

City of Rollingwood

Employee Personnel Policies Handbook

THIS EMPLOYEE POLICY HANDBOOK IS A GENERAL GUIDE, AND THE PROVISIONS OF THIS HANDBOOK DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR GUARANTEE OF CONTINUED EMPLOYMENT. THE CITY OF ROLLINGWOOD RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. THE PROVISIONS CONTAINED IN THIS POLICY MANUAL ARE APPLICABLE TO ALL EMPLOYEES. ANY PROMISES WHICH CONFLICT WITH THE PROVISIONS OF THIS MANUAL ARE EFFECTIVE ONLY IF IN WRITING AND SIGNED BY THE CITY ADMINISTRATOR. FINALLY, YOU ARE RESPONSIBLE FOR READING, AND COMPLYING WITH THE MATERIALS CONTAINED IN THIS HANDBOOK AND ANY REVISIONS MADE TO IT.

1.0	SCOPE	4
2.0	GOALS	4
3.0	AUTHORITY	4
4.0	ADMINISTRATION	4
5.0	SAVINGS CLAUSE	5
6.0	EMPLOYEE CLASSIFICATIONS	5
7.0	DISABILITY ACCOMODATION	6
8.0	RECRUITMENT AND SELECTION	6
9.0	DISQUALIFICATION	8
10.0	PROCESSING	9
11.0	WORKING HOURS	12
12.0	PROMOTIONS AND TRANSFERS	13
13.0	BENEFITS	14
14.0	INSURANCE	16
15.0	LONGEVITY	17
16.0	TRAINING	17
17.0	LEAVE OF ABSENCE	17
18.0	FAMILY AND MEDICAL LEAVE	18
19.0	MILITARY LEAVE	20
20.0	CITY EQUIPMENT AND FACILITIES	20
21.0	WORKERS' COMPENSATION AND ON-THE-JOB INJURIES	21
24.0	JOB DESCRIPTION	26
25.0	PERFORMANCE EVALUATION	26
26.0	POLITICAL ACTIVITY	26
27.0	CONFLICTS OF INTEREST	27
28.0	EMPLOYEE RIGHTS AND RESPONSIBILITIES	27
30.0	VIOLENCE	29
31.0	EMPLOYEE CONDUCT	30
33.0	GRIEVANCE PROCEDURE	36
34.0	DISCIPLINARY ACTION	37
35.0	RESTITUTION AS A FORM OF DISCIPLINE	37
36.0	TERMINATION –SEPARATION	37

37.0	NO SMOKING POLICY	38
38.0	CONFIDENTIALITY	38
39.0	NEWS RELEASES/MEDIA	38
40.0	ALCOHOL & DRUG POLICY.....	38
41.0	FRAUD POLICY	40
42.0	CITY ADMINISTRATOR.....	43
	PERSONNEL POLICY HANDBOOK ACKNOWLEDGMENT STATEMENT	46
	DRUG TESTING CONSENT FORM.....	47

1.0 SCOPE

- 1.1 This handbook governs the actions of all employees of the City of Rollingwood, Texas. All City employees serve at the will of the Mayor, except for (i) those instances in which a contract to the contrary has been approved by the City Council and signed by the Mayor, or (ii) the City's Code of Ordinances provides for appointment by the City Council.
- 1.2 This handbook is subject to the City's Code of Ordinances and other applicable laws and regulations which may, for example, affect the activities of police personnel, certain department heads, the elected officers of the City, and members of boards appointed by them.
- 1.3 The City Administrator and department heads are part of the management teams that serves at the will of the Mayor and has no property rights to his position.

2.0 GOALS

- 2.1 Promote efficient and responsive public service within budgetary restraints and increase the efficiency and economy of public service.
- 2.2 Provide fair treatment for all City employees and encourage every employee to give his or her best effort for the City and its citizens.
- 2.3 Promote high morale and foster good working relationships among City employees.

3.0 AUTHORITY

- 3.1 The authority for implementing this manual is given by the City Council of the City of Rollingwood, Texas, to the Mayor. The basis for this authority is found in Texas law.
- 3.2 The Mayor, as Chief Administrative Officer and Executive Officer, has the authority to overrule, revise, or uphold any interpretation of these policies.

4.0 ADMINISTRATION

- 4.1 Day-to-day administration of the policies and procedures contained in this handbook rests with the City Administrator and individual department heads.
- 4.2 All employees shall be made aware of the existence of this handbook and encouraged to read or refer to it often. The Administrator will insure that an up-to-date copy is issued to each employee and a signed acknowledgment statement obtained. The signed statement will be placed in the employee's personnel file.
- 4.3 The City Administrator and each Department Head serve at the will of the City Council. Department heads are responsible for the effective and efficient operation of their departments. Department heads, with the consent of the Mayor, may require stricter or more detailed policies applicable to their departments, which policies should be written and made available to employees of the department. Where departmental policy is in conflict with this policy, the more restrictive regulation will apply.

5.0 SAVINGS CLAUSE

- 5.1 If any provision of these policies, or the application of same to any person or set of circumstances, shall be held unconstitutional, void, or invalid, such invalidity shall not affect the remaining provisions of these policies or their application to other persons or sets of circumstances, and to this end, provisions of the Employee Personnel Policies Handbook of the City of Rollingwood, Texas, are declared to be severable.

6.0 EMPLOYEE CLASSIFICATIONS

- 6.1 *Appointed City Officials* are those City employees who are appointed by the City Council in accordance with the City of Rollingwood Code of Ordinances (e.g., Municipal Judge, City Administrator, City Secretary, Chief of Police, etc.).
- 6.2 *Full-Time Employee* is an employee who is regularly scheduled to work at least forty (40) hours a week and is entitled to all rights and benefits of employment with the City of Rollingwood.
- 6.3 *Part-Time Employee* is an employee who is regularly scheduled to work less than forty (40) hours per week and is entitled to certain rights and benefits.
- 6.4 *Seasonal Employees* are hired to perform specific recreational tasks for a period of less than seven (7) months and are not entitled to benefits or overtime.
- 6.5 *Student Trainees* are part-time employees who are sponsored by educational institutions to receive on-the-job training in various City Departments and are not entitled to compensation or benefits.
- 6.6 *Hourly Non-Exempt Employees* are those employees whose pay is computed on an hourly basis and under the Fair Labor Standards Act are entitled to overtime pay at one and one-half times the regular hourly rate.
- 6.7 *Salaried Exempt Employees* are those employees who are not entitled to overtime compensation under the Fair Labor Standards Act due to the nature of their duties as well as the manner in which they are compensated.
- 6.8 *Department Heads* are those Appointed City Officials who supervise departments of the City.
- 6.9 *Health Care Provider* means a practitioner, institutional provider or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state, including a physician.
- 6.10 *Independent Contractors* are not employees but are individuals contracted to perform a certain project.
- 6.11 *Temporary Employees* are employees hired on a temporary basis. They are not entitled to benefits.
- 6.12 *Regular Employees* are hired for an indefinite period of time; temporary and seasonal employees are not regular employees.

7.0 DISABILITY ACCOMODATION

- 7.1 The City of Rollingwood is committed to complying fully with the Americans with Disabilities Act (ADA) and Americans with Disabilities Act As Amended (ADAA) and applicable related state law.

The City of Rollingwood will engage in the interactive process and make reasonable accommodations for disabled applicants as well as for employees with disabilities who are qualified to perform the essential functions of the job, when the individual does not pose a danger to their own safety or the safety of others, and when the City can do so without undue hardship on the organization. An employee who is currently disabled or becomes disabled during employment with the City of Rollingwood and who wishes to request accommodation is encouraged to contact the employee's supervisor to discuss the situation.

Medical information on individual employees is treated confidentially. The City of Rollingwood will take all reasonable precautions to protect such information from inappropriate disclosures.

8.0 RECRUITMENT AND SELECTION

8.1 Equal Employment Opportunity

The City of Rollingwood is an equal opportunity employer that maintains a policy of nondiscrimination with respect to all employees and applicants for employment. All personnel actions, such as recruitment, hiring, training, promotion, transfer, compensation, benefits, discipline, and termination of employment, are administered without regard to race, color, sex, religion, national origin, age, or disability. Employment decisions, subject to the legitimate business requirements of the City, are based solely on the individual's qualifications, merit, and performance.

8.2 Minimum Qualifications

- 8.2.1 Applicants for employment must be at least 16 years of age.
- 8.2.2 A high school diploma or G.E.D. is desired; employees not having attained this shall be encouraged to do so.

8.3 Vacancies and Announcements

- 8.3.1 A Department Head who has a vacant position shall publish notice of the opening on each department bulletin board for a period of not less than five (5) working days. Department Heads shall not discourage anyone from submitting an application.
- 8.3.2 The Department Head may at his/her option simultaneously advertise the vacancy to the general public in order to attract an adequate number of qualified applicants from which to choose.

- 8.3.3 Each vacancy announcement shall contain, to the extent available, job title, nature of job, required qualifications, deadline, method of application and salary.

8.4 Applications

- 8.4.1 All applications will be on a form approved by the Mayor and provided by the City Secretary. Applications will be accepted at City Hall during normal working hours and will be received by the City Secretary's office. No applications will be considered for an advertised vacancy after the employment announcement deadline has passed, except where fewer than five (5) applications have been received. If fewer than five (5) applications are received, the deadline may be extended.

- 8.4.2 No written job offers will be given without prior authorization

8.5 Selection Procedure

The following selection procedure will be utilized at all times.

8.6 Screening

The Department Head shall screen the applications. Applications that do not represent the minimum qualifications requested will be placed in the position file and will not be considered.

8.7 Verification

Applicants may be required to submit proof of any statements or claims made in the application, or to demonstrate compliance with the prescribed standards for appointment to the position involved.

8.8 Testing

Depending on the nature of the position, applicants may be required to undergo testing as deemed necessary for the proper evaluation of the candidates. In all cases these tests shall be related to the job requirements and in accordance with the Americans With Disabilities Act.

8.9 Interview

After the applicants are reduced to those who meet the minimum qualifications, the Department Head will select the top applicants to be interviewed.

8.10 Selection

After the interviews, the Department Head will notify the Mayor of the selection.

