATIONS

- (a) A regular full-time employee is employed forty (40) or more hours per week, in a year round capacity and qualifies for benefits as set forth in this policy.
- (b) A part-time employee is employed less than one thousand (1000) hours per year and does not qualify for the benefits as set forth in this policy, except possibly the Texas Municipal Retirement System (TMRS), and then only if participation is mandated.
- (c) A seasonal employee may be employed in either a full-time or part-time capacity, but only works during a seasonal period, not exceeding 6 months, and is not eligible for benefits as set forth in this policy.

2.04 EMPLOYEE SELECTION

- (a) The City Administrator determines the method of selection to be used in filling each vacancy. If the City Administrator elects to use the public notice method of recruiting, the City Secretary shall publicly announce the job vacancy by appropriate means.
- (b) The primary goal of the City is to fill vacancies with the most qualified applicants available. The supervisor shall determine the most appropriate means of evaluating applicants against job requirements to identify the persons best qualified. Reference checks, interviews, criminal history checks, verification of citizenship or employment eligibility, driver's license checks, and/or other screening procedures may be used. Skills tests and written tests may also be used if it is determined that such are beneficial or necessary. Applicants may be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed qualification requirements or proficiency.
- (c) An applicant shall be disqualified from consideration for employment if he or she:
 - (1) does not meet the qualifications necessary for performance of the duties of the position involved;

- (2) has made any false statement of fact on the application, depending upon the seriousness, willfulness and applicability of the false information to the position;
 - (3) is an alien not lawfully authorized to work in the United States;
 - (4) would be in violation of the nepotism policy or laws; or
 - (5) discloses a criminal conviction which creates concerns due to a position's duties.
- (d) An applicant disqualified for any of the above reasons will be permitted to reapply after twelve (12) months have expired.

2.05 OFFER OF EMPLOYMENT

Once the selection process has been completed, a conditional offer of employment specifying the job title, classification of employment, date of employment, rate of pay, what department the employee is being assigned to, the title of the new employee's supervisor, whether or not the employee is exempt or non-exempt, and that the employment relationship is subject to the terms of the City's Personnel Policy will be signed by both the new employee and the City official extending the job offer. The original, signed offer of employment shall be submitted to the City's Human Resources Manager.

After the conditional offer of employment has been extended, the City will conduct a criminal background check. If the information discovered during the criminal background check doesn't match the information provided on the applicant's job application, or if some relevant new facts are uncovered which create concerns specific to the position's duties, the City reserves the right to withdraw the offer of employment. If the job offer involves a position that has been identified by the City as a safety or security sensitive position, the offer of employment will be withdrawn if the applicant fails a pre-employment drug screening.

2.06 PROBATIONARY PERIOD

- (a) Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation session, conducted through their respective department or as directed by the City Administrator. The purpose of this session is to enable a new employee to understand his or her job better, as well as the position's relationship to the overall operation of the City.
- (b) Within three days of the date of hire, new employees must provide the information required by form I-9 in accordance with the Immigration Reform and Control Act of 1986.
- (c) All employees will be required to successfully complete a three (3) month introductory/probationary period, except employees of the Police Department, who will be required to successfully complete a one(1) year introductory/probationary period. The supervisor will discuss and outline performance expectations and will

closely observe, evaluate, and counsel the employee regarding any performance weaknesses. Department Heads have the ability to extend the evaluation period an additional three (3) months if deemed necessary and upon approval of the City Administrator. The City Administrator may extend the evaluation period an additional three (3) months for Department Heads if deemed necessary.

- (d) During the probationary period, all employees will be provided customer service training. In one way or another, all of the City's employees interact with the public and need to be trained to do so in a professional and effective manner. An important component of this training will be to foster a culture of respect, integrity, and accountability towards everyone...customers, citizens, and fellow employees.
- (e) In the event the employee's job performance is deemed unsatisfactory or the employee is found to be unqualified to perform the duties of the position during the employee's probationary period, the employment relationship may be terminated by the City without any right of appeal.

2.07 NEPOTISM PROHIBITIONS

Nepotism is the showing of favoritism towards a relative. The City forbids the practice of nepotism-based favoritism in hiring personnel or awarding contracts.

A person is not eligible for employment who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any employee that will directly or indirectly supervise that position, a member of the City Council or the Mayor. This prohibition shall not apply to employees who have been continuously employed by the City immediately before appointment of a member of the City Council or the Mayor for a period of thirty (30) days or before election of a member of the City Council or the Mayor for a period of six (6) months.

If the employee continues in a position following the appointment or election of a member of City Council or the Mayor related to that employee as described above, that member of City Council or the Mayor may not participate in any deliberations or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of that employee.

Seasonal employment will be exempt from this provision.

Affinity Kinship Relationship by Marriage		Consanguinity Kinship Relationship by Blood		
First Degree	Second Degree	First Degree	Second Degree	Third Degree
Spouse	Grandparent	Parent	Grandparent	Great Grandparent
Parent	Grandchild	Child	Grandchild	Great Grandchild
Child	Brother or Sister		Brother or Sister	Uncle or Aunt
				Nephew or Niece

2.08 RESIDENCY REQUIREMENTS

Although there are no absolute residency requirements for City employment, those employees likely to be called to work in cases of emergency may be required to reside within a reasonable commuting distance of thirty (30) minutes of the City.

2.09 MEDICAL EXAMINATIONS

A person selected for initial employment or reinstatement may be required to take a medical and physical examination at City expense given by a doctor designated by the City. When a prospective employee is required to undergo a medical or physical examination, his or her employment may be contingent upon successful completion of the medical examination in relation to the standards of fitness for the position involved.

2.10 EMERGENCY TEMPORARY APPOINTMENTS

The City Administrator may hire temporary or part-time employees in cases of emergencies or unusual or extraordinary circumstances that place demands that exceed the manpower capabilities of the City. Emergency temporary appointments shall not be used to circumvent the normal appointment procedures. The employees involved shall not acquire any status or rights in the positions to which they are temporarily appointed.

2.11 PROMOTION POLICY

A promotion is the assignment of an employee from one position to another higher level job requiring more responsibility, experience, education, technical or professional expertise and which is usually at a higher salary. It shall be City policy to provide promotional opportunities whenever possible and practical. The selection process may be limited to qualified City employees or such other employees that may be given preference

in the application and/or consideration process. Opportunities for promotion and/or reassignment across organizational lines shall be maximized, with approval from the City Council being necessary prior to such promotion for those positions which are hired and fired by the City Council.

2.12 TEMPORARY PROMOTION

The City Administrator may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent. Employees so promoted may be additionally compensated for the duration of their temporary assignments in amounts to be determined by the City Administrator. However, temporary promotions shall not be used to circumvent normal selection procedures.

Nothing herein shall be construed to prevent the assignment of additional or a higher level of duties to an employee without additional compensation. Temporary promotions shall not exceed six (6) months in length without approval by the City Council.

2.13 TRANSFERS

A transfer is the reassignment of an employee from one position to another. A transfer not involving promotion or demotion may be affected at any time for administrative convenience or necessity, or upon request of the employee to the supervisor, or if interdepartmental, to the supervisors, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process.

2.14 DEMOTIONS

A demotion is the assignment of an employee from one position to another position having fewer responsibilities or requiring less experience, education, technical or professional expertise, and which is usually at a lower salary. A demotion may be affected for either a disciplinary or non-disciplinary action. With the approval of the City Administrator, and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his or her own request or as an alternative to layoff. Such demotions shall not be considered as disciplinary actions or to disqualify the employee involved from consideration for later advancement. Demotions, when used as an alternative to layoff, may be fully or partially rescinded at any time.

2.15 RE-EMPLOYMENT

Former employees who have left City employment in good standing shall be eligible for reemployment, provided they meet the minimum requirements and qualifications of the position, and it is in the best interest of the City. Former employees who left the City in good standing shall be granted full benefits upon returning to the City of Glen Rose within one (1) year period. Benefits for employees returning after the one (1) year period shall be the same as those of a new employee, based on the most recent date of hire.

CHAPTER 3 COMPENSATION AND PERFORMANCE EVALUATIONS

3.01 PAY RATE

The City makes a concerted effort to provide a competitive compensation and benefits program. Each employee is paid in accordance with duties and responsibilities. Periodic surveys of the labor market will be conducted to maintain competitive pay.

Pay for City employees is set each year by the City Council in the adopted City operating budget. Employees will be paid in accordance with the City compensation plan approved by the City Council.

3.02 PAY SCHEDULE AND PROCEDURES

- (a) All employees will be paid every two (2) weeks and will be paid on Fridays. When payday falls on a recognized holiday, employees will be paid the day before the holiday.
- (b) Each employee shall submit a timesheet authorized by both the employee and his or her supervisor on the Tuesday morning following the end of the pay period. An explanation for any overtime that is worked will be provided on the time sheet and the supervisor will signify that the overtime was authorized. Any PTO authorizations which have not already been submitted for the pay period will be submitted with the employee's timesheet.
- (c) Employees are encouraged to set up direct deposit. Pay will be issued through direct deposit or debit card.

3.03 WORK SCHEDULE

The City provides some services to its citizens twenty four (24) hours a day, seven (7) days a week. Some of the provided services require that employees work hours other than the traditional Monday through Friday, eight (8) to five (5), work week. Management will prepare schedules at least two weeks ahead of time, and preferably months ahead of time, unless something urgent or unforeseen arises, to provide employees an opportunity to re-arrange personal commitments to accommodate work schedules other than the traditional Monday through Friday, eight (8) to five (5), work week.

3.04 ON-CALL DUTY

As noted in the section above, the City provides some services to its citizens twenty-four (24) hours a day, seven (7) days a week; thus, it is necessary that an employee be available to respond to trouble calls which may arise after normally scheduled working hours. To the extent possible, on-call duty will be spread out between all of the properly trained field level employees. An on-call employee is authorized to trade on-call duties with another qualified employee. Employees serving as on-call for their department will receive an additional \$20 per day plus time worked. While on-call, an employee is allowed to go out to eat and attend to other personal affairs, but must:

- (a) Keep his/her cell phone where it can be heard and answered; and
- (b) Respond to any call which warrants a response within thirty (30) minutes after receiving the call.

