



Summary of Changes City of Tomball Employee Handbook

The following is a list of approximately 33 proposed changes to City policies that have been discussed and approved by the Administration and pending approval from City Council for inclusion into the City's Employee Handbook.

Comments have been added to the right to explain the rationale/basis behind the proposed changes based on feedback/discussion held in meetings conducted with the Employee Focus Group comprised of non-supervisory employees, representing all city departments over the course of (6) months (Oct 23 – Mar 24), several meetings with the department leadership and the Administration.

2.01 RECRUITING PROCEDURES

C. APPLICATIONS

Current City employees who wish to be considered for opportunities within the City must complete a Transfer application. Internal applicants must discuss their intent to compete for a different position with their current Supervisor/Manager or Director before submitting an application.

New Policy:

C. APPLICATIONS

Current City employees that are interested in applying for a position within the City must submit the following information to the Department Head who has the vacant position:

- i. A Letter of Intent that explains fully:
 - The position of interest
 - Reason(s) for applying for the position
 - Any/all efforts that have been made to prepare for the role
- ii. Resume, where applicable

- iii. Last (2) years of performance evaluations

Once a selection is made by the hiring department, the Department Head should contact Human Resources to provide further guidance in transitioning the employee.

Commented [KL1]: Rationale: Wanted to simplify and streamline procedures for existing employees to apply for internal positions.

Existing policy requires employees to utilize a "transfer application" which is no longer used.

I. PRE-EMPLOYMENT MEDICAL SCREENING

1. Drug and Alcohol

If the applicant receives a positive result on the drug test, the Human Resources Department will inform the Hiring Department. The conditional job offer will be rescinded by the Human Resources Department. The Hiring Department can choose another applicant from the same applicant pool or reopen the position for recruitment.

[New Statement Added]: If an applicant receives a negative dilute result, the applicant must retake the drug test within 24 hours. The second result is the final result.

Commented [KL2]: Rationale: Change made to put what was done in practice into policy.

2.03 NEPOTISM (Employment of Relatives)

B. Applicants

~~An applicant may not be hired as an employee if that department already employs a person who is a family member of the applicant.~~ An applicant may not be hired as an employee if that department already employs a person who is a family member of the applicant. This passage does not apply to volunteers with the fire and police departments. This passage does not apply to volunteers with the fire and police departments.

C. Employees within the same department

~~If an employee becomes a family member of another employee who works in the same department the employees may remain in the department, however, they may not directly supervise one another.~~ If an employee becomes a family member of another employee who works in the same department the employees may remain in the department, however, they may not directly supervise one another.

New Policy:

[Combined Sections B. Applicants and C. Employees within the same department, Renumbering after this new section]

B. Applicants and Employees Within the Same Department

An applicant may be hired as an employee in the same department that already employs a person who is a family member of the applicant. However, both employees cannot have the same supervisor nor

directly supervise each other. This passage does not apply to volunteers with the fire and police departments.

Commented [KL3]: Rationale: Change is to permit two employees that are related to work in the same department, but not have the same supervisor or supervise each other.

3.02 ATTENDANCE

Employees shall be required to be at their places of work in accordance with work schedules established by their department. Employees are expected to be at their workplace or on official duty during City business hours or be officially excused by their supervisors. Any employee who fails to report, is habitually tardy, leaves the workplace without proper authorization or misuses leave may be subject to disciplinary action. **[New Policy Statement Added]:** Employees who are "habitually tardy" are considered employees who have established a pattern of tardiness and/or sick leave absences with frequent repetition. All departments shall maintain accurate attendance records.

Commented [KL4]: Rationale: Added new statement to provide specificity and clarity in defining what a "habitually tardy" employee is.

3.03 MEAL AND BREAK PERIODS

[New Policy Section Added]

Nursing Mothers: Employees that are nursing mothers in the workplace are afforded certain protections under the law. For one year after the child's birth, these employees may take reasonable break time "each time such employee has the need to express milk" in a private space, other than a bathroom. "Reasonable" break times will be dependent on the nature of the circumstances, mutually agreed upon by both the employee and supervisor, with consideration of impact to operations. Supervisors and employees are encouraged to contact HR for guidance when appropriate.

Commented [KL5]: Rationale: Included per new federal employment laws that went into effect this year.

3.05 APPROPRIATE APPEARANCE

~~The personal appearance and grooming of our employees plays an important role in the perception that the public and citizens have of the City of Tomball. Employees are expected to dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Employees are expected to maintain minimum standards of dress, grooming and personal hygiene appropriate for the position and job duties and as necessary to protect the safety of the employees. This policy establishes the foundation for the City's dress code policy. In order to maintain a positive public image and to assist employees in determining what is appropriate, the following guidelines are established:~~

A. DAY-TO-DAY ATTIRE

~~Business attire or a required uniform is to be worn on a daily basis. Police and Fire Department employees are covered under Departmental policies regarding appropriate dress and appearance.~~

[New policy:]

A. DAY-TO-DAY ATTIRE

Employee appearance contributes to the City of Tomball's culture and reputation. Employees are expected to present themselves in a professional manner that results in a favorable impression by clients and customers. Employees are expected to maintain minimum standards of dress, grooming and personal hygiene appropriate for the position and job duties and as necessary to protect the safety of the employees. As such, the City will apply a *reasonable and professional workplace standard*.

This policy establishes the foundation for the City's dress code policy. All employees, with the exception of Police, Fire and Public Works personnel, are expected to adhere to the following guidelines:

- When involved in any meetings/events with the public, vendors, or third-party entities, employees should wear business professional or business casual attire.
- For meetings with internal staff, business casual and casual attire is permitted.
- Business professional is always acceptable.

The specific criteria of the City's reasonable and professional workplace standard are further outlined below:

a. Business casual attire

- *Shirts:* Shirts with collars, business casual crewneck or V-neck shirts, blouses, and golf/polo shirts or City of Tomball branded polos or shirts.
- *Pants:* Casual slacks and trousers and jeans without holes, frays, etc.
- *Shoes:* Casual slip-on or tie shoes, dress sandals, and clean athletic shoes.

b. Business professional attire:

- *Generally defined as:* Tidy dresses, slacks, skirts, dark-colored suits and ties.
- *Shirts:* Neat button-down shirts or blouses with a blazer.
- *Shoes:* Appropriate and clean heels, loafers or flats.

c. Casual attire:

- *Shirts:* Button-down shirts with collars, blouses and sweaters.
- *Pants:* Appropriate jeans, khakis, linen or cropped pants.
- *Shoes:* Sneakers (when appropriate), loafers, low heels or sandals.

Management may make exceptions for special occasions or in the case of inclement weather, at which time employees will be notified in advance. Department heads and/or supervisors may exercise

reasonable discretion to determine appropriateness in employee dress and appearance. An employee who is unsure of what is appropriate should check with his or her manager or supervisor.

Police, Public Works and Fire Department employees are covered under Departmental policies regarding appropriate dress and appearance.

Commented [KL6]: Rationale: Wanted to establish a more flexible, consistent workplace attire standard and provide clarity for each criteria for standard of dress.

3.07 INFORMATION TECHNOLOGY SYSTEM USE

[New Policy Sections added after "J. AUDITS "]

K. Anti-virus

All devices that are attached to the city network must have authorized and licenses anti-virus solutions installed and operations. Any device that is found not to have a legal copy of an anti-virus will be subject to removal and diagnostic testing. Presently, the City of Tomball devices that are authorized for day-to-day usage has the licensed anti-virus protect software that is in operation.

L. Non-Standard Hardware

All hardware that is allowed to be on the City of Tomball network will be authorized and delivered from the City of Tomball IT Department. Personal or 3rd party hardware will be limited to the guest wireless network only.

M. Multi-Factor Authentication

It is the standard in the City of Tomball for all users be required to authenticate to any device with the use of a pre-loaded Multi-Factor Authentication (MFA) tool. Currently, the City of Tomball has authorized the use of the Microsoft Authenticator solution. The Internal IT Team are subjected to an additional MFA tool for accessing backend network such as servers and network hardware.

N. Hardware Procurement

No hardware will be added to the City of Tomball network that has not been scoped or approved by the IT Team prior to procurement. All hardware and required solutions must be compliant with the overall City of Tomball hardware standards.

Commented [KL7]: Rationale: Needed to include per guidance received from the IT department.

3.09 SOCIAL MEDIA POLICY

A. DEFINITION

~~For purposes of this policy, "social media" shall mean the use of technology in combination with electronic social networks of any type. Social media sites may include, but not be limited to, Facebook, Twitter, LinkedIn, MySpace, YouTube, blogs, Wikis, chat rooms, and on-line forums. It will also include~~

~~official City of Tomball websites and all forms of on-line community sites that are established and maintained by the City of Tomball. Social media activity includes but is not limited to texting, blogging, posting, and other actions involving technology and social media sites.~~

[New Policy, Adding "B. COVERAGE" section]:

A. DEFINITION

For purposes of this policy, "social media" shall mean the use of technology in combination with electronic social networks of any type. Social media activity includes, but is not limited to texting, blogging, posting, and other actions involving technology and social media sites. This policy applies to all city departments and all employees.

[New Policy Section Added after "A. DEFINITION" section"]

B. PROHIBITED SOCIAL MEDIA USE/ACTIVITY – TIK TOK

1. Pursuant to Senate Bill 1893, governmental entities, as defined below, must establish a covered applications policy:
 - A department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Education Code Section 61.003.
 - The supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government.
 - A political subdivision of this state, including a municipality, county, or special purpose district.
2. This policy applies to all City of Tomball full- and part-time employees, contractors, paid or unpaid interns, and other users of government networks. All City of Tomball employees are responsible for complying with this policy.
3. A covered application is the social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited. A social media application or service specified by proclamation of the governor under Government Code Section 620.005.
4. Except where approved exceptions apply, the use or installation of covered applications is prohibited on all government-owned or -leased devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

The City of Tomball will identify, track, and manage all government-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a. Prohibit the installation of a covered application.
 - b. Prohibit the use of a covered application.
 - c. Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
 - d. Remove an application from a government-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.
5. The City of Tomball will manage all government-owned or leased mobile devices by implementing the security measures listed below:
- a. Restrict access to "app stores" or unauthorized software repositories to prevent the installation of unauthorized applications.
 - b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
 - c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
 - d. Other Governmental Entity-implemented security measures.
6. To provide protection against ongoing and emerging technological threats to the government's sensitive information and critical infrastructure, the Department of Public Safety (DPS) and the Department of Information Resources (DIR) will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

- a. If the Governor identifies an item on the DIR-posted list described by this section, then the City will remove and prohibit the covered application.
 - b. The City may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.
7. **Exceptions:** The City may permit exceptions authorizing the installation and use of a covered application on government-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.
- a. Government Code Section 620.004 only allows the City to install and use a covered application on an applicable device to the extent necessary for:
 - (1) Providing law enforcement; or
 - (2) Developing or implementing information security measures.
 - b. If the City authorizes an exception allowing for the installation and use of a covered application, the City must use measures to mitigate the risks posed to the state during the application's use.
 - c. The City must document whichever measures it took to mitigate the risks posed to

the state during the use of the covered application.

Commented [KL8]: Rationale: Included new policy per new state law which prohibits use of Tik Tok on government owned or leased devices (Senate Bill 1893).

4.01 CATEGORIES OF EMPLOYMENT

B. PROBATIONARY PERIOD

All employees serve an initial six (6) month probationary period, which at the City's discretion, may be extended for a period not to exceed twelve (12) months. **[New Policy Statement:** Police Officers and Firefighters will serve a probationary period of one year. Termination of employment during this probationary period is final with no appeal. See Section 4.09 for more information.

Commented [KL9]: Rationale: Included firefighters as being subject to a 12-month probationary period to provide sufficient time to ascertain if newly highly firefighters are qualified.

4.02 WORK SCHEDULES

C. WORK SCHEDULES FOR NON-EXEMPT EMPLOYEES

~~The above referenced work schedules are defined to provide direction to employees, supervisors, and Payroll. However, there may be other work schedules based on the unique services provided by individual departments. All work schedules are to be defined and approved according to this policy, and Payroll is to be notified two weeks before they are implemented.~~

[New policy:]

C. WORK SCHEDULES FOR NON-EXEMPT EMPLOYEES

[New policy after last paragraph ending in: "Hours must be recorded in increment of .25, (i.e. .25, .50, or .75")]

ALTERNATIVE WORK SCHEDULES

This alternative work schedule policy is designed to help create a supportive work environment that will benefit our organization and employees. These goals include improved work-life balance, increased employee satisfaction, collaborative support and enhanced adaptability. Employees may qualify for alternative, remote and hybrid work schedules if their job roles are suitable for such arrangement and there is sufficient staffing to provide customer service at their respective work sites. Managers/Department Heads will assess alternative work schedules based on the specific requirements of the department involved, the needs of the team and the City.

Approval Process

To request approval of an alternative work schedule arrangement, the Department Head should submit correspondence on an internal memo addressed to Human Resources. The letter should include the following details:

- Desired work schedule for the department, group of employees, or individual
- Whether the department and/or employees have interactions with the public, how often and how services/needs of the public will be addressed with proposed schedule
- The department's productivity plan that addresses staffing levels, operational continuity, and accessibility to technology/software to perform the work
- Any/all potential challenges and solutions

Human Resources will review the request to ensure the above criteria has been met and forward to the City Manager for final approval. The City Manager will take the following factors into consideration and actions as part of the approval process:

- Department/employee job functions and performance
- Team dynamics
- Consultation with HR

The City Manager will provide the Department Head a response within 10 business days. The response will either approve the request, deny it or propose adjustments. A response of proposed adjustments should not be considered a guarantee or create an implication of approval. A new request can be submitted at any time after a denied request, provided the substantive information of the new request is not the same or substantially similar to the denied request.

