

City of Stephenville



2005 Employee Handbook

Rev. 01/06

MISSION STATEMENT

*...to progressively provide cost
effective programs and services
that encourage the highest
quality of life to our citizens*

CODE OF ETHICS

Employees of the City of Stephenville have the trust of citizens who depend on a high level of service. This level of trust creates a special responsibility for the employees of the City of Stephenville. Because of this, employees are expected to maintain a high level of ethical standards, to act with integrity in all public relationships and to always conduct themselves in a manner, which maintains public confidence. This is accomplished by following the City of Stephenville Code of Ethics.

Employees of the City of Stephenville shall strive to always uphold the Constitution, laws and ordinances of the United States, State of Texas, and the City of Stephenville, and shall also strive to be:

- I. Honest and trustworthy in what they say and write and in all professional relationships;*
- II. Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;*
- III. Fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;*
- IV. Committed to accomplishing all tasks in a superior way, and abstaining from all job behaviors that may tarnish the image of the City of Stephenville;*
- V. Recognizing that public and political policy decisions are ultimately the responsibility of the City Council; and*
- VI. Dedicated to services to improve the quality of life in the City of Stephenville.*

This Code of Ethics requires hard work, courage and difficult choices. In the long run, however, employees and citizens will always be better served by doing what is right than what is expedient.

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CHAPTER

1 APPLICABILITY AND IMPLEMENTATION

1.01 APPLICATION OF POLICIES

The Human Resources personnel policies shall apply consistently and uniformly to all City employees as stated herein, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee Handbook.

Employment with the City of Stephenville is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

1.02 VIOLATION OF POLICIES

Any employee who violates any personnel policy of the City of Stephenville, departmental policy, rule or regulation may be subject to appropriate disciplinary measures.

1.03 RESERVATION OF RIGHTS

The City Council reserves the right to interpret, change, suspend, or cancel, with notice, all or any part of these policies, or procedures or benefits discussed herein. Management officials are responsible for performing all necessary City functions, consistent with City policies, applicable laws and regulations, and sound, moral business ethics. Accordingly, management reserves its right to manage employees as it sees fit.

1.04 IMPLEMENTATION

The City Administrator shall be responsible for the administration and implementation of all personnel policies and procedures for the City of Stephenville.

For purposes of the Employee Handbook, "Division Directors" are to include all administrative staff who report directly to the City Administrator (i.e. Fire Chief, Finance Director, Police Chief, Utilities Director, Community Services Director, Community Development Director, City Secretary).

1.05 AMENDMENT OF POLICIES

Amendments of the Employee Handbook must be approved by resolution of the City Council. The City Council makes all personnel policies while the City Administrator is responsible for the implementation of the policies.

1.06 MASTER EMPLOYEE HANDBOOK

A master Employee Handbook, which contains the original of all personnel policies in effect for the City of Stephenville, shall be maintained in the office of the City Secretary. Copies of the complete Employee Handbook shall be maintained in each department and on the City website. Changes in these policies will be distributed to each department for dissemination and posting. Employees may not rely on policies that have been discontinued.

1.07 PERSONNEL POLICY/HANDBOOK COORDINATOR

The Human Resources Manager shall serve as the City's Employee Handbook Coordinator.

The duties of the Employee Handbook Coordinator shall include:

- A. Maintaining the master Employee Handbook and updating the manual whenever a change, addition or deletion is made in the City's personnel policies;
- B. Providing each Division Director with copies of new or changed policies and information when policies are deleted or changed so that the Division Director will be able to update the department's copy of the Employee Handbook when a change, addition or deletion is made;
- C. Coordinating recommendations for additions, deletions and changes in personnel policies; and
- D. Developing and implementing a system for notifying all City employees whenever a change, addition or deletion is made in the City's personnel policies.

1.08 DISSEMINATION

Each Division Director or designee shall be responsible for:

- A. Verifying in writing that each employee receives a copy of the Employee Handbook and any changes that have been approved.
- B. Telling each employee that he or she is responsible for being familiar with and abiding by the policies

1.09 ACCESS TO POLICY MANUALS

All full-time employees shall receive a copy of the Employee Handbook and have the right to review the master Employee Handbook or the copy of the Employee Handbook found in their departments during the normal workday.

CHAPTER

2 EMPLOYMENT PLANNING

2.01 FORECASTING DEMAND

In translating the anticipated volume of work into specific positions, input will be sought of each Division Director. Whenever possible, and always during annual budget preparation, Division Directors will develop manpower plans describing organizational needs. The Division Director will work closely with the Human Resources Manager to tentatively determine the title and level of any new position proposed in the annual budget.

2.02 POSITION ANALYSIS

When new positions are being considered, old positions changed, position analysis will be considered to obtain sufficient data to accurately describe content of the position and the skills required for successful performance. This analysis shall be done in compliance with federal and state law, including the American with Disabilities Act.

The data will be recorded in the form of a job description and will be used for such purposes as position evaluation, personnel recruitment, training, evaluation, transfer and promotion. The City Administrator must approve all requests for creation of new positions. The listing of particular example of duties shall not preclude the assignment of other duties by the Division Director concerned.

2.03 PROCEDURE FOR NEW AND CHANGED JOBS

When a new position is being considered, or when an existing position has undergone significant changes in its duties, the immediate supervisor shall do the following:

<u>Responsible Person</u>	<u>Suggested Procedure</u>
Supervisors	<ol style="list-style-type: none">1. Analyze the position through the use of questionnaires, observation and interview of individuals performing the work.2. Re-write the job description and consult with the affected employee, if appropriate, to verify its accuracy.3. Forward the revised job description to the Division Director for review and approval.
Division Director	<ol style="list-style-type: none">4. Review and approve the new job description with recommendations to the Human Resources Manager for final approval.
Human Resources Manager	<ol style="list-style-type: none">5. Ensure the position is written in the proper format.6. Classify the approved job description.7. Forward Request to City Administrator for approval.8. Notify Finance of changes in pay rate if approved by the City Administrator.

CHAPTER

3 EQUAL EMPLOYMENT

3.01 EQUAL EMPLOYMENT OPPORTUNITY

Elected and appointed officials, Division Directors, supervisors, and employees of the City shall not discriminate on the basis of race, color, religion, disability, national origin, sex, citizenship, veteran status or age in recruiting, selection, training, compensation, promotions, terminations, discipline, layoff, use of employee facilities or programs, or any other condition or privilege of employment.

CHAPTER

4 RECRUITMENT

4.01 EXTERNAL RECRUITMENT

In an effort to attract qualified people, the City may utilize advertising, employment agencies, the Texas Workforce Commission, recommendations from employees and other traditional sources as necessary.

4.02 PROCEDURE FOR EXTERNAL RECRUITMENT

<u>Responsible Person</u>	<u>Procedure</u>
Division Director	1. Notify Human Resources of current or anticipated vacancies as soon as possible by Personnel Action Form.
Human Resources	2. Prepare an announcement specifying the title, salary, nature of the job required, qualifications, deadline for and method of application. 3. Distribute and accept applications. 4. Hold position open for at least five days; then, cease accepting applications at any time after five days. 5. Administer or arrange for any written, oral, performance, agility, background, or other <u>job-related</u> evaluation procedures.
Applicant	6. Provide any information and complete any examination necessary to demonstrate job qualifications.

4.03 EXTERNAL APPLICATION

An individual who is not a current employee of the City shall be required to fully complete an "application for employment" form provided by the Human Resources Manager before he/she can be considered to be an applicant for any position in the City.

4.04 INTERNAL RECRUITMENT

Assuming they are qualified, the City will make every effort to encourage incumbent City employees to advance to positions of increased responsibility. Accordingly, the City may interview incumbent employees who meet minimum stated qualifications for vacant positions within the City.

4.05 PROCEDURE FOR INTERNAL RECRUITMENT

<u>Responsible Person</u>	<u>Procedure</u>
Human Resources	1. Upon receiving the appropriate Personnel Action Form, post a job notice (with a copy to each supervisor), advising employees that a position vacancy exists. The notice should include the title of the job, the salary range, a summary of basic duties performed, and the qualifications required for the

position. This data should come from the job description.

2. Forward a copy of the job notice for posting on all City bulletin boards for minimum of five working days.
3. Contact the Human Resources Department.

Employee

4.06 INTERNAL APPLICATION

The personnel file of current City employees applying for open positions may serve in lieu of having to complete a new application form if requested by the employee in writing to the Human Resources Department. Application for any open position in the City may be made at the Human Resources office at City Hall.

4.07 NEPOTISM/EMPLOYMENT OF RELATIVES

No applicant, who has a member of his/her immediate family employed by the City of Stephenville can be employed as a full-time regular employee without prior approval of the City Administrator, but in no instance can that individual be employed within the same department with a relative holding a regular status position.

Immediate family (including spouse) is defined as a person related within the third degree of consanguinity (blood) or the second degree of affinity (related by marriage). (*See*, Appendix A).

No one shall be eligible for a position, office, or appointment which by charter, state law, or federal law is filled by appointment or confirmation by the City council while any member of his/her immediate family is serving as a member of the City Council or Mayor of Stephenville and for a period of three months thereafter. No immediate family member of the City Administrator may be considered for full-time employment with the City.

In the case of a marriage of two employees, or other situation-giving rise to a relationship prohibited by this policy, one or both of the affected employees may be required to terminate employment.

CHAPTER

5 SELECTION OF EMPLOYEES

5.01 SELECTION

The City seeks to select the best-qualified applicant to fill any open position. Steps in determining an applicant's overall suitability for a position may include but not be limited to:

- A. A review of the application to determine basic qualifications;
- B. A personal interview; and
- C. Reference and other background checks.

5.02 INTERVIEWS

During an interview, the City will consider only matters that are job-related. The City will not consider characteristics that are protected by federal or state law – e.g., race, color, disability, religion, sex, pregnancy, national origin, age, veteran status, or workers' compensation history – unless they pertain directly to a bona fide occupational qualification or an essential job function. The City has adopted a policy of full compliance with American with Disabilities Act.

5.03 CONDITIONAL EMPLOYMENT/PRE-EMPLOYMENT MEDICAL EXAMS

In accordance with the American with Disabilities Act, the City may condition employment on an individual providing certain medical history and/or successful completion of a medical examination and/or alcohol and drug screen. The Human Resources Department, working with the Division Director, designates those positions requiring medical history and/or physical examination based upon job requirements.

5.04 REASONABLE ACCOMMODATION

The City will provide reasonable accommodations to disabled applicants as required by law.

5.05 REQUIREMENTS UNDER THE IMMIGRATION REFORM AND CONTROL ACT (IRCA)

In compliance with this federal law, all applicants who have been made a conditional offer of employment with the City will be required to provide the City with proof of eligibility to work in the United States. The following procedures and requirements apply:

All applicants for employment with the City must sign a statement declaring their legal right to work in the United States. They will be informed that proof of legal right to work must be examined prior to employment. Before the City can award him/her a job, the applicant who has received a conditional offer of employment must show the City documentation that confirms both identity and employment eligibility.

Human Resources will make photocopies confirming both identity and eligibility for employment in the United States. Human Resources will place these photocopies in the employee's personnel file. These photocopies will become a permanent part of the employee's personnel record with the City.

5.06 DISQUALIFICATION

An applicant shall be disqualified from consideration if he/she:

- A. Does not meet the minimum qualifications necessary for the performance of the duties of the position for which applying;

- B. Has knowingly made a false statement on the application form or any other documents related to or which have bearing on the selection process;
- C. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
- D. Is not legally permitted to hold the position;
- E. Has been convicted of a felony offense;
- F. Does not successfully complete a requirement for employment (i.e. physical, drug/alcohol screen, criminal background check etc.)

5.07 NOTIFICATION OF APPLICANTS

When a vacancy is filled, all applicants will be notified, by telephone or letter that the selection has been made.

5.08 RESIDENCY REQUIREMENTS

Division Directors may require employees to live within a reasonable response time as defined by a written departmental policy which addresses the duties and responsibilities of the department and each job classification within that department. The maximum response time allowable is 30 minutes.

5.09 APPOINTMENT

Appointments to employment shall be either regular or temporary.

5.10 REGULAR APPOINTMENT

Regular appointments are for full-time or part-time positions authorized in the City's budget.

5.11 TEMPORARY APPOINTMENT

Temporary appointments are for a limited duration and may be full-time or part-time positions requiring continuous, seasonal, or intermittent service.

5.12 FULL-TIME

An employee who has a normal work schedule of at least forty (40) hours per week shall be classified as a full-time employee.

5.13 PART-TIME

An employee who has a normal work schedule of less than forty (40) hours per week shall be classified as a part-time employee.

5.14 EMPLOYMENT CONTRACT

No employee shall have an employment contract for a specific or indefinite period of time unless the contract is approved in writing by the City Council.

5.15 NO PROPERTY RIGHT

No employee shall have any property right in his/her continued employment regardless of any verbal or implied statements made.

5.16 BENEFITS

Regular full-time and regular part-time employees may be eligible for benefits in accordance with the eligibility requirements stated by each policy describing a benefit.

Temporary employees shall not be eligible for any benefits except those required by law.

CHAPTER

6 PROBATIONARY PERIOD

6.01 PROBATIONARY PERIOD

The City has a six month probationary period. This policy applies to all newly-hired, regular employees.

The purpose of this probationary period is to orient the individual to his/her new job. The City will closely observe and evaluate the individual to determine his/her fitness for the job, including whether he/she can satisfactorily perform all material job duties.

Successful completion of this six-month probationary period does not create any enhanced status. The employee remains at all times "at-will" as described Chapter 1 of the Handbook, APPLICABILITY AND IMPLEMENTATION

A probationary employee is not entitled to six-months of employment, regular or otherwise, with the City.

The City, in its sole discretion, may extend an employee's probationary period beyond the six-month period, up to an additional 180 days.

6.02 "NO FAULT" SEPARATION

If at any time during an employee's probationary period, the supervisor decides, that the new regular employee is not suited for the job or that the employee's continued employment may not be in the best interest of the City, the supervisor may initiate an immediate "no fault" separation.

During the probationary period, if the new regular employee decides that his/her employment with the City may not be in his/her best interest, the employee may initiate an immediate "no fault" separation.

A new regular employee who receives a "no fault" separation under the provisions of this policy shall have no right to appeal the separation.

6.03 COMPLETION OF PROBATIONARY PERIOD - NEW EMPLOYEE

Prior to the conclusion of the employee's probationary period, all new regular employees will be evaluated by their supervisor. When a new regular employee successfully completes the probationary period, he/she shall be removed from probationary status.

At the discretion of the Division Director or City Administrator, an employee's probationary period may be extended for up to a maximum of 180 days in lieu of termination.

6.04 PROBATIONARY PERIOD FOR PROMOTED EMPLOYEES

All promoted employees shall be required to complete a six month probationary period in the new position before the promotion is considered to be fully approved. The same conditions for new employees will apply to employees who have been promoted to new positions.

If a promoted employee cannot meet the requirements as set forth in the job description of the new position, the employee may be restored to the position from which he/she was promoted, transferred to another position or terminated.

At the discretion of the Division Director or City Administrator, a promoted employee's probationary period may be extended for up to a maximum of 180 days in lieu of termination or transfer.

6.05 PROBATIONARY PERIOD FOR DEMOTED EMPLOYEES

Any employee being demoted as a result of a disciplinary action shall be subject to a six month probationary period in their new position.

If a demoted employee is not able to meet the required standards for the job during the probationary period the employee shall be dismissed.

CHAPTER

7 CAREER MANAGEMENT

7.01 PROMOTIONS

Promotion is defined as moving from a lower rank or classification to a higher rank or classification. Normally the City will limit its consideration for promotions to regular employees, who have completed their probationary periods. However, the City may consider temporary employees for promotion to other temporary appointments in their field of work. The City intends to provide promotional opportunities for current employees whenever reasonably possible. However, all applicants will be considered equally based on qualifications and the ability to perform the required job functions.

Employees wishing to apply for a promotion into an available position shall make application for that position in accordance with the provisions of the Section on INTERNAL RECRUITMENT.

All promotions must be reviewed by the Human Resources Manager and approved by the City Administrator.

7.02 PROBATIONARY PERIOD FOR PROMOTED EMPLOYEES

City employees who are promoted shall be subject to the applicable provisions of the policies in Chapter 6, PROBATIONARY PERIOD.

7.03 TRANSFER

Transfer is defined as moving from a position in one department to another position in a different department.

The City may unilaterally transfer an employee if in its sole discretion it concludes one of the following:

- A. the employee is not satisfactorily performing his/her material job duties;
- B. the employee is better suited for another City job;
- C. federal, state or local law requires the City to transfer the employee;
- D. a transfer would be in the best interest of the City.

An employee may also request a transfer. To do this, an employee needs approval from the Division Director where the employee currently works and the Division Director of the job where the employee wants to go. The City may make such transfers administratively, or through its formal announcement and selection process.

All transfers between departments shall be subject to approval by the Division Directors concerned and the City Administrator.

7.04 INVOLUNTARY DEMOTION

Demotion is defined as moving from a position with more responsibility to a position with less responsibility.

Whenever a Division Director desires to demote an employee who reports (directly or indirectly) to him/her, the Division Director must make a written recommendation to the City Administrator. The Division Director must make this written recommendation on the City's Personnel Action

Form. In the written recommendation, the Division Director must set forth all reasons in support of his/her recommendation. All demotions must be approved by the City Administrator.

If the City demotes the employee, it reserves the right to reduce the employee's salary. This is done at the discretion of the Division Director together with approval of the City Administrator.

In the case of a Division Director, the City Administrator will consult with the City Council prior to demotion. The City maintains the right to reduce the Division Director's salary at the discretion of the City Administrator.

An employee, who feels he/she has been improperly or unfairly demoted, shall have the right to file a grievance in accordance with the provision on grievances in Chapter 17, COMPLAINTS AND GRIEVANCES.

7.05 VOLUNTARY DEMOTION

An employee may voluntarily request a demotion. To do this, the employee must make a written request to his/her Division Director. The employee's Division Director must approve the request; the Division Director must indicate his/her approval in writing, forwarded to the Human Resources Manager. The Division Director must wait three working days before sending his/her written approval to the Human Resource Manager.

Any time prior to the expiration of the three working days, the employee may revoke his/her voluntary request. The employee can only revoke his/her voluntary request in writing to his/her Division Director.

7.06 PROBATIONARY PERIOD FOR DEMOTED EMPLOYEES

City employees who are demoted shall be subject to the applicable provisions of the policies on PROBATIONARY PERIOD, Chapter 6.

7.07 REPORTS OF THE DIVISION DIRECTORS

Division Directors shall immediately report to the City Administrator any and all changes in the status of their departmental personnel. The Division Directors' reports shall include all appointment, whether temporary, part-time, regular, emergency, regardless of whether by original entrance, reinstatement, or promotion; removals from the municipal service, whether dismissals, layoffs, suspensions, leaves of absence; changes in departmental organization, such as creation, abolition, or combining of offices or positions; and salary changes, whether increases or reductions; and returns to service from extended absences as a result of illness or injury. All action so reported shall be in accordance with the procedures established by the City Administrator and these policies.

