



# City of Port Lavaca HR and Workplace

Adopted on **September 17, 2024**



# Chapter 1: General Information

## 1.01 General Policy

City employees can expect, as a condition of their employment, that they will receive fair and equitable treatment. The City expects, as a primary condition of employment, each employee to make a sincere effort to perform the duties of the job assigned, to work in harmony with other City employees, and to abide by the personnel and operating policies of the City. **These policies are designed to establish sound personnel practices in the service of the city and to promote a higher degree of understanding, cooperation and unity through their uniform application.**

**If there is a conflict between information in this handbook and the official Human Resources Policy, the official Human Resources Policy will take precedence. If there is a conflict between anything in this handbook and the City Charter, state or federal law, the City Charter, state, or federal law will take precedence.**

**Should the employee have any questions as to the interpretation or understanding of any policy, procedure or practice, please visit the Human Resources Department. The Human Resources Department administers the City's personnel functions and employment policies in accordance with applicable federal and state law. As a matter of policy, all personnel records and policy administration shall be the responsibility of the Human Resources Department.**

## 1.02 Equal Opportunity Employment

The City of Port Lavaca is an equal opportunity employer. It is the policy of the City to prohibit discrimination, harassment and/or retaliation of any type and to afford equal employment opportunities to employees and applicants, without regard to race, color, religion, sex **or gender**, national origin, age, disability, **sexual orientation**, genetic information, or veteran status. The City will conform to the spirit as well as the letter of all applicable laws and regulations. The City will take action to employ, advance in employment and treat all veterans without discrimination in all employment practices.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the City of Port Lavaca and its employees, including but not limited to:

- Recruitment
- Employment
- Promotion

- Transfer
- Training
- Working Conditions
- Wages and salary administration
- Employee benefits and application of policies

The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with the City of Port Lavaca.

### 1.03 At Will Employment

~~Your~~ Employment with the City of Port Lavaca is a voluntary one and is subject to termination by ~~you~~ **the employee** or the City at will, with or without cause, and with or without notice, at any time. Nothing in these policies will be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of city employees.

### 1.04 Amendment of Policies

The City may change or amend these policies at any time to promote the interests of the City more effectively. Any new policies issued supersede these policies and are fully binding on all employees. Continued employment with the City constitutes acceptance of any such amended policy. Such new policies will, upon adoption by the City Council, be set forth in writing and distributed to and/or made available to all employees.

### 1.05 Application of Policies

This handbook applies to all employees of The City of Port Lavaca. Where inconsistent with this handbook, provisions of federal, state law, and the city charter shall control. Elected officials, the city attorney, members of appointed boards and commissions, persons employed under contract or retainer and personnel appointed to serve without pay shall not be considered city employees for purposes of these policies in the absence of a specific agreement in writing to the contrary.

As a condition of employment all covered employees shall conform to the general procedures in this handbook and within their specific department. This handbook is a

general, non-comprehensive guideline for procedures between the city and its employees.

General and final authority for administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook and the related or detailed Human Resources Policies and Procedures; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy will require approval by the City Manager. Only the Human Resources Coordinator, or designee, is authorized to modify this handbook via authority granted by the City Manager.

These policies are established by the City Council, and any deletions, amendments, revisions, or additions to the policies must be approved by the City Council. These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the City Council.

# Chapter 2: Employment

## 2.01 Employee Types

The City will maintain standard definitions of employment and will classify employees in accordance with the following definitions:

### 2.01.01 Regular Full-Time Employees:

Regular full-time employees are those who work a minimum of forty (40) hours per week on a regular basis, or a full-time equivalent work schedule based upon police and fire shiftwork schedules. All regular full-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

### 2.01.02 Regular Part-Time Employees:

Regular part-time employees are those who work less than forty (40) hours per week on a regular basis or less than the full-time equivalent work schedule based upon police and fire shiftwork schedules. **Part-Time employees are not eligible for benefits other than those that are required by law.** All regular part-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA)

### 2.01.03 Temporary/Seasonal Employees:

Employees may be employed with the City on a temporary basis. Temporary employees are not eligible for benefits other than those that are required by law. Temporary employees may be given priority consideration for regular full-time employment. Reasons for temporary employment may include, but is not limited to one of the following reasons:

- To assist in emergency situations.
- To provide temporary workload relief.
- For special short-term projects.
- To train employees for possible regular full-time positions for which they are not otherwise qualified.
- To meet other workforce needs as deemed necessary by the appropriate Department Head, Human Resources, or the City Manager.

