



**CITY COUNCIL  
WORKSHOP SESSION MINUTES  
AUGUST 2, 2025**

**PRESENT:**

Dr. Christopher Harvey, Mayor

**COUNCIL MEMBERS:**

Emily Hill, Mayor Pro Tem, Place 1  
Anne Weir, Place 2  
Maria Amezcua, Place 3  
Sonia Wallace, Place 4  
Aaron Moreno, Place 5  
Deja Hill, Place 6 (Arrived at 9:20 a.m.)

**CITY STAFF:**

Scott Moore, City Manager  
Brittany Lopez, Assistant City Secretary  
Tracey Vasquez, HR Director

**WORKSHOP SESSION – 5:30 P.M.**

With a quorum of the Council Members present, the workshop session of the Manor City Council was called to order by Mayor Harvey at 9:13 a.m. on Saturday, August 2, 2025, in the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

**A. Discussion of the City of Manor Policies and Procedures Handbook.**

The attached proposed Policies and Procedures Handbook was discussed.

There was no action taken.

**ADJOURNMENT**

The Manor City Council Workshop Session Adjourned at 10:41 a.m. on Wednesday, August 2, 2025.

The Manor City Council approved these minutes on the 20<sup>th</sup> day of August 2025.

**APPROVED:**

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Dr. Christopher Harvey  
Mayor

**ATTEST:**

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Lluvia T. Almaraz, TRMC  
City Secretary



**Last updated:**

## **City of Manor History**

The City of Manor, founded in 1872, was located on the Houston and Texas Central Railway, giving residents easy access to markets. The City was named for James B. Manor, who settled on Gilleland Creek, west of present-day downtown Manor. By the mid-1880s-1880s Manor had a district school, three churches, six general stores, and a population of 125. Cotton, cottonseed, and grain were the principal commodities shipped from the area. The community grew rapidly in the late nineteenth and early twentieth centuries, with population estimates reaching 500 by 1892 and 900 by 1914. In the late 1920s, Manor had 1,000 residents, but the onset of the Great Depression led to a decline. Manor continued to serve as a commercial center for area farmers, many of whom used the railroad to ship livestock and dairy products. Based on the Decennial Census, the 2000 population was 1,500 persons. Today, the City of Manor's population exceeds an estimated 37,361 residents.

Over the next decade, the City of Manor is poised to see explosive growth as its proximity to Austin, its affordable land, and its location at an interchange of the SH130 toll-road set the stage for this growth. Many new subdivisions offer a variety of housing types for first-time home buyers to retirees. In addition, the possibility that the still-active rail line might be used for commuter rail has increased Manor's growth prospects.

In conjunction with the current boom in residential growth, commercial retail and service providers are discovering that the City of Manor has affordable land, along with streamlined development processes created to welcome new development.

## **Your City Government**

The City of Manor is a "Home-Rule" city which operates as Council-Council-Manager form of government. Manor's governing body is made up of six Council Members and the Mayor, all of whom have an equal vote in making decisions for the City. The Mayor and the Council Members are elected at-large, by Place. Each seat on the council, except for the position of mayor, are numbered as Place 1 through Place 6. The Council Member occupying a particular seat is identified by the Place number assigned to that council seat.

# **Welcome**

Welcome to the City of Manor! We are delighted that you have chosen to join our organization and hope you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the City's goals.

You are joining an organization with a reputation for outstanding leadership, innovation, sustainability, and diversity. Our team uses their creativity and talent to invent new solutions, meet new demands, and provide quality services. With your active involvement, creativity, and support, the City will continue to achieve its goals. We sincerely hope you will take pride in being an essential part of the City's success.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or contact the Human Resources (HR) department.

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**\*\*This personnel policy should not be considered all-inclusive. The absence of a specific policy covering any act of the employee of the City of Manor does not mean that act is condoned, permissible, or would not call for disciplinary action.**

**\*\*This Personnel Policies & Procedures Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.**



# **Equal Opportunity and Commitment to Diversity**

## **1.1 Employment at Will**

Employment in the City is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the City Manager.

This means that the employee or the City may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee, is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period. In addition, no City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or hourly terms are stated for convenience or to facilitate comparisons and are not intended to and do not create an employment contract for any specific period.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. City employees have the right to engage in or refrain from such activities.

City Council must approve amendments and additions to the Personnel Policies & Procedures Handbook. The Human Resource Department produces all personnel policies, while the City Manager is responsible for the implementation of the policies.

## **1.2 Equal Opportunity**

The City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Department. The City will not allow any form of retaliation against individuals who raise equal employment opportunity issues. Employees who feel they have been subjected to any such retaliation should bring it to the attention of their direct Supervisor and the Human Resources Director.

### **1.3 Commitment to Diversity and Inclusion**

The City of Manor is committed to creating, fostering, cultivating, and preserving a workplace culture in which all employees can participate and contribute to the success of the operations and are valued for their skills, experience, and unique perspectives. This commitment is embodied in the City's policy and how we do business and is an essential principle of sound management, as follows the Office for Civil Rights, Diversity, and Inclusion adhering to the EEO Commission, i.e., directive 0-560.001.

The City's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection, compensation and benefits, professional development and training, promotions, transfers, social and recreational programs, layoffs, terminations, and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Promoting open, effective communication and clear channels for feedback for all employees.
- Established a transparent process for reporting behaviors that violate these policies.
- Provide training opportunities for all personnel to ensure their commitment to recognizing and avoiding conscious and unconscious bias towards any person with whom they have contact.
- Establish and maintain staff resources committed to implementing and coordinating the City of Manor's strategic initiatives.
- Employees who believe they have been subjected to discrimination that conflicts with the City's diversity policy and initiatives should seek assistance from a supervisor or the Human Resources Director. It is a violation of the ADA to discriminate against people with disabilities in all aspects of life.

## **1.4 Americans with Disabilities Act (ADA) and Reasonable Accommodation**

The City of Manor is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act as Amended (ADAAA). It is the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation imposes an undue hardship on the City. The City of Manor prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested reasonable accommodation.

Under the ADA and ADAAA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy equal benefits and privileges of employment. An employee or applicant with a disability may request accommodation from the HR department and should specify in writing what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation to the extent permitted and under applicable law. The Human Resources Director then will review and analyze the request within a reasonable amount of time, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made or if any other possible accommodations are appropriate. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodation. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the City to prohibit harassment or discrimination based on disability or because an employee has requested reasonable accommodation. The City of Manor prohibits retaliation against employees for exercising their rights under the ADA and ADAAA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure to report any harassment, discrimination, or retaliation they have experienced or witnessed.

The City will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon The City's continuity of operations.

## **1.5 Harassment and Complaint Procedure**

It is the City's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or third party based on actual or perceived characteristics including, but not limited to, race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or

gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws. The City of Manor will not tolerate such conduct.

Furthermore, retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The City will take all reasonable steps to prevent and eliminate unlawful harassment and retaliation.

**Definition of “unlawful harassment.”** “Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or an offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on actual or perceived characteristics including, but not limited to race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or another characteristic protected by state or federal law.

**Definition of “sexual harassment.”** While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” can include all the above actions, as well as other unwelcome conduct, and is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

- Submission to or rejection of such conduct is made either explicitly or implicitly as a term or condition of any individual’s employment or as a basis for employment decisions.
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not.

- Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; and comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments.
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

All employees should note that, as stated above, retaliation against an individual who has complained about sexual or other harassment and retaliation against individuals for cooperating with an investigation of sexual or other harassment complaints violate the City's policy.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- (1) Shunning and avoiding an individual who reports harassment, discrimination, or retaliation.
- (2) Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; *or*
- (3) Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

**Complaint procedure.** If you believe you have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment or other inappropriate conduct, you are requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.

If the investigation confirms conduct that violates this policy, the City will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report, whether a finding of harassment is made after an investigation. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

The City encourages all employees to attempt to resolve complaints informally through discussions with the employee's immediate supervisor or other member of management with whom the employee is comfortable. If an employee cannot resolve a complaint subject to this policy with his or her immediate supervisor, the employee shall submit a written complaint to the employee's Department Director. A written complaint to a Department Director for actions other than sexual harassment must be made within 30 days of the event or action complained of, or the latest event or action if the complaint is regarding a series of actions. If an employee's complaint is not resolved to his or her satisfaction within ten days of filing a written complaint with the Department Director, the employee may present his or her written complaint to the Human Resources Department, which will forward the written complaint to the City Manager. The decision of the City Manager may be conveyed to the employee orally or in writing and is final.

**Definition of Grievance-** A formal complaint or expression of dissatisfaction about a perceived violation of rights or entitlement.

The City recognizes that employees sometimes need to express concerns or make a complaint formally.

1. Informal Discussion with Supervisor—Employee concerns should be addressed with their immediate supervisor whenever possible. Many concerns can be resolved informally when an employee and supervisor review the concern or complaint and discuss options to address the issue.
2. Written complaint to the Supervisor- If the employee is not satisfied with the outcome of the informal discussion, they may submit a written complaint within 5 days to the immediate and senior supervisors, including:
  - The nature of the grievance.
  - Detailed information, including evidence of the issue, witnesses, related policies, etc.
  - The remedy or outcome desired.
3. If the employee is not satisfied with the response, senior management will consult with the Human Resources department, the City Manager, and any other relevant party to evaluate the grievance and provide a written response within five (5) days.

**The Human Resources department will maintain all records for ALL complaints.**

## 1.6 Pregnant Workers Fairness Act

The U.S. Senate passed two acts that help working moms who are pregnant or breastfeeding. The Pregnant Workers Fairness Act and the Providing Urgent Maternal Protections for Nursing Mothers Act (the PUMP Act) were added to the 2023 omnibus spending bill, which has now passed the Senate and is headed for a House vote.

**The PUMP Act:** The PUMP Act for nursing mothers requires organizations to provide time and space for breastfeeding parents. The Affordable Care Act of 2010 already requires that employers provide reasonable time to express breast milk and provide a place for pumping, other than the bathroom, that is shielded from view and private.

**Pregnant Workers Fairness Act:** The second bill that helps mothers is the Pregnant Workers Fairness Act which requires employers to provide reasonable accommodation for medical conditions related to pregnancy and childbirth. The law states that employers can't deny employment opportunities based on these pregnancy accommodations, and they can't "require employees to take paid or unpaid leave if another reasonable accommodation can be provided."

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Employees are entitled to a place to pump at work, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public.

Specifically, the PWFA guarantees workers the affirmative right to receive reasonable accommodations for known limitations stemming from pregnancy, childbirth, and related medical conditions

Reasonable accommodations are changes in the work environment or how things are usually done.

Some examples of possible reasonable accommodations under the PWFA include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom.
- Changing food or drink policies to allow for water bottles or food.
- Changing equipment, devices, or workstations, such as providing a stool or a way to do work while standing.
- Change uniforms or dress codes or provide safety equipment that fits.
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time.
- Telework.

- Temporary reassignment.
- Temporary suspension of one or more essential functions of a job.
- Leave for health care appointments.
- Light duty or help with lifting or other manual labor or
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth.

This list provides some examples; many other reasonable accommodations may exist. Also, a worker may need different accommodations at different times during the pregnancy or after childbirth.



# Conflict of Interest and Confidential Information

## 2.1 Conflicts of Interest

The City of Manor expects all employees to conduct themselves in a manner that reflects the highest standards of ethical conduct and in accordance with all federal, state, and local laws and regulations. This includes avoiding actual and potential conflicts of interest.

What constitutes a conflict of interest, or an unethical business practice is both a moral and a legal question. The City recognizes and respects the individual employee's right to engage in private activities outside of employment that do not in any way conflict with or reflect poorly on the City.

Defining all the circumstances and relationships that might create a conflict of interest is impossible. If a situation arises with a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activities that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Holding a substantial interest in, or participating in the management of, a firm to which the City makes sales or from which it makes purchases.
2. Accepting substantial gifts or excessive entertainment from an outside organization or agency (value of over \$50).
3. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the City.
4. Participating in civic or professional organization activities in a manner that divulges confidential City information.
5. Misusing privileged information or revealing confidential data to outside vendors, organizations, agencies, citizens, and/or contractors.
6. Using one's position in the City or knowledge of its affairs for personal gains; *and*
7. Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City.
8. Use City employment, authority, or influence in any manner for his/her personal betterment, financial or otherwise.
9. Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services.
10. Discussions or participate in decisions of any City agency, board, commission, or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision.
11. Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in performing duties to the City.

\*For additional information regarding outside employment, refer to the Outside Employment section of this Handbook.

12. Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Any potential conflicts of interest must be disclosed to the City Manager immediately and the potential or conflicted employee must be isolated from the transaction. An employee may not knowingly participate in a decision of any matter involving a business entity or real property with which he/she has substantial interest if the decision on the matter will have a special economic effect on the business entity or real property which is distinguishable from the general public or that may be controlled by Chapter 171, Regulation Of Conflicts Of Interest Of Officers Of Municipalities, Counties, And Certain Other Local Governments, Texas Local Government Code as may be amended from time to time. A “substantial interest in a business entity” is defined as an employee owning 10% or more of the voting stocks or shares of the business entity, the employee owns either 10% or more or \$15,000 or more of the fair market value of the business entity or the funds received by the employee exceeds 10% of the employee’s gross income for the previous year. A “substantial interest in real property” is defined as an employee owning \$2,500 or more in real property and/or if a person related to the employee in the first degree has a substantial interest.

Violations of this policy may result in disciplinary action up to and including termination of employment. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources Department, or the City Manager’s office.

