



City of Port Lavaca HR and Workplace

Adopted on **October 1, 2025**



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 adopted human resource policy, the City Council adopted human resource 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 are expected to work in excess of 40 hours in certain weeks as needed to accomplish the expectations of their 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 remote work on a temporary basis, remain the discretion of the Director and City Manager as needed for business operations and consistent with city practices. Many essential positions may not allow flexibility in such things as remote work 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. **Work Flex Program agreements may be subject to annual review to ensure the schedule remains in the best interest of the city.**

2.04 Situational Remote Work

Situational Remote work is a work arrangement between an eligible non-exempt 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 emergency circumstances. Remote work provides flexible conditions that will help promote employee work-life balance while still being mutually beneficial to City services and citizens.

Situational remote work arrangements may be approved for various circumstances such as but not limited to 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. Situational Remote work is not intended as a routine work schedule, but only to be intended as an arrangement for special circumstances. Situational remote work is not to be utilized more than 12 days per calendar year.

During periods of emergency, the City Manager may direct departments to engage in teleworking arrangements wherever possible. Department Heads/Supervisors shall be responsible for identifying which work activity qualifies or does not qualify for remote work. A supervisor or department head may deny a remote work arrangement for any business reason.

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~~ **safety-sensitive** 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 10/01/2025):

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~~ **will** 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~~ **advertised** 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 reclassified 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:

2.14.01 The employee must submit a "Request for Outside Employment" form to the Department Director prior to the acceptance of outside employment and whenever the nature of such employment changes. Approval of outside employment may be withdrawn at any time

2.14.02 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 in writing. Upon written authorization, the approval will be forwarded to the Human Resource department and maintained in the employee's personnel file.

2.14.03 Such outside employment must not interfere with employee efficiency, constitute a conflict of interest, nor require the use of City time or equipment.

2.14.04 The eight (8) hours immediately prior to the beginning of City duty must be work free

2.14.05 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.

2.14.06 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 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 Action Form (PAF) 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 PAF 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.

3.07 Temporary Restricted Duty (Light Duty)

It is the goal of the City, with the cooperation of all departments, to locate and assign restricted duty, when necessary and feasible, to employees who are temporarily restricted from performing their regular job as a result of a work-related or non-work-related injury or illness. Temporary restricted duty opportunities will return employees to a meaningful assignment as soon as possible when they are unable to perform the essential functions of their positions (with or without reasonable accommodation) due to injury or illness.

3.07.01 Restricted Duty Work Assignment

- a) An employee will be considered for a restricted duty assignment when the employee can perform work of a restricted nature, as opposed to the employee's normal range of duties.
- b) The City reserves the right to require an employee to be medically released to perform the essential functions of the position, with or without reasonable accommodations, before returning to full duty. Restricted duty assignments must be coordinated with the Human Resources Department.
- c) Restricted duty assignments must be existing duties consistent with normal operations of the division or department. An employee assigned restricted duty assignments may be assigned duties in several departments. Restricted duty assignments will not be created specifically for any individual employee. If no assignment is available, the employee must stay home until released to full duty to perform the employee's essential job functions, with or without reasonable accommodations.
- d) An employee who is released for and offered restricted duty by the City, but who elects not to accept such an assignment, will be ineligible for salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.
- e) During a restricted duty assignment, employees may be required to alter their normal work schedule which may include working an 8-hour workday, Monday through Friday. This means that 24-hour, and 12-hour shift employees, as well as other employees who work a non-traditional schedule, may be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their restricted duty assignment. This decision will be made by taking into consideration what is in the best interest of both the City and the employee.

3.07.02 Procedures

The following procedures apply when an employee is released for restricted duty and provides a physician's release to the employee's supervisor. Within one (1) workday of receiving a physician's release, the employee shall forward it to the Human Resources Department. If a restricted duty assignment is made, a Temporary Restricted Duty Agreement Form must be completed by the employee and the Human Resources Department.

- a) If a restricted duty assignment is not available in the employee's department, the Human Resources Department will review the limitations/restrictions provided by the physician and determine an appropriate assignment based on the restrictions provided by the physician and the employee's abilities to perform the work.

b) If an injured employee is assigned to restricted duty in another department, the employee's original department continues to pay the employee's salary at the employee's regular rate of pay regardless of the nature of the restricted duty assignment.

c) Eligibility for temporary restricted duty assignments will be re-evaluated by Human Resources every 30 days.

d) An employee unable to return to regular duty on the original date indicated by the treating physician must provide an updated physician's release prior to the originally estimated date of return to regular duty.

3.07.03 Additional Provisions

If an employee is unable to return to perform the essential functions of the employee's position after 90 calendar days and/or if there is no anticipated date the employee will be able to return to perform the essential functions of the employee's position, the City will rely on the ADA policy to determine the next appropriate actions.

An employee's refusal to perform a task consistent with the medical restrictions will be interpreted as a violation of City policies. The employee will leave the work site, will be placed on leave without pay, and may be subject to disciplinary action. The employee may be ordered to be re-evaluated in order to determine the employee's ability to perform available restricted duty tasks.

An employee on restricted duty may be assigned several types of work at various locations and times, if and when necessitated by changing medical restrictions or by completion of available work of a particular type.

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 1st of the month after 60 days from hire date** ~~on the 31st 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 1st of the month after 60 days from hire date** ~~on the 31st 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

4.07.01 Policy

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.

4.07.02 Guidelines

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.

The supervisor must conduct an initial investigation of the incident and then complete an Incident Report form with the affected worker.

The completed and signed Incident Report Form, with relevant statements and reports, must be forwarded immediately to Human Resources in order to complete and submit to the Division of Workers Compensation (DWC). The completed forms are forwarded by Human Resources to the designated insurance carrier for further eligibility evaluation and determination.

The designated insurance carrier notifies DWC and the injured worker (claimant) of actions taken, reasons for such actions, and/or any events affecting the claim and/or benefits.

4.07.03 Injured Worker Rights

An injured City Worker may have the right to receive benefits. An injured City worker has the right to:

- Receive reasonable and necessary medical care;
- Receive assistance from appropriate, qualified DWC staff; and
- Confidentiality within the scope of proper case management and legal constraints

4.07.04 Injured Worker Responsibilities

An injured City worker has the responsibility to:

- Report to the immediate supervisor all work-related injuries and illnesses;
- Attend all scheduled medical appointments
- Tell the treating physician how the worker was injured and if the worker believes the injury may be work-related;
- Inform DWC and the insurance carrier how to contact him or her; and
- Immediately provide Workers Compensation liaison with a copy of any and all discharge notes/reports

4.07.05 City's Rights

The City has the right to:

- Contest the compensability of a claim;
- Be informed by the insurance carrier of any dispute resolutions or court proceedings;
- Attend any dispute resolution proceeding related to a claim;
- Present any relevant evidence about a disputed issue;
- Report suspected workers compensation fraud to DWC and the insurance carrier; and
- Review any and all discharge notes/reports

4.07.06 City's Responsibilities

The City has the responsibility to:

- Report work-related injuries and illnesses including supplemental reports;
- Reports an injured workers wages and other compensation to the insurance carrier;
- Report any changes in an injured workers pay or employment;
- Keep a record of work-related injuries, illnesses, and fatalities; and
- Provide workers with notice of coverage and responsibilities

4.07.07 Fraudulent Claims

Evidence and information indicating that a claim was submitted for workers compensation leave, benefits, and medical treatment, and was established through

fraudulent acts or deceptive practices, shall be investigated by the City and the insurance carrier. Results of investigations will be evaluated and actions will be taken in accordance with DWC rules on compliance and practices.

4.07.08 Outside Employment

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.

4.07.09 Time and Attendance

Time off on workers compensation leave will not be counted as time worked for the purposes of determining overtime. FMLA will run concurrently with workers compensation absences.

4.07.10 Return to Work

A written statement from an appropriate physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she can perform as well as any limitation(s) must be received by the City before an employee returns to work.

All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. As determined by a Department Director, at the City's expense, an employee may be required to submit to examination by an independent physician.

Failure to return to work when directed will result in appropriate disciplinary action up to and including termination.

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.

5.09.01 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.

5.09.02 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.

5.09.03 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.

Chapter 5: Leaves of Absence

5.01 General Policy

It is the intent of the City of Port Lavaca to provide regular full-time employees the opportunity to receive full compensation for their regularly scheduled hours of work, either through time worked benefits, or a combination of both. The city offers the following leave benefits: Annual Vacation Leave, Holiday Leave, Sick Leave, Worker's Compensation leave, Family Medical Leave (FMLA), Military Leave, Leave of Absence without Pay, Emergency Leave, Jury and Court service Leave, Voting Leave and Weather Leave. Please refer to the policies below for specific guidelines relating to each benefit.

5.02 Vacation Leave

6.02.01 General Policy

Vacations are beneficial to the continuing well being, and physical and mental health of employees. To the degree they accomplish these purposes; their use is approved with the best interest of the City in mind.

6.02.02 Vacation Eligibility and Accrual

The policy on annual leave (vacation) will apply to regular full-time employees regardless of how their pay is computed. No annual leave will be earned by any part-time or temporary employees. Vacation pay will not be advanced prior to a normal payday of the employee and will be calculated based upon the employee's scheduled work hours and will be paid at the employee's normal rate of pay at the time the annual leave credit is used.

Vacation Monthly Accrual Schedule

	Regular Full-Time 1 day = 8 hours	Shift Police/Firefighters 1 day = 12 hours
Less than 1 year	.5 day (4 hours)	.5 day (6 hours)
More than 1 year	1 day (8 hours)	1 day (12 hours)
Max Accrual/Carryover/ Payout	18 30 days (144 240 hours)	18 30 days (216 360 hours)

Employees will accumulate one (1) day of extra annual leave credit for each five (5)

years of consecutive service. The maximum accumulation of unused annual leave beyond September 30 of the year will be ~~eighteen (18)~~ **thirty (30)** days. If, at the end of the year the employee has more than ~~eighteen (18)~~ **thirty (30)** days of unused annual leave to his credit, his credits will be reduced by the number in excess of ~~eighteen (18)~~ **thirty (30)** days and he will start the new year with ~~eighteen (18)~~ **thirty (30)** unused annual leave credits. No payment will be made for annual leave not taken.

6.02.03 Scheduling Vacation

Time off for vacation will be scheduled to meet the need of the department and must be approved by the Department Head. If required, an employee may be called in from approved leave due to departmental needs. The application form completed by the employee and approved by the department supervisor should be received prior to date leave begins.

Department Heads will arrange annual leave time off schedules and reallocate duties to minimize interference with the normal function and operation of their organizations. Holidays occurring during scheduled vacations - in the event a City holiday falls within an annual vacation leave, such holiday will not be charged as vacation leave.

An employee must complete the ninety (90) day probationary period of new hire employment with the City before taking vacation leave.

6.02.04 Payment of Vacation Hours

Employees may schedule vacation, and subsequently be paid for those hours, based upon their daily scheduled work hours. If the employee works additional hours within the pay period that exceeds the scheduled hours for the pay-period, the employee may elect to reduce their vacation time and be paid for their standard pay-period scheduled hours. The employee may also elect to receive payment for all scheduled vacation time. All elections must be made when recording hours on the timesheet, and will be paid accordingly.

6.02.05 Payment at Separation

A regular full-time employee who is separated from employment will, at the time of separation, receives payment for the accumulated vacation leave balance earned prior to the effective date of separation. **Up to maximum of thirty (30) days will be paid at resignation or dismissal. Ninety (90) day probationary period must be completed before vacation is paid at termination.**

5.03 Holiday Leave

The City officially declares and designates the following holidays to be observed with pay by all City employees occupying regular full-time positions and subject to the provisions and limitations hereinafter set forth:

New Years Day	January 1
Presidents Day	3 rd Monday in February
Good Friday	Friday before Easter
Memorial Day	4 th Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans Day	November 11
Thanksgiving (2 days)	4 th Thursday and Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday	(Within Calendar Year)

Holiday pay will be calculated upon the basis of eight (8) hours per day at the employee's base rate of pay, and twelve (12) hours per day for Shift Police Officers and Fire Personnel. Full time Police Department officers and Fire Department personnel who work scheduled shifts on a day recognized by the City as an official holiday will receive twelve (12) hours holiday pay, in addition to their regular salary for actual hours worked. This policy will apply to regular employees, regardless of how their pay is computed. Temporary employees are not eligible for holiday pay.

Should a holiday fall on Saturday or Sunday, the preceding or following working day will be observed.

City of Port Lavaca employees will be granted one floating birthday holiday per calendar year. If not taken during the year, the floating birthday holiday will not be carried over, nor will it be paid at the time of separation. **In order to receive the floating holiday an employee must be employed by the City of Port Lavaca for at least one year.**

6.03.01 Taking Holiday Leave

6.03.01.1 Paid Leave Status

An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay the employee would ordinarily receive at the time of the holiday.

6.03.01.2 Holidays on a Day Off

Holidays that occur during a scheduled paid vacation time will be paid as holidays and will not be charged as vacation. An employee who is on FMLA approved leave will receive holiday pay. If an employee is suspended without pay on the day previous, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.

6.03.01.3 During Workers Compensation Leave

An employee on worker's compensation leave will receive holiday pay.

6.03.01.4 Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

5.04 Sick Leave

6.04.01 General Policy

Sick leave is paid time away from work due to an illness (including mental health) or injury that prevents the employee from working, for visits to the doctor or dentist, or for caring for a newborn after birth or adoption.

Sick leave may also be used for absences when needed to care for the employee or a member of the employee's immediate family who is ill (including mental health) or injured, for the employee's own and/or the employee's immediate family's scheduled doctor and dentist appointments, caring for a newborn after birth or adoption, or due to the lack of childcare as the result of the closure of the employee's childcare facility. For purposes of this policy, "immediate family" is defined as persons related to the employee through blood, marriage or adoption; these include employee's mother, father, son, daughter, spouse and stepchildren.

Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor prior to start time or in accordance with the procedures adopted by their Department.

6.04.02 Sick Eligibility and Accrual

Sick leave will apply to Full-Time employees regardless of how their pay is computed. Part-time and Temporary employees are not eligible for any sick leave credits. Each month during the first (1st) year of employment, the eligible employee will accumulate one-half (1/2) day of sick leave for each complete calendar month of employment after his employment date. Beginning with the first (1st) anniversary of his employment and continuing thereafter, each month employees will accumulate one (1) day of sick leave for each complete calendar month of employment. The maximum accumulation of unused sick leave beyond September 30 of any year will be ninety (90) days. That is to say, if the employee has accumulated more than ninety (90) days of unused sick leave, on October 1st of each year accumulated sick leave will be reduced to ninety (90) days. Sick leave pay will be calculated upon the basis of eight (8) hours per day at the employee's normal rate of pay at the time sick leave is used.

6.04.03 Sick Leave Incentive Program

A Sick Leave Incentive Program will be provided for those employees who go for a

designated six (6) month period without using any sick leave. Eligible employees may choose to receive a cash payment of eight (8) hours at their current hourly rate or eight (8) hours of additional vacation leave. For eligible shift police and firefighters, they may choose to receive a cash payment of twelve (12) hours at their current hourly rate, or twelve (12) hours of additional vacation leave.

6.04.04 Sick Leave Utilization

~~Sick leave will be for the purpose of permitting an eligible employee to be relieved of his duties during actual illness and may not be used under any other circumstances except as otherwise provided herein.~~ The total number of hours paid to an employee during a pay period in which he receives sick leave pay will not exceed the full pay he would have received for such pay period at his regular rate of pay. i.e., if his normal schedule is eighty (80) hours per pay period, he works seventy-seven (77) hours and is sick one (1) day; he will only be allowed payment of three (3) hours sick leave. If his worked time has exceeded eighty (80) hours in a pay period and he is ill any time during the pay period, he will receive no sick leave payment.

For shift personnel**, the same policy will apply: if the normal schedule is one-hundred three (103) hours per pay period, and the employee works one hundred (100) hours and is sick for one shift (24 hours), he will only be allowed payment of three (3) hours to meet his regular schedule of one-hundred three (103) hours.

**It is the intent of the policy that shift firefighters will have their time adjusted based upon their scheduled shift hours of ~~103~~ 96, 113 or ~~120~~ 127 hours for the applicable pay period.

If an employee becomes ill and cannot report for work his absence must be reported to his immediate superior or Department Head prior to, or within one (1) hour after his regular reporting time, so his absence will be charged to sick leave. Failure to report in will prevent an employee from receiving any pay for those working hours missed. ~~An employee may use sick leave to care for a member of the employee's household if no one else is available to provide such care.~~

After an employee's accumulated sick leave has been exhausted, and when requested, unused vacation leave may be used as sick leave. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee will be discontinued until he returns to work.

A Department Head may require of any employee to submit a signed statement from a licensed physician attesting to any illness of the employee or household member for which sick leave is used. **An employee must provide his or her supervisor with a doctor's certificate to return to work when absent for three or more consecutive workdays due to injury or illness. All other relevant medical information or FMLA documents shall be submitted to Human Resource Department.**

Frequent utilization of sick leave may prompt the Supervisor, Department Head or Human Resources to inquire with the employee regarding the options available to the employee under the Family Medical Leave Act (FMLA). If the employee does not exercise his or her rights under the FMLA provisions, and frequent sick utilization continues, the employee may be subject to disciplinary action, up to and including termination.

Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. The Department Director/supervisor may require a doctor's note prior to approval. This is acceptable if work time is accurately recorded on the time sheet for the week or work pay period in which flex time was approved. Under no circumstances can flex time make up time missed extended beyond the affected workweek, or work pay period.

6.04.05 Other Employment During Sick Leave

Employees will not be permitted to engage in any employment or business outside of their regular City duties from the time they give notice of absence due to illness or injury until such time as they have returned to work in their respective City departments. Supervisors are authorized to request supporting documentation of sick leave requests claimed under this policy which they may deem necessary. Supervisors are authorized to deny any requests not properly substantiated.