**Temporary/Seasonal Full-Time Employees:** Temporary full-time employees are those who work a minimum of forty (40) hours per week, or a full-time equivalent work schedule based upon police and fire shift work schedules, but are employed for only a specified period of time or for a special job task or project. All temporary full-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

**Temporary/Seasonal Part-Time Employees:** Temporary part-time employees are those who work less than forty (40) hours per week, or a full-time equivalent work schedule based upon police and fire shift work schedules, for a specified period of time or for a special job task or project. All temporary part-time employees will also be classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

#### 2.01.04 Exempt Employees:

Some executive, administrative, and professional employees are exempt from the requirements of the Fair Labor Standards Act (FLSA) that provide overtime pay standards. These exemptions are generally based on the responsibility, discretion, independent judgment and decision making authority in the job. Exempt employees are not eligible to receive overtime pay. **Exempt employees may be required to work in excess of 40 hours in certain weeks as needed to accomplish the expectations of the position.**

#### 2.01.05 Non-Exempt Employees:

Employees in non-exempt jobs must be paid overtime generally for hours worked over forty (40) hours per week or as FLSA regulations require within shift firefighter and shift policework schedules. This means that non-exempt employees' time worked must be recorded to be in compliance with FLSA.

## 2.02 Attendance and Work Hours

The City provides public service to our community, business partners, and one another. We are in the public eye and paid with tax-payer dollars. As a public servant, the city expects employees to provide regular, reliable, in-person service to our customers. Any exceptions to this, such as telecommuting on a temporary basis, remain the discretion of the Director and/or Deputy City Manager as needed for business operations and consistent with city practices. Many essential positions may not allow flexibility in such things as telecommuting if the position is essential and requires staff to be at work due to equipment, service demands, operational requirements, or community needs.

Excessive absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must notify their immediate supervisor in

advance of the anticipated tardiness or absence as soon as possible.

#### 2.02.01 Regular Work Hours:

Normal working hours are 8:00 a.m. – 5:00 p.m. Monday through Friday, except on authorized holidays. Adjustments to the normal hours of operation of City facilities or departments may be made by the City Manager or designee. Employees in some departments may have different work hours or days worked as approved by the department/division. Fire and Police personnel have different shifts and hours as designated within their respective departments for coverage of public safety operations in our community and in accordance with work periods designated through the Federal Labor Standards Act (FLSA). The supervisor will explain the particular workweek. In times of disaster or emergency, working hours shall be determined by the City Manager.

#### 2.02.02 Alternate Work Hours and Flexing Time:

In order to assure the continuity of City services, it may be necessary for supervisors to establish other operating hours for their departments. All departments/divisions have the option to select flextime, alternate work schedules and break periods based on their staffing requirements, if such selection will not seriously diminish service to the public or support to other City departments. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and includes that he/she will be available to do such work. Some departments offer the option of the Flextime program. The supervisor can explain the choices under this program if that department has authorized participation.

Flexing-Time: Departments, at the sole discretion of management, may allow an hourly, non-exempt employ to "flex time" on a temporary and hour-for-hour basis, due to an absence, training, or other reasonable need. The flex time must occur in the same work week in which the absence occurred, in order to reduce overtime and/or to save leave time. Flex time may not be "accrued" or allowed outside of the workweek in which it occurred. Flexing is not mandated, nor guaranteed, and varies by department or division. Flexing time within the work week is not to be confused with the Cities Work Flex Program.

## 2.03 Work Flex Program

In the spirit of promoting a work/life balance, the city provides the opportunity for employees to participate in a Work Flex Program which offers flexible options through compressed work week(s) or flextime arrangements. At no time should a schedule approved under the Work Flex Program violate the requirements and laws set forth under the Department of Labor or the Fair Labor Standards Act (FLSA), particularly as it relates to non-exempt employees and shift workers. Employees interested in participating should refer to the Work Flex Procedures

and Guidelines and submit a Work Flex Schedule Request and Agreement Form to their supervisor.

The Work Flex Program is not an employee entitlement or requirement, but a schedule arrangement agreed to by the employee, supervisor and department head. The arrangement must be in the best interest of the City, its citizens, and to the benefit of the employee.

## 2.04 Remote Work

Remote work is a work arrangement between an eligible City employee and their supervisor that allows them to engage in work in an area that is outside of their designated office space for part of their workweek due to special circumstances. Remote work provides flexible conditions that will help promote employee work-life balance while still being mutually beneficial to City services and citizens.

This policy offers general guidelines for Department Heads/Supervisors to allow appropriate levels of remote work within their departments, while continuing to provide great value and service to the City of Port Lavaca and its citizens.

Temporary informal, or short-term remote work arrangements may be approved for various circumstances such as inclement weather, special projects, business travel, or for employees on family or medical leave. These arrangements are subject to the approval of the Department Head, depending on the business needs of the department. Remote work is not intended as a routine work schedule, but only to be intended as an agreement for special circumstances.

During periods of emergency, the City Manager may direct departments to engage in teleworking arrangements wherever possible.

### 2.03.01 Eligibility:

Individuals requesting remote work arrangements must be employed with the City for a minimum of 6 months of continuous, regular employment, must have a satisfactory performance record, and must have the appropriate equipment to perform such work. Due to the Cities wide range of services and obligations, this policy may not be feasible for all Departments/Offices. All employee requests to participate in a remote work capacity will be reviewed on a case-by-case basis.