3.05 EMERGENCY DUTY PAY

Non-exempt employees who are called back to work in emergencies or who are on-call and return to duty to respond to an after hours trouble call shall receive overtime rate for all time worked. A minimum of two (2) hours of pay shall be paid for any call back time worked.

3.06 OVERTIME

- (a) Non-exempt Employees. All employees, except supervisors and any other employees determined by the City Administrator to be exempt in accordance with the Fair Labor Standards Act (FLSA) are eligible to receive overtime pay in accordance with the FLSA. When practical, overtime is to be avoided. Except in emergency situations or extenuating circumstances, overtime must be allocated in the budget and pre-approved by an employee's supervisor. Overtime shall be allocated as evenly as possible among all employees qualified to perform the work. Overtime pay, at a rate of one and one half (1 ½) times the employee's regular pay, will be paid for all time credited over forty (40) hours per week unless such employees are exempt from overtime pay. Holiday and PTO time does qualify as time credited. All overtime work must be clearly reflected on the employee's time records before it is allowed.
- (b) Exempt Employees. An exempt employee means an employee who performs an executive, administrative or professional function as defined by the FLSA, and includes supervisors. Exempt employees are not eligible for overtime pay.

3.07 PERFORMANCE EVALUATION

The work performance of each regular employee shall be evaluated in accordance with appraisal procedures developed and approved by the City Administrator. An employee

shall be evaluated at least annually. Special evaluations may be made if requested by the supervisor and approved by the City Administrator. Performance evaluation reports shall be on forms provided by the personnel office. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation.

Performance evaluations are designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding pay increases, promotions, and retention of employees.

Evaluators shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any improvements in performance which appear desirable or necessary. An employee shall be provided an opportunity to provide a written response to an evaluation. To qualify to be attached to the evaluation and included in the employee's personnel file, the response must be submitted to the City's Human Resources Manager by the end of the third business day after an evaluator provides a copy of the evaluation to and reviews it with the employee.

3.08 MERIT INCREASES

As a reward for those employees demonstrating an evaluation rating of meets expectations, above expectations or exceeds expectations, pay increases may be proposed by supervisors and granted upon approval by the City Administrator in accordance with the compensation plan approved by the City Council and within the guidelines of the City budget. These merit increases are intended to reward outstanding personnel and as an inducement to motivate employees in their performance and productivity. Employees who received a below expectations evaluation rating will not be eligible for a merit pay increase.

3.09 LONGEVITY PAY

- (a) All longevity pay will be calculated based upon the anniversary date of continuous employment that falls during the calendar year in which the pay is calculated and paid.
- (c) Longevity pay will be paid on December 1 of each year, or on the first working day following December 1.
- (d) Employees whose third year anniversary of employment falls during the calendar year preceding December 1st will receive three hundred dollars (\$300.00).
- (e) Employees who have been continuously employed for longer than the three (3) years described in (c) above will receive an additional one hundred dollars (\$100.00) for each additional year of continuous employment.
- (f) Longevity pay will only be paid to those employees who are on the active payroll as of December 1 of each year.

3.10 TERMINATION PAY

Employees who leave the service of the City shall receive all pay that may be due to them in accordance with the following:

- (a) An employee will be paid for any hours worked and for any overtime compensation or compensatory time due to him or her;
- (b) Only employees who have successfully completed their probationary period and first year of service shall be paid for unused PTO earned;
- (c) An employee may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the applicable program, or they may choose to leave their funds invested until a later date;
- (d) All employees who desire to attend enhancement training in their particular field shall sign a one (1) year agreement stating that upon completion of said training, the employee will remain with the City for at least one (1) year after training is completed. An employee who chooses to leave the City before completing the one (1) year commitment shall reimburse the City for the cost of the training received.
- (e) Any indebtedness to the City which the employee might have incurred shall be deducted from his or her final paycheck; and
- (f) If any employee passes away while employed by the City, the City shall pay his or her designated beneficiary any unpaid pay, unpaid compensatory time or overtime, unused PTO time, and accumulated benefits.

CHAPTER 4 EMPLOYEE BENEFITS

4.01 HEALTHCARE INSURANCE

After having been employed by the City for two months, all full time employees are provided with medical insurance. Coverage shall begin upon acceptance of the employee by the insurance underwriter. This insurance provides for payment of hospitalization and major medical expenses up to the limits of the policy for illness and accidental injuries off the job. Each employee will be allowed a maximum of seven hundred dollars (\$700) per month to be applied to medical, dental and vision insurance coverage for the employee and his or her family members. Additional coverage for other family members is at the option of and payable by the employee through payroll deductions at the prevailing rates. Any employee seeking additional coverage must provide proof of insurance to the City Secretary before receiving reimbursement.

4.02 LIFE INSURANCE

After having been employed by the City for two months, the City provides group life insurance coverage for all full time employees. Coverage shall begin upon acceptance of the employee by the insurance underwriter. The cost of providing this insurance to employees is paid by the City. The provided life insurance is payable in the event of the death of an employee from any cause at any time or place while he or she is insured. It is designed to help ensure that an employee's family receives financial assistance in the event of the employee's death. Payment will be made to the beneficiary designated by the employee.

4.03 WORKERS' COMPENSATION INSURANCE

Any City employee who is injured as a result of duties performed in the course of his or her job shall be eligible to receive workers' compensation benefits from the City's insurance carrier at no expense to the employee. Workers' compensation benefits are intended to compensate workers with job related injuries or illnesses by reimbursing them for income losses and paying for medical and rehabilitation treatment.

Employees who suffer an on the job injury or job related illness must notify their supervisor as soon as possible. Failure to report job related injuries or illnesses in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments.

4.04 SOCIAL SECURITY AND MEDICARE

All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This government insurance program is financed by social security and medicare taxes, which are paid through payroll deductions by the employee and matched by the City.

4.05 UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program and the Federal Unemployment Tax Act (FUTA). This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

4.06 RETIREMENT AND IN-SERVICE DEATH BENEFITS

The City is a member of the Texas Municipal Retirement System (TMRS). The purpose of this system is to provide a plan for the retirement and disability of employees of Texas municipalities. Participation in this system is compulsory for all full-time employees. Participation in the system begins upon employment with the City. The employee will contribute seven percent (7%) of his or her salary through payroll deductions into the retirement plan, with the City matching this amount on a two-to-one (2 to 1) basis.

In addition to the retirement plan, the City also provides an In-Service Death Benefit for its employees participating in the TMRS. This death benefit is payable to the designated beneficiary upon the death of the covered employee. The amount payable to the beneficiary is equal to the annual salary of the covered employee. This supplemental benefit is provided at no cost to the employee.

4.07 LONG TERM DISABILITY INSURANCE

All full time employees are provided with long-term disability insurance. Coverage shall begin upon acceptance of the employee by the insurance underwriter. This insurance provides monthly cash benefits to the employee if the employee becomes disabled for at least ninety (90) days. The cost of providing this insurance to the employee is paid by the City.

CHAPTER 5 ABSENCES AND LEAVES

5.01 HOLIDAYS

New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve and Christmas Day shall be observed as official holidays for City employees in accordance with the following rules (any additional time off from work shall be approved by the City Council):

- (a) All regular full-time employees shall be entitled to all paid holidays.
- (b) As many employees as possible shall be given each holiday off, consistent with the maintenance of essential City functions.
- (c) Anyone required to work on a holiday will be paid for the holiday, plus the hours that are actually worked during the holiday. Work performed on a City designated holiday will be compensated at the rate of one-and-one-half times the employee's hourly rate whether or not the employee works more than 40 hours during the pay period.
- (d) If a holiday falls on a Saturday, the preceding Friday shall be observed, and if a holiday falls on a Sunday, the following Monday shall be observed.
- (e) Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued PTO.

5.02 PERSONAL TIME OFF

On the first working day of employment, all regular full time employees shall begin to accrue personal time off (PTO) for their use during that calendar year. PTO may be used at the employee's discretion with prior approval of the supervisor.

- (a) Upon completion of their three-month probationary period and during their first twelve (12) months of employment, new employees shall be granted forty-eight (48) hours PTO.
- (b) Following twelve (12) months of continuous employment, all full-time employees, except temporary or seasonal employees, shall be eligible to take one hundred and forty-four (144) hours PTO that year.
- (c) Following twenty four (24) months of continuous employment, all full time employees, except temporary or seasonal employees, shall be eligible to take one hundred and eighty-four (184) PTO per year.
- (d) Following one hundred and twenty (120) months of continuous employment, all regular full time employees, except temporary or seasonal employees, shall be eligible to take two hundred and twenty-four (224) hours PTO per year.
- (e) Following one hundred and eighty (180) months of continuous employment, all regular full time employees, except temporary or seasonal employees, shall be eligible to take two hundred and sixty-four (264) hours PTO per year.
- (f) Two hundred and sixty-four (264) hours is the maximum PTO regardless of tenure.
- (g) PTO may be accumulated up to two hundred and forty (240) hours into a PTO “Bank” to carry over from year to year. No more than two hundred and forty (240) hours PTO may carry over. Any accumulated PTO hours exceeding two hundred and forty (240) hours will be lost by the employee each year on the employee’s anniversary of hire date. The City will compensate an employee for up to, but no more than, forty (40) PTO hours lost due to this provision at a rate of twenty five cents (\$0.25) on the dollar (\$1.00) for the value of the lost hours.
- (h) Part-time, seasonal, and temporary employees shall not be eligible for PTO.
- (i) Rules regarding PTO:
 - (1) All regular full time employees shall be eligible to take PTO when accumulated.
 - (2) PTO shall be taken in minimum increments of 1 hour.
 - (3) The work calendar will be considered by a supervisor prior to granting PTO requests for extended time-off. NOTE: PTO requests may not be granted in some cases.
 - (4) Employees being laterally transferred, promoted, or demoted shall retain all accrued PTO.
 - (5) PTO may not be transferred between employees.