## **2.2 Confidential Information**

Confidential information is all information disclosed to or known by you because of employment with the City that is not generally known to people outside the City about its business.

An employee who improperly uses or discloses confidential information will be subject to disciplinary action up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information.

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Department maintains these confidential medical files. Examples of information that may be provided to the City by an employee’s health care provider, and maintained in the confidential medical file, include:

- A note to justify an absence.
- A note to request leave.
- A note to verify the employee’s ability to return to work.

- Medical records to support a claim for sick pay or disability benefits.
- Insurance records and Workers' compensation records.

It is essential that employees understand that the records are confidential, but that confidentiality may be waived when the employee provides medical information to his/her supervisor or the Human Resources Department. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

Any employee who is subpoenaed or otherwise potentially legally compelled to provide is encouraged to notify the human resources department prior to providing any information.

## 2.3 Employee Privacy

It is the City's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise or reasonable suspicion, you may be requested to cooperate with an investigation. The investigation may include the following procedures to safeguard the City and its employees: searches of personal belongings, searches of work areas, searches of private vehicles on company premises, medical examinations, drug testing, breathalyzer testing, and of the like. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, including termination.

Employees are expected to make use of city facilities only for the business purposes of the City of Manor. Accordingly, materials that appear on city hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the IT Department at any time without notice to the employees. Employees do not have to have any expectation of privacy with respect to any material on city property. The City of Manor regularly monitors its communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline. Employees are expected to keep personal communication to a minimum and to emergency situations.

**Video surveillance.** As part of its security measures and to help ensure a safe workplace, the City has positioned video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, locker/dressing rooms, etc. Video equipment will not include an audio component.

## **2.4 Privacy—Social Security Numbers**

It is the City's policy that Social Security numbers obtained from employees, vendors, contractors, customers, or others are confidential information. Social Security numbers will be obtained, retained, used, and disposed of only for legitimate business reasons and in accordance with the law and this policy.

Documents or other records containing employee Social Security numbers generally will be requested, obtained, or created only for legitimate business reasons consistent with this policy. For example, Social Security numbers may be requested from employees for tax reporting purposes (i.e., Internal Revenue Service (IRS) Form W-4), for new hire reporting, background investigations or for purposes of enrollment in the City's employee benefit plans.

All records containing Social Security numbers (whether partial or complete) will be maintained in secure, confidential files with limited access.

Any employee who obtains, uses, or discloses Social Security numbers for unauthorized purposes or contrary to the requirements of this policy and procedure may be disciplined up to and including discharge. The City will cooperate with government investigations of any person alleged to have obtained, used, or disclosed Social Security numbers for unlawful purposes.

## Employment Relationship

### 3.1 Employment Classification

The City of Manor classifies its employees as shown below to determine eligibility for benefits and overtime status and ensure compliance with federal and state laws and regulations. The City may review or change employee classifications at any time.

**Exempt.** Exempt employees are typically paid on a salary basis and are not eligible for overtime pay. The average exempt employee, however, normally does not often exceed 40 to 45 hours per week.

**Nonexempt.** Nonexempt employees are paid hourly and are eligible to receive overtime pay for overtime hours worked after forty hours per week.

**Regular, full-time.** Employees not in a temporary status work a minimum of 36 hours weekly and maintain a continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to each benefits program's terms, conditions, and limitations.

**Regular, part-time.** Employees who are not in temporary status and who are regularly scheduled to work less than 30 hours weekly but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are not eligible for the benefits offered by the City.

**Rehire.** When rehiring a former employee within one year of their departure, the employee will be eligible to retain their longevity and time accrual status. However, any accrued sick time will not be retained and will reset to zero. The employee must also adhere to the introductory period and the ninety-day waiting period for the use of accrued time.

**Temporary, full-time.** Employees who are hired as an interim replacement or, participating in a work program, or are required to pass a specialized instruction course to proceed to a regular, full-time position or a position to assist in the completion of a specific project, and who are temporarily scheduled to work the City's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status unless notified by the Human Resources Department. Temporary, full-time employees are not eligible for the benefits offered by the City.

**Temporary, part-time/seasonal-** Employees who are hired as an interim replacement or participating in an internship program or a position to assist in the completion of a specific project and who are temporarily scheduled to work the City's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status unless notified by the Human Resources Department. Temporary, part-time, and seasonal employees are not eligible for the benefits offered by the City.

**Reserve personnel.** The City of Manor may hire reserve personnel for the position of Police Officer. Reserves are employees of the City of Manor and, as such, are subject to all the same

recruitment, hiring, and personnel policies as all other City employees, including, without limitation, criminal background checks and drug screenings. The position is set forth to continue the TCOLE certification as required in other positions. The services of Reserve Personnel are performed on an “as-needed” basis as determined by the Department Director, City Manager, and Human Resources Director.

**Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as volunteers for the City without any expectation of compensation. Volunteers are not paid and are not entitled to any benefits, city equipment use, or reimbursements of any type.

**Interns: Paid and Unpaid-** They are considered volunteers and are not employed by the City in any capacity. Paid Interns are compensated at the intern pay scale adopted by the City Council, are not eligible for the full-time benefits package, and are not subject to each benefits program's terms, conditions, and limitations. Interns must adhere to applicable policies and procedures and HR directives regarding this position.

## 3.2 Compensation

**Compensation.** The City strives to provide exemplary service to the community by being a model for Municipal Government. Recognizing the centrality of our workforce of dedicated and talented professional staff, the City of Manor is committed to promoting organizational and community values that include exceptional service to the public, consistent and excellent performance, innovation, good fiscal, social, and environmental stewardship, and ethical behavior. The compensation program is aimed at retaining and attracting high-skilled, high-performing staff capable of delivering the highest standards of public service to our community. The City will expect all staff to consistently perform to those high standards in their work performance, customer service, ethics, and passion for public service. The City will also strive to administer pay and benefits in a way that is fair and transparent to all, that provides equal pay for equal work, and that does not take into consideration race, ethnicity, religion, sex, gender, sexual orientation, gender identity or expression, or other factors unrelated to work performance. To provide competitive, sustainable, and responsible compensation, the City will consider the following:

Total compensation consists of, but is not limited to, direct compensation, such as salary, and indirect compensation, such as certification pay, health insurance, retirement, professional development, and time-off benefits.

In evaluating competitive compensation, the City will consider financial sustainability, the relevant labor market, internal relationships, transparency, and other relevant factors.

**Pay Scale.** Subject to approval by the City Council, the Human Resources department shall prepare and administer a written compensation plan for City employees. City employees shall be paid hourly wages or salaries in accordance with the matrix formula of said compensation plan. Along with a competitive compensation plan, a Compensation System policy has been adopted by Resolution of the City Council for a consistent and formatted process across all departments.

### 3.3 Introductory Period

**Introduction period.** The city policy is that all new, presently transferred, or promoted employees' work be carefully monitored and evaluated for an initial introductory period of six (6) months; City of Manor Police Officers will be required to complete an introductory period of one (1) year.

An employee may be discharged at any time during the introductory period for any reason, and no reason need be assigned by the City.

**Purpose.** Department supervisors shall use the introductory period to observe and evaluate the work and fitness of employees closely and to encourage adjustment to their jobs and the City service. Only those employees who meet acceptable standards during their introductory period shall be retained. In the case of appointing or promoting a department supervisor, the introductory period shall be evaluated by the department director.

**Failure to complete the introductory period.** An employee shall fail the introductory period when, in the judgment of the department director and the Human Resources department, the employee's fitness and/or quality of work is not such as to merit continuation. Termination during the introductory period may occur at any time and shall not be considered part of the disciplinary process.

If desirable and feasible, the employee may be administratively transferred to a more suitable position. A newly promoted or transferred employee who fails in the introductory period may be returned to his/her former classification if a position is available and will be eligible for future advancement. Documentation is required regarding the failure of the introductory period.

### 3.4 Workweek and Hours of Work

**Regular work hours.** Non-exempt employees of the City typically work 40 hours in a seven-day work week. Exempt employees may be required to work more than 40 hours in certain weeks. The work week begins at 12:00 a.m. (midnight) on Sunday and ends at 11:59 p.m. the following Saturday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. (For example, most non-exempt police officers work a 12-hour shift.) In times of disaster or emergency, work hours shall be determined by the City Manager. A workday as defined by the City is eight (8) hours for most positions.

**Adjustment to work hours.** - To ensure the continuity of City services, it may be necessary for Department Directors to establish temporary operating hours for their departments with consideration by the City Manager and Human Resources Director. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or on a different schedule. Acceptance of work with the City includes the employee's acknowledgment that changing shifts or work schedules may be required and includes that he/she will be available to do such work.

### 3.5 Hybrid Working

The City of Manor supports alternative work schedules to promote a healthy work-life balance while ensuring continuity of operations and maintaining the highest level of customer service. The City's core business hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m., constituting a 40-hour workweek.

Each City department that wishes to establish a Hybrid Schedule must develop a "Hybrid Staffing Plan" Directive, which must be approved by the Human Resources Director and the City Manager prior to implementation. Each plan must comply with all aspects of the City's policy and should not require any additional unbudgeted funds. The Hybrid Schedule cannot be used in lieu of leave time; all employees will accrue leave according to the City's leave policies, including vacation, sick leave, personal leave, compensatory time, and FMLA.

The Department Director or the City Manager may terminate the Hybrid Staffing Plan at any time and for any reason. Affected employees will receive advance notice of the termination of the Hybrid Schedule. Non-compliance with this policy may result in disciplinary action.

Remote work may be permitted at the discretion of the Department Director, Human Resources Director, and City Manager on a case-by-case basis. This will be a temporary, short-term arrangement designed to comply with ADA and EEOC requirements. Ad-hoc telework allows telework-ready employees to work from a predetermined location, with VPN and other safeguards in place to protect the integrity of the City's networks. Department Directors may also work remotely as approved by the City Manager.

Employees will receive holiday pay only if they are scheduled to be off on the actual holiday during the hybrid schedule; others will observe the holiday. Flexing holiday hours is not an option. Holiday hours cannot be adjusted.

Additionally, hybrid schedules will not qualify for On-Call pay. If any coverage issues arise that impact the continuity of operations, employees will be required to revert to the City's standard schedule.

All expenses related to any hybrid schedule must be included in the fiscal budget.

### 3.6 Meal and Rest Breaks

**Meal periods.** Full-time, non-exempt employees (excluding most non-exempt police officers) are provided a one-hour unpaid meal break near the middle of the workday. The department Director may stagger meal periods to minimize departmental interruption. Supervisors will provide employees with the starting and ending times of their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. The supervisor must approve missed meal periods.

### 3.7 Time Records

All exempt and nonexempt employees are required to complete accurate weekly reports showing all the time worked. Time will be calculated by the hour and rounded to the nearest quarter, i.e., 10:42 10.75. These records are required by governmental regulations and are used to calculate regular and overtime pay. At the end of each week, you and your supervisor must sign the time sheet attesting to its correctness before forwarding it to the HR department.



**Attendance and punctuality.** Employees shall attend to their work in accordance with the rules regarding hours of work, holidays, and leaves. If an employee has an unexpected absence, the employee shall call or notify his/her supervisor within the hour prior to when the employee is to report to work. Failure to notify the supervisor may result in disciplinary action. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal. If the immediate supervisor is not available to report an unexpected absence, the employee shall report to the Human Resources Director or designee directly. All Department Directors shall report all expected absences for training, vacation, and other planned leave as soon as known but not later than two weeks prior to such leave, unless good cause exists for less notice. All Department Directors shall report to the Human Resources Department or designee any sick leave to be taken as soon as such is known. The Human Resources Department and the Department Director shall ensure adequate supervision of the department in the absence of the Department Director. If no other supervisor exists in the department, the Human Resources Director shall supervise the department's attendance in the Department Director's absence and designate a supervisor for such a department. All Department Directors shall keep daily attendance records of employees, and all absences shall be reported on a leave form and turned in with the department time sheets each pay period. Department Directors shall report personal, vacation time, and sick time used each pay period to the City Manager and Human Resources Director. Department Directors shall be responsible for keeping true and accurate attendance records for each employee and ensuring each employee's attendance complies with this policy manual. The Human Resources Department, or designee, may check time sheets for any department for accuracy. In most cases, an employee who fails to properly notify his/her supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of five days or more will have voluntarily resigned his/her employment.

**Absent from work for more than 180 days.** Any employee who is absent from work on a leave of absence for a period of 180 calendar days, regardless of the reason, and is unable to return to work after 180 calendar days will be terminated. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, USERRA, and FMLA.

### **3.8 Overtime**

**Non-exempt employees.** Due to the City's needs, you may be asked to work overtime when required. Overtime is actual hours worked more than 40 hours in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one-half their regular pay rate for all hours over 40 worked in a single workweek. Paid leave, such as holiday, sick time, bereavement time, vacation, personal, and jury duty, does not apply toward work time. All overtime work must be approved in advance by a supervisor or manager. Police officers are paid overtime based on the work cycle adopted by their Department under Chapter 142 of the Texas Local Government Code.

### **3.9 On-Call and Call-Back Compensation**

**On-Call.** The City addresses after-hours service needs by allowing certain departments to designate specific non-exempt employees as on-call. These on-call employees are expected to respond to after-hours service requests according to the procedures established by their

respective departments. To request on-call pay for a position, each department must obtain pre-approval during the annual budget process, which involves coordination with the Human Resources department, the Finance department, and the City Manager's office, as this payment falls under the fiscal budget. Not all positions within the City are eligible for on-call status.