8.11 Physical

The City may require any prospective appointee to submit to a medical examination at any time after an unconditional offer of employment has been made, contingent only on the outcome of the examination. This will be at the City's expense.

8.12 Pre-Employment Drug Screening and Background Investigation

Prior to making an unconditional offer of employment, all employees will be required to pass a drug screening test, criminal background test and driver's license check, all at the City's expense. After an applicant has successfully passed these investigations, a conditional offer of employment may be extended, subject only to a satisfactory medical examination.

9.0 DISQUALIFICATION

9.1 An applicant may be disqualified from employment consideration for any lawful reason including, but not limited to, the following:

- a) Does not meet the minimum requirements
- b) Is unable physically or mentally to perform the essential functions of the position, with reasonable accommodations.
- c) Has made a false statement of material fact on the application form or supplements.
- d) Has committed or attempted to commit a fraudulent act at any point in the evaluation process.
- e) Is not a legal resident of the United States and does not possess a valid work permit at the time of application.
- f) Is a violation of the City of Rollingwood Nepotism Policy
- g) Non-payment of taxes
- h) Proven abuse of Workers' Compensation benefits
- i) Any other grounds considered reasonable in relation to the duties of the position that the candidate does not meet or fulfill.
- j) Positive results from pre-employment drug screen that are not part of a currently prescribed medical treatment.
- k) Background check.

Applicants who have been convicted of, pled guilty to, or pled no contest to a criminal charge, or have ever received probation or deferred adjudication for a criminal charge, will be evaluated based on the seriousness of the crime, the recency of conviction, and the correlation between the crime and the nature of the job applied for. The hiring decision in such cases rests with the Mayor. This provision shall not be interpreted to invalidate any statute prohibiting the employment of persons convicted of certain crimes in specific positions.

9.2 Nepotism

9.2.1 No employee may work in or hold a position, which in any way bears a supervisory or decision-making relationship to a position held by an employee related by consanguinity to the third degree or by affinity in the second degree.

9.2.2 An application for employment shall be rejected if a person is related to a member of the City Council by consanguinity in the third degree or by affinity in the second degree.

9.3 Exception

If a person is elected to the City Council and is related to a City employee by consanguinity in the third degree or affinity in the second degree and that employee has successfully

completed two (2) years of employment, he may continue his employment with the City. If he or she has not completed two (2) full years of

- 9.4 The following diagrams show consanguinity and affinity in their respective degrees, as applied to City employment.

CONSANGUINITY

CIVIL LAW DEGREES OF RELATIONSHIP

	1 st	2 nd	3 rd
Employee	Child	Grandchild	Great Grandchild
	Parent	Sister/Brother	Niece/Nephew
		Grandparent	Aunt/Uncle
			Great Grandparent

Consanguinity: Consanguinity is more commonly referred to as blood relationship and may be lineal (father, son, grandson) or collateral (brother, nephew, uncle).

AFFINITY

CIVIL LAW DEGREES OF RELATIONSHIP

	1 st	2 nd	3 rd
Employee	Spouse	Spouse	Spouse's brother/sister
	Spouse's Parent	Spouse's Parent	Brother/Sister's Spouse
		Child's Spouse	Spouse's Grandchild
		Spouse's Child	Spouse's Grandparent

Affinity: Affinity is more commonly referred to as relationship by law or marriage.

10.0 PROCESSING

- 10.1 All necessary paperwork for a new hire shall be completed before, on or about the employee's first day of work.

- 10.2 The City Secretary shall insure that as a part of the new hire processing procedure:

- a) The new employee reviews and discusses the Employee Personnel Policies Handbook and signs the acknowledgement statement.

- b) The policies and procedures are reviewed and explained.
- c) The employee benefits are reviewed and explained, summaries provided and enrollment forms completed.
- d) The organizational structure of the City Government is explained.

10.3 The City Secretary will develop and supply the necessary checklist to be used as an orientation guide. The form will become a part of the employee's personnel file.

10.4 The City Secretary will inform all new hires that any outside employment must be approved by the Department Head and the Mayor. The City Secretary will inform

10.5 Employer Records

10.5.1 Required Notification of Change

It is imperative that employees notify their Department Head of certain changes as soon as possible. The Department Head must notify the City Secretary of:

- a) Change in marital status or number of dependents (for health insurance and income tax withholding purposes)
- b) Change in beneficiary for employer-provided benefits
- c) Change in Social Security identification (i.e., name change)
- d) Change in phone number (listed or unlisted)
- e) Change of mailing and residence address
- f) Change in driver's license number or status
- g) Change of person to notify in an emergency
- h) Additional schooling, training, certificates and degrees earned
- i) Any criminal charges of a class B misdemeanor or higher and any criminal charges that constitute moral turpitude
- j) Any other change or activity that could affect pay, benefits or job status

10.5.2 Personnel Files

10.5.2.1 The City Secretary will maintain personnel files which contain all employment- related records. An employee's records containing health information (such as injury records, doctor's notes, and results of medical examinations) shall be maintained separately from other personnel records. Each Department Head may maintain departmental files, provided health-related information is maintained separately.

10.5.2.2 The City of Rollingwood respects the rights and dignity of its employees. The City has a duty to protect its employees' right of privacy and to that end adopts these principles:

a)	The City will request and retain only that information which it has a legitimate need to know for legal or business purposes.
b)	The City will protect the confidentiality of all personnel information in its records and files in accordance with applicable laws.
c)	Each employee has the right of access to his personnel file, monitored by the City Secretary.
d)	Each employee has the right to correct inaccurate information, limited to items such as address, phone number, name changes, changes in dependents, and other information as submitted to the Department Head.

10.5.2.3 No employee may remove anything from the personnel file.

10.5.3 Access to Employee Personnel Files

The City Secretary will strictly limit access to an employee's personnel file to the employee and to members of the City administration who have a legitimate need for access, unless the Texas Open Records Act or other applicable law requires disclosure. Original personnel files will not be removed from the Municipal Building but may be reviewed in the presence of the City Secretary or another person designated by the City Secretary. Anyone authorized to review a personnel file will be required to sign the Personnel File Access Log. Production of such files pursuant to an order of a court or agency will be in accord with applicable law. The City Secretary only upon approval of the Mayor will reproduce requested material.

10.5.4 Access to Employee Confidential Files

To protect the privacy of the employee (and not for the purpose of withholding information from the employee), the City Secretary will strictly limit access to an employee's confidential file to those with a legitimate need to know, including the following:

a)	Mayor
b)	City Administrator and Department Head
c)	Each employee has the right of access to his personnel file, monitored by the City Secretary.
d)	Each employee has the right to correct inaccurate information, limited to items such as address, phone number, name changes, changes in dependents, and other information as submitted to the Department Head.

10.5.5 Departmental Records

Department Heads will maintain only that information about an employee that is essential to their department's operation. This will normally be limited to:

a)	Current year's attendance records
b)	Employee's current phone number
c)	Most recent performance evaluation

d)	Notes, memos, documents, or other information regarding an employee's job performance
e)	Certificates of training/school completion and other training records
f)	Any information that may be justified or required by law

10.5.6 Employee Access and Review

Each employee may review his own personnel file in the presence of the City Secretary or other person designated by the Chief Financial Officer. Employees are encouraged to keep their requests to review or inspect to a reasonable level. Request will be made through the City Secretary.

10.5.7 Employment Information Disclosure

All requests for information concerning current or former employees may be referred to the City Administrator to protect the employee's right to privacy. The City Administrator is the only person authorized to release the following information:

a)	Employee name
b)	Position held with the City
c)	Confirmation of salary
d)	Length of service
e)	Position(s) held

An exception shall be allowed for a Department Head to give a job reference.

10.5.8 Public Disclosure of Employee Information

To further protect the privacy rights of employees of the City of Rollingwood, only the following information in an employee's personnel file may be released to the media or any member of the general public.

a)	Employee name
b)	Position held with the City
c)	Salary and benefits
d)	Length of City service

No other information may be released unless a request in writing is made and the release is authorized by the employee or after consultation with the City Attorney. Violations shall be grounds for disciplinary action.

11.0 **WORKING HOURS**

11.1 The normal work week for most City employees is (40) hours.

11.2 The normal number of hours worked per week may vary by department based on such factors as local, State or Federal statutes, work load, time of year, etc.

- 11.3 Administrative and staff personnel will report to their workstation at 8:00 a.m. and finish at 5:00 p.m.; however, with the City Administrator's approval Department Heads may establish work schedules in their departments, based on the business needs of that department.
- 11.4 When employees are required to work overtime, they will be compensated according to applicable state and federal law.
- 11.5 Department Heads may schedule lunch breaks in accordance with their individual departmental requirements.
- 11.6 Employees may hold outside jobs as long as they meet the performance standards of their job with the City. An employee will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements. If the Department Head, with the Mayor's approval, determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City, as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City. Outside employment that constitutes a conflict of interest is prohibited.

11.7 Absences-Late Reporting For Work

- 11.7.1 An employee who will be tardy or absent from work must call the employee's supervisor at the beginning of the first day of absence with a full explanation of the cause. Unless other arrangements are approved by the supervisor, the employee must continue to call in each day during the absence. An unexcused failure to call on any day will be considered resignation from employment. If the supervisor is not available to receive the employee's call, the employee should contact the Department Head instead. If an employee must leave work before the shift ends, the employee must obtain the supervisor's authorization to leave. All tardiness, late or early departures, and absences from work shall be accounted for.
- 11.7.2 Any employee missing work for two (2) consecutive shifts without prior approval may be considered to have resigned.

12.0 PROMOTIONS AND TRANSFERS

12.1 Promotions

A promotion is the upward assignment of an employee from a position in one class to a position in another class assigned to a higher salary schedule. It is the City's policy to provide promotional opportunities to qualified employees whenever possible.

12.2 Transfers

A transfer is the assignment of a current employee to any new position outside of the current employee's department. Employees are required to be employed full time for a minimum of 12 months before they may apply for a transfer.

13.0 BENEFITS

The City of Rollingwood, in its effort to obtain and retain qualified, loyal, productive employees, offers a package of benefits.