7.08 ADDRESSES AND TELEPHONE NUMBERS

Employees are obligated to provide the Human Resource Manager with their current address and telephone numbers and to advise immediately of any changes. If employees wish to exclude such information from public disclosure under the Open Records Act, they must notify the Human Resource Manager in writing.

CHAPTER

8 TRAINING AND EDUCATION

8.01 TRAINING AND EDUCATION

The duties and responsibilities of City representatives occasionally require attendance at various conferences, seminars, meetings, workshops or other events and may require travel to other areas of the state or country.

The City desires to establish and maintain the atmosphere of prudent stewardship of public funds and ensure that citizens of the City of Stephenville are represented at the conferences, etc. that are relevant and important to the future of the City.

The City representative should review the details of the seminar, conference, event, etc., to ensure that attendance would be beneficial in performance of their duties.

8.02 CITY REPRESENTATIVES

The travel guidelines are set forth to serve as a policy statement for business travel by all representatives of the City of Stephenville. The term "City representative" includes the Mayor, City Council Members, Committee Members, Volunteers, Administrative Staff and City Employees.

Mayor and City Council Members – As soon as possible after deciding to attend an event, the City Secretary's office should be contacted and requested to arrange registration, reservations, travel accommodations, etc. A Travel Request Form may be given to the City Secretary at this time.

Administrative Staff and Employees – Administrative Staff and Employees must prepare a Travel Request Form. Upon completion and signing the form, it should be routed to the appropriate Division Director for approval. If the travel is out of state, the form must be forwarded to the City Administrator for approval.

City Administrator – The City Administrator must prepare a Travel Request form. Upon completion and signing the form, it should be routed to the Mayor for approval.

Committee Members and Volunteers – Committee Members and Volunteers must follow the guidelines set forth for Administrative Staff and Employees. The Travel Request Form is then forwarded to the appropriate City staff for approval and processing.

8.03 PROCESSING THE TRAVEL REQUEST FORM

All approved Travel Request Forms should be sent to the Finance Department for processing no later than ten (10) days before the funds are requested. The completed form must be accompanied by documentation of the event. (See, Appendix E).

8.04 GUIDELINES AND STANDARDS FOR CITY TRAVEL

The following guidelines and standards should be utilized when traveling on City business.

A. Registration

1. Registration and ticket purchases will be reimbursed at actual cost.
2. Direct payment to the sponsor of the program is preferable to reimbursement to

- the individual attendee.
- 3. Discounts may be offered for pre-registration, so full advantage should be taken of any such discounts.
- 4. Vouchers, invoices, advanced registration forms or receipts must be submitted as payment justification.

B. Transportation

Transportation arrangements are based on what is the most economical advantage to the City of Stephenville.

Personal Vehicle

- 1. Personal vehicle mileage allowance or reimbursement will be based upon actual mileage at the rate per mile set by the IRS.

Airfare

- 1. Airfare will be paid directly to the carrier, travel agency (or reimbursed), based on coach fare and utilizing all prepaid special or discount fares.

Public Carrier and Car Rental

- 1. Public carrier fares will be reimbursed based on receipts or prevailing fares based on a given area.
- 2. Car rental reimbursement will be reviewed upon submission of receipt.
- 3. Necessity for the rental, prevailing rental rates and other circumstances will be evaluated in determining reimbursement for the rental.
- 4. Discounts and special rates should be utilized whenever possible.

C. Overnight Accommodations

- 1. The host hotel where the meeting is being held is preferable due to the discounts they normally allow.
- 2. Rental allowances will be based on the actual cost of the room, plus tax and parking.
- 3. Personal items such as telephone calls and movies are not reimbursed.
- 4. When travel time exceeds a day, one night's hotel bill on the destination and return trip may be reimbursed upon submittal of receipts.

D. Meals and Incidental Expenses

- 1. The City representative shall be reimbursed for actual expenses to the extent of support by valid receipts relative to the meals and incidental expenses, such as taxi fare, parking fees, tips, etc., of a trip less any advance paid.
- 2. The maximum allowed per day for meals will be in accordance with the Federal Travel Regulation on Meals and Incidental Expenses' third tier. The employee must be away before 6:30am or after 6:00pm to receive the respective breakfast or dinner portion of the per diem.
- 3. Per diem will not be allowed for meals included with conference registration fees.
- 4. The City will not reimburse any expense incurred for alcoholic beverages.

8.05 SUBMITTAL OF COMPLETED TRAVEL EXPENSE FORM

The submittal of the completed Part II Travel Expense Report must be submitted to the Finance Department within ten (10) working days following the completion of the trip. The expenses will then be reviewed for accuracy. All receipts and/or credit card copies must match the report. Any unused travel advance must accompany the report.

If a City employee has not submitted a Travel Expense Report within thirty (30) working days, the appropriate Division Director will be consulted to determine if extenuating circumstances exist, and the City Administrator shall be consulted. The payroll department may be notified of the prepaid travel advances that are to be withheld from the employee's next paycheck.

8.06 TUITION REIMBURSEMENT

Any full-time employee attending college accredited courses upon completion of such courses with a "C" or better may have his/her tuition reimbursed at a rate determined each year during the annual budget process.

All full-time employees are eligible for this program once they have completed one year of service with the City.

All courses must be **approved in advance** by the Division Director and apply to the employee's position with the City or be considered part of an accepted degree plan. Once a degree is completed, if the employee elects to leave the City within 2 years, the employee shall reimburse the City for all monies received for tuition within the last 24 months.

Employees entitled to receive reimbursement for tuition, shall be entitled to said reimbursement from the City of Stephenville provided that the sum total of monies received from the City and any outside programs, such as the "G.I. Bill", L.E.E.P., or scholarship program, does not exceed the tuition and fee costs to the employee (excluding room, board, and books). Tuition will be reimbursed for the Fall, Spring or Summer Sessions. Mini-semesters and other types of sessions or terms are not eligible for reimbursement under this program.

A Tuition Reimbursement Form will be required with each request for reimbursement. A new form is to be filed for each semester. Forms are available in the Human Resources Office. (*See, Appendix D*).

CHAPTER

9 PERFORMANCE EVALUATIONS

9.01 POLICY ON EMPLOYEE PERFORMANCE EVALUATIONS

The City conducts periodic performance evaluations of its employees to measure employee performance. The City uses performance evaluations as a management tool, that is, in order to make better informed decisions on matters like employee training, assignment, promotion, transfer, and retention.

9.02 EVALUATION REPORT OF EMPLOYEES

The Human Resources Department will develop procedures to evaluate the job performance of each regular employee.

Management, *i.e.*, supervisor or Division Director (as appropriate), must conduct an employee performance evaluation prior to the end of the employee's probationary period. This applies to both new hires and employees promoted to new jobs. For all other employees, management must conduct evaluations at least once per year.

The City's Human Resource Manager will maintain a schedule for management's completion of an employee's performance evaluation. The Human Resource Manager must send to management an evaluation form at least five working days prior to the due date of the evaluation.

Management must provide to the employee a copy of his/her performance evaluation report. Management shall discuss the report individually with the employee.

Employees who disagree with their performance evaluation report may seek reconsideration by using the appeal procedures set forth in the Chapter on COMPLAINTS AND GRIEVANCES.

9.03 EVALUATION REPORT OF CITY ADMINISTRATOR

The City Council may periodically review the City Administrator according to criteria and procedures that may be set and established by the City Council from time to time.

CHAPTER

10 CONDUCT

10.01 ATTENDANCE

All employees are expected to report for work each day on time on all work days as scheduled by their supervisor unless the employee's supervisor gives prior approval or the employee is unable to report for work due to circumstances beyond the control of the employee. Employees must report their absences in a timely manner to permit management to make the necessary scheduling changes. A failure to report an absence in accordance with this policy may also result in termination. Unexcused absences or tardiness will not be tolerated and will result in disciplinary action as stated elsewhere in this Manual.

An employee who fails to report for duty without proper notification for three consecutive workdays or shifts shall be considered to have voluntarily resigned without notice from the service of the City.

10.02 NOTIFICATION OF ABSENCE

If an employee is tardy or absent without prior approval, the employee shall be responsible for notifying his/her supervisor as soon as is practical as to the circumstances causing the tardiness or absence.

10.03 EXCUSED AND UNEXCUSED ABSENCE

In deciding whether a tardiness or absence without prior approval is to be classified as approved or unapproved, the supervisor shall be responsible for determining if the employee was tardy or absent due to circumstances beyond the reasonable control of the employee.

10.04 TARDINESS

Each employee shall be at his/her assigned work station ready to work in accordance with the starting time established by his/her supervisor.

Each employee is also expected to be at their assigned work stations and ready for work at the end of each break and lunch period.

Each employee shall remain on the job until the normal quitting time for his/her job unless permission to leave early is given by the employee's supervisor.

10.05 EXCESSIVE ABSENCE OR TARDINESS

Unexcused absence subjects employees to disciplinary measures. Excessive tardiness as defined by the Division Director may make an employee subject to disciplinary measures.

10.06 EMPLOYEE GROOMING AND DRESS

Appropriate appearance is a personal responsibility. As a public employer, the City expects all employees to come to work well groomed every day. Public employees are expected to have high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. As a result, dress and personal appearance during working hours is an appropriate subject for all Division Directors and employees.

10.07 EMPLOYEE DRESS STANDARDS

All clothing must be neat, clean and free from tears. Hair must be clean, dry and properly combed. Unnatural hair colors (purple, blue, green, yellow, bright orange and others) are prohibited.

While it is not the City's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image supportive of public confidence. In general, dress and grooming which management might consider faddish, extreme, slovenly, over casual, or seductive should be avoided.

10.08 EMPLOYEE UNIFORM POLICY

The City provides uniform shirts and pants for all employees who work either in the field or in service functions, to project a more professional image of the City. Employees are expected to wear their uniforms. Shirts should be tucked in to the slacks. No more than two buttons, including the collar button, shall be unsecured at any time. Additional accessories to the uniform are not allowed unless they are furnished by the City. Appropriateness of the type of shoe is determined by the department supervisor. An employee will be held accountable for lost uniforms or for uniforms damaged beyond normal wear and tear within his/her scope of employment, such damage not resulting from the employee's work duties.

10.09 GROOMING AND DRESS GUIDELINES FOR OFFICE EMPLOYEES

Office employees must maintain a professional appearance and personal hygiene. Appearance of both male and female employees should be businesslike and within limits of common sense and acceptable community standards. Office employees should wear clothing which is neat, clean, attractive and suitable for business, except when field work is required. Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.

10.10 PHYSICAL STANDARDS

Each current employee or job applicant of the City must be capable of performing the essential functions of the job for which he/she is applying, with or without reasonable accommodations. The City 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 for performing the essential functions of his or her position, either with or without a reasonable accommodation.

10.11 MEDICAL EXAMS FOR CURRENT EMPLOYEES

With the prior approval of the City Administrator, a current employee may be required to successfully undergo a medical and/or psychological examination to determine fitness for continued employment, for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the American with Disabilities Act.

When a Division Director suspects that a physical condition of an employee constitutes a hazard to persons or property, the Division Director shall require the employee to submit to a medical examination by an approved physician. The employee shall be paid for the time required for such examination, which shall be conducted without expense to the employee. The examination shall be job related and for the sole purpose of determining the employee's ability to perform the essential functions of the job.

10.12 REASONABLE ACCOMMODATION

The City will provide reasonable accommodations to employees as required by law.

Employees who are medically determined to be permanently unable to perform their essential job functions with or without reasonable accommodation shall be subject to termination of employment with the City. An employee may be terminated if the disability presents a direct threat to the health or safety of either the employee or others in the workplace that cannot be reduced or eliminated by reasonable accommodation.

10.13 CONFIDENTIALITY OF MEDICAL RECORDS

Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, and as such necessary for insurance purposes.

10.14 RESPONSIBILITY FOR CITY PROPERTY

All City employees shall be responsible for the proper use and maintenance of all tools, equipment or vehicles assigned to them by the City. Tools, supplies and equipment shall not be removed from City facilities or City job sites.

City vehicles and equipment are for use on City business only. Only City employees or authorized individuals may ride in City-owned vehicles. No one under the age of 18 may operate a City vehicle or mobile equipment.

All City vehicles will have the keys removed and the vehicle will be locked anytime the vehicle is out-of-sight of the employee or left unoccupied, except for emergency vehicles during emergency responses.

Employees are accountable and responsible for uniforms and other equipment issued by the City for business use. Upon termination of employment all items issued to employees or which come into their possession must be returned to the appropriate supervisor before out processing can be completed.

Personal use of any City property, materials, supplies, tools, equipment or vehicles shall not be permitted.

10.15 DRIVER'S LICENSE

All City employees who operate City vehicles or equipment shall have a valid State of Texas driver's license necessary for that vehicle or equipment.

Each City employee who is required to have a driver's license to operate City vehicles or equipment shall immediately notify his/her supervisor of any change in the status of that license.

Suspension or revocation of the driver's license of an employee who is required to operate a vehicle or equipment as a normal part of his/her job may result in a job change, demotion or discharge.

10.16 NONFRATERNIZATION

In order to promote the efficient operation of the City's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, and morale, and possible claims

of sexual harassment, department directors, managers and supervisors are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline, up to and including termination of employment.

10.17 CONFLICT OF INTEREST

An employee of the City shall not engage in any employment, relationship, or activity which would adversely affect his/her job efficiency or which would reduce his/her ability to make objective decisions in regard to his/her work and responsibility as a City employee.

Activities that constitute a conflict of interest shall include but not be limited to:

- A. Soliciting, accepting or agreeing to accept a financial benefit, gift or favor in the amount of \$25.00 or more, other than from the City, that might reasonably tend to influence the employee's performance of duties for the City or that the employee knows or should know is offered with intent to influence the employee's performance;
- B. Accepting employment, compensation, gifts or favors in the amount of \$25.00 or more that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- C. Accepting outside employment, compensation, gifts or favors in the amount of \$25.00 or more that might reasonably tend to impair independence of judgment in performance of duties;
- D. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City; or
- E. Soliciting, accepting or agreeing to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.
- F. No employee of the City of Stephenville may be employed with a business in competition with a City of Stephenville function, activity or service.

Violations of this policy will likely result in disciplinary action up to and including termination of employment.

Any questions concerning the prohibitions imposed by this policy shall be directed to your Division Director.

10.18 POLITICAL ACTIVITY

While in uniform or on active duty, a City employee may not engage in a political activity relating to a campaign for an elective office or a proposition to be voted on by the public.

For the purposes of this section, an employee engages in a political activity if the employee:

- A. makes a political speech supporting or opposing a candidate or proposition;
- B. distributes a card or other political literature relating to the campaign of a candidate or proposition;
- C. wears a campaign button;
- D. circulates or signs a petition for a candidate or proposition;
- E. solicits votes for a candidate or proposition; or
- F. solicits campaign contributions for a candidate or for a proposition.

A City employee may not be required to contribute to a political fund or to render a political service to a person or party. A City employee may not be removed, reduced in classification or

salary or otherwise prejudiced for refusing to contribute to a political fund or to render a political service. A municipal official who attempts to do so also violates this policy.

Except as expressly provided by this section, the municipality's governing body may not restrict a City employee's right to engage in a political activity.

10.19 OUTSIDE EMPLOYMENT AND ACTIVITIES

An employee of the City shall not engage in any activity or other employment that will adversely affect his/her ability to effectively carry out the duties and responsibilities of his/her job.

An employee accepting other employment while still being employed by the City shall notify his/her supervisor for written approval before beginning such work except in instances where the work may be occasional or casual.

An employee accepting other employment while still being employed by the City shall be required to sign a wavier of liability releasing the City from any liability connected with any other employment.

No full-time employee shall be allowed to work additional hours for the same or any other department in any capacity other than contract labor unless the employee is paid overtime. (Example: A full-time police officer can work as a baseball umpire as contract labor.) The work the employee does as contract labor must be totally different from the work the employee normally does as a full-time employee.

No outside employment or work will be permitted while on paid or unpaid leave except for vacation and holiday that is not being utilized for FMLA purposes.

An employee may NOT be employed with a business in competition with a City of Stephenville function.

The City reserves the right to restrict outside employment which may result in conflicts, performance or attendance problems.

No personal commercial business will be conducted during regular duty hours on City premises.

10.20 HARASSMENT

The City will make every effort to provide a work environment free from all forms of harassment. This policy applies to actions of supervisors, co-workers and any other persons who come in contact with City employees (contractors, temporary help, citizens, vendors, and other visitors to the workplace).

Harassment of any sort in the workplace creates a hostile work environment which reduces the employees' ability to discharge their duties effectively. Moreover, some forms of harassment may constitute discrimination on the basis of sex, race, national origin, age, color, disability, veteran status, citizenship, and religion, or any other characteristic protected by law is also prohibited.

The City does not tolerate harassment, nor does it tolerate reprisals against an employee who makes a harassment complaint. Employees who violate this policy are subject to disciplinary action, to include discharge. Any supervisor, who receives a complaint of harassment and fails to take corrective action pursuant to this policy, also is subject to disciplinary action. All employees

are responsible for reporting an incidence of harassment. Any employee who refuses to cooperate in the investigation, or who files a complaint of harassment in bad faith, will be subject to disciplinary actions as well.

10.21 DEFINITIONS OF HARASSMENT

For purposes of this policy the following definitions are provided as guidelines for administration and compliance:

1. Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal (slurs, jokes) or physical conduct of a sexual nature constitute sexual harassment when:
 - A. Submission to such conduct is made with a term or condition of continued employment; or,
 - B. Submission to or rejection of such conduct by an applicant is used as the basis for employment decisions; or,
 - C. Such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

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

2. Other Prohibited Harassment – Epithets, slurs and negative stereotyping; threatening, intimidating or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate or show hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic prohibited by law constitute harassment, especially when this conduct:
 - A. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
 - B. Has the purpose or effect of interfering with an employee's work performance; or
 - C. Adversely affects an employee's employment opportunities.

Conduct, comments, or innuendos that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age, disability or any other protected characteristic, will not be tolerated. This policy applies to employees, citizens, vendors, and other visitors to the workplace

10.22 PROCEDURES FOR REPORTING CASES OF HARASSMENT

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

The procedure for reporting cases of sexual and other unlawful harassment is a formal process. The formal reporting procedure ensures that all employees are treated fairly and equally throughout the process.