6.04.06 Sick Leave at Separation

Upon termination from the service with the City, voluntarily or otherwise, no employee will receive any pay accumulated sick leave. A break in service by City or employee termination cancels all sick leave accrued to an employee's record and in the event of subsequent re-employment, such employee begins a new sick leave accumulation.

5.05 Workers Compensation Leave

6.05.01 General Policy

Injury leave is an absence from work arising from an on the job injury. Any employee injured on the job will be covered by and entitled to all benefits and compensation in accordance with the Texas Workers' Compensation Act. When an employee is injured on the job, the employee is responsible for immediately reporting the injury to his or her supervisor, who will take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor will complete a first report of injury and forward to the Human Resources Department.

6.05.02 Compensation and Time Away from Work

A doctor's written statement that an employee is unable to return to work will be required for an employee to receive benefits under this policy. An employee injured on the job and in the line of duty may elect to make up the difference between the benefit payments made by the City's Worker's Compensation Provider and the employee's regular pay from the employee's accrued sick or vacation leave. Under no circumstances, however, will the employee receive more than full regular pay while on leave. If the employee is eligible for the job protection under the Family Medical Leave Act (FMLA), Worker's Compensation Leave and FMLA Leave will run concurrently.

6.05.03 Return to Work

An employee will be required to provide a "fitness for duty" certification before returning to work after the employee's workplace injury. An employee may return to their former position in accordance with FMLA guidelines, providing the employee is eligible for FMLA. If the employee's former position is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation, then the employee may return to their former position within the timeframes afforded by FMLA. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which he or she is qualified.

5.06 FMLA (Family Medical Leave Act)

6.06.01 General Policy

In accordance with the Family and Medical Leave Act (FMLA) of 1993 **and all amendments**, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of his or her position because of his or her own serious health condition.

Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call or order to active military duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour

of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.

Also a caregiver needing leave to provide care for an injured service member is eligible for extended Family and Medical leave. This benefit provides 26 workweeks of unpaid FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or next of kin caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

6.06.02 Twelve---Month Period

The 12-month period for counting family and medical leave is a 12-month period measured forward from the date an employee requests or is placed on FMLA leave. Once the employee begins the leave, the leave year is established. The employee is eligible for 12 workweeks in a 12-month period.

6.06.03 Employee Notification

An employee should give at least thirty (30) days notice for the need to take family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

6.06.04 Department Notification

Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event, even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days.

6.06.05 Human Resource Responsibility

Human Resources are responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

6.06.06 Approval

An employee will submit a request for family and medical leave through proper

channels to his or her Department Head who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application should be submitted directly to the Human Resource Department.

6.06.07 Substitution of Paid Leave

An employee utilizing this policy will be required to exhaust all accrued sick and vacation and any other applicable paid leave prior to going on unpaid leave. If an employee is off work due to a work related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

6.06.08 Maximum Time Allowed

The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described above, which allows for an extended FMLA leave of 26 weeks.

6.06.09 Medical Certification

The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his or her position, and expected duration. Upon returning to work after leave for his or her own illness, an employee is required to provide certification to his or her supervisor that he or she is able to return to his or her regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion will be binding on both parties. The City will bear the expense of second and third opinions.

6.06.10 Return to Work

When an employee returns to work after family and medical leave, the employee will be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

6.06.11 Effect on Married Couples

If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed will be limited to no more than twelve (12) weeks combined during any twelve (12) month period looking forward from date leave the employee first takes leave. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

6.06.12 Continuation of Insurance Benefits

While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

6.06.13 Intermittent Leave

When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

6.06.14 Holidays

Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

6.06.15 Texas Municipal Retirement System (TMRS)

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Director of Human Resources and completing the necessary paperwork.

6.06.16 Recordkeeping

Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

6.06.17 Exempt Employees

Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

6.06.18 Definitions

Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

Health Care Provider: A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

Parent: A biological parent, **adoptive, step or foster father or mother**, or an individual who stands or stood in ~~the place of a parent~~ **loco parentis** to an employee when the employee was a child. This term does not include parents-in-law.

In Loco Parentis: **An individual stands in *loco parentis* to a child if the employee has day-to-day responsibilities to care for or financially support the child. The person standing in *loco parentis* is not required to have a biological or legal relationship with the child. Although no legal or biological relationship is necessary, grandparents or other relatives, such as siblings, may stand in *loco parentis* to a child under the FMLA where all other requirements are met. The in *loco parentis* relationship exists when an individual intends to take on the role of a parent. Similarly, an individual may have stood in *loco parentis* to an employee when the employee was a child even if the individual has no legal or biological relationship to the employee.**

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-

term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

5.07 Military Leave

6.07.01 General Policy

In accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA), a employee, upon proper application, may be permitted military leave. In granting such leave of absence, the Department Head will require the employee to furnish certification that the individual was ordered to duty by proper authority. Such certification or copy thereof will be furnished to the Department Head or Human Resources office. The type of military service will determine whether such leave will be with pay or without pay, as provided herein.

6.07.02 Temporary Training Periods

A employee who is a member of the National Guard or Official Militia of Texas, or member of any of the Reserve Components of the Armed Forces, will be entitled to leave of absence from his assigned duties for as many as fifteen (15) days in any one calendar year with pay to participate in annual military training.

6.07.03 Extended Military Service

A employee entering the United States Armed Forces, National Guard, and Reserves Components of the Armed Forces may, upon application, may be granted authorized absence without pay for not more than the period of such service plus ninety (90) days immediately following date of release. Accrued sick leave and vacation leave will be available upon the employee's return to work.

A employee returning from extended military leave will be reinstated to the same or a similar position as previously held within ten (10) days after receipt of his request for reinstatement, provided the employee is physically qualified to perform the duties of such position and can produce evidence of honorable discharge or release from the military service. If the employee has become disabled during such service, he will be reinstated in another position for which qualified. The service member must return to work or apply for reemployment in a timely manner after the conclusion of the military service. The timing of the request for reemployment depends on the length

of the employee's military service.

6.07.03.1 Service of less than 31 days - the employee must report back to work not later than the beginning of the first full regularly-scheduled work on the first full calendar day following the completion of the military service.

6.07.03.2 Service for more than 30 but less than 181 days – the employee must submit an application for reemployment (written or oral) not later than 14 days after completing service.

6.07.03.3 Service for more than 180 days – the employee must submit an application for reemployment (written or oral) no later than 90 days after completing service.

Military leave with pay benefits will not include employees engaged in temporary employment with the City or any employee who may be entering the military for an indefinite period as a result of enlistment.

5.08 Leave of Absence Without Pay

Leave of absence without pay may be granted to Full-Time employees who have exhausted all forms of leave. A request for such leave will be in writing and submitted to the Department Head for approval. Leaves of Absences greater than thirty (30) days require City Manager approval. If granted, the Department Head will notify Human Resources. Employees will not accrue sick or vacation leave while on an approved Leave of Absence without Pay.

This policy is not intended to allow for additional leave once an FMLA absence has been exhausted. Department Heads have the authority to call back an employee from an approved leave of absence without pay based upon City or Departmental needs.

The employee may seek extensions of leave, up to a maximum of 90 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the American with Disabilities Act as Amended and the Family and Medical Leave Act (FMLA). A Leave of Absence will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

6.08.01 Use of Available Leave

All vacation, and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

6.08.02 Criteria for Leave of Absence

Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

6.08.03 Reasons for Leave of Absence

A LOA may be considered in the following circumstances:

- a) Recovery from extended illness, injury or temporary disability.
- b) Extended care for immediate family members.
- c) Caring for a newborn child after the birth or adoption of a child if the employee is not eligible for family medical leave.
- d) Educational purposes when successful completion will contribute to the work of the City.
- e) Public service assignment.
- f) Personnel exchange programs which emphasize intergovernmental relations.

6.08.04 Documentation

Requests for LOA without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Administrative Services Director. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity. All medical documents will remain confidential in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from the doctor stating that the employee is able to perform essential job functions with or without reasonable accommodation.

6.08.05 Other Employment During Leave

Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the City Manager.

6.08.06 Reinstatement

Employees returning from a LOA will be reinstated to their same position or one of

similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work after an approved LOA will be considered to have voluntarily resigned employment with the City, absent unusual circumstances.

6.08.07 Benefits/Premium Payments

All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by Human Resources and the City Manager. Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City if the employee works less than half of the month in which the leave of absence is being taken. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay the employee's portion of insurance premiums during a LOA may result in cancellation of coverage. Employee may need to apply for COBRA continuation coverage if their health insurance coverage ends or changes due to their leave

6.08.08 Revocation

The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including termination.

5.09 ~~Vacation Donation Program~~ Sick Leave Pool

In circumstances where an employee lacks sufficient accrued hours (sick and vacation) to cover an absence, the City provides options that can provide assistance to employees using the sick leave pool. The Sick Leave Pool is a benefit that provides eligible employees with additional sick leave in the event of a catastrophic injury or illness that exhausts all other accrued paid leave. The sick leave pool accumulates hours based on approved vacation and sick leave hours that active and separating employees have donated to the sick pool. The sick leave pool is intended to lessen hardship by providing a source of additional paid sick leave for eligible employees.

Employees may submit a request to use sick leave pool hours to HR when the following criteria applies to the requesting employee's situation:

- The employee is absent due to his/her own serious health condition as defined by FMLA, and

- The employee has been absent a minimum of ten (10) consecutive working days.

6.09.01 Eligibility

For an employee to be eligible to receive hours from the Pool, the employee must have the following requirements be met:

- The employee must be regular full-time status;
- The employee must have at least twelve months of employment with the City of Port Lavaca;
- The employee must have exhausted all paid leave balances;
- The employee must provide Human Resources with a physicians statement as to the nature of illness, surgery, or temporary LOA with expected duration of absence;
- A Request for Leave Donation form must be submitted by the Employee to either the employee's Department Director or Human Resources. In order to proceed, the Department Director must approve the request for leave donation
- The employee must have completed a Request for Leave Donation Form prior to the exhaustion of all leave balances; and
- The employee must not have been disciplined for leave abuse during the 12-month period immediately preceding the qualifying event.

The City Manager has the discretion to waive the eligibility criteria at any time.

6.09.02 Donations

Donations to the Sick Pool are strictly voluntary and are at the discretion of the employee. Donations can be made as follows:

- Employees who donate hours from Sick must have a minimum remaining balance of two hundred forty (240) hours. Fire and Police must have a minimum of three hundred sixty (360) hours.
- Employees who donate hours from Vacation must have a minimum remaining balance of two hundred forty (240) hours. Fire and Police must have a minimum of three hundred sixty (360) hours.
- Employees may donate any unused sick leave to the Sick Pool upon separation, with the completion of the Sick Pool Donation Form.
- Employees may not designate who the recipient of their donated hours will be; hours from the Pool will be distributed to employees who apply and are eligible.

6.09.03 Process

If the employee's request to use sick leave pool hours is approved, the process identified below will be followed to ensure consistent administration of the sick pool

hours:

- Donated hours will be paid at the rate for the absent employee
- Donated hours will be processed each individual pay period
- The donated hours may not exceed two (2) full pay periods
- An absent employee will not accrue Sick and/or Vacation Hours after leave is exhausted.

5.10 Emergency Leave

Emergency leave may be granted up to three (3) days per year to full-time employees in case of unscheduled surgery or a sudden and/or serious illness, injury or death to a member of the employee's immediate family which requires the employee's personal attention and care. Immediate family is to include employee's spouse and dependents, parents, siblings, grandparents, and grandchildren; and spouse's parents, siblings, grandparents, and grandchildren. Additional leave may be granted with the approval of the Department Head, but will be charged to the employee's sick **or vacation** leave account.

An employee may be required to provide proof of death/funeral/family relationship in support of emergency leave. Emergency leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for emergency leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to attend funerals for other than immediate family must use vacation or unpaid leave.

5.11 Other Forms of Leave

6.11.01 Jury and Court Service

An employee who is legally summoned to serve on a jury or in court trials may be permitted absence with pay by his Department Head and for the time actually required by such duty.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a leave request form, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is reporting to jury duty must typically report back to their regular worksite at the City for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Jury duty leave is paid at the employee's base rate and is not used towards the calculation of overtime or any other special forms of compensation.

6.11.02 Voting Leave

The City of Port Lavaca encourages employees to fulfill their civic responsibilities by voting in elections. Generally, employees are able to find time to vote either before or after regular work hours. Department Heads and direct supervisors should encourage employees to use early voting in lieu of requesting special leave. If employees are unable to vote in an election during their non-working hours, the City will grant up to two (2) hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, or when the absence provides the least disruption. Voting time off will not be counted as time worked for the purposes of determining overtime.

5.12 Weather Leave

The City Manager may declare an emergency due to weather conditions.

It is the policy of the City to determine whether or not employees are to report to work during inclement weather or emergency conditions. This may occur during regular working time or during regular off-duty time. It is the intent that employees not be subjected to unnecessary unsafe working conditions and not, to be penalized for time off due to a "declared" emergency. However, it is also necessary that essential employees remain on duty, when needed, or be willing to report for work if called in.

Please refer to 7.11.03 on the closure of city facilities during inclement weather and all determination of use of leave.

5.13 Quarantine Leave (Firefighters and Peace Officers)

Pursuant to Texas Local Government Code Section 180.008, the City of Port Lavaca hereby adopts this paid quarantine leave policy for Fire Fighters and Peace Officers who are employed by the City and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty, effective June 15, 2021.

5.13.01 Definitions

Fire Fighter: a paid employee of the city's fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.

Paid quarantine leave: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the City; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.

Peace officer: Police Officers licensed by the Texas Commission on Law Enforcement and employed by the City.

5.13.02 Quarantine Leave

A City of Port Lavaca Fire Fighter or Peace Officer who is ordered to quarantine *or* isolate by the person's supervisor or their physician, due to a possible or known exposure to a communicable disease while on duty, is entitled to receive paid quarantine leave for the duration of the leave.

5.13.03 No Reduction in Compensation and Benefits

The City of Port Lavaca will not reduce a Fire Fighter's or Peace Officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

A Fire Fighter's or Peace Officer's supervisor, physician or county health authority shall determine if the employee is required to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty, in accordance with the recommendations provided by the Centers for Disease Control and Prevention. Quarantine and/or self-isolation directed by a Fire Fighter's or Peace Officer's physician must be accompanied by a doctor's note. Fire Fighters or Peace Officers that are eligible for the use of this leave must notify Human Resources. Human Resources is responsible for tracking the usage of this leave.

5.14 Administrative Leave

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the Department Director or City Manager when no other paid leave category is available or applicable.

Administrative leave can be used or applied in many situations, some of which are addressed within this policy manual:

- leave may be applied for disciplinary purposes,
- decision making, or a cooling off period;
- an employee may be placed on administrative leave with or without pay pending the outcome of any related administrative review, investigation, or imposition of management action relating, for example, to a suspected violation of state law,

federal law, local law, City ordinance, City or departmental rule or regulation, or other City policy.

If administrative leave is granted, the Department Director shall issue a memo documenting the leave and present the memo to the employee for their signature. A copy of the memo will be kept in the employee's personnel file in the Human Resources Department. An employee placed on administrative leave must comply with the following guidelines, and failure to comply may result in immediate disciplinary action, up to and including termination of employment:

- a) Be available by phone during regular business hours (Monday-Friday, 8:00 am-5:00 pm).
- b) The employee may be directed to refrain from being on City premises or entering City facilities contingent upon the circumstances.

5.15 Mental Health Leave

Paid mental health leave is provided to all City employees due to experiencing a traumatic event in the scope of employment with the City of Port Lavaca, Texas. Pursuant to Texas Local Government Code Section 614.015, Subchapter A-1 and A-2, mental health leave is required to be provided for peace officers and telecommunicators. Furthermore, the City of Port Lavaca recognizes the impact a traumatic event can have on the mental health of all employees and extends the same benefits and coverage to them.

5.15.01 Definitions

Traumatic Event: an event that involves extreme injury, near death or death of an individual at the event to which the City employee has direct involvement.

5.15.02 Policy

The use of paid mental health leave may be granted to a City employee who experiences a traumatic event that occurs within the scope of *employment* and in accordance with departmental and City policies and procedures. The paid mental health leave is to be used to receive assistance in dealing with the event that was experienced. The paid mental health leave shall be administered at the discretion of the Department Director, or designee. The decision will be based upon the information provided to the Department Director or designee after the event occurs, or as otherwise ordered by a mental health professional. The City employee will contact the Department Director and request the use of the leave in order to obtain the mental health assistance. The Department Director will consult with Human Resources and, upon granting the leave, will allow the maximum duration of leave away from work to receive professional treatment.

5.15.03 Duration of Leave

- A Peace Officer utilizing the paid mental health leave may receive up to 3 work shifts of time off from work in order to seek professional treatment for the

handling of the traumatic event which the City employee experienced.

- A Firefighter utilizing the paid mental health leave may receive up to 2 work shifts of time off from work in order to seek professional treatment for the handling of the traumatic event which the City employee experienced.
- A regular full-time employee utilizing the paid mental health leave may receive up to 3 work shifts of time off from work in order to seek professional treatment for the handling of the traumatic event which the City employee experienced.
- Employees needing leave beyond the maximum duration of leave may use their own available time off. Utilizing additional time off will adhere to the City's leave policies.

5.15.04 Benefits While On Leave

City employees on paid mental health leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid mental health leave, the City will not reduce a City employee's sick leave balance, vacation leave balance, holiday leave balance or other paid leave balances in connection with paid mental health leave taken in accordance with this policy.

5.15.05 Confidentiality

The City will keep requests to take mental health leave, and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The City cannot guarantee anonymity of information that is otherwise public or necessary to carry out the City's duties under the law. The shifts missed by the City employee utilizing the paid mental health leave will be covered by other available City employees and no reason for the initial City employee's absence will be noted or addressed.