### 2.03.02 Employee Responsibilities:

1. All City employees who have received supervisory approval to remote work must sign the Remote Work Agreement under this policy. A department head may have additional guidelines, requirements, or procedures provided they are in conformance with the general intent of this policy.



2. Employees who engage in remote work are subject to the same professional standards they normally would be when engaged in onsite work and must adhere to all City of Port Lavaca policies.
3. Remote work employees must ensure they have the appropriate training, equipment and supplies to conduct their work in an offsite capacity as approved by City Manager, and IT consultants.
4. In accordance with the Remote work Agreement, remote work employees must perform work related activities during their scheduled teleworking hours as agreed to between the supervisor and employee and must be responsive and available as required when working onsite.

#### 2.03.03 Supervisor's Responsibilities:

1. Department Heads/Supervisors shall be responsible for identifying which work activity qualifies or does not qualify for remote work and ensure consistent applicability of remote work arrangements among their employees throughout the departments.
2. Departments shall establish effective management controls that will be used to assure remote work performance is equal to or greater than performance conducted onsite.
3. Departments shall ensure all remote work employees have completed the remote work Agreement required as part of this policy before remote work arrangements begin.
4. Departments must ensure remote work employees have the appropriate training, equipment and supplies to conduct their work in an offsite capacity as approved by City Manager, and IT consultants.
5. If deemed necessary, the employee or City have the option to terminate the Remote work Agreement at any time. A supervisor or department leader may deny, terminate, or modify a remote work arrangement for any business reason. A supervisor may also impose a temporary remote work probation period to ensure the employee is both compliant with the arrangement and successful in performing their duties as assigned.

#### 2.03.04 Procedures:

Employees who must engage in a remote work arrangement, or request to engage in a remote work arrangement, must comply with the following process in order to be considered for a remote work arrangement:

1. Discuss teleworking eligibility and requirements with their supervisor;
2. Read and agree to this Remote Work Policy; and
3. Complete the Remote Work Agreement

#### 2.03.05 Time Worked:

1. Remote work employees shall record their time worked in the Cities timekeeping system.
2. For FLSA Non-Exempt employees, hours worked in excess of those scheduled per day and per workweek require the advance approval of the remote workers supervisor. Failure to comply with this requirement may result in the termination of the Remote work Agreement.
3. If an employee is unable to remote during the approved situation and is needing to use sick or vacation time, then the employee must report those absences to their supervisor for approval as they would in a normal office setting

## 2.05 Physical Standards

Physical standards and requirements may vary somewhat in accordance with duties and working conditions as generally set forth in the specifications for various positions and also as to anticipated length of employment. A medical examination by a competent physician will be required for ~~certain groups of~~ all employees prior to employment. Regular full-time Police Officers and Firemen are also subject to psychological tests. This examination must be taken and passed prior to employment with the City. The cost of the examination will be paid by the City. All employees/will be subject to a drug screen prior to employment

## 2.06 Age Requirements

No person under the age of sixteen (16) years of age will be employed in any temporary position unless all of the Child Labor Requirements of a non-agriculture occupation under the Fair Labor Standards Act are met. When a minor has been employed by the City in a regular or temporary position, the minor will not be permitted to begin actual employment until the minor's parents or legal guardian execute a waiver and release form provided by the City. For these purposes, a minor is classified as a person, male or female, under eighteen (18) years of age. In order to operate a motorized vehicle owned by the City, all employees will be a minimum of eighteen (18) years of age.

## 2.07 Nepotism

The employment of relatives in an organization may cause serious conflicts and problems

with favoritism and employee morale. Employees who are related will not occupy a position in the same department as a relative, work directly for, or supervise a relative. The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning relatives who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. The City will not hire anyone who is related to any member of the City Council or City Manager, either by blood or marriage.

For the purposes of this policy, a relative is defined by affinity (marriage) or consanguinity (blood relative) in the following degree of kinship:

**Affinity:** Mother-in-law, Father-in-law, Son-in-law, Daughter-in-law, Brother-in-law, Sister-in-law, husband, wife, **Grandmother, Grandfather, Granddaughter, Grandson**

**Consanguinity:** Mother, Father, Son, Daughter, Brother, Sister, Grandmother, Grandfather, **Granddaughter, Grandson**

#### 2.06.01 Marriage of Current Employees:

In the event of a marriage between 2 City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within 90 days of the event, giving rise to a relationship prohibited by this policy, one or both affected employees will be required to resign from employment.

#### 2.06.02 Grandfather Clause (Adopted xx/xx/xxxx):

The City is aware that, as of the revision date of this policy, several City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

## 2.08 Recruitment Procedures

When a vacancy occurs within a department for any reason, or notice is given of resignation by an employee, the supervisor will furnish the Human Resources office with a copy of the resignation and the necessary information to hire for the vacancy. Notice of the vacancy will be issued to all departments which will be posted as information regarding the job.