13.1 Vacation

Vacation shall be accrued on a predetermined number of hours per pay period and may be taken after the initial review period of employment (six (6) months) has been completed or at the discretion of the City Administrator.

An employee may not take vacation time of more than 15 concurrent business days unless approved by the City Administrator and all vacation requests are to be approved by the employee's supervisor.

13.1.1 Vacation Accrual for Full-Time Employees

All full-time regular employees regular shall accrue vacation as shown on the following schedule:

- a) Year 0 thru 5 - 80.00 hours annually (3.076 hours/per pay period)
- b) Year 6 thru 10 - 96.00 hours annually (3.692 hours/per pay period)
- c) Year 11 thru 15 - 120.00 hours annually (4.615 hours/per pay period)
- d) Year 16 thru 20 - 144.00 hours annually (5.538 hours/per pay period)
- e) Year 21 and on - 160.00 hours annually (6.153 hours/per pay period)

13.1.2 Vacation Accrual for Part-Time/Temporary/Seasonal Employees

Part-time regular employees who are regularly scheduled to work at least 20 hours per week shall accrue vacation time based upon the number of hours they work [e.g., if an employee works 520 hours in one year, the employee accrues 20 hours of annual paid vacation. 520 is 25% of 2080 (full-time), 20 hours is 25% of year 1-5 vacation (80 hours)].

Temporary and seasonal employees do not earn vacation.

13.1.3 Vacation Carryover and Payout

An individual may carry over all vacation accrued from the previous year. An employee may not carry over or hold over more than the sum of the employee's present year's vacation accrual plus the previous year's vacation accrual.

Employees shall be paid at their present rate of salary for any vacation accrued, up to the stated accrual cap in 13.1.1 or as prescribed by law, at the time of their resignation, separation, termination or retirement unless they terminate their employment with the city within the initial review period of employment (six months). An employee who terminates their employment with the city within the initial review period of employment will not be entitled to vacation pay for any vacation accrued.

13.2 Holidays

Holiday pay is pay received for a legal or declared holiday. Only full-time regular employees are entitled to holiday pay.

The City Council will review and approve holidays based on staff recommendations.

An employee who is absent without prior authorized leave on the shift or workday immediately preceding or following a holiday will **not** be paid for the holiday. Employees on unpaid leave preceding a holiday will not be paid for the holiday.

An exempt employee who is scheduled to work on an official holiday may take the holiday at a later date with approval from their supervisor.

13.3 Jury Duty

Full-Time regular employees who are called for jury service or serve on a jury continue to receive their regular rate of pay for any time spent on jury duty. The employee shall submit a copy of their jury summons or statement of jury service to their supervisor.

13.4 Court Appearances

Full-time regular employees subpoenaed to testify or be a witness in any criminal or civil proceeding related to the employee's employment with the City or other official City duties shall be paid their regular pay during such absence. Appearances on off-duty time shall be compensated in accordance with applicable State and Federal statutes. Full-time regular employees required to appear in court who have a personal interest in the proceedings, except as provided above, shall not be paid, unless the time is charged to vacation or other compensated time off due the employee.

13.5 Military Leave

Full-time regular employees who provide Services in Uniformed Services will be allowed two (2) calendar weeks of military leave with pay annually upon presentation of proper military orders.

13.6 Bereavement Leave

Full-time regular employees are allowed up to three (3) working days of bereavement leave for the following reasons: death or hospitalization for serious illness or injury when death of immediate family members is imminent. "Immediate family members" includes spouse, mother, father, children, grandparents, brothers, sisters, and legal guardians. Bereavement leave is available on the first day of employment.

Employees may be paid for absences exceeding three (3) working days in the calendar year if they utilize accrued vacation, sick leave or compensatory time and have the prior approval of their supervisor.

13.7 Sick Leave

Sick leave is defined as paid time away from work due to a bona fide illness or injury that prevents the employee from working, or visits to the doctor or dentist, or to care for family members (spouse, son, daughter or parent) who are ill or injured. Sick leave will accrue from date of hire. Employees may take available sick leave after the commencement of employment.

Full-time regular employees accrue sick leave at the rate of 3.69 hours per pay period, equivalent to 95.94 hours per year. Part-time regular employees who are regularly scheduled to work at least 20 hours per week accrue sick leave based upon the number of hours they work.

Employees who use more than 24 continuous hours of sick leave must provide proof of illness upon or prior to returning to work. The Department Head may also require such proof of illness in other circumstances, at the Department Head's discretion. In cases of extended illness/injury [i.e., more than three (3) work days or shifts] employees must call in and advise their departments of their condition and progress a minimum of every three (3) work days or shifts and furnish the department with a doctor's report each time they visit the doctor. Employees shall be required to provide a doctor's release prior to returning to work after having been absent for three (3) consecutive days.

13.7.1 Maximum Accrual of Sick Leave

Employees may not accrue more than 960 hours of sick leave.

13.7.2 Sick Leave Buy Back

Full-time employees who meet the eligibility requirements below are eligible to be compensated for sick leave hours up to 240 hours at a rate of one hour of pay per hour of sick leave. The eligibility requirements are as follows:

Retirement:

An employee must have ten (10) years of continuous service, and be eligible to retire with TMRS.

13.7.3 Nothing in this section shall constitute an employee contract or alter the at-will employee relationship.

13.8 Retirement

The City of Rollingwood is a member of the Texas Municipal Retirement System (TMRS) and contributes a percentage toward eligible employees' retirement funds. Employees should be provided a booklet supplied by TMRS detailing all options and benefits available under this system. The finance department will keep employees informed of changes in the rate, matching funds and benefits as they occur.

14.0 INSURANCE

The City of Rollingwood may provide employees with the following types of insurance in accordance with the terms of the applicable policies:

a)	Accidental Death and Dismemberment
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b)	Worker's Compensation (for work-related illness and injury)
c)	Group Health and Major Medical with Dental (for illness/injury away from work). After employment, eligible employees may purchase this coverage for their dependents via payroll deduction.
d)	Professional Liability Insurance
e)	Life Insurance, part of Group Health

15.0 LONGEVITY

The City of Rollingwood pays to full-time employees a longevity incentive of \$3 .00 per pay period per year of service, effective after one year, up to a maximum of \$75.00 per pay period.

16.0 TRAINING

The City of Rollingwood desires its employees to be knowledgeable in all phases of their employment. The City through its Department Heads will from time to time schedule certain employees to attend certain courses, seminars or training sessions.

- 16.1 The cost of travel, lodging, meals, beverages and tips for those courses, seminars, and training sessions shall be borne by the City, provided the employee completes the instruction in a satisfactory manner. The employee will be paid a per diem when traveling, as set by the Mayor, which includes meals, non-alcoholic beverages and tips. The Mayor, at his discretion, may allow reimbursement on any actual expenditure over the per diem limit. Mileage, when using the employee's personal car, is equal to current IRS reimbursement and will be reimbursed on the lesser of the:

a)	Miles from the City's offices to location of event; or
b)	Miles from the employee's residence to location of event.

Mileage, hotel costs, parking and other reasonable travel costs related to the training are reimbursed as a separate item. All such items require receipts to be timely submitted for reimbursement.

- 16.2 If an employee does not complete the instruction in a satisfactory manner, the employee may be required to take the course, seminar, or training session again at the employee's own expense or be subject to disciplinary action, except in circumstances that are beyond the employee's control.

17.0 LEAVE OF ABSENCE

A leave of absence without pay may be authorized by the City Administrator for up to 30 calendar days or by the Mayor for up to 60 calendar days upon recommendation by the City Administrator.

Leaves of this type should be job-related in some manner, such as for teaching purposes at college or technical schools, or taking of courses or seminars not normally funded by the City.

However, wide discretion shall be allowed to Department Heads and the City Administrator in this area.

Because of the inconvenience and cost to the City, and the wide varieties of situations in which such leaves could be requested, whether to grant a personal leave of absence will be decided on a case-by-case basis with such factors as length of service, reason for the leave, requested duration of the leave, and job responsibilities taken into account.

Certain rules apply when an employee is on an unpaid leave of absence:

1.	The employee will not accrue vacation or personal leave.
2.	The employee is not eligible for paid holiday leave.
3.	The employee may elect to continue coverage under any employee benefit plans (such as health insurance), in accordance with the terms of those plans at their own expense during an unpaid leave of absence. The employee should make arrangements with the City Administrator before taking unpaid leave in order to ensure premium payments are made timely.
4.	An employee who accepts or continues other employment while on either paid or unpaid leave without the prior written approval of their immediate supervisor will be considered to have resigned voluntarily from employment with the City.
5.	The employee must exhaust all paid leave before qualifying for unpaid leave.
6.	The City does not guarantee that an employee will be restored to his or her former position at the end of any unpaid leave. The City will endeavor to find an available position for which the employee is the best qualified candidate, but if no such position is available, the employee's employment will be terminated. Employees who fail to comply with the conditions of an unpaid leave or to return to work at the end of the leave will be deemed to have voluntarily resigned and employment will be terminated.

18.0 FAMILY AND MEDICAL LEAVE

Although all public agencies (including local governments) are covered by the Family and Medical Leave Act of 1993 (FMLA), not all public employees are covered. To be eligible, employees have to work for a covered employer for at least 12 months (they need not be consecutive) and must have worked at least 1,250 hours within the prior 12 months. The eligible employee must work at a location where at least 50 employees are employed, and be within 75 surface miles of the employer. As a result of these requirements, the City of Rollingwood currently has no eligible employees but must provide this FMLA notice to its employees.

Pursuant to the FMLA, the City of Rollingwood will provide up to twelve weeks leave for employees eligible for such leave. The following policy outlines the requirements for obtaining leave, the amount of leave that may be taken, and how the leave relates to other time off provided by the City of Rollingwood.

18.1 Purposes

An employee who is eligible for FMLA leave may take a total of 12 work weeks of leave during a 12-month period measured forward from the date the employee takes the first day of FMLA leave, for one or more of the following purposes:

a)	To care for a newborn child so long as leave is completed before the child's first birthday;
b)	Placement of a child for adoption or foster care so long as leave is completed before the one-year anniversary of the initial placement;
c)	To care for a spouse, child, or parent of an employee who requires such care because of a serious health condition; or
d)	When the employee has a serious health condition which renders him or her unable to perform the functions of his or her job position.