5.15.06 Return to Work

Prior to returning to work, the employee must provide a letter of clearance by a mental health professional indicating they are released to return to work with or without reasonable accommodations.

Chapter 6: Compensation

6.01 Classification and Pay Plan

Wages and salaries for various classes of work and positions will be in accordance with the provisions of the official pay plan currently in effect, including amendments thereto, and within the limitations of the financial provisions of each department. Rates of pay upon initial employment, promotion, demotion, transfer, reclassification of position, certification pay and other forms of pay are established in the current City's Job Classification and Compensation Plan. Classifications of positions are also included in the City's Job Classification and Compensation Plan. Employees, their immediate supervisors, and Department Heads are encouraged to be familiar with classification provisions and inform Human Resources in the event it is suspected or known that the classification of position(s) may not accurately reflect the job or are not current in the market.

Based on the annual budget process, the City will consider if funds are available for pay plan adjustments and/or merit increases. The amount, timing, eligibility, and method of distributing pay plan adjustments or merits shall be determined annually during the budget process and is not guaranteed. Employees on a performance improvement plan or other significant disciplinary action at the time merits are determined and/or distributed are not eligible for the merit. Employees at the top of the pay grade may not be eligible for merits unless exceptions are granted as part of the budget process or unless a pay plan adjustment occurs that affects the pay grade of that employee. Employees in their probationary period are not eligible for merit increases.

For more detail on City's approved Classification and Compensation plan see appendix.

6.02 Pay Grades

Pay grades are established by use of market data and internal value to the organization. When the results of a market study are implemented, a position may be reallocated based on current market data.

6.03 Pay Ranges

Each pay grade has been assigned a salary range based on a range around market averages or median for similar positions. Within this framework, a new employee salary will be determined by their qualifications at the start of employment.

Within the general guidelines of the plan and the budget, the City Manager or designee is authorized to determine the appropriate pay grade to which each job title is allocated.

The plan will be reviewed each year to determine its adequacy for business conditions and a recommendation will be made to the City Manager. Adjustments to the compensation plan will be made to the Compensation Plan as required.

6.04 Job Descriptions

The City of Port Lavaca makes every effort to create and maintain accurate job descriptions for all positions within the City. Each description includes the following sections: job summary, essential duties and responsibilities, job requirements, and work environment section.

The City maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Employees must remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees may contact the Human Resources Department with questions or concerns about the job description.

6.05 Pay Periods and Work Schedules

6.03.01 Non---Exempt Employees

In accordance with the Fair Labor Standards Act, some positions in the City are classified as Non-Exempt level positions and therefore are paid on an hourly basis and subject to overtime provisions. Non-exempt employees will be paid **bi-weekly**, every other Friday for hours worked within the designated pay period. **There are 26 pay periods per fiscal year. The City's work period begins at 12:00 am on Thursday and ends at 11:59 pm 14 days thereafter on Wednesday.** Payment to non-exempt personnel will be calculated at the employee's regular hourly rate of pay for up to forty (40) hours worked in a pay period and at time and one-half (1 1/2) the rate of pay for all hours worked during a pay period in excess of forty (40) hours. Exception to this policy is Fire Department personnel and some Police Department personnel, as identified below. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.02 Exempt Employees

In accordance with the Fair Labor Standards Act, some positions in the City are classified as Exempt level positions and therefore exempt from overtime provisions. Exempt level positions are identified in the City's Job Classification and Compensation Plan. In general, exempt employees will work a total of forty (40) hours per week or eighty (80) hours in a two-week pay period. Exempt employees will be paid a bi-

weekly salary and be paid every other Friday. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.03 Public Safety: Shift Police Personnel

In accordance with the Fair Labor Standards Act, affected Police Department personnel's pay will be based upon a fourteen (14) day work period. Payment to affected Police Department personnel will be calculated on the employee's regular hourly rate of pay for up to eighty-six (86) hours worked in the fourteen (14) day period and at time and one-half (1 1/2) the rate of pay for all hours worked during the pay period in excess of eighty-six (86) hours. Affected employees will ~~receive a check~~ **be paid bi-weekly**, every other Friday **for hours worked within the designated pay period** ~~however, all overtime pay will be calculated on the second (2nd) week of each work period~~. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

Police Officers serving in a detective role will also be included in a fourteen-day (14) work period, however officers will be on an 80-hour schedule in the pay period. Therefore, the officer's regular hourly rate will be calculated for the first eighty (80) hours worked in the fourteen (14) day period and time and one half (1 1/2) the rate of pay will be calculated for all hours worked during the pay period in excess of eighty (80) hours. Affected employees will ~~receive a check~~ **be paid bi-weekly**, every other Friday **for hours worked within the designated pay period** ~~however, all overtime pay will be calculated on the second (2nd) week of each work period~~. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

6.03.04 Public Safety: Shift Fire Personnel

In accordance with the Fair Labor Standards Act, Fire Department personnel will be based upon a fourteen (14) day work period. Payment to Fire Department personnel will be calculated on the employee's regular hourly rate of pay for up to one hundred six (106) hours worked in the fourteen (14) day period and at time and one-half (1 1/2) the rate of pay for all hours worked during the pay period in excess of one hundred six (106) hours. **Affected** employees will ~~receive a check~~ **be paid bi-weekly**, every other Friday **for hours worked within the designated pay period** ~~however, all overtime pay will be calculated on the second (2nd) week of each work period~~. When the Friday for receiving checks falls on an observed holiday, pay checks will be available on the day preceding such holiday.

~~6.03.05~~ Public Safety: Dispatch Personnel

~~Dispatch personnel are scheduled to work twelve (12) hour shifts, typically working three (3) days during one week of a two (2) week pay period, and four (4) days during the other week of the pay period. In accordance with the Fair Labor Standards Act, dispatch personnel are compensated based upon a seven (7) day work week and are~~

~~eligible to receive overtime pay at one and one-half (1 1/2) times the rate of pay for reported time that exceeds forty (40) work hours within the work week. Dispatch personnel will be paid every other Friday for hours worked within a designated two (2) week pay period.~~

6.06 Meal and Rest Period

6.04.01 Meal Period

Full-time employees (excluding most Police and Fire Department employees) are normally provided with a one (1) hour unpaid meal period. Meal periods will be determined by supervisors with the approval of the Department Head to accommodate operating requirements. Meal periods will not be counted as time worked for the purposes of determining overtime, with the exception of essential personnel approved by the Department Head. Meal periods taken should be no less than 30 minutes daily. Supervisors are responsible for scheduling the time for employee meal periods and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of meal period.

6.04.02 Rest Period

If authorized by an employee's supervisor, employees may be allowed two 15-minute rest periods during the day. Such rest periods will be considered a privilege, not a right, and will never interfere with proper performance of the work responsibilities and work schedules of each department. If possible, rest periods will be provided in the middle of work periods. Rest periods may not be combined, taken at the start or the end of an employee's workday, or be used to extend meal periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

6.07 Overtime

It is the general policy of the City to hold overtime to an essential minimum. Department Heads will authorize overtime only when essential and in the best interest of the City and the public. Employees are not to perform overtime work unless clearly instructed or requested to do so. Non-exempt employees' overtime compensation will be at the rate of one and one-half (1 1/2) times their regular pay when work hours have exceeded the applicable work schedule. Approved paid absences and leave time are not counted as time worked for the purposes of computing overtime. At the discretion of the department head, time off may be given during the pay period, to avoid paying overtime premiums.

6.08 On Call & Call Back Pay

The City provides after-hour service needs by allowing some departmental operations to

designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required.

Non-exempt employees called back to work after their regularly scheduled work hours will be paid for the time actually worked, with a minimum of one-half (1/2) hour of pay, based on time and one-half (1 1/2), if such call-back results in hours worked in excess of forty (40) hours during the seven (7) day work period.

Any Public Works department employee that is scheduled to be on weekly standby will receive an additional \$100.00 per week in compensation for being available as required in addition to actual time worked. For other employees who may be called out from time to time, such callouts are considered a requirement of their position for which they receive compensation as part of their base salary.

6.09 Incentive Pay Program

The City of Port Lavaca, in its efforts to improve proficiency and effectiveness of its programs and to enhance career development of employees, has established an Incentive Pay Program. Where appropriate, and as identified in the annual budget, the City will provide incentive pay for positions in specialty and/or technical areas, where an employee holds or acquires licenses, certifications or knowledge which is greater than what the position requires. Specific information relating to the Incentive Pay Program is maintained in the city's compensation plan in Human Resources.

6.09.01 Policy

To receive certification pay, the certificate or license must be earned and used within the employees work responsibilities and must not be a minimum requirement for their position. Should an employee be transferred to a department where the training becomes applicable, the employee may then be eligible for certification pay. Certification pay may also be forfeited if a transfer places the employee where training is not applicable.

6.09.02 Documentation

Certification pay will only begin upon presentation of original documentation by an employee to their department head, who will then present the certification to Human Resources. Should certification lapse, it is the employees responsibility to immediately notify the Human Resources Department.

6.09.03 **Approved List of Incentive Pay**

Police - TCOLE

Intermediate - \$75.00/month.

Advanced - \$125.00/month.

Masters - \$175.00/month.

Police Dispatcher

Intermediate - \$75.00/month.

Advanced - \$125.00/month.

Masters - \$175.00/month.

Animal Control

Advanced - \$50.00/month.

Euthanasia License - \$50.00/month.

Fire

Fire Investigator (any level) - \$50.00/month.

Fire Inspector (any level) - \$50.00/month.

Intermediate - \$75.00/month.

Advanced - \$125.00/month.

Masters - \$175.00/month.

Municipal Court

Clerk Level 1- \$75.00/month.

Clerk Level 2 - \$125.00/month.

Clerk Level 3 - \$175.00/month.

Court Bailiffs

Certified Court Bailiff - \$50.00/month.

Permit & Inspections

Customer Service Inspector- \$50.00/month.

State Certified Code Enforcement Officer - \$50.00/month.

State Licensed Master Electrician - \$75.00/month.

State Licensed Plumbing Inspector - \$100.00/month.

Utilities Water

"D" Water - \$50.00/month.

"C" Water - \$100.00/month.

"B" Water - \$150.00/month.

"A" Water - \$200.00/month.

Utilities Wastewater

"D" Wastewater - \$50.00/month.

"C" Wastewater - \$100.00/month.

"B" Wastewater - \$150.00/month.

"A" Wastewater - \$200.00/month.

Sewer Collection

Collection II - \$50.00/month.

Collection III - \$75.00/month.

Parks & Recreation

Herbicide/Pesticide Applicator - \$150.00/month.

License

Commercial Driver's License - \$75.00/month.

6.10 Longevity Pay

The City of Port Lavaca provides pay for longevity, or years of continual service, to the City, of ~~five dollars (\$5.00)~~ **ten dollars (\$10.00)** per month per year of **uninterrupted** service commencing after the first (1st) full year of service. Longevity pay will commence upon the first (1st) anniversary of employment.

6.11 Service Payments

Payments will be made once each year, at a time and place designated by the City Manager, to employees who have completed five (5) year interval anniversaries within the fiscal year October 1, through September 30, at the rate of ten dollars (\$10.00) per year service completed. That is to say, employees completing five (5) years continuous service will receive a check for fifty dollars (\$50.00). Then ten (10) years - \$100.00; fifteen (15) years - \$150.00; twenty (20) years - \$200.00; twenty-five (25) years - \$250.00: etc.

6.12 Interim Pay

In some instances when a supervisor or other member of management is absent for an extended period of time, interim pay may be activated for the employee temporarily performing those job duties. The employee who is temporarily promoted or assigned to perform the full range of duties of a higher classified position on an extended term basis will receive an increase. Such interim pay can only be authorized by the City Manager. Interim pay

will be a minimum of 5%, no more than 10% greater than the employees regular wage. In no event shall an employee serve in an interim position for more than six months.

6.13 Travel Policy

It is the policy of the City that all out of area business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

This policy will provide guidelines for reimbursement of reasonable expenses, incurred by authorized persons, while traveling on approved City business. It is understood that all employees will use prudence and discretion in the expenditure of City funds for traveling.

- A. Employees wishing to travel at City expense must complete the appropriate travel form and submit this form to the employee's supervisor at least ~~ten~~ **fourteen** (~~10~~ **14**) days prior to departure.
- B. All travel forms will be approved by the appropriate Department Head. If an employee's family member or friend accompanies them on a City business trip, expenses will not be paid nor reimbursed by the City for increase travel expense (hotel/meals) related to the accompanying guest. Travel should be by the most economical and expedient manner possible.
- C. Mileage reimbursement for travel by personal vehicle will be at the rate established by the IRS and published annually by the City's Finance Department. An employee receiving car allowance will not be eligible for reimbursement for trips made within Calhoun, Victoria, and Jackson County.
- D. Air travel, if necessary, will be coach class if at all possible. All ground transportation including tips will be covered when reasonable and customary. Receipts for air and ground transportation, including auto rental, must be submitted when requesting reimbursement.
- E. Conference or seminar registration fees which must be paid in advance will be approved by the appropriate Department Head. Other course material required for the seminar will be paid for by the City upon the Department Heads approval and with appropriate receipts.
- F. Employees are expected to procure accommodations that are within reasonable locations and priced at economical rates. The City will pay for the charge of the room and other reasonable incidental travel expenses (i.e. business telephone calls, toll fees, parking, public transportation between hotel and seminar/conference). Personal phone calls, laundry and cleaning charges, hotel room movies, bar tabs, and any other form(s) of entertainment are not reimbursable by the City.

- G. All travelers attending to city business, meeting or conference that requires an overnight stay will be given a per diem meal allowance. The meal per diem rate advance/reimbursement will be established by utilization of the U.S General Services Administration Per Diem rates by a procedure established by the Finance Department. The Finance Department will publish the per diem rates annually. An allowance will not be given for meals included as part of registration fee. Receipts will not be required for meals as long as the costs do not exceed the per diem allowance.
- H. Reimbursement for meals by an employee that does not require an overnight stay while on official city business (seminars, training, etc.,) will require receipts. The employee will not receive reimbursement greater than the per diem rate in effect at the time.
- I. Use of City Credit Card for meals will require detailed receipts. Total meal receipts will not exceed the accumulated per diem rate.
- J. If an employee is paying for a business guest, a receipt is required. The cost of the guest's meal will be reimbursed based on its actual cost. The guest's name, organization, and reason for the expense must be documented on the receipt.
- K. Receipts will be required for conference or seminar registration, hotel/motel bills, and other eligible expenses.
- L. Upon return from authorized travel, each employee will submit within five (5) working days a completed travel and expense reimbursement request form including all receipts. This information will be given to the appropriate Department Head for approval. Approval forms will be given to the Finance Department for review and processing. A mileage only reimbursement request does not require use of this form.
- M. Upon return from authorized travel, each employee will submit within three (3) working days a completed training acknowledgement form which will provide a detailed explanation of the training attended. This information will be given to Human Resources to add to your personnel file.
- N. In the event adequate documentation of expenses are not provided, the Head of Finance, with the approval of the City Manager, may withhold all or any portion of the reimbursement requested by the traveler which is not properly accounted for as provided above.
- O. Falsification of travel expenses will result in disciplinary action, up to and including termination.
- P. Traffic Violations: Fines for traffic or parking violations will not be reimbursed.
- Q. Travel should be by the most direct and/or economical route or method.

Detours for personal business are not reimbursable.

- R. Car rental is the most economical means of transportation. The City has a corporate account with Enterprise for all car rentals. The traveler will get with the Finance department in the event this type of transportation is needed for scheduling of a rental.

6.14 Timekeeping Policy

All non-exempt employees are required to record their exact hours of work by clocking in and clocking out on the time-clock system. **Continuous or habitual manual edits on the time-clock system are subject to disciplinary action including termination.** After the employee completes their timesheet for the work period, they should check it carefully to ensure it is accurate. Then the employee will approve their time if the total hours shown are correct and accurate to their understanding. If the employee feels the hours recorded are incorrect, then they should not approve their time until it has been corrected by their supervisor. Employees shall never approve anyone else's time and never allow anyone else to approve theirs, other than their supervisor. Likewise, employees shall never clock in for anyone else and never allow anyone else to clock in for them, other than their supervisor. Any of these occurrences are grounds for disciplinary action, up to and including dismissal. All time must be approved by both the employee and his or her supervisor before being processed by payroll. In the event the employee and supervisor do not agree they shall meet with HR to resolve any issues.

All exempt employees must clock in at the start of any day worked and clock out at the end of the day worked. Deductions from pay are allowed according to the Fair Labor Standards Act:

- When an employee is absent from work for one or more full days for personal reasons other than sickness or disability.
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with the Cities sick leave policy.
- In the employee's initial or terminal week of employment if the employee does not work the full week.
- For unpaid leave taken by the employee under the Federal Family and Medical Leave Act.

The documentation of time worked for exempt employee's aids in the tracking of employee leave and provides written documentation needed for the Annual Comprehensive Financial Report.

It is imperative that all employees verify their time to help avoid subsequent corrections. The supervisor or Department Head is responsible for verifying that the employee's submitted hours are in compliance with the overtime and compensatory time guidelines. If there are any corrections to be made, they will be taken care of during the following pay period. Finance

will download all hours worked no later than the Monday before payroll by 10 AM.

6.15 Return of City Property & Equipment

When an employee separates or is terminated from City employment, any city property (tools, equipment, badge, keys, etc.) that has been issued to the employee must be returned before the employee leaves City property. Failure to return City property or equipment, will result in the total amount being deducted from an employee's final check.

Chapter 7: Work Environment and Workplace Safety

7.01 General Policy

The City strives to provide employees with a productive work environment that is free of recognized hazards that could cause accidents and injuries. The city wants and expects you to perform your job in the safest way possible. This policy provides workplace requirements to help in the reduction of accidents and injuries and provides guidelines in preventing workplace hazards. Departments are responsible for maintaining and providing additional safety procedures related to specific job responsibilities. These safety procedures will be provided to employees by their supervisor or department safety representative.