In the event a vacant position is not filled by employee transfer, the position may be posted internally for three **business** days before the position is posted externally. When posted externally, the posting will be advertised for a reasonable period of time based on the quality of the candidate pool. **The Department Director determines the method(s) of selection to be used in filling each vacancy.**

All notices posted and advertisement will clearly state that the City is an Equal Opportunity Employer.

## 2.09 Application for Employment

For the purpose of this policy, an Applicant is defined as a person who has applied for a job or position with the City following the appropriate procedures. A Candidate is an applicant who, upon review of qualifications, meets the basic requirements of the position in which they have applied and is deemed qualified to be considered for employment.

To apply for a posted position, an applicant must submit an application for employment as outlined in the job posting. Any employee whose employment application is found to contain false or misleading information, by commission or omission, will be subjected to disciplinary action up to, and including, termination.

**Applicants may be disqualified from consideration for one or more of the following:**

- 1. Failure to meet the minimum qualifications necessary for the position**
- 2. If they previously worked for the City and were involuntarily terminated or resigned in lieu of termination**
- 3. If employment will result in a violation of the City's Nepotism Policy**
- 4. Failure to meet the minimum legal age requirement**
- 5. False statements or material omissions on the application or anytime during the recruitment process**
- 6. Failing any of the City's background and employment requirements including, but not limited to, drug testing.**
- 7. The applicant commits or attempts to commit a fraudulent act at any stage of the selection process**

8. The applicant is not legally permitted to work in the United States
9. The applicant is unable to perform the essential functions of the job applied for with or without reasonable accommodation
10. Any other reason deemed to be in the best interests of the City

## 2.10 Appointment

City personnel will be hired upon submission of written information pertaining to job-related and personal qualifications and after an interview with the supervisor, Department Head, interview panel and/or a third party representative, as appropriate. Appointments will be recommended by Department Head to the City Manager. No person will be hired for any position within the classification system until fair and equitable consideration has been given to all qualified applicants. All appointments will be based strictly upon the job related qualifications of the applicants, their fitness to assume the responsibilities and perform the duties of the position, and their previous employment records and personal histories.

## 2.11 Employee Orientation

All new employees will attend a New Hire Orientation on their first day of employment in order to receive information related to city policies, benefits, and other administrative items related to their employment. New employees will be required to return forms within a specified period of time so that they can be processed in the payroll system.

Department Heads will ensure that new employees are properly trained in regards to safety and how to report work related injuries or accidents.

## 2.12 ~~New Employee Training~~ Employee Probationary Period

All new employees will complete an on-the-job training **probation** period and will be evaluated with regard to job performance, fitness for their position, and job requirements as defined in the Job Classification and Compensation Plan **for a period of no less than ninety (90) days from the start of the position start date.**

**The purpose of the probation period is to allow newly hired or promoted employees and the City the opportunity to measure and evaluate the satisfaction of the working relationship. Each newly hired employee is responsible for knowing, understanding, and meeting the expectations and standards for his/her position. The conduct, attendance, and attitude toward the job and the fellow employees will be closely monitored.**

Employees may be dismissed without cause during their ~~training~~ **probationary** period if they are failing to meet performance standards and expectations. Just prior to the end of the ~~training probation~~ period, the Department Head will determine if the employee has completed training and is released from the ~~probationary period training program~~. If the employee needs to be retained in the ~~probationary period training program~~, an extension may be granted for ~~an extended period of time~~ **not more than another additional ninety (90) days**, or the employee may be terminated.

An employee is considered to have failed the probationary period when it is determined that the employee's job performance, quality or quantity of work, attendance, and/or a combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the probationary period may occur at any time within the probationary period. An employee who does not successfully complete the probationary period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the probationary period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the timely written documentation of all cases of failure of the probationary period, including documentation of counseling, training, and other efforts to help employees during their probationary period. All such documentation shall be reviewed by the City Manager before an employee serving in the probationary period can be terminated.

## 2.13 Special Employment Criteria

Various departments may require an employee to acquire certain licenses, certifications, or levels of education in order to effectively perform the duties required. When such departmental requirements exist, they must be fulfilled within the timelines established.

In the event a City vehicle is to be operated by the candidate, a driving record check will be conducted by the Department Head or the department in which the candidate is to be employed, and the completed report form returned to the City Manager's office prior to actual employment of the candidate.