Any employee who believes he/she is being harassed by a supervisor, co-worker or other person, or who has observed or otherwise learned of possible harassment in the workplace, should take the following actions:

- A. Politely, but firmly, confront the harasser and ask him/her to stop. Be specific about the behavior you want stopped. If practical have a witness.
- B. Simultaneously, contact the Division Director or the Human Resource Manager to place a complaint.
- C. If you feel uncomfortable with confronting the harasser or if you feel that this will cause you an employment detriment, then omit this step and immediately contact the Division Director or the Human Resource Manager. If you feel uncomfortable reporting it to the Division Director, the Human Resources Manager will take the complaint. In the case of a complaint against a Division Director or the City Administrator, the complaint should be reported directly to the Human Resource Manager.
- D. The employee will be asked to provide the following information (*See*, Appendix C):
 1. Employee name, department, and position.
 2. Name of person or persons committing the harassment.
 3. Specific details of the harassment, what it consisted of, how long it has been going on, was the alleged harasser confronted, and was there any action taken against the employee.
 4. Identify any witnesses.
- E. All complaints will be handled in a timely and confidential manner. The City will take every precaution possible to see that the records are kept confidential. However, under the Texas Open Records Act, the City may be required to release such information. Management personnel needed for participation in the investigation, the individual against whom the complaint has been filed and possible witnesses may be contacted.

The purpose of this provision is to encourage filing of valid complaints by protecting the privacy of the complaining employee to the extent possible, as well as to protect the reputation of an employee who wrongfully might be charged with harassment.

10.23 INVESTIGATION OF HARASSMENT

Upon receipt of a complaint the City will:

- A. Make an investigation into the matter;
- B. Consult with the parties involved and seek an informal resolution to the problem, if possible;
- C. Contact the Division Director or supervising authority, unless otherwise specified by the individual filing the complaint;
- D. Prepare a report identifying the issues, describing his or her findings, explaining what resolution, if any, was achieved, and defining what corrective actions, if any, will be undertaken.

If either the complainant or the person against whom the complaint has been filed objects to the findings, such person may file a written request to the City Administrator or a designee to have the matter reviewed.

Upon receipt of the request to review the findings, the City Administrator or designee will:

- A. Conduct any additional investigation which he/she deems necessary;
- B. Determine whether to interview the parties;
- C. Determine whether to hold a formal hearing into the matter; and
- D. Issue a final decision on the merits if it is found that no interviews or hearings are necessary.

Hearings – If the City Administrator or designee finds that a hearing is necessary, all parties will be notified of such action. At the hearing, each party will have the right to representation, to present evidence on his/her behalf, and to cross-examine adverse witnesses. The City Administrator or a designee will issue a final decision on the merits based on his/her findings.

Deadlines

- A. The Division Director or Human Resources Manager will prepare his/her report within 20 days after consultation with the involved parties. The consultation/ investigation will last no longer than 60 days.
- B. All requests for review of the findings must be submitted within 5 days after receipt of the report.
- C. The City Administrator or designee will issue his/her final decision within 30 days after receipt of the request if no hearing is held.
- D. The City Administrator or designee will issue his/her final decision within 30 days after the close of the hearing.
- E. The City Administrator may extend any deadline for good cause.

Records – All paper, files and reports will be filed with the Human Resources Manager at the conclusion of any proceeding into a complaint. No papers, files, or reports related to a complaint will be filed in any employee's personnel file, unless those data indicate either that an employee made a false accusation, or that an employee was found to have committed harassment. A copy of the final report will be sent to the City Administrator. All final reports will be stored in the Human Resources Department.

In the case of a complaint of harassment against the City Administrator, the City Council will review the findings of the investigation, extend deadlines if necessary and determine final decisions.

10.24 IMPLEMENTATION OF HARASSMENT POLICY BY SUPERVISORS

All supervisors are responsible for the implementation of this policy and for ensuring that all employees and contractors have knowledge and understanding of this policy.

All supervisors shall take immediate and appropriate action to ensure compliance with the intent of this policy.

The City will continue to act responsibly to establish and maintain a pleasant working environment that is free from discrimination and unfair acts.

10.25 RETALIATION PROHIBITED

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

10.26 VIOLATIONS OF HARASSMENT POLICY

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

10.27 CITY-WIDE TOBACCO POLICY

All municipally owned buildings will be “tobacco free”. There will be no smoking, dipping, or chewing in any of the facilities. Exceptions to this policy will be the apparatus rooms of the fire stations, the warehouse and/or shop areas at street, utilities, parks and cemetery offices provided flammable chemicals are not present.

10.28 SEARCHES AND INSPECTIONS

The City may, at any time, conduct unannounced searches or inspections of the worksite, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files and storage disks, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee’s personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. **Employees are not entitled to any expectation of privacy with respect to such items.**

All searches must be authorized and conducted under the direction of the Division Director and the Human Resources Manager. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

10.29 WORKPLACE VIOLENCE PREVENTION

The City is concerned about providing its employees with a safe and productive work environment, and thus has taken certain steps to help prevent incidents of violence from occurring in the workplace. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee’s employment with the City, whether the conduct occurs on-duty or off-duty, will not be tolerated. Violations of this policy will lead to disciplinary action which may include dismissal, arrest, and prosecution. The determination of a violation of the workplace anti-violence policy will be based on both the accuser’s perceptions and the accused’s intentions and motives

10.30 ZERO TOLERANCE FOR VIOLENCE

The City has a policy of zero tolerance for violence. If you engage in any violence in the workplace, or threaten violence in the workplace, your employment will be terminated immediately. No talk of violence or joking about violence will be tolerated.

NOTE: “Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the City, including

employees, citizens, and others doing business with the City, never feels threatened by any employee's actions or conduct

10.31 CITY RESPONSE TO THREATS OR ACTS OF VIOLENCE

The City will initiate an appropriate response to any person who threatens use of force or violence, threatens an unlawful act, exhibits threatening behavior, or engages in violent acts on City property. If such conduct occurs, the offending person shall be removed from the premises pending the outcome of an investigation. The City may also suspend and/or terminate the employment relationship, reassign job duties, initiate criminal prosecution of the persons or person involved, and/or other actions as determined by the City to be appropriate under the circumstances.

No existing City policy, practice or procedure shall be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life threatening situation from developing.

10.32 WEAPONS

The City specifically prohibits the possession of weapons by any employee while on City premises or City business except for licensed peace officers.

- A. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5- ½ inches, switchblades, etc., as defined by Texas Penal Code Section 46.01; and other items with the potential to inflict harm. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.
- B. Unless specifically authorized in writing by the employee's Division Director and approved by the City Administrator, no employee, other than a licensed peace officer, shall carry or possess a firearm on City property. Licensed peace officers may carry or possess those weapons that are Department approved.

10.33 MANDATORY REPORTING OF THREATS

Each employee shall notify the employee's Division Director or the Human Resources Manager of any threat which the employee has witnessed, received, or has been told that another person witnessed or received. Even without an actual threat, each employee shall also report any behavior the employee has witnessed which the employee regards as threatening or violent, when that behavior is job related or might be carried out on a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the focus of the threatening behavior. If the Division Director concerned or Human Resources Manager is not available, the employee shall report the threat to the employee's supervisor or another member of the City's management.

All individuals who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must provide to management a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially.

Desks, telephones, and computers are the property of the City. The City reserves the right to enter or inspect your work area including, but not limited to, desks and computer storage disks, with or without notice.

The fax, copier, and mail systems, including e-mail, are intended for City use only. Personal commercial business should not routinely be conducted through these systems. Under conditions approved by management, voice/phone messages may be retrieved and reviewed.

Any private messages retrieved that constitute threats against other individuals can and will be used as the basis for termination for cause.

10.34 WEAPONS AND VIOLENCE POLICY VIOLATIONS

Violations of any of these policies may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

CHAPTER

11 WAGES AND SALARY ADMINISTRATION

11.01 CLASSIFICATION AND PAY PLAN

The City's personnel classification and pay plan defines each position and what grade that position holds in the City's organizational structure. The classification and pay plan also lets each employee see how he/she fits into the organization of the City. A copy of the pay plan is available for review in the Human Resource Manager's office. The pay plan is subject to modification at any time and does not constitute a contract or guarantee of income or position.

11.02 HOURS OF WORK WEEK

For purpose of record keeping and compliance with the Fair Labor Standards Act (FLSA), a workweek for the City shall be computed as follows:

- A. Fire/EMS Shift Personnel - Workweek begins at 7:00am and ends 27 consecutive 24-hour periods later, 204 hours in a 27-calendar day work cycle.
- B. Sworn Police Officers- Workweek begins at 7:00am on Saturday and ends 14 consecutive 24-hour periods later, 80 hours in a 14-day work cycle.
- C. Dispatch - Workweek begins at 8:00am Saturday and ends seven (7) consecutive 24-hour periods later - 40 hours in 7 days.
- D. All other employees – Workweek begins at 12:01am each Saturday and ends seven (7) consecutive 24-hour periods later - 40 hours in a 7 day work cycle.

11.03 PAY CHECKS

Paychecks shall be issued to employees every other Friday.

11.04 EXEMPT EMPLOYEES

The City follows the FLSA's requirements regarding deductions from the salaries of exempt employees. Exempt employees do not need to be paid for any workweek in which they perform no work.

If an employee believes that an improper deduction has been made to his/her salary, he/she shall immediately report this information to the Division Director and/or the Human Resources Manager.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

11.05 DEDUCTIONS FROM EXEMPT EMPLOYEES' PAY

The exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked, with the following exceptions. Deductions from pay are permissible when an exempt employee: (1) is absent from work for one or more full days for personal reasons other than sickness or disability; (2) for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; (3) for military pay; or (4) for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions on penalties for workplace conduct rule infractions. (See, Chapter 16 Discipline). Also, an employer is not required to pay

the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the FMLA. In these circumstances, either partial day or full day deductions may be made.

11.06 SALARY ADVANCES

Salary advances shall not be made to any employee for any reason.

11.07 LONGEVITY PAY

Longevity pay is a benefit paid to the employees as a reward for years of service with the City. Longevity pay is in addition to the employee's base salary. Longevity pay is computed at \$4.00 per month for each service year, 1 through 10, and \$6.00 per month for each year after the completion of 11 years of service. The longevity pay plan is under the authority of the City Council and is subject to amendment.

Qualifications for longevity pay:

1. To be eligible for longevity, a City employee must be a regular, full-time employee.
2. Only continuous time accrued with the City in a full-time position will be the basis for longevity pay.
3. Longevity will be based on the employee's anniversary date (1 full year).
4. Any employee upon quitting his or her job and later being rehired will lose all seniority for purposes of longevity pay.
5. When an employee's sick leave expires, no additional longevity will accrue until the employee returns to full-time duty.
6. No longevity service time will accrue or be paid while an employee is in a leave without pay status.
7. Longevity accrual for employees on military leave will be subject to the state and federal regulations for reinstatement in effect at the time of their release from active duty.

11.08 CERTIFICATION PAY

Certification pay is to provide a monetary reward to those employees who have undertaken programs which improve and enhance the performance of their duties as public employees in their respective department.

Many City departments presently have various certification programs operating under the direction of respective state agencies or professional groups. In these cases, whatever requirements have been or will be instituted will apply for eligibility under the City's certification program.

To assure that each employee receives credit, a copy of the employee's certificate or other such document must be on file with the Human Resources Manager. Credit for certificates will be given for each certification on file as of the date incentive is to be paid. The certification must be job related, or of benefit to the City, required by the State or other governmental authority and approved by the City Council.

11.09 TEMPORARY PROMOTION OR "ACTING" PAY

A temporary promotion or "acting" position must be for a minimum duration of one complete pay period or ten consecutive work days. In order to be eligible to receive "acting" pay, the employee must assume and perform all of the duties of the position. Assuming a portion of the duties does

not constitute “acting.” The supervisor shall evaluate the employee at the end of the pay period (or ten consecutive workdays) to determine if the “acting” employee is fulfilling the job requirements. If the employee has performed unsatisfactorily, the employee shall return to his/her previous position without “acting pay” status being initiated.

Requests for acting positions will be accomplished via a Personnel Change of Status form. The form must be routed through the Human Resources Department, by the Division for coordination by Human Resources and approval by the City Administrator. The “acting” position shall not be created until it has received final approval of the City Administrator. All requests must state the reason for the request and the employee’s qualifications to fill the temporary position. If the employee’s evaluation is scheduled during the timeframe he/she is “acting,” the employee will be evaluated on the job he/she is currently performing.

This policy is not applicable to Fire and Police Departments.

11.10 FLSA COMPLIANCE

In administering its wage and salary program, the minimum standards of the City shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to municipal governments.

11.11 OVERTIME

Overtime shall apply to all employees of the City who are not specifically exempt from the provisions of the FLSA. Exempt employees are not paid overtime. In calculating "hours worked" for purposes of overtime computation, hours worked shall include only hours spent in the service of the City (as defined in the FLSA) and all paid leave, except compensatory time. Non-exempt employees may work overtime hours only when authorized by their Division Director or Supervisor.

Overtime shall be all hours actually worked in excess of the normal workweek or cycle as defined in Policy on Hours of Workweek. A non-exempt employee who works overtime during a workweek shall either:

- A. Be compensated at a rate of one and one-half (1 ½) times his/her regular hourly rate for all hours worked in excess the department’s workweek as defined in Policy on Hours of Workweek; or
- B. Be given compensatory time at a rate of one and one-half (1 ½) hours compensatory time for each hour worked over the department’s workweek as defined in Policy on Hours of Workweek.

11.12 MAXIMUM COMPENSATORY TIME

The maximum compensatory time accrual for any employee shall be the maximum allowed under the provisions of the FLSA.

- A. Fire and Police employees - 320 regular hrs. / 480 comp hrs.
- B. All other employees 160 regular hrs. / 240 comp hrs. maximum.

When an employee has reached the maximum compensatory time accrual, he/she shall be compensated in wages at a rate of one and one-half (1 ½) times his/her regular hourly rate for any additional overtime hours worked.

11.13 USE OF COMPENSATORY TIME

Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Scheduling of compensatory time shall be subject to approval by the employee's supervisor. An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a nonexempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

If an individual's employment terminates before all of his/her earned compensatory time is used, he/she will be paid for all unused time at his/her regular hourly rate on his/her final paycheck.

11.14 COMPENSATORY TIME RECORD KEEPING

Each Division Director or supervisor shall be responsible for recording any compensatory time taken or earned within a pay period on the City time sheet for that pay period. All compensatory hours must be recorded on the employee's City time sheets that are maintained in the Finance Department.

All compensatory time earned and used by eligible City employees shall be updated for each employee at the end of each pay period.

11.15 MEAL PERIODS SCHEDULING

The scheduling of employee meal periods shall be determined by the Division Director to facilitate the serving of the public and permitting efficient department operations. The normal length of the meal period shall not exceed one hour.

11.16 DUTY STATUS DURING MEAL PERIOD

For computation of hours worked, employees shall be considered to be off duty during meal periods unless circumstances require them to remain in an on-duty status during the meal period as defined by the Fair Labor Standards Act.

11.17 REST PERIODS

Each employee may receive two paid 15-minute rest periods per shift to be taken at such time during the workday as authorized by the supervisor or delegated authority. Under extreme situations the supervisor may authorize more or fewer breaks.

The 15-minute period will begin from the time the employee ceases work activities till the time he/she resumes his/her duties. Therefore, travel time is included in the rest period. The employee is responsible for notifying his/her supervisor of his location if he/she is leaving the normal work location.

11.18 TIME SHEETS

Each department shall be required to keep an accurate time sheet which shows all hours worked and all paid leave used by all departmental employees.

Each employee shall be required to sign his/her completed time sheet as submitted by his/her supervisor on forms approved for this purpose.

The supervisor shall review all the time sheets for completeness and accuracy and make any corrections, with the knowledge of the employee involved, which are necessary.

Each Division Director shall maintain complete and accurate time sheets. It will be the responsibility of each Division Director to provide the Finance Department with current and accurate information as may be required for payroll purposes.

11.19 PAY REDUCTIONS

An employee's pay may be reduced temporarily for disciplinary reasons or permanently for demotion. The Division Director shall recommend the amount of pay reduction based on the number of days of suspension, when such a reduction is necessary for disciplinary reasons. The City Administrator must approve any reduction.

11.20 DEMOTION PAY REDUCTIONS

If an employee's pay is reduced because of demotion, the pay shall be reduced to the level of an employee in the same or a similar job who has equal experience.

If an employee is demoted to his/her former job after being promoted, the employee's equivalent pay grade assignment shall be the same as it was prior to the promotion.

11.21 TERMINATION PAY

If an employee leaves the service of the City, his/her final paycheck shall include:

- A. Pay for all hours worked but for which payment has not been received including, where applicable, for overtime worked;
- B. Where applicable, pay for compensatory time, which has been earned but not yet used;
- C. Pay for any leave time for which payment is due under the provisions of the City of Stephenville's personnel policies;
- D. Deductions for any indebtedness to the City, which the employee may have incurred, but which has not been paid.

CHAPTER

12 EMPLOYEE SAFETY

12.01 ACCIDENT REPORTING

Any employee involved in an accident while operating City equipment or vehicles shall report all accidents and property damage to his/her supervisor and to the proper law agency or other appropriate authority immediately.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. Drivers of authorized emergency vehicles, while responding to an emergency, may operate said equipment as allowed by law. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.

All employees are prohibited from using alcohol and other intoxicants or being under the influence of intoxicants while driving, on duty or on-call.

Any traffic fines imposed upon a City employee while operating a City vehicle will be considered the personal responsibility of the employee and not the City.

12.02 PROCEDURES FOR REPORTING VEHICLE ACCIDENTS AND/OR PROPERTY DAMAGE

All City vehicle operators upon becoming involved in an accident with another vehicle or property must obey the following:

1. Notify supervisor immediately.
2. Notify Police Department.
3. Remain at scene of accident until released by investigating officer.
4. Complete Accident Report form and submit to Supervisor. (*See, Appendix B*).

Supervisors are expected to comply with the following steps:

- A. Notify Police Department if vehicle operator has not done so.
- B. Go to the scene of the accident to assist if necessary.
- C. Submit detail of accident to the Human Resources Department within 24 hours.
- D. For major accidents, notify Human Resources or Administration immediately.
- E. Assist employee with completing the Accident Report form and submit to Human Resources within 48 hours.

Police Department's responsibility investigating City accidents:

- A. Investigate and take photographs of all accidents involving City vehicles.
- B. Forward copies of the Accident Investigation Report form involving City vehicles to the following departments for review and action:
 - a. Human Resources Manager
 - b. Division Director of the Department involved

Any accident involving another vehicle or property will be sent to the City's insurance carrier. Any accident involving vehicle body damage, no matter how minor, and whether it involves another vehicle or not, must be reported to the Supervisor. An incident report **MUST** be filled out on every occurrence and a copy filed with the Human Resources Department and the Division Director.

Any incident is subject to disciplinary action being taken against any employee involved. All incidents involving disciplinary action shall be reported and filed in the employee's personnel file. If a pattern of accidents is indicated by any employee, the employee may be subject to dismissal.