Periodic Evaluations

After approval of the alternative work schedule request, the City Manager will conduct periodic evaluations, at the City Manager's discretion, of Department Heads to ensure the goals/objectives of the City and department are met.

If the City Manager determines and/or receives sufficient information that the department is unable to successfully maintain operations/staffing levels utilizing the alternative work arrangement, the City Manager may terminate the arrangement at any time, with or without notice. Approval of any future requests for an alternative work schedule after involuntary termination by the City Manager is in the sole discretion of the City Manager.

Commented [KL10]: Rationale: To provide a clear and formal process to provide justification and receive approval of an alternative work schedule.

4.06 STEP-UP, CERTIFICATION, EDUCATION AND LICENSE PAYS

A. STEP-UP PAY

When an employee is temporarily assigned the duties and responsibilities of a higher classification, that employee may receive additional compensation ~~if the assignment exceeds ten working days. The rate of pay will be determined by Human Resources and shall not exceed the range or position the employee is assuming.~~

B. CERTIFICATION AND LICENSE PAY

~~It is the policy of the City of Tomball to encourage its employees to participate in advanced training. Levels of training and certification for that training should be recognized. To properly compensate those employees who achieve required levels of certification and/or licenses, the city has adopted a certification and license policy which can be reviewed in the Human Resources Department at any time. When certification and license pay apply, eligible employees will only be compensated for the highest level of certification and degree level they achieve. Any changes to this policy will only be made during budget discussions depending on the funding levels that are available for the future year.~~

~~It is the employee's responsibility to notify their supervisor and provide documentation when they obtain a higher certification or education level, or if the certification or assignment pay no longer applies to their position. The supervisor will then notify the Human Resources Department.~~

[New Policy]:

A. STEP-UP PAY

When an employee is temporarily assigned the duties and responsibilities of a higher classification, that employee may receive additional compensation. Guidelines for step-up pay are as follows:

1. **Non-public safety positions:** The Department Head should provide a detailed, written justification to Human Resources as to all of the duties the employee is performing that are required in the higher classification to warrant the increase in pay. A minimum of (10) working days of service is required. Approval of the request for step-up pay must always be approved by the City Manager.

The following rate of pay applied will be either one of the two options, depending on what is most suitable for the circumstances and the employee:

- a. 3% above the employee's current salary if the employee's existing salary is in the higher classification pay range OR;
- b. The minimum salary of the higher classification, if the employee's current salary does not exceed this minimum salary.

2. **Public Safety Positions (Police and Fire):** Pursuant to state law, firefighters and police officers who are required to perform the duties of a particular classification are entitled to be paid the salary prescribed for that position during the time the employee performs those duties.

a. The Department Heads of these departments will be required to document the following in the employee's timesheet:

- Start date
- Projected End date
- Reasons for step-up pay

b. **Police:** When applicable, Police Captains that are temporarily assigned to "Acting Chief" will receive the minimum hourly salary for the job classification of Chief of Police with a minimum of (5) working days of service.

c. **Fire:** When applicable, the following rates of pay will be applied as "step-up" pay for fire personnel with a minimum of (12) hours of service:

- \$1.00 – Firefighters to Driver Operators
- \$2.00 – Driver Operators to Fire Lieutenants
- \$3.00 – Fire Lieutenants to Battalion Chiefs

3. Approval of any request for step-up pay other than what is stated in this policy must be approved by the City Manager.

4. To be eligible for step-up pay, employees must meet the minimum qualifications of the higher position. Employees who act in a higher classification may not have the opportunity to perform all the duties of the position, but must satisfactorily perform all the duties that arise.

5. Qualifications, assignment duration, and actual duties performed should be considered by the Department Head to determine when step-up pay is appropriate. Employees in on-the-job training for a higher position are ineligible for step-up pay.

6. An employee acting in a higher position will receive step-up pay for hours worked. At termination of the temporary assignment, the employee is no longer in the acting capacity and the salary should be returned to the normal rate of pay. Nonexempt employees are paid overtime at the step-up pay rate while receiving step-up pay, provided it is consistent with City policy and/or other applicable federal/state law.

7. The temporary performance of the duties of a higher position by an employee who has not been promoted as prescribed by City policy may not be construed as a promotion of the employee.

Commented [KL11]: Rationale: Needed to provide a more clear and formal process of providing justification in requesting step up pay for staff. Also, per state law (TX Local Gov't Code 141.033), fire and police personnel are entitled to higher classification pay.

[New Policy]:

B. CERTIFICATION AND LICENSE PAY

The City of Tomball encourages its employees to participate in advanced training. Professional development is important to employees and is an overall benefit to the operation of the City. Levels of training and certification for professional development should be recognized. Therefore, the intent of this policy is to establish criteria by which compensation for certificates and education pay are provided.

It is the employee's responsibility to notify their supervisor and provide documentation when they obtain a higher certification or education level, or if the certification or assignment pay no longer applies to their position. The supervisor will then notify the Human Resources Department.

The City is authorized to modify an employee's pay rate based on the employee receiving a certification(s) and/or education pay for their position.

The following guidelines shall apply to all departments in administering certification and education pay:

- All incentive pay plans, additions, and/or deletions must be reviewed by Human Resources and approved by the City Manager or designee, as provided herein.
- All certifications, licensing and education plans are subject to and contingent upon City Council approval of an annual budget that funds these incentives.
- Certification and education pay may be provided to all eligible regular employees as outlined in this policy on a pro-rata basis, as determined by the City.
- None of the stated incentives within this policy is available at the Department Head and/or Assistant Department Director level.

Commented [KL12]: Rationale: Included as a formal policy as it was already being utilized in practice.

1. Certificate Pay Eligibility

- a. All full-time employees shall be eligible for certification pay, with the exception of Department Directors and Assistant Department Directors.
- b. An employee must notify their supervisor or department director of their desire to obtain a certification that could be eligible for certification pay.
- c. The certification must be deemed beneficial to the City, must be used in employee's work responsibilities, and must not be a minimum requirement for their position.
- d. Certification pay shall be forfeited if an employee is transferred or transfers to a position where the certification is not applicable.
- e. Should an employee transfer to a department where the training becomes applicable, the employee may then be eligible for certification pay.

- f. Certification pay will only begin upon presentation of documentation to the Human Resources Department and with the Department Director's approval, as provided herein.
- g. Should certification lapse, it is the employee's responsibility to immediately notify Human Resources. The following will take place upon lapse of certification:
 - Pay for certification that lapses shall cease immediately and any overpayment of lapsed certification shall be reported to HR and arrangement to pay back the overpayment shall be made.
 - Reinstatement of certification pay shall resume the pay period following submission of renewed certification to HR.
- h. No employee shall receive more than \$150 per month in certification pay.
- i. With the approval of Department Heads, the City will pay for the cost of job-related certification training.

However, should an employee elect to voluntarily leave the employment of the City within one year of receiving said training, the employee shall reimburse the City for the training. The amount of reimbursement shall be prorated down by 1/12th (one twelfth) for each month the employee remains with City following completion of the certification.

2. Education Pay Eligibility

The following criteria shall apply to education pay:

- j. Employee must be a full-time firefighter or police officer as defined in City policy.
- k. The incentive pay for an Associate's degree/60 hours of coursework is limited to \$600 annually (\$50 a month).
- l. The incentive pay for a Bachelor's degree is limited to \$1,200 annually (\$100 a month).

3. Language Pay

The City of Tomball recognizes that, in serving a diverse population, the use of a second language may be of benefit in providing quality service. Therefore, the City has developed a program to compensate employees who are proficient in the use of a second language.

All full-time employees, except for Department Directors or Assistant Department Directors, are eligible for language pay. Employees that are certified and receive language pay will be designated as City Translators and will be expected to serve in this role as the need arises. Management may regulate the number of certified employees by position or quantity, depending on organizational needs.

Testing information is available in the Human Resources Department. The current rate of pay for those who meet the guidelines is limited to \$900.00 per year.

4. Approved Certifications

The following is a list of certificates and licenses that have been approved for payment depending on position. This list is subject to change based on the budgetary considerations made by the City:

City Secretary	Texas Registered Municipal Clerk Certified Municipal Clerk (CMC) Master Municipal Clerk (MMC)
Community Development/ Permits	Texas State Plumbing Inspector Residential Building Inspector Residential Electrical Inspector Residential Mechanical Inspector Residential Energy Code Inspector/Plans Examiner Residential Plans Examiner Commercial Building Inspector Commercial Electrical Inspector Commercial Mechanical Inspector Building Plans Examiner Certified Floodplain Manager Permit Technician Certified Code Enforcement Officer Property Maintenance and Housing Inspector Certified Building Official
Court	Level 2 TMCEC Level 3 TMCEC Court Translator
Finance	Certified Government Finance Officer (CGFO) Certified Accounts Payable Clerk Certified Purchasing Manager Certified Public Accountant (CPA) Certified Government Financial Manager (CGFM) Certified Fraud Examiner (CFE) Certified Internal Auditor (CIA)
Fire	Instructor I, II, III Wildland FF Hazmat Technician Basic Fire Inspector Intermediate Fire Inspector Advanced Fire Inspector Master Fire Inspector Intermediate Fire Investigator Advanced Fire Investigator

	Master Fire Investigator Officer I, II, III, IV Driver/Operator** Incident Safety Officer** Hazmat Incident Commander** Paramedic TCOLE Peace Officer Certification (I-M)
Human Resources	SHRM-CP SHRM-SCP IPMA-CP IPMA-SCP Certified Payroll (CPP) Professional Fundamental Payroll Professional (FPC)
IT	Microsoft System Administer for Workstations Microsoft Administrator for Servers
Police	Intermediate Peace Officer Advanced Peace Officer Master Peace Officer Intermediate Telecommunicator Advanced Telecommunicator Master Telecommunicator Jailer Certification
Public Works (Utilities)	B Water B Wastewater A Wastewater (paid at \$750/yr. due to difficulty) Back Flow Preventer Assembly Tester (BPAT) Pesticide HVAC License State Plumbing Inspector PACP (Pipeline Assessment Certification Program) LACP (Lateral Assessment Certification Program) MACP (Manhole Assessment Certification Program) Commercial Driver's license (paid at \$1200)
Public Works (Parks/Streets)	Herbicide applicator license Commercial Driver's license (paid at \$1200)

Commented [KL13]: Rationale: Included as a formal policy as it was already being utilized in practice.

4.08 LIGHT-DUTY ASSIGNMENT, REASONABLE ACCOMODATIONS AND FITNESS FOR DUTY

Commented [KL14]: Rationale: Changed title of section to acknowledge new policies on reasonable accommodations and fitness for duty sections.

[New policies added after section:

“B. DIRECTOR’S, MANAGER’S, SUPERVISOR’S RESPONSIBILITIES IN REGARDS TO LIGHT DUTY”]

C. REASONABLE ACCOMODATION

It is the policy of the City of Tomball to provide reasonable accommodations for qualified individuals with disabilities who are employees or applicants for employment. The City of Tomball will adhere to all applicable federal, state and local laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal opportunity to qualified individuals with disabilities. This includes, but is not limited to, compliance with the Americans with Disabilities Act of 1990 (ADA), as amended.

Definitions

1. Qualified Individual with a Disability: A qualified individual with a disability is an individual who satisfies the job-related requirements of the position and who can perform the essential functions of the position with or without reasonable accommodation(s). A disability could be a physical or mental impairment that substantially limits one or more major life activities, such as self-care, performing manual tasks, hearing, speaking, breathing and working. A major life activity could also include the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

2. Reasonable Accommodation: In general, a reasonable accommodation is a modification or an adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability.

Examples of reasonable accommodations include (but are not limited to) making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position. Accommodation may also include making modifications to existing leave policies and providing leave when needed for a disability, even when the leave might not be available to other employees.

Requests for Reasonable Accommodations

Employees: An employee seeking an accommodation for a disability should notify his/her supervisor that he/she needs an adjustment or change at work for a reason related to a medical condition. It is not necessary for the employee to specifically mention the ADA or use the words “reasonable

accommodation." These requests should be referred to the department head and the Human Resources Department for review.

Job Applicants: Job applicants seeking an accommodation should be referred to the Human Resources Department.

Procedures

The city will work with the employee/applicant and his/her health care provider(s) through an interactive process to identify a reasonable and effective accommodation for a disability. The request for a reasonable accommodation shall be forwarded to Human Resources and a written determination will be provided to the employee or applicant by the Director of Human Resources.

Commented [KL15]: Rationale: To create a clear and formal process for personnel to seek reasonable accommodations.

No existing policy at this time.

D. FITNESS FOR DUTY

The City of Tomball endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

- 1. Serious Health Condition/Disabilities:** The City recognizes that employees with a potentially life threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. If these employees can perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.
- 2. Medical Exams for Current Employees:** The Director of Human Resources may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.
- 3. Medical Information from an Employee's Doctor:** Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.
- 4. Genetic Information:** In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information.

“Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Commented [KL16]: Rationale: Provide general guidance to staff on the City's approach in handling fitness for duty situations.
No existing policy at this time.

4.09 PROBATIONARY PERIOD

B. LENGTH OF PROBATIONARY PERIOD

The length of the probationary period is as follows:

1. All full-time employees, excluding Police Officers and Dispatchers, shall complete a probationary period of six months from the date of hire.
2. Police Dispatchers shall complete a six-month probationary period from the end of their training and Police Officers/Firefighters **[including Firefighters here]** complete a one-year probationary period from the end of their training.