For a non-exempt employee to be designated as officially on-call:

- The employee must have completed the training and certification required for their position.
- The employee must have a city cell phone for City communication purposes.
- The employee must respond within 30 minutes to their department or scene.
- The employee must be the designated on-call personnel on a schedule approved by their department supervisor.
- The employee cannot be on any leave for the assigned day to be eligible for on-call pay, i.e.... Sick leave, vacation, administrative leave, Worker's Compensation, etc.
- The employee will be required to document each call-out on an electronic log sheet.

After regularly scheduled working hours, on-call employees are free to pursue personal activities. Still, they must respond to a callback (via paging, telephone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be mentally and physically fit to provide on-call services needed within the required time frame. Any employee scheduled to be on call who is called out is governed by this policy.

**On-Call Compensation.** On-call status is not considered time worked, and a daily stipend of \$25.00 per day shall be paid to those designated as on-call employees.

On-call employees called out to the workplace will be paid at their regular rate of pay for actual hours worked and time worked immediately after regularly scheduled working hours, at the request or approval of the supervisor, will not be considered on-call and are paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-out that extends beyond the one-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-out is compensable under this policy if the call-out is due to a situation that requires immediate attention and is unscheduled. Travel time to and from the work site, performing regularly scheduled rounds, is not compensable. On-call procedures will be conducted in accordance with departmental policy, and such a policy must be approved by the City Manager. In all cases, employees must report their actual hours worked on their time sheets. Employees exempt from overtime are not eligible for compensation under the provisions of this policy. The City will pay overtime as required by the Fair Labor Standards Act or other City policies regulating overtime.

**Call-Back Compensation.** Some instances require an employee to be "called back" to assist with the needs of the City, this is not for regularly scheduled working hours, on-call schedules, or

events, this pay guarantees the individual a two (2) hour minimum worked time at the employee's regular rate of pay until overtime requirements have been met, even if the work was less than two (2) hours.

### **3.10 Deductions from Pay/Safe Harbor Exempt Employees**

The City of Manor complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or a change in position.

**Permitted deductions.** The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes.
- Deductions for employee benefits when authorized by the employee.
- Absence from work for one or more full days for personal reasons other than sickness or disability.
- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for the salary lost due to illness.
- Offset for amounts received as witness or jury fees or for military pay.
- Unpaid disciplinary suspensions of 1 or more full days imposed in good faith for workplace conduct rule infractions *and*
- Any full work week in which the employee does not perform any work.
- Under Senate Bill 2237 in Texas, known as the Texas Severance Pay Bill, severance pay for certain employees of political subdivisions is limited when they are terminated. The bill sets a maximum severance payment of twenty (20) weeks of compensation and prohibits any payment for misconduct.

During the first week, an exempt employee begins work for the City, or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA). Exempt, salaried employees are required to use vacation, sick leave, or compensation time when away from their specified facilities on personal business, more than two (2) hours, as this does not change their total monetary compensation or exempt status.

Compensatory time off may be awarded to exempt positions at the discretion of the City Manager. The City of Manor is not legally required to grant compensatory time to exempt employees. However, the City Manager may provide compensatory time to exempt employees who must work more than forty-four (44) hours per week for special projects. This includes unscheduled meetings or extended meeting hours that require attendance beyond four (4) hours of their regular weekly schedule, including weekends or any other normally scheduled time off, such as city-observed holidays.

This time will be classified as Executive Compensation Time and will accrue at the estimated Workers' Compensation hourly rate. Please note that this compensatory time will not roll over at the end of the fiscal year and cannot be paid out.

Like non-exempt employees, working during lunch will only count as workable hours if it is a working luncheon and has received pre-approval by your immediate Supervisor, Director, or City Manager. Additionally, for employees with flexible hours, coming in early or staying late does not accumulate as unused executive comp time; such hours are considered part of regular attendance at the senior level.

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from the employee's pay, the employee should immediately report the deduction to the HR department. The report will be promptly investigated, and if it is found that an improper deduction has been made, the City will reimburse the employee for the improper deduction.

### **3.11 Paychecks All**

City employees will be paid bi-weekly (every two weeks) on Wednesday by the end of regular business hours. Pay dates falling on an observed holiday will be scheduled for the preceding day. Paychecks are directly deposited into your checking and/or savings accounts.

### **3.12 Longevity Pay**

The City provides regular full-time employees with longevity pay. All regular full-time employees who have been continuously employed for two (2) years or more each calendar year shall be eligible for additional compensation at a rate of one hundred (\$100.00) per year for each full year of continuous service with the City up to a maximum of twenty-five (25) years. Longevity pay will be awarded annually, as a lump sum, on the anniversary of the hire date. Longevity pay is not an accrued benefit payable upon termination of employment.

Police Department Members- per Texas Government Code 141.032, in a municipality with a population of 10,000 or more, each member of the police department is entitled to receive, in addition to all other monies paid for services rendered in the department, longevity pay of \$4 a month for each year of service in the department, not to exceed twenty-five (25) years.

### **3.13 Access to Personnel Files**

Employee files are maintained by the HR department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Employees may inspect their own personnel files and may copy them but may not remove documents from their files. Inspections by employees must be requested in writing to the HR department and will be scheduled at a mutually convenient time or as required under state law. Personnel files are to be reviewed in the HR department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

### 3.14 Employment of Relatives and Domestic Partners

Relatives and domestic partners may be hired by the City if (1) the persons concerned will not work in a direct supervisory relationship, (2) the employment will not pose difficulties for supervision, security, safety, or morale, and (3) it is recommended relatives work in different City departments for absence and conflict of interest purposes. For the purposes of this policy, “relatives” are defined as spouses, children, siblings, parents, or grandparents. A “domestic partnership” is generally defined as a committed relationship between two individuals who share a home or living arrangements.

Relatives and domestic partners may not be hired by the City if related to a current City Manager or active City council member.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the company, provided they don’t work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. Suppose employees who marry or live together do work in a direct supervisory relationship with each other. In that case, the Human Resources Department will attempt to reassign one of the employees to another position for which the employee is qualified if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from the City.

### 3.15 Separation from Employment

**Resignation.** In all cases of voluntary resignation (one initiated by the employee); employees are asked to provide a written notice to their supervisors at least two (2) weeks in advance of the last day of work. Holidays and PTO will not be counted toward the two (2) weeks’ notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire. Employees who fail to give or complete the two (2) weeks’ notice are typically not eligible for rehire. **Once the resignation notification is given, NO use of sick leave or floating holiday leave (personal) time will be allowed.**

**Retirement.** An employee who intends to retire must notify his/her immediate supervisor, the Department Director, and the Human Resources Department in writing thirty (30) days prior to the date of retirement. This 30-day requirement is necessary to ensure that the required paperwork is submitted to Texas Municipal Retirement System (TMRS). The City shall offer employees retiring with the City the option to purchase continued health benefits coverage, as outlined in Texas Local Government Code §§ 175.001 et seq., as amended. **Once the retirement notification is given, NO use of sick leave or floating holiday leave (personal) time will be allowed.**

**Dismissal/ Termination.** City employees are at-will employees. Employment may be terminated by the employee or by the City for any reason or no reason. At its discretion, the City may terminate an employee’s employment because of unsatisfactory attendance, unsatisfactory performance, or conduct, and/or violation of City policies or procedures. City employees who are terminated or who resign in lieu of termination due to unsatisfactory performance or conduct

and /or violation of City policies or procedures are not eligible for rehire without the approval of the City Manager.

**Job abandonment.** If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for three (3) consecutive days, the City will consider the employee to have abandoned his/her employment, and he/she will be terminated.

In most cases, HR will conduct an exit meeting on or before the last day of employment to collect all company property and to discuss final pay and applicable benefits continuation. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary, because of business conditions, to reduce the number of employees or work hours, this will be done at the discretion of the City.

### 3.16 Certification Pay

Certification pay is paid as additional compensation for those employees who receive a certification issued by an accredited agency that directly relates to their jobs. The certification will be needed to meet regulatory requirements within the department's operations. The Human Resources Director and Department Director will make any recommendations to add or remove certifications to the list of eligible certifications as needed. These recommendations will be presented for Council consideration. Certification payment will not be paid until approved or removed from the list by City Council Action, and within the approved budget.

Specific certifications that are required for a position are not eligible for certification pay, as it is considered in the matrix of the compensation scale.

**Non-eligible employee:** any seasonal, temporary, volunteer, or internship position within the City.

List of applicable Certifications:

| Certification      | Bi-weekly | Yearly  |
|--------------------|-----------|---------|
| Bi-lingual pay     | \$50      | \$1,300 |
| CDL                | \$50      | \$1,300 |
| FTO                | \$50      | \$1,300 |
| Associate's degree | \$50      | \$1,300 |
| Bachelor's Degree  | \$75      | \$1,950 |
| Master's Degree    | \$100     | \$2,600 |

### 3.17 Promotion, Demotion, and Transfers

**Promotions.** A promotion is the movement of an employee from a position in one Pay Grade to a different position in a higher Pay Grade.

Employment notices will be posted internally for three (3) days for qualified employees. Employees will follow the City's application process and a goals and expectations interview.

A promoted employee may be placed within the new Pay Grade at the rate of pay that provides up to a 3% increase or the Minimum Rate, whichever is greater. The Human Resources Director may authorize up to a 10% increase if necessary for compression purposes. However, other salary ranges and Classifications of employees must also be considered to avoid in-range compression.

The first work date in the new position shall be the effective date for pay increases due to promotion.

**Demotions.** Demotion is the movement of an employee from one Pay Grade to a lower Pay Grade resulting from a disciplinary measure, as a request for voluntary demotion, or in response to position/department changes.

For demotions that occur because of position changes, position consolidations, or an administrative reason (not based on the performance of the employee), the salary will be placed at the rate closest to their current rate in the new Salary Range for a maximum of one (1) year.

For demotions that occur because the employee voluntarily applied for and accepted a position in a lower Pay Grade, the salary will be reduced within the new Salary Range to the current placement (For example, a Pay Grade 55, moving to a Pay Grade 45) and placed at the rate closest to their current rate in the new Salary Range, based on qualifications and service time. The salary shall be "red circled" and frozen at that level until the Salary Range of the new Pay Grade catches up to the employee's salary.

For demotions that is a result of the employee's performance or discipline, the employee's salary is decreased to within the Salary Range of the new Pay Grade, as determined by the Human Resources Director.

**Transfers.** A transfer is the movement of an employee from one position to another in the same Pay Grade. There shall be no salary adjustment whenever an employee transfers to another position.

## Workplace Safety

### 4.1 Drug-Free and Alcohol-Free Workplace-HB 46

The City of Manor's policy is to maintain a drug—and alcohol-free work environment that is safe and productive for employees and others doing business with the City.

The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including medical marijuana) while on City premises or performing services for the City is strictly prohibited. The City of Manor also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the City prohibits off-premises abuse of alcohol and controlled substances (including medical marijuana) and the possession, use, or sale of illegal drugs when these activities adversely affect job performance, job safety, or the City of Manor's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

**Pre-employment:** as required by the City for all prospective employees who receive a conditional offer of employment. The applicant will be given seven (7) business days to complete the drug screen; if not done in the allotted time, the conditional offer of employment will be rescinded, with no exceptions.

**For cause:** upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or have adversely affected the employee's job performance.

**Random:** as authorized or required by federal or state law.

Compliance with this policy is a condition of employment. Employees who test positive or refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision, this policy will consistently be enforced per applicable state and local law.

Any employee violating this policy is subject to discipline for the first offense, up to and including termination.

### 4.2 Smoke-Free Workplace

Smoking is not allowed in City buildings or work areas at any time. In compliance with Ordinance 502, "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Use of smoking products is authorized in an area at least fifteen (15) feet away from ANY entrance to a public building or City facility. Employees using these areas are expected to dispose of any smoking debris safely and properly.



## **4.3 Workplace Violence Prevention**

The City of Manor is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, there is ZERO tolerance for employees engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse; attempts to intimidate others; menacing gestures; stalking; or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at company-sponsored functions.

All City employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or HR department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline because of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the City, its employees, its elected officials, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including arrest.

Adhering to Penal Code 46 and Texas Labor Code 52.061, the City prohibits employees, other than a certified licensed police officer, the possession of weapons on its property, or City vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages or cut string and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The City reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on City property. In addition, The City of Manor may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all company property and other items that are in violation of company rules and policies.

## **4.4 Commitment to Safety**

Protecting the safety of our employees and visitors is the most important aspect of maintaining continuity of operations.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management of any health or safety issues. All employees are encouraged to partner with management to ensure maximum safety.

All on-the-job accident and incident injuries, however slight or seemingly inconsequential, **must be reported immediately by phone or in person as soon as possible but no later than 24 hours after the accident or incident** to the employee's immediate supervisor and the Human Resources Department. Failure to report any accident or incident immediately with a follow-up formal Accident Statement or Incident Statement report provided within 24 hours of its occurrence without good cause may lead to disciplinary action, including termination of employment. Such reports are necessary so that the City can comply with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to disciplinary action.

### **Definitions**

**Incident-** An unplanned, undesired event that hinders task completion and may cause injury, illness, or property damage or some combination of all three in varying degrees from minor to catastrophic; unable to prevent or prepare for.