Employees who operate motorized equipment in the service of the City who become involved in any accident will be subject to disciplinary action, if upon investigation, it is determined that the employee is negligent or through carelessness or recklessness contributed to the cause of the accident.

12.03 DRUG AND ALCOHOL FREE WORKPLACE

It is the City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

12.04 PROHIBITION AGAINST ALCOHOL AND ILLEGAL AND UNAUTHORIZED DRUGS

While on City premises, while on duty, on-call, or while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, **no employee may use, possess, distribute, sell, or be under the influence of, alcohol, inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.**

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. **No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol.** Absent specific approval by the City Administrator, City employees may **not** bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may **not** store or transport alcohol in a City-owned or leased vehicle.

12.05 PROHIBITION AGAINST ILLEGAL AND UNAUTHORIZED DRUG RELATED PARAPHENALIA

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

12.06 PERMISSIVE USE OF PRESCRIBED AND OVER-THE-COUNTER DRUGS

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment **only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe**

manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

12.07 FIRE AND POLICE DEPARTMENT EMPLOYEES REQUIRED POSSESSION

Certain City Fire and Police Department employees are required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions; these employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police and Fire Department operating procedures.

12.08 MANDATORY DISCLOSURE OF MEDICATION BY EMPLOYEES

Employees taking prescription medication and/or over-the-counter medication must report such use to their immediate supervisor or Human Resources Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

12.09 ON-CALL EMPLOYEES FIT FOR DUTY

Employees scheduled to be on-call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on-call who is called out is governed by this policy. Sometimes an employee who is not scheduled to be on-call may nevertheless be called out. If this occurs and the employee called out is under the influence of drugs and/or alcohol such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty; the employee will not be required to report to work.

12.10 MANDATORY REPORTING OF CONVICTIONS

Employees must notify their Division Director, in writing, of any criminal drug conviction (including a plea of *nolo contendere*) or deferred adjudication for a violation occurring off-duty and/or in the workplace no later than five calendar days after the conviction or plea.

12.11 OFF-DUTY CONDUCT RELATED TO DRUGS OR ALCOHOL

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

12.12 SEARCHES AND INSPECTIONS

The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee's personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. **Employees are not entitled to any expectation of privacy with respect to such items.**

All searches must be authorized in advance by the City Administrator and conducted under the direction of the Division Director and/or City Administrator. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

12.13 REHABILITATION/TREATMENT FOR DRUG OR ALCOHOL DEPENDENCY

It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation **before** it impairs his/her job performance and/or jeopardizes his/her employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action, may request approval to take a one-time leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The one-time leave of absence may be granted at the City's sole discretion. Factors considered by the City in deciding whether to grant leave include the length of the employee's employment with the City, the employee's prior work and disciplinary history, the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program, the reputation of the program and the likelihood of a successful outcome, the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace, and the resulting hardship on the City due to the employee's absence.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.

If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

- Initial negative test for drugs and/or alcohol before returning to work;
- A written release to return to work from the City-approved rehabilitation or treatment facility/program;
- Periodic and timely confirmation of the employee's on going cooperation and successful participation in any follow up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
- In addition to any testing required in connection with the employee's ongoing treatment or follow up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to

periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

- The employee's formal written agreement to abide by the above conditions as well as any other conditions deemed appropriate by the City. The employee must meet with a City representative to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.

12.14 DRUG OR ALCOHOL VIOLATIONS

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Division Director to receive assistance or referrals to appropriate resources in the community.

12.15 DRUG AND ALCOHOL TESTING

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally accepted testing procedure.

12.16 DRUG AND ALCOHOL TESTING OF APPLICANTS

All applicants to whom a conditional offer of employment has been made may be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

12.17 DRUG AND ALCOHOL TESTING OF EMPLOYEES

Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," or when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (*e.g.*, observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs, or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors must document the specific, observable facts in support of reasonable suspicion testing (*e.g.*, the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.

Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action, up to and including termination.

A positive test result is a violation of the City's Drug and Alcohol Use Policy and will likely result in disciplinary action, up to and including termination of employment. Any employee who

is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.

Police and Fire Department employees may also be subject to departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing, including provisions for random testing.

The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation as covered under the policies regarding CDL Drivers.

12.18 DRUG AND ALCOHOL TESTING PROCEDURES

All testing must be authorized in advance by the City Administrator. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable observations which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion otherwise exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, at its discretion, reassign the employee or put him/her on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

All substance abuse testing will be performed by a laboratory or health-care provider chosen by the City. All positive test results will be subject to confirmation testing.

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and only accessible by designated City representatives on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

12.19 POSITIVE DRUG AND/OR ALCOHOL TESTS

A positive drug and/or alcohol test will likely result in termination. Refusal to submit to testing, refusal to sign a consent to testing form, failure to provide adequate breath or urine for testing without a valid medical explanation, or obstructing the testing process will be treated the same as a positive test.

12.20 EMPLOYEE ASSISTANCE PROGRAM

The City of Stephenville will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from EAP referral will be the responsibility of the employee. When documented job

impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance.

Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the City supervisor by the EAP. Refusal to participate in, or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself does not preclude City's use of corrective action, participation in an EAP-directed program may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other health matters with regards to use of sick or compensation leave. Sick leave may be taken as needed, while compensation time must be pre-approved.

12.21 SUPERVISORY AND EMPLOYEE TRAINING

Supervisors will receive training regarding the Drug and Alcohol Policy and the use of the Employee Assistance program. All employees will receive copies of the Drug and Alcohol Policy and information about the Employee Assistance Program.

12.22 COORDINATION WITH LAW ENFORCEMENT AGENCIES

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The City of Stephenville will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. The City of Stephenville will cooperate fully in the prosecution and/or conviction of any violation of the law.

12.23 RESERVATION OF RIGHTS

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City of Stephenville retains the right to terminate any employee at any time, for any or no reason, with notice.

12.24 OTHER LAWS AND REGULATIONS

The provisions of this policy shall apply in addition to, and shall be subordinated to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted.

12.25 CONTROLLED SUBSTANCE AND ALCOHOL TESTING REQUIREMENTS FOR EMPLOYEES REQUIRED TO HOLD COMMERCIAL DRIVER'S LICENSE

All employees who operate vehicles that have a gross weight rating or combination rating of 26,001 or more pounds, or which are designed to transport more than fifteen (15) persons, or which are used to transport hazardous materials, or any other vehicle requiring a Commercial CDL must be tested, at random, annually. Twenty-five percent (25%) of CDL drivers, or the rate

set by the US Department of Transportation, will be tested annually for alcohol. Fifty percent (50%) of CDL drivers, or the rate set by the US Department of Transportation, will be tested annually for controlled substances. Controlled substances include but are not limited to marijuana, cocaine, opiates, amphetamines and PCP. Such employees must test negative for controlled substances and below .02 percent blood alcohol concentration before being allowed to drive a commercial motor vehicle for the first time. Testing shall also apply to employees who transfer into positions that require a commercial license. Firefighters are exempt under current law, from the commercial license requirements.

Alcohol testing will only be administered before driving, after driving, while on call to drive, during normal working hours or while in a “stand by” or on call status. Controlled substance testing may be administered whenever a driver is on duty or in a “stand by” or on-call status.

Any employee who is required to hold a commercial driver’s license who refuses to submit to immediate alcohol and/or controlled substance testing as required by the City of Stephenville may be subject to immediate termination from employment.

No driver shall use alcohol while performing the duties of his job. In addition, no driver shall perform his job within four (4) hours after using alcohol. No driver shall report for duty or remain on duty when the driver uses a controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the driver’s ability to safely operate a commercial motor vehicle.

12.26 PRE-EMPLOYMENT TESTING FOR CDL REQUIRED POSITIONS

Jobs that require a CDL shall submit to alcohol and controlled substance testing during the routine physical exam after a conditional offer of employment is made. Any applicant who refuses to submit to this testing will not be hired.

A job applicant shall be required to provide a release to the City of Stephenville, which allows the City to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver’s application. Any job applicant that fails to provide this release will automatically be rejected for employment.

12.27 POST ACCIDENT TESTING OF CDL DRIVERS

If a City of Stephenville employee who is licensed under Texas Department of Public Safety requirements as a licensed commercial driver and who is acting within the course and scope of such employment, is cited for any moving traffic violation and/or is involved in any traffic incident in which there is\or may be a traffic fatality, or is involved in an accident resulting in bodily injury to any person who must immediately receive medical treatment away from the scene of the accident, or is involved in an accident where one or more motor vehicles incurs disabling damage requiring the motor vehicle to be towed, shall immediately, with or without his/her supervisor, report to the Human Resources Manager or his/her designee and submit to immediate controlled substance and alcohol testing. Failure to report as provided herein may subject the employee to immediate suspension and/or termination of employment. If any such violation, accident or fatality or potential fatality accident listed above occurs after normal business hours, while acting on City business, it shall be the **sole** responsibility of the employee

to ensure that the Police Department shall complete the required testing as herein provided. The Police Department shall have the responsibility to secure the appropriate tests.

12.28 RANDOM AND REASONABLE SUSPICION TESTING FOR CDL DRIVERS

Employees who are required to hold a commercial driver's license (Commercial CDL) shall be subject to random alcohol and controlled substance testing. The Human Resources Department shall arrange random testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year.

Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. Supervisors of employees who have a reasonable suspicion based on specific, contemporaneous, articulable, observable facts that an employee is under the influence of alcohol or a controlled substance may request a drug test. Reasonable suspicion is a belief based on articulable observations (*e.g.*, observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs, or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors must document the specific, observable facts in support of reasonable suspicion testing (*e.g.*, the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing). The report must be promptly forwarded to the Human Resources Office. The supervisor should contact the Human Resources Office to obtain the appropriate paperwork for testing.

12.29 RETURN-TO-DUTY AND FOLLOW-UP TESTING OF CDL DRIVERS

Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Any subsequent test for any employee who has previously tested positive for any level of alcohol and/or controlled substance shall subject the employee to any step of a disciplinary process up to and including termination.

12.30 CONSEQUENCES OF A POSITIVE CDL DRUG AND/OR ALCOHOL TEST

If an employee tests at .02% but less than .04% for alcohol on a first detection level, in the employee's urine or blood, the employee shall be referred to a Substance Abuse Professional at his/her own expense for alcohol abuse counseling in addition to possible disciplinary action up to and including suspension from his/her job. An initial detection level above .04% will result in disciplinary process up to and including termination as well as referral to a Substance Abuse Professional at the employee's own expense.

If an employee tests positive for any illegal substance as described above, disciplinary action will be taken which may include termination, as well as referral to a Substance Abuse Professional at the employee's own expense.

The City will consider chemical and alcohol dependency as a health problem. The employee is encouraged to voluntarily seek assistance for such problems. However performance, attendance, or behavioral problems could subject the employee to disciplinary action. Seeking assistance will not be a defense to the imposition of disciplinary action where facts proving a violation of this policy or the drug-free workplace policy are obtained prior to an employee's request to participate in a rehabilitation program.

12.31 NOTIFICATION TO APPLICANTS/EMPLOYEES OF TEST RESULTS

An employee or job applicant may obtain a copy of controlled substance and/or alcohol test results upon written request to the Human Resources Manager, but all test results shall remain property of the City of Stephenville.

An employee disciplined as result of a positive alcohol and/or controlled substance test may file a request for administrative review through the Complaints and Grievance Procedures as outlined in Chapter 17.

12.32 REFUSAL TO TEST

An employee who is required to hold a commercial driver's license who refuses to submit to immediate alcohol and/or controlled substance testing, who obstructs the testing process, or who tampers/alters a specimen, may be subject to immediate termination from employment. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

12.33 SUPERVISOR TRAINING ON ALCOHOL AND SUBSTANCE ABUSE

All supervisors shall, at least annually, undergo a minimum of one hour of training on detecting signs of alcohol abuse and the use of controlled substances. This training will be provided to the supervisor at the City's expense and on City time.

12.34 CONFIDENTIALITY OF CDL RECORDS

Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. The City will report controlled substance and alcohol testing results to the Federal Highway Administration as required by law.

Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by Human Resources Manager. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

CHAPTER

13 TECHNOLOGY

13.01 CITY TELEPHONE USE

City telephones shall be used for conducting the business of the City of Stephenville. Please make every effort to schedule personal phone calls during your break.

13.02 PERSONAL TELEPHONE USE

If a personal call is made or received during working time, please make every effort to keep it as brief as possible. Other rules for personal phone use may be established by departmental policy. Employees may use City telephones for personal use under conditions established by departmental policy; however, excessive personal use of City telephones may make an employee subject to disciplinary measures.

13.03 LONG DISTANCE

Long distance calls shall be made only by City employees authorized to make long distance calls and only for official City business. A detailed phone log of personal long distance phone calls shall be kept by any employee authorized to make long distance phone calls. Completed logs should be approved by the Division Director and submitted monthly to the Finance Department. Other rules may be established by departmental policy. Unauthorized long distance calls may result in disciplinary action.

13.04 EMPLOYEE E-MAIL AND INTERNET USE POLICY

E-Mail and internet access are useful research and communication resources, which are provided to City employees for uses, related to City business. E-mail and access to the internet provides capabilities for contacting outside resources and access to databases for research and informational purposes. This policy is intended to prevent the misuse of e-mail and internet access, specifically as it pertains to the following unacceptable practices:

- Improperly downloading files that contain viruses which may contaminate City information systems and databases;
- Accessing objectionable or improper material;
- Use of work time to access non-work related information or to “surf” the Internet.
- Using electronic communication systems for illegal purposes;
- Copying or downloading commercial software in violation of copyright law;
- Using the systems for financial gain or for any commercial activity unrelated to City business;
- Using the systems in such a manner as to create a security breach of the City network;

Each individual user is responsible for the appropriate use of these resources as described in the Employee E-Mail & Internet Use Policies. All employees are expected to maintain the same degree of etiquette, responsibility and professionalism as is expected of them in the course of their normal job functions as defined in the Employee Handbook. Each department is responsible for ensuring that each user is familiar with the contents of this policy.

13.05 DEFINITIONS FOR E-MAIL AND INTERNET POLICIES

1. Employee - An individual employed by the City on a part-time, full-time, regular, temporary or internship basis is considered an employee for the purpose of this policy.
2. Objectionable/Improper Material - Pictures, posters, calendars, graffiti, objects,

- promotional materials, reading materials, or other materials that are profane, obscene, harassing, offensive, unprofessional, sexually suggestive, sexually demeaning or pornographic, or bringing into the work environment or possessing any such material to read, display, or view at work; reading or otherwise publicizing in the work environment materials that are in any way profane, obscene, harassing, offensive, unprofessional, sexually revealing, sexually suggestive, sexually demeaning or pornographic.
3. Signature Line - Lines of text automatically added to end of e-mail messages that include the sender's organization, name, job title, and phone number.

13.06 E-MAIL POLICY

This policy applies to e-mail used conjointly with the internet, and does not supersede any state or federal laws, or any other City policies regarding confidentiality, information dissemination, or standards of conduct.

A. General Guidelines

- Employees need to keep in mind that all e-mail will be recorded and stored along with the source and destination.
- Employees have no right to privacy with regard to e-mail. Management has the ability and right to monitor and view employees' e-mail with or without notice.
- Employees should be aware that when sending e-mail messages, they are the property of the City and therefore the taxpayers of the City. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to state records retention.
- All e-mail messages sent by employees must contain a signature line including City name, employee name, job title, and phone number.
- Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employee's words being interpreted as official City policy or opinion. Therefore, when an employee sends a personal e-mail message of a personal nature, especially if the content of the e-mail could be interpreted as an official City statement, the employee should use the following disclaimer at the end of the message:

"This e-mail contains the thoughts and opinions of (employee name) and does not represent official City policy"

B. Restrictions

- Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited including jokes.
- E-mail shall not be used for any personal monetary interests or gain.
- Employees shall not subscribe to mailing lists or mail services strictly for personal use.
- E-mail messages and the transfer of information via the internet are considered public records and are not secure. No confidential information shall be transmitted via e-mail.
- No employee without specific authorization shall read, alter, or delete, any other person's e-mail. This applies regardless of whether the computer's operating system permits these acts.

C. Personal Use

E-mail should be used only for legitimate City business; however, brief and occasional e-mail messages of a personal nature may be sent and received if the following conditions are met:

- Personal use of e-mail is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- Personal e-mail should not impede the conduct of City business; only incidental amounts of employee time - times comparable to reasonable coffee breaks during the day - should be used to attend to personal matters.
- Personal e-mail should not cause the City to incur a direct cost in addition to the general overhead of e-mail. Consequently, employees, upon receiving personal e-mail, should read it and delete it.

13.07 INTERNET USE POLICY

This policy applies to any and all forms of use of the internet, and does not supersede or limit any state or federal laws, nor any other City policies regarding confidentiality, information dissemination, or standards of conduct.

A. General Guidelines

- Employee internet accesses must be authorized by the appropriate Division Director. A condition of authorization is that all internet users must read and sign a copy of this policy and applicable department policies, if any, on internet use.
- Use of the internet by City employees must be consistent with the City Employee Handbook regarding employee conduct and ethical standards.
- The internet must be treated as a formal communications tool like telephone, radio, and video communications. Therefore, each individual user is responsible for complying with this and all other relevant policies when using the City's resources for accessing the internet. Use of these same resources in violation of this policy or applicable departmental policies is grounds for disciplinary action as defined in the City's Employee Handbook.
- All use of the internet via City equipment must be in compliance with all applicable laws and policies (federal, state, and local laws, in addition to City policies). Internet access via City equipment, therefore, must not be used for illegal, improper, or illicit purposes.
- A wide variety of information is available on the internet. Some individuals may find some information on the internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over, and cannot therefore be responsible for, the content of information available on the internet.
- Employees need to keep in mind that all internet usage can be recorded and stored along with the source and destination.
- Employees have no right to privacy with regard to internet use. Management has the ability and right to view employees' usage patterns and take action to assure that City internet resources are devoted to maintaining the highest levels of productivity.
- The internet path record is the property of the City and therefore the taxpayers of the City. Such information is subject to the Texas Public Information Act and the laws applicable to state records retention.
- Employees shall perform frequent backups on data files consistent with City policies.
- Employees shall use anti-virus software to scan for viruses on all files that are downloaded from the internet or any other outside source.
- Employees shall report all virus outbreaks to their immediate supervisor or the designated employee. The City's designated agent shall log all such outbreaks and the eradication method used by departments, and shall notify other

departments in the event of a virus outbreak.

- In the event of a continued breach of this policy regarding virus protection and backup of data files by an employee, the infected computer shall be disconnected from the internet and the City's other computer systems until such time as the employee complies with the Internet Use Policy.
- Each employee using the internet shall identify himself/herself honestly, accurately, and completely (including one's affiliation and function where requested) when providing such information.
- Only those employees or officials who are expressly authorized to speak to the media or to the public on behalf of the City may represent the City within any news group or chat room. Other employees may participate in news groups or chat rooms in the course of business when relevant to their duties, but they should do so as individuals speaking for themselves and must include a disclaimer in their comments similar to the following:

"This contains the thoughts and opinions of (employee name) and does not represent official City policy."