Commented [KL17]: Rationale: Including firefighters to maintain consistency with Section 4.01(B).

4.10 EMPLOYEE PERFORMANCE AND DEVELOPMENT SYSTEM

B. ANNUAL PERFORMANCE EVALUATION

~~An employee receiving a "Marginal" rating on their annual evaluation will not receive an adjustment to pay and will be placed on a Performance Improvement Plan and given 90 days to improve. If at the end of the 90-day period, the employee's performance improves to "Proficient", the employee will continue employment with the City and may be eligible to receive an adjustment from the date of the "Proficient" rating. The employee's next evaluation will be on the next common review date and may be eligible for an adjustment based on performance for the entire previous 12 months:~~

~~Upon the re-evaluation, if performance is still rated as "Marginal" the employee is subject to disciplinary action, up to and including termination, in accordance with directions provided by this policy and the Human Resources Department:~~

[New policy]:

B. ANNUAL PERFORMANCE EVALUATION

The annual performance evaluation consists of two main areas: (a) Core Competencies and (b) Performance Metrics.

The Core Competencies measures the skills, knowledge, and abilities needed to perform and fulfill the employee’s job responsibilities, while the Performance Metrics are measurements to indicate how well the employee is performing in their jobs.

The final evaluation must bear the signature of the supervisor/reviewer and the employee, if possible. If an employee will not sign an appraisal, a notation of “employee refused to sign” shall be made on the performance evaluation.

Commented [KL18]: Rationale: Updated policy to reflect the substance of the newly created performance evaluation form.

C. PERFORMANCE IMPROVEMENT PLAN

~~Employees may be disciplined for conduct or performance or a combination of the two. At any time, if an employee's performance falls below expected levels the employee may be placed on a Performance Improvement Plan and given 90 days to improve. If at the end of the 90-day period, the employee receives a rating that is below "Proficient", the employee is subject to disciplinary action, up to and including termination, in accordance with directions provided by this policy and the Human Resources Department.~~

[New Policy]:

C. PERSONAL IMPROVEMENT PLAN

The PERSONAL IMPROVEMENT PLAN (PIP) is an important tool utilized to identify issues or concerns related to an employee's individual work performance, attendance and/or conduct. It also meant to provide the employee with an opportunity to accept personal accountability of these challenges, so the employee and their supervisor can collaboratively work together in finding solutions for improvement.

At any time an employee's performance falls below expected levels, the employee may be placed on a PIP and given 90 days to improve. If at the end of the 90-day period, the employee does not satisfactorily complete the terms or conditions of the PIP, the employee may be subject to further disciplinary action, up to and including termination, in accordance with directions provided by this policy handbook.

Commented [KL19]: Rationale: Revised policy and name to provide added clarity and purpose of the PIP.

[New Policy Added after section "D. EMPLOYEE EVALUATIONS WHILE ON LEAVE OF ABSENCE"]:

E. PROBATIONAL PERIOD – EMPLOYEE PERFORMANCE LETTER

Each new employee in probationary status shall receive an Employee Performance Letter, written by their Supervisor/Department Head, at the completion of a 6-month probationary period and police officers/firefighters at the completion of a 12-month probationary period, following their training.

The letter should be drafted on internal City correspondence and consist of the following:

1. The employee's date of hire;
2. A detailed overview of the employee's job duties and responsibilities;
3. Clear and detailed evaluation of the employee's overall work performance;
4. Recommendation for release from probation, if applicable, and reasons why
OR;
5. Recommendation to extend probation, if applicable and reasons why;
6. Areas for improvement, if applicable;
7. Goals to be met by next review period

Upon discussion with the employee and approval by the Department Head, the Department Head must submit the letter to HR within (3) three business days to file in the employee's personnel file. If additional action and/or discussion is warranted, the Department Head is encouraged to consult with HR.

Commented [KL20]: Rationale: Created new policy to simplify new hire performance review after 6 month probation.

4.11 PAY PLAN, COMPENSATION GUIDELINES, AND JOB DESCRIPTIONS

[New Policy added after "D. JOB DESCRIPTIONS"]

E. MERIT INCREASES

Generally, merit increases for employees are provided on a yearly basis at the time of the employee's annual evaluation, subject to the employee's performance meeting the merit criteria, financial feasibility for the City, leadership approval and other guidelines, as follows:

1. All merit increases must align with individual performance. Performance of "Meets Expectations" or above should be reflected in annual evaluations for those receiving a merit increase.
2. Merit increases are performance-based only and shall not be considered a mechanism to correct any perceived market or equity matters.
3. Employees on probationary status (new hire and/or promotional) are not eligible for a merit increase. Employees promoted during the evaluation period must have completed 12 months in that promoted position to be considered for a merit increase. Exceptions to this policy are subject to approval by the City Manager.
4. Employees subject to disciplinary action shall not be eligible for a merit increase. Employees that have been placed on a PIP and successfully completed the terms/conditions of the PIP during the evaluation period can be considered for a merit increase.
5. Requests for merit increases will only be considered at the time of an employee's annual evaluation.
6. Department heads will submit evaluations with all supporting documentation to Human Resources for review for all evaluations that have a rating that exceeds "Meets Expectations," with final approval given by the City Manager.
6. Unless otherwise advised, merit increases will be reflected in the first paycheck following the first complete pay period after the effective date.

Commented [KL21]: Rationale: Included as new policy to provide guidance on merit increases.

5.13 TUITION REIMBURSEMENT PROGRAM

E. APPLICATION

To begin participation in the Tuition Reimbursement Program, employees must notify their Department Head in writing by submitting a completed application for the program with proper signatures along with a degree plan from the school and tuition dollar estimates in time for the budget preparation workshops for the next fiscal year, **no later than March 30th**. All paperwork must then be forwarded to the HR department. This must be done each year for all classes to be taken in the next fiscal year.

Commented [KL22]: Rationale: Provided deadline to encourage personnel to submit reimbursement application in time enough for the budget planning process.

6.03 AGGRIEVED EMPLOYEES

~~An employee having a grievance relating to employment shall first present the grievance to his or her Department Head, either verbally or in writing. The grievance should be presented within three working days of the date of the occurrence which led to the grievance, or within three working days from the date the employee first had knowledge of the occurrence.~~

6.05 APPEAL BY EMPLOYEE

~~An employee, who after discussing a grievance with the employee's Department Head and not being satisfied with the answer, may appeal the grievance to the City Manager within five working days of the meeting with the Department Head. Any appeal to the latter shall be made in writing. The decision by the City Manager will be final.~~

[New policy of combining Sections 6.03 and 6.05, Renumbering of each section after 6.03]:

6.03 APPEAL BY AGGRIEVED EMPLOYEE

An employee, who after discussing a grievance with the employee's Department Head and not being satisfied with the answer or want to appeal a disciplinary decision, may do so by providing detailed correspondence of the specific areas of concern and submitting the appeal along with any supporting evidence to HR within (3) business days from the date the discipline was given.

At this time, HR will review the grievance or appeal and submit it to the Discipline Grievance Committee (DGC) panel (selected by the HR Director) which will be comprised of three objective and non-interested department heads. The DGC will make a recommendation to the City Manager as to agreement or disagreement of the grievance or discipline no later than (3) business days from the date of receipt by HR.

The City Manager will review all the documentation related to the grievance and render a final decision within (3) business days from receipt of the recommendation by the DGC. The decision(s) made by the City Manager at the conclusion of this grievance process is considered final and not eligible for further appeal.

If additional time is warranted at any time during this process, the employee will be notified by HR.

Grievances may not be filed by probationary or temporary employees.

Commented [KL23]: Rationale: Provide a more defined, clarified process for employees to utilize a fair and objective due process when disciplined.

7.01 VACATION

C. VACATION ACCRUAL

Vacation is accrued on a bi-weekly basis. The schedule below reflects vacation leave earned per pay period and per year by all employees in full-time positions:

Length of Service	All Employees, excluding Shift Firefighters	Shift Firefighters
4 years of service or less	10 days per year or 3.08 hours per pay period	10 days per year or 4.62 hours per pay period
End of 5 th Year, but less than 12 years of service	15 days per year or 4.62 hours per pay period	15 days per year or 6.93 hours per pay period
End of 12 th Year, but less than 20 years of service	20 days per year or 6.15 hours per pay period	20 days per year or 9.23 hours per pay period
20 th Year and thereafter	20 days per year or 6.15 hours per pay period, plus one additional day for each year of service beginning year 20 (limited to five extra days)	20 days per year or 9.23 hours per pay period, plus 12 hours for each year of service beginning year 20 (limited to 60 extra hours)

~~To adhere to the application of accrued time in accordance with our previous policy, the change from two to three weeks of vacation will occur at the time of the fifth anniversary by adding a week of accrued time to the two weeks already accrued in the fifth year. The same change will occur at the twelfth anniversary.~~

[New policy]:

C. VACATION ACCRUAL

Vacation is accrued on a bi-weekly basis. The schedule below reflects vacation leave earned per pay period and per year by all employees in full-time positions:

Length of Service	All Employees, excluding Shift Firefighters	Shift Firefighters
5 years of service or less	10 days per year or 3.08 hours per pay period	10 days per year or 4.62 hours per pay period
End of 5 th Year, but less than 12 years of service	15 days per year or 4.62 hours per pay period	15 days per year or 6.93 hours per pay period
End of 12 th Year, but less than 20 years of service	20 days per year or 6.15 hours per pay period	20 days per year or 9.23 hours per pay period
20 th Year and thereafter	20 days per year or 6.15 hours per pay period, plus one additional day for each year of service beginning year 20 (limited to five extra days)	20 days per year or 9.23 hours per pay period, plus 12 hours for each year of service beginning year 20 (limited to 60 extra hours)

Commented [KL24]: Rationale: Correction to policy to ensure the vacation is received at the conclusion of the employee's 5th year.

Existing policy would allow for an extra week front loaded to the employee's vacation accrual because it was received at the beginning of the 5th year (see language at bottom of chart in existing policy, which is being removed).

7.02 SICK LEAVE

B. USE OF SICK LEAVE

[Removing from existing policy]:

~~An employee may use up to 32 hours of accrued sick leave in a calendar year:~~

- ~~• To care for an employee's sick child (dependent minor child in the home) or spouse or parent.~~

Commented [KL25]: Rationale: Removal from existing policy to provide employees more flexibility in utilizing sick leave.

7.05 PERSONAL LEAVE

~~Personal leave is provided at the rate of 16 hours per year for all full-time employees at the beginning of the calendar year. Leave is subject to the attendance and leave approval provisions of this policy and may not be taken during the probationary period. Personal leave does not accrue beyond the calendar year and unused hours will not be paid at the end of the year.~~

[New policy]:

Personal leave will be provided as follows at the beginning of the calendar year and can be taken in quarter hour increments:

- 18 hours for all full-time employees
- 24 hours for fire personnel

Commented [KL26]: Rationale: Provided small increase to personal leave accrual for full time employees and fire personnel for morale and retention.

Leave is subject to the attendance and leave approval provisions of this policy and may not be taken during the probationary period. Personal leave does not accrue beyond the calendar year and unused hours will not be paid at the end of the year.

7.06 HOLIDAY LEAVE

A. CITY HOLIDAYS

The City provides full-time employees with paid holiday leave each year. Part-time and temporary/seasonal employees are ineligible for holiday compensation.

Every calendar year the City of Tomball recognizes 10 holidays, although certain employees may be required to report for duty:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- One Floating Holiday - given on January 1 of each year and cannot be taken until the probationary period is completed. Must be scheduled and taken during the calendar year and shall not be subject to carry-over or payment if not used.

[New policy]:

A. CITY HOLIDAYS

The City provides full-time employees with paid holiday leave each year. Part-time and temporary/seasonal employees are ineligible for holiday compensation. Every calendar year the City of Tomball recognizes 11 holidays, although certain employees may be required to report for duty:

Commented [KL27]: Rationale: Approval of proposed Veteran's Day would be a recognition of 11 holidays instead of 10.

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day (proposed)
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- One Floating Holiday - Given on January 1 of each year and cannot be taken until the probationary period is completed. Must be scheduled and taken during the calendar year and shall not be subject to carry-over or payment if not used.

Commented [KL28]: Rationale: Proposed adoption of Veteran's Day to recognize our veteran employees and enhance retention efforts.

[New policy language added for floating holiday]:

The floating holiday will be provided as follows:

- **8 hours for 8-hour shift employees**
- **9 hours for 9-hour shift employees**
- **10 hours for 10-hour shift employees**
- **12 hours for 12-hour shift employees and fire personnel**

Commented [KL29]: Rationale: Adjusted floating holiday accrual to reflect actual hours worked as all employees do not work an 8-hour day and would have to burn additional time in conjunction with the holiday hours when used.

7.07 FUNERAL LEAVE

Employees may be granted paid leave per year to attend or arrange the funeral and settle the affairs of an immediate family member. For the purpose of this policy, "immediate family" shall mean the employee's spouse, children, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandchildren and grandparents of the employee or employee's spouse.

[New policy language added]:

Funeral leave will be provided as follows:

- **8 hours for 8-hour shift employees**
- **9 hours for 9-hour shift employees**
- **10 hours for 10-hour shift employees**
- **12 hours for 12-hour shift employees and fire personnel**

The City Manager may allow administrative time off to attend the funeral of an employee, an employee's spouse or child, a former employee or well-known community leader, but only to the extent that it does not affect the safe and effective operation of city services.