The City Health and Safety Committee is responsible for planning and promoting health and safety awareness and prevention programs for city employees. The Safety Committee roles, responsibilities and information regarding the city's budgeted safety incentive program can be reviewed in the Appendix of this policy Manual.

7.02 Smoke Free Workplace

In keeping with the City's intent to provide a safe and healthful work environment, and to protect and promote public health, safety and welfare of employees, it is necessary to regulate smoking and the use of tobacco products in City facilities and City vehicles. Therefore no person or employee shall smoke or use tobacco products in City facilities or City vehicles or within entrance to City facilities according to regulations set forth in city ordinances. This also includes the prohibition of the use of electronic cigarettes (E-cigarettes) or any other similar device or item that produces vapor, steam or smoke in City facilities or within the entrances to City facilities as set forth in city ordinances. If there is a designated smoking area near the City buildings, the employees are required to use this area during approved smoke breaks. No employee will use tobacco products while making public contact.

7.03 Drug Free Workplace

The City strictly prohibits the unauthorized use, sale, purchase, possession, distribution, dispensation, manufacture or transfer of controlled substances, as that term is defined by applicable state and federal laws, while on or in City property or other work sites where employees may be assigned, in City owned vehicles, in or on City equipment and machinery, or in personal vehicles while conducting City business.

Employees, volunteers, or contract instructors who receive a suspended driver's license due to a drug or alcohol related arrest is responsible for notifying their supervisor immediately. An employee, volunteer or contract instructor convicted of violations related to controlled

substances under state and federal law or who plead guilty or no contest to such charges must inform the City Manager's Office and the Department Head within five (5) days of such conviction or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or DUID shall be terminated.

Any employee who receives a conviction with a suspended license will be subject to disciplinary action, up to and including termination. Any volunteer found in violation of this policy will be released from volunteer service with the City.

7.04 Substance Abuse and Testing

7.04.01 Policy, Purpose, and Scope

In accordance with the City's commitment to a Drug Free Workplace as outlined in the City's Personnel Policy Manual, this safety policy provides guidelines for substance abuse testing at the City of Port Lavaca in order to maintain a safe and productive work environment for employees.

The City of Port Lavaca maintains a firm commitment to provide a safe work environment free from the effects of illegal drugs and alcohol as well as the abuse of legal/prescription drugs. It is a violation of this policy to refuse to consent to testing or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe disciplinary action, up to and including termination of employment.

This policy applies to all city employees.

7.04.02 General Provisions

1. Prohibition of Personal Use

Employees shall not use, have present in their body or on their person alcohol, illegal drugs, intoxicants or any other prohibited substances when reporting to work or while on duty. Employees shall not be under the influence of or have the odor on their breath or clothes of alcohol, illegal drugs, intoxicants or any other prohibited substance when they report to work or while on duty. Employees shall not have alcohol, illegal drugs, intoxicants or any other prohibited substances in city vehicles or equipment or on city premises.

A supervisor having actual knowledge that an employee is under the influence, or a reasonable suspicion that an employee is under the influence of alcohol or drugs, shall not permit the employee to perform or continue to perform any duties.

A supervisor having a reasonable suspicion that an employee has used alcohol or drugs within 4 hours prior to coming on duty shall not permit the employee to perform or continue to perform any duties. The supervisor should notify the Human

Resources Department for authorization to initiate testing for alcohol and controlled substances. The supervisor should transport the employee to the testing facility.

2. Prescriptions and Over-the-Counter Medications

Employees shall not use or possess prescription drugs except as prescribed by their physician. Employees shall not use prescription drugs or over the counter (OTC) medications in a manner inconsistent with recommended dosages and/or warning statements. Employees must report their use of over-the-counter or prescribed medication to their supervisor if the use might impair their ability to perform their job safely and effectively. A determination will be made as to whether the employee is able to perform the essential functions of the job safely and properly. The City reserves the right to have a designated city physician determine if a drug or medication may impair an employee's ability to safely perform his/her job duties and may restrict the job duties performed while using a drug or medication accordingly.

3. Prohibition of Distribution

Employees shall not sell, possess, provide, dispense, distribute to other persons, or unlawfully manufacture any alcohol, unauthorized prescription or illegal drugs, intoxicants, or other prohibited substances while on duty, stand-by, on meal or break periods, on city premises or work site, operating a city vehicle, or in a city uniform that bears the city logo. In addition, the city prohibits the off-premises abuse of alcohol and controlled substances when those activities adversely affect job performance, job safety, or the city's reputation.

4. Drugs and/or Alcohol Test

On duty employees shall not refuse to submit to a drug and/or alcohol test when requested, required or ordered to submit by a person having the authority to do so.

5. Report for Duty

An employee may not report for duty or operate a City vehicle with any alcohol or illegal substances present in the body.

6. Training or Conferences

Employees attending training and conferences may participate in social functions associated with the conference, including responsible consumption of alcohol, as long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions shall follow the law and shall not operate City owned vehicles and are discouraged from driving personal vehicles after the consumption of any level of alcohol.

7. Conviction

An employee who is convicted of, serves probation or receives deferred adjudication for a drug or alcohol related offense is subject to disciplinary action up to and including termination, even for a first offense.

An employee, volunteer or contract instructor convicted of violations related to controlled substances under state and federal law or who plead guilty or no contest to such charges must inform the City Manager's Office and the Department Head within five (5) days of such conviction, probation, or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or DUID shall be terminated.

8. Supervisor and Department Head Responsibility

Supervisors and Department Heads are responsible for consistent enforcement of this policy. A supervisor/manager/department head who permits a violation of this policy, who is found to have misused this policy in regard to subordinates, who violates the confidentiality standards of the policy, or who has actual knowledge that an employee has violated any of the prohibitions of this section and allows him/her to report for or continue on duty, shall be subject to severe disciplinary action, up to and including termination.

9. On Call/Emergency Call Back

Employees who are in an on call status are prohibited from consuming alcoholic beverages or using drugs that may impair performance if called back to work.

The City recognizes that employees who are not designated as "on-call" may be asked to report for emergency or unexpected duty. Before reporting for duty, employees shall disclose to their supervisor whether they have used alcohol or other substances, including prescribed or over the counter medications that might affect their ability to drive to work and/or perform. Employees subject to continuous emergency call back are required to declare to their supervisors the use of alcohol or controlled substances including prescribed medication that might affect their ability to perform under the emergency. The supervisor will advise those employees not to report to work. Employees shall decline such calls for emergency duty without being subject to disciplinary action. In no event shall employees reporting for emergency duty be under the influence of alcohol or other substances that cause impairment.

10. Rehabilitation/Treatment

- a. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For city support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation before it jeopardizes his/her employment. **Such declaration may not be made after being notified of the need to take a scheduled alcohol or drug test.**

- b. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of termination may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of termination.)

It is the City's sole discretion to determine if a leave of absence may be granted. Factors considered by the City in deciding whether to grant leave include: the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence.

Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City. Note: Under certain conditions, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.

- c. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
- d. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, or other accrued paid leave time. If the employee has no paid time off available, the employee is subject to the provisions relating to Leave of Absence Without Pay Policy. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.
- e. If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
- Initial negative test for drugs and/or alcohol before returning to work;
 - A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City

during the two (2) years following the employee's return to work following treatment;

- The employee must sign a formal written agreement to abide by the above

7.04.03 Testing

1. Pre-employment Testing

The City will not knowingly hire applicants under the influence of drugs and/or alcohol. Applicants who test positive or fail to submit to a timely post-offer drug test won't be hired. Applicants may reapply with the City after a positive test or violation, although individual departments may have a more restrictive ineligibility time frame based upon the position. Department Heads shall not allow an applicant to begin work until they have received confirmation from the Human Resources Department that the prospective employee has submitted to testing and tested negative for drugs and/or alcohol.

2. Post-Accident Testing

All employees are subject to post accident testing. Immediately following an accident the driver is required to submit to alcohol and drug testing. Any accident in a City vehicle will require substance abuse testing. Adherence to post accident guidelines area condition of continued employment.

For the purpose of this policy an ***accident*** refers to, or results in:

- a. Any damage to City vehicle, equipment, property, or premises.
- b. An on the job accident or incident where any person who suffered injury which is reasonably expected to require medical attention due to the accident, or who contributes to the injury of another person;
- c. Employees who discharge a firearm in violation of any department, federal, state, municipal or local rule or regulation, and/or that result in bodily injury or property damage will be tested for drugs and alcohol within the time frames set forth in this policy.

The supervisor, Department Head, or designee shall drive the employee to the medical facility and wait for testing to be completed. If there is no reasonable suspicion other than the accident, an employee who has submitted to a drug or alcohol test following an accident may be allowed to return to his/her normal work duties, at the discretion of the supervisor. If a trained supervisor suspects possible impairment, the supervisor shall ensure that the employee is taken home. If the employee refuses transportation and insists on driving, law enforcement may be notified. Nothing in this policy should be construed to require the delay of necessary medical attention for an injured employee following an accident/injury. An employee

may leave the scene of an accident for the period necessary to obtain medical assistance or obtain necessary emergency care. If immediate medical attention or hospitalization is needed, the supervisor responsible will request that drug/alcohol tests are done along with necessary treatments.

EXCEPTIONS to post-accident testing:

The following circumstances are exceptions to required testing, unless there is other evidence to give reasonable suspicion:

- a. Vehicle is properly and lawfully parked and is hit by another vehicle;
- b. Vehicle is damaged by flying debris, i.e. rocks, etc;
- c. Underground pipes, cable, or other underground utilities are hit during excavation;
- d. Damage to public safety vehicles or equipment during non-driving emergency operations; or
- e. Tire disablement without additional damage.

3. Reasonable Suspicion

A referral for reasonable suspicion testing will be based on specific observations concerning the appearance, behavior, speech, or body odors of the employee.

Preliminary Evaluation

Supervisors must take action if they have reason to believe that one or more of the Reasonable Suspicion Indicators are present and may be affecting an employee's performance or behavior. Supervisors failing to take appropriate action will be subject to disciplinary action up to and including termination. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, or medication must immediately notify their supervisor, Department Head, or Human Resources Department.

Reasonable Suspicion Indicators (including but not limited to):

- a. Observable behavior such as direct observation of drug or alcohol use, possession or physical symptoms of being under the influence of drugs or alcohol;
- b. Possession of drug paraphernalia;
- c. Noticeable change in behavior or a pattern of abnormal or erratic behavior;
- d. Smell of alcohol or marijuana on person or breath;

- e. Appearing to be intoxicated, confused, disoriented, or difficulty in concentrating;
- f. Identification of an employee as the focus of criminal investigation into illegal drug possession, use, or trafficking;
- g. Abnormally dilated or constricted pupils, glazed stare;
- h. Bloodshot or watery eyes;
- i. Flushed face;
- j. Change of normal speech pattern, i.e. faster or slower;
- k. Constant sniffing or redness under nose;
- l. Sudden weight loss;
- m. Needle marks;
- n. Exhibiting change in personality, i.e. paranoia, anger, etc.;
- o. Forgetfulness;
- p. Change in performance level;
- q. Borrowing money from co-workers or other unusual display of need for money;
- r. Constant fatigue or hyperactivity;
- s. Excessive, unexplained absences;
- t. Dulled mental processes, sleepy, or stuporous condition;
- u. Slowed reaction rate;
- v. Slurred speech;
- w. Physical or verbal altercation;
- x. Lack of coordination, difficulty walking, inability to walk straight.

If reasonable suspicion testing is requested, the following steps shall be followed:

STEP 1

When reasonable suspicion is identified by a supervisor, the employee will be questioned and observed by a Department Head or Human Resources employee.

The supervisor and Department Head shall document in writing observed behavior on a Supervisor's Report of Reasonable Suspicion. The Department Head shall contact Human Resources for reasonable suspicion authorization. In the event that the Human Resources Department is unavailable, the Department Head shall contact the City Manager's office.

Right to Search Property: Upon reasonable suspicion, the City may search city owned property, vehicles, desks, closets, or lockers for alcohol or drugs. If the employee has a personal lock on the locker, the employee shall be given the opportunity to remove it, when possible. If the lock isn't removed, the City may cut the lock off.

STEP 2

If the evidence indicates that the employee may be under the influence, and the

Department Head has received authorization from Human Resources or the City Manager's Office, the supervisor, Department Head, or designee shall drive the employee to the testing facility. Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management may result in termination.

STEP 3

If the drug test results are positive, the employee shall be provided transportation home. If the employee refuses and demands to drive their vehicle, the employer may notify law enforcement. If the test results are negative, the employee may return to work.

Information obtained through this testing will be treated with strict confidentiality.

4. Random Testing

Random, unannounced alcohol and drug testing is a proven deterrent to the use or presence of illegal drugs or unauthorized controlled substances. Employees will be selected solely on a random basis by a computerized random selection program. **Random** means that all covered employees have an equal chance of being selected eachtime and could mean that the same employee is selected more than once or not at all.

The frequency of random drug tests and percent of the work force tested during the yearwill be determined by management. The City shall maintain two random pools as indicated below, which shall be maintained and reported independently:

- Employees in *Positions Subject to DOT Regulations*, including those requiring operation of commercial motor vehicles and possession of a commercial driver's license
- Employees in City designated *Safety Sensitive Positions*, which include any employee who has driving or motorized equipment operation job responsibilities, any employee who receives a car allowance, and all Public Safety personnel.

Random Testing Selection

Drug and alcohol tests will be unannounced and spread throughout the year. The HumanResources Director or designee is the authorized individual to generate the list of namesthrough the computer program for random testing. The Human Resources Director or designee shall notify the Department Head or supervisor of each selected employee. The employee's name shall then be re-entered into the same random pool following selection. The Department Head or designee will ensure that the employee

reports immediately to the Human Resources Department.

If the employee is not on duty, the Department Head will not inform the employee or anyone else, until they are available for testing. The Department Head will retain the name in a confidential manner and ensure that the employee is notified immediately upon their return to duty and ensure that the employee reports to the Human Resources Department. If a Department Head or supervisor is found to break this confidentiality or any other part of this policy, they shall be subject to disciplinary action up to and including termination.

5. Consequences

An employee, who ~~tests~~ **has a confirmed positive test** for drugs, fails to submit to testing when requested, required, or ordered to take any of the tests listed in this policy, or in any way violates any of the prohibitions listed in this policy shall be terminated immediately, even for a first offense. Failure to report to the collection site in the time allotted (travel time plus 30 minutes) will be considered a refusal to take the required test.

The Port Lavaca Police Department and other applicable law enforcement agencies shall be notified, as appropriate, where criminal activity is suspected. Suspension without pay for the duration of the investigation may be applied to any employee who is the subject of an alcohol or drug-related inquiry by the City or any other law enforcement agency.

Positive tests will be reviewed by a licensed physician/medical review officer (MRO). The MRO will examine the laboratory results and discuss the results with the person testing positive to determine whether an alternate medical explanation can account for a positive test.

If an employee fails to provide an unaltered, unadulterated urine specimen, refuses to submit to a requested, required or ordered alcohol/drug test, submits a urine specimen other than their own, submits a diluted urine specimen, or in any way tampers or attempts to contaminate or tamper with their specimen or the testing of said specimen, they shall be deemed to have refused to submit.

An employee who fails to provide an adequate volume of a breath or urine for testing, without a valid medical explanation, shall be deemed to have refused to submit. An employee terminated for violation of this policy may not file a grievance or appeal the termination.

7.04.04 Department of Transportation (DOT) Operators

The City will comply with the Department of Transportation (DOT) rules requiring drivers whose position requires a commercial driver's license to submit to drug and

alcohol testing.

1. General Provisions

DOT rules establish certain conduct that is prohibited by regulated drivers. Those prohibitions are as follows:

- a. No regulated employee shall report for duty or remain on duty while having any alcohol in the body.
- b. Employees who are required to hold a Commercial Driver's License (CDL) shall not use alcohol within four (4) hours of reporting for duty or within eight (8) hours of being involved in a vehicle accident while operating a commercial motor vehicle, unless the employee has submitted to a post-accident drug and alcohol test.
- c. No regulated employee shall be on duty or operate a commercial motor vehicle in possession of any form of alcohol, unless the alcohol is manifested and transported as part of a shipment.
- d. No regulated employee shall refuse to submit to a required test.
- e. No regulated employee shall report to duty or remain on duty which requires driving when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- f. No regulated employee shall report for duty, remain on duty or perform a safety-sensitive function while impaired.
- g. If the driver tests positive for drugs, he/she is terminated.

2. Testing Of DOT Regulated Employees

All employees of the City regulated by DOT will be required to undergo breath testing for alcohol and/or urine drug testing under the following conditions:

Pre-employment Testing

All final applicants for employment in a position that requires a CDL will be subject to drug testing. The employment process will be suspended if evidence of illegal drug use is discovered through drug testing or other means, if an applicant refuses to take the drug test, or if the applicant attempts to substitute or contaminate the drug screen specimen. Employees that transfer to a position that requires a CDL will be subject to pre-employment testing prior to official transfer.

Post-Accident Testing

As soon as possible after an accident involving a commercial motor vehicle, the driver is required to submit to drug and alcohol testing. If the alcohol test is not administered within two (2) hours following the

accident, the city shall prepare and maintain a record stating the reasons the test was not promptly administered. If the alcohol test cannot be completed within eight (8) hours following the accident, the City will cease attempts to administer the alcohol test and will prepare and maintain the same record. If the drug test is not administered within thirty-two (32) hours following the accident, the City will cease to attempt to administer the drug test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

Random Testing

The city will comply with DOT's random testing requirement. These tests will be unannounced and will be spread reasonably throughout the year. The minimum annual percentage rate for random alcohol testing will be 10 percent of the average number of commercial driver positions. The minimum annual percentage rate for random drug testing will be 50 percent of the average number of commercial driver positions. The selection of drivers for random drug and alcohol testing will be made by a scientifically valid method. Under the selection process, each driver will have an equal chance of being tested each time selections are made.