## 2.14 Outside Employment

The position an employee holds with the City of Port Lavaca will take precedence over any other occupational involvement of the employee. The acceptance of another job or business opportunity, such as contracting or self-employment, while in the employment of the City is permissible as long as the following considerations are met:

- 2.16.01 The Department Head must be informed in writing of the outside employment, its nature, location, and duties involved. The outside employment must be authorized by the Department Head and the City Manager. Upon authorization, the approval will be maintained in the employee's personnel file.
- 2.16.02 Such outside employment must not interfere with employee efficiency, constitute a conflict of interest, nor require the use of City time or equipment.
- 2.16.03 The eight (8) hours immediately prior to the beginning of City duty must be work free
- 2.16.04 If an employee will become unable to perform the duties of his job due to an injury or other incapacity caused by or during such outside employment, the City will not be responsible for benefits to the injured employee, except for accrued vacation and sick leave.
- 2.16.05 If a City employee is injured in the course of outside employment, the employee may not file a Workers' Compensation claim against the City for benefits related to the injury, regardless of the fact the outside employment has been approved by his/her supervisor.

The filing of a Workers' Compensation claim in this situation will be considered falsification of documents and is grounds for disciplinary action, up to and including termination.

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 or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Human Resources Department.

## Chapter 3: Personnel Actions and Records

### 3.01 Personnel Files

The City of Port Lavaca maintains an official personnel file in Human Resources on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel action forms, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. However, the release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law.

Employees who wish to review their own file will contact the Human Resources Department to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages but will not add or remove anything from their personnel file.

### 3.02 Personnel and Salary Changes

A Personnel Change Request (PCR) must be completed on any personnel action that affects employee's title, classification, pay rate, or status (i.e. promotion, reclassification, demotion, transfer, separation). The PCR must be approved by HR before the personnel action is official.

Promotions or salary increases will not be processed unless approved at all levels (Department Management, Human Resources and City Manager).

### 3.03 Performance Evaluations

Performance evaluations are performed on an annual basis scheduled approximately every 12 months, coinciding generally with the employee's anniversary date. Anniversary date is defined the date an employee is hired full-time by the City. This date changes only with promotion or demotion. An employee may attach a statement to their performance evaluation for rebuttal or clarification, if desired. Performance evaluations will be in a written format and signed by the employee, evaluator or supervisor, and Department Head.

All performance evaluation reports shall be placed in the employee's personnel file within the Human Resources department. Employees shall be provided with copies of their performance evaluation reports if



requested. Completed performance evaluations must be submitted to the Human Resources Department by the department head before a salary increase will be granted.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an ongoing informal basis. Formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, meaningful approaches for meeting goals.

Evaluators shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any required improvements in performance which appear desirable or necessary. Employees dissatisfied with their performance evaluations may seek reconsideration by appealing to the next level supervisor, using the established grievance procedures.

## 3.04 Change in Employee Status

The employee is responsible for notifying the City of change in address, current telephone number, marital status, dependents, and related changes that would affect benefits or job performance.

### 3.04.01 Promotions

Insofar as may be consistent with the interest of the City and when there are employees with the necessary qualifications, vacancies in the higher classification will be filled by promotion of qualified employees from a lower classification. This policy on promotions is not mandatory, however, and the Department Head may choose to allow all candidates to compete for the position. Promotions shall be made upon the recommendation of the Department Director and may require approval of the City Manager. Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until a probationary period of six months shall have elapsed. Should a promoted employee not successfully complete the probationary period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee can be transferred, reassigned, or terminated.

Upon promotion, the employee's performance review date will be administered at the time of the new anniversary date of the promotion although the Department Head may evaluate at any time during the course of the year.

### 3.04.02 Demotions

A demotion is a change in duty assignment of an employee to a lower position in the classification system involving less responsibility and/or job skill requirements.

Demotions may be as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions may involve a decrease in pay.

Demotions may occur for the following reasons:

- Reassignment in lieu of layoff due to a reduction in workforce.
- Sustained inadequate performance or voluntary (employee initiated) demotion; employee's salary will be decreased.

### 3.04.03 Transfers

The City Manager, or any Department Head with the approval of the City Manager, will, for the more efficient operation and betterment of the City, have the power and authority to transfer any employee between and within departments, provided the new position is at an equal or a lower pay grade as the position from which the employee is being transferred. If such transfer occurs while the employee is completing his first six (6) months in a position within the employees probationary period, the six (6) months probationary period will begin over in the position to which transferred, beginning on the date of such transfer. The transfer of positions within a department to meet the particular skills of the individuals and needs of the department will not require the advertising of a vacancy. Transfers may involve a decrease in pay based on the new duties and responsibilities

### 3.04.04 Appointment to Acting Capacity

When, in the opinion of the appointing authority, a vacancy occurs which requires immediate filling, and it is not feasible to make an immediate regular full-time appointment thereto, the appointing authority may appoint, for a period not to exceed six (6) months, an employee from another position to fill the vacant position in an acting capacity. The individual's salary will be commensurate with experience and qualifications, in accordance with the current pay plan. This policy does not apply to short term assignments due to short term absences of a supervisor.

## 3.05 Separations

"Termination Date" for City employees is defined as the last day an employee actually performs a service to the City of Port Lavaca or, if the termination date is to occur at the end of a period of leave, on the last day of such approved leave. Separation pay received by an employee will not be construed to extend his employment with the City beyond the termination date.