Commented [KL30]: Rationale: Adjusted funeral leave hours to reflect actual hours worked to provide employees that work shifts other than 8 hours to utilize 3 "days" of leave that is consistent with their respective day.

7.08 EMERGENCY LEAVE

~~All regular and probationary employees may be granted emergency leave for the period not to exceed three consecutive workdays days per calendar year, in the case of a serious illness or accident of a member of the employee's or employee's spouse family requiring immediate medical attention. Family members include parents, grandparents, brothers, sisters, children, in-laws and spouses. Emergency leave may include visitation of the seriously ill person in an intensive care or hospice setting. Documentations will be required to validate the emergency. Approval of emergency leave will be determined by the Human Resources Department.~~

[New policy]:

All regular and probationary employees may be granted emergency leave for the period not to exceed three consecutive workdays days per calendar year. Emergency leave is defined as leave for unforeseen, urgent or critical response situations that require immediate attention and cannot be delayed. This leave is typically used for situations such as severe illness or injury of a close family member, death in the family, natural disasters, or other significant personal emergencies.

Approval of emergency leave will be determined by the Department Head and cannot exceed more than the number of hours noted below for personnel:

- **24 hours for 8-hour shift employees**
- **27 hours for 9-hour shift employees**
- **30 hours for 10-hour shift employees**
- **36 hours for 12-hour shift employees and fire personnel**

When/if approved by the Department Head, the employee and/or the supervisor must make a note of use of this leave in the employee's time sheet for payroll purposes.

Commented [KL31]: Rationale: Adjusted emergency leave hours to reflect actual hours worked to provide employees that work shifts other than 8 hours to utilize 3 "days" of leave that is consistent with their respective day.

7.14 INCLEMENT WEATHER

The City is responsible for providing Police, Fire, water, sewer, and other services to the citizens of the City with or without inclement weather conditions. Given these responsibilities, it is the City's policy to be open for business under all types of weather conditions.

All employees shall be required to work on their normally scheduled work days regardless of inclement weather conditions unless instructed otherwise by their Supervisor.

Supervisors are responsible for ensuring that their operations are adequately staffed during periods of inclement weather. Employees who miss work or expect to be late for work due to inclement weather conditions must personally notify their Supervisor immediately. Failure to properly notify their Supervisor may result in disciplinary action, up to and including termination.

Employees who miss work due to inclement weather may use accrued vacation or compensatory time to compensate for the lost time. Employees with no vacation or compensatory time accrued shall not be reimbursed for the lost time.

[New policy language]: If the City closes due to inclement weather, employees that have pre-approved leave will be required to use their leave.

Commented [KL32]: Rationale: Added guidance to employees that have pre-approved leave to be absent from work at the same time the City is closed for inclement weather.

SECTION 2 – EMPLOYMENT

2.01 RECRUITING PROCEDURES

The Human Resources Department will advertise as necessary to recruit prospective applicants for vacant positions, communicate with appropriate agencies, contact possible sources for applicants, and maintain applicant files.

The Human Resources Department is responsible for:

1. Placing advertising on the City's website, in publications, and any other appropriate advertising site.
2. Accepting all applications. Applications are only accepted at the time of an active recruitment.

A. REQUEST TO RECRUIT

Recruitments can be conducted in the following manner:

1. Public – Applications will be accepted from external and internal candidates. Job postings are available on the City's website, emailed to all City employees and posted in common areas.
2. Internal Only – Applications will be accepted only from internal candidates. Job postings are emailed to all City employees and posted in common areas.

B. JOB POSTINGS

The Human Resources Department will develop a job posting to describe the particular requirements for vacant positions. The job posting will reference the minimum requirements for the position, as this will provide the basis on which applicant qualifications will be evaluated.

Highly complex or difficult to fill positions may be posted as "open until filled" at the request of the Department Head and with the consent of the Director of Human Resources. An open-ended search will not have a fixed deadline for the receipt of applications. The job posting and related advertisements will specify the date when the review of applications will begin. This will allow Human Resources to continue to accept applications until an ideal candidate is identified.

C. APPLICATIONS

Applications will only be accepted by the Human Resources Department during the specified open period of the job posting. Applications that have not been processed and routed by the Human Resources Department during the posting period are not eligible for consideration. Resumes submitted without a completed City of Tomball application will not be considered for employment, with the exception of certain executive positions.

Current City employees who wish to be considered for opportunities within the City must complete a Transfer application. Internal applicants must discuss their intent to compete for a different position with their current Supervisor/Manager or Director before submitting an application.

D. SHARING OF APPLICANT POOLS

Once a final candidate is selected from a pool of applications, the pool will remain viable for a period of 3 months. During this period, if a vacancy occurs with the same job title, the Hiring Department may choose to review applications from the pool rather than re-recruit.

E. INTERVIEWS

The Department Director shall review the applications and schedule interviews for those candidates selected for further consideration. Consideration must be given to all applications received; however, interviews need not be provided to all applicants.

The Human Resources Department can assist the Department Director in structuring interview questions, seating interviewing panels, devising scoring mechanisms and for other assistance in the interview process. Interview questions must be relevant and related to the position and the skills required. In addition, all candidates must be asked the same core group of questions to provide a fair and equal opportunity process.

F. SKILLS TESTING

The Hiring Department will contact the Human Resources Department to arrange for skill testing. Skills such as, but not limited to, typing, word processing, spreadsheets, databases, job knowledge, and other current systems and applications may be measured.

G. REFERENCE CHECKS

All efforts shall be made to determine the applicant's past work history. The best reference is someone who is in a position to evaluate the applicant's work performance. Personal references should be avoided unless they are the only references available.

The Department Director or Hiring Manager shall conduct reference checks prior to communicating a conditional offer of employment to a candidate. If an internal candidate is being considered, reference checks must include at least one person from the current supervisory chain of command.

H. SELECTION

The Hiring Department will be responsible for selecting from among the referred candidates to fill vacancies. Selection(s) must be defensible and documented.

The Hiring Department is responsible for sending letters or emails to applicants, regardless of whether or not they were interviewed, notifying unsuccessful applicants that another candidate was selected.

I. PRE-EMPLOYMENT MEDICAL SCREENING

1. Drug and Alcohol

Any external applicant for employment who has been made a conditional offer of employment will be required to undergo a drug test for the presence of drugs in their system. The Human Resources Department must receive a negative test result before the applicant may be made a final offer of employment. A job applicant who refuses to consent to a drug test as a condition of employment will be denied employment with the City of Tomball.

After a conditional offer of employment is made, the Department Head is responsible for making an appointment for a pre-employment physical (if required for the position), and instructing the applicant to report to the Human Resources Department for the pre-employment drug test. The applicant must report to the Human Resources Department within 24 hours of being notified of the drug test.

The Human Resources Department will provide the paperwork for the applicant to take to the Testing Site. The applicant must show picture identification to a representative at the testing site. The applicant must provide the sample as required or lose the opportunity for employment.

The testing site will provide Human Resources with the result of each drug test. The original result will be kept on file with the Human Resources Department, where it will be retained for a minimum of two years.

If the applicant receives a positive result on the drug test, the Human Resources Department will inform the Hiring Department. The conditional job offer will be rescinded by the Human Resources Department. The Hiring Department can choose another applicant from the same applicant pool or reopen the position for recruitment. **[New Policy Statement Here]**.

Any applicant who has tested positive for a controlled substance during the application process may be considered for employment with the City of Tomball, following a period of one year and a documented drug rehabilitation program. Upon reapplication, the applicant must also agree to at least one year of random drug tests (6 tests during the one year period) paid for by the City.

2. Physical Examinations – Non-Public Safety

Physical examinations will be required for those applicants being considered to fill a position that is highly physical in nature and/or where there will be frequent exposure to sun, heat, cold, humidity, and rain. Applicants in labor intensive positions, whether full-time, part-time or seasonal/temporary, must successfully complete a physical examination. These jobs often require heavy lifting and/or physical stamina. Both external and internal applicants must first be informed of a conditional offer for the positions and then be sent for a physical examination arranged by the Human Resources Department. Reasonable accommodations will be made for persons with disabilities, in accordance with the Americans with Disabilities Act.

3. Physical Examinations – Public Safety

All public safety police applicants who are being considered to fill a position will undergo a thorough physical examination and will also be required to pass a psychological screening process which includes a written psychological test and an oral interview with a psychologist. Document L-2 is signed by the physician stating the applicant is able to perform the essential duties of a police officer. The psychologist signs an L-3 stating there is no mental reason that an applicant could not perform the duties of a police officer. Both the L-2 and the L-3 forms are required by the State of Texas licensing agency for police officers and are sent to the state once an applicant has been employed by the City of Tomball Police Department. Dispatch candidates will also be required to provide an authenticated L-2 and L-3 indicating that they are fit to perform the duties of a dispatcher.

After a conditional employment offer is made, firefighter applicants are required to complete a pre-employment physical and must be deemed able to perform the essential duties of a firefighter by the City's contracted physician. Firefighter applicants must meet the standards of the National Fire Protection Association.

J. BACKGROUND INVESTIGATIONS

Background investigations will be done in accordance with the requirements for filling the vacant position.

1. Background Check – Non-public Safety

The background information will be used to ensure that the City does not place an applicant in a position that may create liability for the City. An applicant will not be disqualified from hire merely by having a criminal conviction. The nature of the offense, how much time has passed, and the job the applicant has applied for will be taken into consideration. Because of confidentiality issues, the

2.03 NEPOTISM (Employment of Relatives)

A. Family Member

The City of Tomball defines a family member as:

1. A relationship created by marriage includes: spouse, spouse's child, spouse's parent, spouse's brother, spouse's sister, spouse's nephew, spouse's niece, spouse's grandchild, spouse's grandparent, spouse's first cousin, spouse's aunt, and spouse's uncle.
2. A relationship created by birth (blood) includes: parent, brother, sister, child, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, great-grandparent, great-grandchild, great-aunt, great-uncle, great-niece, and great-nephew.
3. Significant others who live in the same household.

~~B. Applicants~~

~~An applicant may not be hired as an employee if that department already employs a person who is a family member of the applicant. This passage does not apply to volunteers with the fire and police departments.~~

~~C. Employees within the same department~~

~~If an employee becomes a family member of another employee who works in the same department the employees may remain in the department, however, they may not directly supervise one another.~~

B. [New policy added here]

D. C. Elected Officials

No person related within the second degree by affinity* or third degree of consanguinity** to the mayor, any member of the City Council, any officer of the City or officer of any City Board shall be appointed, voted upon or confirmed by that relative to any office, position, clerkship, employment or duty of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for a period of six (6) months prior to the election of the Mayor or Council member so related to him/her. The person must have been continuously employed by the City for a period of thirty (30) days prior to the appointment of a related officer of a City Board or officer of the City to retain employment.

* "Affinity" is relationship created by marriage and within the second degree includes spouses, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent-in-law and grandchildren-in-law.

**"Consanguinity" is a relationship created by birth and within the first and second degree includes grandparents, parents, brothers, sisters, children and grandchildren, and within the third degree includes aunts, uncles, nieces, nephews, great-grandchildren and great-grandparents.

- k. Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules or regulations or the achievement of official City programs.
 - l. Personally represent or appear on behalf of the private interest of another before the City Council or any City board or department; or if the represented person's interest is adverse to that of the City, represent any person:
 - i. in any quasi-judicial proceeding involving the City; or
 - ii. in any judicial proceeding to which the City is a party
2. Provided, nothing in subsection (1) above shall preclude:
- a. Any employee from performing the duties of his or her employment;
 - b. Any employee from appearing before the City Council or any City board or department, in a manner consistent with other City policies and rules, to discuss any general City policies or public issues; or
 - c. An employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.

B. EXCEPTIONS

Exceptions made to any item in Policy 3.01 must be approved by the City Manager and kept on file by the Finance Department or Human Resources Department, as appropriate.

C. NOTIFICATION OF FRAUDULENT INCIDENT OR PRACTICES

In the event that an employee observes a fraudulent act or suspects that a fraudulent act has occurred, notification of the act must be made in accordance with the Interdepartmental Policy and Procedures.

3.02 ATTENDANCE

Employees shall be required to be at their places of work in accordance with work schedules established by their department. Employees are expected to be at their work place or on official duty during City business hours or be officially excused by their supervisors. Any employee who fails to report, is habitually tardy, leaves the workplace without proper authorization or misuses leave may be subject to disciplinary action. **[New policy statement here]**. All departments shall maintain accurate attendance records.

Whenever an employee is unable to report to work because of illness, injury or an emergency, the employee must call their supervisor as far in advance as possible prior to their scheduled shift time, and each subsequent day thereafter. Such notification should include when the employee can be expected to report to work. Leave time is subject to the approval of the supervisor. The absent employee is responsible for ensuring that proper advance notice of absence or late arrival is given to their supervisor, in accordance with the department rules. If a voice mail is left, it is the employee's responsibility to call back to ensure that the message was received. Messages left with non-supervisory personnel will not be accepted. Failure to provide proper notification of an absence or lateness,

unexcused absences, late arrivals or early departures from work may result in disciplinary action, up to and including termination.

Any employee who fails to report to work for 3 consecutive workdays, and fails to notify their supervisor in advance of the reason for the failure to report to work, will be considered to have voluntarily and irrevocably resigned from their position at the end of the 3rd day unless the City determines that the employee has a sufficient excuse for not giving notice.