**Accident-** Similar to the incident but supports the mindset that it could have been prevented; caused by error. Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

Employees involved in an accident while operating a City vehicle or a personal vehicle on City business must immediately notify the proper law enforcement agency (if applicable) and the appropriate Supervisor, Department Director, and Human Resources Department. The employee must file accident reports and any law enforcement report with the Department Director and the Human Resources Department.

ALL employees will be tested for alcohol and illegal and unauthorized drugs after a workplace accident or in connection with any required treatment or rehabilitation. An employee who has an injury incident during his/her official duties is not exempt from mandatory drug and alcohol testing. An on-duty police officer injured while subduing a suspect is required for drug and alcohol testing.

Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

All accidents and incident drug and alcohol screening will be done at The City of Manor Police Department. If the drug screen or alcohol breathalyzer comes back inconclusive, an outside screen will be required within twenty-four (24) hours.

## **4.5 Emergency Closings**

The City of Manor will always make every attempt to keep facilities open for business. Except for extraordinary circumstances, City offices MAY CLOSE. All City employees, whether exempt

or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his/her immediate supervisor and/or Department Director and decide to report to work if weather conditions improve. Any leave taken due to inclement weather will be charged to vacation. Part-time non-exempt employees who have no accrued vacation time available will not be paid for the time missed. The Department Director or immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergencies must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "paid administrative leave" for the time the office/department is closed. "Paid administrative leave" will NOT be given to employees when they were previously scheduled off, such as vacation, sick leave, personal time, FMLA, etc. Specific personnel and first responders must report to work even when other City departments are officially closed due to weather or other extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and the City Manager. Essential personnel who fail to report to work will need to use accrued vacation time and may be subject to disciplinary action up to and including termination of employment. The City Manager may authorize inclement weather pay at one and a half times the employee's regular pay rate for non-exempt essential personnel if 60% of the operational day is deemed inclement. Regular operational days are considered Monday through Friday, from 8 AM to 5 PM. Personnel who are away for training or scheduled classes will not be eligible for inclement weather pay. Employees are required to sign an acknowledgment form stating that they have received notice of their designation of essential or non-essential status and that they are required to work during inclement weather at the time of employment.

When either the Judge or the Mayor declares a disaster, all non-exempt employees required to work will be paid one and one-half (1 ½) times their regular hourly rate, and all exempt employees shall accrue exempt compensatory time.

## **4.6 Visitors**

To maintain security and safety for our employees, the City has the following policy with respect to visitors:

All visitors must check in at the front desk and must be escorted by an employee throughout the facility. This applies to anyone who is not an active employee or City Councilmember, including employees on disciplinary or administrative leave, family members, former employees, vendors,

and suppliers. Visits from family members shall have very limited access to other areas of facilities and be approved by the Department Director on a case-by-case basis.

When employees have any doubts about whether a person can visit, they should contact their immediate supervisor or the HR department.

## **4.7 Continuity of Operations**

In the event of a wide-scale emergency, the City of Manor must balance a variety of objectives when determining best to ensure the continuity of operations, reduce the impact on the workplace, and ensure the safety of all City employees. If an emergency is declared by the City or Travis County that affects the City, and non-essential employees are forced to evacuate their worksite due to the pandemic or other unforeseen circumstances, the City Manager reserves the right to allow for immediate and temporary memorandum changes to certain aspects of the Personnel Policies and Procedures to ensure the safety of all City employees including but not limited to leave balances, administration pay, telecommuting , minimalizing or adding to the workforce in specific departments possible vehicle distribution, temporary shelter for essential personnel, economic assistance, and tighter guidelines on sick and vacation leave. Please be placed on notice that in the case of a wide-scale emergency, the situation is fluid and changes will be made to address the situation as it evolves.

This policy will take immediate effect when an emergency or a potential emergency is imminent and is declared, as such, by the City or Travis County. This policy will remain in effect until the City determines that the emergency or potential emergency is no longer a threat to the organization or its employees. No part of this policy will be effective to the extent it conflicts with State or Federal law unless exigent documented reasons exist.

Each department director shall develop department-specific plans, procedures, and guidelines regarding the determination of essential and non-essential personnel during a state of emergency to ensure that departmental functions and services close or remain available to our community. This will assist the City Manager with prioritizing essential city services.

### **Definitions**

**Non-essential:** An employee whose presence at work is not required during an emergency, and where the employee is not required to assist the agency and/or division in meeting its operational needs.

**Essential:** An employee whose presence at work is required during an emergency, and where the employee is required to assist the agency and/or division in meeting its operational needs. An essential employee is required to report to their designated work location to ensure the operation of essential functions or departments during an emergency or the suspension of operations.

# **Workplace Guidelines**

## **5.1 Attendance**

All employees are expected to arrive on time, ready to work, every day that they are scheduled to work. If unable to arrive at work on time, or if an employee is absent for an entire day, the employee must contact the immediate supervisor as soon as possible.

Voicemail, text, and e-mail messages are acceptable except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline. Failure to show up or call in for a scheduled shift without prior approval may result in discipline.

## **5.2 Employee Performance**

Communication between employees and supervisors or managers is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

Each department director is responsible for assisting the Human Resources Department in specifying what performances need to be evaluated and monitored. Each department will have a directive to coincide with the measurable areas in the performance evaluation. The department director and the immediate supervisor will assign performance factors to each job position. The factors will be determined by complying with the job description and classification and will remain constant for all people in the same job.

An annual performance evaluation will be conducted during the month of August for each employee who has been employed six (6) months or longer with the City. The evaluation will cover the previous fiscal year. An Employee Evaluation Form will be completed for all new employees six (6) months from the date of employment. A copy will be given to the employee. The original will be retained in the employee's personnel file. The Employee Performance Evaluation Form should be reviewed annually and revised as necessary to indicate any significant changes in duties or responsibilities that pertain to each department. The Employee Performance Evaluation Form is designed to increase planning and relate performance to assigned responsibilities through a joint understanding between the immediate supervisor (evaluator) and the employee as to the job description and major performance objectives.

Current employees who are promoted within the City of Manor will also complete an Employee Performance Form at the end of their six (6) month introductory period.

New Employees will be evaluated during their sixth month of employment. On the first working day of the sixth month of employment, the Human Resources Department will send the new employee's supervisor an Employee Performance Evaluation Form, a Career Development Form, and a Self-Appraisal Form. The evaluation form will be processed as outlined above. If overall job performance is judged to be unsatisfactory, a memorandum specifying the areas of deficiency and the corresponding corrective action will be completed and forwarded with the completed Employee Performance Evaluation Form to the Human Resources Department. If

the evaluator believes that the employee will not be able to meet performance standards at any time in the future, the employee may be terminated.

### **5.3 Outside Employment**

City employees may engage in outside or self-employment, provided they receive prior written approval from the City Manager (or designee). Department Directors must also receive written approval from the City Manager prior to engaging in outside or self-employment.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract an employee's ability to perform his or her job with the City are also prohibited.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval of outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence engage in outside, off-duty, or self-employment.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) that constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization such as United Way, Girl Scouts, American Heart Association, faith-based activities, or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. In addition, employees who have accepted outside employment may not use paid sick time to work on the outside job.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action up to and including termination.

### **5.4 Dress and Grooming**

Employees must always dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the workplace year-round, in accordance with this policy. This policy applies to all employees except those who are required to wear uniforms. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments to maintain acceptable dress and appearance.

Professional business attire or the required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Clean and presentable attire that is typical for the job function (i.e., suits or dresses for the City Manager's Office, polo with city logo and slacks for Parks & Recreation) is proper attire for personnel scheduled for City Council meetings, receptions, etc., unless otherwise directed by the City Manager for the occasion.

Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. All clothing must be clean, neatly pressed, and in good repair, and appropriate to the work setting. Attire must always reflect a professional business attitude and presence. Provocative, suggestive articles or other inappropriate dress are not allowed in the workplace. When there is a question on whether an item of clothing is prohibited, please err in favor of being conservative and assume that it is not acceptable attire. The City Manager may designate a specific day in which casual attire may be worn. However, it is at the City Manager's discretion, and the attire worn on "casual days" should still reflect an appropriate professional appearance. Department Directors may occasionally allow employees to wear casual attire if a specific work assignment dictates that casual attire is appropriate and to ensure the safety of an employee.

Any questions or complaints regarding the appropriateness of attire should be directed to the HR department. Decisions regarding attire will be made by the individual departments or managers.

## **5.5 Social Media Acceptable Use**

The City of Manor encourages employees to share information with coworkers and with those outside the City to gather information, generate new ideas, and learn from the work of others. Social media provides inexpensive, informal, and timely ways to exchange ideas and information. However, information posted on a website is available to the public, and therefore, the City has established the following guidelines for employee participation in social media.

**Note:** As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Snapchat, among others.

### **The primary benefits of social media use by the City include:**

- Engage in one-on-one communication with Manor residents and stakeholders.
- Promote city government programs and services promptly.
- Respond to public questions or concerns promptly.
- Expand and target media reach to a diverse set of community audiences.

City Employees must adhere to applicable federal, state, and local regulations while managing content on a City social media account, including those specific to computer use, electronic communications, workplace behavior, professionalism, records management, and all other applicable City policies and procedures. You are responsible for authoring or publishing content from a City social media account. The Information Technology Department is responsible for archiving and retaining content published from a city's social media account per the Texas Public Information Act.

This policy does not extend to the personal social media accounts you manage. However, you may be subject to corrective action for violating City policies and procedures by publishing content that could negatively affect public confidence in either City operations or your capacity to serve as a City employee.

While connections to City social media accounts from your accounts are permitted, the content of personal accounts should not be published in such a way as to cause users to believe the content is administered or endorsed by the City, including unauthorized use of City logos and trademarks.

**Prohibited activity: employees are not permitted to engage in:**

- Create a social media page representing the City or one of its departments, affiliates, boards, or committees unless authorized by the City Manager and Public Information Officer in writing.
- Link City contact information to a personal social media account (i.e., City addresses, names, phone numbers, emails) unless authorized by the City Manager or Public Information Officer in writing.
- Use personal social media accounts while at work when it violates the City's code of conduct policy or any other City policies or procedures or if it involves unlawful or unauthorized commercial, political, or other prohibited activities.

Publish content on a City social media account that contains any of the following:

- Misleading or derogatory information about the City or its employees, officials, policies, or procedures.

**Avoid statements about the City of Manor's future.** Because the City is a public entity, writing about projected growth, sales and profits, future products or services, marketing plans, etc., may violate applicable laws.

- Link City contact information to a personal social media account (i.e. City addresses, names, phone numbers, emails) unless authorized by the City Manager or Public Information Officer in writing.
- Use personal social media accounts while at work when it violates the City's code of conduct policy or any other City policies or procedures or if it involves unlawful or unauthorized commercial, political, or other prohibited activities.

Publish content on a City social media account that contains any of the following:

- Misleading or derogatory information about the City or its employees, officials, policies or procedures.
- Actual or potential claims and litigation involving the government.
- Known copyrighted work or intellectual property of others without written permission.



- Personal, sensitive, or confidential information.
- Pornography or any sexually explicit content or comments.
- Racist, sexist, or disparaging language about any ethnic, religious, or social group.
- Threatening, harassing, or defamatory comments.
- Political campaign materials or comments.
- Information that is not public.
- Content that violates applicable City policies and procedures and/or other laws (i.e., discrimination, harassment, sexual harassment, hostile work environment, retaliation, ethics, professional work environment, copyright, etc.) e. Administrators of City social media accounts intended for public access and comments are prohibited from blocking users of those accounts.

All questions or other requests from the news media should be directed to the City Manager. The first submission will be used for identical or similar posts on a topic. Anonymous postings are prohibited. Commenters should use their full names when applicable and may be contacted to verify authenticity. Any communications made from any social media platform will not constitute a legal or official notice or comment to the City or any City official for any purpose. City social media accounts are not meant to replace or circumvent existing processes and procedures. For example, a comment that asks for public records will not be considered an official request unless sent through the proper channels and methods.

#### **General Guidelines:**

- Be transparent – Your honesty will be quickly noticed on social media. If you are blogging about your work, use your real name and identify that you work for (or on behalf of) the City of Manor. And be clear about your role. If you are interested in something, be the first to point it out.
- Be judicious – Make sure your efforts to be transparent do not violate any applicable legal guidelines for external communication. Get permission to publish or report on conversations meant to be private or internal to the City or any other public entities. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Also, be aware that the social media account and anything published on that social media account may be subject to the Public Information Act.
- Be knowledgeable – Write in the first person and stick to your areas of expertise, especially those related to the City and your assignments. If you are writing about a topic that the City is involved with but is not an expert on, you should clarify this to your readers. If you publish to a website outside of the City, please use a disclaimer: “The comments on this site are my own and do not necessarily represent the City of Manor statements or opinions.” See a City legal representative if you have any questions about complying with brand, trademark, copyright, fair use, confidentiality, or financial disclosure laws.
- Be perceptive – The lines between public and private, personal and professional, are often blurred in online social networks. By identifying yourself as an official of the City, you are creating perceptions about your expertise and the City. Be sure that all content associated with you is consistent with your work and the City’s values and professional standards.

- Be conversational – Talk to your readers like you would talk to people in professional situations. Avoid overly “composed” language. Bring in your personality and say what is on your mind. Consider content that is open-ended and invites responses. Encourage comments. Broaden the conversation by citing others commenting about the same topic and allowing your content to be shared.

- Be excited – The City is making essential contributions to the community, state, and nation and public dialogue on various issues. Our activities are focused on providing services and innovation that benefit citizens and stakeholders. Share what Leander is learning and doing, and open social media channels to learn from others.