- (6) An employee must give twenty-four (24) hours' notice to his/her Supervisor for scheduled time off.
- (7) An employee must give one (1) hour notice to his/her supervisor for unscheduled time off.
- (8) An employee must give five (5) days' notice to his/her Supervisor for time off exceeding three (3) days. A physician's release will be required if an employee is out for more than three (3) consecutive days without having received prior approval for the absence.
- (9) All PTO must be approved by an employee's supervisor in writing.
- (10) PTO shall not be sold back to the City, except as provided in (g) above.
- (11) Upon separation from the City, employees shall be compensated for accrued PTO.
- (12) PTO cannot be used during periods of leave for disciplinary action against an employee.
- (13) When absence from employment exceeds the amount of PTO earned and authorized, the pay of an employee shall be discontinued until he or she returns to work.

5.03 COMPENSATORY TIME OFF

Exempt employees are expected to be on the job Monday through Friday of every work week except on holidays or when PTO or compensatory time off (CTO) has been authorized. CTO is only available for exempt employees and, then, only if pre-approved in writing by the City Administrator, or in the case of the City Administrator by the Mayor (to be so understood hereafter in this section whenever "City Administrator" is mentioned). It is expected that those who hold exempt positions within the City will sometimes, or in some instances regularly, work more than forty (40) hours per week or eighty (80) hours per pay period. The salary provided for exempt positions is deemed just compensation for however many hours an exempt employee may be required to work to satisfy the demands of the job. However, on some occasions when an exempt employee is required to work weekends, holidays, or a succession of long days, that employee may petition the City Administrator for CTO. A request for CTO may be granted or denied solely at the discretion of the City Administrator. The following factors shall be considered when the request is being evaluated: the number of hours worked by the applicant during the pay period and during recent months, the number of hours worked in excess of eighty (80) during the pay period compared to the hours of CTO being requested, the need for the applicant to be on the job, and the number of other employees who may be off in the applicant's department or within the whole organization. When the number of CTO hours

granted is subtracted from two week pay period, the remaining hours (hours worked, PTO time, holiday time) must total at least eighty (80). When CTO is granted in connection with extra hours worked on the last week of a pay period, the CTO may be taken during the following week; otherwise, CTO must be confined to the pay period when the extra hours were accumulated. CTO shall not be granted for more than 16 hours during a pay period. CTO shall be used as the exception rather than the normal course of business and may not be taken every pay period.

5.04 BEREAVEMENT LEAVE

All regular full-time employees may be granted leave with pay to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household, limited to three (3) days per event. This leave will not be charged as PTO. Part-time, seasonal, and temporary employees may be granted days of leave without pay in such cases. Immediate family, for this purpose, shall be defined as an employee's husband, wife, son, daughter, grandchild, mother, father, mother-in-law, father-in-law, grandparents, brother, or sister.

5.05 MILITARY LEAVE

Full-time employees of the City who are members of the State Military Forces or members of any of the Reserve Components of the Armed forces of the United States are entitled to leave of absence from their duties for up to fifteen (15) days in any one calendar year, without loss of vacation time or salary. Said leave may be used for all days during which they are engaged in authorized training or duty. Requests for approval of military leave must be accompanied by copies of the relevant military orders. Military leave in excess of fifteen (15) days will be charged to vacation leave or leave without pay. Upon return from the training, the employee must furnish a statement from the commanding officer showing the military earnings while at camp. The statement will be forwarded to the payroll office so that the difference in weekly earnings and military pay may be paid to the employee. In the event the employee received full salary from the City in advance, military earnings while at camp will be deducted from a subsequent check.

Full-time employees of the City who enter active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty, provided an appropriate position is available.

5.06 ADMINISTRATIVE LEAVE WITH PAY

(a) Employees on duty on the date of any national, state, or local election and who are eligible to vote in such election shall be granted time off without loss of pay or benefits to exercise this right if they cannot reach their polling place outside of working hours before they close. Evidence of voter registration and voting may be required by the supervisor.

- (b) Employees shall be granted sufficient leave with pay when called for jury service or court duty. The employee shall provide his or her supervisor a copy of the jury or court summons. Employees excused or released from jury service or court duty shall immediately report to their work station for the remainder of their shift.
- (c) Employees who make donations of blood without receiving compensation for it will be excused from duty without loss of pay or benefits. Employees will be excused for such time as is necessary to make blood donations and to recuperate, if needed. The excused absence will not exceed four (4) hours and will be authorized for only the day of the donation.
- (d) The City Administrator may grant an employee administrative leave with pay for purposes of attending a professional conference, convention, training activity, legislative proceeding, or civic function or meeting, or for purposes of coordinating with governmental and private agencies in the interest of the City.

5.07 AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other provisions of these rules, the City Administrator may authorize an employee to take leave without pay under mutually agreeable terms and conditions. Employees taking leave without pay shall not lose or gain seniority. All employee benefits will remain in effect during periods of authorized leave without pay.

5.08 ABSENCE WITHOUT LEAVE

An employee failing to report to work or remain at work as scheduled without proper notification to his or her immediate supervisor and obtaining authorization or excuse has committed a serious offense and shall not be paid for the time involved. Absence without leave constitutes abandonment of duties and may result in severe discipline, up to and including discharge. In cases where the employee is discharged for absence without leave it shall be considered to be “not in good standing.”

5.09 DOCTOR’S RELEASE REQUIRED

An employee who has missed more than three days of work due to an illness, injury, surgical procedure, or some other medical condition, before returning to work, shall provide the City’s Human Resources Manager with a doctor’s release signed by the attending physician indicating the employee is fit to return to full duty. If the doctor releases an employee for “light duty,” depending upon the qualifications associated with that “light duty” release and the normal demands of an employee’s job, management will determine whether or not an employee will be allowed to return to work. If the employee is deemed temporarily unfit to return to his/her regular job, the City has a vacant position which could be fully performed under the “light duty” restrictions that have been imposed, and the employee is qualified to perform the duties of the vacant position, an accommodation can be made. The City, however, has no obligation to create a position for an employee who is unable to perform his/her normal job duties.

5.10 WORKERS' COMPENSATION AND WAGE CONTINUATION BENEFITS

An employee who is injured in the line of duty may receive workers' compensation and injury wage continuation benefits under the terms and conditions prescribed in the applicable programs.

5.11 INCLEMENT WEATHER

The Public Works Director will check the City streets and inform the Mayor and City Administrator of the conditions of the streets, and the Mayor and the City Administrator shall make a final decision on whether or not the City offices shall have delayed opening or be closed all day due to inclement weather. Employees will be paid for hours closed due to inclement weather. If the City remains open, PTO may be used for inclement weather days at the discretion of the employees.

CHAPTER 6 EMPLOYEE CONDUCT

6.01 ATTENDANCE

All employees are expected to report to work as scheduled and to work their scheduled hours and overtime, if necessary. Employees shall be at their place of work in accordance with City and departmental policies and regulations. Supervisors shall establish work schedules and maintain daily employee attendance records.

6.02 WORK STANDARDS

It shall be the duty of each employee to maintain high standards of cooperation, proficiency, and economy in his or her work for the City. Supervisors shall organize and direct the work of their departments to achieve these objectives. If work habits, attitude, production, and/or personal conduct of an employee should become a problem, the employee's supervisor should point out the deficiencies at the time they are observed and take appropriate action. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action, but nothing herein shall prevent immediate formal action as provided elsewhere in these policies whenever the interest of the City requires it.

6.03 POLITICAL ACTIVITIES

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to City employees:

- (a) Employees shall refrain from publicly using their positions for or against any candidate for public office in any jurisdiction.

- (b) No employee, while on duty, shall take an active part in any political campaign of another person for an elective position of the City. The term “active part” means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about the candidates.
- (c) Employees may not be required to contribute money, labor, time or any other valuable thing to any person for City election purposes.
- (d) No employee may hold an appointive or elective City office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment, with or without remuneration.

6.04 SOLICITATION

Solicitation of contributions or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with express approval of the City Administrator. No employee may be required to make any contribution or may be penalized or rewarded in any way in connection with his or her employment according to his or her response to the solicitation.

6.05 OUTSIDE EMPLOYMENT

Although outside employment is not expressly prohibited by the City, employees who work other jobs on their own time must remember that their first responsibility is to the City. If a second job leads to excessive absenteeism, tardiness, conflicts with a department’s regular or on-call duty schedule, or poor performance, the employee may be asked to choose between the two jobs.

6.06 PHYSICAL FITNESS

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his or her job.

6.07 PERSONAL APPEARANCE AND DRESS CODE

As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. Employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner appropriate to the particular job being performed.

(a) City Dress Code

The City of Glen Rose wishes to provide a work environment that is free of safety hazards, and offensive behavior and harassment of any kind. The need for proper

appearance from all staff is necessary. Therefore, the following dress code guidelines are expected from all employees.

- (1) Clothing should be worn and fit in such a manner that it does not expose the abdomen, cleavage, back or buttocks areas.
- (2) Clothing needs to portray a professional image and should be free of sexually related references, nude or semi-nude pictures, profanity, offensive material or suggestions or promotions of illegal drug use, beer or tobacco.
- (3) Body piercing jewelry shall only be worn on the ear. Spacers, gauges and/or stretching the ear beyond a conventional piercing is not acceptable.
- (4) Tattoos, body art and/or branding on the skin shall not be visible on the face, neck or hands and shall not contain potentially offensive words, terms, logos, pictures, cartoons or slogans.
- (5) Clothing should be in good repair, not to be excessively torn, worn, frayed, dirty or visibly patched and all seams must be finished.
- (6) The following clothing is not acceptable at any time: spandex, bare feet, tank tops or spaghetti strap tops, halter tops, beachwear, shorts, bib overalls or other form fitting pants, work-out attire, sexually provocative clothing, the observable lack of undergarments or exposed undergarments, flip-flops, or slippers, or distracting, offensive or revealing clothing.
- (7) Excessive makeup and/or excessive use of perfumes/colognes are unprofessional.
- (8) Hair should remain well-groomed and professional. Unnatural colors and extreme hairstyles are prohibited.
- (9) Facial hair for men is allowed and should be neatly trimmed. The appearance standards required of employees will vary according to the nature and duties of their positions. No dress code can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If an employee is uncertain about acceptable attire for work, he/she should ask his/her supervisor and/or department head.