3.03 MEAL AND BREAK PERIODS

Supervisors shall implement work schedules, including work hours and lunch schedules, to meet the general requirements of their departments and divisions. Break/rest periods are not required by the Fair Labor Standards Act however, the City of Tomball may allow two 15 minute rest periods, which may be provided each day and are to be taken within the work area. The meal period should be 45 minutes or one hour in length and should normally be taken between 11:00 a.m. and 2:00 p.m. for those employees working a standard eight-hour shift. Rest periods and lunch breaks are to be taken as assigned and cannot be stored or banked. Schedules for Police and Fire Department personnel will be established by the respective Chief. Break periods may be delayed in order to maintain production or services.

[New Policy on Nursing Mothers here]

3.04 EMERGENCY CONDITIONS

The citizens of Tomball depend on City employees before, during and after an emergency or disaster to provide or restore essential public services for the health, safety and quality of life for our community. In the event of a wide scale emergency that could impact our community, all employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations until he/she are specifically relieved by the Department Director or their designee. This policy applies to all non-exempt and exempt employees, and it recognizes that some emergencies will provide no advanced warning.

A. EMPLOYEE GROUPS

In a large scale emergency, City employees will be required to fulfill their individual responsibilities and function as a team to protect the City's vital assets, and maintain and restore essential City services. While the fire and police departments typically provide emergency services, other City departments may also be called upon to participate in response efforts.

B. PAY PROVISIONS

In the event of a Disaster Declaration, State of Emergency or a long term emergency, all non-exempt that are declared "Essential personnel" and are required to work the duration of the event, will be eligible for overtime at the rate of one and one half (1 1/2) times their regular hourly rate of pay for actual hours worked. Exempt employees may receive time off for extensive hours worked during an emergency situation, as defined by the City Manager.

3.05 APPROPRIATE APPEARANCE

The personal appearance and grooming of our employees plays an important role in the perception that the public and citizens have of the City of Tomball. Employees are expected to dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Employees are expected to maintain minimum standards of dress, grooming and personal hygiene appropriate for the position and job duties and as necessary to protect the safety of the employees. This policy establishes the foundation for the City's dress code policy. In order to maintain a positive public image and to assist employees in determining what is appropriate, the following guidelines are established.

A. DAY-TO-DAY ATTIRE

Business attire or a required uniform is to be worn on a daily basis. Police and Fire Department employees are covered under Departmental policies regarding appropriate dress and appearance.

B. PROHIBITED ATTIRE

In order to maintain a positive public image and to assist employees in determining what is appropriate, the following items are prohibited or restricted:

- Shirts that allow a bare midriff
- Beach type flip-flops
- Sweat-shirts, sweat pants, wind suits, overalls or shorts (Department Heads may make exceptions for uniformed seasonal wear)
- Ripped Jeans
- T-shirts and/or ball caps with advertisements, political messages, or slogans (unless provided by the City for a specific City/Public event)
- Clothing with obscene messages or that endorse alcohol, tobacco products, drugs, pornography, or offensive material of any kind
- Revealing, sheer, suggestive, see-through blouses or sweaters (unless worn over or under another shirt)
- Provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics
- Lip, nose and eyebrow rings/studs, tongue studs or similar type facial jewelry (excluding ear lobes)
- Clothing that is dirty, soiled, stained, wrinkled, ripped or tattered
- Visible tattoos which could be deemed offensive
- Clothing that is better suited for the beach, yard work, dance clubs, exercise sessions, and sports contests
- Hair should not be worn in a manner to create a safety hazard. Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For

- Employees whose position require the operation of a motor vehicle must exercise due diligence to drive safely, wear seat belts, follow all traffic laws, and avoid distractions while driving, such as using cellular telephones or entering data on a Mobile Data Terminal (MDT) except as provided by state law for emergency response.
- Some city-owned vehicles are equipped with GPS tracking devices. Tampering with and/or disengaging such equipment is grounds for disciplinary action up to and including termination.

D. CELLULAR PHONES

The City will own and provide cellular phones and services to qualified and approved employees. The City will maintain a single service provider contract from authorized state, local or federal cooperative contracts that offer discounted pricing and a wide range of service plans. Use of any other services provider or contract for City owned cellular phones and/or services must be justified and approved.

As an alternative to a City owned and provided cellular phone and service, the City Manager may authorize the issuance of a monthly stipend to those employees deemed to be Critical Decision Makers. These payments are intended to pay only for City related costs incurred on personal cellular phone accounts, and eliminate the need for those employees to carry and maintain a separate phone for City business. This stipend is considered taxable income to the employee.

3.07 INFORMATION TECHNOLOGY SYSTEM USE

The City provides technology and communications systems to employees. This includes internet and e-mail, as well as any system or part of a system owned or leased by the City that is used for sending, receiving, or accessing information by electronic means and transported on wired or wireless networks.

This policy provides guidelines for the general use of the City computers, electronic mail, and Internet access. It applies to both internal and external email sent and received, all Internet access, and any software or hardware installed on a City computer. These guidelines do not supersede any state or federal laws, or any other agency's policies regarding confidentiality, information dissemination, or standards of conduct. This policy is not intended to cover every possible situation. Instead, it is designed to express the City of Tomball's philosophy and set forth general principles when using electronic media and services.

The City will review alleged violations of this policy on a case-by-case basis. Any violation of this policy could result in disciplinary actions, up to and including termination. Additionally, violations of this policy, when appropriate, may be referred for criminal prosecution.

A. ACCEPTABLE USE

Permissible use of the System is to carry forward City business. Use is encouraged when it results in the most efficient and effective means of communication. It is the responsibility of the employee to use the System, including internet and e-mail to assist in carrying out the business purposes of the City. This includes, but is not limited to:

1. Perform job functions,
2. Communicate information in a timely manner,
3. Coordinate meetings of individuals, locations, and City resources,

through the IT department before installation. Unauthorized software installation is strictly prohibited. Any software installed by the IT Department shall not be removed or altered in any way.

To maintain compliance with U.S. Copyright laws and to protect the integrity of the City of Tomball computer environment from viruses, unauthorized installation or downloading of any unauthorized software is strictly prohibited. Employees are not permitted to install their own copies of any software onto City computers. Likewise, employees are not permitted to copy software from a City computer to be used on any other computer unless such installation is in accordance with the applicable licensing agreement and has been previously authorized by the Department Head or designated personnel. Any employee, who knowingly makes, acquires or uses unauthorized copies of software licensed to the City of Tomball or who places or uses unauthorized software on the City of Tomball premises or equipment shall be subject to disciplinary action.

H. HARDWARE

Any employee's personal computer or equipment that is attached to the City of Tomball's network is subject to all rules within this policy. No hardware shall be installed or removed from the City of Tomball's computer without authorization from the Department Head or designated personnel and notification to the IT Department.

I. LAPTOPS

Laptops are assigned to individuals and/or departments. Employees who remove them from designated office spaces will take personal responsibility for the safety of these items. Employees may be held liable should laptops be damaged, lost or stolen while in an individual employee's possession.

J. AUDITS

The City reserves the right at any time to conduct audits of any or all of the City of Tomball's computers to ensure that the City is in compliance with all software licenses. Unauthorized software will be deleted upon detection.

[New Policy Sections K – N added here]

3.08 MEDIA CONTACTS

The City Manager's office and designated public information officers are authorized to serve as liaisons to media representatives regarding policy issues. Other employees are not authorized to make statements on behalf of the City, unless directed to do so by the Department Head and in response to an inquiry for routine factual information relating specifically to his/her duties as a city employee, and not relating to litigation, legal opinions or City personnel matters. If an employee receives an inquiry, he/she should report the inquiry to the Department Head, and describe any response made to such inquiry. Nothing in this handbook prohibits the exercise of constitutional rights, which generally protect communications made as a citizen on matters of public concern, but not communications made as an employee on matters of personal interest.

3.09 SOCIAL MEDIA POLICY

This policy addresses the responsibility of all employees with regard to their personal use of social media. This policy also outlines the protocol and procedure for employee and volunteer use of social media to disseminate public information and/or promote special events, programs, and services on behalf of the City of Tomball.

A. DEFINITION

For purposes of this policy, "social media" shall mean the use of technology in combination with electronic social networks of any type. Social media sites may include, but not be limited to, Facebook, Twitter, LinkedIn, MySpace, YouTube, blogs, Wikis, chat rooms, and on-line forums. It will also include official City of Tomball websites and all forms of on-line community sites that are established and maintained by the City of Tomball. Social media activity includes but is not limited to texting, blogging, posting, and other actions involving technology and social media sites. The term "Employee", in this section, shall mean a full-time, part-time, or contract employee or volunteer for the City.

B. COVERAGE

This policy applies to all city departments and all employees.

(New Policy on Tik Tok added here)

C. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

The lines between public and private, personal and professional can become blurred in on-line social networks. With that in mind, below are guidelines for social media use by City employees while off duty.

1. Employees who use social media for personal use should not discuss information about the City's employees, citizens, vendors, issues, business, or legal matters without express consent to do so. Posting of confidential information may violate state law and subject the user to criminal penalty.
2. Personal use of social media while off duty must not interfere with or conflict with the employee's duties or job performance, utilize the employee status as a City employee to bolster his opinion or violate any City policy. Employees are encouraged to act responsibly while off duty and to exercise good judgment when using social media.
3. Employees should consider the following guidelines for personal use of social media:
 - Respect coworkers and the City. Do not post any confidential information obtained through employment with the City and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
 - Do not post any information and/or pictures that may constitute violation of any City policy.
 - Do not post pictures containing images of City uniforms or insignia, City logos, City equipment or City work sites.

SECTION 4 – SALARY ADMINISTRATION

The City of Tomball's compensation policies (salary administration and pay practices) have been designed to provide guidelines for ensuring fair and equitable practices and to maintain compliance with the Fair Labor Standards Act (FLSA).

4.01 CATEGORIES OF EMPLOYMENT

A. AT-WILL EMPLOYER

Employment at the City of Tomball is at-will for an indefinite period of time, until terminated by either the City or the employee, with or without cause. That means either party may end the relationship with or without prior notice or cause.

No written or oral representation by the City of Tomball personnel will create a contract of employment. No employment practices of the City are intended to create a contract of employment. No changes in the City's employment-at-will policy will be effective unless executed in writing and signed by both the City Manager and Human Resources Director and approved by City Council. The City also retains the right to change any terms, conditions, benefits or privileges of employment at any time without notice.

B. PROBATIONARY PERIOD

All employees serve an initial six (6) month probationary period, which at the City's discretion, may be extended for a period not to exceed twelve (12) months. **Police Officers (Adding Firefighters here) will serve a probationary period of one year.** Termination of employment during this probationary period is final with no appeal. **See section 4.09 for more information.**

C. PROBATIONARY EMPLOYMENT

Each new employee is placed into a probationary status until he/she completes the probationary period. The probationary period allows the supervisor or department director an opportunity to evaluate, train, coach and observe the employee's ability to perform assigned duties. Throughout the probationary period, the supervisor shall communicate and document the provisional employee's progress in his/her performance. If the employee's performance meets expected levels, they complete their probation after six (6) months. If the employee's performance during the provisional period is less than satisfactory, the probationary period may, at the discretion of the supervisor and with approval of the Department Head, be extended for an additional six (6) months. At any time during the probationary period and employee may be dismissed without further recourse. Even after completing the probationary period, an employee's employment with the City remains at-will in nature.

D. FULL-TIME EMPLOYEE

A full-time employee is defined as an employee who works a minimum of 40 hours a week or 2,080 hours annually in a full-time position; or an average of 53 hours a week or 2,756 annually in a full-time shift Firefighter position. Such employees are eligible for all City benefits. Full-time employees are further classified in one of the following categories:

1. Exempt: Certain employees, due to their position title and responsibilities, are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees primarily include those individuals occupying a bona fide executive, administrative, and/or professional position under the

4.02 WORK SCHEDULES

Employees in all City departments, with the exception of certain shift positions in the Fire Department and the Police Department, will observe a forty-hour work week. The work period begins 12:00 a.m. Monday (6:00 a.m. for Shift Police Personnel and 7:00 a.m. for shift Firefighters) and consists of seven consecutive 24-hour periods. Employees working a standard forty-hour work week schedule will consist of five eight-hour shifts. Police Officers, Jailers, and Dispatchers may utilize a work week schedule consisting of eight, ten or twelve hour shifts, in accordance with FLSA, provided the service level to the community can be adequately maintained.

Each department head is responsible for exercising adequate supervision to ensure that employees are complying with established work schedules and that unscheduled work is performed only in bona fide emergencies. The department head is responsible for controlling starting and stopping time and all work times. If an employee starts work early or works late and the time for either period is seven minutes or less, then that time is considered incidental and will not require compensation. Overtime will begin the eighth minute and will be calculated in 15 minute intervals.

It is the employee's responsibility to comply with department work schedules and to avoid work that is unscheduled or unauthorized.

While many City services are provided on a 24-hour basis, seven days per week, the City has established its core business hours as 8:00 a.m. to 5:00 p.m., Monday through Thursday, and 8:00 a.m. to 4:00 p.m. on Friday.

A. WORK SCHEDULES FOR SHIFT FIREFIGHTERS

Under the 207K exemption of the FLSA, City of Tomball shift firefighters observe a 14-day work cycle for the purposes of calculating overtime. For shift firefighters, the work cycle begins at 7:00 a.m. on Monday and concludes at 6:59 a.m. 14 days later. Fire Department personnel on a 48-hour shift are regularly scheduled to work an average of 53 hours per week, based on 48-hour shifts with 96 hours off between shifts. Days off and shifts may change to meet the business needs of the city. For Shift Fire Personnel, the work day of 24-hour employees is considered to be 12 hours of leave for accrual/usage purposes.