- Be valuable – There is much-written content in social media. The best way to reach an audience is to write about things they value. Social communication from the City should help citizens, partners, and families. It should be thought-provoking and build a sense of community. If it helps people improve their knowledge or skills, build their businesses, do their jobs, solve problems, or understand the City better, then it is adding value.

- Be responsible – What you write is ultimately your responsibility. Pause. If you are about to publish something that makes you even the slightest bit uncomfortable, do not publish. Take a minute to review these guidelines to determine what is bothering you, and then fix it. If unsure, you might want to check with a City public information officer, department head, or legal representative. Ultimately, what you publish is yours, but so is the responsibility and potential consequence.

- Mistakes happen – If you make a mistake, admit it. Be upfront and quick with your correction. n. If you post to a blog, you could modify an earlier post. Make it clear that you have done so.

**Records Retention** City social media accounts may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media account may be considered a record. Social media content administered by City employees and intended for public access and comments will follow a minimum retention period of two years, as established by the Texas State Library and Archives Commission.

**To protect Texas’ sensitive information and critical infrastructure from potential threats, Senate Bill (SB) 1893 banned TikTok, WeChat, and other specified applications on City-owned devices, equipment, and networks, effective immediately. As a result, employees on the City’s networks or Wi-Fi and patrons connected to public Wi-Fi in City facilities or parks will be unable to access TikTok and the other identified applications. SB 1893 dictates that access to TikTok, WeChat, and several other applications be prohibited on all devices and networks, including routers and internet access points, owned by municipal governments and other governmental entities. To comply with this legislation, the City blocks access to these applications at the network level, preventing the download or use of these apps on any City-owned devices, guest WiFi is not to be used for official City business.**

**Legal.** Employees are expected to comply with all applicable laws.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

## **5.6 Solicitation**

Solicitation of funds or anything of value for any purpose whatsoever shall not be permitted of or by City employees on the job except with the express approval of the City Manager. No employee may be required to make any contribution, nor may an employee be penalized in any way concerning his or her employment, according to his or her response to a solicitation.

No employee shall personally accept or solicit property, service, or other thing of value more than \$50 from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member. No employee shall personally accept or solicit cash or a negotiable instrument, regardless of the amount.

## **5.7 Computers, Cell Phones, Internet, E-Mail, and Other Resources**

The City provides access to cellular phones, iPads, personal computers, laptops, television monitors, telephones, pagers, digital cameras, along with access to computer networks, internet service, email, voicemail, and fax communication systems for use by the City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic devices” or “communication systems”. These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of the City employees and to encourage work-related communication and sharing of information resources within the City. This policy applies to all City employees, contracted employees, contractors, volunteers, and other affiliates who use the City’s electronic communication systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical, and legal manner.

**ALL Electronic Devices-** The City provides cellular phones, iPads, personal computers, laptops, television monitors, telephones, pagers, digital cameras, etc., for the sole purpose of conducting City business. All City-owned electronic devices will comply with Chapter 552 of the Texas Government Code regarding Public Information, Open Records, and retention guidelines; therefore, City business may not be conducted on any personal electronic device. The IT Department shall be responsible for auditing the use of all electronic devices issued by the City. City employees must properly use, maintain, and secure all issued electronic devices. Improper use of any electronic device may result in disciplinary action up to and including termination. The City may terminate any employee’s use of electronic devices at any time for any reason.

**Internet and Email Access-** Internet and email access must be obtained through the IT Department. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an internet/email access account. Failure to adhere to this policy and its guidelines may result in the suspension or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

**Acceptable Use-** Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others, including, but not limited to, sites or information containing sexually explicit material. Users must understand that use of any City-provided, publicly accessible computer network such as the internet and email is a privilege. Minimal personal use of the internet, email, and other electronic communications systems, whether it be used from personally owned devices, is allowed under this policy if such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.

**Filtering** - The City uses software to filter inappropriate Internet sites. The City will review this filtering on a periodic basis and may modify prohibited sites without notification to City employees, contractors, volunteers, or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

**Responsibility** - The person in whose name a City-provided Internet, email or other electronic communications system account is issued is always responsible for its proper use, regardless of the user's location. Exchanges that occur while conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters. No Right of Privacy/Monitoring. Users of City electronic devices and communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy regarding such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to employee email, voice mail and instant messages, information and material transmitted, received, or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

**Restrictions** – No software can be downloaded into the City's terminal services servers unless authorized by the City Manager or designee and approved by the City's IT Department as to compliance with any copyright restrictions, annual licensing and maintenance agreements and

compatibility to the City's operating systems. Under no circumstances will the City allow any software or other material relating to music, entertainment software or games to be downloaded.

## **5.8 Conduct and Workplace Rules**

All city employees are public servants and, as such, should conduct themselves professionally and courteously while on duty or when wearing any article of clothing or accessory that identifies them with the city. All employees must **always** avoid the appearance of illegal or unethical conduct.

The City of Manor's conduct and workplace rules are designed to provide a structured corrective action process to improve and prevent the recurrence of undesirable employee performance, conduct, and attendance issues.

Outlined below are the steps of the City's progressive coaching and the recommended steps. The City of Manor reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Manor and its employees.

### ***Step 1: Counseling and verbal warning***

This step creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of City policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance, conduct, or attendance and resolve the problem. Revisiting training modules, EAP benefits, or other resources may occur at this juncture.

Within five business days, the supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

### ***Step 2: Written warning***

A written warning involves more formal documentation of the performance, conduct, or attendance issues and consequences.

During Step 2, the immediate supervisor and a department manager or director will meet with the employee to review any additional incidents or information about the performance, conduct, or attendance issues, as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

### ***Step 3: Suspension, PIP, and final written warning***

Some performance, conduct, or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the Director and HR.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state, and local wage and hour employment laws.

Nonexempt/hourly employees may not substitute for or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 3 meeting. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

#### ***Step 4: Recommendation for termination of employment***

The last and most profound step in the progressive coaching and conduct process is a recommendation to terminate employment. Generally, the City will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written notice, or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, the City of Manor reserves the right to combine and skip steps depending on each situation's circumstances and the offense's nature. Furthermore, employees may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by human resources (HR) and the department director. Final approval may be required from the City Manager.

#### **Performance and Conduct Issues Not Subject to Progressive Discipline**

Illegal behavior is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities. Similarly, theft, substance abuse, intoxication, fighting, harassment, and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

#### **Documentation**

The employee will receive copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be

# Time off and Leaves of Absence

## 6.1 Holidays

The City provides paid holidays to regular full-time employees. Every other employee is extended the official holiday but without pay. The following official holidays will be observed:

|                        |                             |
|------------------------|-----------------------------|
| New Year's Day         | January 1                   |
| Martin Luther King Day | Third Monday in January     |
| Presidents Day         | Third Monday in February    |
| Texas Independence Day | March 2                     |
| Good Friday            | Friday before Easter        |
| Memorial Day           | Last Monday in May          |
| Juneteenth             | June 19                     |
| Independence Day       | July 4                      |
| Labor Day              | First Monday in September   |
| Columbus Day           | Second Monday in October    |
| Veteran's Day          | November 11                 |
| Thanksgiving Day       | Fourth Thursday in November |
| Thanksgiving Friday    | Fourth Friday in November   |
| Christmas Eve Day      | December 24                 |
| Christmas Day          | December 25                 |

In addition to the fifteen (15) recognized holidays, employees receive two (2) (8) eight-hour holidays (personal leave) each calendar year. The floating holidays must be used by September 30th of each year. To be eligible, a new employee must complete the six-month introductory period. The supervisor must approve the floating holidays, which may not be used in less than 4-hour increments. Employees who leave employment with the City will not be paid for an unused floating holiday, nor will they schedule a floating holiday after their resignation has been submitted. Employees wishing to observe holidays other than the City's observed holidays may use the floating holiday or request Vacation Leave.

In the event any regular, full-time, non-exempt employee of the City is required to work on a city-recognized holiday, regardless of whether the employee was scheduled or not to work, such an employee shall receive holiday compensation pay, at the rate of one and a half (1.5) times their hourly rate, for each recognized holiday hour that employee works and will receive 8 hours flat pay for the Holiday itself. Flexing the paid Holiday is strictly prohibited. All exempt employees will accrue the actual hours worked on a holiday. The accrued holiday compensation time is considered exempt compensation time and will not roll over at the end of the fiscal year or be paid out. Accrued exempt compensation time must be used in four (4) hour increments.

**Example:** Any regular, non-exempt, full-time employee working on the holiday(s) is eligible for the holiday pay on the actual calendar day on which the holiday falls, not the day(s) the City observes.

**Holidays—**A holiday is 8 hours, paid at the employee's regular rate if the employee is a regular full-time employee.

**Scheduling of Holidays—**Holidays occurring on Saturday are normally observed on the preceding Friday, and holidays occurring on Sunday are generally observed on the following Monday.

**Eligibility for Holiday Pay** - Regular full-time employees are eligible for holiday pay.

**Regular Part-time Employees** - Regular part-time employees are not eligible for holiday pay.

**Temporary and Seasonal Employees** - Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

**Employees Scheduled "Off Duty" on a Holiday.** When a holiday and an employee's regularly scheduled day off occur on the same day, regular full-time employees will be paid 8 hours for the holiday at their regular rate of pay.

**Ineligibility for Holiday Pay—**Employees who are on unpaid leave are not eligible for holiday pay. Additionally, non-exempt employees who are absent without prior authorized leave on the day immediately before or after a scheduled holiday must use personal leave to qualify for holiday pay. If the employee has exhausted their personal leave or has not completed their introductory period, they will be required to use sick time. In this case, they will not receive holiday pay unless they provide a doctor's note for themselves.

**Separating Employees-** Employees separating from employment with the City will not be eligible for holiday pay.

**Holiday Pay During Workers' Compensation Leave** - An employee on workers' compensation leave will not receive holiday pay.

**Holiday Pay on FMLA-** Employees out on FMLA leave will not be paid holiday pay. When a holiday falls during a week in which an employee takes the whole week of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee takes less than the full week of FMLA leave, the holiday is *not* counted as FMLA leave.

#### **Definitions:**

**Observe—To show regard for: i.e., when** the City observes a Holiday, the offices will be closed.

**Recognize-** To acknowledge or treat as valid, i.e., When a department recognizes a holiday but is still open for operation.



## 6.2 Vacation

The City of Manor recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. For this purpose, the city provides paid vacation time to full-time employees and encourages employees to take vacations throughout the year.

Full-time employees will accrue paid vacation according to the following schedule:

| <u>Service Period</u> | <u>Yearly Vacation Accrual</u>        |
|-----------------------|---------------------------------------|
| Calendar Years 1-4    | 96 hours=3.69 hours each pay period   |
| Calendar Years 5-9    | 120 hours= 4.62 hours each pay period |
| Calendar Years 10-14  | 160 hours= 6.15 hours each pay period |
| Calendar Years 15- 19 | 200 hours= 7.69 each pay period       |
| Calendar year 20+     | 240 hours= 9.23 hours each pay period |

Employees may not “borrow” unearned vacation time; however, as approved by the city manager, employees may receive vacation payment instead of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn vacation leave. Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is not considered hours worked to perform overtime calculations. Only scheduled working days taken off shall be counted as vacation days.

Newly hired employees still on introductory status will not be eligible to use any accrued vacation time until after their first ninety (90) days of employment. If separated from employment during the introductory period, payment of any accrued hours will be voided.

Employees will complete a Leave Request Form to be eligible for any vacation leave; if the form is incomplete or is not submitted promptly, or the employee has not accrued the amount of time being requested, the request will be returned to the employee or to the supervisor who will notify the employee that it is unacceptable. All employees must have an approved Leave Request form on file before leaving for vacation.

**All vacation requests will be made at least 24 hours in advance and subject to approval.**

Employees with seniority will have the first option to request a vacation time slot, but that request must be submitted no later than April 15<sup>th</sup> of each calendar year; after that, vacation requests will be approved on a first-come, first-serve basis.

Department Directors must ensure that vacations do not interfere with the department operations' normal functions and activities. Unless the city manager grants an exception, up to ten consecutive workdays of vacation time may be taken off.

**Maximum Accruals**—The maximum number of vacation hours that may be accumulated from one fiscal year to the next is 510 hours. Once this number has been reached, you will no longer accrue time until the total number of hours falls under 510.

**Compensation for Vacation Leave** - Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any form of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees shall be paid for any unused vacation when (1) separating employment, whether by resignation, retirement, or termination, (2) an employee is precluded from taking a scheduled vacation due to City and/or department needs as set out above or, (3) an employee has a reasonable circumstance and is eligible to cash-out a balance of accrued vacation at a maximum of one hundred (100) hours in a calendar year while still hosting a minimum of 40 hours in their bank without primarily impacting the departmental budget.

### Definitions

**Compensable Hours**—The hours worked or taken in a pay period must equal 80 hours for full-time employees before vacation hours are accrued.

**Vacation Day**—A “vacation day” is a period of exemption from work granted to all regular full-time employees. Employees are not required to take a full vacation day; they may take vacation in one-hour increments.

## 6.3 Sick Leave

**The number of sick days credited is not intended to establish a guideline for acceptable attendance.**

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who cannot work due to illness, injury, or other situations covered by this policy must immediately notify the appropriate supervisor using the procedures adopted by their department.