(b) City Office Business Attire Standards

- (1) Slacks and Pants: Slacks, pants and jeans should maintain a clean appearance with no holes, rips or similar damage that exposes skin. All employees who choose to wear jeans must abide by the business dress policy and maintain a professional appearance.

- (2) Skirts and Dresses: Dresses, skirts, skirts with jackets, dressy two-piece knit suits or sets, and skirts that are split at or below the knee are acceptable. Dress and skirt length should be no higher than two inches above the top of the knee.
- (3) Shirts, Tops, Blouses and Jackets: Button-down shirts, dress shirts, blouses, polo-type shirts, golf shirts, sweaters, tops and turtlenecks are acceptable attire for work if they contribute to the appearance of a professional environment. Most suit jackets or sport coats are also acceptable for the office. Tank tops and similar bare-shoulder designs may only be worn when accompanied by a jacket, cardigan, or dress sweater. Special event, occasion, school or organization T-shirts may be worn when approved by the Department Head.
- (4) Shoes and Footwear: Shoes and footwear should provide sufficient design & support so as not to interfere with an employee's work. Conservative walking shoes, dress shoes, oxfords, loafers, boots, flats, dress heels, dress sandals, and open-toe shoes are acceptable for work. Athletic shoes are permitted to be worn in the office, however, they must be conservative in color and design. Flip-flops, crocs and slippers are not acceptable in the office.

6.08 FINANCIAL OBLIGATIONS

All employees are expected to keep their personal financial affairs in good order. Failure to pay just debts, including taxes, may constitute grounds for disciplinary action if job performance is impeded.

6.09 CONFLICT OF INTEREST

No City Council person or employee of the City shall accept, directly or indirectly, any gift, favor, privilege, or employment having an aggregate monetary value in excess of twenty-five dollars (\$25.00) from any person, firm, or corporation doing business with, or seeking to do business with the City during the term of office of such City Council person or during the employment of such employee of the City, and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the City and for its benefit. Under no circumstance shall cash or any instrument of cash having monetary value be accepted. No City Council person or employee of the City who is employed, directly or indirectly, by any person, firm, or corporation doing business with, or seeking to do business with the City, shall in any manner participate in any discussion or decision of any agency, board, commission, or instrumentality of the City having to do with the business done or sought to be done with the City by such person, firm, or corporation without first declaring publicly such employment.

6.10 GENERAL DEPARTMENT

The attitude and deportment of a City employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the City administration and its programs and policies.

6.11 SEXUAL HARASSMENT

No employee, male or female, shall harass another employee by making unwelcome sexual advances or favors or other verbal or physical conduct of a sexual nature; using an employee's submission to or rejection of such conduct as the basis for or as a factor in any employment decision affecting the individual; or otherwise creating an intimidating, hostile, or offensive working environment by such conduct. The City does not condone any sexual harassment of its employees. All employees will be subject to severe discipline up to and including discharge, for any act of sexual harassment they commit.

The creation of an intimidating, hostile, or offensive working environment may include such actions as persistent comments on an employee's sexual preferences or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship unrelated to City employment may not be viewed as sexual harassment. Any employee who feels victimized by sexual harassment should report the harassment to the City Administrator immediately. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

6.12 INDICTMENTS AGAINST EMPLOYEE

An employee may be suspended with or without pay, if accused or indicted for a crime or official misconduct pending a decision on the indictment such as dismissal, acquittal or conviction. If the indictment is dismissed or if the employee is acquitted, the suspended employee shall be reinstated to his or her former position, or a similar one if not available, without loss of any benefits, and such suspension shall not be considered as a disciplinary action.

6.13 STEWARDSHIP OF CITY VEHICLES, EQUIPMENT, AND PROPERTY

Employees are expected to exercise good stewardship of the City's equipment and property. Resources are not to be wasted. No City vehicle shall be left running while unattended. Vehicles, equipment, and facilities must be provided proper care and routine maintenance. Should an employee become involved in an accident involving City property or become aware of damage to City property, immediately thereafter the employee, or the employee's supervisor, shall file a report concerning the same with the City Secretary. If necessary, the appropriate law enforcement authority shall be notified. At management's discretion, an investigation may be conducted. Incidents shall be deemed "preventable" or "non-preventable." Any employee deemed responsible for a "preventable" incident may be subject to disciplinary action.

CHAPTER 7 DISCIPLINE, APPEALS, AND GRIEVANCES

7.01 WORK ETHIC AND DISCIPLINARY POLICY

The City expects its employees to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations and policies pertaining to job performance standards and personal conduct on the job. If an employee fails to perform satisfactorily or if his or her personal conduct is unacceptable, disciplinary action may be taken.

All reasonable efforts will be made to ensure due process to the employee. The City will attempt to review and resolve all employee problems as promptly and equitably as possible and at the lowest possible organization/supervisory level. All employees will be provided with a fair, expedient, objective and consistent means of resolving work related problems.

7.02 GROUNDS FOR DISCIPLINARY ACTION

The City Administrator may take disciplinary action against an employee for any of the following:

- (a) Illegal, unethical, abusive, or unsafe acts.
- (b) Violation of City rules, regulations, policies or procedures.
- (c) Insubordination.
- (d) Leave under false pretenses.
- (e) Incompetence.
- (f) Neglect of duties.
- (g) Theft.
- (h) Participating in prohibited political activities.
- (i) Unauthorized soliciting while on duty.
- (j) Excessive or unauthorized absenteeism or tardiness.
- (k) Failure to conduct himself/herself in a courteous and proper manner while on duty.
- (l) Falsification of official documents or records.
- (m) Unauthorized use or disclosure of official information.
- (n) Unauthorized or improper use of official authority.
- (o) Possession, use or being under the influence of drugs or alcoholic beverages not prescribed by a physician, while on duty.

- (p) Damaging City equipment, tools, machines, and/or property.
- (q) Wasting materials and supplies.
- (r) Carelessness, recklessness, and/or engaging in horseplay.
- (s) Immoral conduct or indecency.
- (t) Abuse of illness, injury, disability leave, or other benefits.
- (u) Any threat or physical attack on any supervisor or co-worker.
- (v) Failure to properly document time and attendance records.
- (w) Sexual harassment.

This list is to illustrate the more common grounds for disciplinary action and is not intended to be all-conclusive.

7.03 TYPES OF DISCIPLINARY ACTION

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned at any time that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands. Informal disciplinary action may be documented in the employee's official personnel file at the discretion of the supervisor.

Supervisory personnel are encouraged to consider the following as normal disciplinary transitional steps in situations requiring disciplinary action:

Verbal Warnings with records of each warning being noted in the employee's personnel file;

Written Reprimands, which the supervisor must transmit through the City Administrator before placement in the employee's personnel file;

Suspension Without Pay or **Reduction in Pay**

Demotion or **Dismissal**

Nothing herein is intended to negate the authority and responsibilities of a supervisor to take the disciplinary action they believe appropriate based upon the relevant circumstances, nor prohibit the supervisor from immediately discharging an employee for the first instance of gross misconduct.

7.04 WRITTEN REPRIMAND

In the interest of good discipline, an employee may be formally reprimanded in writing. The reprimand shall describe the deficiency or infraction involved and shall state the likely consequence of further unsatisfactory performance and/or conduct. The employee will be informed of the written reprimand and a copy of the reprimand shall be kept in the employee's official personnel file.

7.05 SUSPENSION

In the interest of good discipline, an employee may be suspended without pay for up to thirty (30) calendar days in any one (1) calendar year. A notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The suspension shall be permanently noted in the employee's official personnel file. When an employee is under investigation for a crime or official misconduct, or is awaiting a hearing or trial in a criminal matter, he or she may be suspended without pay for the duration of the proceedings when such suspension would be in the best interests of the City and the public. If the investigation or proceedings clear the employee, he or she shall be eligible for reinstatement with full pay and benefits restored.

7.06 REDUCTION IN PAY

In the interest of good discipline, an employee's pay may be reduced, provided it is done within reason. A notice of reduction must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The reduction shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later pay increases.

7.07 DISCIPLINARY DEMOTION AND DISMISSAL

In the interest of good discipline, an employee may be demoted. A notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later advancement.

An employee may also be dismissed from City employment for any reason determined to be appropriate by the supervisor.

7.08 APPEALS OF DISCIPLINARY ACTION

An employee may appeal any disciplinary action taken against him or her by following the appeal procedures as outlined below.

Phase 1 Appeal - Department Head

Within three (3) working days following the supervisor's initiation of disciplinary action, the employee shall submit his or her appeal in writing in a sealed envelope to the City Hall front office staff to be date and time stamped, logged in, and delivered to the Human Resources Manager. The Human Resources Manager shall present a copy of the appeal to the employee's Department Head, who then shall hear the matter.

The Department Head shall provide the employee and Human Resources Manager with a phase 1 written response to the appeal within three (3) working days of the initial meeting.

Phase 2 Appeal - City Administrator

Within three (3) working days from the receipt of the Department Head's "step 1" written response or non-response, the employee shall have the right to appeal the decision to the City Administrator. Upon written request of the employee, the Human Resources Manager shall present a copy of the appeal and the Department Head's "phase 1" written response to the City Administrator, who then shall hear the matter.

The City Administrator shall provide the employee and Human Resources Manager with a "phase 2" written response to the appeal within three (3) working days of this meeting.