A "serious health condition" is any illness, injury, impairment, or physical or mental condition that involves (1) inpatient care, including any period of incapacity subsequent to or in connection with such inpatient care, or (2) continuing treatment by a health care provider.

18.2 Notice of Leave

An employee must give the City of Rollingwood 30 days' notice of the employee's intention to take family leave, if the date of the birth or placement is foreseeable, or to take medical leave for planned medical treatment. If it is not possible to give 30 days' warning, the employee must give the City of Rollingwood as much notice as possible.

18.3 Documentation

The City of Rollingwood may require that the employee provide documentation of the serious health condition that is the basis for the leave request. The City of Rollingwood may require an employee returning from medical leave to document that the employee is able to resume work.

18.4 Leave Guidelines

In no event can family/medical leave last for longer than twelve weeks. Employees on family/medical leave will be required to exhaust all accrued but unused vacation and sick leave before being placed on unpaid status. No additional vacation or sick leave will accrue while an employee is on family/medical leave.

An employee returning from leave must be restored to his or her old position or a position with equivalent pay, benefits, and work conditions. Any benefits already accrued by the employee before taking leave must still be available to the employee on returning. Employee benefits and seniority do not continue to accrue while the employee is on leave.

18.5 Group Health Insurance

The City of Rollingwood must continue making the same contribution to the employee's group health plan during leave time that the employer would have made if the employee had been present at work.

18.6 Reinstatement

Employees will be returned to the same position occupied before the leave begins. If, however, that position is not available, employees returning from leave will be offered an equivalent position.

19.0 MILITARY LEAVE

A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States. The requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA) that govern military absences are complex. The City follows all USERRA laws and regulations for Military Leave. Contact the City Administrator should you have any questions.

20.0 CITY EQUIPMENT AND FACILITIES

Certain employees are authorized the use of the City vehicles. Those employees operating a City vehicle must have a valid Texas Driver's License. These vehicles are to be used for City business. Each department shall regulate the use of City vehicles to comply with departmental requirements. City equipment and facilities shall be used for official purposes only and will not be taken home or otherwise used for personal purposes. Under no circumstances will employees use City vehicles for the transportation of passengers other than City employees unless the City Department Head gives prior approval.

Drivers must also remain insurable. If a driver becomes uninsurable due to violations received on or off the job either before and/or during the term of employment, regardless of fault, such driver is subject to immediate termination.

All accidents involving City equipment, including vehicles and regardless of severity, must be reported to the City Administrator. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.

The use of a City vehicle while under the influence of intoxicants and other drugs is forbidden and is sufficient cause for discipline, including termination. No alcohol may be transported in a City vehicle, unless such items constitute evidence or the individual has prior approval from the Mayor.

21.0 WORKERS' COMPENSATION AND ON-THE-JOB INJURIES

- 21.1 Workers' Compensation Coverage: The City of Rollingwood provides workers' compensation through the Texas Municipal League Workers' Compensation Joint Insurance Fund.
- 21.2 Injury Reporting: Any injury that occurs on the job shall be reported to the supervisor or Department Head as soon as practical, and in all cases within 24 hours. Timely reporting is essential to insure the employee's right to workers' compensation benefits. An employee failing to timely report an injury as required will not be eligible for injury leave (see 21.4).
- 21.3 Reporting Responsibility: The Department Head shall be responsible for reporting to the City Administrator (on the forms provided) every injury reported to him/her or his/her subordinates. The Department Head shall investigate the circumstances of each injury and take precautions to prevent similar occurrences.
- 21.4 Injury Leave: Only full-time regular employees at the time of an on-the-job injury are eligible for paid injury leave. Paid injury leave hours shall not exceed the number of unused sick leave hours accrued by an employee on the date of injury. Injury leave shall commence the first day the employee is unable to return to work. An employee who is injured after giving notice of retirement or resignation, or after receiving notice of discharge or layoff, shall not receive injury leave beyond the date his/her retirement, resignation, discharge or layoff was to be effective.
- 21.5 Payment of Injury Leave: The City will pay the difference between workers' compensation weekly benefits and the employee's base salary, less the usual payroll deductions for income tax, Social Security, retirement, dependent health coverage (if elected) and any other deduction applicable to the employee.
- 21.6 Maintaining Eligibility for Injury Leave: To maintain eligibility for injury leave while off the job, an employee must provide his/her supervisor with a statement from a physician verifying the disability and the expected date of return. Any changes regarding expected date of return must be reported to the Department Head as soon as possible prior to return. A physician's statement must be provided every thirty (30) days, or more frequently, if requested by the Department Head, or the City Administrator. The City reserves the right to require the employee to be examined by a City-designated physician paid for by the City. Injury leave shall be paid only if these provisions are strictly followed.
- 21.7 Accrual of Sick and Vacation Leave: An employee continues to accrue vacation and sick leave while on injury leave. If an employee is unable to return to work after injury leave has been exhausted and chooses to receive only Workers' Compensation payments, then accrual of sick and vacation leave shall cease until the employee returns to work or chooses to use his/her sick and vacation leave.
- 21.8 Compensation After Injury Leave: An employee unable to return to work after injury leave is exhausted may choose to use sick and vacation leave at the rate of the employee's base salary per pay period, in addition to Workers' Compensation payments. The employee may also choose to receive only Workers' Compensation payments, keeping accrued sick leave and

vacation leave intact. The employee shall communicate his choice to the Department Head in writing prior to exhausting injury leave.

21.9 Health/Life Coverage While Off the Job: The City will continue to pay the City's share of an injured employee's health/life coverage until the earlier of separation from the City or one year from the date of injury. The employee is responsible for payment of dependent health coverage (if elected) through payroll deduction, or by direct payment if injury, sick and vacation leave have been exhausted or the employee is on leave without pay.

21.9.1 Modified Duty Assignments: The employee has a responsibility to return to work as soon as the employee is medically capable. The City may, based on the availability of work, arrange for temporary modified duty assignments until the employee is capable of performing full duty requirements. Modified duty assignments may be in the employee's regular department or in any other department. Modified duty physical limitations will be established jointly by the employee's physician and the Department Head.

21.9.2 Employment of a Replacement: If an injured employee is on workers' compensation and off the job longer than twelve (12) weeks, then the City may employ a replacement for the position. If the injured employee later becomes medically capable of performing full duty requirements, then the employee shall be considered for the next available position for which he is qualified.

22.0 **SAFETY POLICY**

This policy statement is written for the purpose of providing a safe working environment and protecting all employees from job-related injuries. Every accident is costly and reduces the funds available for use in daily operations.

22.1 These rules should also be considered basic minimum rules and in no case can be considered optimum procedures related to any activity. This policy and the related rules shall be read carefully by each employee and a statement shall be signed and shall become a part of each employee's personnel file. Compliance with the City's Safety Rules and Regulations and supplemental additions to this booklet is a condition of employment.

- a) All employees are responsible for the safety program. They must be aware that their actions, mental state, physical condition, and attitude directly affect the safety of themselves, their fellow employees and the public.
- b) Familiarize yourself with all safety rules and procedures as they apply to your work activities.
- c) Observe all safety rules and work in accordance with accepted safe practices. Job safety will take precedence over short cuts or time limits.
- d) Call attention about unsafe practices and conditions to supervisors.
- e) Do not undertake any job you do not understand.

- f) Use reasonable care in performance of your duties to assure safety to yourself and your fellow employees and the public.
- g) Wear proper personal protective equipment.
- h) Report ALL accidents to your supervisor as soon as they happen.

22.2 Department Heads are assigned as risk managers for their departments. As such, each will be responsible to foresee problem areas and correct them, while at the same time advising other Department Heads to insure the problem does not exist elsewhere in the City.

22.3 The City of Rollingwood strives to provide a safe and healthy place to work. Although Department Heads are responsible for ensuring safe conditions in the work area, employees also share the responsibility for maintaining a safe environment for other employees, citizens, guests and customers.

The City of Rollingwood provides information about workplace safety and health issues through regular internal communication, employee meetings, bulletin board postings, memos, and other written material. Employees and Department Heads receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Employees who have concerns or suggestions for improving safety in the workplace are encouraged to raise them with their supervisors. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their Department Head. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, to remedy such situations may be subject to disciplinary action.

A few basic safety measures will prevent most accidents. Practice these common- sense measures daily:

- **Lifting:** Know your own strength and get help to lift heavy items such as packed boxes, furniture, and equipment.
- **Filing:** Keep desk and file cabinet drawers closed when not in use. If you find a broken cabinet or drawer, report it to your supervisor.
- **Falls:** Falls cause many office injuries. Keep the floors uncluttered, watch your step, and keep cords out of walking areas. During wet and snowy weather remember that conditions can become slippery. Walk with caution.

- **Machinery and Chemicals:** Familiarize yourself with any equipment or chemicals before you use them. Follow the instructions and use the products properly, only in the described manner. Avoid using extension cords. If you have any questions or concerns, contact your Department Head.

If you are taking physician-prescribed medicine that may adversely affect your ability to perform your job, you must advise your Department Head. It may be necessary to change your work assignment for the safety of yourself and others.

23.0 COMPENSATION/PAYROLL DEDUCTIONS

- 23.1 The City of Rollingwood attempts to maintain a fair and equitable compensation system that is competitive with the local market as well as other governmental agencies of our size and nature.
- 23.2 All employees shall have their salary and benefits established by the City Council
- 23.3 The City of Rollingwood pays bi-weekly (twenty-six times per year).
- 23.4 It is the City's policy and intention to pay employees in accordance with all applicable laws, including the federal Fair Labor Standards Act. The City specifically intends to prohibit improper pay deductions from the salaries of exempt employees. Permitted deductions from the salaries of exempt employees include:
- a. Deductions when an exempt employee is absent from work for personal reasons, other than sickness or disability, and the employee is not otherwise eligible for paid time off
 - b. Deductions from pay for absences occasioned by sickness or disability (including workplace accidents) if the deduction is made in accordance with a bona fide plan, policy or practice by the City of providing compensation for loss of salary occasioned by such sickness or disability.
 - c. Deductions from pay equal to amounts received by an employee as jury fees, witness fees or military pay for a particular week in which salary is paid.
 - d. Deductions from pay for penalties imposed in good faith for infractions of safety rules of major significance (such as those relating to the prevention of serious danger in the workplace or to other employees).
 - e. Deductions from pay for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules, such as those intended to prevent harassment and violence.
 - f. Deductions from pay for the initial and terminal weeks of employment, proportionate to the time not worked.