**Eligibility** - All full-time employees accrue paid sick leave on their hire date. Part-time, temporary, and seasonal employees do not accrue sick leave. An employee who is released for and offered light duty by the City but who elects not to accept such an assignment will not be eligible for paid sick leave benefits unless otherwise required by law. Sick days are not intended to be used as a substitute for vacation days, but sick days may be used if an employee needs to provide care for a family member who is ill. Sick days may also be used if employees need time off for scheduled medical procedures.

**Accrual Rate** - Employee sick leave shall be computed based on 104 hours per fiscal year, at the rate of 4.00 hours per pay period. If employment begins after October 1st, sick leave shall be

prorated. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

**Sick Buy Back**-All regular full-time employees who have been continuously employed for two (2) years or more at each fiscal year-end are eligible for the Sick Buy Back benefit. To encourage employees to use sick leave for its intended purposes, those who qualify will receive a cash payment of 25% of the current value of any sick leave accrued and unused during that fiscal year. It is important to note that any hours worked that are less than 25, as well as any sick leave accrued from previous years, are not eligible for this payment. Additionally, employees who have not completed the introductory period are not eligible for the Sick Buy Back benefit.

**Maximum Accrual** - The maximum sick leave time that any employee may accumulate shall be 1,040 hours. If sick leave is necessary, employees must give at least 30 days' advance notice (e.g., planned medical treatment) whenever possible. If the need for sick leave is not foreseeable, employees are asked to notify their supervisor as soon as is practical.

#### **Authorized Use of Sick Leave:**

**For the employee**, Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, or injury that prevents him/her from working or the birth of a child (if the employee physically gave birth; otherwise, use of sick leave for childbirth falls under the section below).

**For the employee's immediate family** - Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family or who is ill or injured. For this policy, "immediate family" is defined as the employee's parent, current spouse, significant other, and children/stepchildren living in the household. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Human Resource Director (and, in the case of the Department Director, the City Manager) may allow the employee to use accrued sick leave. Employees may also use sick leave for their own or their immediate family's scheduled doctor and dentist appointments.

**Introductory Status**- Newly hired employees still on an introductory status will not be eligible to use any accrued sick time until after their first ninety (90) days of employment.

**Other Employment During Sick Leave**—Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or volunteer work, during the period of leave, even if they have written authorization from the City Manager to do so. See the Outside and Self-Employment Policy for additional guidance.

**Failure to Report Absence/Abuse of Sick Leave** – Supervisors are required to monitor the use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for

their family member. Trips to the doctor or hospital stays/visits, which take the employee away from home, are acceptable. Still, other personal pursuits during paid sick leave will be considered an abuse of this policy. A supervisor may at any time require satisfactory proof of the proper use of sick leave and may disallow sick leave in the absence of such proof. Evidence of abuse of leave privileges can include, but is not limited to:

- Frequent unapproved absences on Friday and/or Monday; or
- Maintaining low (24 hours or less) or zero paid leave balances or
- Frequent unapproved absences before or following a holiday; or
- Any pattern of absences that a review of leave usage can identify.

**Use of Other Leave** - If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees may use accrued vacation leave. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday rather than a day of sick leave if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex his/her work schedule to attend medical or dental appointments. This is acceptable if work time is accurately recorded on the timesheet. Flexing the work schedule must be accounted for by non-exempt employees within the same work week.

For exempt employees, flexing the work schedule must be accounted for within the same work cycle or pay period. Under no circumstances (1) can flexing the work schedule extend beyond the affected work week for non-exempt employees or pay period for exempt employees and (2) the total of a non-exempt employee's sick leave time plus hours worked cannot exceed forty (40) hours within the same work week.

**Documentation** - Employees requesting paid sick leave must complete a Leave Request Form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for 3 or more consecutive workdays and at any other time if requested by the City. Whenever an employee has been away from work for more than five (5) days due to a physical or mental condition, the employee is required to provide the Human Resources Department with a doctor's statement that he or she is fit to return to duty without restrictions or listing any restrictions. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed, and no other paid leave may be used for the absence.

**Payment for Unused Sick Leave** – No cash payment for unused sick leave shall be made upon termination of employment, except as specifically provided as follows: (1) An employee that terminates employment for any reason other than death, (2) being granted a retirement or disability allowance by the Texas Municipal Retirement System (TMRS) or the Social Security Administration (SSA), shall not be paid for unused sick leave.

An employee who has at least five years of service with the City is granted a retirement or a disability allowance by TMRS or SSA, and who dies is entitled to a partial payment for unused

sick leave accrued to such employee. The partial payment to the employee or the employee's beneficiary shall be as follows: (A) an amount equal to fifty percent (50%) of the value of such accrued, unused sick leave will be paid for five years of service; and (B) the amount to be paid for such unused sick leave shall increase by 2% for each year of service as an employee of the City if any if more than five years.

**Sick Leave Pool** -- The City of Manor Sick Leave Pool benefits-eligible employees who have exhausted accrued vacation and sick leave due to a catastrophic injury or illness of their own or that of an immediate family member. The Sick Leave Pool will be administered by the Sick Leave Pool Committee, which consists of a Human Resource Representative and a Director from each Department. The City Manager has a final verdict on any result.

**Eligibility for Participation in the Sick Leave Pool:**

- All full-time, regular employees who have completed their Introductory employment status will be eligible to use time from the Sick Leave Pool.
- Employees who are out on leave due to a work-related injury and who are receiving workers' compensation benefits and those who are on disability leave for any reason and receiving disability benefits may not withdraw leave from the Sick Leave Pool if the combination of sick leave and benefits (workers' compensation or disability) exceeds the employee's pre-injury or pre-illness compensation.

**Contributions to the Sick Leave Pool:**

- Contributions to the Sick Leave Pool may be made at any time on a strictly voluntary basis, by filling out a Sick Pool Donation Form.
- Eligible Employees desiring to donate time to the Sick Leave Pool must indicate the amount of sick leave to be donated in writing on the SLP Donation Form to the Human Resources Department.
- All donations to the Sick Leave Pool must be in increments of at least one hour.
- After the Donation Form is received by the Human Resources Department, the number of hours donated will be credited to the Sick Leave Pool and deducted from the accrued sick leave of the employee contributing.
- When an employee is retiring from the City or voluntarily terminating his or her employment with the City, the employee may contribute all accrued sick leave to the Sick Leave Pool.
- Contributions to the Sick Leave Pool may not be earmarked for a specific employee.

**Withdrawal from the Sick Leave Pool:**

- An employee may obtain a Sick Leave Pool Withdrawal Request Application if the employee or an employee's Immediate Family Member has experienced a Catastrophic Injury or Illness resulting in the exhaustion of the entire employee's accrued vacation, sick leave, and any other compensatory time.

- An employee requesting leave from the Sick Leave Pool must have the Request Application turned into the Human Resources Department 14 days prior to the first day of needing the requested leave. If an employee is unable to make a written request due to the employee's own catastrophic injury or illness, an exception may be made given the circumstances, as determined by the SLP Committee. In the event the employee has not previously provided the City with a Medical Certification supporting the Catastrophic Injury or Illness underlying the need for the leave, such a Medical Certification must be submitted with the Withdrawal Application. All medical information obtained pursuant to this Policy will be maintained as confidential information by the City's Human Resource Department to the extent allowed by law.

- A determination that an employee or an employee's Immediate Family Member has a Catastrophic Injury or Illness under the Sick Leave Policy does not mean that the employee or the employee's Immediate Family Member has a "serious health condition" under the FMLA or a "disability" under the ADA. The SLP Committee will make the decision regarding approval or denial of request by any employee to make withdrawals from the Sick Leave Pool.

- If the employee feels the request denial was unjust an appeal may be granted to the City Manager with a conclusion.

- An employee may not withdraw an amount of sick leave that exceeds 240 hours (six weeks of pay) or one-third (1/3) of the total amount of time in the Sick Leave Pool. • Employees are limited to one withdrawal request per fiscal year.

- Employees do not accrue any form of paid leave while using leave from the Sick Leave Pool. An employee who is out on leave from the Sick Leave Pool will be treated in all respects as an employee who is out on regular sick leave.

- Requests for withdrawal of leave are handled by SLP Committee on a first come, first serve basis with all decisions being made within ten (10) working days of receipt of the written request.

- If an employee returns to work without having used all the leave time obtained from the Sick Leave Pool, all unused leave time must be returned to the Sick Leave Pool.

- Once the employee has returned to work, after the first 30 days and sick time is again being accrued, payment of used Sick Leave Pool time will be paid back in increments of one hour per pay period up to 40 hours.

- The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

#### **Definitions:**

- "Catastrophic Injury or Illness" means a severe condition or combination of conditions affecting the mental or physical health of the individual that requires the services of a licensed practitioner for a prolonged period and forces the employee to exhaust the employee's accrued leave time. The uncomplicated delivery of a child after pregnancy and elective surgery are not considered a Catastrophic Injury or Illness.

- "Immediate Family Member" means parent, child, or spouse of the employee and includes stepparents and stepchildren as well as foster children certified by the Texas Department of Child Protective and Regulatory Services.

## 6.4 Family and Medical Leave

The City of Manor complies with the federal FMLA, which requires employers to grant unpaid leaves of absence to qualified workers for specific medical and family-related reasons. The City also abides by any state and local leave laws. The more generous rules will apply to the employee if the employee is eligible under federal and state laws.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12 months for specific family and medical reasons. To determine eligibility for leave for most qualifying events, the 12-month period used by the City is the calendar year starting in January.

**Medical Certification and Other Required Documentation** - Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the HR department to discuss leave options.

An employee must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, son, daughter, or parent or due to a qualifying exigency or to care for a covered service member with a serious injury or illness.

The medical certification form must be filled out in all material respects. It must be complete and sufficient by a health care provider, primary physician, psychiatrist, specialized physician, or psychologist to allow the City to decide the need for leave. In addition, the certification must set forth the leave's beginning and expected ending dates. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. In some cases, the City may require a second or third medical certification (at the City's expense) and periodic recertification of the serious health condition. Forms are available from the Human Resources Department.

An employee must also provide periodic reports during FMLA leave on his/her status and intent to return to work and will be required to submit a "fitness-for-duty" certification before the employee can return to work when the absence was due to the employee's serious health condition.

**Basic leave entitlement.** The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or childbirth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, child, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

**Military family leave entitlements.** Eligible employees with a spouse, child, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to 7 days of leave); (2) attending certain military events and related activity; (3) arranging child care and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to 5 days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the armed forces, including a member of the National Guard or reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and for which the servicemember is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

**Benefits and protections during FMLA leave.** During FMLA leave, the City will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave has no greater right to reinstatement or different uses and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Using FMLA leave cannot result in the loss of any employment benefit that accrued before an employee's leave starts.

**Employee eligibility.** The FMLA defines eligible employees as employees who (1) have worked for the City for at least 12 months; and (2) have worked for the City for at least 1,250 hours in the previous 12 months.

**Definition of "serious health condition."** A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.



Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least 2 visits to a healthcare provider or 1 visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of “continuing treatment.”

**Use of leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies also may be taken on an intermittent or a reduced work schedule basis.

**\*Substitution of paid leave for unpaid leave.** The City of Manor requires employees to use any accrued paid sick leave during an unpaid FMLA leave taken because of the employees’ own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, employees must use any accrued sick leave, paid vacation, or personal days during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member’s active duty or call to active-duty status in support of a contingency operation. To use paid leave for FMLA leave, employees must comply with the company’s normal paid leave procedures found in its Vacation and Sick Leave policies.

**Employee responsibilities.** Employees must provide 30 days’ advance notice to the Human Resources department of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, employees must provide notice as soon as practicable and generally must comply with the City’s normal call-in procedures. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the Human Resources Department to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the Human Resources department if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The City also may require a second and, if necessary, a third opinion (at the City’s expense) and, when the leave is a result of the employee’s own serious health condition, a fitness-for-duty report to return to work. The City also may delay or deny approval of leave for lack of proper medical certification.

**City responsibilities.** The Human Resources department will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required, as well as the employees' rights and responsibilities. If employees are not eligible, the City will provide a reason for the ineligibility.

The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employees' FMLA leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employees.

**Other provisions.** Under an exception to the FLSA in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employees' exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the City has approved the employment under its Outside Employment policy and the employees' reason for FMLA leave does not preclude the outside employment.

**Unlawful acts by employers.** The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

**\*\* The Family Medical Care Act does not extend to bereavement leave\*\***

## **6.5 Military Leave**

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period are generally ineligible for extended paid military leave more than 15 days, reemployment rights, or any other military leave benefits under this policy. This policy covers employees who serve in the uniformed services on a voluntary or involuntary basis, including active duty, active

duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

**Notice to City of Need for Leave** - Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than twenty-four (24) hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a City of Manor Leave Request form along with the official documents setting forth the purpose of the leave and if known, its duration. The Leave Request Form must be handed to the Department Director and the Human Resources Department as far in advance of the leave as possible.

**Full Pay for Up to 15 Days** - Employees will be paid for military absences of up to a maximum of fifteen (15) workdays per federal fiscal year. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

**Other Paid Leave** - Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, and compensatory time) to cover their absence from work.

**Unpaid Leave** - After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

**Benefits**—The City will continue to provide most city benefits to employees on paid military leave. All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

**Medical and Dental** - While an employee is on paid military leave (or any military leave of less than thirty-one (31) days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to twenty-four (24) months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/her and eligible dependents. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred because of military service.