Phase 3 Appeal - Mayor and City Council

Within three (3) working days of receipt of the City Administrator's "phase 2" written response or non-response, the employee shall have the right to elevate his or her appeal to the Mayor and City Council. The employee shall prepare a written appeal request addressed to the Mayor and City Council submitted as outlined in the phase 1 appeal process to be delivered to the Human Resources Manager.

The Human Resources Manager shall submit the employee's written request for appeal with all related documentation including the "phase 1 and phase 2" written responses to the Mayor, the Mayor shall promptly coordinate a date and time for the City Council to hear the employee's appeal.

As promptly as practicable after the final employee's written request for appeal has been filed, the employee should be given notice of the hearing date and time, the Human Resources Manager shall notify all parties in writing, including the employee, the Department Head and City Administrator, and the Mayor and City Council.

Appeal Hearing Format

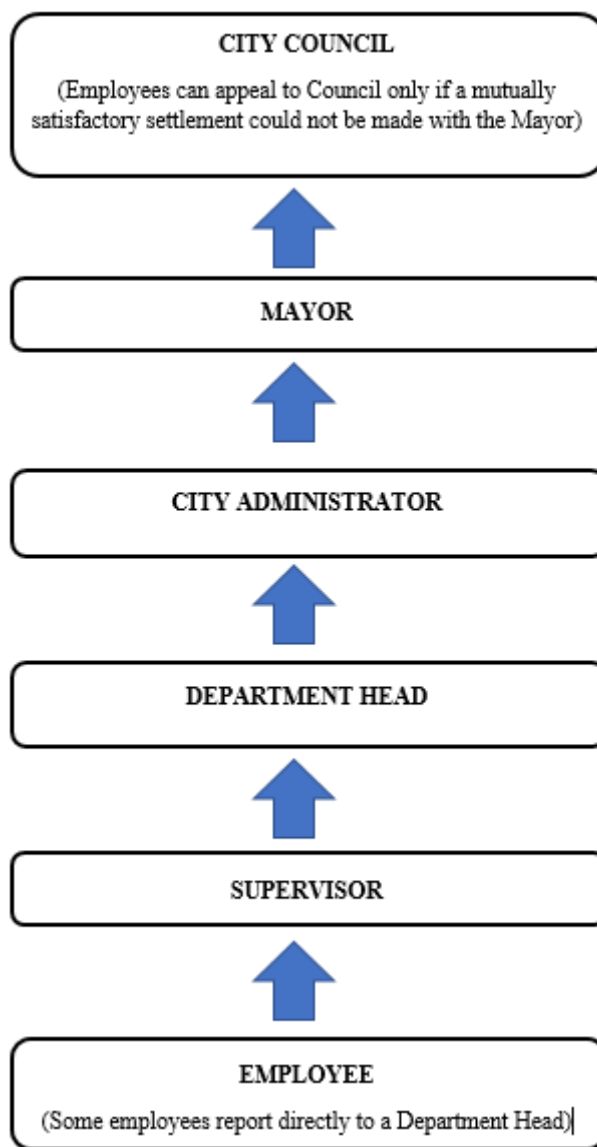
The format for the appeal hearing allows both parties adequate time to present without interruption and also time for the City Council to ask relevant questions.

During the hearing, the employee will make the first presentation and discuss the appeal. The employee shall be allowed to appear before the Mayor and City Council with representation of his or her choice, if desired. The supervisor, Department Head and City Administrator will then make their presentation concerning the appeal.

The Mayor and City Council will then review and discuss the information that has been presented by all parties. If necessary, the Mayor and City Council may request and gather additional documents or request and interview additional witnesses. The City Council shall issue a final determination of the case, which shall be final.

NOTE: All evidence being submitted for City Council review shall be presented to the Human Resources Manager for distribution to all parties at least 48 hours in advance of the hearing.

**FLOW CHART
FOR
7.08 APPEALS AND 7.09 GRIEVANCE PROCEDURES**



7.09 GRIEVANCE PROCEDURES

All employees have the right to take any job-related complaint, problem or grievance to their immediate supervisor in order to resolve it. They may communicate with their supervisors either orally or in writing, and may be accompanied by representation of their choice. Following discussion of the grievance with his or her supervisor, if an employee still remains dissatisfied with a working condition or some other aspect of employment, other than for a disciplinary action or personnel evaluation, he or she may have access to successively higher levels of management. Supervisory personnel or Department Heads will make all reasonable effort to achieve rapid, satisfactory, and productive resolution of problems, complaints, and grievances and shall always assure every employee's right to due process.

A grievance is an employee's written statement that his or her supervisor is improperly or prejudicially applying or failing to apply the personnel rules, regulations and/or procedures of the City. The grievance procedure permits every employee equal access to those individuals who make management decisions. In addition, the grievance procedure provides a standard process for speedy investigation resolution of employee complaints. The grievance procedure shall not be used to resolve differences between employees of like rank.

The employee should always keep in mind the responsibility of the City to its citizens and to the public. It is the responsibility of the employee to assist in discharging this responsibility by contributing to a good working relationship among employees in the City government. In order to minimize disruption of the operation of the City government and damage to the reputation of the City among its citizens, the employee shall use this grievance procedure.

Punitive action shall not be taken against an employee for submitting a grievance in accordance with these guidelines. Employees shall have the right to be represented by legal counsel, should they so choose, at any step of the grievance process. Additionally, a grievance may be withdrawn at any step without prejudice.

Phase 1 Grievances - Supervisors and Department Heads

Within five (5) working days after the cause of the grievance arises or becomes known to the employee, the employee shall submit his or her grievance in writing and in a sealed envelope to the City Hall front office staff to be time and date stamped, logged in, and delivered to the Human Resources Manager. The Human Resources Manager shall present a copy of the written grievance to the employee's supervisor.

It shall be the responsibility of the supervisor to study the grievance and attempt to resolve it within ten (10) working days of it having been submitted. Further discussions with the grievant shall be encouraged. If the grievance cannot be resolved to the satisfaction of both parties within ten (10) working days, the supervisor shall refer it with comments and/or recommendations to the Department Head. If the employee's supervisor fails to resolve or

refer a grievance within ten (10) working days, the employee has three (3) working days to present the grievance directly to the Department Head.

It shall then be the responsibility of the Department Head to study the grievance and attempt to resolve it within ten (10) working days as outlined above. If the grievance cannot be resolved to the satisfaction of both parties within ten (10) working days, the Department Head shall provide the employee and Human Resources Manager with a phase 1 written response to the grievance.

Phase 2 Grievances - City Administrator

Within ten (3) working days from the Department Head's "phase 1" written response or non-response, the employee shall have the right to present the grievance directly to the City Administrator. Upon written request for the employee, the Human Resources Manager shall present a copy of the grievance, any comments and/or recommendations of the employee's supervisor and the Department Head's phase 1 written response to the City Administrator, who then shall hear the matter.

If the grievance cannot be resolved to the satisfaction of both parties within ten (10) working days, the City Administrator shall provide the employee and Human Resources Manager with a "phase 2" written response to the grievance.

Phase 3 Grievances- Appeal Mayor and City Council

Within three (3) working days of receipt of the City Administrator's "phase 2" written response or non-response, the employee shall have the right to elevate his or her grievance to the Mayor and City Council. The employee shall prepare a written appeal request addressed to the Mayor and City Council submitted as outlined in the "phase 1" grievance process to be delivered to the Human Resources Manager.

The employee's written grievance appeal request must contain the following information:

- A request to appeal the grievance to the Mayor and City Council
- A statement of the specific personnel rules, regulations, policies, or procedures that have been violated or misapplied, with the dates and descriptions for such violations or misapplication.
- The specific remedy being sought.

The Human Resource Manager shall submit the employee's written request for appeal with all related documentation including the "phase 1" and "phase 2" written responses to the Mayor. The Mayor shall promptly coordinate a date and time for the City Council to hear the employee's appeal. Once the date and time are set, the Human Resource

Manager shall notify all parties in writing, including the employee, the Department Head and City Administrator, and the Mayor and City Council.

Grievance Appeal Hearing Format

The format for the grievance appeal hearing allows both parties adequate time to present without interruption and also time for the City Council to ask relevant questions.

During the hearing, the employee will make the first presentation and discuss the grievance. The employee shall be allowed to appear before the Mayor and City Council with representation of his or her choice, if desired. The supervisor, Department Head and City Administrator will then make their presentation concerning the grievance.

The Mayor and City Council will then review and discuss the information that has been presented by all parties. If necessary, the Mayor and City Council may request and gather additional documents or request and interview additional witnesses. The City Council shall issue a determination on the case, which shall be final.

Outside of the City's organizational structure, an employee may be able to find assistance with grievances or other employment issues through the Employee Rights and Laws page at the Texas Workforce Commission website.

CHAPTER 8 NON-DISCIPLINARY TERMINATIONS

8.01 RESIGNATION

An employee may leave the employment with the City in "good standing" by submitting a written and signed two (2) week notice to the City Hall front office staff to be time and date stamped, logged in, and delivered to the Human Resources Manager.. The personnel records of any employee who resigned by giving proper notice shall show that the employee resigned of his or her own accord. If the employee fails to provide a satisfactory level of performance, the employee's supervisor or the City Administrator reserves the right to terminate the employee anytime after the resignation has been submitted.

If for three (3) consecutive days an employee fails to report for duty or remain at work as scheduled without proper notification, authorization, or excuse his or her position with the City of Glen Rose will be considered abandoned which constitutes an employee's resignation. Resignation under these conditions will not be considered a resignation in good-standing.

8.02 LAYOFF

An employee may be laid off because of changes in duties, organizational changes, lack of work, or budget cutbacks. Whenever possible, an employee laid off from one City department shall be transferred to a suitable position elsewhere, provided said employee has the appropriate qualifications and job skills dependent on the City's budget and workforce needs. Whenever possible, at least two (2) weeks' notice shall be given to an employee prior to a layoff. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency. Temporary employees shall be laid off before regular employees performing similar duties. A layoff shall not be considered a disciplinary action. Employees laid off may be recalled to their job or another similar job in which they meet the minimum job requirements and qualifications.