B. Restrictions

- The safety and security of the City computer system and resources must be considered at all times when using the internet. Employees shall not share password for any City computer or with any unauthorized person, nor obtain any other user's password by any unauthorized means.
- Accessing, posting or sharing any racist, sexist, threatening, obscene or otherwise objectionable material (i.e., visual, textual, or auditory entity) is strictly prohibited. Objectionable/Improper Material includes pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic.
- The internet shall not be used for any personal monetary interests or gain.
- Employees shall not subscribe to mailing lists or mail services strictly for personal use and should not participate in electronic discussion groups (i.e., list server, Usenet, news groups, chat rooms) for personal purposes.
- Employees must not intentionally use the internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- Employees shall not create, install, or knowingly distribute a computer virus of any kind on any municipal computer, regardless of whether any demonstrable harm results.
- Resources of any kind for which there is a fee must not be accessed or downloaded without prior approval of a supervisor. Resources that are not clearly used for a City purpose must not be accessed or downloaded.
- Employees shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements. Employees are to contact their Division Director if they are unsure about the copyright or license agreement that applies to the software in question.
- Employees shall not load any personal software to any city owned computer or a computer that is linked to the City's network without prior approval of a Division Director.

C. Personal Use

Generally, internet use should be for legitimate City business only; however, brief and occasional personal use (i.e., surfing, browsing) is acceptable if the following conditions are met:

- Personal use of the internet is a privilege, not a right. The privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- Personal use of the internet should not impede the conduct of City business; only incidental amounts of employee time – time periods comparable to reasonable coffee breaks during the day – should be used to attend to personal matters.
- Personal internet use should not cause the City to incur a direct cost in addition to the general overhead of an internet connection;

13.08 ELECTRONIC/WIRELESS COMMUNICATIONS

The City of Stephenville may provide cellular telephones, electronic paging devices, and wireless personal communications devices to employees in order to improve productivity, enhance customer service to our citizens, and/or to enhance public safety services.

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

Decisions regarding the use of City cellular telephones, electronic paging devices, and wireless personal communications devices which are not explicitly stated herein will be left to the discretion of the appropriate Division Director, as authorized by the City Administrator. Division Directors are authorized to administer, provide guidance on, and assure compliance with the features of this policy.

13.09 DEPARTMENTAL POLICIES AND PROCEDURES ON WIRELESS COMMUNICATIONS

All City employees, departments, and organizations which use a pool system for cellular telephones, or which have cellular telephones assigned to vehicles or positions instead of to individuals, may develop departmental policies and procedures and or regulations which provide greater direction to their employees, as long as that direction is consistent with the Employee Handbook's policies and procedures.

City-owned cellular telephones, electronic paging devices and other wireless personal communications devices are those which are not directly connected to a telephone line. It does not apply to direct wired landline telephones.

13.10 AUTHORIZED USAGE OF WIRELESS COMMUNICATION DEVICE

City owned cellular telephones, electronic paging devices, and other wireless personal communications devices are intended for and expected to be used for City business. Personal usage related to work assignments (e.g., personal calls, which need to be made when away from an office with landline telephones, etc.) is permitted, as long as the personal use is reasonable, prudent, and minimal. Under no circumstances shall City owned equipment be used to conduct a business not related to the City of Stephenville.

Employees should not use cellular telephones to discuss confidential or sensitive information, as cellular telephone conversations are not secured. Employees should use other means of communication (i.e. radios, land line telephones) whenever possible.

13.11 ELIGIBILITY CRITERIA FOR WIRELESS COMMUNICATION DEVICE

Employees eligible for assignment of City owned cellular telephones, electronic paging devices, and other wireless personal communications devices are those designated by the City Administrator, including (but not limited to):

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

13.12 GENERAL STATEMENTS REGARDING USE OF WIRELESS COMMUNICATION DEVICES

- A. Use of a log-on or password does not imply any right to employee privacy of communication.
- B. Use of a deletion keystroke or process does not mean a message/document has been eliminated from a wireless communications device, e.g. pager.
- C. On wireless communications devices owned by the City, the City and or department reserves the right to monitor and record communications traffic at any time, without notice to any employee.
- D. Any abuse in the use of which indicates inordinate use of those devices will be considered misconduct and neglect of duty, resulting in possible disciplinary action up to and including termination. Any employee responsible for inordinate use of wireless communications devices may also be held responsible for the resulting costs to the City.

13.13 DIVISION DIRECTORS' RESPONSIBILITIES FOR WIRELESS COMMUNICATIONS

The Division Director will be responsible for:

- A. Submitting requests for cellular telephones, electronic paging devices, and wireless personal communications devices through the annual budget process;
- B. Monitoring monthly cellular telephone statements to ensure that: 1) employees do not exceed their monthly minute allotment; 2) personal use is nominal; 3) personal use is reimbursed to the City; and 4) employee is not exceeding their service plan allotted minutes;
- C. Ensuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified;
- D. Ensuring that all persons assigned a City owned cellular telephone, electronic paging

- device, and or other wireless personal communications device, are provided access to a copy of this policy and procedure, and that the individual is in compliance with it;
- E. Conducting periodic inventories of cellular telephones, electronic paging devices, and other wireless personal communications devices within their respective departments to ensure accountability;
 - F. Conducting annual reviews of assigned devices to determine if such assignments continue to be justified; and
 - G. Informing appropriate employees responsible for City communications of all reassignments of cellular telephones, electronic paging devices, and or other wireless personal communications devices.

13.14 EMPLOYEES' RESPONSIBILITIES FOR WIRELESS COMMUNICATION

Employees who are assigned the use of City owned cellular telephones, electronic paging devices, and or other wireless personal communications devices for City business are responsible for the following:

- A. Ensuring the physical security of such devices;
- B. Ensuring that all communications on such devices are kept to the briefest duration possible;
- C. Ensuring that monthly communications do not exceed the minutes allotted on the selected monthly service plan;
- D. Keeping personal communications to a minimum;
- E. Payment of any cellular telephone charges that exceed the minutes allotted on the selected monthly service plan;
- F. Ensuring that any personal use does not detract from the employee's availability for completion of assigned duties and all personal costs are reimbursed to the City;
- G. Ensuring appropriate use of such devices; and
- H. Ensuring photo capable devices do not enter locker areas, changing areas, and bathing areas.

13.15 USE OF ELECTRONIC COMMUNICATIONS DEVICES AND SAFE DRIVING

All City employees are expected to drive with safety as the first consideration. This includes driving safely while operating cellular telephones, electronic paging devices, and or other wireless personal communications devices.

Recommendations for safe handling of vehicle-based calling from the wireless communications industry include the following:

- A. When driving: use voice-activated dialing; have frequently called numbers preprogrammed into the device; pull off the road to dial; or ask a passenger to dial.
- B. Do not use the wireless communications device at all if there are hazardous road or traffic conditions.
- C. Avoid multiple tasks when driving, such as trying to take notes while you are using a wireless communications device.

Employees are responsible for, and will be held accountable for, safe driving at all times.

13.16 MONITORING OF WIRELESS COMMUNICATIONS BY CITY SUPERVISORS

Supervisory reviews of wireless communications may be conducted for business reasons. Supervisors may review the communications of their employees to determine if there have been:

- A. Breaches of security;
- B. Violations of City policy; and/or

C. Misuse by an employee.

All such reviews must be approved by a Division Director or designated manager. Reviews of wireless communications that have been electronically stored may be conducted only with the approval of the City Administrator or Division Director.

13.17 DISCLOSURE OF INFORMATION ON WIRELESS DEVICES

The City will disclose the contents of retrievable wireless communication messages, upon receipt of a valid court order or legal request, including public information (open records) requests. The City may disclose the contents of retrievable wireless communication messages if the information will assist in official material or criminal investigations.

13.18 PHOTO CAPABLE WIRELESS DEVICES

Because the City is committed to maintaining a pleasant and productive work environment, while protecting personal privacy, the use of wireless communication devices with photo capabilities, both personal and City issued, should be used with caution. Photo capable wireless devices are NOT permitted in locker areas, changing areas, and bathing areas.

In an effort to protect privacy, confidentiality and avoid complaints of sexual harassment and other unlawful harassment, photos may be taken only after consent from the subject has been obtained. Any inappropriate use of wireless devices will result in disciplinary action up to and including termination.

The City will not be responsible for the loss of personal wireless communication devices brought into the workplace.

CHAPTER

14 FRINGE BENEFITS AND LEAVE

14.01 HOLIDAY LIST

The following is a list of official holidays:

New Year's Day	Good Friday
President's Day	Memorial Day
Independence Day	Labor Day
Thanksgiving -2 Days	Christmas - 2 Days
Floating Holiday*	

*To be taken after satisfactory completion of probationary period at Employee's Request and upon approval of Division Director.

14.02 HOLIDAY ELIGIBILITY AND ACCRUAL

All regular full-time employees of the City shall be eligible to receive a day off with pay for each official City holiday. "A day" equals 8 hours for all departments except the Fire Department, in which "a day" equals 12 hours.

All regular part-time employees of the City shall be eligible to receive a half-day off with pay for each official holiday. A "half-day" equals 4 hours for all departments.

14.03 WORK ON A HOLIDAY

If an employee's job requires him/her to work on an official holiday, he/she shall be given another day off with pay. If an employee works for his own or any other City department during scheduled holiday, the hours actually worked will be paid as work hours only and not eligible under the holiday policy. Holiday pay may be used to supplement actual hours worked to reach the 8 hour work day, or the employee's regularly scheduled work shift hours.

For those departments in which employees' regular scheduled work includes working recognized holidays, all holidays and vacation time shall be combined as of October 1 of each new fiscal year. This will allow employees to schedule all allowable time off during the current fiscal year, even if the holiday time has not actually been earned. However, if an employee uses all holidays and vacation time allowable before it is actually earned, the employee shall receive a reduction in his/her last paycheck in proportion to the unearned time upon leaving his/her employment with the City.

14.04 WEEKEND HOLIDAYS

If a holiday occurs on a Saturday, the preceding Friday shall be observed as the official holiday.

If the holiday occurs on a Sunday, the following Monday shall be observed as the official holiday.

14.05 HOLIDAY ON DAY OFF

If a holiday during the week occurs on an employee's regular day off, the employee shall be given another day off with pay.

14.06 HOLIDAYS DURING LEAVE OF ABSENCE

An employee who is on a leave of absence without pay shall not be paid for any official holiday occurring during such leave.

14.07 VACATION ELIGIBILITY

All regular full-time and regular part-time employees of the City who have successfully completed the probationary period following initial employment shall be eligible for paid vacation leave.

14.08 VACATION ACCRUAL AND AWARD

For each employee who has successfully completed the probationary period after initial employment with the City, vacation leave shall be accrued at a rate of 3.08 hours per pay period for full-time employees and 1.54 hours per pay period for part-time employees, except in the fire department. The Fire Department's shift personnel will accrue 4.62 hours per pay period, not to exceed 10 days and 5 days respectively for all employees with less than 10 years of service. Employees with 10 years or more shall accrue vacation at a rate of 4.62 hours per pay period for full-time employees and 2.31 hours per pay period for part-time employees, except in the fire department. The Fire Department's shift personnel will accrue 6.93 hours per pay period, not to exceed 15 days and 7.5 days respectively. "1 day" equals 8 hours for all departments except the fire department, in which "1 day" equals 12 hours.

All City employees' vacation is accrued from the date of hire. Employees will accrue vacation while on any paid leave; however, accrual will cease at the time an employee is in an unpaid status.

14.09 MAXIMUM VACATION ACCRUAL

The maximum amount of unused vacation that an employee shall be allowed to have at the beginning of any new fiscal year shall be the amount the employee would normally accrue in twelve (12) months.

Accrual in excess of the maximum shall be allowed if:

1. The employee is not able to take vacation because of the needs of the City;
2. The employee submits a request to the Human Resources Manager in writing to be allowed vacation accrual above the maximum and documents the reason the employee was unable to take vacation in time to reduce his/her balance below the maximum; and
3. The City Administrator approves the request for vacation accrual in excess of the maximum.

An employee who has been allowed to accrue vacation in excess of the maximum shall promptly take vacation to reduce the balance to or below the maximum as soon as circumstances and needs in the City allow it as determined by the employee's supervisor upon approval of the City Administrator.

14.10 VACATION PAY IN LIEU OF TIME OFF

An employee shall not receive pay in lieu of taking time off for vacation

14.11 REQUESTS FOR VACATION APPROVAL

Employees should submit their requests for annual vacation leave to their supervisor during the first month of each fiscal year whenever possible. Supervisors may grant changes if they are submitted seven (7) days in advance and the change will not cause any conflict in the department.

Supervisors shall schedule the vacation of their employees with considerations being given to operational needs of the department, seniority, and employee requests.

14.12 MINIMUM VACATION USAGE

The minimum amount of vacation that a non-exempt employee shall be allowed to use at any one time is four (4) hours in all departments except the fire department which will be one-half a shift or 12 hours. Deductions from vacation leave balances for exempt employees will be made in accordance with the Exempt Employee Leave Policy.

14.13 BORROWING VACATION

Employees shall not be allowed to borrow vacation against possible future vacation earnings. Vacation leave credits are not transferable between employees.

14.14 HOLIDAYS DURING VACATION

If a holiday falls during the period an employee is on vacation, the holiday shall be handled in accordance with the provisions of the POLICIES ON HOLIDAYS and will not be charged against the employee's vacation balance.

14.15 ILLNESS DURING VACATION

If an employee becomes ill while taking vacation leave, the period of illness may be charged against the employee's sick leave balance and not vacation if:

1. The employee promptly notifies his/her supervisor of the illness;
2. The employee provides the supervisor with acceptable proof of the illness; and
3. The supervisor gives permission to charge the period of illness to sick leave.

14.16 VACATION LEAVE PAY AT TERMINATION

Employees who have not successfully completed the probationary period after initial employment with the City shall receive no pay for accrued vacation at the termination of their employment.

Employees who have successfully completed the probationary period after initial employment shall be paid for all unused vacation at their regular rate upon termination of employment.

14.17 VACATION RECORD KEEPING

Vacation time must be recorded on the City timesheets and filed every pay period with the Finance Department.

14.18 WORK DURING VACATION HOURS

If an employee works for his own or any other City department during scheduled vacation hours, the hours actually worked will be paid as work hours only and not eligible under the vacation policy. Vacation pay may be used to supplement actual hours worked to reach the 8 hour work day, or the employee's regularly scheduled shift hours.

14.19 SICK LEAVE ELIGIBILITY AND ACCRUAL

All full-time and part-time regular employees shall be eligible for paid sick leave.

Full-time regular employees shall accrue 3.08 hours per pay period in all departments except fire, which will accrue 4.62 hours per pay period.

Part-time regular employees shall accrue 1.54 hours per pay period not to exceed 40 hours per fiscal year.

14.20 SICK LEAVE ACCUMULATION

Any unused sick leave at the end of the fiscal year shall be carried over into the next fiscal year.

14.21 MAXIMUM SICK LEAVE ACCRUAL

The maximum accrual for full-time regular employees that can be carried over into a new year is 120 working days (60 shifts for firefighters. "1 day" equals 8 hrs in all departments except the fire department, in which "1 day" equals 12 hrs).

The maximum accrual for part-time regular employees that can be carried over into a new year is sixty (60) working days.

14.22 MINIMUM SICK LEAVE USAGE

Sick leave that may be used at any one time is one (1) hour increments for non-exempt employees. Deductions from sick leave balances for exempt employees will be made in accordance with the Exempt Employee Leave Policy.

14.23 TYPES OF SICK LEAVE USAGE

Eligible employees may use accrued sick leave for absence from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental or optical examinations or treatment;
3. Maternity / Paternity leave after the birth or adoption of the employee's child;
4. Medical quarantine resulting from exposure to a contagious disease;
5. Illness within the 1st degree of either nepotism charts, (2nd degree is left up to the discretion of the Division Director) who requires the employee's personal care and attention; or
6. Bereavement - Up to five (5) days paid sick leave may be authorized by a Division Director, or by the City Administrator if requested by a Division Director, in case of a death in the employee's immediate family. Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law, brother-in-law, sister-in-law, and grandchildren of either spouse.

14.24 NOTIFICATION OF SICK LEAVE

An employee shall be responsible for notifying his/her supervisor as early as is practical on the first day of sick leave absence and request that approved sick leave be granted.

If more than one day of sick leave is needed, the employee shall be responsible for notifying his/her supervisor of the expected length of the absence on the first day of sick leave or shall be required to notify his/her supervisor on a daily basis for each day he/she is unable to come to work.

An employee shall be required to request prior approval from his/her supervisor for sick leave to be used for non-emergency medical, dental and optical appointments.

14.25 OTHER EMPLOYMENT DURING SICK LEAVE

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment on volunteer work, during the period of leave, even if they have written

authorization from their Division Director. Exceptions to this policy must be obtained in writing from the City Administrator. (See, Chapter 10, Outside Employment and Activities).

14.26 SICK LEAVE DOCUMENTATION

Employees on sick leave for 4 consecutive days must produce a doctor's certificate indicating treatment for a legitimate illness or injury in order to receive sick leave with pay. Fire Department shift personnel on sick leave for 2 consecutive shifts and Police Department shift personnel (officers and dispatch) on sick leave for 3 consecutive shifts must produce a doctor's certificate indicating treatment for a legitimate illness or injury in order to receive sick leave with pay. The doctor's certificate must contain a specific explanation of the reasons the employee was unable to work.

An employee's supervisor may request acceptable documentation of an employee's illness, injury, dental and optical appointments where it is deemed necessary for approval of a sick leave request.

14.27 BORROWING SICK LEAVE

Employees shall not be allowed to borrow sick leave against possible future accruals.

Sick leave credits are not transferable between employees.

14.28 SICK LEAVE PAY AT TERMINATION

Should an employee resign or be terminated, he/she shall not be compensated for any sick leave benefits.

14.29 MAXIMUM SICK LEAVE AVAILABLE

The maximum amount of sick leave that an employee will have available at any given time is the unused balance at the end of the preceding pay period.

14.30 SICK LEAVE RECORD KEEPING

All sick leave time shall be recorded on the City timesheet and filed each pay period with the Finance Department.

14.31 FAMILY MEDICAL LEAVE

The City provides leave to **eligible** employees in accordance with the Family Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave each year for specified family and medical reasons.

14.32 FMLA LEAVE RUNS CONCURRENTLY WITH OTHER TYPES OF LEAVE

If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave. If the employee has no sick time, or all accrued sick time has already been used, all unused vacation and/or compensatory leave will be used and will run concurrently with any remaining FMLA leave. If the employee is eligible for short term disability or long-term disability, it too must be used concurrently with any available FMLA leave. FMLA leave will also run concurrently with time off from work covered by worker's compensation after 90 days of paid temporary occupational disability leave if the occupational injury or illness also meets the definition of a serious health condition.