**Other Benefits** - While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave.

While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

**TMRS** - Typically, an employee's period of uniformed service is deemed to constitute service for vesting and benefit accrual purposes. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within ninety (90) days after discharge, receive an honorable discharge, and timely complete the necessary application. To receive monetary credit, an employee has less than five (5) years or three (3) times the length of the military service to make up any missed TMRS contributions while on military leave.

**Reemployment Rights** - Employees who complete their military service will be re-employed following federal law.

**Deadline to Notify City of Intent to Return to Work** - The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave is ninety (90) days from discharge. This deadline may be extended for two (2) years or more when an employee suffers service-related injuries that prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

**Required Documentation**—To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. If the military leave lasted more than 31 calendar days, evidence of discharge or release under honorable conditions must also be submitted to the City.

## **6.6 Bereavement Leave**

The Bereavement Leave Policy establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members and fellow/ current employees or retirees of the City of Manor.

The City provides regular full-time employees with paid time off as bereavement leave to attend a funeral. Bereavement leave is emergency paid leave and not an entitlement leave. Newly hired employees still on introductory status will not be eligible for bereavement leave pay.

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If the employee leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave.

In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available vacation or compensation leave for additional approved time off as necessary. Employees are required to provide documentation regarding their bereavement leave.

Bereavement pay is calculated based on the base pay rate at the time of absence and does not include any special forms of compensation, such as incentives, commissions, bonuses, overtime, or shift differentials. Paid time off for bereavement leave is not counted as hours worked to determine overtime and may not be taken intermittently.

Bereavement leave will not be granted to employees attending a funeral when they are not at work, such as on weekends, vacations, holidays, FMLA, work-related workers' compensation, or a personal illness.

Paid bereavement leave will be granted according to the following schedule:

- Employees are allowed up to forty (40) hours off from regularly scheduled duty with regular pay in the event of the death of the employee's immediate family member to plan and attend the funeral, unless described above.
- Employees are allowed up to twenty (20) hours off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse/ significant other's immediate family member to attend the funeral, unless described above.
- Employees are allowed one (1) day off from regularly scheduled duty with regular pay in the event of the death of the employee's niece, nephew, aunt, uncle, or cousin by blood or by marriage in the second (2) degree.
- Employees are allowed up to four (4) hours of bereavement leave to attend the funeral of a fellow or current regular employee or retiree of the City, provided such absence from duty will not interfere with normal operations of the City.

**Immediate Family:** is defined as a current spouse, significant other, child, parent, sibling, or grandparent by blood or marriage.

**Second Degree Relative:** is defined as an individual who has one other family member between them.

**No Leave Granted-** if the employee has scheduled time off or is on medical leave, the emergency leave does not come into effect as the employee would not be losing hours worked. Holidays will be considered part of the bereavement leave hours.

## **6.7 Jury Duty/Court Appearance**

The City of Manor supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay. Any compensation received from the court for the service period will be signed over to the City on behalf of the employee. Exempt employees are subject to the same 2-week limitation, except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they perform work. All employees may use any accrued time off if required to serve more than 2 weeks on a jury.

If a non-exempt employee is released from jury duty after 4 hours or less of service, the employee must report to work for the remainder of that workday.

The individual employee is responsible for the time spent appearing in court for personal business. Normally, personal days, comp time, or vacation days are used for this purpose.

## **6.8 Time Off for Voting**

The City of Manor recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If you think this won't be the case, contact your supervisor and complete a request for leave for the hours needed. Texas Election Code 276.004 An employer may not refuse to allow an employee to take time off to vote. Still, no time limit is specified if the employee has two (2) consecutive nonwork hours prior to the opening or closing of the polls.

## **6.9 Mental Health Leave**

### **\* Peace Officer**

An officer involved in a traumatic event, in the scope of their duties, may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter, and a decision on the granting of leave shall be made as soon as practical following the submission of the request. The request shall be granted unless the chain of command can articulate compelling reasons to deny granting the leave. Requests for mental health leave under this policy shall be treated as protected health information to the extent allowed by law and shall not be discussed or disclosed outside the officer's immediate chain of command, unless necessary to facilitate the use of the leave.

Unpermitted disclosure of protected health information is grounds for discipline.

Confidentiality regarding the request for leave may be waived by the officer seeking mental health leave. This section does not apply to reports from co-workers of officer distress or other circumstances that indicate the officer is a danger to himself or herself or others and under which department personnel seek guidance as to a potential response or action, including the application of leave under this policy. An officer directly involved in a traumatic event, in the

scope of their duties, may request up to three (3) working days of mental health leave. Extensions of mental health leave may be available under certain circumstances. Requests for an extension shall be accompanied by documentation from a healthcare provider as required by the City's Human Resources Department.

### **Definitions**

**Traumatic Event-** An event experienced by a peace officer in response to or investigation of a threat or occurrence of serious injury to the officer or others or a threat or occurrence of death to others and which may cause the officer to experience acute or recurrent distress, such that the officer is unable to perform the essential functions of the employee's assigned position. Traumatic events may include, but are not limited to, the following:

- a. Major disasters may include response to weather-related events involving multiple casualties, explosions with multiple casualties, or search and recovery missions involving multiple casualties.
- b. Incidents involving multiple casualties which may include shootings or traffic accidents.
- c. Line of duty death or suicide of a department member.
- d. Death of a child resulting from violence or neglect.
- e. Officer(s) involved in the shooting of a person.

### **\*Civilian Personnel**

An employee involved in a traumatic event, in the scope of their duties, may request the use of mental health leave. Traumatic events will be determined on a case-by-case basis as the occurrence will be less likely than that of a peace officer. The request shall be made in writing through the Human Resources department. The request shall be treated as a priority matter, and a decision on the granting of leave shall be made as soon as practical following the submission of the request. The request may be granted unless the Human Resources Director can articulate compelling reasons to deny the leave. The HR Director may determine a need for mental health leave without the request in writing. Requests for mental health leave under this policy shall be treated as protected health information to the extent allowed by law and shall not be discussed or disclosed outside the employee's Director unless necessary to facilitate the use of the leave. Unpermitted disclosure of protected health information is ground for discipline. Confidentiality regarding the request for leave may be waived by the employee seeking mental health leave. This section does not apply to reports from co-workers of an employee's distress or other circumstances that indicate the employee is a danger to himself or herself or others and under which department personnel seek guidance as to a potential response or action, including the application of leave under this policy. An employee directly involved in a traumatic event, in the scope of their duties, may request one (1) working day of mental health leave. Extensions of mental health leave may be available under certain

circumstances. Requests for an extension shall be accompanied by documentation from a healthcare provider as required by the City's Human Resources Department.

**Definitions:**

**Mental Health Leave** – Administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.

**Mental Health Professional** – a licensed social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.

## **6.10 Compensatory Time**

The Department Director may, on a case-by-case basis, grant compensatory time to employees in lieu of overtime payment for irregular or occasional overtime work that is not part of an employee's regularly scheduled workweek. Employees and their supervisors shall strive to flex an employee's work schedule to minimize the number of hours worked in a workweek.

Section 207 of the Fair Labor Standards Act of 1938 entitled non-exempt employees to compensatory time. At the Department Director's discretion, employees may be granted compensatory time at a rate not less than one and one-half hours for each hour of employment for which overtime compensation would have been earned.

**Accrual Rates** - Compensatory time will be earned at one and one-half hours for each hour of employment for which overtime compensation will be required.

- The employee may accrue no more than 80 hours of compensatory time for hours worked.
- The City Manager may grant additional compensatory time not addressed in this policy at his discretion.
- An employee will be eligible for compensatory time AFTER working a minimum of 4 hours beyond their normal work schedule.

**Use of Compensatory Time** - An employee who has accrued compensatory time and requests use of the time shall be permitted to use the time off within a "reasonable period" after requesting if it does not unduly disrupt departmental operations and has prior supervisory approval. Employees must submit a "Leave Request" to use any accrued time. A supervisor may require an employee to use accrued compensatory time.

**Expiration of Compensatory Time** - Compensatory time shall expire on September 30th of each year. Any unused compensatory time will be paid out to the employee on September 30th of each year.

**Pay Out of Compensatory Time**—Employees who leave employment with the city shall be paid for any unused compensatory time at the compensation rate. When being promoted to an



exempt position, the compensatory bank will be paid out at the employee's rate of pay before the promotion.

**Exempt Compensatory Time-** Exempt employees are entitled to compensatory time when working over forty-four (44) hours in any given week. Please refer to section 3.10 for the qualification definition.

## **Employee Benefits**

The City of Manor recognizes the value of benefits to employees and their families. To support employees, the city offers a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the City Summary Plan Descriptions (SPDs), which are found on the City's website, or contact the HR department. To the extent the information provided here conflicts with the SPD or complete plan document, the full plan document will control.

### **7.1 Medical, Dental, and Vision Insurance**

Full-time employees working 36 hours or more per week are eligible for insurance on the first of the month following the new employee's start date. To keep coverage in force, every insured employee must remain on a full-time status. Insurance coverage for an employee's eligible dependents will be made available at the employee's expense. Employee premiums will be paid at the City's expense. Premium Reimbursement Arrangements (PRA) at 50% of the current employee premium, are offered to employees only at the time of hire when a previous plan is currently in place, i.e., spouse/significant other family plan, Medicare, etc. It is not offered to an employee to seek a lesser individual plan outside of the City.

**Group Health Continuation Coverage-** COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage, plus a small administration fee that will not exceed 2% of premium.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within sixty (60) days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should contact the Human Resources Department.

### **7.2 Group Life Insurance**

The City of Manor provides life insurance for full-time employees who work at least 36 hours per week. Employees are eligible for this benefit on the first of the month following the new

employee's start date and the acceptance on behalf of The Standard Life Insurance carrier. The City pays the AD&D life benefit of a \$10,000 premium in full.

### **7.3 Short-Term Disability**

Short-term disability is offered to full-time employees working at least 36 hours per week. Short-term disability can cover an employee if an employee becomes disabled due to mental or medical purposes and cannot work for a short period, as determined by a physician or psychologist; this program pays sixty-six (66) percent of the employee's salary for up to 3 months, with an elimination period of fourteen (14) calendar days, which will require the employee to use their sick leave. This voluntary benefit is funded solely by the City. In addition, employees will not be paid for vacation or sick leave for approved absences covered by the City's program, except to supplement the short-term disability benefits. Short-term disability is measured from the 12 months beginning from the usage date. Employees receiving Worker's Compensation T.I.B.s or any other pay benefit are not eligible for short-term disability.

Employees are eligible for short-term disability once they have completed the employment introduction period.

### **7.5 Texas Municipal Retirement**

The City of Manor provides retirement benefits to its employees through the Texas Municipal Retirement System (TMRS). The Employee contributes 8% of gross compensation, and the City matches the employee's contribution on a 2 to 1 ratio, with the City's contribution being calculated using a variety of factors such as length of service, age, etc. Employees are vested when they earn five years of service, which means they can receive the City's contribution upon retirement. All regular full-time and part-time employees must participate in the Texas Municipal Retirement System.

### **7.6 Workers' Compensation**

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or become ill due to their employment. The City of Manor covers the entire cost of workers' compensation insurance. This insurance includes coverage for related medical and rehabilitation expenses, as well as a portion of lost wages for employees who sustain on-the-job injuries. All employees must acknowledge that they are required to remain within the network of the Political Subdivision Workers' Compensation Alliance and are not permitted to seek medical care outside of this network.

Workers' Compensation Law provides that an employee who suffers a disability that results in lost duty days due to an injury while in the course of their employment is entitled to "Temporary Income Benefits." These income benefits are calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for at least seven (7) days to be eligible for income benefits.

In accordance with Texas Code 661.918, a police officer is entitled to injury leave without a salary deduction and is not required to use accrued compensatory time off under Chapter 659 or any other type of leave permitted under this chapter. This leave is granted for injuries sustained due to the nature of the officer's duties and that occur while the officer is performing their official responsibilities. The maximum amount of leave under this section for all injuries occurring simultaneously is one year.

However, an officer is NOT entitled to injury leave under this section if:

1. The officer's own gross negligence contributed to the injury, or
2. The injury was related to the performance of routine office duties.

All Temporary Injury Benefits (TIBs) received by the officer will be submitted to the Human Resources office and forwarded to the City of Manor to help reduce the out-of-pocket expenses incurred by the city.

If an employee sustains a job-related injury or illness, it is essential to notify the supervisor and HR immediately. Please see section 4.4 of this handbook. The supervisor will complete a first report of injury with input from the employee and any witnesses and return the form to the HR department. HR will file the claim with the Risk Pool. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits will run concurrently with Family and Medical Leave Act (FMLA) leave. Additionally, employees will not receive payment for vacation or sick leave during approved absences covered by the City's workers' compensation program, except when using these benefits to supplement Temporary Income Benefits (TIBs) to cover the portion of the employee's salary as permitted by state law.

Any employee who is released for and receives a bona fide offer of light duty by the City but elects not to accept such an assignment will be required to use paid sick leave for salary continuation benefits.

## **7.7 Light Duty**

The City may make light-duty assignments available to employees who are unable to perform their regular job duties due to temporary medical conditions. The decision to offer an employee a light-duty assignment is made in the City's sole discretion. A light-duty assignment may be in the employee's own department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's temporary medical condition; the medical release provided in support of light duty; the risk that a light duty assignment may result in aggravation of the employee's condition; the type of light duty work available; the length of the employee's employment with the City; the employee's performance

and disciplinary history; and whether the off duty. In making light-duty assignments, the City will normally give priority to employees whose condition is work-related.