Each employee who is selected for testing will proceed to the collection site immediately. If the employee is performing a safety sensitive function at the time they are notified, the City will ensure that the driver ceases to perform the function and proceeds to the testing site as soon as possible. Drug testing may be conducted at any time while the employee is working for the City.

Reasonable Suspicion Testing

The City will require a regulated employee to submit to a drug and alcohol test when there is reasonable suspicion that the regulated employee is under the influence of drugs and/or alcohol. Reasonable suspicion testing will be based on specific, observations concerning the regulated employee's speech, appearance, behavior, or body odors.

The required observations will be documented on a *Supervisor's Report of Reasonable Suspicion* form by one supervisor and one Department Head who is trained in detecting the signs and symptoms of drug and alcohol use and misuse. The documentation of the employee's conduct under reasonable suspicion will be prepared and signed by the witness(es) within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

The provisions of this section of the policy are in addition to, not in lieu of,

the provisions that apply to all employees. Nothing in this section will prohibit the City from testing regulated employees for alcohol or drugs under other provisions of this policy.

7.05 Electronic Communication

Electronic equipment, including but not limited to computers, telephones, pagers, printers and fax machines, used or owned by the City of Port Lavaca and all information stored on this equipment is City property. The City of Port Lavaca reserves the right to review and disclose any information sent, received or stored on this equipment.

During work hours, it is the intent that the city's electronic equipment be used for business related purposes. While minimal personal usage is permitted, personal usage should be reasonable and prudent. The City prohibits any information that may be considered obscene, discriminatory or harassing; any materials that violate the city's harassment policy or create a hostile or intimidating work environment. Employees should not expect that any information on city equipment is private.

7.06 Cell Phones

7.06.01 Assignment

It is the policy of the City to provide wireless telephones to designated employees in order to improve productivity, enhance customer service to citizens and/or to enhance public safety services.

It is also the policy of the City to maintain the right to access and disclose any and all messages communicated through electronic means when City-owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message.

7.06.02 Authorized Usage

City-owned wireless telephones are intended for and expected to be used for City business. ~~Minimal personal usage is permitted, as long as the personal use is reasonable and prudent.~~ Any personal calls shall be kept to a minimum and shall not interfere with the operations of the employee's work or department. If an employee's supervisor determines that this privilege of phone use is being abused or is interfering with department operations, this privilege may be restricted or removed.

7.06.03 Eligibility Criteria

Employees eligible for assignment of City-owned wireless telephones are those designated by the City Manager and/or Department Heads, including (but not limited to):

- Employees who are frequently in a vehicle who must conduct City business by telephone while in the field and it can be shown that cost savings and customer service efficiency will be realized through use of such devices;
- Employees who have a critical need to maintain accessibility with other departments, managers, City management staff and/or public officials, in order to ensure uninterrupted customer service and/or the integrity of the organization; public safety positions and vehicles in order to provide immediate and direct telephone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of City government and to provide for communications which may be inappropriate for mobile radios;
- Employees involved in the City's emergency response plan; and
- Department Heads and employees who have a responsibility for responding to public safety incidents in the field.

7.06.04 Responsibilities

City Manager

The City Manager is responsible for final approval on all requests for wireless telephone devices once the request has been approved by the appropriate Department Head.

Department Heads

Department Heads will be responsible for:

- a. Approving requests for wireless telephones from their respective subordinates;
- b. Ensuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified;
- c. Ensuring that all persons assigned a City-owned wireless telephone are provided access to a copy of this policy and procedure and that the employee is in compliance with it;
- d. Conducting periodic inventories of wireless telephones with their respective departments to ensure accountability;
- e. Conducting annual reviews of assigned devices to determine if such assignments continue to be justified;
- f. Informing appropriate employees responsible for City communications of all

reassignments of wireless telephones;

- g. Reviewing the monthly bill to explain any employee/departmental overages, collecting funds from department employees, and forwarding those funds to the Finance Department to reimburse the City for any chargeable personal calls or text messages appearing on the bill.

Employees

Employees who are assigned the use of City-owned wireless telephones are responsible for:

- a. Ensuring the physical security of such devices. In case of negligence, the employee will be responsible for reimbursing the City any cost incurred in replacement or repair of the phone;
- b. Ensuring that all communications on such devices are kept to the briefest duration possible;
- c. Keeping personal communications to a minimum;
- d. Ensuring that any personal use does not detract from the employee's availability for completion of assigned duties;
- e. Being available to receive calls or mobile data messages while working or on-call. If employee is driving and receives a call, it is recommended that the employee find a safe place to pull the vehicle over to talk on the phone.
- f. Using good judgment while speaking or sending mobile data messages, as all phone records are subject to Open Records Request;
- g. Not sending or reading mobile data messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business;
- h. Providing the appropriate employees/supervisor notification of any repair, lost, stolen or damaged equipment;
- i. Surrendering a City-owned phone upon request of a Department Head,

regardless of the reason;

- j. Ensuring compliance with appropriate records retention schedules.

7.06.05 Reimbursements

The City may seek reimbursement for any personal calls or text charges that incur additional cost to the City.

7.06.06 Cell Phone Allowance

The City Council may authorize a cell phone allowance to a city employee, in an amount specified in a written contract.

7.07 Safety – Accident Prevention

City employees have an obligation to report any potential hazard to the appropriate department in order to protect City employees and the public. Any employee observing a potentially hazardous working condition will, if the employee cannot correct it, report the condition to their immediate supervisor of the hazardous condition. The supervisor is responsible for taking corrective action, if needed, or if such is not possible, report the condition to the appropriate Department Head. Supervisors and Department Heads are responsible for keeping employees from being subjected to situations which are unduly hazardous.

City employees will follow all safety procedures established in their departmental safety rules and procedures and use all safety equipment provided by each department. Each Department Head is charged with the responsibility of establishing and enforcing any safety rules necessary and providing any safety equipment necessary, to provide for a safe working environment.

7.08 Automobile Policy

The City provides vehicles for a number of its employees for them to function in their jobs. The vehicles are not intended for personal use and every effort should be made to use them as efficiently as possible. In a few situations, the City provides car allowances or reimburses employees for use of their personal vehicle for City related business. This policy is intended to address each of these situations to ensure that the City is being a good steward and that reasonable guidelines have been provided for the employees.

7.08.01 City-Owned Vehicles Not Allowed to Take Home

The City will not authorize any City-owned vehicle to be taken home by any employee, regardless if that employee is assigned to be on-call. Department Heads will

determine where the City-owned vehicles will be picked up at the start of the employee's work hours and where they will be parked at the end of the employee's work hours

7.08.02 Car Allowance

The City Council may authorize the payment of a monthly car allowance to certain employees, and if necessary, the City will equip the vehicle with communication and emergency equipment.

The individual receiving the car allowance shall provide a vehicle in good operating condition and be responsible for providing adequate liability insurance. The City will not be responsible for any damage to the vehicle.

The car allowance will cover all travel within Calhoun, Victoria and Jackson Counties. Trips to areas outside of those counties will be reimbursed on a mileage basis at the current Internal Revenue Service mileage rate, as the same now exists, or as it may be changed from time to time.

7.08.03 Auto Reimbursements

Employees, other than those receiving car allowances, will be reimbursed for use of their own vehicle for all City related travel at the Internal Revenue Service mileage rate, as the same now exists, or as it may be changed from time to time. Requests for reimbursements shall be on an approved City form. Reimbursement will not include mileage to and from work, except as allowed by the Internal Revenue Service

7.09 Vehicle Operator Standards

7.09.01 Policy, Purpose, and Scope

All city vehicles must be operated in the manner prescribed in applicable State laws and City ordinances. All drivers and passengers must wear seat belts and obey all traffic laws. Employees are expected to notify their supervisor immediately if their driver's license becomes suspended for any reason.

Due to events and trends in municipal liability and the results of lawsuits and punitive damages, the City of Port Lavaca cannot allow employees that are assigned vehicles to transport in their vehicles at any time persons who are not employees of the City of Port Lavaca. The only exceptions are when the City Manager and/or Department Head specifically instructs the operator of the vehicle to transport an individual in connection with City business, or in the event of vehicles being used in the course and scope of emergency vehicles by volunteers or employees in the Police or Fire Departments. All other unauthorized use of City vehicles will result in disciplinary action against the operator of the vehicle.

All employees authorized to operate City of Port Lavaca vehicles and motorized

equipment, or who operate personal vehicles on city-related business, shall be subject to the standards established in this policy, in addition to policies set forth in the City Personnel Policy Manual and those outlined under Chapter 6 - Work Environment.

This policy establishes minimum standards for the qualification of employees and applicants to operate City vehicles and motorized equipment.

This policy shall apply to:

- Employees that are required to have a commercial driver's license (CDL) in order to perform their assigned job requirements
- Employees driving city owned, leased or rented vehicles or motorized equipment.

7.09.02 Definitions

City Vehicles— any passenger car, pickup, truck or other similar vehicle that is owned, leased, rented, or otherwise under the care, custody, or control of the city. A city vehicle shall also include vehicles driven by employees receiving a car allowance and personal vehicles.

Motorized Equipment— this category includes, but it not limited to, backhoes, dozers, mower-tractors, loaders, graders, and other similar equipment.

Preventable Accident – any accident involving a city vehicle or piece of motorized equipment that results in property damage and/or personal injury in which the driver in question failed to exercise every reasonable precaution to prevent the accident. The preventability of an accident shall be determined from the investigative results of the appropriate law enforcement agency, incident reports and other applicable evidence of the accident.

Personal Vehicles— privately owned vehicles used to conduct city business, and for the use of which the driver is eligible to claim mileage reimbursement under federal law.

Driving Records – the complete driving history of an employee, as can be discerned from any official records, including Texas Department of Public Safety Driver Record Information Reports.

7.09.03 Responsibilities

Employees who drive city vehicles or operate motorized equipment in the course and scope of their employment shall be required to meet the following minimum conditions of eligibility for driving/operating privileges:

- Have reached the age of 18 years to operate city vehicles or motorized equipment.
- Be physically qualified to hold a driver's license and to safely operate a City of Port Lavaca vehicle or motorized equipment.
- Have current valid Texas driver's license, in the appropriate class as established on the official description for the position.
- Wear seat belts and other relevant safety equipment when operating city vehicles or motorized equipment when appropriate
- Observe all City of Port Lavaca vehicle and traffic related policies.
- If employee is driving and receives a call, it is recommended that the employee find a safe place to pull the vehicle over to talk on the phone.
- The employee may not send or read mobile data messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business.
- Observe all laws and ordinances relating to the operation of city vehicles or motorized equipment.
- Be responsible for the proper care and use of vehicles or motorized equipment. This includes maintaining city vehicle/motorized equipment interiors and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor, and operating all city vehicles/motorized equipment in a manner that conserves fuel and reduces depreciation.

7.09.04 Procedures

The following procedures shall be observed under this policy:

- Employees operating city vehicles or motorized equipment must report to their supervisors any accident involving said vehicles immediately
- Employees who are in jobs that require the driving/operating of City of Port Lavaca vehicles or motorized equipment shall report any driver's license suspensions to their supervisor immediately and prior to driving a city vehicle and/or equipment.
- Failure to report license suspensions, failure to maintain the required

driver's license, or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action, up to and including termination.

- Each January, the Department Heads will provide a list of all personnel who have driving or motorized equipment operation responsibilities to Human Resources. This list shall include the employee's name and will be used to conduct checks on
- driving records through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The Human Resources Department will facilitate the records check and the appropriate department head will be notified of any employee whose driving record is suspended.

Employees who have been ruled ineligible to drive city vehicles or equipment due to a suspended license may, at the City of Port Lavaca's sole discretion, be:

- Assigned non-driving responsibilities within their current department, if available; or
- Transferred to another department and assigned non-driving responsibilities, if available; or
- Dismissed, if neither of the above alternatives can be achieved within twenty (20) working days. All non-driving responsibilities must have prior approval of both Department Heads (if applicable) and Human Resources.

7.10 Reporting Accidents and Injuries

Employees will immediately report any accidents or injuries occurring on the job to their supervisor. If a City vehicle is involved, the accident will also be reported to the Police Department. The supervisor will take all action necessary to ensure the safe transportation and/or treatment of the injured and will notify Human Resources of the incident and file a written accident report or a first report of injury within twenty-four (24) hours. In event of a major injury or death of an employee, the Department Head will immediately report the incident to the City Manager. All reports of injury will be administered in accordance with the City's Worker's Compensation policy and in alignment with the City's worker's compensation insurance provider. **Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin**

workers' compensation benefit procedures where appropriate.

It is the responsibility of the employee to ensure that all City issued vehicle insurance documentation and registration be in the vehicle at all times. In the case of an accident, the employee driving a City-owned vehicle will immediately notify the nearest police department to report the accident. Copies of the completed accident report will be forwarded to the employee's Department Head and Human Resources. Department Heads are required to notify Human Resources of any vehicular accidents in their department in order to file and distribute insurance claims. Employees are not to participate in interviews or give statements to any news media concerning any incident. Responses to questions should be simply "No Comment". Employees should also understand that when an incident occurs, they are not to make rash statements at the scene or any time thereafter, about who may be at fault or how the incident, could have been avoided. All information concerning incidents will be released by the City Manager, or designee.

7.11 Disaster Emergency Policy

7.11.01 Purpose

Protecting the health and safety of everyone in our community is a key priority during a City Declared Disaster. The Mayor may at any appropriate time declare a City Declared Disaster based on a natural disaster or involving public health. The citizens of Port Lavaca depend on City employees before, during, and after a City Declared Disaster to provide and/or restore essential public services for the health, safety, and quality of life of our community. This policy applies to all non-exempt and exempt employees and is intended to clarify the procedures during a City Declared Disaster and clarify the compensation policy for employees during a City Declared Disaster. No one will be excused from work until the City Manager authorizes employees to be relieved of their duties.

7.11.02 Definitions

Disaster: The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.

City Declared Disaster: A Local State of Disaster which is declared by the Mayor for the City of Port Lavaca. The Mayor is authorized by the Texas Disaster Act to declare a Local State of Disaster when warranted conditions exist or when there is an imminent threat. A declaration of local disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of a majority vote of the City Council.

Municipal Emergency: Any situation that may threaten the safety and/or health of City employees, their families and the public and/or threaten the continuation of normal City functions, capabilities or services. The City Manager is authorized to declare a State of Municipal Emergency and may designate the closing of some or all City facilities during a Municipal Emergency.

Weather Emergency: The occurrence or imminent threat of a severe weather event such as snow, ice, prolonged freezing conditions, severe thunderstorms or other extreme weather events that may threaten the safety of City employees, their families and the public and/or threaten the continuation of normal City functions, capabilities or services. The City Manager is authorized to declare a State of Weather Emergency due to weather conditions and may designate the closing of some or all City facilities during a Weather Emergency.

7.11.03 City Facilities/**Weather Leave**

If City facilities are not closed and if weather or other emergency conditions make it impossible or unsafe for an employee to report to work, the employee must notify his or her supervisor as soon as possible that the employee finds it impossible to report to duty safely. Time absent may be charged to available vacation, compensatory time, or leave without pay. **In absence of a delay/closing announcement employees are expected to report for duty at the regularly assigned hours for their workday.**

In the case of a Weather Emergency, Disaster or other Municipal Emergency on a workday, the City Manager is authorized to designate the closing of some or all City facilities. The City Manager or designee is responsible for initiating the process of contacting employees **via phone call, text message and/or email. The City will report the closing/reopening of City offices on the City Website and with local media outlets.**

If City facilities are closed, City personnel who are not required to work that day will be paid for the actual time or day(s) that the City was officially closed.

- If an official City facility closes for a Weather Emergency, Disaster or other Municipal Emergency during an employee's scheduled vacation or personal day, that day will not count against the employee's vacation or personal leave balance.
- If an employee reports to work and the City Manager or Department Head sends the employee home because of a Weather Emergency, Disaster or other Municipal Emergency, the employee will be given credit for a full workday as emergency disaster leave.

7.11.04 Responsibilities

In a City Declared Disaster or Emergency, City employees will be required to fulfill their individual responsibilities and function as a team to protect the City's vital assets and maintain and restore essential City services.

Department heads will be responsible for:

- 1) Providing training to all employees in their department regarding emergency operation procedures, with refresher training provided in May of each year.
- 2) Ensuring that employees are aware of their individual responsibilities under this policy, and that only under special circumstances will employees be allowed to be exempt from these responsibilities.
- 3) Assessing all approved vacation leave requests and advising employees of their responsibilities and when they need to return to work.
- 4) Allowing employees to secure their homes and families to prepare them to seek shelter or to evacuate when approved by the Director, or designee.
- 5) Ensuring that their departments are briefed on emergency procedures each year, including both the City's responsibilities to the community and the employee's responsibilities under the policies.

Employees will be responsible for:

- 1) Ensuring the safety and security of their families.
- 2) Ensuring that their contact information is current and up to date so that the employee can be contacted when away from work.
- 3) Contacting their supervisor immediately upon knowledge of a City Declared Disaster, understanding that any preapproved leave may be subjected to postponement or cancellation.

The Human Resources Department will be responsible for:

- 1) Providing Department Heads with current emergency information for all employees to verify.
- 2) Providing resource options to employees who may need assistance with shelter, laundry, or other special needs.

- 3) Providing emergency shelter during the City Declared Disaster for employees that remain in the City during the event(s). The Director of Human Resources will communicate this information to Department Heads with the location of the emergency shelters, by May 31st of each year.

7.11.05 Emergency Periods

The City Manager may require employees to work during a Declared Disaster or Emergency regardless of whether City facilities are open or closed and regardless of the extent or duration of the Emergency. Employees may be required to provide services to protect the public's health and safety and to assure the continuation of, or recovery of, normal City business processes.