- g. Deductions from pay for unpaid leave taken under the Family and Medical Leave Act (if applicable to the City), proportionate to the amount of unpaid leave.

In addition, the City is not obligated to pay an exempt employee for any workweek in which no work is performed.

If any employee believes that an improper pay deduction has been made, the employee must contact the employee's Department Head as soon as possible. Employees will not be able to argue that any deductions were improper if they fail to utilize this provision. The City will reimburse employees for any improper deductions and will make a good faith effort to comply in the future with all applicable laws.

- 23.6 Full-time regular non-exempt employees scheduled to work on holidays will be paid at one and one-half times their regular hourly rate for up to eight (8) hours actually worked on the holiday, regardless of whether the hours worked otherwise qualify the employee for overtime pay, plus eight (8) hours of holiday pay. Hours worked in excess of eight (8) will be paid at the employee's regular rate of pay, unless the hours qualify the employee for overtime pay under the following paragraph.

23.7 Overtime Pay

Full-time non-exempt employees must have worked forty (40) hours within a week or eighty (80) hours within a two-week period before they are eligible for overtime pay. Vacation, holidays, sick leave, injury leave and personal leave do not count as days worked. Department Heads must request prior approval from the City Administrator before full-time employees are allowed to work overtime except during emergency situations.

Full-time non-exempt employees will also earn overtime pay when the employee is called in for an emergency or for a court appearance, regardless of whether the employee has worked forty (40) or eighty (80) hours during the applicable time period.

23.8 Compensatory Time

Compensatory leave is time off earned by a non-exempt employee in lieu of overtime pay. Compensatory time is earned at the rate of one and one-half (1½) hours for each hour of overtime worked. An employee entitled to receive overtime pay may, with the approval of the Department Director, elect to receive compensatory time off instead of overtime pay. An employee may not accrue compensatory time unless they meet the eligibility requirements for overtime pay in Section 23.7.

The maximum amount of compensatory time that an employee may accrue and accumulate is 240 hours. When an employee accrues a balance of 240 hours of compensatory leave time, the City will then only pay overtime.

The employee's Supervisor or the City Administrator must approve the use of compensatory leave time and the employee will be allowed to use it within a reasonable time.

If an employee terminates his/her employment with the City, the City will pay the employee their accrued balance of compensatory time.

If an employee is promoted or transfers from a non-exempt position to an exempt position, the employee shall be paid his/her accrued compensatory time at the time of the promotion at their non-exempt position current rate of pay.

The City reserves the right to pay employees for their accrued compensatory time at any time.

24.0 JOB DESCRIPTION

24.1 It shall be the responsibility of the City Administrator to maintain job descriptions which accurately describe every full-time position with the City.

24.2 It shall be the responsibility of a Department Head to request a review of any position that may be improperly described.

25.0 PERFORMANCE EVALUATION

Performance evaluations will ordinarily be conducted on an annual basis. The performance evaluation is designed to help the Department Head and employee measure how well each employee is doing their job, identify areas in need of improvement and serve as a tool for management in making decisions regarding training, assignments, promotions, retention and other factors of employment with the City.

26.0 POLITICAL ACTIVITY

It is the policy of the City to encourage its employees to exercise their legal right to vote. Subject to the provisions of this policy, the City also encourages its employees to participate in political activities, so long as they do not interfere with the discharge of the employee's duties and responsibilities owed to the City or involve the City in partisan politics.

26.1 In accordance with Texas law, a police department employee in uniform or on active duty may not engage in political activity relating to a campaign for an elective office. For the purposes of this section, a person engages in a political activity if the person: (1) makes a public political speech supporting or opposing a candidate; (2) distributes a card or other political literature relating to the campaign of a candidate; (3) wears a campaign button; (4) circulates or signs a petition for a candidate; (5) solicits votes for a candidate; or (6) solicits campaign contributions for a candidate.

26.2 In accordance with Texas law, while out of uniform and not on active duty, police department employees may engage in a political activity relating to a campaign for an elective office, including each activity listed by 26.1, except that the person may not solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs.

26.3 All employees shall refrain from using their time on the job or their positions as public employees to influence for or against any candidate for public office or any issue on the ballot for the City. Therefore, if an employee chooses to attend a meeting of a political nature related to a City elected office or issue, that employee must advise other meeting participants that they are not representing the City in any capacity.

- 26.4 Any employee choosing to become a candidate for an elective City office shall automatically terminate his/her employment with the City upon filing for that office.

27.0 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the City Administrator for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the City Council. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the City Administrator as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

28.0 EMPLOYEE RIGHTS AND RESPONSIBILITIES

The City of Rollingwood is committed to providing the best possible working conditions for its employees. Part of this commitment is to encourage an open and frank atmosphere in which any problem, complaint, suggestion, or question is answered quickly and accurately.

- 28.1 Each employee shall be guaranteed fair and honest treatment in all aspects of his/her employment. Supervisors and management shall treat each employee with respect. No one shall demonstrate personal prejudice or grant unfair advantage to one employee over another. Harassment of any type will not be tolerated.
- 28.2 It is the policy of the City of Rollingwood that employees may not receive phone calls from debt collectors at work. In the event the employee is contacted by a debt collector at work, the employee shall inform the debt collector that pursuant to the Fair Debt Collection Act the City has enacted a policy prohibiting employees from receiving calls from debt collectors at

work and that they are to refrain from making any future calls to the workplace. In the event the debt collector does not cease making the debt collection phone calls, the employee shall notify the City Administrator of the infraction.

29.0 DISCRIMINATION AND HARASSMENT POLICY

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, age, national origin, disability or any other characteristic protected by law. The City prohibits and will not tolerate any such discrimination or harassment.

29.1 The City of Rollingwood will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Harassment of the City of Rollingwood's employees by anyone, including a supervisor, co-worker, vendor, or customer, will not be tolerated. Such activities will be considered grounds for disciplinary action. Severity of such disciplinary action will be determined on a case by case basis.

29.2 Definition of harassment

The Equal Employment Opportunity Commission defines sexual harassment as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive working environment."

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that (1) denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability or any other characteristic protected by law or any other such characteristic of his/her relatives, friends or associates, and that (2): (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

29.3 Examples of discrimination and harassment

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects

or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

29.4 Your responsibility regarding discrimination and harassment

All employees are responsible for helping to maintain a work environment where discrimination or harassment of individuals is not tolerated. Any City of Rollingwood employee behaving in this manner is violating the City's policies. Any manager who engages in or knows of such behavior but who does nothing to eliminate it is also violating the City's policies. If confirmed, they would be subject to disciplinary action by the City of Rollingwood, up to and including termination. Retaliation against an employee for either making a complaint in good faith or participating in an investigation of a complaint is also prohibited. Both manager and non-managers may also be liable for unlawful discrimination, harassment or retaliation under applicable laws.

29.5 Complaint Procedure

All charges of harassment or discrimination will be promptly and thoroughly investigated in as discreet and confidential a manner as possible. Any employee who believes he or she has been harassed or discriminated against may file a complaint under these procedures. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If any employee believes that he or she has been treated in violation of the policy, he or she should immediately report the alleged act to his or her supervisor. If the employee is uncomfortable reporting to the supervisor, an employee may report the behavior to any Department Head or the City Administrator or the Mayor.

The complaint will be thoroughly examined in a timely manner. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Mayor. No employee shall be isolated or retaliated against for filing a complaint under this policy.

30.0 VIOLENCE

"Workplace violence" includes threats; threatening or aggressive behavior, such as intimidation or attempts to instill fear in others, even if made in jest; belligerent speech, excessive arguing, swearing, and sabotage or threats of sabotage of City property; defacing City property or causing physical damage to facilities; and, with the exception of City security personnel, bringing weapons or firearms of any kind onto City premises, including parking lots, or while conducting City business. Any employee observing or becoming aware of such behavior must notify his or her department head or the City Administrator. All threats and attempts to harm will be taken seriously. Employees who may be victims of domestic violence are encouraged to report to their department head or the City Administrator if they are concerned about their security at work.

31.0 EMPLOYEE CONDUCT

Each employee is responsible for following City rules of conduct, policies, and practices. We expect that all employees will interact and treat each other with dignity and respect. Any conduct that is contrary to this policy is not acceptable and subject to disciplinary action.

It is not possible to list all forms of behavior or acts that are considered unacceptable, but the following are examples that will result in disciplinary action, up to and including termination of employment:

- Destruction of City property or the property of others;
- Violent acts or the threat of violent acts;
- Possession of dangerous or unauthorized materials such as explosives or firearms on City property;
- Violation of safety or health rules;
- Gambling on City property;
- Falsification of work time records;
- Alteration of or misrepresentation in City records;
- Insubordination (refusal or deliberate failure to follow a reasonable, specific instruction of, or abusive conduct toward someone who has supervisory authority);
- Racial, religious, sexist, or ethnic slurs or remarks;
- Leaving work during working hours without the permission of the Department Head;
- When on- or off-duty activity affects the individual's suitability for continued employment (by, for example, harming the City's reputation).

Please note that nothing contained in this section is intended to modify the City of Rollingwood employment at will policy.

32.0 ELECTRONIC COMMUNICATION USE POLICY

This document sets forth the policy for use of the City of Rollingwood electronic communication system. The policy regulates use of computers, network applications, Internet, electronic mail (e-mail) systems, instant message systems, software, telephone systems (including voicemail) and other technology-based services owned by the City of Rollingwood. The policy is in place to protect the technology resources of City of Rollingwood

and promote efficient and responsive public service. The Mayor shall designate a System Administrator to oversee the operation of the City of Rollingwood Electronic Communication System and enforce the system policies.