14.33 EMPLOYEE ELIGIBILITY

To be eligible for FMLA leave, an employee must have worked for the City

1. at least 12 months, and
2. for at least 1250 hours during the 12 months preceding the start of leave.

14.34 LEAVE ENTITLEMENT

Eligible employees may take FMLA leave for one or more of the following reasons:

1. for the birth or placement of a child for adoption or foster care;
2. to care for a spouse, child or parent with a serious health condition; or
3. when the employee is unable to perform the functions of his or her position because of his or her own serious health condition.

The City uses the employee's anniversary date to determine eligibility for leave.

14.35 SERIOUS HEALTH CONDITIONS

For the purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility, including and period of incapacity (i.e., the ability to work, attend school, or perform other regular daily activities), or any subsequent treatment in connection with such inpatient care;
2. continuing treatment by a health care provider which includes one or more of the following:
 - a. a period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment: (i) two or more times by, or under the direct supervision of, under orders of, or on referral by, a health care provider, or (ii) by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
 - b. any period of incapacity due to pregnancy, or for prenatal care;
 - c. any period of incapacity or treatment for such incapacity due to a chronic serious health condition which (i) requires periodic visits for treatment by, or under the direct supervision of, a health care provider or (ii) continues over an extended period of time (including recurring episodes of a single underlying condition; and (iii) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
 - d. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease);
 - e. any period of absence to receive multiple treatments (including any period of recovery there from) by, or under the supervision of, under orders of, or on referral by, a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. In addition, routine physicals, eye examinations, and dental examinations are not considered treatment.

14.36 EMPLOYEES' NOTICE REQUIREMENTS

In order for the City to accommodate an employee's workload during his or her absence, employees seeking to take FMLA leave must provide their immediate supervisor with at least 30 days' advance notice when the leave is foreseeable. If the leave is not foreseeable, employees are expected to provide their immediate supervisor with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

1. All supervisors must immediately notify their Division Director if they have reason to believe an employee's absence is due to an FMLA-covered reason.
2. All Division Directors must notify Human Resources if they have reason to believe an employee's absence may be FMLA covered.

14.37 MEDICAL CERTIFICATION AND OTHER REQUIRED DOCUMENTATION

Employees must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent.

1. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave.
2. Employees must also provide periodic reports during FMLA leave as to their status and intent to return to work and may be required to submit a "fitness-for-duty" certification before the employee can return to work. In some cases the City may require a second or third opinion (at the City's expense) and periodic recertifications of the serious health condition, and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

14.38 INTERMITTENT FMLA LEAVE

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the City Administrator. In such cases, the City may temporarily transfer the employee to an available alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence. Leave may not be taken intermittently for the birth, adoption or foster care of a child.

14.39 BENEFITS DURING FMLA LEAVE

During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work.

Where applicable, the employee must timely pay his or her share of the health insurance premiums while on FMLA leave. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, benefit accruals, such as vacation, sick leave and longevity will be suspended during any unpaid leave.

14.40 JOB RESTORATION AFTER FMLA LEAVE

Upon return from FMLA leave, an employee will be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions. Under certain circumstances, however, the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

14.41 FMLA LEAVE DUE TO BIRTH/ADOPTION

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition. Leave may not be taken intermittently for the birth, adoption or foster care of a child.

14.42 OTHER EMPLOYMENT DURING FMLA

Under no circumstances may an employee on FMLA leave work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Division Director and the City Administrator.

14.43 FLSA CONSIDERATIONS DURING FMLA

Salaried executive, administrative and professional employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime do not lose their FMLA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for the FLSA's exemptions extend only to eligible employees' use of the leave required by the FMLA.

14.44 OTHER PROVISIONS OF FMLA

This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If you would like additional information on the FMLA, please contact your supervisor or Human Resources. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA.

14.45 WORKERS' COMPENSATION

All employees of the City shall be covered by the City's workers' compensation program while on duty for the City.

14.46 WORKERS' COMPENSATION BENEFITS

Under the worker's compensation program, an employee who suffers a job-related injury or job-related illness shall be eligible to have all medical expenses paid for such injury or illness as provided under the laws of the State of Texas.

No workers' compensation coverage or benefit is available for injuries or illnesses incurred while self employed or working in an off duty capacity for another employer.

14.47 RESPONSIBILITY FOR REPORTING WORK RELATED INJURIES AND ILLNESSES

An employee who suffers an on-the-job injury or job related illness shall notify his/her supervisor immediately, but in no circumstance, later than 24 hours and complete an Accident Report Form, to be submitted to the Human Resources office.

Failure to report job-related injuries or illnesses in a timely manner may affect an employee's eligibility to receive worker's compensation benefits or may delay benefit payments.

14.48 PHYSICIAN'S RELEASE FROM WORKERS' COMPENSATION

An employee who has been receiving workers' compensation benefits shall be required to provide a release from the attending physician before being allowed to return to work.

14.49 OCCUPATIONAL DISABILITY LEAVE

A regular full-time employee who must miss work as the result of a job-related injury or illness shall automatically be granted paid occupational disability leave and wage continuation for the duration of the disability or for a period of up to ninety (90) calendar days, whichever is less, in any one year period.

After 90 days of paid occupational disability leave and wage continuation, the employee must then utilize other types of leave if available and eligible (i.e. FMLA, sick leave, long term disability leave).

An employee who has exhausted all types of paid and unpaid leave may be terminated in the event that the absence of the employee causes a hardship on the functioning and productivity of his/her department.

14.50 WAGE CONTINUATION DURING OCCUPATIONAL DISABILITY LEAVE

It should be understood that the City of Stephenville does not intend that an employee receive more money off the job, where an injury is involved, than when normally working for a salary or wages. Subject to the provisions set forth later in this policy, full-time regular employees who must miss work because of job-related injuries or illnesses may be eligible to receive wage continuation benefits.

- A. Wage continuation benefits may continue for the period of job-related disability, but in no event longer than ninety (90) days.

- B. The wage continuation benefit shall not be charged against sick leave, vacation or other paid or unpaid leave available.
- C. The total amount paid an employee while absent from work due to a job related injury or illness, which includes any combination of worker's compensation disability income payments, City wage continuation payments or any other income paid by the City, shall not exceed 100% of the employee's normal gross pay. If all payments received exceed 100% of the employee's normal gross pay, the employee will be required to forward any disability income payments made by the workers' compensation carrier.
- D. The wage continuation benefit shall be subject to the following provisions:
 - 1. The injury or illness must be the direct result of the employee performing his/her job. Injuries or illnesses that occur while traveling to and from work, while engaging in horseplay or while attending to personal matters shall not be deemed injuries or illnesses so as to qualify for the wage continuation.
 - 2. Upon sustaining an on-the-job injury, the employee must report the injury to his supervisor immediately. The supervisor is to report the injury to the Human Resource Department as soon as possible. In no case should this time period be longer than 48 hours after the injury has occurred.
 - 3. Unless hospitalized, the injured employee must contact his immediate supervisor (at least once each week) to report and review the status of his medical condition. This must be done without exception during the employee's absence from the job. If the employee is hospitalized, it is the responsibility of the immediate supervisor to contact the employee or his immediate family to receive information on the condition of the injured employee.
 - 4. The immediate supervisor is to furnish a complete status report, in writing, to the Human Resource Department within 24 hours after the weekly contact outlined above.
 - 5. An injured employee may not return to duty without a written release from his attending physician. When a release is obtained, the employee must present the release to his immediate supervisor prior to the reporting at the start of his next scheduled shift of work. Failure to provide the release prior to the start of the shift may result in disciplinary action and/or termination of Wage Continuation benefits.
 - 6. Light Duty - An employee, who, due to a workplace injury or illness, is temporarily unable to perform the essential functions of his or her position, with or without reasonable accommodation, may be temporarily assigned to another position and shall receive the same pay prior to the injury. If the employee has sufficiently recovered from injury to perform light duty work and has been released for light duty by his/her attending physician, the employee may return to work in a light duty capacity for limited time periods at the discretion of the City Administrator. Light duty will not extend beyond sixty (60) calendar days without an evaluation by the treating physician.
 - 7. Full Duty - Upon complete recovery from injury, being fully released by the attending physician, an employee is expected to return to work at the start of the next scheduled shift.

8. An employee who does not qualify for wage continuation benefits or whose benefits are used up before being released to duty by the attending physician will then fall under other policies such as FMLA, sick leave, vacation etc. if available and eligible.
9. An employee who has used all wage continuation benefits, FMLA, sick leave and vacation as the result of a job-related injury or illness before being released to return to work by the attending physician may be granted leave of absence, without pay, for a reasonable period if so recommended by his/her supervisor and approved by the City Administrator.
10. An employee who is released for and offered light duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits and salary continuation benefits under workers' compensation, but may still be eligible for unpaid leave under the City's FMLA policy.
11. An employee who is physically able and who fails to immediately report any on-the-job injury, however minor, to his/her supervisor, and take first aid treatment as may be necessary shall not be eligible for wage continuation for that injury if a disability results.
12. Injury wage continuation benefits are purely voluntary on the part of the City and may be terminated at any time.

14.51 SHORT TERM DISABILITY LEAVE

Short term disability shall be defined as an employee's non-job related injury, illness or other medically related situation which prevents an employee working for a period of at least two weeks but not more than 180 calendar days. Any period of disability in excess of 180 calendar days shall be considered long-term disability.

14.52 ELIGIBILITY FOR SHORT TERM DISABILITY LEAVE

Regular full-time employees who have worked a minimum of twelve (12) months shall be eligible for short term disability leave.

14.53 REPORTING NEED FOR SHORT TERM DISABILITY LEAVE

An employee suffering a short term disability shall promptly report to his/her supervisor the nature and expected length of the disability. In situations where the employee is aware of the disability prior to the first day of absence (as with planned surgery or pregnancy), the employee shall notify his/her supervisor of the anticipated first day of absence and the expected length of the disability thirty (30) days in advance of the first day of absence.

14.54 PHYSICIAN'S STATEMENT OF SHORT TERM DISABILITY

At the time the short term disability leave is requested, the employee shall provide his/her supervisor with a physician's statement which outlines the nature of the disability and its expected length. The dates set forth in the physician's statement shall be strictly adhered to unless amended by the physician.

To allow the employee to retain the privilege of short term disability leave, the City shall have the authority to request additional information from the attending physician or from other medical sources where it is deemed necessary.

14.55 RETENTION OF JOBS WHILE ON SHORT TERM DISABILITY LEAVE

The job of an employee on short term disability leave shall be retained for a period of up to 180 days provided the employee meets all the provisions of this policy and returns to work as soon as the disability ends.

14.56 REINSTATEMENT FROM SHORT TERM DISABILITY LEAVE

Upon returning to work after a short term disability, the employee shall provide his/her supervisor with a statement from the attending physician stating that the employee is capable of performing the essential functions of his/her position, with or without reasonable accommodation. There will be no "light-duty" assignments for non-work related injuries or illness.

14.57 PAID LEAVE USAGE DURING SHORT TERM DISABILITY LEAVE

An employee on short term disability leave shall be required to use all sick leave and vacation leave before going on leave without pay unless an exception is granted by the City Administrator.

After sick leave and annual vacation leave have been used, the employee shall go on leave without pay for the remainder of the period of temporary disability leave. An employee on temporary disability leave will concurrently be on Family Medical Leave.

14.58 EXTENDED LEAVE

If an employee's disability requires him/her to be absent from work for more than 180 calendar days, the absence shall be handled in accordance with LONG TERM DISABILITY LEAVE.

14.59 CONTINUATION OF INSURANCE DURING SHORT TERM DISABILITY

The City shall continue to pay the medical insurance premiums for an employee who is on short term disability leave, subject to the terms of the City's insurance carrier.

14.60 CONTINUATION OF DEPENDENT COVERAGE DURING SHORT TERM DISABILITY

An employee wanting to maintain any dependent medical insurance may do so by paying the full premium, on or before the date on which it is due, for the period of short term disability, subject to the terms of the City's insurance carrier.

14.61 LONG-TERM DISABILITY (LTD) LEAVE

Long-term disability (LTD) shall be defined as any non-job-related injury, illness or other medically related situation which prevents an employee from working for a period of more than 180 calendar days, but no more than 365 calendar days.

14.62 ELIGIBILITY FOR LTD

Regular full-time employees who have been employed for a minimum of twelve months shall be eligible upon approval of their supervisor to request long-term disability leave.

14.63 REQUEST FOR LTD

To be eligible for privileges under this policy, an employee shall be required to request LTD leave as soon as is reasonably possible by submitting a request to their supervisor. Such leave shall be granted upon approval of the supervisor and City Administrator.

14.64 PHYSICIAN'S STATEMENT FOR LTD

An employee requesting LTD leave shall be required to provide his/her supervisor with a physician's statement telling the nature of the disability and the anticipated length of the disability.

The City shall have the right to request additional information from the attending physician or other medical sources if the employee is to remain eligible for the privileges under this policy.

Before being considered for any open position, an employee who has been on LTD leave shall be required to provide the City with a statement from the attending physician saying the employee is capable of performing the essential functions of the position, with or without reasonable accommodation. Furthermore, returning employees may be subject to a medical exam to determine his/her ability to perform the essential functions of his/her position, with or without reasonable accommodation.

14.65 PAID LEAVE USAGE DURING LTD

An employee on LTD leave shall use accrued sick leave and vacation leave prior to going on leave without pay. An employee on LTD leave shall go on leave without pay status as soon as all paid leave is used.

14.66 CONTINUATION OF INSURANCE COVERAGE WHILE ON LTD

The City shall not pay the premium on medical insurance for an employee on LTD leave.

After being on temporary-disability leave for 180 calendar days, an employee may continue any medical insurance coverage while on LTD on himself/herself by paying the full premium for the employee coverage, subject to the terms of the City's insurance carrier.

An employee on LTD leave may continue medical insurance coverage on his/her eligible dependents by paying the premium for their coverage, subject to the terms of the City's insurance carrier.

Employees on LTD leave paying for continued insurance coverage on themselves and/or their dependents shall be required to pay the premiums to the City or insurance carrier on or before the due date set by the City or carrier.

14.67 REINSTATEMENT PRIVILEGES FROM LTD

Jobs of employees on LTD leave cannot be held open. However, when an employee on LTD leave is able to return to work, he or she may be considered for reassignment to another position, if a position is available and vacant, and if the employee can perform the essential functions of the position, with or without reasonable accommodation.

To retain privileges under this policy, an employee who has been on LTD leave shall be required to notify his/her supervisor of his/her availability for work as soon as the disability ends, and accept the first job offered to him/her by the City which provides an equivalent level of pay and responsibility that the employee held prior to the disability.

14.68 DISCONTINUATION OF LTD LEAVE

An employee on LTD leave shall be removed from LTD leave, forfeit all privileges that go with such leave and have his/her employment terminated if any of the following occurs:

1. The employee requests to be removed from LTD leave;

2. The employee intentionally misrepresents the nature or anticipated duration of the disability;
3. The employee fails to notify the City as soon as the disability ends;
4. The employee accepts a position with an employer other than the City;
5. The employee refuses to accept a suitable position with the City that is offered after the disability ends;
6. The employee violates any of the provisions of this policy; or
7. The employee has been on leave for more than 365 calendar days

14.69 LTD COORDINATION WITH SHORT TERM DISABILITY

An employee who goes on short term disability leave and is unable to return to work within the time limit set for short term-disability shall have all time limits and time frames in this policy on LTD leave be counted from the first day the short term-disability leave began.

14.70 UNPAID LEAVE OF ABSENCE

Each supervisor shall have the authority to grant an employee up to ten (10) working days' leave without pay for personal reasons provided that no problems will be created by leaving the employee's job unfilled for the period of the requested leave.

Upon the recommendation of the supervisor and the Division Director, the City Administrator may grant an employee personal leave without pay for a period of up to ninety (90) calendar days provided the employee's position may be left unfilled for the period requested without creating undue hardship on the department.

14.71 BENEFITS DURING UNPAID LEAVE OF ABSENCE

An employee on unpaid leave shall not accrue vacation, holiday, sick leave or other benefits during the period of personal leave.

An employee on personal leave without pay may continue medical insurance coverage on himself/herself and, if applicable, coverage on eligible dependents by paying the premiums for such coverage on or before the due dates set by the City, subject to the terms of the City's insurance carrier.

14.72 USE OF PAID LEAVE BEFORE LEAVE WITHOUT PAY

Unless special exception is granted by the City Administrator, leave without pay for personal reasons shall only be granted after all available vacation leave is used. The City requires that vacation, compensatory time, holiday time and/or leave authorized under FMLA, be used prior to authorizing a leave of absence to an employee. However, if the leave of absence is due to illness or injury, all sick leave must also be used prior to authorizing a leave of absence without pay.

14.73 OTHER EMPLOYMENT DURING LEAVE OF ABSENCE WITHOUT PAY

Under no circumstances may an employee on an authorized leave of absence without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the City Administrator.

14.74 REINSTATEMENT FROM LEAVE OF ABSENCE WITHOUT PAY

Employees returning from a leave of absence will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar

pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his/her employment with the City.

14.75 REVOCATION OF LEAVE OF ABSENCE WITHOUT PAY

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

14.76 ADMINISTRATIVE LEAVE

The City may grant Administrative Leave with pay to an employee, as a matter of discretion by the City Administrator (or designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. The City Administrator may also authorize Administrative Leave Without Pay.

Division Directors may grant Administrative Leave with pay only in matters pending a disciplinary decision.

Administrative Leave granted to an employee will be put in writing and forwarded to the Human Resources Manager for proper payroll processing and placement in the employee's personnel file.

14.77 GUARD AND RESERVE MILITARY LEAVE

The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

14.78 NOTICE TO CITY OF NEED FOR MILITARY LEAVE

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a written request along with the official documents setting forth the purpose of the leave and, if known, its duration. The written request must be turned into the Division Director and the Human Resource Manager as far in advance of the leave as possible.

14.79 LEAVE OF ABSENCE FOR MILITARY TRAINING AND DUTY

Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year (October 1 through September 30). Shift employees will be transitioned to a 40 hour work week during military absences in accordance with applicable state law. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserves training or duty ordered

or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

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

After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to 5 years.

14.80 BENEFITS DURING MILITARY LEAVE

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

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

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

An employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

14.81 RETURN TO WORK/REEMPLOYMENT RIGHTS AFTER MILITARY DUTY

In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically

be restored to the job they had at the time they left on leave.

The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

1. For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.
2. For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
3. For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

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

Employees who serve in the military for more than 6 months will not be discharged by the City without cause for 1 year following the date of their reemployment. Employees who serve for between 1 and 6 months will not be discharged without cause for 6 months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.