B. WORK SCHEDULES FOR EXEMPT EMPLOYEES

Exempt employees work at the discretion of their department head or the City Manager and may be required to work hours in excess of the normal work week. Exempt positions are not eligible for overtime payment or the accrual of compensatory time. Therefore, the department head may define the work hours and hold the employee accountable to a specified schedule without affecting the exempt status under the FLSA.

The department head shall be available and accessible during the City's core business hours, as well as outside of those established hours as needed to ensure City services and programs are available.

C. WORK SCHEDULES FOR NON-EXEMPT EMPLOYEES

Non-exempt employees in all City departments will observe a forty-hour workweek. Directors, with approval of the City Manager, may establish the work schedules for their non-exempt employees based on providing the most comprehensive customer service to the public and to internal customers.

For purposes of calculating overtime under the FLSA, the work week begins on Monday at 12:00 a.m. (midnight) and ends on Sunday at 11:59 p.m., except for fire and police shift personnel. This work week

is defined for all types of shifts with the exception of a 9/80 schedule which has a workweek defined as beginning on Friday at 11:00 a.m. or 11:30 a.m. and ending on Friday at 10:59 a.m. or 11:29 a.m.

Non-exempt employee positions shall record each workday separately with respect to hours worked. Any hours worked outside of a normal work week schedule must be recorded on the time clock applicable to each workday. As set out above, any overtime must be approved in advance in writing, by a supervisor. If an employee leaves a work site periodically during the workday for personal reasons, the employee shall reflect the lost time on the time clock (i.e. vacation, sick leave, compensatory time, etc.). Hours must be recorded in increment of .25, (i.e. .25, .50, or .75).

The above referenced work schedules are defined to provide direction to employees, supervisors, and Payroll. However, there may be other work schedules based on the unique services provided by individual departments. All work schedules are to be defined and approved according to this policy, and Payroll is to be notified two weeks before they are implemented.

D. OVERTIME

All employees may be required to work overtime when necessary as determined by departmental management. All overtime must be pre-approved. Specific overtime assignments shall be rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to a reasonable request to work overtime and may be subject to disciplinary action for failing to stay or report for overtime work.

Any overtime work performed outside of an employee's normal work week must be promptly recorded and documented for purposes of maintaining an accurate payroll as set out below. Overtime shall only be granted with prior consent by the Supervisor and must be recorded and approved on the time sheet. Hours must be recorded in increments of .25, (i.e. .25, .50, or .75). Employees who work overtime without authorization are subject to disciplinary action, up to and including termination. By issuing an employee a PDA, cell phone, laptop or any similar remote access device, the City does not give such employee permission to work outside of a normal work week schedule and any overtime work involving such equipment also must be approved in advance.

1. Non-exempt employees (excluding shift firefighters) shall receive overtime at the rate of 1-1/2 hours for each hour of time worked in excess of 40 hours in a workweek. Shift firefighters will be paid one and one half times the regular rate for each hour worked in excess of 106 hours in any given work period. Overtime may be compensated in one of two ways: accrual of compensatory time or overtime payment (see 4.04 Overtime Pay Procedures).
2. Non-exempt employees, who are being paid overtime or provided comp time, are responsible for notifying their immediate supervisor if their normal work assignment cannot be completed within the established work hours, and shall not perform any work outside of their normal work week schedule unless expressly authorized do so in writing, in advance by a supervisor.

E. WAIVER PROHIBITED

The requirement that overtime must be paid after 40 hours a week or 106 hours in a 14 day cycle for shift fire personnel may not be waived by agreement between any employee and the City.

4.03 PAY PROCEDURES

1. Return to the employee's usual place of work: any time worked less than 2 hours, will still be deemed as 2 hours of work, in accordance with the Fair Labor Standards Act. Any incident exceeding two hours will be paid according to the length of time requiring the employee's attention.
2. Remain near a telephone at a fixed location

The following provisions also apply to call back time and pay:

- Call back time does not change the number of hours scheduled as on call.
- If a non-exempt "on-call" employee is subject to callback, any hour(s) worked during the period of callback will be paid at the employee's overtime rate, regardless of the actual number of hours worked in the workweek.
- Call back pay is not associated with time where employees are asked to remain at work, or held over for a shift. If an employee is asked to remain at work after their shift, pay will be subject to the Fair Labor Standards Act guidelines.
- Exempt employees are not eligible for callback pay.

Departments can make their own policies concerning what positions will be mandated for "on-call" duty and what the length of response time must be for employees to return to the work site.

On-call time and callback time must be reported on the employee's bi-weekly timesheet, in accordance with the guidelines listed above.

B. CALL OUT

Non-exempt employees called back to work shall be paid at the rate of one and one-half times the regular rate of pay for the time worked, with a minimum of two hours of pay. The exception being where the call runs into the normal workday at which time a non-exempt employee's pay would change to straight time. The call out time is separate from the normal 40 hour work week calculation.

4.06 STEP-UP PAY, CERTIFICATION AND LICENSE PAYS

A. STEP-UP PAY

When an employee is temporarily assigned the duties and responsibilities of a higher classification, that employee may receive additional compensation if the assignment exceeds ten working days. The rate of pay will be determined by Human Resources and shall not exceed the range or position the employee is assuming.

B. CERTIFICATION AND LICENSE PAY

It is the policy of the City of Tomball to encourage its employees to participate in advanced training. Levels of training and certification for that training should be recognized. To properly compensate those employees who achieve required levels of certification and/or licenses, the city has adopted a certification and license policy which can be reviewed in the Human Resources Department at any time. When certification and license pay apply, eligible employees will only be compensated for the highest level of certification and degree level they achieve. Any changes to this policy will only be made during budget discussions depending on the funding levels that are available for the future year.

It is the employee's responsibility to notify their supervisor and provide documentation when they obtain a higher certification or education level, or if the certification or assignment pay no longer applies to their position. The supervisor will then notify the Human Resources Department.

4.07 TRAVEL TIME

A. COMMUTE TIME

Travel time at the beginning or end of the workday is not compensable. Generally, an employee is not at work until they reach the work site. This includes travel to offsite locations where the employee may have a temporary assigned worksite (i.e. training in Houston). However, if a non-exempt employee is required to report to work to pick up materials, equipment or other employees, or to receive instructions prior to traveling to the worksite, then the time from the worksite to the final destination is compensable. An employee who operates a City vehicle need not be compensated for commute time simply because the employee is driving the vehicle, so long as it is for the employee's convenience. A non-exempt employee who is directed to chauffeur other employees by his supervisors is entitled to compensation.

B. OVERNIGHT TRAVEL

Travel time is compensable when it occurs during the non-exempt employee's normal work hours. Moreover, if the travel occurs during the normal working hours of a non-exempt employee, even if on nonworking days (i.e. Saturday or Sunday for an employee who works Monday to Friday), the time is compensable.

C. TRAVEL AND EXPENSES REIMBURSEMENT

Please refer to the City of Tomball Travel and Expense Reimbursement Policy for information regarding travel and expenses reimbursement.

4.08 LIGHT-DUTY ASSIGNMENT

The City's return to work Light Duty Program is based on the belief that it is in the best interest of both the employee and the City for an employee to return to work in some capacity following an on the job-related illness, injury, or medical condition. Under this basis, Directors are instructed to work with Managers to identify possible Light Duty assignments. Attempts will first be made to provide Light Duty assignments in the department and division in which the employee currently works. If placement is not possible, then the Human Resources Department will attempt to place the individual in another department, based on physical ability skills and available assignments.

Light duty assignments are limited to those employees who have sustained an injury, illness, or other medical condition on the job. If an employee is unable to work at full duty capacity due to an injury, illness, or other medical condition, but is able to work in some capacity, they may be eligible for light duty.

The employee's treating health care professional must have the expectation that the employee will be able to work in a full-duty capacity. The employee must obtain a Doctor's Note from the health care professional that releases the employee to perform the assigned duties and submit it to Human Resources. For the 1st six months after the injury or onset of illness, an employee must provide medical documentation to Human Resources, in 45-day increments in order to remain on light duty. The supervisor shall provide Human Resources with the light duty job requirements.

When possible, the employee shall attempt to schedule medical treatment or physical therapy appointments in an effort to minimize the interference with the employee's work schedule. It is the employee's responsibility to promptly return to work after Light Duty medical treatments or physical therapy appointments scheduled during normal work hours or to notify the Light Duty supervisor if unable to do so following each appointment with a health care professional.

B. DIRECTOR'S, MANAGER'S, SUPERVISOR'S RESPONSIBILITIES IN REGARDS TO LIGHT DUTY

1. It will be the Director's/Manager's responsibility to assign an employee to light duty in the employee's regular department/division, whenever possible. If light duty is not available within the employee's Department/Division, Human Resources will survey other Departments for suitable light duty assignments.
2. All light duty job offers must be made in writing.
3. It is the responsibility of the Director's/Manager that receives an employee on the Light Duty Program to:
 - a. Supervise the work of the light duty employee so that the performance standards of the assigned positions are met.
 - b. Notify Human Resources if the light duty employee fails to meet the performance standards of the position.
 - c. Notify Human Resources of any physical compliance rules or restrictions not adhered to by the light duty employee.

[New Policy on Reasonable Accommodation and Fitness for Duty added here]

4.09 PROBATIONARY PERIOD

A. PURPOSE

The purpose of the probationary period is to allow newly hired full-time employees and the City the opportunity to measure and evaluate their satisfaction with the working relationship. At any time the employee or the City has the right to terminate the employment relationship, with or without notice, with or without cause. The City also retains the right to change any terms, conditions, benefits or privileges of employment at any time without notice. No employment contract either expressed or implied shall exist between the City and the employee for any duration, either specified or non-specified, during the introductory period.

B. LENGTH OF PROBATIONARY PERIOD

The length of the probationary period is as follows:

1. All full-time employees, excluding Police Officers and Dispatchers, shall complete a probationary period of six months from the date of hire.
2. Police Dispatchers shall complete a six month probationary period from the end of their training and Police Officers shall complete a one-year probationary period from the end of their training.

At least 30 days before the end of the probationary period, the Supervisor must begin reviewing the employee's performance. At that time, if it is determined that the employee's performance is not satisfactory, the employee will be terminated from employment before the end of the probationary period. If it is determined that the employee's performance needs further evaluation, the Supervisor/

When possible, the employee shall attempt to schedule medical treatment or physical therapy appointments in an effort to minimize the interference with the employee's work schedule. It is the employee's responsibility to promptly return to work after Light Duty medical treatments or physical therapy appointments scheduled during normal work hours or to notify the Light Duty supervisor if unable to do so following each appointment with a health care professional.

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3. It is the responsibility of the Director's/Manager that receives an employee on the Light Duty Program to:
 - a. Supervise the work of the light duty employee so that the performance standards of the assigned positions are met.
 - b. Notify Human Resources if the light duty employee fails to meet the performance standards of the position.
 - c. Notify Human Resources of any physical compliance rules or restrictions not adhered to by the light duty employee.

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B. LENGTH OF PROBATIONARY PERIOD

The length of the probationary period is as follows:

1. All full-time employees, excluding Police Officers **[including Firefighters here]** and Dispatchers, shall complete a probationary period of six months from the date of hire.
2. Police Dispatchers shall complete a six month probationary period from the end of their training and Police Officers shall complete a one-year probationary period from the end of their training.

At least 30 days before the end of the probationary period, the Supervisor must begin reviewing the employee's performance. At that time, if it is determined that the employee's performance is not satisfactory, the employee will be terminated from employment before the end of the probationary period. If it is determined that the employee's performance needs further evaluation, the Supervisor/

Director may, before the end of the Probationary Period, recommend to extend the employee's Probationary Period as provided below.

C. EXTENSION OF THE PROBATIONARY PERIOD

At the discretion of the Supervisor and Director and with the concurrence of the Director of Human Resources, an employee's Probationary Period may be extended up to six months.

D. POSITION CHANGES (INTERNAL MOVES)

Probationary periods will apply to all full-time employees that have a change in jobs (through reclassification, promotion, demotion, or reorganization) and are subject to a 6-month probationary period. At the end of 6 months in the new position, the incumbent will receive a 6-month review to be documented as a periodic update in the performance evaluation system. The 6-month review is not subject to an increase in pay, but is to determine if an employee can continue in the position. If the employee is not performing satisfactorily, they are subject to disciplinary action.

An employee who changes positions (through reclassification, reorganization, demotion, or promotion) may not transfer or change jobs within the first 6 months of the action without the consent of their Director.

4.10 EMPLOYEE PERFORMANCE AND DEVELOPMENT SYSTEM

The performance evaluation is a measurement of an employee's work performance over a period of time. The performance evaluation is also a developmental tool that is used as a means for the supervisor to communicate to the employee essential job factors, skills, expectations, and at what level the employee should be performing.

The City will evaluate employees at least annually. This evaluation will include a discussion between the employee and his/her immediate supervisor to determine goals and evaluate progress toward better performance and personal development. Performance evaluation results are used in determining merit increases and promotions. An employee's immediate supervisor will complete written performance evaluations with final written approval by the Department Head or City Manager. Employees will be given a copy of the evaluation prepared by their supervisor.

Salary increases may be given to reward individual performance are subject to budgetary guidelines established by the City.

A. ELIGIBILITY

All full-time and part-time employees shall be evaluated based upon a performance plan, to include the City's guiding values, mandatory job factors, and/or leadership and other criteria developed by the Supervisor and the employee. Employees hired during the last quarter of the fiscal year will not be eligible for a merit increase until the annual review the following year.