Upon termination, all employees will schedule an exit interview with Human Resources. The interview will be for the purpose of obtaining information in order to issue a final check and for reviewing the employee's personnel file to ensure that all information requirements of

~~these policies, TMRS, insurance, income tax, and other matters such as turning in all City property and other matters have been addressed.~~ finalize all compensation due, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Information discussed during the exit interview may be shared with the Department Director and acted upon as deemed appropriate.

On the last day of employment, the employee is required to return all City property such as cellphones, identification badges, uniforms, keys, credit card (s), vehicles and any other City owned equipment and property to their supervisor. Failure to return City property may result in loss of benefits and potentially criminal charges.

The Department Director (or designee) is responsible for promptly notifying Human Resources of all separations and providing documentation of receipt of all departmental and/or City property from the exiting employee.

### 3.05.01 Resignation

Resignation is a voluntary act initiated by employee to end employment with the City. The employee **must** submit a signed and dated letter of resignation **of at least two weeks to be considered to have resigned in good standing.** Employees who fail to give a two-week notice may not be eligible for rehire. The City retains the right to waive the two week notice and accept a resignation to be effective immediately. ~~identifying the last day of employment,~~ The letter of resignation should include the reason for resignation and the employee's forwarding address prior to the intended date of resignation.

### 3.05.02 Job Abandonment

Employees who fail to report to work or contact his/her supervisor for two consecutive work days will be considered to have abandoned the job without notice effective at the end of his/her normal **shift** on the second day. **Documented attempts to contact the employee must be made by the department or Human Resources to ensure there are no extenuating circumstances for the absence prior to separation of employment.** The supervisor or department director will notify the Human Resources Department at the expiration of the second work day and initiate the paperwork to terminate the employee.

### 3.05.03 Reduction in Force

Employees may be discharged without prejudice by reason of lack of work or funds, or the elimination of positions. A position of employment will not be eliminated solely as a method of removing a person from employment. Insofar as practicable or for the betterment of a department, Department Heads will give at least two (2) weeks' notice in advance. Employees selected as part of a reduction in force will be based on a multiple ranking criteria that will consider the following:

- Employee's promotability and attitude
- Employee's skills, abilities, and knowledge
- Employee's education and experience levels
- Employee's quantity and quality of work
- Employee's attendance history
- Employee's tenure within the City

#### 3.05.04 Seasonal Separation

Release is the end of temporary or seasonal employment.

#### 3.05.05 Termination

Employees of the City of Port Lavaca are employed on an at-will basis, and the City retains the right to terminate an employee at any time.

#### 3.05.06 Retirement

Employees who retire under TMRS should notify their Department Director and the Human Resources Department in writing at least ~~one (1) month~~ **30 days or more** before **the** planned retirement date. ~~in order to ensure timely processing of retirement paperwork and retirement payments begin within expected timeframes.~~ **This timeframe ensures that all required retirement paperwork is submitted, received, and processed by TMRS and the City to ensure a smooth transition into retirement.**

#### 3.05.07 Incapacity

**An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirement of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued vacation leave benefits if provided by policy, if any, payable upon termination.**

### 3.06 Continuous Service---Reinstatement

Any interruption in employment due to resignation or termination will result in forfeiting of all accrued benefits. These provisions will apply only if the employee has not been compensated for such accrued benefits.

## Chapter 4: Employee Benefits

### 4.01 Group Insurance: Medical Coverage

The City of Port Lavaca has a Group Medical Insurance Plan under which premiums may be supplemented by the City. Employees who work an average of thirty (30) or more hours per week, or one hundred thirty (130) hours per month and any eligibility requirements as defined by the Affordable Care Act are eligible for benefits and may cover his dependents (regardless of number) at scheduled premium paid through payroll deduction. Eligible employees and dependents are eligible for group medical coverage **on the 1<sup>st</sup> of the month after 60 days from hire date** ~~on the 31<sup>st</sup> day of eligible employment.~~ The employee is responsible for notifying the City of Family Status Changes such as marital status, dependent status, and related changes that would affect benefits.

### 4.02 Group Insurance: Dental & Vision Benefits

The City of Port Lavaca offers dental and vision benefits to eligible employees and dependents. Employees who work an average of thirty (30) or more hours per week, or one hundred thirty (130) hours per month and meet any eligibility requirements as defined by the Affordable Care Act are eligible for dental benefits and will be automatically enrolled. Eligible employees may cover ~~his~~ **their** dependents (regardless of number) at scheduled premium, paid through payroll deduction. Eligible employees and dependents are eligible for dental coverage **on the 1<sup>st</sup> of the month after 60 days from hire date** ~~on the 31<sup>st</sup> day of eligible employment.~~ The employee is responsible for notifying the City of Family Status Changes such as marital status, dependent status, and related changes that would affect benefits.