8.03 INCAPACITY

An employee may be terminated for medical reasons when the employee no longer meets the standards of fitness required for the position. A finding of incapacity shall be based upon an individual medical determination by a competent physician prescribed by the City Administrator. Termination for incapacity shall not be considered disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability, or other benefits.

8.04 RETIREMENT

Eligible employees may elect to retire from the City service in accordance with applicable retirement programs.

CHAPTER 9 PERSONNEL RECORDS

9.01 PERSONNEL RECORDS MAINTENANCE

- (a) Custodian designated. The personnel records of all City employees shall be kept in the custody of the City Secretary.
- (b) Employee access. An employee may inspect his/her personnel file, under appropriate supervision, and if any information is believed to be incorrect, the employee may submit a written request to change the information to the City Secretary. If the request is granted, the City Secretary will make the change in the presence of the employee. If the request is denied, the employee may place a statement of disagreement in the file.
- (c) Other access. On an "as needed" basis, an employee's personnel file may be reviewed by the administrative staff and elected City officials. The City Secretary may release personal data which is a matter of public record, including the employee's name, positions held, salary range, and dates employed. The City Attorney or TML legal staff should be consulted on requests for additional information.

- (d) Segregation of medical records. All employee medical information shall be segregated from other employee records and shall be kept secure from unauthorized access. The City Secretary shall be responsible for ensuring any access to an employee's medical records is consistent with the requirements of the Genetic Information Nondiscrimination Act and the Americans with Disabilities Act.
- (e) Privacy protections. Personal data, which is not a matter of public record, may be released only upon written authorization from the employee, unless applicable law requires disclosure. A current or former employee, within fourteen days after being employed or after terminating the employment relationship, may in writing elect to have his address, telephone number, social security number, and family information withheld from public release.

9.02 STATUS CHANGES OR NEW HIRINGS

Supervisors shall submit to the City Administrator recommended changes in the personnel status of their employees or requests to hire new employees prior to making any commitments to either existing employees or prospective new hires.

9.03 PERSONNEL REPORTS

Supervisors shall be responsible for providing the personnel department with all necessary employee reports and records associated with good personnel management for their department. Such records and reports shall include, but not be limited to, employee personal time off (PTO), attendance and overtime records, performance reports, counseling records, change of status documentation, and all types of disciplinary action. Failure to do so may result in formal disciplinary action.

The City Administrator shall prepare such narrative reports, statistical summaries, and other personnel reports as are necessary or desirable to provide useful information to the Mayor and City Council.

CHAPTER 10 TRAVEL POLICY

10.01 APPLICABILITY OF TRAVEL POLICY

This policy is applicable to all City employees, contract employees, and/or elected officials, and applies to all travel on City business outside the City limits and to all travels reimbursements, subject to budget limitations and authenticated expenses.

10.02 AUTHORIZATION REQUIRED

Only the City Administrator may authorize travel leave and expenses for City business outside the City. Only the City Council may authorize travel leave and expenses for City

business outside the State. All travel requests must be approved by the department head and the City Administrator prior to its occurrence, with the exception of any pre-approved classes, training and/or schools for employees that are mandated or recommended for obtaining and maintaining licenses or certification. Department Heads shall prepare a schedule outlining any anticipated travel for training purposes and submit it to the City Council for their information only. Any employee traveling on City business shall leave word with their supervisor as to where they can be reached while out of the City. All travel requests must be submitted on forms provided for that purpose.

10.03 TRANSPORTATION

When travel is required by a City employee or elected official for approved City business, a City vehicle or personal car may be used. However, when travel does not involve an overnight stay, employees shall use a City vehicle, if available, and carpool (if more than one employee is going to the same event), unless another arrangement has been approved by the City Administrator. For travel beyond a two hundred fifty (250) mile radius of the City, air transportation is an option, but to be exercised that option first must be authorized by the City Council.

All approved transportation expenses will be reimbursed as follows:

- (a) When a personal vehicle is used for approved City business all travel mileage will be paid at the mileage rate established by the IRS. Detailed maps showing mileage must be submitted at least 2 weeks prior to travel plans. Parking fees will be reimbursed, provided receipts are submitted for payment.
- (b) When a City vehicle is used, all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts will be required.
- (c) When air travel is permitted, the cost of such airfare will be prepaid or reimbursed. Additionally, reimbursement will be made for the use of rental cars or taxi or bus fares, provided such expenses are necessary and reasonable. Receipts will be required.
- (d) Driving time will be paid as time worked. Supervisors will receive compensatory time at the rate of hour for hour. Driving time must be approved by the City Administrator.
- (e) Hourly employees will receive pay at the overtime rate of one and one-half hours per hour of driving time, provided the driving time causes the employee to exceed 40 hours per week worked. All driving time must be approved in advance by the City Administrator.

Personal affairs of the employee can be attended to, but only on the employee's time and with the employee bearing the additional costs of any personal travel outside the realm of the City approved travel. Mileage shown on the travel request form for advance of funds requested must be submitted at least two (2) weeks prior to travel. City vehicles will not be permitted on personal affairs alternate routes.

10.04 FOOD AND LODGING

Whenever authorized by the City Administrator, lodging expenses associated with official City business travel shall be paid with the City credit card for actual expenses incurred. Receipts will be required. Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or otherwise approved by the City Administrator. The City will pay for lodging that is economical and practical that has been charged on the City credit cards with approval. Exceptions must be approved in advance by the City Administrator. Meals not covered with registration fees or otherwise paid for by the City will be covered by per diem based on fifty dollars (\$50.00) per day. Per diem request shall be turned in to accounts payable at least two (2) weeks prior to travel dates.

Reimbursement will not be made for personal telephone calls, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except as provided in Section 10.05 hereafter.

10.05 TRAVEL ADVANCES AND REPORTS

Employees traveling on City business may use a City vehicle, if one is available. City gas cards may be used for business travel. Mileage shall be paid at the IRS rate if a personal vehicle is used. A map with a detailed route is required. All cash advances for mileage shall be submitted to accounts payable on forms provided for that purpose, at least two (2) weeks prior to travel dates.

CHAPTER 11 VEHICLE POLICY

11.01 PURPOSE OF VEHICLE POLICY

The purpose of these vehicle policies is to provide for the safe and effective utilization of the City vehicle fleet through rules, regulations, and procedures.

11.02 APPLICABILITY

These policies shall apply to all City-owned vehicles and persons assigned a vehicle, inclusive of operators and passengers.

11.03 TAKE-HOME VEHICLES

- (a) Purpose: City employees are not eligible for take-home vehicles. Only under emergency circumstances may a City employee be allowed to take-home a City vehicle and then only with prior approval by the City Administrator.
- (b) Eligibility: An employee must be subject to emergency call-back during off-duty hours to locations other than the employee's normal workstation in order to be eligible for a

take-home vehicle. Emergencies shall include but not limited to a county or City-wide disasters, major circumstances caused by extreme weather conditions i.e., significant flooding events, major snow or ice storms, tornado causing extreme damage to City property, or other incidents that would place the City or its citizens in extreme danger.

(c) Requirements: Take-home vehicles are authorized subject to the following requirements:

(1) Emergency circumstances and then only at the discretion of the City Administrator or Mayor if the City Administrator is unavailable.

(2) By the very nature of their functions, the Police Department and the Public Works Director are exceptions to this policy as long as their residences are located within the City or no more than 5 miles from the City. If a City vehicle is taken home under this provision, it shall only be used for City business.

11.04 VEHICLE LOGS

It will be the responsibility of each operator of a City vehicle or piece of equipment to properly fill out any paperwork associated with the use, mileage, gas or lubricant applications, or any other documentation which may be required from time to time.

CHAPTER 12 PROFESSIONAL TRAINING

12.01 PURPOSE

Professional training is a beneficial, and sometimes necessary, part of the City's operations. Accordingly, in its annual budget the City has designated funds for training and for the travel expenses sometimes associated with that training. This policy has been developed to ensure that expenditures for training serve the best interests of the City, its various departments, and its citizens.

12.02 CRITERIA

(a) Expenditures for training and travel shall be limited to the amounts included in the annual budget.

(b) Departmental training and travel funds shall be reserved solely for the use of employees assigned to that department.

(c) All requests for training and travel funds shall be submitted in writing and shall either be originated or approved by an employee's immediate supervisor, then, shall be submitted to the department head for approval, and shall be submitted to the city administrator for final approval before any funds may be expended. A description of

the training being sought and the reason the training is being sought shall be included in the request.

- (d) Employees are encouraged to submit requests for training funds early in the budget year to allow management an opportunity to weigh competing requests for the funds that are available.
- (e) Unless otherwise approved by the City Council, when training funds are requested, the training to be acquired must be consistent with the duties included in an employee's job description.

12.03 APPEAL

Should funding be available and a request for training be denied, the matter may be appealed following the process and described in Section 7.08.

12.04 CROSS TRAINING

- (a) Should a department head or the city administrator believe it would be beneficial for the City to provide an employee with training outside of the employee's job description, the request for training funds must be submitted to the Council for approval before any funds may be expended.
- (b) This policy is not intended to limit in-house cross training.

CHAPTER 13 DRUG FREE WORKPLACE POLICY

13.01 PURPOSE

The City recognizes that drug and alcohol abuse ranks as one of the major health problems in the world and adversely affects an employee's performance and safety on the job. It is necessary and required by law for the City to provide a drug free and alcohol-free workplace that will foster safety and productivity and to provide education and treatment to employees. To further this objective, the following rules regarding alcohol and illegal drugs in the workplace have been established.

13.02 GENERAL POLICY STATEMENT

To maintain a drug free workplace, the City prohibits the unlawful manufacture, distribution, dispensing, possession, sale, purchase, use or presence of illegal drugs, alcoholic beverages, or drug paraphernalia during working hours, in the workplace, or in a City vehicle.