There are four (4) defined periods associated with an emergency or natural disaster: pre-impact, emergency, exigency period, and post-impact/recovery.

- 1) Pre-impact Period – This is the time period prior to the impending disaster and includes emergency response activities and preventative measures by the City of Port Lavaca departments in preparing for the impending emergency. This period begins and ends as determined by the City Manager.
- 2) Emergency Period – This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. There may be more than one Emergency Period during a City Declared Disaster Declaration. These period(s) begin and end as determined by the City Manager.
- 3) Exigency Period – This is the time period during which emergency response activities are in progress, but when many of the City's services are able to be maintained on a limited basis. This period begins and ends as determined by the City Manager. There may be more than one Exigency Period during a City Declared Disaster Declaration. These period(s) begin and end as determined by the City Manager.
- 4) Post/Recovery Period – This is the time period immediately following the emergency or disaster, during which the City Manager determines if it is safe for all employees to return to work. Activities are conducted to restore the City's infrastructure and services to pre-disaster conditions.

During this period, some employees may be required to return to work to assist with the restoration of critical services, conduct emergency clearance of roadways, provide damage assessment, etc. This period is determined by the City Manager, in consultation with Department Heads.

Employees must return to work as directed by their Department Heads.

The City of Port Lavaca recognizes that employees have personal and family responsibilities that are important and may conflict with the obligation to fulfill their job requirements during hazardous weather or a state or local emergency. When evacuation of personal residences is required, every effort will be made to allow employees to make arrangements for their families like any other citizen, including the use of authorized shelters.

Employees who are not able to return to work due to emergency conditions must contact their supervisor as soon as possible.

An employee who refuses a directive from the City Manager or a Department Head to report to work for all or part of an emergency period is subject to discipline by the City, up to and including termination.

7.11.06 Compensation During a State of Emergency

In the event of a declaration of a State of Emergency during a Weather Emergency, Disaster or other Municipal Emergency, the City Manager may implement the provisions of the emergency disaster pay policy. During this time the City Manager may also suspend the use of accrued leave, City-approved holiday(s), and Scheduled Vacation leave (Defined in Chapter 4: Leave of Absence City of Port Lavaca HR and Workplace Policies, October 8, 2018), to ensure appropriate personnel is available to maintain operations. The suspension of leave may not interfere with the use of leave for purposes of family medical leave, bereavement, or other such leave, including any other leave provided by State or Federal law.

Employees relieved from duties during a State of Emergency or City Declared Disaster shall be paid as follows:

- Full-time employees shall be paid their regular straight time hourly pay.
- These hours shall not be counted as time worked to compute overtime for non-exempt employees.
- Emergency disaster leave will start when the employee is relieved from duties by their Department Director and will continue until the City Manager determines it is safe and prudent for some or all employees to return to work. If an employee fails to show up for work or cannot show up for other reasons, then the time lost will be away without pay, unless other paid leave is approved.

During the emergency periods as defined in Section 7.11.5, employees authorized to perform work for the benefit of the City may be assigned to perform work that is outside their normal assigned tasks. During these periods employees will be compensated for any hours worked, in addition to any eligible overtime.

Non-exempt employees authorized to work, during an emergency period or exigency period defined in Section 7.11.5, will be compensated at a rate of one and a half times (1.5x) their base hourly rate for all hours worked during these designated periods, excluding time for sleep when required to reside in the City Emergency Operations Center or designated location, which will be paid at employees base hourly rate.

Exempt employees authorized to work, during an emergency period or exigency period defined in Section 7.11.5, will be compensated at employees calculated hourly rate from their annual salary for each authorized hour of mandatory residency in the City Emergency Operations Center or designated location.

All employees (non-exempt and exempt) who are able to work remotely during regular business hours during a Declared Disaster or Emergency shall do so, subject to instructions from their supervisor and the Employee's Responsibilities as outlined in Section 7.11.4. Such remote work shall be paid at the employee's normal rate of pay.

7.11.07 Disaster Deployment Compensation

City personnel may be requested, under existing agreements (e.g. mutual aid agreement/memorandums of understanding, etc.), to deploy to assist outside agencies in responding to disaster or emergency. The City Manager's (or designee's) oral or written authorization is required for any personnel deployment lasting longer than twenty-four (24) hours. Such City personnel shall be compensated at a rate of one and a half time (1.5x) their base hourly rate for all hours worked during a deployment.

7.11.08 Employee Groups

Department Directors shall designate emergency essential and non-emergency essential personnel within their departments relating to a State of Emergency Declaration. All personnel shall be advised of their status upon hire, as well as of May 1st of each year. An individual employee's status may change, as the needs of the City changes, or at the discretion of the Department Director.

- Level I Personnel: Each Department Director and/or supervisor is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as Level I Personnel. Level I employees will be required to be available immediately before, during and after the emergency conditions to perform duties directly related to emergency conditions as determined

by the City Manager.

- Level II Personnel: Each Department Director and/or supervisor is responsible for identifying employees who are considered Level II Personnel. Level II employees may be required to perform duties during the Pre-Impact and Post/Recovery Emergency Periods A defined in 6.11.5.
- Level III Personnel: The remaining employees that are not classified in one of the above categories will be classified as Level III Personnel. Level III employees will be released prior to an emergency. Because it is the City's responsibility and obligation to ensure that infrastructure and critical services are repaired, restored, tested and/or inspected prior to their return to service, Level III employees are required to remain available for recall to duty at any time.

Chapter 8: Employee Conduct & Disciplinary Actions

8.01 General Policy

The policies within this chapter are intended to set expectations relating to employee conduct and behavior as well as provide options for resolving problems arising from misconduct by an employee or the employer.

High productivity and efficiency are a result of individual contributions. To work together successfully, employees must realize that positive relationships are not entirely a matter of rules, but are the outcomes of commitment, sound decisions and professional behavior.

Employees are expected to establish and maintain effective professional working relationships with fellow employees, supervisors, elected and appointed officials, citizens, consultants, contractors, and others doing business with the City. To create a positive work environment, employees and supervisors will communicate openly and directly. If employees have concerns, they are strongly encouraged to voice them openly and directly to their supervisor or Department Director.

As a public service organization, City employees are held to a high standard of ethical conduct. Employees should conduct themselves in a manner that ensures those high standards are met, avoiding even the appearance of impropriety. Employees are expected to deal officially with the public in a manner that will enhance the public confidence in the employees and the City.

8.02 Enforceability

Department Heads are responsible for maintaining proper working standards and discipline within their respective departments. Employees who have conducted acts of misconduct, malfeasance, nonperformance, abuse of the public, insubordination, unproductive behavior, abuse of work rules, and of the policies in this manual and departmental policy will be subject to disciplinary action in accordance with the city's disciplinary policies.

8.03 Confidential/Official Information

Information concerning any employee or vendor which may come to an employee's knowledge is to be held in strict confidence. No information disclosed in a court case, investigation, audit report, personnel or vendor files may be disclosed except as provided in the Texas Public Information Act. The Texas Public Information Act prohibits the distribution

of information deemed confidential under its terms. This office has interpreted this provision to prohibit the disclosure of information made confidential by the constitution, a statute, or a judicial decision. Violations are punishable by law. Any questions regarding disclosure of any information, confidential or otherwise, should be directed to the City Secretary, who is the designated open records coordinator.

Employees commit an illegal act if they use official information, which has not been made public, to benefit or aid themselves or another.

8.04 Use and Care of City Property

City property and equipment shall be used for official business only. The use of any City equipment outside of official business purposes will be grounds for disciplinary action, up to and including termination. City-owned or leased property and equipment is defined as all tools, equipment, (including vehicles, computers, phones and mobile equipment), and materials/supplies intended for use on official business for the City of Port Lavaca. Personal use should be kept to a minimum. Official business is defined as all work performed by employees for City directed purposes.

Employees will be responsible for and will not misuse City property, records, or other materials in their care, custody, and control. City property, records, or other materials will not be removed from their proper place without authorization and will be returned to the City upon termination of employment.

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used always.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items.

In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property. Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, or any other property or equipment appear to be damaged or defective or need repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on

the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will result in disciplinary action, up to and including termination.

8.05 Information Technology Use

The City provides access to communication and technology systems including but not limited to the internet, computers, tablets, phones, email, and other hardware and software (collectively referred to in this policy as “Information Technology Systems” or “Systems”) for use by City employees in the performance of their job duties.

Management reserves the right to access and review any user’s information maintained on the Information Technology Systems without prior notice, including internet browser histories, emails, messages, and any other data files.

Employees shall exercise care in personal use of any Information Technology Systems and should not expect their personal information stored in these systems to be kept private. All information, personal or business, loaded, stored, or transferred using the City systems and computers becomes a public record and must be maintained in accordance with the City’s Records Management Policy. The City strongly discourages storage of personal information and data on the City’s Information and Technology Systems.

Employees are responsible for electronic equipment, passwords, and other systems that are assigned to the employee for the performance of their job duties.

Any violation of this policy may result in disciplinary action up to and including termination.

8.05.01 Acceptable Use

Acceptable uses of the Information Technology Systems are limited to those activities that support the user’s ability to perform their job responsibilities. Incidental, occasional, or infrequent use of the City’s communication and information systems for personal use is permitted as long as such use does not interfere with the employee’s work or the work of any other employee or with the equipment operations. However, no matter how minimal, any information transmitted using City equipment may subject the information to public disclosure pursuant to Texas law.

8.05.02 Email

All information created, sent, or received via the City’s electronic systems becomes a public record. It is the employee’s responsibility to comply with applicable open records retention schedules and backup messages that they wish to keep for more than six months.

8.05.03 Physical Device Security

Physical security is defined as taking the appropriate measures to protect the City issued equipment itself and the data that is on it. Examples of City issued equipment, include but is not limited to, laptops, tablets, mobile phones, etc.

It is the employee's responsibility to follow the City's guidelines to ensure City equipment is properly protected.

- Avoid leaving City issued equipment in the car. If you must leave equipment in a vehicle unattended, place it in the trunk or somewhere out of sight.
- Do not leave City issued equipment unattended in public places, such as restaurants, airports, and hotels.
- Avoid storing passwords and pin numbers with your device.
- Ensure that the device is configured to auto-lock and requires a password to login and access data

If your City issued equipment is stolen or lost, please contact your immediate supervisor immediately so appropriate action can be taken.

8.05.04 Cybersecurity Awareness

All city employees are required to complete the required Cybersecurity Awareness Training provided by the Texas Municipal League. Training will consist of an online training module and test.

8.05.05 Prohibitions

Misuse of Information Technology resources may result in the restriction of computing privileges and/or disciplinary action. All existing laws or policies apply, not just those specific to technology, but also those applying to personal conduct.

Examples of misuse include, but are not limited to, the following:

- Attempting to monitor or tamper with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner;
- Using a computer account, you are not authorized to use;
- Obtaining a password for an account without permission of the owner;
- Gaining unauthorized access to any computer systems;
- Knowingly performing an act which will interfere with technology operations;
- Violating terms of applicable software licensing agreements or copyright laws; and
- Deliberately wasting computing resources.

8.06 Fraud

All employees are expected to maintain a high level of personal and professional conduct on the job. As a public service organization and stewards of public funds, the City holds its employees to a high standard of ethical conduct relating to the use of City resources.

All employees shall avoid fraud and are expected to report possible fraudulent activity or any internal and/or external practices that may allow for or facilitate fraudulent activities. Supervisors and managers have a greater responsibility to uphold this policy. They are expected to initiate appropriate preventive measures, implement the necessary controls and initiate investigations by promptly reporting allegations.

Reports of fraud can be made to the City's Finance Director, City Manager, or the employee's supervisor or Department Director.

The City considers the following list of actions to be fraud

- Forgery or alteration of any document (including timesheets) or account belonging to the City
- Forgery or alteration of a check, bank draft or any other financial document representing funds belonging to the City
- Intentionally filing inaccurate reports or claims for payment for monetary gain
- Misappropriation of funds, securities, supplies or other assets of the City
- Impropriety in the handling or reporting of money or financial transactions involving the City and any other entity
- Profiteering as a result of insider knowledge of City activities
- Removal or inappropriate use of records, furniture, fixtures and equipment belonging to the City
- Embezzlement, larceny, or any other misapplication of City funds.
- Any official misconduct including the misapplication or misuse of City funds or property.

An employee shall immediately report concerns of possible fraud to the employee's supervisor for appropriate action. Immediately shall mean as soon as the employee has the means to contact the supervisor, but shall be no longer than 24 hours after the employee becomes aware of the suspected fraud. As an alternative, an employee can report suspected fraud directly to the employee's Department Director, the Finance Director, Human Resources, or the City Manager. An employee who provides information in good faith will be protected from retaliation.

An employee who is contacted by a citizen with evidence or written allegations of fraud shall immediately report it.

Allegations of fraud shall be investigated by an "investigation committee", a standing

committee responsible for responding to fraud allegations through the coordination of necessary resources and determining a course of action regarding the investigation.

The investigation committee will be composed of a representative from Finance and Human Resources and a representative of the department where the suspected fraud occurred, as designated by the City Manager. If the committee believes that alleged conduct may be criminal in nature, then the committee will recommend that the allegation be referred to the Police Department. All findings of the committee will be communicated to the City Manager's Office.

All employees are required to cooperate fully during any City review or investigation of an allegation of fraud. Anyone informed of an investigation in progress shall ensure that strict confidentiality is observed as to not prejudice the investigation or the city's rights and integrity.

Employees who intentionally or knowingly make false accusations and/or provide false information concerning instances of fraud will be subject to disciplinary action up to and including termination.

An employee may not be retaliated against for reporting an alleged violation of a law to an appropriate law enforcement authority if the employee's report is made in good faith.

8.07 Conflict of Interest

An employee exercising any influence in connection with a City contract, purchase, payment, or any other financial or monetary transaction who is a director, president, or general manager or similar executive officer, or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, will give advance notice of the potential conflict to the City Manager. Failure to disclose a potential conflict of interest may be grounds for immediate termination and the employee may be charged according to State statutes.

8.08 Gratuities---- Gifts

The City strives to treat employees, citizens and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his or her job with the City. Individual City employees are prohibited from soliciting, accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be in violation of this policy:

- an award publicly presented in recognition of public service

- an occasional meal where public business is discussed
- tee-shirts, caps and other similar promotional material
- any gift which would have been offered or given to the employee even if the employee were not a City employee

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her supervisor to see if the item should be returned, or in the alternative, turned over to the City.

Employees may not give their supervisor or anyone else in City management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The City takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Director of Human Resources.

8.09 Arrests and/or Convictions

Employees who have been arrested and/or convicted of any offense must notify their supervisor and Human Resources, as soon as possible, but no later than 24 hours after the arrest and/or conviction. This allows the chain of command to consider the business impact of the arrest upon the city, department and/or employee. The Department Director must notify Human Resources the next business day regarding the arrest. Failure to report timely may result in disciplinary action up to and including termination.

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

8.09.01 Employee Status after Alleged Violation of Law

At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- a) allowing the employee to return to regular duty with pay;
- b) allowing the employee to return to restricted duty with pay;
- c) placing the employee on paid administrative leave;
- d) placing the employee on unpaid administrative leave; or
- e) terminating the employee.

8.09.02 Employee Status after Adjudication

Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the Department Director will determine, in conjunction with the City Manager, the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

8.10 Weapons

Employees may not possess or use a weapon while on duty unless the weapon is required by the employee's job. This policy does not apply to firearms or ammunition lawfully owned and possessed by an employee that is stored in a locked, privately owned motor vehicle while the vehicle is in a City parking facility. An employee who stores a firearm or ammunition in their vehicle must conceal the firearm or ammunition and keep the vehicle locked at all times. The City has no duty to patrol or otherwise inspect parking facilities for compliance with the weapon policy. The City also has no duty to investigate vehicles to determine if employees are complying with laws relating to the ownership or possession of firearms or ammunition.

As used in this policy a "weapon" is anything designed, adapted or used to threaten or cause harm to people, animals or property. The following are not considered "weapons" for the purposes of this policy but could become weapons if used to threaten or harm a person, animal or property:

- Pocket knives with folding blades less than 5.5 inches in length;
- Fixed blade knives used in food preparation or food service, or used as a regular tool in the performance of the employee's duties; or
- Pepper spray in a dispenser commercially available to the general public and intended for personal protection.

Employees who violate this policy may be subject to discipline in accordance with the City's disciplinary policy up to and including immediate termination.

8.11 Political Activity

The City of Port Lavaca encourages City employees to participate in matters of responsible citizenship. Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may engage in political activity so long as said activity is limited to off-duty hours and does not impair the employee's ability to carry out his duties as a City employee. Employees will not engage in campaign or political activity while identifiable as a city employee (i.e. city uniform, a city take-home vehicle or badge, etc).

8.12 Personal Electronic Devices in the Workplace

The City recognizes that many employees have cell phones or other electronic devices that they bring to work. Employees are permitted to bring their personal cell phones to work, but excessive use of personal cell phones during working hours will not be tolerated. Any employee who violates this policy will be subject to disciplinary action. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones or other electronic devices, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow such device use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to transmit or receive information which violates City policy, are subject to disciplinary action, up to and including termination.

Under no circumstances will videotaping, recording and/or distributing of sensitive, disturbing and/or graphic images that occur during the course and scope of business be done on a personal cell phone, city issued cell phone or personal electronic device unless there is a legitimate and immediate business need to record such information. Any such information should be immediately turned over to the Police Department or other appropriate high-ranking city official and shall not be provided to any other person without specific authorization by such city official. Once turned over, any such images should be destroyed.

Use of handheld devices to view or transmit text or email message while driving a city vehicle or personal vehicle on city business is prohibited. Mobile Data Terminal (MDT) use in Police is governed by Police Written Directives. Some divisions or departments may not allow use of a cell phone during work hours. Check with your supervisor on the rules that apply to you.