32.1 Availability of Access

32.1.1 Access to the City of Rollingwood's computers, network applications, Internet, electronic mail (e-mail) systems, instant message systems, software, telephone systems (including voicemail) and other technology based resources shall be made available to employees, elected and appointed officials primarily for administrative purposes and in accordance with administrative regulations. Limited personal use of the system shall be permitted if the use:

1. Imposes no tangible cost on the City of Rollingwood,
2. Does not unduly burden the City of Rollingwood's computer or network resources or violate the provisions of this handbook, and
3. Has no adverse effect on an employee's job performance.

Authorized users are responsible for exercising good judgment regarding the use of the City of Rollingwood Electronic Communication System.

32.2 Use by Members of the Public

32.2.1 Access to the City of Rollingwood's computers, network applications, Internet, electronic mail (e-mail) systems, software, telephone systems (including voicemail) and other technology-based resources shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the City of Rollingwood; and
2. Does not unduly burden the City of Rollingwood's computer or network resources or violate the provisions of this handbook.

32.3 Computer Hardware

32.3.1 All computer hardware acquired by the City of Rollingwood is the sole property of the City of Rollingwood. Limited personal use of the computer hardware shall be permitted if the use:

1. Imposes no tangible cost on the City of Rollingwood,
2. Does not unduly burden the City of Rollingwood's computer or network resources, and
3. Has no adverse effect on an employee's job performance

32.3.2 All computer hardware acquired by the City of Rollingwood shall remain on the City of Rollingwood's premises at all times unless specific authorization is given by the System Administrator.

32.3.3 All computer hardware purchases shall be approved in advance by the System Administrator.

32.3.4 Absolutely no one except approved vendors, the System Administrator, and certified computer technicians employed by the City of Rollingwood shall install computer hardware on any City of Rollingwood equipment.

32.3.5 Computer systems that are property of the City of Rollingwood may not be modified, upgraded, or replaced with donated equipment without the prior approval of the System Administrator.

32.3.6 In order to maintain an accurate physical inventory, computer hardware may not be moved from one room to another room without prior approved of the System Administrator.

32.4 **Maintenance of Local Hard Drives**

32.4.1 All computer systems that are property of the City of Rollingwood shall have licensed anti-virus protection.

32.4.2 All computer systems that are property of the City of Rollingwood allow access to the local hard drive for installing software. This access does not mean that personal software can be installed on City of Rollingwood of Rollingwood computers.

32.4.3 On occasion, hard drives need to be reformatted. A certified computer technician employed by the City of Rollingwood will be responsible for reformatting hard drives. That technician shall not reinstall personal copies of software previously installed on local hard drives nor shall the technician retrieve personal data files.

32.4.4 Installation disks for software acquired by the City of Rollingwood shall be kept in a secure location designated by the System Administrator should the need for reinstallation arise.

32.4.5 Authorized users are personally responsible for making weekly backups of any data files on their City of Rollingwood of Rollingwood computers. All backup disks shall be stored in a secure location designated by the System Administrator for archive purposes in accordance with the City of Rollingwood's document retention policy.

32.5 **Computer Software**

32.5.1 All software purchases for computer systems belonging to the City of Rollingwood shall be approved in advance by the System Administrator.

32.5.2 Absolutely no one except approved vendors, the System Administrator, and certified computer technicians employed by the City of Rollingwood are authorized to install computer software on any City of Rollingwood computer.

32.5.3 Software will be installed on computers belonging to the City of Rollingwood only when there is documentation showing that the software purchased is properly licensed. The software documentation and license must be provided to the System Administrator in advance of installation.

32.5.4 Computer software acquired by the City of Rollingwood is the sole property of the City of Rollingwood. Limited personal use of the software shall be permitted if the use:

1. Imposes no tangible cost on the City of Rollingwood,

2. Does not unduly burden the City of Rollingwood's computer or network resources or violate the provisions of this handbook, and
3. Has no adverse effect on an employee's job performance

Such software shall remain on the premises of the City of Rollingwood at all times unless the System Administrator gives specific authorization.

32.5.5 Unauthorized software installation may affect network and machine performance adversely and is strictly prohibited.

32.6 **Acceptable Use**

32.6.1 Access to the City of Rollingwood Electronic Communication System is a privilege, not a right. All authorized users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines.

32.6.2 It is not possible to list all forms of behavior or acts that are considered unacceptable use of the System, but the following are examples that will result in disciplinary action up to and including termination of employment:

- Using the system for any illegal purpose
- Sharing confidential information using electronic mail
- Sending displaying or downloading offensive messages or pictures (i.e., harassing, fraudulent, obscene, sexually explicit, profane, and abusive messages).
- Assisting a public campaign for election of any person to any office of for the promotion of or opposition to any ballot proposition
- Using obscene language
- Harassing, insulting or attacking others
- Engaging in practices that threaten the system (i.e., loading files that may introduce a virus)
- Violating copyright laws
- Using others' passwords or sharing personal passwords with unauthorized users
- Trespassing in others' folders, documents, or files
- Intentionally wasting limited resources (ink, paper, storage space, etc)
- Disabling or attempting to disable any Internet filtering device.
- Encrypting communications to avoid security review
- Gaining unauthorized access to restricted information or resources.

32.6.3 Inappropriate system use may result in suspension of access or termination of privileges and other disciplinary action consistent with City of Rollingwood policies. Violations of law may result in criminal prosecution as well as disciplinary action by the City of Rollingwood

32.7 **Internet Access**

32.7.1 The Internet is provided for the City of Rollingwood staff, elected and appointed officials to conduct research and communicate with others. Communications over the Internet are often

public in nature, therefore, rules and standards for professional behavior and communications apply.

32.7.2 The Internet shall not be used for personal gain or for purposes that may disrupt the operation of the City of Rollingwood's computer systems.

32.7.3 Authorized users are responsible for the content of all text, audio, and images that they send over the Internet.

32.7.4 Authorized users shall not download files from unknown or suspicious sources.

32.8 **Electronic Mail**

32.8.1 Authorized users shall not use electronic mail to share confidential information because messages are not entirely secure

32.8.2 Authorized users are responsible for the content of all text, audio, and images that they send via email. (i.e., harassing, fraudulent, obscene, sexually explicit, profane, and abusive messages).

32.8.3 Authorized users shall not send non-public personal information, police materials, or other confidential information to unauthorized persons.

32.8.4 Authorized users shall periodically delete those unneeded electronic mail transmissions not required to be retained by the Texas Open Records Act.

32.8.5 Authorized users shall not open files attached to emails from an unknown or suspicious source and should delete these attachments immediately. Also, "double delete" by emptying your Trash.

32.8.6. Authorized users shall delete SPAM, chain, and other junk mail upon receipt.

32.9. **Filtering**

32.9.1 Each City of Rollingwood computer with Internet access shall have a filtering device or software that blocks access to visual depictions that are obscene, pornographic, inappropriate or harmful to minors, as defined by federal, state and local laws.

32.9.2 The System Administrator shall enforce the use of such filtering devices. Upon approval from the System Administrator, an authorized user may disable the filtering device for bona fide research or other lawful purpose.

32.10 **Monitored Use**

32.10.1 Electronic mail transmissions and other use of the electronic communications system by authorized users shall not be considered private. The System Administrator shall be authorized to monitor such communication at any time to ensure appropriate use.

32.11 **Intellectual Property Rights**

32.11.1 As agents of the City of Rollingwood, employees, elected and appointed officials shall have limited rights to work they create using the City of Rollingwood's Electronic Communications System. The City of Rollingwood shall retain the right to use any product created in the scope of a person's employment even when the author is no longer an employee of the City of Rollingwood.

32.12 **Disclaimer of Liability**

32.12.1 The City of Rollingwood shall not be liable for users' inappropriate use of technology systems or violations of copyright restrictions or other laws, users'

mistakes or negligence, and costs incurred by users. The City of Rollingwood shall not be responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the Internet.

32.13 **Security**

32.13.1 Authorized users are responsible for taking appropriate steps to select and secure passwords for their City of Rollingwood computer. User-level passwords shall be known only by each individual user and the System Administrator and should be changed every 90 days. The following criteria should be used by users in determining passwords:

- Passwords should have at least eight characters.
- Passwords should not be words found in the dictionary.
- Passwords should not be common words.
- Passwords should not be revealed in an email or phone message, or shared with others, unless authorized by the System Administrator.

32.14 **Incident Response Procedure**

32.14.1 The purpose of this procedure is to identify and respond to emergencies that occur with the City of Rollingwood's computers, network applications, Internet, electronic mail (e-mail) systems, software, telephone systems (including voicemail) and other technology based services owned by the City of Rollingwood. The following steps are to be followed by the authorized user upon encountering a system problem:

- Identify the Problem.
- Assess and Contain the Damage, if capable
- Document the Date and Time of the Incident
- Contact the System Administrator who will in turn communicate the reported problem to the appropriate emergency contact

32.15 **System Repairs**

32.15.1 In the case of non-emergency repairs, authorized users shall complete a System Support Request Form and submit the form to the System Administrator. A copy of the reference form is attached to this policy.

32.16 **Training**

- 32.16.1 All authorized users should read this policy and be trained in the guidelines and procedures outlined above, at least annually by the System Administrator. Questions regarding the policy should be addressed to the System Administrator.

33.0 GRIEVANCE PROCEDURE

Each employee has the right to express views on City policies and practices to his/her supervisor. However, each employee is responsible for expressing those views in a fair and honest manner. The employee shall comply with the disputed conduct, policy, or practice until resolved or changed. The employee may use the formal grievance procedure for issues regarding lost compensation and/or termination. That procedure involves a hearing before the City Council which may be open or closed to the public at the option of the Employee.

Employees must present their own case, although the employee may have counsel present during the proceeding. However, the employee shall advise the Department Head in advance and in writing that he/she chooses to have counsel present. The Department Head shall advise and aid the employee in a fair and objective manner regarding the grievance process.