Supervisors shall review staff evaluations with the Director/Manager prior to discussing with the employee as part of the department calibration stage of the evaluation.

B. ANNUAL PERFORMANCE EVALUATION

An employee receiving a "Marginal" rating on their annual evaluation will not receive an adjustment to pay and will be placed on a Performance Improvement Plan and given 90 days to improve. If at the end of the 90-day period, the employee's performance improves to "Proficient", the employee will continue employment with the City and may be eligible to receive an adjustment from the date of the "Proficient"

rating. The employee's next evaluation will be on the next common review date and may be eligible for an adjustment based on performance for the entire previous 12 months.

Upon the re-evaluation, if performance is still rated as "Marginal" the employee is subject to disciplinary action, up to and including termination, in accordance with directions provided by this policy and the Human Resources Department.

C. PERFORMANCE IMPROVEMENT PLAN

Employees may be disciplined for conduct or performance or a combination of the two. At any time, if an employee's performance falls below expected levels the employee may be placed on a Performance Improvement Plan and given 90 days to improve. If at the end of the 90-day period, the employee receives a rating that is below "Proficient", the employee is subject to disciplinary action, up to and including termination, in accordance with directions provided by this policy and the Human Resources Department.

D. EMPLOYEE EVALUATIONS WHILE ON LEAVE OF ABSENCE

If an employee is out on an approved leave of absence, including but not necessarily limited to, leave due to an on-the-job injury, FMLA leave, or Military leave, then the employee shall be evaluated based on their performance while at work. However, merit pay will be based on the evaluation rating, as if the employee were at work the entire evaluation period. If an employee is out the entire evaluation period, then the supervisor will use the previous evaluation period rating. Any salary increase shall occur on the effective date of the change.

[New policy on Probational Period -Employee Performance Letter added here]

4.11 PAY PLAN AND COMPENSATION GUIDELINES, AND JOB DESCRIPTIONS

A. COMPENSATION PHILOSOPHY

The City maintains a position classification system for all workers in an effort to apply sound principles of measurement to determine an internally equitable market value of each position in the City. The request for new classifications will occur during the budget process each year.

The City's compensation program will provide compensation opportunities (direct pay and indirect pay, career opportunities, benefits, etc.) that are a blend of those offered by its competitors.

Each job classification in the City will be assigned to the pay structure and will have a pay grade defined by the minimum and maximum dollar limits. The pay grade defines the pay opportunities for the job.

Pay structures shall be reviewed periodically to reflect the city's changing competitive position, economic conditions, and compensation objectives; and shall be subject to the budgetary guidelines established by the City.

B. ESTABLISHMENT OF PLAN

The City Council shall establish the pay plan annually during the budget process, which includes compensation and salary structure recommendations made by the City Manager or his designee. One of the functions of the budget process is to consider the competing priorities for limited revenue resources. It may be determined that the City's current financial status cannot support the total cost. Conversely, in a positive financial condition, the City may consider increasing the percentages allotted.

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Generally, when any salary structure is adjusted, the employee's salary will be adjusted in order to maintain the employee's position in the structure. In addition, the employee may receive a budgeted merit increase. Conversely, if the City's financial status cannot support a structure adjustment and a merit increase in the same year, the City may elect to adjust the structure one year and in the following year provide a merit increase to employees with no structure adjustments, or may elect to maintain the current pay structure until conditions change.

C. SALARY RANGES

Each position in the City has a salary range defined by minimum and maximum salary limits and a midpoint. The salary range defines the pay opportunities for the job. The salary ranges and midpoints are to be reviewed and revised to reflect changing competitive positions, economic conditions and compensation objectives.

Employees shall not be paid less than the minimum of the pay grade established for their position and increases shall not provide for employee salaries to exceed the maximum of the pay range for their position. The midpoint of the range is equivalent to the average salary paid in the market, with the basic compensation philosophy that an employee should be at or near the midpoint of the range when he or she has attained five years of tenure in the position.

Employees whose salary is at or above the maximum of their pay grade will be "frozen" until the structure "catches up" with the individual's rate of pay. Employees at the maximum of their pay range may, with the approval of the City Manager and as provided for in the budget, be eligible for lump sum payments that are not included in the base pay of the employee. The pay described above is nonrecurring, and will not extend beyond the end of the fiscal year in which such pay is authorized, and will be tied to satisfactory job performance.

D. JOB DESCRIPTIONS

The job description provides a general summary of the purpose, essential duties, responsibilities and requirements of a position. It is not intended to be a comprehensive listing of all tasks associated with the position nor an implied contract between the City and the employee. Job descriptions are required for all positions and will define the position as exempt or non-exempt.

The main objectives of the job description are:

1. To serve as a means of communication between the supervisor and the employee to clarify the responsibilities and expectations of the job;
2. To serve as the main resource to determine the salary range;
3. To serve as the basis for the annual performance appraisal;
4. To identify minimum qualifications and applied skills, as well as knowledge and ability for the purpose of recruitment, selection, promotion and training.

Employees are hired on the assumption that each employee will “perform other work related duties as required” that may not be specifically spelled out in their job description.

[New policy on Merit Increases added here]

4.12 MAINTENANCE OF CLASSIFICATION AND PAY PLANS

The Human Resources Department, assisted by the Department Heads, shall have primary responsibility for maintaining the classification and pay plans. All changes in job duties of a position and job classification of a position must be approved by the City Manager.

Department Heads and supervisors have a duty to report substantial changes in the duties and responsibilities of positions under their control, so that classification adjustments may be made.

The City Manager shall recommend to the City Council changes in the pay plan necessary to keep the City policy current, uniform and equitable. Recommended changes in pay policy shall be effective when the budget containing said changes is approved by City Council.

4.13 PROMOTIONS

It is the policy of the City to encourage and provide opportunities for promotion. Each employee is responsible for monitoring vacancies and is encouraged to apply for vacant positions, in which he/she is interested in and for which he/she is qualified. A promotion is defined as the assumption of job duties and responsibilities that are higher in character and scope than the previous job. A promotion occurs when the new job is of a higher salary range than the prior job and is accompanied by a job title change.

When a non-exempt employee is promoted to an exempt employment status, the employee shall have the compensatory time balance cashed out prior to the effective date of the promotion. Payment shall be made at the employee’s rate of pay on the effective date of the cash out.

General guidelines relating to advancement or promotion are as follows:

1. If an employee is promoted, the resulting salary increase shall be at least an amount sufficient to reach the minimum salary range for the new job. If the current rate of pay is more than the maximum rate of pay for the new classification then the pay shall remain the same.
2. Promotions are subject to a six month probationary period. If the employee fails to meet the established performance standards, he/she may return to his/her previous position or a similar position, if a position is available.
3. Part-time employees promoting into a regular full-time position will use the new start date in their full time position as their accrual date for benefits.

4.14 LATERAL TRANSFERS

A lateral transfer is movement from one position to another position within the same pay range. In the event an incumbent is transferred, whether voluntary or involuntary, to a position with the same pay range,

5.13 TUITION REIMBURSEMENT PROGRAM

The Tuition Reimbursement Program is provided for eligible full-time employees to supplement the cost of obtaining degrees that will help them in their current job or in future jobs with the City. The Human Resources Department will administer the program and review all reimbursement applications.

A. ELIGIBILITY

This program shall apply to all regular, full time employees in good standing, who have completed two (2) years of employment with the City, are eligible to apply for tuition reimbursement for courses begun after the two-year anniversary. This policy shall apply to degree related programs only from an accredited (see HR for the list of acceptable accreditations) college, university, or technical school and will cover associate degrees, undergraduate bachelor's degrees and master's degrees. Employees will be limited to one degree per level (i.e. bachelors, masters). The courses and/or degree programs must relate to the employees' current positions, or to career paths with the City that they may be reasonably following in the near future.

B. SCHEDULING

Employees are responsible for scheduling classes that will not conflict with their work schedule. The Department Director has the option of altering the employee's work schedule if special circumstances are warranted. Employees shall not be permitted to attend courses under this educational reimbursement program during work hours unless authorized by the City Manager. Employees attending courses under this educational reimbursement program shall not be compensated for their course work as hours worked.

C. REIMBURSEMENT AMOUNT

The City shall reimburse the employee the cost of the tuition, lab fees, books and other mandatory fees for courses directly related to their degree plan. Reimbursements shall not include miscellaneous expenses such as late fees, travel expenses, out of district fees, parking fees, finance fees, health center fees, athletic fees and deposits, etc. Employees must earn a grade of "C" or better in undergraduate classes and a "B" or better in graduate classes to receive this benefit. It is not the policy of the City to reimburse the cost of tuition and fees for any individual who is receiving or is eligible to receive assistance from such other sources as scholarships, grants and other subsidy programs (e.g. G.I. Bill).

The availability of tuition reimbursement is subject to City Council approved funding levels. The total amount of annual tuition reimbursement (not to exceed \$4,000 in a calendar year) will be established annually, as part of the budget process based upon anticipated participation and available funding. The training needs of the department as a whole will be considered before individual requests for tuition reimbursement are added to the budget.

D. SERVICE REQUIREMENTS/REPAYMENT OBLIGATIONS

Requirements for continued service with the City after course completion are an assurance that the City will benefit from employee participation in the program. If an employee leaves City employment for any reason before a service requirement is completed, the employee must repay to the City all or part of the tuition that was paid to the employee.

A two (2) year service requirement begins on the reimbursement check date. A separate two-year service requirement must be completed for each reimbursement payment made to the employee. If the service requirement is not completed, the debt will be paid in one of the following ways:

1. If the employee has worked less than one year of the service requirement, the employee will

repay to the City the full amount of the reimbursement payment made to the employee.

2. If the employee has worked at least one year, but less than two years, of the service requirement, the employee will repay to the City 50% of the amount of the reimbursement payment, made to the employee.

A service requirement is **not** an assurance of continued employment by the City.

If a termination of employment occurs (voluntary or involuntary) and the employee owes a repayment amount, and the employee does not otherwise repay the amount, the employee agrees to have the repayment amount deducted from the employee's paychecks that are issued after the termination decision occurs.

E. APPLICATION

To begin participation in the Tuition Reimbursement Program, employees must notify their Department Head in writing by submitting a completed application for the program with proper signatures along with a degree plan from the school and tuition dollar estimates in time for the budget preparation workshops (usually in March) for the next fiscal year **(new policy wording added here)**. All paperwork must then be forwarded to the HR department. This must be done each year for all classes to be taken in the next fiscal year.

To be considered for reimbursement, the course must be on the approved degree plan. Upon completion of a class, the employee must fill out a PA-7 listing course(s) taken on the comment line, attach a copy of the tuition receipt and a grade report, obtain the necessary signatures and forward the documents to Human Resources within 45 days of the completion of class. After reviewing the documents they will be forwarded to Accounts Payable for processing. All checks will be available for pick up in the Human Resources Department. The employee must sign a tuition repayment agreement before the check is released. **Requests for reimbursement received more than 45 days after the last day of class, and those without an application on file will not be honored.**

REMINDER: It is the employee's responsibility to complete all steps of the process within the specified deadlines. This includes Department Head approval and the time constraints placed on the Initial Application and on the deadline for submissions of an official grade report. The Human Resources Department will not be responsible for notifying the employee of deadline dates. Any required documentation or forms not submitted within the stipulated time frame will not be reimbursed.

5.14 TRAINING SCHOOLS

The City will pay appropriate costs for mandatory training for certification purposes, or to maintain such certification. The employee's Department Director must approve the training in advance.

5.15 LONGEVITY PAY

This policy applies to City employees employed full-time for a minimum of twelve consecutive months. Employees receive \$5.00 per month for each year of continuous service. Longevity pay shall be in addition to an employee's base salary and shall be paid annually in December. Longevity pay is subject to TMRS and

An employee does not have the right to have a representative present during any interview involved in an investigation of misconduct of the employee or another employee. An employee has the right to have a representative assist or represent the employee at any stage of the disciplinary proceeding that applies to that employee after the employee has been given notice of a proposed disciplinary action.

6.02 GRIEVANCE

A grievance is a claim by an employee that he/she has been unjustly disciplined or has been adversely affected by a personnel decision. A grievance is an informal discussion, with the purpose of giving the grievant an opportunity to present his or her position on the matter. Everyone involved in the chain of command should listen and consider the grievance, but this is not intended to mean, nor shall it have the effect of requiring, that any written notice, any charges, any witnesses, or any response or written reasons for decisions be presented during or after the grievance process by the City.

Grievances may not be filed by probationary or temporary employees.

6.03 AGGRIEVED EMPLOYEES APPEAL BY AGGRIEVED EMPLOYEE

An employee having a grievance relating to employment shall first present the grievance to his or her Department Head, either verbally or in writing. The grievance should be presented within three working days of the date of the occurrence which led to the grievance, or within three working days from the date the employee first had knowledge of the occurrence.

6.04 DUTIES OF SUPERVISOR

The Department Head receiving a grievance has a duty to be attentive to the employee's concerns, to arrive at a full understanding of employee's point of view and to give the employee a clear and specific answer. If the Department Head believes the grievance to be of a substantial nature and not to have been settled to the full satisfaction of the employee, the Department Head shall make an immediate record in writing of the facts and report the grievance to the City Manager.

6.05 APPEAL BY EMPLOYEE

An employee, who after discussing a grievance with the employee's Department Head and not being satisfied with the answer, may appeal the grievance to the City Manager within five working days of the meeting with the Department Head. Any appeal to the latter shall be made in writing. The decision by the City Manager will be final.