13.03 APPLICATION OF POLICY

This policy applies to all City employees regardless of rank or position and includes temporary and part-time employees.

13.04 PRE-EMPLOYMENT SCREENING

- (a) **Test Required.** As a public employer, the City is entrusted with protecting the health and safety of its citizens. This obligation includes ensuring that public safety is not endangered as a result of drug use by City employees. In keeping with this obligation, individuals who seek employment with the City for a position that has been identified as a safety or security sensitive position will be required to submit to pre-employment drug and alcohol tests. All such tests will be conducted under the supervision of the City's designated physician or testing facility.
- (b) **Positive Test.** An applicant with a confirmed positive test for alcohol, or for any drug, legal or illegal, for which he or she does not have a valid medical prescription, will not be considered for employment. The applicant may be considered for employment and re-testing after a period of twelve (12) months.
- (c) **Consent.** All job applicants for positions that have been identified as safety or security sensitive positions will be required to sign a consent form authorizing pre-employment drug and alcohol testing and the use of test results in employment decisions. Applicants who refuse to sign the consent form will not be considered for employment.

13.05 REASONABLE SUSPICION TESTING OF CURRENT EMPLOYEES

- (a) **Test required.** When a department head has a reasonable suspicion that an employee, at work or when reporting to work, appears to be under the influence of alcohol or illegal drugs, or is otherwise impaired and therefore may be impaired or unfit for duty, the employee will be required to consent to a drug and alcohol test.
- (b) **Reasonable suspicion.** Circumstances which constitute a factual basis for determining reasonable suspicion may include, but are not limited to:
 - (1) Direct observation of drug or alcohol use or possession.
 - (2) Possession of drug paraphernalia.
 - (3) Observation of physical symptoms of drug or alcohol use, such as slurred speech, red watery eyes, dilated pupils, drowsiness, or sleeping.
 - (4) Sudden, unexplained personality changes, drastic mood swings, or changes in personal habits, including inattention to personal hygiene or frequently borrowing money.

- (5) Documented deterioration of an employee's job performance, which may include excessive absenteeism or tardiness.
 - (6) Information provided by a reliable or credible source which is independently corroborated.
 - (7) Involvement in accidents or injuries in which obvious precautions were not taken, improper or careless orders were given, or an unusually reckless attitude is present; and/or
 - (8) Arrest or conviction for drug or alcohol related offense on or off the job, or the identification of an employee as the focus of a criminal investigation into illegal drug use, possession, or trafficking.
- (c) Reasons for reasonable suspicion shall be documented. In establishing a basis for reasonable suspicion, the supervisor will interview the employee about possible causes for the observed behavior and will describe the incident in writing. This process will serve to document the circumstances leading to the conclusion that a test for the presence of an illegal drug or alcohol is warranted.
- (d) Review of documentation. Once the initial interview and written description has been completed, the supervisor must contact the City Administrator or his designee for a review of the documentation. The City Administrator must concur with the supervisor's recommendation before a drug and alcohol test is performed. Outside of regular working hours, or if the City Administrator is not available, a supervisor may order an employee to submit to an immediate drug and alcohol test, pursuant to the guidelines in this article. The City Administrator must be notified of the testing at the earliest opportunity, and all records relating to the incident will be maintained by the personnel department.

13.06 CONDUCTING DRUG AND ALCOHOL TESTS

- (a) Consent form. Employees required to submit to a drug or alcohol test will be required to sign a consent form provided by the City Secretary. Refusal to sign the consent form shall be considered a refusal to take a drug or alcohol test.
- (b) Testing facility. All drug and alcohol tests will be conducted under the supervision of the City's designated physician or testing facility. Testing will be performed using a specimen of urine, other bodily fluid, hair, or any other matter suitable for testing. Collection of specimens, delivery of specimens to a laboratory, and laboratory testing will be conducted in accordance with relevant security-related provisions of the Mandatory guidelines for Federal Workplace Drug Testing Programs (also known as the "NIDA" rules).
- (c) Establishing positive results. A two-stage process will be used to establish positive test results. A preliminary screening will be performed on all specimens, using the "EMIT"

test or a comparable process. All positive drug screens will be confirmed by the use of the gas chromatography/mass spectrometry (GS/MS) method. The finding of any of the following substances in a serum specimen at the levels shown or in greater amounts will be considered a “positive” test:

Substance	Cut-Off Level
Alcohol	0.02% weight per volume
Amphetamines	300 ng/L
Barbiturates	300 ng/L
Benzodiazepine	300 ng/L
Cocaine, Metabolites	300 ng/L
Marijuana	40 ng/L
Methadone	300 ng/L
Opiates	300 ng/L
PCP	75 ng/L
Propoxyphene	300 ng/L

- (d) Prescription medicine. In the event a positive finding may have been caused by the use of a prescribed medication, the tested person will be given the opportunity to confer with the supervising physician, and to present a current prescription for a medication that caused the positive test result. If the physician finds the prescribed medication to be the legitimate cause of the test result, the overall test results will be reported to the City as “negative,” and the person shall not be subject to any adverse action.
- (e) Re-testing. An employee or applicant who tests “positive” using the GS/MS method may request a re-test of the original sample at the employee’s own expense. An employee’s request for a re-test must be made in writing to the department head within three (3) working days of receipt of the test results. Applicants must submit a written request for re-testing to the City Administrator or his designee within three (3) working days of receipt of the test results. Re-testing may be performed by the same laboratory or by a second laboratory that meets certification by the National Institute on Drug Abuse (NIDA) and which has been accredited as a forensic urine drug testing laboratory by the College of American Pathologists.

13.07 CONSEQUENCES OF REFUSING TEST OR TESTING POSITIVE

- (a) Positive test. Any current employee who tests positive for the presence of illegal drugs or alcohol in a reasonable suspicion of post-accident drug and alcohol test shall be subject to discipline, including dismissal.

- (b) Refusal. Employees who refuse to submit to a drug and alcohol test required pursuant to this article shall be subject to discipline, including dismissal.

13.08 SELF-DECLARATION AS A SUBSTANCE ABUSER

- (a) Participation in City Employee Assistance Program. Any employee may identify himself or herself at any time as an abuser of drugs or alcohol and voluntarily through a recognized treatment program approved by the City, seek counseling and rehabilitation. In these instances, the employee will be permitted the use of available leave. Employees undergoing treatment will be required to authorize disclosure of their progress in treatment to the City Administrator or his designee. Employees who fail to actively participate in and comply with the rules of the rehabilitation program will be subject to immediate revocation of their leave and dismissal from employment.
- (b) May not be used to avoid drug or alcohol testing. This section is not intended to provide a means for an employee to avoid any required drug and alcohol testing. Once the process of establishing a reasonable suspicion has been initiated, or an accident or injury has occurred, and employee may not seek treatment in an effort to avoid testing and possible disciplinary action, including dismissal.

13.09 DRUG OR ALCOHOL CONVICTIONS

- (a) Notification required. Any employee who is convicted of any criminal activity involving the illegal use of drugs or alcohol must notify his or her supervisor no later than five (5) days after a conviction. Failure to do so may result in disciplinary action, including dismissal.
- (b) Conviction during working hours. Employees who plead guilty or nolo contendere to a violation of criminal drug and alcohol statutes which occurred during working hours shall be dismissed from employment.
- (c) Other convictions. Except as provided by Subsection (b), employees who are convicted under any drug or alcohol statute may be allowed to remain employed by the City depending on the circumstances of their arrest and conviction and the nature of their position with the City. Continued employment with the City will be contingent upon the employee's active participation in a recognized treatment program and the employee's work performance. Any convicted employee who is allowed to remain employed will be subject to periodic testing as provided in Sections 13.05 and 13.11.

13.10 EMPLOYEE ASSISTANCE

- (a) Referral. The City will provide employees with referral for assistance in resolving or accessing treatment for addiction to or dependence on, illegal drugs or alcohol. The cost of treatment, counseling or rehabilitation resulting from referral will be the responsibility of the employee. The City's group health plan may provide benefits for substance abuse treatment.

- (b) Leave for treatment. Employee assistance activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regard to use of PTO.

13.11 FOLLOW-UP TESTING OF KNOWN SUBSTANCE ABUSER

Employees who have completed a drug or alcohol rehabilitation program will be subject to periodic unscheduled testing for a period of two (2) years after completion of the program. Employees who successfully complete treatment for use of drugs or alcohol and subsequently are found during working hours to be in possession of or under the influence of alcohol or drugs, or who test positive at any time will be subject to dismissal from employment.

13.12 DISCLOSURE OF PRESCRIPTION OR OVER-THE-COUNTER DRUG USE

- (a) Notification required. The City recognizes that employees may from time to time need to take prescription or over-the-counter medications that may cause the effects of light-headedness, weakness, dizziness, drowsiness, sedation, loss of coordination, disorientation, or other comparable side effects. The employee is required to notify his or her supervisor prior to reporting for duty if the employee's performance is compromised or diminished from use of prescription or over-the-counter drugs. It is the responsibility of employees to request reassignment to other duties, if needed, for the duration of impairment, or to request the use of available leave.
- (b) Failure to notify. Employees who fail to notify their supervisor of such impairment, and who continue to work, may be required to take available leave, or to perform other assignments, and may be subject to disciplinary action if supervisory intervention is required.

13.13 EMPLOYEES ON STAND-BY OR SUBJECT TO CALL-BACK

- (a) On-call employees. Employees who are designated for "on-call status" are expected to be free of illegal drugs, and available to report to work for the duration of their on-call status. "On-call" employees who fail to report to a call to duty, or who report for duty under the influence of drugs or alcohol, may be subject to drug and alcohol testing and discipline, including dismissal.
- (b) Emergency duty. The City recognizes that in emergencies, employees who are not designated for call-back may be requested to report for unexpected duty. The supervisor shall ask any employee who is called back for emergency duty if he or she is fit for duty. Employees who may be under the influence of alcohol or legally obtained medication must report this fact to their supervisor before reporting for duty. Based on this report, the supervisor and employee may jointly decide whether the employee may perform requested duties while under such influence. In no event, however, will employees reporting to emergency duty under the influence of drugs, alcohol or legally obtained medication be allowed to operate vehicles, machinery or mobile equipment.