8.13 Personal Visitors in the Workplace

In the event that a non-work related person visits an employee during working hours, the employee is responsible for the conduct and safety of his or her visitor. Personal visits with city employees should be limited so as not to be unduly disruptive of the work environment.

8.14 Personal Relationships

Personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Supervisors are strictly prohibited

from having personal relationships with subordinates; dating or intimate, regardless of frequency or whether or not consensual. The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. If it has been determined that a supervisor is dating or intimate with a subordinate, the supervisor may be disciplined, up to and including termination. Any employee who is in violation of the personal relationship policy may be subject to discipline, up to and including termination.

Employees involved in a personal relationship with another employee may not occupy a position in the same department, work directly for, or supervise the employee with whom the employee is involved. The employees may be separated by reassignment into a different unit, division or work schedule. The alternative for any employee determined to be in a personal relationship is for one or both employees to leave employment of the department.

Where a conflict or the potential for conflict arises because of a relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If such a personal relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to Human Resources immediately. Failure to immediately disclose the relationship constitutes violation of the personal relationship policy. Where a conflict or potential conflict arises because of the relationship affecting employment the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

8.15 Dress and Appearance

Grooming, appearance, and personal cleanliness standards contribute to the morale of all employees and affect the professional image the City presents to citizens and visitors. A professional, business-like atmosphere will be reflected in both conduct and dress. During business hours or when representing the City, the employee is expected to present a clean, neat, and professional appearance.

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. 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 a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits and business attire are proper for personnel scheduled for agenda presentations (i.e. City

Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police, Fire and Maintenance/Operations department employees may be covered under departmental policies regarding appropriate dress and appearance.

8.15.01 Uniforms

The City supplies many Fire, Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform will be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform will be worn when off duty, except to and from work.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.

City uniforms or apparel with City and/or department logo will not be worn while engaging in other employment or during off-duty hours, unless attending a City sponsored event. Exceptions may be made on a case by case basis by Department Heads. Employees wearing uniforms will not purchase, possess or consume alcoholic beverages or engage in any acts that would not reflect favorably upon the City (gambling, etc). Employees wearing City uniforms will not campaign for or against any individual or ballot measure.

No City uniform or apparel with City and/or department logo will be donated to charity. Before discarding an old uniform, the City logo should be cut off the clothing and shredded to prevent unauthorized use.

8.15.02 Dress Code

Appropriate Business Attire: All clothing must be neat, clean, in good condition, fit properly and be appropriate for the duties of the position. A shirt, sweater, blouse, with the City logo is acceptable where designated by the Department Head.

Inappropriate Business Attire: Inappropriate business attire includes, but is not

limited to:

- a) Suggestive attire (for example; sheer, low cut, revealing tops; miniskirts (skirt that is more than two inches above the knee). Strapless/backless attire, including: muscle shirts, halter tops, tank tops, sundresses without a cover or jacket; bare shoulders or tank tops;
- b) House shoes, footies;
- c) Shorts, unless they are part of an approved uniform and worn with a shirt that identifies the employee as a city employee or as approved by the Department Head as special circumstances warrant;
- d) Clothing not properly laundered or not in good condition (e.g. faded, frayed, having tears or holes);
- e) Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- f) Hats, visors or other forms of headgear that are not part of a city uniform or have messaging of anything other than a logo or words related to employment with the City of Port Lavaca.

Dress Code Exceptions: The Dress Code applies only to those employees who are not required to wear a City uniform. Some departments may have an alternate dress code. Unusual circumstances as approved by the supervisor, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or unusual working hours or situations, may be sufficient reasons to grant an exception to the dress code.

Additional Provisions: More traditional business attire may be appropriate for certain meetings and/or presentations either inside or outside City offices. Department Heads and supervisors have the responsibility to inform their employees of appropriate attire when meeting the general Public or any other time the Department Head may deem it is necessary.

8.15.03 Personal Appearance

Without unduly restricting individual tastes, the following personal appearance examples are not permitted:

- a) Extreme hairstyles are not permitted; hairstyles are expected to be professional, neat, properly groomed and in good taste. Long hair, jewelry

and clothing should be worn in a manner that does not pose a safety hazard while working;

- b) Offensive body odor and poor personal hygiene;
- c) Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during work hours;
- d) Offensive and/or distracting tattoos/body art or brands may not be visible through clothing;
- e) Intentional body mutilation or piercing that is excessive or eccentric is not permitted. Some examples are a split or forked tongue or foreign objects inserted under the skin to create a design or pattern; or
- f) Jewelry that pierces or is clipped to the eyebrow, tongue, nose, scalp, forehead, or other exposed parts of the body, except the ear, may not be worn during work hours.

8.15.04 Enforcement

Each Department Head is responsible for implementing the dress code and communicating it to department employees. Department Heads may implement more stringent dress codes. Employees who do not meet dress code or personal appearance standards will be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, **up to and including termination of employment.**

Questions/complaints about proper attire should be directed to the Department Head of the employee in question. The Department Head has the final authority to determine the appropriateness of the employee's attire. Questions or concerns relating to reasonable accommodation issues or management interpretation questions may be directed to Human Resources.

8.16 Public Relations & Social Media

City employment involves a degree of duty and obligation regarding public and private conduct which is always required in other types of employment. Employees should conduct themselves at all times so as to reflect credit upon themselves and the City. How employees deal with the public and fellow employees is just as important as performing their job well.

In the rapidly expanding world of electronic communication, social media can mean many things. For the purpose of this policy, social media includes all means of communicating or

posting information or content of any sort on the Internet, including web logs or blogs, journal or diaries, personal web sites, social networking or affinity web sites, web bulletin boards chat rooms, whether or not associated or affiliated with the City of Port Lavaca, as well as any other form of electronic communication. Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the city or the city's legitimate interests may result in disciplinary action up to and including termination.

8.16.01 Respectful Behavior

Employees should always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of the City. Employees are more likely to resolve work-related complaints by speaking directly with co-workers and supervisors rather than by posting complaints to a social media outlet. Nevertheless, if employees decide to post complaints or criticism, they should avoid using statements, photographs, video, audio, or other media content that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, customers, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

8.16.02 Honest and Accurate Content

Employees should make sure that they are always honest and accurate when posting information or news, and if they make a mistake, it should be corrected quickly. Employees should be open about any previous posts that have been altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Employees should never post any information or rumors that they know to be false about the City of Port Lavaca, fellow employees, citizens, customers, suppliers, or people working on behalf of the City.

8.16.03 Appropriate and Confidential Content

Employees are expected to maintain the confidentiality of the City's confidential information. While information is available to the public in compliance with the Open Records Act, such requests are managed by the City Secretary or designee. Do not post internal reports, policies, procedures or other internal business-related, confidential communications.

Employees are not to create a link from their blog, website or other social networking site to a City of Port Lavaca website without identifying themselves as a City employee.

Employees are only to express their personal opinions. They are not to represent themselves as a spokesperson for the City. If the City is a subject of the content that they are creating, they are to be clear and open about the fact that they are an employee and that their views do not represent those of the City, fellow employees, citizens, customers, suppliers or people working on behalf of the City. If they do publish a blog or post online content related to the work they do or subjects associated with the City, they are to make it clear that they are not speaking on behalf of the City. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City of Port Lavaca.”

8.16.04 Social Media at Work

Employees should refrain from using social media while on work time or on equipment the City provides, unless it is work-related as authorized by their manager or consistent with the City’s policies. Employees should not use their city email addresses to register on social networks, blogs or other online tools when the intent of the social media account is utilized for personal use. If the intent of the account is to leverage social media for city use and communication as authorized within your job duties, then employees may use their city email to register for the account.

8.16.05 Retaliation is Prohibited

The City prohibits taking negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

8.17 Workplace Violence

The City of Port Lavaca is committed to ensuring a safe working environment and to reducing the risk of violence for all employees. Violence or the threat of violence has no place in any of the City’s work locations. The City will not tolerate any conduct or behavior, whether intended as joking or not, that is found to be threatening, intimidating, or coercive. Employees who violate this policy shall receive disciplinary action, up to and including termination.

Violent behavior includes, but is not limited to:

- Causing physical injury to another person or attempting to cause physical injury to another person;
- Possession of a weapon, as defined by the penal code, on one’s person or vehicle while on City property or while on City business (this includes employees with concealed weapons permits) unless properly authorized by the City;
- Aggressive or hostile behavior which creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Making threatening remarks expressing intent to do harm to another person and/or

- making veiled threats of physical harm or similar intimidation;
- Surveillance without proper authorization;
- Stalking;
- Intentional damage, destruction, or threat of destruction of City property, the property of another employee, or any person's personal property;
- Acting in a hostile manner, expressing unusual agitation or excitement which may be accompanied by incoherent and/or irrational behavior or harassment;
- Expression of suicidal or homicidal intent or thoughts.

Any potentially dangerous situations must be reported immediately to a supervisor or Human Resources. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The City will actively intervene at any indication of a possibly hostile or violent situation.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts or threats on the City's premises or while attending to City related business will be reported to the proper authorities.

8.18 Unlawful Harassment

8.18.01 General Policy

The City is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, and co-workers. City employees are also prohibited from harassing other employees, citizens, vendors, and all other third parties.

All employees, applicants, vendors, volunteers, and unpaid interns are eligible to file a discrimination and/or harassment complaint. The City takes all complaints seriously. Acts of discrimination and harassment by any employee are prohibited. Employees and supervisors should make every effort to resolve problems or issues informally through discussion and consultation. If these efforts do not resolve the problems or issues, the employee may initiate proceedings as specified in this policy in order to resolve those matters.

All supervisors should be familiar with the complaint policy and have primary responsibility for resolving disputes. Employees are encouraged to seek resolution of a complaint through the chain of command.

All supervisors are responsible for promptly addressing complaints of discrimination or harassment filed by or against their employees. Supervisors must ensure immediate and appropriate action is taken if any allegation is made or a situation involving discrimination or harassment is brought to their attention.

Supervisors have an affirmative duty to respond as soon as he or she knows that discriminatory conduct may be occurring, regardless of whether or not a formal complaint has been filed.

Supervisors must notify Human Resources immediately upon becoming aware of a situation in which discrimination or harassment may have occurred.

Supervisors in consultation with the Department Director and Human Resources shall take immediate action while the investigation proceeds. Examples of such action may range from temporarily reassigning the employees involved pending the investigation, or to immediately place one or more of the parties involved on administrative leave, if needed.

Retaliation against an employee for attempting to resolve a dispute, filing a complaint or for participating in any way in an investigation of a complaint will not be tolerated. Employees shall report such reprisal and/or retaliation to the Department Director and/or Human Resources. Supervisors will take appropriate corrective action in consultation with the Department Director and Human Resources to address any violations of law or policy that are discovered during an investigation.

Confidentiality shall be maintained by all parties involved in a complaint and in the investigation of a complaint.

8.18.02 Sexual Harassment

The City of Port Lavaca is committed to providing a work environment free from harassment, offensive behavior or intimidation on the basis of a person's sex. This policy affirms the City of Port Lavaca's position against sexual harassment and ensures that all employees, applicants, vendors, volunteers and interns are provided a work environment free of sexual harassment, as well as to provide a procedure for reporting allegations of sexual harassment.

The City of Port Lavaca will ensure swift and appropriate action is taken in response to any allegation of sexual harassment. Acts of sexual harassment by any employee are prohibited. Sexual harassment on the part of an employee will result in disciplinary action up to and including termination.

One form of unlawful discrimination is sexual harassment. Unwelcome sexual

advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature, which is offensive or objectionable to the recipient and/or observer, constitutes sexual harassment when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- c) 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.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

An employee should report allegations of sexual harassment to his/her immediate supervisor or the Human Resources Department, except as indicated below:

- An employee should not attempt to informally resolve disputes with any supervisor if the dispute relates to allegations of sexual harassment on the part of that supervisor. In those instances, the employee may address the issues with a supervisor in his/her chain of command or contact Human Resources.
- Supervisors are required to report complaints to the Human Resources Department as soon as possible after the act or event prompting the complaint has occurred. The complaint may be made in writing or orally. If the complaint is made orally, it will be reduced to writing by the Human Resources Department and reviewed and approved by the complainant prior to the investigation.

Retaliation against an employee for attempting to resist sexual harassment, filing a complaint, attempting to stop sexual harassment against another employee or for participating in any way in an investigation of a sexual harassment complaint will not be tolerated. Employees should report such reprisal and/or retaliation to the Human Resources Department. Management will take appropriate corrective action for any violations of law or policy that are discovered in the course of an investigation.

All complaints of sexual harassment are addressed in a confidential manner. Each allegation is documented and retained in a confidential file within the Human Resources Department.

Confidentiality shall be maintained by all parties involved in a sexual harassment complaint, or in the investigation of a sexual harassment complaint. However, confidential information may be subject to disclosure in the following instances:

- in the event of legal proceedings or as otherwise required by law;
- information regarding an investigation of a sexual harassment incident may be released to persons within the City on a “need to know” basis (e.g., the parties’ supervisors); and/or
- identity of the complainant and any witnesses in a sexual harassment investigation shall remain confidential unless and until disclosure of identities becomes necessary. Such disclosure may become necessary if the complainant or witnesses testify against a respondent to a sexual harassment complaint claim that has requested a hearing pursuant to the City’s appeal procedures.

Any employee who retaliates, in any form, against an employee for making a complaint of sexual harassment, will be in violation of the City’s sexual harassment policy, and is subject to disciplinary action, up to and including termination. However, disciplinary action against employees who have violated City policy or who are not performing up to acceptable standards will not be stayed merely by the filing of a complaint.

8.18.03 Other Prohibited Harassment

In addition to the City’s prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability,

genetics, veteran status, or citizenship will not be tolerated.

8.18.04 Mandatory Reporting

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- a) the Department Head; or
- b) the Director of Human Resources; or
- c) the City Manager

Any supervisor, manager, or Department Head who becomes aware of possible conduct prohibited by this policy must immediately advise the Director of Human Resources.

Under this policy, an employee may report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command. If you have a complaint against your supervisor, you should report the complaint to the Director of Human Resources.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that the conduct or behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

8.18.05 Investigation

All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

8.18.06 Retaliation Prohibited

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

8.18.07 Responsive Action

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is

found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

8.19 Disciplinary Action

8.19.01 General Policy

It is the policy of the City of Port Lavaca that employees comply with certain standards of behavior and performance and where noncompliance is corrected in a manner that protects the dignity of employees. Disciplinary action is considered a dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work related shortcomings, strengthen work performance, and achieve success. The following disciplinary procedures are merely suggestions. Each disciplinary action will be tailored to fit the specific offense or violation and may take into consideration the specific situation and previous performance record of the individual involved. The City reserves the right to exercise any of the disciplinary options, up to and including termination of an employee. Repeating or jumping a step, or moving to immediate discharge may be appropriate depending on the circumstances and management's judgment.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct reviews of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance issues as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

8.19.02 ~~Oral Warning~~ Verbal Reprimand

The primary purpose of a ~~oral warning~~ **verbal reprimand** is to inform an employee that the quantity or quality of his work or his conduct is such that improvement is necessary. ~~Oral warning~~ **Verbal reprimands** should precede more severe disciplinary action in order that an employee be given an opportunity to correct his deficiency. **Verbal reprimands will be documented by the supervisor and maintained by the Department Head within department files for performance evaluation and record keeping purposes.**

8.19.03 Written Reprimand

If an employee has continuous performance concerns, or behavior requires discipline greater than a ~~oral warning~~ **verbal reprimand**, a written reprimand will be issued in writing to the employee, and a copy will be placed in the employee's personnel file and may affect future consideration regarding pay raises and promotions. A written

reprimand will include, but not be limited to:

- Nature of offense
- Date and time of offense
- Location of offense
- Recommendation for employee's improvement
- Next step of action to be taken if offense(s) is (are) repeated
- Date reprimand issued
- Signature of Department Head or designee
- Signature of employee

Written reprimands may not be appealed by employees; however, employees who disagree with the counseling action may discuss the basis of disagreement with their Department Heads and provide a written rebuttal. Written rebuttals must be submitted within ten (10) business days of receiving the written reprimand.

8.19.04 Suspension

In the event of a serious violation a supervisor may send an employee home for one (1) day pending an investigation of the incident. A determination will be made by the Department Head as to whether the suspension will be with or without pay.

For serious violations, the Department Head is authorized to issue up to three (3) days off without pay. For major or repeated offenses, the Department Head may recommend suspension without pay for a period not to exceed thirty (30) days. Such recommendation must be in writing and submitted to the City Manager for approval. If approved, the suspension will be effective immediately and the recommendation will become a part of the employee's personnel file. Such recommendation will include, but not be limited to, the information required in the preceding section. An employee charged with a law violation may be suspended, pending completion of investigation or trial.

8.19.05 Demotion

If an employee repeatedly violates city policy or exhibits inability to perform assigned job responsibilities at an acceptable level, the Department Head may recommend a demotion, reduction in salary, or both. Such recommendation will be in writing and will include the information required in the preceding section(s).

8.19.06 Dismissal

Any of the following will be considered reason for immediate dismissal, either by the Department Head or the City Manager:

- 1) Failure to meet prescribed standards of work to an extent which makes the employee unsuitable for employment with the City
- 2) Theft or destruction of City property.
- 3) Incompetence, inefficiency, or negligence in the performance of duty
- 4) Insubordination that constitutes a serious breach of discipline
- 5) Conviction of a felony or moral turpitude
- 6) Unauthorized absence or abuse of leave privileges
- 7) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties
- 8) Falsification of records or use of official position for personal advantage
- 9) Unauthorized use of City equipment or material for personal benefit
- 10) Drinking or being under the influence of intoxicants, drugs, or controlled substances while on duty or when reporting for duty
- 11) Failure to meet credit obligations
- 12) Abuse of the public
- 13) Unnecessary rudeness
- 14) Repeated violations of the City's safety & personnel policies
- 15) Repeated violations of traffic laws

Employees may also be dismissed when, in the judgment of the Department Head and the City Manager, the best interest of the City or the maintenance of discipline within the organization dictates such dismissal.