Vision benefits are voluntary for eligible employees and premiums for employee and eligible dependent(s) are deducted through payroll deduction based upon the employee's benefit selection.

### 4.03 Benefit Changes

**Human Resources should be notified immediately, but not later than 30 days, after any change in family status, such as birth, death, marriage or divorce that would change the enrollment, elections or dependent information. If an enrollment/change and supporting documentation is not submitted within 30 days of the qualifying event or date of hire for new enrollments, then the employee will not be eligible to make the changes until the following annual enrollment period. Dependent changes and new contributions are effective on the date of the qualifying event. New enrollments are effective the first of the month after 60 days from hire date. Terminations are effective at the end of the month in which the employee terminates. It is the employee's responsibility to make sure that the**

paycheck reflects the correct insurance deductions. If deductions are not reflected correctly on the check, the employee should immediately notify Human Resources.

#### 4.04 Premium Payment While on Leave Without Pay/FMLA

Employees on Leave Without Pay/FMLA for a full month or more must pay the total amount of their insurance premiums portion. Arrangements for payment may be made by contacting Human Resource Department. Arrangements for payment should be made before going on Leave Without Pay/FMLA whenever possible. Failure to pay premiums in a timely manner could result in cancellation of insurance coverage.

#### 4.05 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

Under the requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the City offers eligible employees and dependents to continue group health care benefits in certain circumstances 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.

Under COBRA, employees may elect to continue coverage for up to 18 months after separation of employment, 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 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 information on COBRA and ~~your~~ **employee** health plan, ~~you~~ **the employee** should review ~~you're~~ **the** summary plan description or review a copy of the full health plan available by contacting the City's group healthcare provider or Human Resources.

#### 4.06 Retirement Plan

The City of Port Lavaca participates in the Texas Municipal Retirement System (TMRS). The purpose for which is to provide an adequate and dependable plan for the retirement of employees of Texas municipalities. The plan requires a contribution (by means of a **tax deferred** payroll deduction) equal to five percent (5%) of the salary of each regular full-time employee of the City. The City matches deposits on a one and one half - to-one (1 1/2 to 1) basis. Vesting of the City's contribution is provided upon the completion of five (5) years of service. For specific information relating to ~~your~~ retirement options, employees should

contact Human Resources, refer to the TMRS website or contact TMRS directly.

Membership in the retirement system is mandatory for all regular full-time City employees in accordance with Texas Municipal Retirement System rules and guidelines.

## 4.07 Workers' Compensation

The City of Port Lavaca complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. The program covers an injury or illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation coverage begins immediately upon employment with the City.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately and a First Report of Injury form needs to be submitted to Human Resources. No matter how minor an on-the-job injury may appear, it must be reported.

Neither the City nor the workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social or athletic activity sponsored by the City or for outside employment.

## 4.08 Employee Development

The City of Port Lavaca is committed to fostering a cost effective program for employee training and development that 1) encourages skill development, upward mobility, and knowledge enhancement and (2) meets the City's business objectives.

Accordingly the City will provide reasonable funding and related support for employee training and professional development, in accordance with identified organizational needs.

All training and development initiatives will be job-related and undertaken in a manner that ensures fair and equitable treatment among all employees.

Departments are encouraged to offer professional development opportunities to their employees. Funds are made available in departmental budgets so employees may attend seminars, workshops, and training opportunities to develop and increase their job-related work skills and abilities including the enhancement of communication and computer skills regardless of current job assignment and in accordance with the City's Travel Policy.

In-house and on-site training may also be provided by the Human Resources Department

or other City departments.

Employees are encouraged to contact their supervisor in reference to any training and development opportunities and needs they feel would be beneficial to their position.

## 4.09 Tuition Reimbursement

To encourage personal and professional development, the City of Port Lavaca may provide tuition assistance to regular full-time employees. The availability of tuition assistance is subject to City Council approved funding levels. Tuition assistance levels will be established annually as part of the budget process based upon anticipated participation and available funding. To be eligible for consideration of tuition assistance, an individual must be a regular full-time employee and have completed a minimum of six months of service with the City prior to application approval. In cases where an employee is currently under a designated Performance Improvement Plan for a disciplinary matter or for performance improvement issues, the employee will not be eligible for tuition assistance while on the plan. To retain eligibility for assistance, an employee must remain an active full-time employee in good standing from the time of application to the time the course is completed.

Courses offered by accredited colleges, universities, business institutes or trade schools are eligible for tuition assistance if they are:

- Required by a degree plan which is related to a City career field, or
- Required by a business institute or trade school which is related to a City career field.

A course or educational program will be defined as a class of instruction taught at or by an accredited college, university, business institute or trade school that meets on a regular basis over an extended period of time.

Seminars and conferences will not be eligible for tuition assistance. Non-credit continuing education courses or courses containing the same or similar information as received in previous courses (repeat courses) are not eligible for tuition assistance.