- a) Within ten (10) working days of becoming aggrieved, the employee shall submit his grievance to the Mayor in writing. The employee shall include all pertinent facts, details, restitution sought, and possible solutions.
- b) The Mayor will set a date for a formal hearing on the matter. The employee shall be notified of the date and time of the hearing.
- c) The hearing shall be held within ten (10) days of the date the grievance is submitted, if possible, unless additional time is requested by the employee.
- d) The hearing panel shall consist of the City Council.
- e) The City shall be represented by the City Attorney.
- f) Each side will be given equal opportunity to present their case. Presentations shall be limited to relevant facts that are generally capable of being substantiated. Hearsay will not be allowed or considered.
- g) The judgment of the City Council shall be final and shall be given in writing within ten (10) days of the close of the hearing.
- h) A summary of the proceeding along with each decision shall be placed in the personnel file of the individual. The City Secretary will maintain the complete file of the proceedings in a file designated for such purposes.
- i) Grievances may only be requested in a case of lost compensation or termination.
- j) The City Council may increase or decrease any punishment given to an employee following the hearing.

- 33.1 Employees may be transferred, reassigned, demoted without loss of pay, required as a condition of employment and in appropriate circumstances to submit to a fitness for duty examination, take additional training or repeat training already taken. This may not be considered disciplinary action and may be at City expense.

34.0 DISCIPLINARY ACTION

All employees are expected to meet the City's standards of work performance. Work performance encompasses many factors, including attendance, personal conduct, job proficiency and general compliance with the City's policies and procedures.

If an employee does not meet these standards, the City may, under appropriate circumstances, take corrective action, or may order immediate dismissal.

The intent of corrective action is to formally document problems while providing the employee an opportunity to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement.

34.1 Steps in the disciplinary process

All or a combination of the levels of discipline may be used or taken depending on the particular circumstances of a situation. The supervisor should ensure that the employee has been told what is expected of him/her and has been given warning with sufficient time to improve, whenever possible, prior to being suspended or terminated. The forms of discipline start at the lowest level and progress to the highest level. This shall not preclude the supervisor from skipping any steps in this disciplinary process and taking serious immediate action when necessary and appropriate. Nothing in this section shall be construed to alter the at-will relationship.

- a) **Verbal / Oral Warning:** For a first offense of minor magnitude, the employee shall be made aware of the violation and the improvement expected. A written summary shall be kept on record within the employee's department or employee's personnel file.
- b) **Written Warning:** The written warning is normally for two or more minor offenses or an offense of a more serious magnitude upon first occurrence. It shall describe the offense and outline the behavior that is expected in the future.
- c) **Suspension:** Suspensions may be with or without pay. Department Heads may suspend up to a maximum of thirty (30) working days.
- d) **Demotion:** In some cases, a demotion may be justified, depending on the circumstances.
- e) **Termination:** Termination is ordinarily reserved for a most severe violation of rule, regulation, policy, procedure or statute, or for continued occurrences of minor offenses or for failing to correct behavior that has resulted in a disciplinary procedure.

35.0 RESTITUTION AS A FORM OF DISCIPLINE

35. An employee who causes loss, damage or destruction to City property may be required to reimburse the City for the cost of repairs or replacement of the equipment.

36.0 TERMINATION –SEPARATION

36.1 All terminations (involuntary) and separations (voluntary) shall be fully documented.

36.2 In cases of termination, the reason for the termination shall be placed in the employee's permanent file. The employee shall be afforded an opportunity to acknowledge the reason for termination or offer a rebuttal at the exit interview.

36.3 In cases of voluntary separation, there MAY be a document in which the employee acknowledges that his/her separation is voluntary. In most instances, this will be his/her signed original letter of resignation. If the employee has not submitted a letter of resignation or is unsure as to its composition, the employee may contact the City Administrator for assistance or the employee may sign a form approved by the Mayor designed for this purpose.

36.4 The City may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith.

37.0 NO SMOKING POLICY

In keeping with the City of Rollingwood's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace including offices, hallways, waiting rooms, rest rooms, classrooms, lunchrooms, meeting rooms and all common areas. This policy applies to all employees, clients, contractors, vendors and visitors.

38.0 CONFIDENTIALITY

Due to the nature of our work, we are from time to time exposed to information that should remain in confidence. Trust is an essential element in maintaining good rapport with the citizens we serve. All employees of the City shall be bound by the rule of confidence not to spread rumors or leak information that may be harmful or advantageous to any party, or is confidential in any way. Any employee who violates this policy may be found insubordinate or negligent in performing assigned duties.

39.0 NEWS RELEASES/MEDIA

To ensure only accurate and legally permissible information is disseminated to the media, only Department Heads, the City Administrator or their authorized representatives shall be allowed to represent the City as a spokesperson to any member of the press, and then only with the prior approval of the Mayor.

40.0 ALCOHOL & DRUG POLICY

40.1 Statement of Purpose

The purpose of this policy is as follows:

- a) To establish and maintain a safe, healthy, working environment for all employees;
- b) To insure the reputation of the City of Rollingwood and its employees as good, responsible citizens worthy of public trust;
- c) To reduce the incidents of accidental injury to person or property; and

- d) To reduce absenteeism, tardiness and poor job performance.

40.2 **Statement of Policy**

The City of Rollingwood recognizes that employment in the public sector is a trust which requires strict adherence to principles of honesty and integrity. The City also recognizes the need to provide a leadership role in the prevention of the adverse impact of alcohol and drug abuse in the workplace. Therefore, it is the policy of this City to take those steps necessary to ensure the maximum protection against improper use of alcohol or drugs in the City's work force. Consequently, it is also the policy of the City to require that all candidates for employment and all employees be and remain free from the improper use of alcohol and drugs.

The policy of the City is to maintain a drug-free workplace. As a condition of continued employment, all City employees must comply with this policy. The term "workplace" is defined as City property, any City-sponsored activity, or any other site where the employee is performing work for the City or representing the City.

The term "drug" as used in this policy includes alcoholic beverages and prescription drugs, as well as illegal inhalants and illegal drugs and/or controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 U.S.C. Sec. 812, 21 C.F.R. Sec 1308, and the state and local law of the jurisdiction where the workplace is located, including, but not limited to, marijuana, opiates (e.g., heroin, morphine), cocaine, phencyclidine (PCP), and amphetamines.

The possession, use, purchase, sale, manufacture, transfer, or state of having a detectable level of alcohol or any illegal drug by any person within the City is prohibited when that individual is on City premises, performing City business or when such activity affects the individual's suitability for continued employment (by, for example, harming the City's reputation). Violation of this policy will subject the offender to disciplinary action, up to and including termination.

Violations of any provision of this policy shall result in disciplinary action up to and including termination.

40.3 **Rules Regarding Alcohol**

Notwithstanding the foregoing policy, the City may, from time to time, authorize alcoholic beverages at sanctioned City functions at designated sites, such as occasional work-related functions and business or holiday occasions removed from the usual work setting. In those situations, an employee may consume a moderate amount of alcohol, provided that the employee's conduct and demeanor remain businesslike and professional at all times, and provided further that the employee does not thereafter drive or otherwise engage in any hazardous activity if the alcohol consumed would impair or affect the employee's ability to perform those activities. No City employee in uniform or operating a City-owned or -leased vehicle shall consume alcohol at such functions.

On-duty employees shall not bring alcoholic beverages upon City facilities, except in the event of the seizure of evidence and/or found property during normal Police Department operations.

On-duty employees shall not consume alcoholic beverages upon City facilities or at any location, except in the event that a police officer who is assigned to undercover operation by his/her supervisor must consume alcohol as a part of the undercover operation.

Employees shall not report to their job or be under the influence of alcoholic beverages while on duty.

40.4 Post-Accident Testing

In order to ensure complete accident investigation and the existence of a thorough, on-going monitoring program to help prevent accidents, drug and alcohol testing is required for any employee involved* in a work-related accident that either (i) requires off-site medical attention or (ii) is reasonably expected to cause property damage exceeding \$500 or (iii) may have been the result of unsafe job-related activity that posed a danger to the employee or to others. An employee involved in an accident must remain readily available for such testing or may be deemed to have refused to undergo testing. Should the accident occur outside of the local area, it is the employee's responsibility to make every effort to be tested as soon as possible after the accident. The employee should contact his/her immediate supervisor for instructions. Failure to immediately report an accident may result in disciplinary action, up to and including termination. Any employee who tests positive for a drug(s) or alcohol will be subject to immediate corrective actions.

* "Involved" in a work-related accident is not limited to the injured party; it also includes all other individuals associated with the incident. As an example, a forklift drives into a hole and the forklift rolls onto its side. Another employee was directing the forklift on which way to turn. The forklift driver was injured. Both people were involved in the accident. Even though the person giving directions was not injured, both would be tested.

40.5 Prescription Drugs

No prescription drug shall be brought upon the City's facilities by any person other than the person for whom the drug is prescribed - by a licensed health care provider- and shall be used only in the manner, combination and quantity prescribed.

40.6 Drug Paraphernalia

The possession of those items commonly known as "drug paraphernalia" on duty is cause for suspension or termination.

41.0 FRAUD POLICY

41.1 Purpose

The purpose of this policy is to provide guidelines for the prevention, deterrence, and detection of fraud. Administration and Staff will be responsible for creating a positive

workplace environment ensuring a culture of honesty and ethical behavior to enhance the City of Rollingwood's ability to protect its assets, operations, and reputation.

41.2 **Scope**

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, and/or any other party including those with a business relationship with the City. All employees are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Each administrator shall be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of fraud.

Any fraud that is detected or suspected must be reported immediately to the City Administrator, who shall coordinate all investigations after contacting the City's Independent Auditor. Fraud that is detected or suspected involving the City Administrator must be reportedly immediately to the Mayor who will coordinate the investigation after contacting the City's Independent Auditor. In cases of alleged fraud involving both the Mayor and City Administrator, such cases shall be reported immediately to the City's Independent Auditor who will coordinate the investigation. All employees will be held accountable to act within the organization's code of conduct.