6.05 WHAT IS NOT DISCIPLINE

Layoffs, reductions-in-force, expiration of temporary appointments, separations allowed by other sections of this handbook, pay reductions or other measures resulting from economy campaigns, reorganizations or other similar policies are not considered discipline and cannot be appealed under the City's policies and procedures.

SECTION 7 – ACCRUALS AND LEAVE

7.01 VACATION

A. USE OF ACCRUED VACATION LEAVE

In appreciation of continuous service, the City shall provide employees in full-time positions, except as provided by contract, an opportunity for paid vacation leave away from the work environment. The City encourages employees to use vacation leave annually.

Approval of vacation leave shall be based on departmental needs. An employee may not take vacation leave without written approval of the supervisor.

An employee's approved leave shall be charged and used in amounts of not less than one-fourth (quarter) of an hour increments.

B. ELIGIBILITY

All full-time employees shall accrue vacation leave according to the chart below and shall comply with the following vacation leave guidelines:

1. Vacation leave is earned from the most recent date of full-time employment and accrued on a bi-weekly basis following the pay period it is earned.
2. Employees are allowed to use vacation leave after they have completed their six (6) month probationary period. Employees who are on probation will accrue vacation during this six (6) month probationary period however, if the employee's employment is terminated prior to regular employee status, no vacation accrual will be credited.
3. Employees may not substitute vacation leave for disciplinary suspension without pay.
4. If an employee goes on unpaid leave status, vacation leave shall not continue to accrue until the employee returns to work.

C. VACATION ACCRUAL

Vacation is accrued on a bi-weekly basis. The schedule below reflects vacation leave earned per pay period and per year by all employees in full-time positions:

Length of Service	All Employees, excluding Shift Firefighters	Shift Firefighters
4 years of service or less	10 days per year or 3.08 hours per pay period	10 days per year or 4.62 hours per pay period
End of 5 th Year, but less than 12 years of service	15 days per year or 4.62 hours per pay period	15 days per year or 6.93 hours per pay period
End of 12 th Year, but less than 20 years of service	20 days per year or 6.15 hours per pay period	20 days per year or 9.23 hours per pay period
20 th Year and thereafter	20 days per year or 6.15 hours per pay period, plus one additional day for each year of service beginning year 20 (limited to five extra days)	20 days per year or 9.23 hours per pay period, plus 12 hours for each year of service beginning year 20 (limited to 60 extra hours)

To adhere to the application of accrued time in accordance with our previous policy, the change from two to three weeks of vacation will occur at the time of the fifth anniversary by adding a week of accrued time to the two weeks already accrued in the fifth year. The same change will occur at the twelfth anniversary.

D. SCHEDULING VACATION USAGE

The employee's supervisor must approve all vacation leave, giving due consideration to the needs of the department and the ability of the remaining staff to perform the work of the department or division, as well as the preference of the employee. Each employee is requested to give their supervisor the maximum notice possible (generally at least 10 business days in advance), prior to the requested leave dates (s) in accordance with department policy. If an employee, due to some unforeseen emergency, is requested to work during a scheduled vacation, the employee can re-schedule vacation at another time. An employee may not be granted vacation leave in excess of the actual amount accrued. An employee may not request unpaid leave if they have vacation accrued that they are eligible to use.

E. HOLIDAYS WITHIN VACATION PERIODS

If a holiday falls within a scheduled vacation period, the employee shall receive holiday pay, in lieu of vacation pay.

F. REIMBURSEMENT FOR UNUSED VACATION

An employee shall receive reimbursement of unused accrued vacation at the time of separation of employment or retirement if they meet the following requirements:

- Employee must have completed 6 months of employment (or 12 months if the probationary period was extended),
- The employee provides a 2 week notice, and
- The employee has not been terminated.

In the case of the death of the employee, the estate of a deceased employee is entitled to payment for accrued vacation leave acquired by that employee.

G. VACATION CARRY OVER

Accumulated vacation leave in an amount not to exceed one times the employee's annual accrual amount, may be carried forward from year to year, except as provided by contract. Any unused vacation leave accumulated in excess of this amount will be lost, and may not thereafter be exercised by such employee.

7.02 SICK LEAVE

A. ACCRUAL OF SICK LEAVE

All full-time employees, other than shift firefighters, accrue 3.08 hours of sick leave per pay period or 10 days per year, to a maximum of 960 hours. Shift firefighters accrue 4.62 hours of sick leave per pay period or 10 days per year, to a maximum of 960 hours. Part-time and temporary employees are ineligible to earn or receive paid sick leave.

B. USE OF SICK LEAVE

An employee may use sick leave:

- For the employee's non-work related illness or injury that prevents the employee from working.
- To receive medical care from a physician, dentist, or other health care provider.
- Pregnancy and the birth of a child to an employee shall be deemed a bona fide illness for this purpose and no additional sick leave shall be authorized for maternity leave.

[Below statements being removed]:

An employee may use up to 32 hours of accrued sick leave in a calendar year:

- **To care for an employee's sick child (dependent minor child in the home) or spouse or parent.**

NOTE: Leave allowed by the Family Medical Leave Act (FMLA) may apply to the serious injury or illness of you or your family member. Please refer to The Family and Medical Leave Act in Section 7.10 or contact Human Resources.

Using sick leave for purposes other than authorized by this policy is just cause for disciplinary action up to and including termination of employment. The use of sick leave time is not counted as time worked under the FLSA.

C. WORK-RELATED INJURY

Loss of work due to an accident or injury received while at work is not charged against sick time.

D. ACCRUED TIME

Sick leave time begins the first working day of the illness. An employee who has used up their accumulated sick leave must then use their compensatory time, vacation leave, or any other applicable accrued leave benefit, if available. After the employee has exhausted all accumulated time, additional time off is without pay, if approved by the City Manager. Please refer to the Leave of Absence Policy in Section 7.11 for more information.

E. NOTICE REQUIREMENTS

If an employee finds it necessary to be absent due to illness or injury, the employee or employee's representative must notify the immediate supervisor or Department Director on the first day, and each subsequent day thereafter, of the employee's absence before the beginning of the employees scheduled shift or as prescribed by the department. Messages left with non-supervisory personnel will not be accepted. In this regard, the employee must understand and abide by their department's notice requirements.

When the employee returns to work after an absence of three or more days he or she shall be required to provide a doctor's certification that confirms that the employee's absence constituted an appropriate use of sick leave. Department Directors who have reason to believe that sick leave has been abused may request such certification when an employee has been absent for less than three days.

F. ABUSE OF SICK LEAVE

The frequent claiming of sick leave benefits may under certain circumstances, constitute grounds to believe that an employee's physical condition is below that required to perform the essential functions of his or her job. Evidence of malingering or abuse of this benefit will be considered grounds for disciplinary action, up to and including termination.

7.03 SICK LEAVE INCENTIVE PROGRAM

As an incentive to encourage the responsible use of sick leave, the city will pay an employee four 8 hour sick leave days (32 hours) earned in any one calendar year if the employee meets the following requirements:

- The employees must have at least 10 days (80 hours) or 120 hours for shift firefighters accumulated sick leave remaining after the 32 hour deduction.
- The employees must not have taken more than two sick days (as determined by the normal working schedule) during the preceding calendar year.

Those employees eligible to be paid for the four days will be notified by Human Resources, through their Department Director with instructions for authorizing payment. Payment in lieu of sick leave will be made the second pay period in January of each year.

7.04 SICK LEAVE DONATIONS

An employee may experience a catastrophic illness, injury or other medical condition that prevents the employee from working for a period of time, and may cause the employee to use up his/her bank of sick, vacation and compensatory time. Before going onto unpaid leave, the employee may request leave donations from other City employees by filling out a "Request for Leave Donation" form. The City Manager will then decide if it qualifies as a catastrophic illness and if so, approve the request for donations. Other City employees may then donate up to 8 hours of their paid vacation or compensatory time. If the donating employee has been here longer than five years, he/she may also donate from their sick leave bank any of their sick leave credit that would be paid upon their resignation as listed in section 7.02.

Donations will be used on a first in, first out basis. The use of donated time will cease upon the employee's return to full time work and any unused donations will be returned to the donating employees. All donations will be handled through Human Resources only and will be kept completely confidential to avoid problems with employee relations.

7.05 PERSONAL LEAVE

Personal leave is provided at the rate of 16 hours per year for all full-time employees at the beginning of the calendar year. Leave is subject to the attendance and leave approval provisions of this policy and may not be taken during the probationary period. Personal leave does not accrue beyond the calendar year and unused hours will not be paid at the end of the year.

7.06 HOLIDAY LEAVE

A. CITY HOLIDAYS

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A. CITY HOLIDAYS

The City provides full-time employees with paid holiday leave each year. Part-time and temporary/seasonal employees are ineligible for holiday compensation.

Every calendar year the City of Tomball recognizes 10 holidays, although certain employees may be required to report for duty:

- New Year’s Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- One Floating Holiday - given on January 1 of each year and cannot be taken until the probationary period is completed. Must be scheduled and taken during the calendar year and shall not be subject to carry-over or payment if not used.

[New policy language on Floating Holiday added here]

If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday, and if the holiday falls on a Sunday, the following Monday is observed as a holiday.

If a full-time, regular employee is currently at work and/or on an approved leave of absence with pay the day before and the day after a holiday, the employee will receive pay for the holiday.

B. SHIFT FIREFIGHTERS

This section applies to all non-exempt full-time shift Firefighters. The City of Tomball shall maintain compliance with all provisions of the Fair Labor Standards Act as applied to the allocation and use of holidays in the Fire Department.

All full-time shift Firefighters will be paid for 12 hours at the employee’s regular rate of pay for every City holiday, whether or not the Firefighter works on the holiday. All full-time shift Firefighters who work a shift that begins on a City holiday will be paid a rate of one and one-half times their regular hourly rate.

The City has designated the floating holiday as the September 11th Memorial holiday for firefighters only if the firefighter chooses to use the floating holiday for that purpose on this day, and its use does not unduly disrupt the department’s operation. For all other employees, the floating holiday is unchanged.

While firefighters have the same number of holidays as all other City employees, in accordance with H.B. 2113, the Texas legislature has amended Section 142.0013 (c) of the Local Government Code mandating that one of the City’s holidays be designated as September 11th Memorial Holiday for all firefighters. All City employees have the same number of holidays on the same days however; this amendment mandates that the City refers to one of those holidays by a different name for a particular category of employees.

7.07 FUNERAL LEAVE

Employees may be granted up to three days of paid leave per year to attend or arrange the funeral, and settle the affairs of an immediate family member. For the purpose of this policy, "immediate family" shall mean the employee's spouse, children, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandchildren and grandparents of the employee or employee's spouse.

[New policy language added here]

The City Manager may allow administrative time off to attend the funeral of an employee, an employee's spouse or child, a former employee or well-known community leader, but only to the extent that it does not affect the safe and effective operation of city services.

7.08 EMERGENCY LEAVE

All regular and probationary employees may be granted emergency leave for the period not to exceed three consecutive workdays days per calendar year, in the case of a serious illness or accident of a member of the employee's or employee's spouse family requiring immediate medical attention. Family members include parents, grandparents, brothers, sisters, children, in-laws and spouses. Emergency leave may include visitation of the seriously ill person in an intensive care or hospice setting. Documentations will be required to validate the emergency. Approval of emergency leave will be determined by the Human Resources Department.

7.09 CITIZENSHIP LEAVE

All full-time employees shall be granted leave with pay when it is necessary to be absent in order to fulfill citizenship obligations, in accordance with State Law, Texas Labor Code Sec. 52.051, Fair Labor Standards Act (FLSA), and Jury System Improvement Act of 1978. Part-time, temporary, and seasonal employees shall be granted leave without pay in order to fulfill citizenship obligations.

Employees are required to give advance notice of an absence for citizenship obligations. Employees that must be absent from work to fulfill citizenship obligations are required to notify their supervisor at least (3) days prior to the leave or at the earliest opportunity. The employee must provide a copy of the court order or jury summons.

A. JURY DUTY

The City shall grant jury duty leave for an employee summoned to serve on any grand, petit, or municipal court jury. The City shall not dismiss an employee from employment because of the nature or length of the employee's jury service. When an employee is on jury leave, he or she shall continue to receive his or her regular rate of pay in addition to any per diem received by the employee from the state or the court for jury service. Pay shall not exceed the number of hours in the employee's regular workweek. The time spent on jury duty that coincides with the employee's regular work time is counted as straight time for overtime calculation purposes.

7.13 ADMINISTRATIVE LEAVE

Under justifiable circumstances a Director may, with the approval of the City Manager, place an employee on administrative leave with or without pay. Such circumstances may be, but are not limited to, completion of pending criminal or administrative investigations.

7.14 INCLEMENT WEATHER

The City is responsible for providing Police, Fire, water, sewer, and other services to the citizens of the City with or without inclement weather conditions. Given these responsibilities, it is the City's policy to be open for business under all types of weather conditions.

All employees shall be required to work on their normally scheduled work days regardless of inclement weather conditions unless instructed otherwise by their Supervisor.

Supervisors are responsible for ensuring that their operations are adequately staffed during periods of inclement weather. Employees who miss work or expect to be late for work due to inclement weather conditions must personally notify their Supervisor immediately. Failure to properly notify their Supervisor may result in disciplinary action, up to and including termination.

Employees who miss work due to inclement weather may use accrued vacation or compensatory time to compensate for the lost time. Employees with no vacation or compensatory time accrued shall not be reimbursed for the lost time.

[New policy language added here]