Any license or certification that is required by the City will be covered by professional development funds within each department. Courses not directly job-related nor on an approved degree plan are ineligible for assistance.

### 4.09.01 Educational Degree Plan Approval Process

- 1) Only those full-time employees with an approved degree plan will be considered for tuition assistance. In order to be eligible, full-time employees must provide the Human Resources Department with evidence of an approved degree plan (or comparable documentation) in a course area intended to broaden their



knowledge of their current position, or to prepare them for possible assumption of new job responsibilities within the City. The approved degree plan will be kept in the employee's personnel file in Human Resources. Any changes to a degree plan must be submitted and approved prior to registration.

- 2) Tuition assistance will be limited to funds approved in the budget.
- 3) An employee will be eligible for tuition assistance for only one associate degree and one undergraduate degree. A Master's degree must be specifically applicable to City advancement and must be approved by the City Manager.
- 4) A completed Tuition Assistance Form must be submitted to the Human Resources Department prior to scheduled course registration to ensure budget availability.
- 5) An employee must take all courses for which assistance is received on the employee's own time. If a class is only available during an employee's normal work hours, the employee may request a flexible schedule from the employee's Department Director. When there is a conflict between classes and the employee's job responsibilities, the job responsibility must come first.
- 6) Should a question arise about whether a request meets the requirements of this policy, e.g., whether the school is properly accredited; or administration of this policy, the employee should contact the Human Resources Director.

#### 4.09.02 Assistance Reimbursement Procedures

- 1) The full-time employee will pay all costs. At the end of the semester, the full-time employee will submit payment receipts, original grade slips and a Tuition Assistance Reimbursement Form to the Human Resources Department. All receipts are due within sixty (60) days of the end of the school term.
- 2) The costs of the courses, educational programs, and book fees, which will be reviewed by the employee's supervisor and the Human Resources Department, will be eligible for assistance reimbursement. The City will reimburse an employee for each successfully completed class with a cap of \$5,000 annual (fiscal year) assistance.
- 3) Tuition assistance reimbursement will be paid only once for each approved course. The City will not pay tuition assistance for courses for which tuition assistance has already been received. **In addition, the City will not pay tuition assistance for courses that have been paid from other sources such as scholarships and/or grants.**
- 4) Assistance reimbursement will be provided when a grade of "C" or above is achieved in college undergraduate courses, and a "B" or above in college graduate

courses. For those courses or training programs for which grades are not assigned (Pass/Fail), a certificate of completion stating "PASS" will serve as proof of course completion. Original official grade slips and transcripts are the only acceptable documentation of course completion for college earned credit courses. Copies will be made and original grade slips and transcripts will be returned.

- 5) No payment will be made until the full-time employee has furnished satisfactory evidence of having completed the course.
- 6) Employees requesting tuition assistance will be agreeing to the terms that if they terminate from the City within 12 months after completing a course, for which assistance was received, they will be required to pay back all assistance reimbursements received during the prior 12-month period.
- 7) As a recipient of Tuition Assistance, the employee authorizes the City to deduct the balance owed for "Tuition Assistance" from his/her paycheck or any other final payments due to the employee. The employee understands that if sufficient funds are not available to satisfy the "Tuition Assistance" owed to the City, the employee will pay the balance owed to the City by cash or money order within 90 days of the date of the final paycheck.
- 8) If an employee resigns or is terminated, except for a reduction in force, prior to course completion, the City will not be obligated to reimburse any part of the expense. Employees terminated due to a reduction in force will not be requested to reimburse tuition monies.
- 9) If an employee is injured on the job or while on military active duty and has to involuntarily leave employment (including a disability retirement with TMRS due to injury or illness) during the timeframes outlined above, a waiver would be given for any tuition assistance the employee would otherwise be obligated to reimburse to the city.

#### 4.09.03 Police & Fire Academy

If the City elects to pay for uncertified police or fire trainee to attend an Academy or School in order to become a certified police officer or fireman for the City of Port Lavaca, the fire or police trainee will be asked to sign a Tuition Assistance Service Agreement that will be standardized in each respective department and provided in the agreement.

## 4.10 Relocation

City of Port Lavaca provides relocation assistance to newly hired employees when the employee's previous residence was located at least one hundred (100) miles outside of the City of Port Lavaca's city limits.

The transferred or newly hired employee will submit documentation of eligible relocation expenses using the city's travel reimbursement form within 30 days of the relocation. Eligible expenses include the cost of moving household items, including the cost of packing and transporting standard furniture and personal effects of the employee and members of the employee's immediate family. Moving and travel costs for relocation may not exceed 5% of the employee's annual salary without written approval from the City Manager.

Employees are eligible to receive relocation assistance one time. If an employee is a rehire and previously received relocation assistance, the employee will be ineligible for this benefit when rehired. If an employee leaves employment within one year from their hire date, and has received relocation assistance, the employee will be required to repay the city for the full amount of the relocation assistance received.