41.3 **Actions**

Fraud is defined as the intentional false representation or concealment of a material fact for the constituting purpose of inducing another to act upon it to his or her injury. Examples of fraud refer to, but fraud are not limited to:

- Any dishonest or fraudulent act
- Impropriety in the handling or reporting of money or financial transactions
- Theft of any kind including, but not limited to any of the offenses listed in Chapter 31 of the Texas Penal Code
- Forgery or alteration of any document or account belonging to the City (checks, timesheets, invoices, contractor agreements, bid documents, purchase orders, electronic files, and other financial documents)
- Financial report misrepresentations
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, inventory, or any other asset including furniture, computers, fixtures or equipment)
- Authorizing or receiving payments for hours not worked
- Disclosing confidential and proprietary information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City that may be construed to be an attempt to influence the performance of an employee's official duty in the scope of employment for the City
- Destruction, removal, or inappropriate use of records, furniture, fixtures and equipment
- Any similar or related irregularity

Questions as to whether an action constitutes fraud should be referred to the City Administrator for clarification. In cases allegedly involving the City Administrator, questions should be referred to the Mayor. In cases allegedly involving both the City Administrator and Mayor, questions should be referred to the City's Independent Auditor.

41.4 **Reporting**

The City of Rollingwood expects employees and others with serious concerns about any aspect of the City of Rollingwood's ongoing operations to come forward and voice those concerns. Concerns should be reported in writing using the fraud disclosure form that will be available for all employees. This form encourages individuals to put their names to allegations, but is not a requirement. If an allegation is made in good faith, but is not corroborated by the investigation, no action will be taken against the originator of the allegation. If individuals make malicious allegations, disciplinary action may be considered against that individual.

Individuals can also call the City Administrator, Mayor or the City's Independent Auditor, as previously noted in this policy, directly to report suspected fraud.

The City of Rollingwood realizes that the originator of the complaint needs to be assured that the matter has been properly addressed. To help with this, whenever appropriate, and subject to legal constraints, the originator of the complaint will receive information about the outcome of any investigation.

41.5 **Investigation**

The City Administrator shall have the primary responsibility for the investigation of all suspected fraudulent acts as defined in this policy. In cases allegedly involving the City Administrator, the Mayor shall have the primary responsibility for the investigation. In cases involving the City Administrator and Mayor, the City's Independent Auditor shall have the primary responsibility for the investigation. Any employee who suspects dishonest or fraudulent activity must notify immediately the City Administrator, Mayor or the City's Independent Auditor as previously noted in this policy. An employee shall not attempt to personally conduct investigations and shall not contact the suspected individual in an effort to determine facts of demand restitution.

Upon completion of its investigation, the City Administrator shall submit a report detailing its findings to the Mayor and to other administrators, as appropriate. The City Administrator's report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by the Mayor in conjunction with legal counsel.

In cases involving the Mayor, the City Administrator shall submit a report detailing its findings to all City Council members not part of the investigation. The City Administrator's report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by those City Council members not part of the investigation in conjunction with legal counsel.

In cases involving both Mayor and City Administrator, the City's Independent Auditor shall submit a report detailing its findings to all City Council members not part of the investigation. The Auditor report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by those City Council members not part of the investigation in conjunction with legal counsel.

41.6 Confidentiality

The City Administrator, Mayor and the City's Independent Auditor shall treat as confidential all reports of suspected fraud or irregularities and all information obtained through an investigation. The City of Rollingwood will attempt to protect an individual's identity if they report a concern and do not want their name disclosed. The investigation process, however, may reveal the source of the information, and/or a statement by the individual may be required as part of the evidence. The City of Rollingwood will not tolerate harassment or victimization and will take action to protect those who raise a concern in good faith.

Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. All inquiries concerning the activity under investigation from the suspected individual, his attorney or representative, or any other inquirer should be directed to the City Administrator, Mayor or the City's Independent Auditor as previously noted in this policy.

41.7 Authorization

In the course of an investigation of suspected fraud, with proper notification of the appropriate level of management and in the presence of the appropriate administrator, the appropriate investigator shall have:

- Free and unrestricted access to all City records, premises, and facilities, whether owned or rented by the City
- The authority to interview employees and record such interviews, if necessary
- The authority to examine, copy, and/or remove all documents, electronic data, files, tapes, disks, computers, and other equipment and storage facilities on the premises without prior knowledge or consent of any individual who may use

or have custody of any such items or facilities when it is the scope of the investigation

41.8 Consequences

In the event an employee is found to be engaging in or to have been engaged in fraudulent acts, or failed to report fraudulent acts, he/she will be subject to disciplinary action, which could include termination. Based on the seriousness of the offense, the results may be referred to the appropriate law enforcement and/or regulatory agencies.

42.0 CITY ADMINISTRATOR

42.1 Duties of City Administrator

- a) The city administrator shall be responsible for the overall operations of the city. The administrator's functions, duties, tasks, and objectives shall be established by the city council; and the city administrator shall report to the mayor on a day-to-day basis concerning the fulfillment of the activities directed by the City Council. The city administrator shall, subject to any specific directives of the City Council: (i) supervise the work of the City's employees, (ii) ensure compliance with all rights and obligations pertaining to the City pursuant to contracts approved by the City Council, (iii) ensure that the City is in compliance with applicable law in the performance and administration of functions approved by the City Council, and (iv) perform such additional tasks assigned by the City Council or the mayor. The city administrator shall comply with all applicable ordinances, resolutions, policies, and directives of the City Council in the performance of his/her duties. The city administrator shall not initiate any substantial program, any substantial change in any municipal operations, or undertake any negotiations or discussions with any third party regarding any proposed new agreement, activity, or manner of operation without first providing notice of an intention to do so in an open meeting of the City Council. Notwithstanding the foregoing, in the event that any unforeseen exigent circumstance arises that requires immediate action, the city administrator may initiate appropriate action, but not before providing reasonable notice of any proposed action to the Mayor and Mayor pro tem, and obtaining the consent of the Mayor. In no event shall the city administrator bind the City to any agreement, or expend any funds that have not properly been budgeted therefor, without City Council authorization.
- b) The city administrator shall be responsible for the day-to-day administration of the city, and may delegate duties to agents, other officials and employees of the city.
- c) The city administrator shall be the city's public information officer responsible for compliance with all public information laws. The city administrator shall insure that the requests of residents of the city for information in the possession or under the control of the city are satisfied expeditiously.
- d) The administrator shall be responsible for developing and maintaining effective relationships and communications with the citizens of the city. The administrator shall treat all residents of the city courteously and shall not show favoritism or partiality. In all the administrator's actions, the administrator's first responsibility shall be to residents of the city, and the administrator's predominant objective shall be the best interest of the city and its residents.
- e) The administrator shall ensure that the employees of the city are adequately carrying out the responsibilities assigned to them by the City Council.
- f) The administrator shall ensure city council members are kept up-to-date on the current operating and financial needs of the city.
- g) The administrator shall be responsible for insuring that all of the physical and monetary assets of the city are appropriately safeguarded and controlled, and for insuring that the basic accounting functions for the city are appropriately maintained.
- h) The administrator shall not use the powers of office to influence political affairs in the City.

- i) The administrator shall not attempt to influence city policies but shall supply information and policy options to the city council when specifically requested to do so by the city council.
- j) The administrator shall not alter the minutes or recordings of the meetings of the city council or any city board or commission.
- k) The administrator shall not attempt to influence the opinions, actions, or work product of the City Engineer, the City Attorney, or the Building Official.
- l) The administrator shall not accept anything of value from any person or business doing business in the City or seeking action of any type from the city or its employees, officers, or board or commission members.
- m) The administrator shall not give away any property, property rights, or other assets of the city.
- n) The administrator shall not spend or authorize the expenditure of any City funds without prior approval of the City Council and specific authorization by the City's budget as it exists at the time of the purchases or other actions giving rise to a request for payment.
- o) The administrator shall not attempt to influence the action or recommendation to the city council of any board or commission.

PERSONNEL POLICY HANDBOOK ACKNOWLEDGMENT STATEMENT

This employee policy handbook is a general guide to employee benefits, privileges and responsibilities, and it applies to all employees of the City of Rollingwood. The City of Rollingwood reserves the right to change the provisions of this handbook at any time and without prior notice.

The provisions of this handbook do not alter the at-will employment relationship or constitute an employment agreement, a contract, or a guarantee of continued employment. Any promises which conflict with the provisions of this manual are effective only if in writing and signed by the Mayor. Finally, each employee is responsible for reading, and complying with, the materials contained in this handbook and any revisions made to it.

I have received a copy of this handbook, and I understand it is my duty to read and comply with the policies and procedures set forth therein. I understand that, in the absence of a properly authorized contract to the contrary, this handbook exclusively governs the terms and conditions of my employment relationship with the City of Rollingwood.

I have read this handbook carefully and understand its contents.

Employee Name (printed)

Employee Signature

Witness Signature

Date

THE CITY OF ROLLINGWOOD

DRUG TESTING CONSENT FORM

I hereby acknowledge receipt of the City of Rollingwood Drug-free Workplace Policy regarding drugs and alcohol. My signature acknowledges my understanding and concurrence with the policies and procedures outlined in the above referenced policy, including those relating to testing. Also, it is my consent to submit to medical testing, including but not limited to giving urine, blood, hair and/or saliva sample(s) to be used for drug and alcohol analysis.

Furthermore, I authorize the release of any urine, blood, hair and/or saliva sample(s) and the results of any tests and examinations performed thereon to the City of Rollingwood Mayor and Administrator and to any doctor, medical personnel, hospital, medical center, clinic, etc., or any of their representatives with whom they may choose to consult regarding the sample tests or examination results. I understand and acknowledge that the City of Rollingwood assumes no responsibility for advising me of the result of such examinations and tests, except as required by applicable law, and that any information obtained through such examinations may be retained by the City of Rollingwood and is exclusively the City of Rollingwood's property.

I understand that refusal to submit to any test or questioning required by this policy or refusal to authorize the release of the results is ground for disciplinary action, up to and including immediate termination at the sole discretion of the Mayor.

I recognize that the City of Rollingwood's policy on drugs and alcohol does not constitute an express or implied contract of employment and does not alter the at-will nature of the employment relationship, which means that either the City of Rollingwood or myself may terminate the employment relationship at any time, with or without notice, with or without cause, and for any reason or no reason at all.

Employee Name (printed)

Employee Signature

Witness Signature

Date