Employees who are released for and given a light-duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of his/her medical release while on a light-duty assignment may lose the light-duty assignment and, in addition, may be disciplined up to and including termination of employment.

All light-duty requests and assignments will be reviewed by and coordinated through the Human Resources Department. The Human Resources Department will work with the employees' department in making its decision on whether light-duty work will be offered. Before returning to regular job duties following a light-duty assignment, the employee must coordinate his/her return through the Human Resources Department.

Light duty, due to an injury, will not extend beyond sixty (60) calendar days from the date of assignment without an evaluation by a City-approved physician, and a recommendation from the Department Director and the Human Resources Department to the City Manager. Only the City Manager may approve an extension of a light-duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the date of injury must re-qualify for limited duty through evaluation by a City-approved physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

## **7.8 Employee Assistance Program**

The employee assistance program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. The City of Manor wants employees to maintain a healthy balance of work and family that allows them to enjoy life. The EAP offers confidential counseling, referral services, legal services, financial services, health, and wellness education, etc., to help employees successfully deal with life's challenges.

The City encourages employees to use this valuable service whenever they need it. Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential and not available to the City, and the City is not given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the HR department.

## **7.9 Car Allowance- Take-Home Vehicles**

All City of Manor Directors are subject to a take-home vehicle or a car allowance instead of mileage reimbursement to conduct City business appropriately. A percentage of the current IRS standards shall determine the stipend. The City Manager shall contractually request a car allowance at the current IRS standards. The Mayor, City Council, and Administration shall have access to a multi-passenger vehicle to conduct official City business. A City vehicle may be

assigned to a position or an employee when subject to an emergency call back during off-duty hours to locations other than the employee's standard workstation. No personal use of a take-home vehicle is permitted except to commute to and from home or work. No passengers may be transported in a take-home vehicle except as official duties require. No alcoholic beverages are allowed in City vehicles.

All unattended take-home vehicles shall be legally parked and stored in a private drive, lane, or garage and must be locked, except in emergencies. Employees shall not leave sensitive information or public documents (other than reference material) in the vehicle while off duty.

Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, maintain a satisfactory driving record for at least two (2) years, and inform their supervisor of any change in status. Always observe all posted laws and speed limits and comply with all motor vehicle laws and regulations.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans, and automobiles are "non-exempt" vehicles. Police vehicles used by employees on call 24 hours are generally exempt from the fringe benefits tax liability.

The employee's supervisor must complete all maintenance and use records for City vehicles.

## **7.10 Travel**

The City will cover necessary transportation and living expenses for employees or City officials traveling for City business. The City's policy is to pay for or reimburse all reasonable and necessary expenses incurred during these trips. Employees are prohibited from traveling outside of Texas unless it is required for specific certifications or continuing education, such as mandatory training. Attendance at out-of-state conferences will be permitted by senior staff, Directors, and City Officials when it is essential for conducting citywide business. Out-of-town training and conferences will be optional for any employee who has completed the introductory period of employment.

**Transportation** - The most efficient and economical mode of travel must be used to conduct City of Manor business. Each department will make air travel arrangements. Air travel must be booked at the most discounted economy flight available on a City credit card; reimbursements will not be allowed, as the City will get the points for travel. Departmental employees with access to City vehicles and gas cards must utilize them for all City travel when cost-efficient; this is also true for employees with car allowances. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile equivalent to the current rate paid by the IRS per diem requirements to its employees. Mileage reimbursement will be determined based on the distance from the employee's office to the travel destination. The employee shall submit a map demonstrating travel distance to receive mileage reimbursement. Travel on a hybrid work schedule will follow the

training schedule for the day or days, NOT their schedule. TRAVEL TIME IS NOT COMPENSABLE  
In approved private vehicle use instances, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon prior written approval of the City Manager.

Employees must coordinate travel when they travel on the same dates with the same itinerary. Only one may be reimbursed for mileage when four or fewer employees travel on the same itinerary. When more than four employees travel on the same itinerary, only one out of every four may be reimbursed for mileage unless authorized by the City Manager. Expenses for mileage shall be prepaid for overnight training only.

**Travel Approval** – All required signatures and travel documentation, including hotel estimates, copies of training or continuing education schedules, mileage, meals, etc., must be submitted before purchasing educational courses, hotel accommodations, and travel necessities. To do this, please complete the Travel Request Form and the Per Diem Form.

**Lodging** - Lodging is allowed only for multi-day events where the training and travel status would exceed twelve (12) hours daily.

Expenses for lodging may be approved for double occupancy at the minimum standard room fare. The City will not pay extra charges for room service or an upgrade of room status. An itemized hotel receipt must be provided.

**Meal Allowance** – Expenses for meals shall be prepaid for overnight training ONLY.

The employee must complete a reimbursement/per diem form two (2) weeks before travel, with all signatures completed before turning forms into accounts payable, with a total of \$55 per day. If a meal is included in a hotel registration conference registration fee or replaced by a legitimate business meal, it will be deducted from the daily rate. NO REIMBURSEMENTS WILL BE ACCEPTED FOR OVERNIGHT TRAVEL.

All other meal allowances will be reimbursed at actual cost, as supported by detailed receipts. A detailed receipt (a credit card receipt listing the total amount due is not considered a detailed receipt) must accompany the request for reimbursement/per diem form.

Reimbursement shall not exceed \$10 for breakfast, \$15 for lunch, and \$30 for dinner, the base rate per Section 301-11.18 of the Federal Travel Regulation.

Meals eligible for reimbursement include:

- If you depart the City of Manor before 7:00 a.m. and return after 9:00 a.m., breakfast is allowed.
- If you depart the City of Manor before 11:00 a.m. and return after 1:00 p.m., lunch is allowed.
- If you depart the City of Manor before 5:00 p.m. and return after 7:00 p.m., dinner is allowed.

This policy will reimburse the City of Manor for meals associated with business travel.

The City will not pay for meals for individuals not employed by the City of Manor except with the written approval of the City Manager stating the business purpose of the meal. If an exception is granted, an itemized meal receipt with attendee names must be attached to the Reimbursement/ Per Diem Form.

Social, recreational, or optional conference functions that are separately ticketed events, not included in the base conference registration fee, are not subject to reimbursement or payment by the City.

Meal-related tips are included in the reimbursement rate total. The City will not pay for gratuity more than 20%.

**Non-Allowable Expenses** - Expenses or charges for the following will typically not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies.
- Dry cleaning and laundry.
- Health clubs and spas.
- Expenses of a spouse or any person not on City business.
- Alcoholic beverages.
- Personal long-distance telephone calls.
- Excess baggage charge for personal belongings.
- Entertainment costs, expenses, or fees; and
- Other items of a personal nature.

**Request for Reimbursement and Return of Unexpended Funds** - Upon return to the City, the employee may submit reimbursement for parking and other authorized charges. A detailed receipt must accompany the request for reimbursement. Any receipts for charges applied to the city credit card must be detailed and submitted to the Director.

**FLSA “Hours Worked”**— For purposes of computing the total number of hours worked by an employee during a single work week:

- Time spent commuting to and from work is not “hours worked.”
- Any time traveling during the employee’s regular workday is “hours worked.”
- When an employee is requested to travel from his or her typical workplace during a single business day, all of the time spent in travel and work on that day is counted as “hours worked” except for the lunch hour (unless work is performed at that time) and time spent in commuting to and from the typical workplace if the employee is required to begin and end the day trip at the typical workplace.
- If an overnight trip requires the employee to travel on a Saturday or Sunday, hours spent in travel during what would be the employee’s regular working hours will



be considered “hours worked.” For example, suppose an employee typically works from 8:00 a.m. to 5:00 p.m. Monday through Friday and must travel during those hours on a Saturday or Sunday to attend or return from an overnight trip for City business. In that case, travel time during those hours will be counted as “hours worked” on Saturday or Sunday.

- If an employee requests to be able to drive a personal vehicle instead of taking public transportation when requested to travel away from home, the City will count as “hours worked” the same amount of time that would have been counted as “hours worked” if the employee had taken the public transportation.
- If an employee makes an overnight trip to a destination for which no public transportation is available, time spent driving to and from the destination outside the employee’s regular workday will be counted as “hours worked.” Time spent traveling as a **passenger** in a personal automobile is not counted as “hours worked” unless the hours are within the typical workday.

**Compliance** - Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, including termination of employment.

**All aspects of the travel policy will adhere to the purchasing policy guidelines.**

## **7.11 Education Reimbursement**

It is the purpose of the City of Manor to provide quality services for its citizens by encouraging upward mobility, employee development, and excellence of performance by sharing the expense of approved courses and educational programs. Tuition reimbursement assists employees in broadening their knowledge of their current position or preparing them for the possible assumption of new job responsibilities within the City.

The availability of tuition reimbursement is subject to City Council-approved funding levels. The percentage of potential tuition reimbursement will be established annually as part of the City’s budget process based on anticipated participation and available funding.

### **Reimbursement Cost**

Beginning on or after October 1, employees shall be reimbursed for completed courses with a maximum of \$3,000 per Fiscal Year. Tuition Reimbursement cannot exceed the actual course and course-related fees. Under no circumstances shall assistance exceed the amount of \$3,000 per fiscal year. Only those courses identified on the employee’s degree plan, accompanied by the “Tuition Reimbursement Agreement” form, will be considered for assistance.

**Eligibility-** For employees to be eligible for reimbursement under this policy, the individual must complete a minimum of two (2) years of full-time service with the City of Manor.

Coursework must be from a nationally or regionally accredited trade school, junior college, or university, and class attendance must be during the employee's off-duty time.

**Course Eligibility-**

- Classroom and online courses offered by accredited colleges, universities, or trade schools are eligible for tuition reimbursement if they are:
- Required by a degree plan that is directly related to the employee's City job or City career field.
- Required by a trade school course of study that is related to the employee's City job or City career field.
- Related to a City career field as determined by the Director of the Human Resources Department.
- Seminars, conferences, and courses unrelated to a City career field are ineligible for tuition reimbursement. Reimbursement for seminars and conferences is subject to departmental budgets and approval by the supervisor(s).

**Expenses ineligible for reimbursement-**

- Parking, books, supplies, or other expenses related to courses to be taken that are not included in the mandatory fees are not eligible for reimbursement.
- Tuition reimbursement will be paid only once for each approved course. The City will not pay tuition reimbursement for courses for which the employee has already received tuition reimbursement.
- The City will not pay the cost of tuition, which has been or shall be paid from other sources such as scholarships, grants, Veterans' benefits, public safety programs, social security benefits, or other subsidies. However, student loans may qualify for reimbursement. In the event of a partial scholarship or grant, reimbursement will be calculated based on the actual expense to the employee.

To begin participation in the Tuition Reimbursement Program, employees must meet with the Director of Human Resources to obtain the Tuition Reimbursement Agreement and a copy of the complete Tuition Reimbursement Policy as approved by the City Council to be directed through the Human Resources department. Employees must complete and submit the Tuition Repayment Agreement to the Human Resources Department before the start of the course, at least 30 days in advance, is of the course.

To request reimbursement for a specific semester, participants must obtain a Tuition Reimbursement Course Registration Form from the Human Resources Department before the start of the semester. The completed Course Registration Form will document the course titles, description, course/semester dates, degree-seeking, and the number of credit hours for which the participant intends to register. The completed Tuition Reimbursement Course Registration Form must be submitted to the Human Resources Department before the start of the semester. Participants will only be reimbursed for the courses they have completed. If courses change from the initial registration form, the Human Resources Department must be contacted immediately; failure to do so may result in termination of the Tuition Reimbursement Agreement.

Participants will pay all costs according to the parameters of their educational institution. Within 21 days of the end of the course/semester, participants will submit the Reimbursement Request Form, accompanied by copies of the following, to the Human Resources Department for reimbursement approval:

1. An itemized statement of tuition and fees.
2. Proof of payment shall consist of an itemized receipt from the school indicating the amount paid by the student employee.
3. A final grade report or transcript from the college, university, or trade school.

If an employee resigns or is terminated for any reason prior to the course's completion, the City shall not be obligated to reimburse any part of the expense.

## **EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT**

I hereby acknowledge knowledge of the location of the electronic version of the City of Manor employee handbook located on the City website. I understand and agree that I must read and comply with its policies.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. The handbook, City practices, and other communications do not create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the City to employ me now or hereafter and that I or the City may terminate my employment without reason at any time. I understand that no representative of the has any authority to enter into any agreement for employment for any specified period to assure any other personnel action, to assure any benefits or terms or conditions of employment, or to make any agreement contrary to the preceding.

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Employee's Name in Print

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Signature of Employee

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Date Signed by Employee

**TO BE PLACED IN THE EMPLOYEE'S PERSONNEL FILE**

## **EMPLOYEE ACKNOWLEDGMENT AND RECEIPT OF HARASSMENT AND GRIEVANCE POLICY**

I have read and understand the City's Harassment Policy and Grievance Policy. My signature below confirms my knowledge, acceptance, and agreement to comply with the policy.

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Employee's Name in Print

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Signature of Employee

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Date Signed by Employee

**TO BE PLACED IN THE EMPLOYEE'S PERSONNEL FILE**

## **WORKERS COMPENSATION**

I have read and understand the City's Workers' Compensation Policy. My signature below confirms my knowledge, acceptance, and agreement to comply with workers' compensation coverage and network.

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Employee's Name in Print

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Signature of Employee

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Date Signed by Employee

**TO BE PLACED IN THE EMPLOYEE'S PERSONNEL FILE**