8.20 Grievances

8.20.01 General Policy

The appeal procedure provides a way for an employee to appeal certain disciplinary actions and action taken by management which in the opinion of said employee may be in conflict with stated policies contained in this manual. It is the policy of the City of Port Lavaca to hear all employee grievances and resolve the question as promptly and effectively as possible. As a means of assisting, a procedure is established herein, and all grievances, will be settled solely through this procedure. Every effort will be made to settle a disagreement at the lowest supervisory level, but an employee may appeal from one (1) step to another provided the appeal is made within the time limits prescribed. Failure to follow the procedural requirements will result in a denial of any further case consideration. The appeal procedure may be altered only by the City Manager.

Any employee has the right to file a written grievance and make use of the following grievance procedures contained in this chapter, with the following exceptions:

- a) ~~Oral warnings~~ **Verbal reprimands** and written reprimands are not appealable. However, an employee receiving a written reprimand may respond with a letter **of rebuttal** in his personnel file
- b) Temporary employees may not file a grievance due to termination of employment
- c) No employee may file a grievance with regard to job classification, pay rates or their performance evaluation results

8.20.02 Appeal and Grievance Procedure

Any employee desiring to file a grievance must follow the following procedure:

Step 1 - Immediate Supervisor

If an employee alleges he has a grievance, he must first (1st) attempt to effect a settlement of the matter with his immediate supervisor through prompt and thorough discussion. If this joint effort fails to resolve the problem, the employee may appeal by filing a written statement outlining the nature of the grievance within five (5) working days following the discussion of the parties involved.

Step 2 - Department Head

If the grievance is not satisfactorily settled at Step 1, the employee may within three (3) working days of the conclusion of Step 1, appeal to the Department Head by filing a written complaint which includes a notation of the action or decision rendered by the employee's supervisor. The Department Head will make a decision within five (5) working days following receipt of the appeal and will immediately notify the employee in writing of the decision and forward a copy of the grievance and decision to be placed in the employee's personnel file. The employee may accept or appeal the decision of the Department Head. At this point, all involved parties will make an effort to arrive at a mutually satisfactory agreement, so long as said agreement is in conformance with the requirements of this manual, and represents an equitable solution.

Step 3 - City Manager

If the grievance is not satisfactorily settled at Step 2, the employee may request in writing that his case be reviewed by the City Manager, such request to be made within three (3) working days following notice of decision of the Department Head. The City Manager will render a decision within ten (10) working days from the date of the appeal and the City Manager's decision will be final.

8.20.03 Retaliation

The filing of an appeal or grievance by an employee will not result in any harassment, intimidation, threats, or disciplinary action to the employee by any other employee, supervisor, Department Head or official.

Appendix: HR and Workplace Supplemental Documents

Program Document: Health and Safety Committee/Incentive Program

Incentive Program Summary

The Health & Safety Incentive Program is designed to recognize those City employees who have achieved exemplary safety records by avoiding accidents and injuries through the cautious conduct of their assigned duties. The purpose of the Health & Safety Incentive Program is to promote health & safety awareness among City employees while on and off the job.

Health & Safety Committee

The City's Health and Safety Committee will be held collectively responsible for the development and administration of the City's Safety Program Requirements. The committee will be represented by each department and each member will be responsible for managing a functional area of the program. Each committee member will be appointed by their Department Head and will serve on the committee for a period of two years. For policy guidance and support with workers compensation and accident reports, there will always be Human Resources representation on the Safety Committee.

Committee Rotation Schedule:

Each fiscal year, half of the committee will have new appointees to ensure a consistent rotation and provide stability to the program.

Odd Years (Beginning in FY 15/16)

- Fire Department & Code Enforcement
- Utility Department
- Parks Department

Even Years (Beginning in FY 14/15)

- Police Department & Animal Control
- Street Department
- Administrative Departments

Committee Functional Program Areas:

Each committee member will be responsible for serving in one of the following functional program areas based on committee needs and members' talents and strengths.

Committee Administrative Coordinator (1 Member)

- Responsible for coordinating committee meetings, taking notes, and distributing meeting notes and minutes
- Responsible for managing program action items, tasks and following up with committee members regarding areas of responsibility
- Leverage various methods of communication to maximize program awareness to include the city website, posters, social media, e-mail, text messaging and other forms of communication

Safety Training Coordinators (3 Members)

- Responsible for coordinating city-wide safety training opportunities by working with other departments to identify needs and recommended training options
- Responsible for the annual safety training schedule and ensuring that there are enough trainings offered to meet the incentive requirements
- Responsible for communication with employees about safety program trainings, events, activities and other health and safety related items
- Collaborate with other committee members to ensure information is up to date and communication plans are in alignment with program offerings
- Leverage various methods of communication to maximize program awareness to include the city website, posters, social media, e-mail, text messaging and other forms of communication

Health & Wellness Coordinator (1 Member)

- Responsible for coordinating city-wide health and wellness activities by working with city's insurance provider, local wellness vendors and information available via alternative resources (internet, handouts, etc.)
- Responsible for the annual health & wellness schedule and ensuring that there are enough activities to meet the incentive requirements
- Leverage various methods of communication to maximize program awareness to include the city website, posters, social media, e-mail, text messaging and other forms of communication

Health and Safety Analyst (1 Member)

- Responsible for evaluating metrics and outcomes by reviewing program activities and reports
- Responsible for reviewing quarterly accident/loss reports and evaluate proactive measures that can be taken to address areas of concern

- Work with Safety Training Coordinators and Health & Wellness Coordinator to identify training needs and opportunities to reduce risks based upon quarterly reports and outcome based-metrics

Human Resources Representative (1 Member)

- Responsible for providing necessary reports and metrics to the committee, ensuring employee privacy when necessary
- Serves as the initial resource when issues arise related to personnel policies and procedures and coordinates with HR/City management, when necessary, on escalated or questionable scenarios

Incentive Requirements

Each year, the annual budget will determine the incentive amount allocated for a Safety Incentive Award as part of this program. The annual budgeted incentive amount will receive a MCI adjustment every year if applicable, and will also take into account the City's experience modifier which is provided by the City's liability carrier. An experience modifier is a factor that adjusts an employer's workers' compensation insurance premium. A modifier of 1.0 is average; a factor above 1.0 indicates more claims than expected and increases the premium, while a factor below 1.0 signals fewer claims, leading to a premium reduction. The modifier is calculated using three to four years of payroll and loss data and serves as an incentive to improve workplace safety and reduce claims.

The following requirements outline how employees can earn the incentive, in addition to scenarios that may reduce the incentive the employee may receive. Part-time employees will be eligible for half of the budgeted participation incentive and do not have to complete the annual wellness checkup.

Achieving Annual Incentives

Employees must complete the following program requirements in order to receive the annual safety incentive.

Annual Wellness Checkup (25% of the Budgeted Incentive)

- All employees covered by the city's insurance are encouraged to get an annual physical and provide proof (a doctor's note) showing that the employee completed the physical
- Employees who are not covered by city insurance, and/or receive a reduced amount for the incentive, are exempt from this requirement
- Employees must receive a medical physical within the fiscal year dates (10/01-09/30) to qualify for the 25% of Wellness Checkup incentive.
 - Routine eye and dental exams do not count as a medical

physical

- A medical physical is a comprehensive health check-up performed by a doctor to assess overall health, identify potential issues, and prevent new medical problems.
- During a physical, a provider reviews your medical and family history, checks vital signs (height, weight, temperature, blood pressure, heart rate), and uses their senses to examine your head, neck, heart, lungs, and abdomen.
- Medical physical to receive incentive includes a medical screening performed by a doctor, or bloodwork.

Safety Participation (75% of Budgeted Incentive)

- All employees must attend one (1) session of the annual city-wide sponsored safety training (CPR, Driver's Safety, etc)
- Employees must attend a minimum of four (4) department sponsored training sessions during the program year; preferably one per quarter

New Hire and Termination Policy

- If a new hire is employed during the fiscal year they still have the opportunity to earn a full or partial Safety incentive, upon fulfillment of the other requirements.
 - First quarter (Oct-Dec) employee can receive up to 100% of their safety incentive.
 - Second quarter (Jan-March) employee can receive up to 75% of their safety incentive.
 - Third quarter (April-June) employee can receive up to 50% of their safety incentive.
 - ~~Fourth quarter (July-Sept) employee can receive up to 25% of their safety incentive.~~
- If an employee leaves before the end of the fiscal year they forfeit their right to the safety incentive. If an employee leaves after the end of the fiscal year, but before the Safety Awards, their check will be mailed to them.
- **Employees who are in their probationary period at the end of the safety fiscal year are not eligible to receive a safety incentive for that year.**

Safety Employee of the Year & Incentive

Employees are expected to proactively participate in safety initiatives and contribute to safety awareness across their department and the city as a whole. The City will recognize and reward a Safety Employee of the Year. The Department Head will nominate an employee and the Safety Committee will be responsible for reviewing all nominations and making a final selection. The recipient of the Safety of the Year award will receive an individual award and ~~\$125.00~~ **\$150.00** will be added to their annual safety incentive. The Department Head will base their nomination on the information below. The Committee will review all of

the nominations and make their decision based upon the same criteria.

- Examples of “Proactive Participation” include, but are not limited to:
 - Teaching a departmental safety training
 - Reporting unsafe work hazards and proposing a solution by completing a SAFE form (Safety Awareness For Everyone Form) in order to make the work environment or work activities safer
 - Working with the Health & Safety Committee on special initiatives and actively contributing to the safety program
 - Participate in the preparation for special events such as National Night Out

Incentive Penalties

Employees may have incentive pay reduced if they have contributed or were responsible for unsafe activities in the course of their duties. If applicable, the following penalties will be applied to an employee’s earned incentive award:

Employee At-Fault Incident or Accident

- An employee may lose up to 100% (of the 75% Safety Participation incentive) if they are involved in **at-fault** incident(s), accident(s) or injury that results in worker’s compensation claim(s) or lost time
- An incident is defined as a dangerous situation or scenario that could have been prevented, such as a hazardous waste spill, dangerous use of workplace equipment, or other scenarios deemed unsafe
- An at-fault accident is defined as an accident that results in property damage and liability claim(s) identifying city personnel at fault
- An at-fault injury is defined as one that is a result of unsafe actions that could have reasonably been prevented
- “At-fault” determination will be based upon decisions made by the city’s liability carrier. If there is no determination made by the liability carrier, the Safety Committee will be responsible for reviewing and determining if an incident is considered “at-fault” and if the penalty should be applied. In determining “At-Fault”, the committee will consider the following facts and scenarios:
 - Review actions for any policy violations
 - Review actions for any procedural (SOP) violations
 - Witness’ account(s) of incident or accident
 - Condition of equipment
 - Available training/instruction provided to employee
 - Physical/mental condition of employee (example: had the employee been working 20+ hours providing emergency services and that impacted physical/mental abilities?)
 - If the committee determines that the employee is “At Fault”, they will apply a “3 Strike Rule” impacting the 75%

incentive - meaning each strike docks the employee's incentive 25%.

Department At-Fault Incident or Accident

- A department may lose up to 10% of the department's incentive value if an employee(s) is involved in an **at-fault** incident(s), accident(s) or injury that results in worker's compensation claim(s) or lost time more than three times within the fiscal year
- In the event an employee who is injured during the year transfers departments, the employee and the department the employee is leaving will still be credited with the injury. The department receiving the employee will not be affected.
- An incident is defined as a dangerous situation or scenario that could have been prevented, such as a hazardous waste spill, dangerous use of workplace equipment, or other scenarios deemed unsafe
- An at-fault accident is defined as an accident that results in property damage and liability claim(s) identifying city personnel at fault
- An at-fault injury is defined as one that is a result of unsafe actions that could have reasonably been prevented
- "At-fault" determination will be based upon decisions made by the city's liability carrier. If there is no determination made by the liability carrier, the Safety Committee will be responsible for reviewing and determining if an incident is considered "at-fault" and if the penalty should be applied.

Safety Events

The City will sponsor an annual Safety Awards Banquet each year in November or December. This banquet will serve as the venue for employees to receive their Safety Incentive and when the Safety Employee of the Year will be recognized. The Safety Committee is responsible for planning the banquet and communicating the event to employees.

In addition, each ~~spring~~ year the City will sponsor an annual Safety Week. This event will provide opportunities for employees to learn, and share safety practices and procedures. The Safety Committee will be responsible for planning and coordinating the event for city employees. Resources the committee can use to plan the event include the following:

- Texas Municipal League Intergovernmental Risk Pool: <http://www.tmlirp.org/loss-prevention>
- National Safety Council: http://www.nsc.org/nsc_events/Nat_Safe_Month/Pages/home.aspx

- Safety Topic by Month:
<http://www.trafficsafetymarketing.gov/newtsm/pdf/CommCalendar2015.pdf>

Program Document: Employee Recognition Program

Recognition Program Summary

The City of Port Lavaca considers its employees to be one of its most important assets. The Employee Recognition Program is designed to recognize City employees who perform acts that exceed the expectations of the City in regard to conduct and service. The City will reward exemplary performance and dedication of the City's employees through the presentation of two awards:

- Annual Recognition Award
- Excellence Recognition Awards

Annual Recognition Award

Annual Recognition Awards are based on extraordinary circumstances, not normal or routine duties performed by an employee. Such circumstances are:

- 1) Identifying and implementing an event, program or policy, which promotes the positive attributes of the City to the general public and the City's workforce;
- 2) Demonstrating the highest quality, innovative customer service, either for peer staff members or for the City's citizens or customers;
- 3) Demonstrating heroism-public service without regard for cost to self;
- 4) Instituting innovations which result in efficiency of operations and substantial cost savings to the City; or
- 5) Demonstrating throughout their career with the City, distinguished service through an exceptional and sustained level of commitment, excellence in performing their duties and by continually placing the City first.

Eligibility

All full and part-time employees of the City are eligible to receive the Annual Recognition Award.

Nomination and Selection Process

Nomination forms for the Annual Recognition Award will be available to all employees. Nomination forms will be accepted throughout the year, but must be submitted to Human Resources by November 1st to be eligible for the Annual Award. Completed forms will be reviewed by City Manager. The City manager will consult with Department Heads prior to selecting award recipients. The Annual Recognition Award will generally be limited to one recipient per year.

Type of Award and Announcement

An employee that receives an Annual Recognition Award will be presented with a framed certificate and a monetary reward of \$150. Funds will be budgeted for the program on an annual basis. Annual Recognition Awards will be presented at the Annual City Safety Banquet.

Excellence Recognition Award

Excellence Recognition Awards are based upon exceptional circumstances associated with employee performance. Such circumstances are:

- 1) Contributed to increased morale in the workplace;
- 2) Performing job duties on a superior level;
- 3) Performing exceptional customer service for either peer staff members or the City's citizens or customers that enhances public perception of the City efforts;
- 4) Contributing to the development of enhanced community relations.

Eligibility

All full and part-time employees of the City are eligible to receive the Immediate Recognition Award.

Nomination and Selection Process

Nomination forms for the Annual Recognition Award will be available only to supervisors. Awards will be issued at the discretion of the Department Heads. Nomination forms must be submitted to Human Resources by November 1st to be eligible for the Annual Award.

Type of Award and Announcement

An employee that receives an Annual Recognition Award will be presented with a framed certificate and a monetary reward of \$100. Funds will be budgeted for the program on an annual basis. Annual Recognition Awards will be presented at the Annual City Safety Banquet.

Classification and Compensation Plan

- 1) It is the policy of the City to place its job classes at 100% of the prevailing rates paid for similar occupations by the employer with whom we compete for high quality staff, if financially able, based upon the non-weighted average rates of the designated comparator employers.
- 2) The City will perform surveys every two(2) years, to include city-to-city contact and survey data available through TML. Every sixth(6th) year the City contracts with a third party to review and recommend changes to the City's job descriptions and salaries.
- 3) Survey salary structures and prevailing rates will be represented by the survey midpoints, which are the amounts employers pay for sustained competent performance.
- 4) Job classes are individually reassigned to different salary ranges on a bi-annual basis to reflect the varying movement (if any) in the external prevailing (survey midpoints) for each job class using the currently adopted Permanent Salary Range Table. This table should not be adjusted by blanket percentages or flat dollar amounts, as that will adversely impact on the city's external competitiveness and the internal equity of the salary plan.
- 5) There is no expectation or guarantee that an employee will be at a certain point in the range after a certain number of years. The only guarantees are that (1) each person will make at least the minimum for the assigned pay range and (2) that each person will not be paid a higher salary than the maximum for that range. In cases where survey data requires movement of a salary range, and the City is not financially able to accommodate the full movement required in one budget year, the City will develop a plan for bringing these positions into the correct range over a multiyear period not to exceed three (3) years.
- 6) The starting salary for a new hire will be at least the minimum of the pay range for the job. Department heads have the authority to increase the starting pay up to 5% above the minimum if the applicant exceeds the minimum qualifications for the job. If the department head would like to request an amount above the 5%, this request must be submitted for City Manager approval. Above 105% requires City Council approval. These requests must be made prior to the job offer.
- 7) In situations where an employee is promoted to a position more than four (4) salary ranges above their current range, the City will develop an employee specific plan to bring that employee to the minimum range of their new position over a multiyear period, not to exceed three (3) years. The plan should include specific goals and performance criteria that the employee clearly understands what is required to meet the requirements of the new position.
- 8) Each year the city council will allocate funds to keep the city in line with the compensation plan. Every city employee is guaranteed to be within a competitive range classified by job class. No employee is guaranteed an increase in compensation each year unless the employees salary has dropped below the minimum adopted range for

the job class. The City intends to reward for performance over and beyond the basic job requirements. The City will continue to provide performance evaluation and performance-based merit increases at the beginning of each budget year (currently October 1st).