If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

14.82 CIVIL LEAVE

All regular full-time and regular part-time City employees shall receive their normal pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time the employee actually spends serving on the jury.

14.83 OFFICIAL COURT APPEARANCE

All regular employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City shall be entitled to leave with pay for such period as his/her court attendance may require. The employee may retain any fee paid for such service.

14.84 COURT APPEARANCE FOR PRIVATE LITIGATION

If an employee is absent from work to appear in private litigation in which he/she is a principal party or witness, the time off may be charged to vacation leave, holiday, compensatory leave or leave without pay.

14.85 EXEMPT EMPLOYEE LEAVE POLICY

Division Directors and other executive, administrative, or professional personnel are expected to work the length of time necessary for the proper performance of their job. Authorized absences and hours worked in excess of the normal forty (40) hour City work week will not affect the pay of these classes of employees. The City Administrator shall approve those positions which are considered as executive, administrative, and professional, and therefore exempt from the provisions of the FLSA.

The exempt employee must receive a full salary for any week in which he or she performs work, without regard to the number of days or hour worked, unless one of the following exceptions is met:

1. The employee is absent from work for a day or more for personal reasons, other than sickness or accident.
2. The employee is absent one or more full days for sickness or disability and a deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary for illness and/or disability (i.e. sick leave, FMLA).
3. The employee is receiving military pay.
4. The employee is absent for the entire workweek or performs no work.
5. The employee is placed on unpaid disciplinary suspension of one or more full days for violation of workplace conduct rules and/or policies (i.e. sexual harassment).
6. The employee is exercising leave under the Family Medical Leave Act.

As with any other absence, partial day absences must be approved by the employee's supervisor.

Exempt employees who feel that an improper deduction from pay has been made, should utilize the Grievance Procedures outlined in Chapter 17.

14.86 GROUP MEDICAL AND LIFE INSURANCE ELIGIBILITY

All regular full-time employees of the City are covered under the group hospitalization, medical and life insurance program provided by the City. Coverage will be effective within 30 days of employment.

Nothing in this handbook creates a contract between the City and active or retired employees regarding medical insurance coverage. All the provisions below are subject to modification or cessation.

Each year the City Council shall determine the amount of premium to be paid by the City.

Employees must meet the eligibility requirements of the carrier.

14.87 DEPENDENT INSURANCE COVERAGE

An employee eligible for coverage under the group medical insurance program of the City may include eligible family members under the coverage by paying the full cost of their coverage.

Premiums for family members covered under this plan shall be deducted from the employee's paycheck.

14.88 RETIREE INSURANCE COVERAGE

If available from the City's insurance carrier, the City may offer health benefits to our retirees. The cost for such coverage will be paid for by the individual retiree at a rate to be determined by the City Council each year. To be eligible, retirees must elect retiree coverage within 30 days of separation from the City. A retiree is an employee that has completed the amount of years of service required to qualify for retirement from the City and is under the age of 65.

14.89 RETIREMENT BENEFITS

All regular full-time employees of the City shall participate in the Texas Municipal Retirement System (TMRS).

Details of eligibility for and benefits provided by the program shall be available for review at the Human Resources Manager's office during normal work hours.

The employee's share of the retirement contribution shall be deducted from each paycheck.

14.90 SOCIAL SECURITY

All City employees where required by law shall participate in the Federal Social Security Program. Deductions shall be made from each employee's paycheck in accordance with the federal requirements.

The City shall pay an amount equal to the employee's Social Security deduction to each employee's Social Security account in accordance with federal regulations of the program.

CHAPTER

15 SEPARATIONS

15.01 TYPES OF SEPARATIONS

All separations from employment with the City shall be designated as one of the following types:

- | | |
|----------------|-----------------------------------|
| A. Resignation | E. Disability |
| B. Retirement | F. Reduction in force (layoff);or |
| C. No Fault | G. Death |
| D. Dismissal | |

15.02 RESIGNATION

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with the City and the separation does not fall into one of the other categories.

To resign in good standing and be eligible for rehire, the employee shall be required to notify his/her supervisor in writing of the intent to resign at least ten (10) working days prior to the last day of employment.

A Division Director shall be responsible for notifying the Human Resources Manager as soon as an employee announces his/her intent to resign. The City Administrator shall notify the Human Resources Manager when a Division Director announces his/her intent to resign.

An employee who fails to report for duty without proper notification for three consecutive workdays or shifts shall be considered to have voluntarily resigned without notice from the service of the City, and ineligible for rehire.

15.03 RETIREMENT

The same requirements for resignation apply to retirement except for the fact that the employee should notify his/her supervisor at least sixty (60) days prior to the last day of work so that any retirement benefits due may be started promptly.

15.04 “NO FAULT” SEPARATION

A no fault separation shall be separation which occurs during the new employee’s training period in accordance with the provisions of the policies on Probationary Period. (*See, Chapter 6*)

15.05 DISMISSAL

A dismissal shall be any involuntary separation from employment, which does not fall into one of the other categories of separation.

15.06 DISABILITY SEPARATION

A separation for disability shall be any situation in which the employee is unable to perform the duties of his/her job for physical or mental reasons and has not requested or is not eligible for disability leave.

15.07 REDUCTION IN FORCE

An employee may be separated or reassigned because of reduction in force when his/her position is abolished or when there is lack of funds or work.

15.08 DEATH

If an employee dies while in the service of the City, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

CHAPTER

16 DISCIPLINE

16.01 PROGRESSIVE DISCIPLINE

The City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

1. Informal Counseling – Verbal counseling sessions with an employee.
2. Formal Verbal Warning – Records of such warnings shall be retained in the employee's personnel file.
3. Written Reprimand – A copy of the written reprimand shall be transmitted to the employee's personnel file by the Division Director and shall be attached as part of the employee's next evaluation.
4. Suspension – Suspensions for up to fifteen (15) days without pay may be given upon the decision of the employee's Division Director and approval of the City Administrator. A copy of the suspension will be recorded and retained in the employee's personnel record.
5. Demotion – Demotions may be given upon the decision of the employee's Division Director, with the approval of the City Administrator. All demotions will be recorded and retained in the employee's personnel record.
6. Involuntary Separation – The involuntary separation is the final step in the progressive discipline process upon the decision of the employee's Division Director and approval of the City Administrator. All involuntary separations will be recorded and retained in the employee's personnel record.

16.02 SUPERVISORY RESPONSIBILITY

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

Each supervisor shall be responsible for documenting and counseling the employee whenever the employee's work habits, production or personal conduct on the job falls below acceptable standards.

In counseling with an employee concerning failure to meet acceptable standards, the supervisor should outline the following to the employee:

What are acceptable standards?

1. What action or behavior is failing to meet acceptable standards?
2. Why does failure to meet the standards create a problem?

3. What must the employee do to meet the standards?
4. What is the time frame in which the standards must be met?

16.03 PROHIBITED ACTIVITIES

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

1. Insubordination or other disrespectful or unprofessional conduct ;
2. Absence without approval, including failure to notify a supervisor of sick leave;
3. Repeated tardiness or early departure;
4. Endangering the safety of others through negligent or willful acts;
5. Working under the influence of alcohol or unauthorized/illegal drugs;
6. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment;
7. Unauthorized use of public funds or property;
8. Theft or inappropriate removal or use of property not your own;
9. Violation of the requirements of these personnel policies;
10. Conviction of a felony offense;
11. Falsification of documents or records, including timekeeping records and employment application;
12. Misuse of City telephones, computers, mail systems, etc.;
13. Unauthorized use of official information or unauthorized disclosure of confidential information;
14. Conviction of official misconduct;
15. Unauthorized or abusive use of official authority;
16. Inefficiency, incompetence or neglect of duty;
17. Engaging in outside employment which conflicts or interferes with the performance of duties for the City or conflicts with, or potentially conflicts with, City interests;
18. Untruthfulness or misrepresentation, including dishonesty about one's conduct or performance of job duties;
19. Violations of City's harassment policy;
20. Violation of City or departmental policies, codes of conduct, rules and procedures;
21. Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;
22. Profanity, abusive language, or racial slurs;
23. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
24. Unsatisfactory performance or conduct;
25. Fighting, provoking or instigating a fight, or threatening violence;
26. Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties);
27. Disruptive activity in the workplace;
28. Discourteous treatment of the public;
29. Violation of local, state or federal law;
30. Acceptance of payment of any kind for activities related to City Employment;

31. Failure or refusal to follow lawful orders;
32. An accumulation of minor infractions.

16.04 WRITTEN NOTIFICATION OF DISCIPLINARY ACTION

Except in instances of informal counseling, a supervisor disciplining an employee shall provide the employee with written standards, which includes:

1. A statement of what the acceptable standards are;
3. A description of the action or activity which is not meeting the acceptable standards;
4. A statement as to why failure to meet the acceptable standards is a problem;
5. A summary of what has been done to make the employee aware of the acceptable standards and to help him/her meet it;
6. A summary of the discipline that has already been imposed;
7. A description of the action the employee must take to meet the standards;
8. A statement of the time limit in which the standards must be met; (This does not apply at the last step of the disciplinary process that is involuntary separation.)
9. A statement of what the consequences will be if the employee fails to meet the standards within the established timeframe. (This does not apply at the last step of the discipline process that is involuntary separation.)

16.05 FELONY OFFENSE

Employees must immediately notify their supervisor and/or Division Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any felony offense. The Division Director shall have the authority to review the facts of situations where an employee is indicted of a felony offense and decide whether the employee should be suspended, with or without pay, until a verdict has been determined by final judgment of a court.

An employee suspended under this provision may be entitled to reinstatement to the position held before suspension, upon written request to the Division Director by the employee and upon final approval of the City Council, without loss of benefits or pay, including back pay, if the indictment or information is dismissed, the employee acquitted or the conviction reversed on appeal.

In the case of a Division Director indicted of a felony offense, the City Administrator will review the facts of the situation and decide whether the employee should be suspended, with or without pay, until a verdict has been determined by final judgment of a court.

A Division Director suspended under this provision may be entitled to reinstatement to the position held before suspension, upon written request by the City Administrator and upon final approval of the City Council, without loss of benefits or pay, including back pay, if the indictment or information is dismissed, the employee acquitted or the conviction reversed on appeal.

In the case of the City Administrator indicted of a felony offense, the City Council will determine all actions to be taken.

16.06 DOCUMENTATION OF DISCIPLINARY ACTION

All documentation related to a disciplinary action shall be submitted to the Human Resources Department. Any documentation in the files will be reviewed before the next evaluation. All documentation shall become a permanent part of the employee's personnel file.

CHAPTER

17 COMPLAINTS AND GRIEVANCES

17.01 COMPLAINTS AGAINST CITY EMPLOYEES

In order for a complaint against an employee of the City of Stephenville to be considered by a Division Director, City Administrator, or the Mayor and City Council, with the exception of complaints of sexual harassment, as provided in the Sexual Harassment Policy above, the complaint must be placed in writing and signed by the person making the complaint on forms designated for that use found in the offices of the City Secretary and Human Resources Manager. A copy of the signed complaint must be presented to the affected employee within a reasonable amount of time after the complaint is filed and before any subsequent disciplinary action may be taken against the affected employee.

17.02 RIGHT TO GRIEVANCE

An employee of the City who feels he/she has been improperly or unfairly treated in his/her job or in his/her relationship with the City shall have the right to file a grievance; however, actions or results which occur and which are beyond the control of the City shall not be considered grounds for grievance.

17.03 GRIEVANCE PROCEDURE

Grievances shall be handled in accordance with the grievance procedures outlined.

17.04 STOPPING THE GRIEVANCE PROCEDURE

Only the employee who has filed the grievance shall be able to stop the grievance procedure either by action or inaction.

The grievance procedure shall be stopped if:

1. The employee indicates he/she is satisfied with the action to resolve the grievance at any level of the grievance procedure; or
2. The employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step.

17.05 TIMELY FILING OF GRIEVANCES

Grievances must be filed within fourteen (14) calendar days of the date that the employee should have known of the existence of the event giving rise to the grievance.

17.06 ADVERSE ACTION

No adverse action shall be taken against any employee for reason of his/her exercise of the right to file a grievance.

17.07 COMBINED STEP

If the employee's immediate supervisor is the one against whom the grievance is being filed, the employee may skip to the next step in the grievance procedure as provided in 17.09.

17.08 LEGAL RIGHTS

An employee following the internal grievance procedure shall not give up his/her legal right to other recourse in resolving the grievance.

17.09 GRIEVANCE PROCEDURE

STEP A

1. Employee informally discusses grievance with his/her supervisor.
2. Supervisor decides what action, if any, will be taken in regard to the grievance.

If Step A does not result in a resolution of the grievance, the employee may proceed to Step B, which is the first step of the formal grievance procedure, within three working days after the informal discussion with his/her supervisor.

STEP B

1. The employee prepares a written statement giving the details of the grievance and stating the specific remedial action requested.
2. Employee files grievance statement with his/her immediate supervisor.
3. The immediate supervisor reviews the facts of the grievance, makes a decision as to what action, if any, is to be taken to resolve the grievance and communicates the decision to the employee within five working days after having received the grievance.
4. Should the action of the immediate supervisor fail to resolve the employee's grievance, then the employee may appeal the grievance in writing within five days following each intermediate administrative level in the organization.

If the employee is not satisfied with the decision in Step B or if the supervisor fails to respond within five working days, the employee may take the grievance to Step C within three working days.

STEP C

1. The employee submits a written copy of the grievance to the Division Director along with a copy of the decision made by the supervisor or a statement that the supervisor failed to provide a decision within the five day limit if such is the case.
2. The Division Director reviews the details of the grievance and, within five working days provides the employee with a written statement of what action, if any, is to be taken to resolve the grievance.

If the employee is not satisfied with the decision of the department head or if the Division Director fails to respond within five working days, the employee may take the grievance to the next step within three working days.

STEP D

1. The employee submits a copy of the grievance to the City Administrator along with copies of any decisions made in Steps B and C or statements of a failure of the supervisor or department head to respond where such is the case.
2. The City Administrator may gather any additional information that may be pertinent to the grievance and determine what action is to be taken to resolve the grievance.
3. If extraordinary circumstances exist, the grievance may be presented by the City Administrator to the Personnel Committee of the Council at the Administrator's discretion.

4. The City Administrator provides the employee with a written copy of the decision within two working days after the decision has been made.

STEP E

1. Any grievance against the City Administrator shall be presented to the City Council, who may gather any additional information that may be pertinent to the grievance and, by majority decision, determine what action is to be taken to resolve the grievance.

17.10 NOTICE OF HIPAA PRIVACY REGULATION AND PRACTICES

In 1996 Congress passed the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Department of Health and Human Services has issued privacy and security regulations that cover health plans and health care providers, including the City of Stephenville's health plan.

HIPAA's Privacy Rules give individuals the right to be informed of the privacy and practices of their health plans and other covered entities, as well as to be informed of their privacy rights with respect to their personal health information. The Privacy Rules required "covered entities" to observe privacy standards and implement safeguards to protect "protected health information (PHI)".

The City of Stephenville is considered a "hybrid entity" for purposes of HIPAA. The City of Stephenville is a covered entity for purposes of its role as a health plan sponsor/administrator and also with regard to its Emergency Medical/Response Services. Therefore, the City of Stephenville is obligated to protect the privacy of PHI or individually identifiable health information as if these two functions were performed by separate entities.

To this end, the City of Stephenville has selected the Human Resources Manager as the Privacy Officer for the health plan/sponsor administrator role. Any questions regarding the policies and procedures related to the health plan should be made directly to the HR Manager. The Privacy Officer for the City of Stephenville's Emergency Medical/Response Services is the employee EMS Director. Any questions regarding the policies and procedures related to the EMS/Fire Department should be made directly to the EMS Director. Also, any complaints about the violation of this policy or your rights should be addressed to the appropriate Privacy Officer

17.11 USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

Your protected health information may be used and disclosed by your physician, our office staff and others outside of our office that are involved in your care and treatment for the purposes of providing health care services to you, to pay your health care bills, to support the administration of the providers' practices and any other use required by law.

17.12 HIPAA DEFINITIONS

1. **Privacy Officer** – A person designated by the City of Stephenville to ensure HIPAA regulations are being followed.
2. **Protected Health Information (PHI)** – "Protected Health Information" includes any individually identifiable health information that is maintained through any medium (oral, written or electronic), relating to an individual's past, present, or future physical or mental health or health care. Health information is considered individually identifiable if it either identifies a person by name or creates a reasonable basis to believe the individual could be identified through identifiers such as address, social security number, date of service, telephone number or e-mail address.

17.13 RESPONSIBILITY OF THE PRIVACY OFFICER

The Human Resources Manager is designated as the City of Stephenville's Privacy Officer for the Health Plan as its Sponsor. The Privacy Officer for the Health Plan's Sponsor is responsible for the following:

1. Providing the attached Notice of Privacy Policy to all Health Plan Participants and maintaining acknowledgement of receipt of such notice.
2. Update of the City's Privacy Policy.
3. Processing all complaints and documenting same, as well as the disposition thereof.
4. Maintaining documentation of all complaints regarding privacy or other HIPAA violations for at least 6 years.
5. Fulfilling statutory responsibilities as the Health Plan Sponsor's Privacy Officer, including overall responsibility for the Sponsor's compliance with HIPAA, and its related regulations and the Health Plan's privacy and security policies.
6. Implementation of the training for all employees identified to have access to PHI by virtue of their job duties related to the Health Plan.
7. Ensuring Business Associate Agreements are signed with any third parties to which the Health Plan gives PHI, and be the custodian for all Business Associate Agreements.
8. Monitoring compliance with the Health Plan's privacy and security policies including review to ensure that:
 - a. Employees covered under the health plan are given a Notice of Privacy Policy and sign an Acknowledgement of Receipt of the Notice of Privacy Policy.
 - b. When PHI is used or disclosed to third parties, it received a signed Authorization to Use and Disclose PHI from the affected participant and that the disclosing employee complies with the Accounting of Disclosures Policy and placed a notation in the affected participant's file.
 - c. PHI is not being used or disclosed to third parties except in accordance with Business Associate Agreements or for any reasons other than permitted by law.
9. Serving as a resource for the Health Plan's participants with questions about privacy standards, practices and/or patients' rights.
10. Serving as the conduit for providing any documentation required when any participant asserts rights under HIPAA (e.g. an accounting of all disclosures of PHI)
11. Monitoring legal and regulatory changes and suggests any needed policy and/or procedural changes.

17.14 RESPONSIBILITIES OF HIPAA COVERED ENTITIES

From time to time, an employee may contact Human Resources concerning a claim for health care expenses. All employees shall diligently protect the privacy of the personally identifiable health information, unless the affected employee has waived his or her right to privacy under HIPAA. A notice of those privacy rights, as well as an authorization to Use and Disclose Protected Health Information, is attached. The HR Department shall have in place appropriate administrative, technical and physical safeguards to protect the privacy of PHI protected by HIPAA, and limit incidental uses or disclosures.