Employees may decline calls for emergency duty because of off-duty use of alcohol or legally obtained drugs. In this event, the employee will not be subject to any disciplinary action or penalty.

13.14 OFF-DUTY CONDUCT

It is not the City's intent to intrude upon the private lives of its employees. The City does, however, reserve the right to take disciplinary action, up to and including dismissal, in the event that an employee's off-duty involvement with illegal drugs or alcohol is damaging to the City's reputation or business, or interferes with the employee's job duties.

13.15 SEARCHES

When reasonable suspicion, as defined by this article, exists, the City reserves the right to conduct unannounced searches for unauthorized substances anywhere on City property, including but not limited to lockers, desks, file cabinets, City vehicles. All such searches must be authorized and conducted under the direction of the City Administrator, and the grounds for suspicion must be described in writing prior to the search. Employees who refuse to cooperate during such unannounced searches shall be subject to disciplinary action, including dismissal.

13.16 TRANSPORTATION

In the event an employee is dismissed from his or her daily duties due to a drug test, they will not be allowed to drive themselves to their residence. If a family member or friend is unavailable to transport the employee, the supervisor and one other employee will transport the employee to their residence.

CHAPTER 14 CONFIDENTIAL AND PROPRIETARY INFORMATION POLICY

14.01 SCOPE

This policy affects all City employees, officials, board members, contractors, and volunteers who, due to their relationship with the City, may have access to confidential information.

14.02 TYPES OF CONFIDENTIAL AND PROPRIETARY INFORMATION

Confidential and proprietary information is secret, valuable, and often can be easily replicated and transmitted. Common examples of confidential information are:

- (a) Unpublished financial information;
- (b) Data of Customers/Partners/Vendors;

- (c) Customer and Vendor lists and contact information;
- (d) Data entrusted to the City by external parties;
- (e) Passwords or combinations; and,
- (f) Documents and processes explicitly marked as confidential.

Employees may have various levels of authorized access to confidential proprietary information.

14.03 WHAT EMPLOYEES SHOULD DO:

- (a) Lock or secure confidential information at all times;
- (b) Turn confidential documents over to the City Secretary when they are no longer needed;
- (c) Make sure they only view confidential information on secure devices;
- (d) Only disclose confidential information to other employees, officials, board members, contractors, and volunteers when it is necessary for appropriate municipal purposes; and,
- (e) Keep confidential documents inside City premises and on City devices unless it is absolutely necessary to do otherwise and, then, only after proper authorization has been obtained; and,
- (f) When their employment relationship with the City ends, transfer any files, documents, papers, flash drives, electronic media, passwords and combinations, vendor and contact lists or any other municipal information or material in their possession to their supervisor and delete any City information from all their personal devices.

14.04 WHAT EMPLOYEES SHOULD NOT DO:

- (a) Use confidential or proprietary information for any personal benefit or profit;
- (b) Make copies of confidential documents and files for personal use or store them on insecure devices;

- (c) Disclose confidential information to any person, including relatives, friends, and business and professional associates outside of the City for any unofficial or unauthorized purposes whatsoever; or,
- (d) Publish confidential information on social media or in print or by any other means whatsoever.

14.05 CONSEQUENCES FOR VIOLATIONS

Employees who do not adhere to this Confidential Information Policy may face disciplinary and, possibly, legal action.

The City will investigate every breach of this policy. Any employee who willfully breaches the City's confidentiality guidelines for personal profit will be terminated. Any unintentional breach of this policy depending on its frequency and seriousness will be disciplined up to and including termination.

The obligation to guard the City's confidential and proprietary information persists even after an individual's employment relationship with the City has ended..

CHAPTER 15 MISCELLANEOUS PROVISIONS

15.01 ACTIVITY REPORTS

The City Administrator and all Department Heads shall provide monthly reports on activities within the sphere of their authority to the City Secretary for inclusion in the monthly Council packet by the Monday prior to the regular monthly Council Meeting.

15.02 PROPERTY CONTROL

- (a) No City employee shall use City equipment in the conduct of his or her personal affairs.
- (b) Postage, stationery, office supplies and copy machines are to be used only in the transaction of City business unless authorized by the City Administrator.
- (c) All gasoline obtained from City pumps shall be properly logged. An accounting of all gasoline purchased and used by the City shall be made and reports of usage filed.
- (d) No City employee, contract employee, or elected official shall use a municipal credit card for personal purchases or expenses.

15.03 ORDERING UTILITY SERVICES

Departmental requests for new electric, gas and telephone utility installations or additional services must be approved in advance by the City Administrator.

15.04 PURCHASES

No purchases shall be made in the name of the City by any employee except as authorized by the City Administrator. No purchases shall be made in the name of the City by an elected official, except to secure lodging in connection with a municipal conference or municipal training sessions. For all purchases, employees must submit receipts and signed authorizations indicating which budget categories the charges are to be assessed against the City's accounts payable staff.

15.05 HOUSEKEEPING DUTIES

Supervisors shall be responsible for maintaining neat, sanitary and orderly office spaces, working areas, yards and grounds.

15.06 SAFETY

Supervisors shall be responsible for preparing and promulgating safety procedures applicable to all personnel and operations under their control. Each employee is required to adhere to all safety procedures set forth by the City, State, and federal agencies. It is the obligation of all employees to report any unsafe conditions to the appropriate supervisors and to inform their supervisor of any on-the-job injury or accident.

15.07 BREAKS

It is the policy of the City to allow two (2) fifteen (15) minute breaks, between 10:00 and 10:30 AM and 3:00-3:30 PM, at the discretion of the supervisor. One (1) break is to be taken in the morning and the other in the afternoon. Breaks shall be taken at convenient times without leaving an employee's duties or telephone unattended. Breaks are not to be considered an employee's right, but a privilege. At no time will breaks accumulate for later use or take precedence over the work situation on any given day.

15.08 LUNCH BREAKS

The scheduling of employee lunch periods will be determined by the supervisor to facilitate serving the public and permitting efficient department operations. Lunch periods shall not exceed one (1) hour in length except for approved business lunches, in which case the employee shall return to work within a reasonable time upon completion of the business lunch. City vehicles will not be allowed out of the City limits for employee lunch breaks. Unless otherwise authorized by the employee's supervisor, employees who are expected to be available for duty between eight (8) and five (5) shall be required to take a one (1)

hour unpaid lunch break. Anyone working more than six (6) hours during a day must take at least a thirty (30) minute unpaid lunch break.

15.09 TELEPHONE AND DATA EQUIPMENT USAGE

Telephones should be answered promptly and courteously. City phone and data equipment and services are intended for City business use. Brief and occasional personal use is acceptable as long as it does not result in expense to the City or degrade performance. These services may not be used to send chain letters, engage in personal or private business activities, or send, receive, or access pornographic material. Employees have no right to privacy when using these systems, and all records stored on them are subject to Open Records requests. All personal calls shall be limited so as not to interfere with City business. Personal Cell phone usage during work hours should be kept to a minimum.

15.10 NEWS RELEASES

All news releases by City employees will be approved by the Mayor or City Administrator prior to their release.

15.11 PROFESSIONAL MEMBERSHIPS & SUBSCRIPTIONS

The City will participate in the cost of professional memberships and subscriptions for elected officials and employees. Requests for memberships and subscriptions must be approved by the Mayor or City Administrator prior to participation.

15.12 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OR UNIFORM

Any official or employee whose duties involve the use of a badge, card, uniform or clothing insignia as evidence of authority or for identification purposes shall neither permit such badge, card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession without good cause or approval of the City Administrator. Such badge, card, uniform or insignia shall be used only in the performance of the official duties of the position to which they relate or as may be otherwise approved by the City Administrator.

15.13 SMOKING IN THE WORKPLACE

In keeping with the City's intent to provide a safe and healthy work environment, smoking in the workplace is prohibited. City employees may not smoke in any enclosed City owned building, facility or vehicle.

15.14 AIDS IN THE WORKPLACE

The City recognizes that many employees with life-threatening illnesses desire to lead normal lives, which includes working as long as their health permits. Employees with Auto-Immune Deficiency Syndrome (AIDS) or other life-threatening illnesses are entitled

to the same employment benefits as are other City employees who have medical problems and the City will make reasonable job accommodations where necessary. Employees with AIDS will be allowed to work as long as they perform their job duties and the illness presents no threat to themselves, other employees, or the general public. The City will reserve the right to require an employee to undergo a medical examination by a doctor chosen by the City whenever there is a question of an employee's fitness to work. Every effort will be made by the City to counsel both the employee with AIDS and his or her co-workers.

15.15 DRIVER INSURABILITY

Employees whose positions require the operation of a motor vehicle are expected to obey all traffic laws and avoid accidents at all times, even when driving their own vehicles during non-working hours. Failure by such employees to maintain a driving record satisfactory to the City's general liability insurance carrier shall be deemed a violation of this policy and shall subject the employee to dismissal. Under most liability insurance policies, one of the offenses that is certain to result in the employee's disqualification from coverage is conviction for driving while under the influence of alcohol or drugs.

15.16 PROFESSIONAL WORK ENVIRONMENT

The City is committed to providing a professional work environment for its employees. Should an employee observe or experience a pattern of unprofessional conduct within the workplace, the employee should report the same in writing to his or her supervisor, or if the employee's supervisor is the source of the unprofessional conduct, the report may be presented to the next link in the chain of command.

15.17 RETURN OF CITY INFORMATION, EQUIPMENT AND PARAPHERNALIA

When someone's employment relationship with the City comes to an end, that individual shall be required to comply with the requirements of the City's Confidential and Proprietary Information Policy, return all City provided uniforms, supplies, keys, credit cards, and equipment and convey any passwords needed to access City equipment or service providers, prior to his or her final paycheck being issued.