Access to PHI is always limited to those who have a valid business or medical need for the information or otherwise have a legal right to know information.

Unless being used to treat the affected individual, access to his or her PHI must, to the extent practical, be limited to only that necessary to accomplish the intended purpose of the approved use, disclosure or request.

All access to physical areas/files and computer accounts/files that contain PHI should be limited to authorized personnel. This access will be revoked upon termination of employment, or when the individual no longer requires access to do his/her job.

Employees have the right to access their own PHI. You may request an amendment to your own PHI, and may request an accounting regarding any disclosures that the health plan has made of the PHI to third parties.

The Health Plan Sponsor may also use and disclose an individual's PHI without prior permission or authorization where the health information has been sufficiently "de-identified," so as to hide the identity of individual(s), or for other uses allowed by law.

The HR Department shall not share personally identifiable health information except for the following reasons:

1. Necessary for treatment, payment of health care operations.
2. As set forth in the attachments to this directive.
3. Pursuant to a waiver of privacy rights (Authorization to use and Disclose Protected Health Information).
4. In accordance with Business Associate Agreements.
5. When required by law.
6. When necessary for public health activities, such as reporting diseases, collecting vital statistics etc.
7. For health oversight activities.
8. For judicial or administrative proceedings.
9. For law enforcement purposes.
10. To avert serious threat to health or safety.

In rendering emergency services, all employees shall diligently protect the privacy of PHI, unless the affected person has an Authorization to Use and Disclose Protected Health Information form completed. The Notice, Acknowledgement and Authorization to Use and Disclose Protected Information are not required for the following reasons:

1. In cases of emergency.
2. Where failure to use or disclose PHI would compromise patient/employee care.
3. When otherwise specifically permitted or required by law.

17.15 HIPAA POLICY VIOLATIONS

The following policy violations will result in disciplinary action and may result in civil or criminal penalties:

1. Unauthorized use or disclosure of PHI.
2. Attempting to make an unauthorized discovery of PHI.
3. Failing to mitigate the unauthorized disclosure of PHI.
4. Retaliating against or intimidating an individual who:
 - a. Exercises his or her privacy rights.
 - b. Files a complaint with the Department of Health and Human Services concerning HIPAA privacy violations.
 - c. Participates in an investigation into a HIPAA privacy violation.
 - d. Participates in a HIPAA privacy compliance review.
5. Requiring an individual to waive his or her right to file a complaint of a HIPAA privacy violation as a condition for receiving treatment, payment, or enrollment in the Health Plan.

6. Destroying privacy policies or procedures that are less than 6 years old.
7. Sharing PHI with anyone who does not have the legal authority or the “need to know” the information to fulfill his or her job responsibilities.
8. Removing PHI from the work area without authorization.
9. Failing to comply with the City’s policies and procedures regarding the protection of PHI.
10. Failing to report any unauthorized use or disclosure of PHI to the Privacy Officer.

17.16 SUPERVISORY RESPONSIBILITIES RELATED TO HIPAA

A supervisor who is asked by a subordinate or other employee about a claim under the City’s Health Plan must NOT become involved in the issue unless the employee signs the attached Authorization to Use and Disclose Protected Health Information form. Instead, the supervisor should refer the subordinate or other employee directly to the Human Resources Department.

17.17 HIPAA'S EFFECT ON OTHER HEALTH CARE INFORMATION

Neither HIPAA nor this policy affect PHI required for life insurance, disability insurance, workers’ compensation, or employment records (i.e. records of absence or tardiness for health reasons, Family Medical Leave Act records, or records reflecting a need for a reasonable accommodation pursuant to the Americans with Disabilities Act) kept by the City in its capacity as an employer.

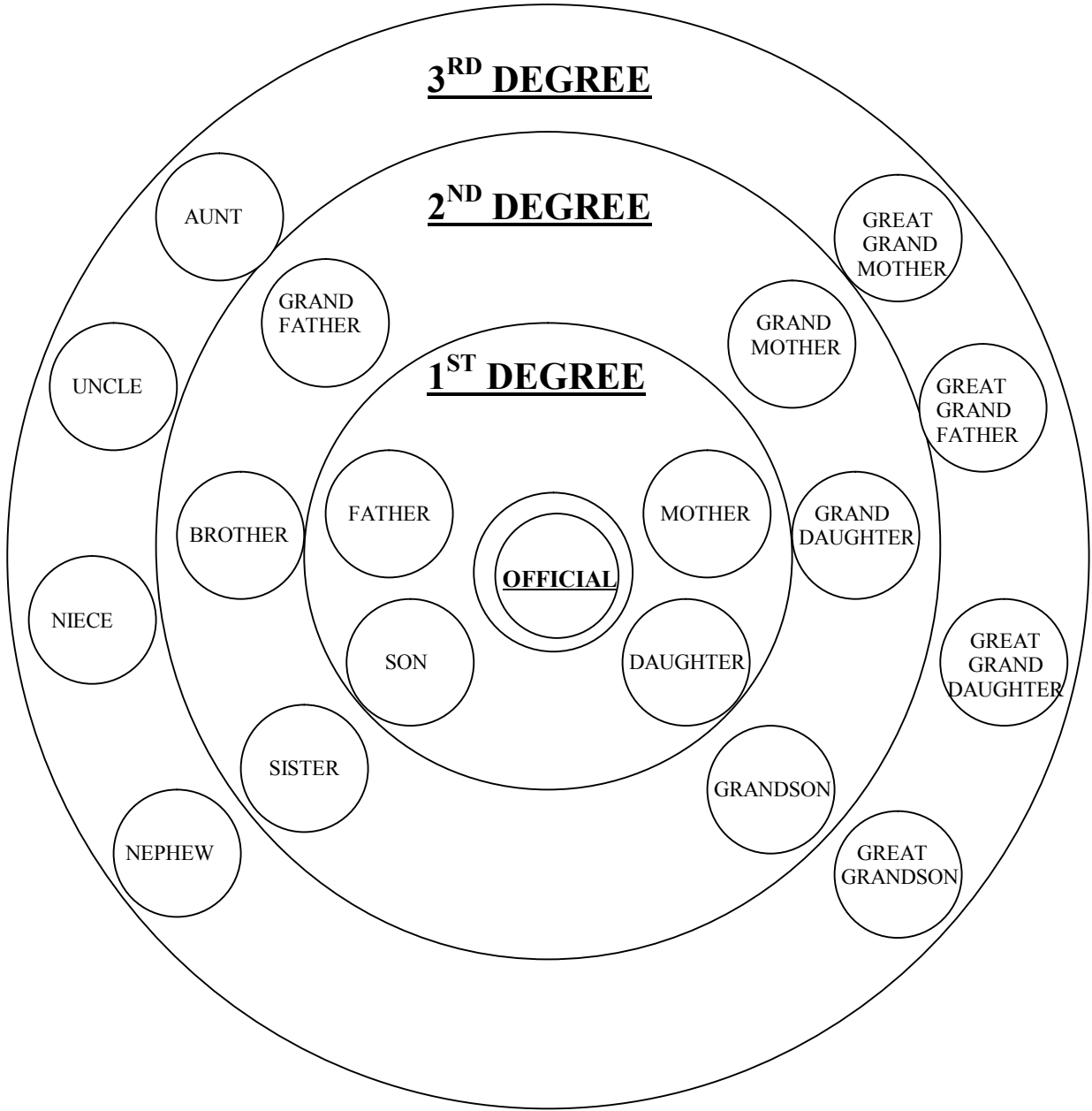
17.18 YOUR RIGHTS REGARDING PERSONAL HEALTH INFORMATION (PHI)

Employees have certain rights in regard to their protected health information, which can be exercised by presenting a written request to the Privacy Officer of the covered entity using or disclosing employee information.

1. You have the right to request restrictions on certain uses or disclosures of PHI, including those related to disclosures to family members, other relatives, close personal friends, or any other person identified by you. The City, however, is not required by federal law to agree to a requested restriction. However, if the City does agree to a restriction, it must abide by the restriction unless you agree in writing to remove it.
2. You have the right to request to receive confidential communications of PHI from the City by alternative means or at alternative locations.
3. You have the right to access and inspect your PHI.
4. You have the right to request an amendment to your PHI.
5. You have the right to receive an accounting of disclosures of PHI outside of treatment, payment and health care operations.
6. HIPAA requires the City to provide you with an explanation of our duties and privacy practices with respect to your PHI. Upon request, the City must provide you with a written copy of this explanation.
7. You have the right to file a formal written complaint against any covered entity handling your PHI with the Department of Health and Human Services Office of Civil Rights, in the event you feel your privacy rights have been violated. You will not be retaliated against for filing a complaint.

U.S. Dept. of Health and Human Services Office of Civil Rights
 200 Independent Ave., S.W.
 Washington, DC 20201
 877-696-6775 (toll free)

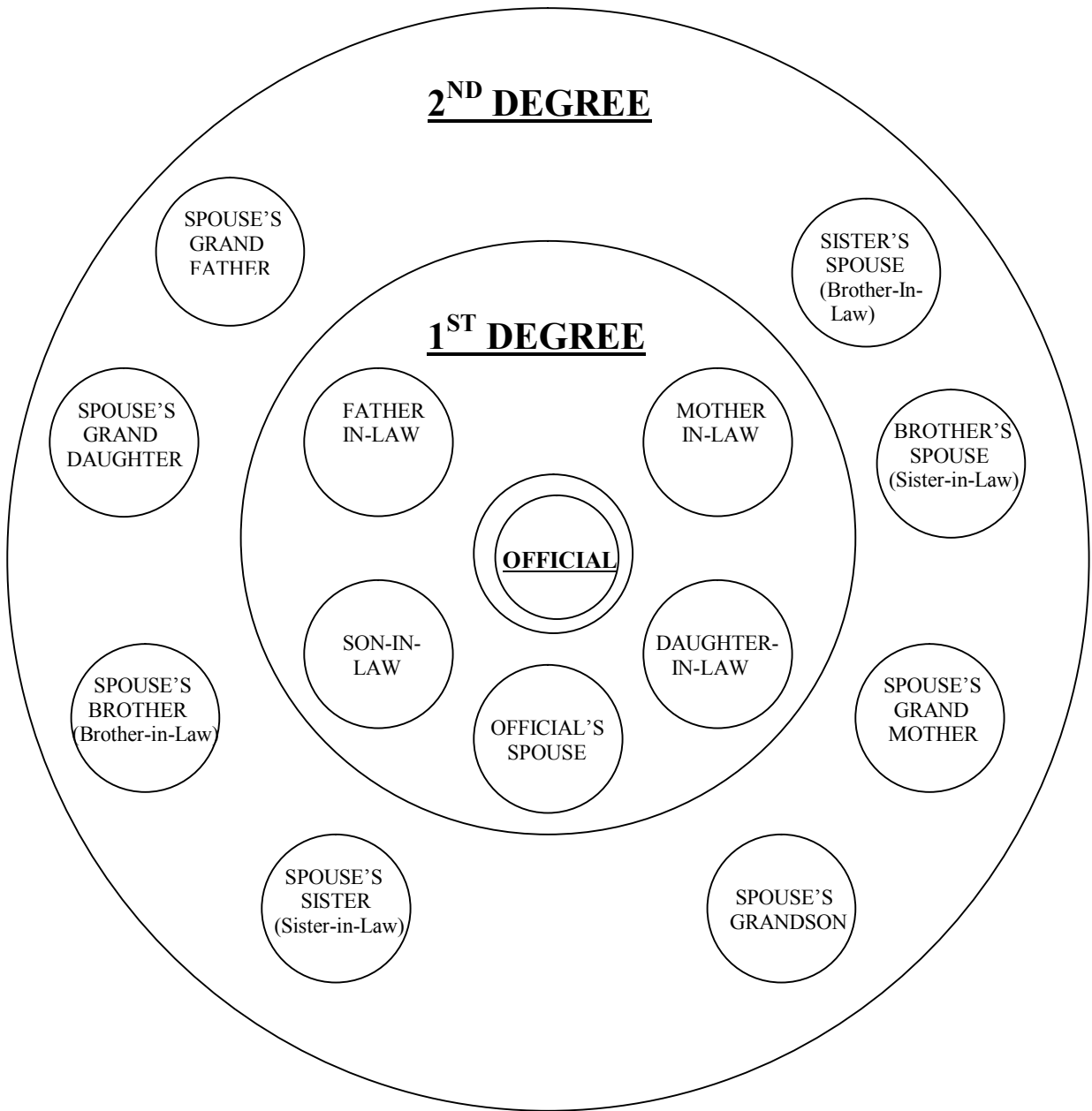
APPENDIX A NEPOTISM



Consanguinity Kinship Chart
(Blood)

TEXAS NEPOTISM CHART CIVIL LAW METHOD

APPENDIX A NEPOTISM



Affinity Kinship Chart
(Marriage)

TEXAS NEPOTISM CHART CIVIL LAW METHOD

APPENDIX B CITY OF STEPHENVILLE ACCIDENT REPORT FORM

Name of Injured Person: _____
(Last) (First) (Middle)

Home Address: _____ Home Telephone Number: _____

Date of Birth: _____ SS#: _____

Please check one: _____ Married _____ Single _____ Divorced _____ Widowed

Name of Spouse: _____

I
Accident Date: _____ Time: _____ a.m./p.m. Date Lost Time Began _____

Date Reported: _____ Time _____ a.m./p.m. Expected date return to work: _____

Accident Location: _____
(Street Address) (City)

Description of Incident/Accident (What Happened?) _____

Cause of Incident/Accident (please specify): _____

Injury or Damage to Property or Vehicle: _____ Yes _____ No If yes, please describe: _____

ACTION TAKEN

First Aid Given: _____ Ambulance Called: _____ Taken to Hospital/Clinic: _____
(Please put a Y for yes or a N for no)

If yes, please answer the following: Name of Hospital/Clinic: _____
Person who gave first aid: _____ Address: _____
Phone: _____

Name of Person Contacted for Injured Party: _____
Address: _____ Phone: _____ Relation: _____

Corrective Actions (Include persons with assigned responsibilities and completion date for each)

WITNESSES

Name: _____ Name: _____
Address: _____ Address: _____
Phone: _____ Phone: _____

Prepared by: _____ Date: _____

Employee: _____ Date: _____

Division Director/Supervisor: _____ Date: _____

Have you addressed the "Five W's" and "H" required for an accident investigation? (Who, What, When, Where, Why, How)

APPENDIX C CITY OF STEPHENVILLE HARASSMENT COMPLAINT FORM

The City of Stephenville will make every effort to provide a work environment free from all forms of harassment. Harassment in the work place is illegal. It violates Title VII of the 1964 Civil Rights Act and subject employees to condition and action that have nothing to do with job performance or qualifications.

NAME: _____ DATE: _____

DEPARTMENT: _____ SUPERVISOR: _____

Person(s) against whom harassment complaint is filed:

Date(s) that the actions resulting in this complaint took place:

Name(s) of witnesses: _____

Did the alleged Harassment include (please indicate below)

_____ Verbal harassment	_____ Unwelcome advances
_____ Distribution of explicit material	_____ Physical harassment
_____ Requests for sexual favors	_____ Threats of physical harm
_____ Other (please describe) _____	

Please describe the conduct which caused you to file this complaint. Include date(s) and person(s) involved.

I believe an appropriate resolution of my complaint would be:

Signature of Employee: _____

Date of Complaint: _____

APPENDIX E TRAVEL REQUEST AND EXPENSE INSTRUCTIONS AND FORM

Numbered items should be completed as indicated below:

- 1) Employee name(s).
- 2) Employee(s) department and division.
- 3) Date travel request is being made.
- 4) Reason for trip (i.e., name of seminar, conference or meeting).
- 5) Account(s) number to be charged for the trip.
- 6) Enter location of event.
- 7) Enter date that event begins and date that event ends.
- 8) Indicate what means that employee will use to get to the event (check City Vehicle, Private Auto, Air or Other).
- 9) Estimated total cost of trip including registration fees, and applicable travel costs (i.e., airfare, mileage), lodging, etc.
- 10) Check "Yes" if employee is requesting an advance for expenses, check "No" if he/she is not.
- 11) Must be approved by Division Head, Finance for funds availability, and City Administrator.
- 12) Indicate any expenses which must be prepaid and show the payee. This is to include registration fees that must be paid in advance of the event. Lodging deposits, travel (airfare, travel expenses, etc.) or other (must be specified).
- 13) Show the date of each day that expenses are incurred (i.e., 10/16).
- 14) List the charges each day for lodging.
- 15) List the charges each day for garage parking or other parking fees.
- 16) List the charges each day incurred for taxis or car rentals.
- 17) List the charges for other transportation (bus, airfare).
- 18) List the registration fees for the event.
- 19) List actual meal costs for each day (Maximum allowed per day is \$39.00).
- 20) Show the actual number of miles traveled in personal auto to and from the event. Multiply by the IRS approved mileage rate shown on the form and enter the resulting total in the column for the last date.
- 21) List and describe any other miscellaneous expense incurred on the trip.
- 22) Total lines 14-21 for each column that contains daily expenses (also total all lines across).
- 23) Indicate the total of expenses prepaid and/or paid by City credit card from Section 12.
- 24) Enter the total of all expenses incurred on the trip (total of line 22).
- 25) If line 24 is larger than line 23, enter amount due *to the employee*.
- 26) If line 23 is larger than line 24, enter amount due *to the City*.
- 27) Employee and Division Head must sign the form indicating that the expenses listed were directly related to City business and funds are available in the budget.

TRAVEL POLICY

- 1) The City recognizes that direct benefits accrue to the City as a result of employee attendance and training at seminars and meetings. All proposed travel must be for job related or professional related activities.
- 2) All requests for travel must be submitted to the Finance Department for funds approval and to the City Administrator for final approval.
- 3) Brochures, registration forms, agenda and other descriptive information must accompany the travel request.
- 4) All requests must be submitted to the Finance Department at least two weeks prior to the departure date.
- 5) Advance on expenses may be allowed to cover costs of travel, lodging, registration fees and meals when employees are faced with large out-of-pocket expenses.
- 6) Special conditions and unusual circumstances may merit exceptions to the stated policy on travel. Each request for variances will be considered separately in light of existing needs. Exceptions will not be made without the prior concurrence of the City Administrator.

FORM ROUTING PROCEDURE

- 1) The employee or Division Head completes Part I- Travel Request portion of the form (Sections 1-12) and gets the Finance Department and City Administrator approval (each expenses to be prepaid must be listed separately in Section 12).
- 2) The employee must run one copy of the form and the original shall be submitted to the Finance Department for check preparation of all expenses to be prepaid.
- 3) After completion of travel, Part II- Expense Report portion of the form (Sections 13-27) should be completed on the employee's copy of the form. The employee and his/her Division Director should approve the expenses (Section 27).
- 4) The employee should run a copy of the final report for his/her files. The original copy should be forwarded to the Finance Department with all receipts attached.

